

*Bausoch v. Tmetuchl*, 2 ROP Intrm. 57 (1990)  
**RECHIREI BAUSOCH, et al.,**  
**Plaintiffs/Appellants,**

v.

**ROMAN TMETUHL, et al.,**  
**Defendants/Appellees.**

CIVIL APPEAL NO. 1-90  
Civil Action No. 644-89

Supreme Court, Appellate Division  
Republic of Palau

Ruling and order  
Decided: March 13, 1990

Attorney for Appellants: John K. Rechucher

Attorney for Appellees: Johnson Toribiong

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

PER CURIAM:

Appellees moved to dismiss the appeal on the grounds that it was filed in the wrong court. The notice of appeal is styled as a matter in the Appellate Division, not the Trial Division. ROP R. App. Pro. 3(a) is clear that "An appeal shall be taken by filing a notice of appeal with the clerk of the trial court." The defect is not fatal inasmuch as it does not affect the Court's jurisdiction and, therefore, the motion is DENIED.

However, this kind of error results from inattention to detail, which detracts from the quality of work which the Court expects of counsel, and which is not to be repeated.

**158** At the hearing on this motion, Plaintiffs-Appellants moved to dismiss the appeal on the ground that they no longer wished to pursue the appeal in view of the apparent passage of the new Airai State Constitution. Defendants-Appellees having joined in the motion, it is here GRANTED.

This appeal is hereby DISMISSED.

SO ORDERED.