

Rengulbai v. Rengiil, 6 ROP Intrm. 37 (1996)
MERUK RENGULBAI,
Appellant,

v.

WILHELM RENGIL,
Appellee.

CIVIL APPEAL NO. 27-96
Civil Action No. 349-95

Supreme Court, Appellate Division
Republic of Palau

Order

Decided: December 5, 1996

Counsel for Appellant: Moses Y. Uludong, T.C.

Counsel for Appellee: Ernestine K. Rengiil

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

PER CURIAM:

Appellant's brief was due no later than October 4, 1996. When no brief was filed by that date, an order to show cause was issued directing appellant to show why the appeal should not be dismissed for failure to prosecute. Appellant's counsel filed a timely response, stating that appellant wishes to pursue the appeal, and asking that a monetary sanction be imposed on counsel. Appellee has opposed this request, noting previous cases in which the failure to file a brief led to dismissal of the appeal.

Appellee is correct that appellant has not shown good cause or excusable neglect for his failure to file an opening brief, and that it is within our discretion to dismiss this appeal. The circumstances of this case do not call for a dismissal of this appeal. However, we sanction appellant's counsel in the amount of \$500. The sanction shall be paid to the Clerk of Courts no later than fourteen days from the date of this Order. Appellant shall file his opening brief within the same time period.