

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

FILED
2014 OCT -9 AM 8:59

SUPREME COURT
OF THE
REPUBLIC OF PALAU

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KOROR STATE PUBLIC LANDS :
AUTHORITY, :
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 Appellant, :
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 v. :
 :
 NGARAMEKETII/RUBEKUL KLDEU, :
 :
 Appellee. :
 :
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CIVIL APPEAL NO. 14-022
LC/B No. 04-0001-14-00080

ORDER

Decided: October 9, 2014

Counsel for Appellant: Debra B. Lefing
Counsel for Appellee: Mariano W. Carlos

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; R. ASHBY PATE, Associate Justice; and KATHERINE A. MARAMAN, Part-Time Associate Justice.

Appeal from the Land Court, the Honorable C. Quay Polloi, Senior Judge, presiding.

Before the Court is Appellee Ngarameketii/Rubekul Kldeu (NRK)'s motion to dismiss this interlocutory appeal as premature. For the following reasons, NRK's motion is GRANTED and this interlocutory appeal is DISMISSED. Accordingly, Appellant Koror State Public Lands Authority (KSPLA)'s motion to stay the Land Court hearing pending the resolution of this appeal is DENIED as moot.

A brief description of the procedural posture of this case is necessary. This appeal arises out of ongoing proceedings before the Land Court, which commenced several

years ago. In 2009, Judge Skebong, who was at that time presiding over those proceedings, issued an oral order on the record that NRK was not a valid claimant for the land at issue, known as Ngerchong. After various objections and a brief attempt to seek relief before the Trial Division, NRK filed a motion for reconsideration of Judge Skebong's order. In June 2014, Judge Polloi, who had by that time been assigned to the case, decided to postpone ruling on NRK's motion for reconsideration and allow NRK to participate in the hearings scheduled for October 2014. In making this decision, Judge Polloi observed that determining whether NRK is a valid claimant will require taking evidence and making factual determinations. Thus, Judge Polloi concluded that it would be simpler to allow NRK to participate in the hearings and, after hearing all the evidence, make final determinations both as to whether NRK is a valid claimant and as to who owns the land at issue.

KSPLA now appeals Judge Polloi's order postponing decision on the motion for reconsideration and allowing NRK to participate in the October hearings. Because Judge Polloi's order is not a final judgment, and no exception to the final judgment rule applies, the appeal must be dismissed.

“[W]e have long adhered to the premise that the proper time to consider appeals is after final judgment.” *ROP v. Black Micro Corp.*, 7 ROP Intrm. 46, 47 (1998). “Palau follows the final judgment rule because ‘[p]iecemeal appeals disrupt the trial process, extend the time required to litigate a case, and burden appellate courts. It is far better to

consolidate all alleged trial court errors in one appeal.” *Pac. Call Invs., Inc. v. Palau Marine Indus. Corp.*, 16 ROP 89, 90 (2008) (citation omitted).

Here, it is clear that the order from which KSPLA is appealing is not a final judgment. It does not make “a final determination of the rights of the parties” or “finally settle[]” the issues in the case. *Id.* Indeed, it does not even make a final determination as to the fate of NRK’s motion to reconsider. To the contrary, it explicitly reserves judgment on that issue. Accordingly, by its very terms, the order is not final.

KSPLA nonetheless argues that the order is immediately appealable because it falls under the “real world events” exception to the final judgment rule. We have characterized this exception as follows:

Some interlocutory orders will have an impact, not only on the course of the litigation in which they are entered, but also on “real world” events. If the impact on real world events is of a nature that it cannot be easily undone after judgment, we have held that the final judgment rule has sufficient flexibility to allow for an immediate appeal of such an order. Thus, we have held that an order granting or denying a request for a preliminary injunction is immediately appealable.

Black Micro Corp., 7 ROP Intrm. at 47.

Judge Polloi’s order does not fall within the real world events exception. The only effects of this order are to postpone a decision on whether NRK is a valid claimant and to allow NRK to participate in the Land Court hearings. Mere participation in a hearing is not the kind of real world event that is contemplated by the exception. Moreover, the effect of allowing NRK to participate in the hearing can be easily undone—if it is

determined that NRK is not a valid claimant, the evidence it presents at the hearing can simply be excluded from consideration. Indeed, Judge Polloi stated in his order that he will disregard NRK's evidence if he ultimately determines that it is not a valid claimant.

For the foregoing reasons, this appeal is DISMISSED and KSPLA's motion to stay is DENIED as moot.

SO ORDERED, this ^d9th day of October, 2014.



ARTHUR NGIRAKLSONG
Chief Justice



R. ASHBY PATE
Associate Justice



KATHERINE A. MARAMAN
Part-Time Associate Justice