

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

2-15-75

MARIANA ISLANDS DISTRICT

CIVIL ACTION NO. 17-75

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.

MOTION TO DISMISS

COMES NOW the Defendant TRUST TERRITORY OF THE PACIFIC ISLANDS and moves this Honorable Court to dismiss the above-captioned action, and as grounds therefor states as follows:

1. This action is an action against the Government of the Trust Territory of the Pacific Islands and the political subdivisions thereof; is not an action permitted by the law of the Trust Territory; and is an action to which the Government has not given its consent.

2. This is an action based on an act or omission of the various unnamed agents of the defendants herein, as employees of the Government, and the Court lacks jurisdiction to entertain such an action because of the prohibition contained in Section 252(2), Title 6, Trust Territory Code.

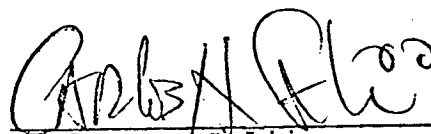
3. This action attacks the authority of a legislative body of the Government of the Trust Territory, a coordinate political department; it does not lend itself to judicially discoverable or manageable standards for resolving the issues presented; and therefore constitutes a political question beyond the cognizance of this Court.

4. The complaint upon which this action is based fails to allege any act or omission on the part of Defendant, Trust Territory of the Pacific Islands, which would constitute a cause of action upon which relief can be granted.

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

Date: February 15, 1975

By:



Carlos H. Saliu  
Assistant Attorney General

John K. Rechucher  
Assistant District Attorney

Attorneys for Defendant, Trust  
Territory of the Pacific Islands