

*Ngirausui v. Baiei*, 3 ROP Intrm. 17 (1991)  
**GREGORIO NGIRAUSUI dba P.W.N. U-DRIVE,**  
**Appellant,**

v.

**DELBOI BAI EI,**  
**Appellee.**

CIVIL APPEAL NO. 16-90  
Civil Action No. 229-90

Supreme Court, Appellate Division  
Republic of Palau

Order denying motion for consolidation and granting enlargement of time  
Decided: July 25, 1991

Counsel for Appellant: David F. Shadel

Counsel for Appellee: David Kirschenheiter

BEFORE: MAMORU NAKAMURA, Chief Justice; LOREN A. SUTTON, Associate Justice;  
and ALEX R. MUNSON, Associate Justice

This matter came on regularly for hearing on July 24, 1991. Appellant filed this motion to extend the deadline for filing his opening brief on November 8, 1990. The brief was due on November 9, 1990 but, apparently pending the decision on this motion, has still not been filed.

As grounds for his request for a time extension, Appellant states that the issue in this case is identical to that in *A.J.J. Enterprises v. Renguul*, Civ. App. No. 7-90, currently pending in the Appellate Division. An opening brief has been filed in that case by Mr. Shadel, who is also counsel for plaintiffs in the present case but no decision has been rendered on the issue of whether the trial court erred in failing to award pre-judgment **L18** interest as part of damages.

We decline to consolidate this case with Civil Appeal 7-90. Although Rule 3(b) of the ROP Rules of Appellate Procedure provides for consolidation, appeals are not frequently consolidated. 9 J. Moore, *Federal Practice* ¶ 203.15. (3d. ed. 1983). Consolidation is appropriate in instances where the same party is involved in several separate appeals concerning the same question or where a single party has several cases pending in the same cause, such as an appeal from a judgment and from an order refusing to vacate it under Rule 60(b) of the Rules of Civil Procedure. *See supra*.

In the present case, none of the parties are the same, the causes of action are different and each case has its own, different time schedule. We find that consolidating these appeals would only serve to confuse matters.

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This Court is wary of making the forward progress of one case dependent upon that of another merely to ease counsel's brief-writing burden. We note that the filing of the Opening Brief in the present case has already been delayed approximately one year pending the outcome of this motion. However, because it is expected that the decision in *A.J.J. Enterprises* will be issued shortly after the issuance of this order and given the similarity of issues, we grant Appellant's motion for a time extension.

We therefore order that Appellant's brief be filed within 30 days of the issuance of the opinion in Civil Appeal No. 7-90.