

*Ngirmang v. ROP*, 7 ROP Intrm. 133 (1998)  
**GABRIELLA NGIRMANG, et. al.**  
**Plaintiffs-Appellants**

v.

**REPUBLIC OF PALAU, et. al.,**  
**Defendants-Appellees**

CIVIL APPEAL NO. 98-27  
Civil Action No. 592-89

Supreme Court, Appellate Division  
Republic of Palau

Decided: December 7, 1998

Counsel for Appellant Ngirmang: Johnson Toribiong

Counsel for Appellant Omrekongel Clan: Sabo Esebei

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate Justice; R. BARRIE MICHELSEN, Associate Justice.

PER CURIAM:

Appellant Ngirmang on behalf of Olngembang Lineage filed a motion to dismiss the appeal of Omrekongel Clan for failure to timely pay its allocated cost of the transcript. On October 20, 1998, the Clerk of the Court issued an amended estimate of the cost of the transcript for this action. Pursuant to this notice, all appellants were required to submit to the court their portion of the cost of the transcript by November 9, 1998. On November 11, 1998, Appellant Tikei Clan was granted an extension to pay its allocated cost of the transcript until December 31, 1998. Appellant Omrekongel Clan failed to timely **1134** pay its portion of the transcript or file for an extension of time. On November 25, 1998, Appellant Ngirmang moved to dismiss Appellant Omrekongel Clan's appeal. Appellant Omrekongel Clan subsequently paid its portion of the transcript on December 2, 1998.

ROP Rules of Appellate Procedure require that the Appellant pay the cost of the transcript with 20 days. ROP R. App. Pro. 10(b). If an appellant fails to pay the cost of the transcript and then fails to respond to a motion to dismiss, this Court has held that the appellant has abandoned his appeal. *Ongehungel v. Siliang Tem, et. al.*, 2 ROP Intrm. 5 (1989). In this case, however, Appellant has responded to the Motion to Dismiss by correcting its error and paying its portion of the cost of the transcript. Under these circumstances, this Court will not dismiss an appeal. Appellant Omrekongel Clan paid its portion of the cost of the transcript within a week of receiving the motion to dismiss. Further, since Appellant Tikei Clan was granted an extension until December 31, 1998 to pay its portion of the cost of the transcript, Appellant Omrekongel's

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delay will not change any of the scheduling in this matter or result in any prejudice to any party.