

State of Peleliu v. State of Koror, 5 ROP Intrm. 214 (1996)
STATE OF PELELIU,
Appellant,

v.

**STATE OF KOROR, in its own behalf and
as successor in interest to the Municipality of Koror,**
Appellee.

CIVIL APPEAL NO. 3-96
Civil Action No. 180-95

Supreme Court, Appellate Division
Republic of Palau

Order denying motion for reconsideration of stay pending appeal
Decided: April 24, 1996

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate
Justice; LARRY W. MILLER, Associate Justice.

PER CURIAM:

Appellant, State of Peleliu (“Peleliu”), has moved this court for reconsideration of its motion for a stay pending appeal based on its showing in its opening brief of the likelihood of success on the merits. The Court finds that regardless of whether Peleliu has shown a strong likelihood of success on the merits, or a substantial question of law, the motion for reconsideration must be denied. Peleliu has failed to establish that it will be irreparably harmed if the injunction previously entered by the trial court is not reinstated. Indeed, the affidavit of Governor Jackson R. Ngiraingas indicated that there are only five Peleliu fishermen who are able -- by virtue of owning speed boats -- to fish in the disputed area; the remaining fishermen fish in waters directly adjacent to Peleliu.

In addition, there remains evidence in the record that the preliminary injunction caused damage to the fish stocks in the region and to the dive environment. Accepting Governor Ngiraingas’s statement that such damage was not the fault of Peleliu residents, this prior experience suggests that maintenance of the *status quo* pending the determination of this appeal would best serve the public interest.

Accordingly, appellant’s motion is DENIED.