

Ngiraloi v. Mikel, 3 ROP Intrm. 217 (1992)
EBAS NGIRALOI,
Appellant,

v.

AUGUSTINE MIKEL and KLIU SAKUMA,
Appellees.

CIVIL APPEAL NO. 12-92
Civil Action No. 186-91

Supreme Court Appellate Division
Republic of Palau

Order denying appellee's motion to dismiss appeal
Decided: November 12, 1992

Counsel for Appellant: Mariano Carlos

Counsel for Appellee: Carlos Salii

BEFORE: LOREN A. SUTTON, Associate Justice; ROBERT A. HEFNER, Associate Justice;
ALEX R. MUNSON, Associate Justice

PER CURIAM:

Appellee brought this Motion to Dismiss on the grounds that Appellant's opening brief has not been filed with the Appellate Division of this Court. In fact, Appellant's brief was filed with this Court, but it was captioned in the Trial Division of this Court.

This Court takes judicial notice that Appellant's brief was filed with the Court, and finds that the error in the caption constitutes excusable neglect. *See Bausoch, et al., v. Tmetuchl, et al.*, 2 ROP Intrm. 57 (1990) (Appellee's motion to dismiss denied where Appellant's notice of appeal styled as a matter in the Appellate Division).

The time for filing of Appellee's responsive brief begins to **L218** run as of the date of this Order.