

Whipps v. Ngiraklsong, 3 ROP Intrm. 334 (1993)
SURANGEL WHIPPS,
Petitioner,

v.

THE HONORABLE ARTHUR NGIRAKLSONG,
Respondent.

SPECIAL PROCEEDING NO. 4-93

Supreme Court, Appellate Division
Republic of Palau

Order denying petition for writ of mandamus
Decided: October 21, 1993

Counsel for Petitioner: Martin Wolff

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;
and JANET H. WEEKS, Part-Time Associate Justice.

PER CURIAM:

On September 13, 1993, Petitioner filed a Petition for Writ of Mandamus seeking to require the Respondent judge to rule on six motions that were allegedly taken under advisement on June 23, 1993. The only legal authority cited by Petitioner is Special Order No. 2, issued by this Court on June 22, 1988.

Special Order No. 2 requires, with some exceptions, that decisions of the Trial Division be entered within sixty days of submission and decisions of the Appellate Division be entered within ninety days of submission. By its terms, the rule applies only to cases *tried* or heard on or after July 1, 1988. Clearly, the rule does not apply to motions. In the Trial Division, cases are tried. In the Appellate Division, cases are heard. Motions may be filed in either division, but there are often compelling reasons to defer ruling on a motion. For example, a ruling on one motion may make hearing and ruling upon other pending **1335** motions unnecessary, or the occurrence of certain events may render a motion moot. Indeed, in the case at issue there is a pending motion to strike four other motions.

Because Special Order No. 2 does not apply here, and because there has been no showing that the Respondent judge intends to abdicate his judicial responsibility, *See, BMC Corporation v. Ngiraklsong*, Spec. Proc. No. 3-93 (App. Div. 1993), it is

ORDERED, that the Petition for Writ of Mandamus be, and it hereby is, DENIED.