

ROP v. The Senate, 1 ROP Intrm. 562 (1989)
REPUBLIC OF PALAU,
Appellee,

v.

**THE SENATE AND THE HOUSE OF
DELEGATES, OLBHIL ERA KELULAU,**
Appellants.

CIVIL APPEAL NO. 2-88
Civil Action No. 340-87

Supreme Court, Appellate Division
Republic of Palau

Order dismissing appeal
Decided: January 20, 1989

Counsel for Appellants: Johnson Toribiong

Counsel for Appellee: Shad D. Priest

BEFORE: MAMORU NAKAMURA, Chief Justice; ARTHUR NGIRAKLSONG, Associate Justice; and FREDERICK J. O'BRIEN, Associate Justice Pro Tem.

MAMORU NAKAMURA, Chief Justice:

On March 18, 1988, Defendants/Appellants filed their notice of appeal and designation of record. The transcript of trial court proceedings was filed on May 19, 1988, and the entire record was certified by the clerk of the Trial Division of this Court on September 1, 1988.

1563 The pertinent part of Rule 31(b) of the Rules of the Appellate Procedure requires that the appellants' brief be filed within forty five (45) days after the notification of certification of the record by the clerk of the trial court. The clerk of the trial court notified the parties herein of the certification on September 1, 1988, and therefore, the appellants were required to file their brief by no later than October 16, 1988.

On December 30, 1988, Appellee filed a Motion to Dismiss Appeal pursuant to Rule 31(c) of the Appellate procedure.

Upon review of the record of this case, it appears to the satisfaction of this Court that appellants have failed to file their brief on or before October 16, 1988, nor have they filed a timely motion for enlargement of time in which to file their brief.

IT IS, THEREFORE, ORDERED that Appellee's Motion to Dismiss the Appeal be, and

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the same is, hereby Granted.