

**PALAU RED CROSS,
Appellant,**

v.

**MIRIAM CHIN,
Appellee.**

CIVIL APPEAL NO. 12-019
Civil Action No. 10-168

Supreme Court, Appellate Division
Republic of Palau

Decided: December 27, 2012

[1] **Appeal and Error:** Procedure

Republic of Palau Rule of Appellate Procedure 31(c) provides: If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal, or the Appellate Division may so dismiss on its own motion.

Counsel for Appellant: Moses Y. Uludong
Counsel for Appellee: Uduch Senior

BEFORE: ROSE MARY SKEBONG, Associate Justice Pro Tem; KATHERINE A. MARAMAN, Part Time Associate Justice; and RICHARD H. BENSON, Part Time Associate Justice.

Appeal from the Trial Division, the Honorable LOURDES F. MATERNE, Associate Justice, presiding.

PER CURIAM:

Appellant Palau Red Cross filed this appeal on May 16, 2012, and its opening

brief was due on July 2, 2012. On July 6, 2012, four days after the deadline to file its opening brief, Appellant sought an extension of time to file its opening brief based on Appellant's contention that it had not had time to meet and confer with its counsel. In its Order issued on July 10, 2012, this Court concluded Appellant did not show good cause for why it missed the deadline to file its opening brief nor for why it sought an extension of time after that deadline had passed. Accordingly, the Court denied Appellant's request for an extension.

Republic of Palau Rule of Appellate Procedure 31(c) provides: "If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal, or the Appellate Division may so dismiss on its own motion." *See Estate of Masang v. Marsil*, 13 ROP 1, 2 (2005) ("[W]e take this opportunity to warn all appellants and their counsel, and we direct the Clerk of Courts to provide a copy of this Order to all active members of the Palau Bar, that while we will continue to consider timely and reasonable requests for extensions of time, any failure to timely file an appeal or opening brief . . . will result in the dismissal of the appeal without further notice and that such dismissal will not be undone absent truly extraordinary and unanticipated circumstances.")

Accordingly, the Court **DISMISSES** this appeal for Appellant's failure to comply with the Republic of Palau Rule of Appellate Procedure 31 and for lack of prosecution of this matter.