

Airai State Government v. Iluches, 5 ROP Intrm. 188 (1996)
**AIRAI STATE GOVERNMENT and STATE PUBLIC LANDS AUTHORITY (ASPLA),
both represented herein by Governor Charles I. Obichang
who is also Chairman of ASPLA,
Appellants,**

v.

**TITUS ILUCHES, ROMAN TMETUHL, and TATSUO KAMINGAKI,
Appellees.**

CIVIL APPEAL NO. 26-95
Civil Action Nos. 120-94

Supreme Court, Appellate Division
Republic of Palau

Order

Decided: March 6, 1996

On February 20, 1996, appellees moved to dismiss this appeal for failing to comply with ROP Rules of Appellate Procedure. Appellees also moved for an extension of time in which to file their responsive brief in the event that their motion to dismiss was denied, to amend the caption, and to designate counsel on the brief.

The Court finds unpersuasive appellees' three arguments that the appeal should be dismissed. ROP Rule of Appellate Procedure 3 does not require the appellants to specify in detail all of the issues for appeal in the Notice of Appeal. Moreover, dismissing the appeal for failure to comply with ROP Rule of Appellate Procedure 28 would not serve the ends of justice in this case. *See A.J.J. Enterprises v. Uchel*, 3 ROP Intrm. 69 (1992) (Rules of Appellate Procedure are a part of the system of justice). Appellees may raise any issue concerning the inadequacies of appellants' opening brief in their responsive brief. Accordingly, IT IS ORDERED that the motion to dismiss is DENIED.

¶189 Appellees' motion for an extension of time is unopposed, and will not result in any significant delay. Therefore, IT IS ORDERED that the motion for an extension of time is GRANTED. Appellees must file their responsive brief no later than March 19, 1996.

Further, IT IS ORDERED that appellees' motion to amend the caption is GRANTED IN PART AND DENIED IN PART. The caption has accordingly been amended to substitute the name of appellees Roman Tmetuhl and Tatsuo Kamingaki for John Does I and II and to delete John Does III-XX. In all other respects the caption shall remain the same.

Finally, to avoid any potential confusion with respect to counsel of record, IT IS ORDERED that appellees' application for designation of counsel on the brief is DENIED.