IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

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SUPREME COURT
OF THE REPUBLIC OF PALAU

SUMANG RENGIIL and JOSEPHINE RENGIIL, Appellants, v. JOLANDA WARREN, Appellee.	CIVIL APPEAL NO. 15-001 (SM. 14-007) **ORDER DISMISSING APPEAL**

Decided: October 27, 2015

Counsel for Appellants: Pro Se
Counsel for Appellee: Pro Se

BEFORE: KATHLEEN M. SALII, Associate Justice; LOURDES F. MATERNE, Associate Justice; and R. ASHBY PATE, Associate Justice.

Appeal from the Court of Common Pleas, the Honorable HONORA E. REMENGESAU RUDIMCH, Senior Judge, presiding.

PER CURIAM:

Appellants filed their notice of appeal in this matter on January 29, 2015, and were given notice of the deadline of February 19, 2015 to pay the cost of an audio recording of the hearings below. By a March 20, 2015 Order to Show Cause, the Court notified Appellants that, pursuant to ROP R. App. P. 31(b), they had until March 16, 2015, to file an opening brief. The Court noted that Appellants had failed to timely file an opening brief or to request an extension of time to do so and ordered Appellants, no later than April 3, 2015, to show why their neglect should be excused and why their appeal should not be dismissed for failure to prosecute.

The record shows that, on April 1, 2015, Appellants paid the cost of the audio recording and that, on April 3, 2015, they received the audio recording. Thereafter, on April 17, 2015, Appellants filed a copy of their order for a transcript of the audio recording.

On the same day that Appellants received the audio recordings, the Court notified Appellants that they must file and serve the transcripts by August 3, 2015. Moreover, Rule 31(b) requires Appellants to file their opening brief within 45 days after service of the transcripts, which, had Appellants timely served the transcripts, would have been, at the latest, September 17, 2015.

Appellants did not file the transcripts or an opening brief, nor have they responded to the Court's March 20, 2015 Order to Show Cause. In fact, Appellants have not submitted any filings to the Court after April 17, 2015. Accordingly, by an October 8, 2015 Order, the Court ordered Appellants to show cause by October 23, 2015, why this appeal should not be dismissed for failure to prosecute. Appellants have not responded to the Court's second Order to Show Cause.

Rule 31(c) provides: "If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal, or the Appellate Division may so dismiss on its own motion." ROP R. App. P. 31(c); *see Estate of Masang v. Marsil,* 13 ROP 1, 2 (2005) ("[W]e take this opportunity to warn all appellants and their counsel, and we direct the Clerk of Courts to provide a copy of this

Order to all active members of the Palau Bar, that while we will continue to consider timely and reasonable requests for extensions of time, any failure to timely file an appeal or opening brief . . . will result in the dismissal of the appeal without further notice and that such dismissal will not be undone absent truly extraordinary and unanticipated circumstances.").

Accordingly, the Court **DISMISSES** this appeal for Appellants' failure to comply with Rule 31 and for lack of prosecution of this matter. *See Palau Red Cross v. Chin*, 20 ROP 40 (2012).

So ORDERED, this 27th day of October, 2015.

KATHLEEN M. SALII
Associate Justice

LOURDES F. MATERNE
Associate Justice

R. ASHBY PATE
Associate Justice