

TRUST TERRITORY OF THE PACIFIC ISLANDS
TRIAL DIVISION OF THE HIGH COURT

*Mafras
case*

February, 1975

MARIANA ISLANDS DISTRICT)
)
 JOSE P. MAFNAS, On behalf of himself)
 and all others similarly situated,)
)
 Plaintiff,)
)
 v.)
)
 MARIANAS POLITICAL STATUS COMMISSION)
)
 AND)
)
 MARIANA ISLANDS DISTRICT LEGISLATURE,)
)
 AND)
)
 TRUST TERRITORY OF THE PACIFIC ISLANDS)
)
 Defendants.)

CIVIL ACTION NO. 17-75

MOTION IN OPPOSITION TO MOTION FOR
TEMPORARY RESTRAINING ORDER

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COMES NOW TRUST TERRITORY OF THE PACIFIC ISLANDS, defendant in the above styled cause of action, and moves this Honorable Court to deny plaintiff's motion for Restraining Order, and as grounds therefor, states as follows:

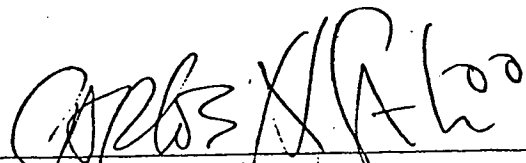
1. Plaintiff in his Motion for Temporary Restraining Order, has failed to meet the stringent requirements for this extraordinary remedy as called for by Rule 19(a), Rules of Civil Procedure, in that he has not made a clear showing of probable success on the merits, and of immediate and irreparable injury to himself.

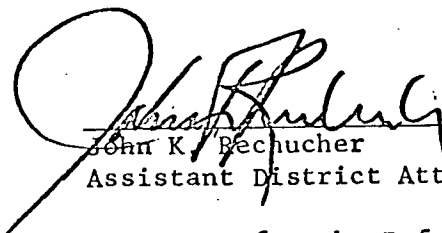
2. Plaintiff's motion is directed against a legislative body, i.e., Marian Islands District Legislative and its negotiating arm, i.e., Marianas Political Status Commission and therefore not a proper subject of injunctive relief.

This Motion is based upon the Complaint and other documents filed herein and the pertinent provisions of the Trust Territory Code.

AFFIRMATIVE DEFENSE

Defendant asserts as an affirmative to complaint for injunctive relief and motion for Temporary Restraining Order, the equitable defense of laches.

By: 
Carlos H. Sali
Assistant Attorney General


John K. Rechucher
Assistant District Attorney

Attorneys for the Defendant
Trust Territory of the Pacific Islands