

Feb 15, 1975

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

JOSE P. MAFNAS,	:	CIVIL ACTION NO. 17-75
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,	:	MOTION TO DISMISS
	:	
Defendants.	:	

Come now the Defendants Marianas Political Status Commission and Mariana Islands District Legislature and move to dismiss Plaintiff's request for a permanent injunction on the following grounds:

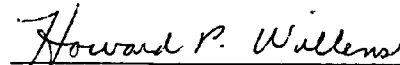
1. The Plaintiff has failed to state a valid cause of action in that the Court is requested to prevent the people of the Mariana Islands District and Defendants from exercising their legally protected rights of self-determination, political expression and assembly, and in the alternative
2. The Plaintiff requests the Court to resolve a political issue which is beyond the jurisdiction of the Court, and in the alternative
3. The Plaintiff requests the Court to intervene in the functions of the legislative branch and the orderly election processes of the Marianas District which is beyond the scope of authority of the Court, and in the alternative
4. The Plaintiff asks the Court to entertain a suit against the Defendants who are quasi-sovereign entities making them immune from suit because Defendants have never consented to said suit, and in the alternative
5. The Plaintiff is estopped from requesting injunctive relief under the doctrine of laches by his failure to bring a timely cause of action, and in the alternative

6. The Plaintiff has no standing to sue as no irreparable injury has been shown to result from the prospective actions of the Defendants.

NOW THEREFORE the Defendants Marianas Political Status Commission and the Mariana Islands District Legislature respectfully pray this honorable Court:

1. Dismiss Plaintiff's cause of action; and
2. Award Defendants all costs of defense including reasonable attorneys fees; and
3. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

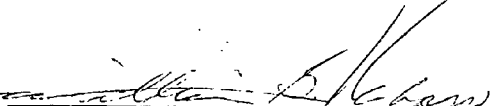


Howard P. Willens  
Wilmer, Cutler & Pickering  
1666 K Street, N.W.  
Washington, D. C. 20006



James E. White  
P. O. Box 47  
Capitol Hill  
Saipan, Mariana Islands 96950

Attorneys for the Marianas Political  
Status Commission

  
William B. Nabors

P. O. Box 268  
Chalan Kanoa  
Saipan, Mariana Islands 96950  
Attorney for the Mariana Islands  
District Legislature

Received and filed this  
15th day of February, 1975.

\_\_\_\_\_  
Clerk of Courts  
Mariana Islands District