

States, 59 S.Ct. 292. *Kawananakoa v. Polyblank*, 27 S.Ct. 526, it is, therefore,

Ordered that the motion to dismiss with prejudice is granted and the above-entitled matter be and hereby is dismissed with prejudice.

SAU ELLECHEL, Plaintiff

v.

CHRIS BERG CONSTRUCTION COMPANY, INC., Defendant

Civil Action No. 409

BERSIK SANTOS, Plaintiff

v.

CHRIS BERG CONSTRUCTION COMPANY, INC., Defendant

Civil Action No. 410

SKILANG RECHEUNGEL, Plaintiff

v.

CHRIS BERG CONSTRUCTION COMPANY, INC., Defendant

Civil Action No. 414

Trial Division of the High Court

Palau District

November 4, 1969

Action for damages caused by defendant when clearing construction site. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that where report of team sent by Trust Territory Government to appraise damages appeared to be reasonable it was sufficient to sustain claims of plaintiffs.

Civil Procedure-Damages

Where report of team of surveyors and agricultural appraisers as to loss occasioned by bulldozing of crops on land leased by government appeared to be reasonable, it was sufficient to sustain plaintiff's claims.

<i>Assessor:</i>	JUDGE PABLO RINGANG
<i>Interpreter:</i>	KAZUMOTO H. RENGULBAI
<i>Reporter:</i>	NANCY K. HATTORI
<i>Counsel for Plaintiffs:</i>	WILLIAM O. WALLY
<i>Counsel for Defendant</i>	
<i>As of Record:</i>	WILLIAM B. NABORS, ESQ.

TURNER, *Associate Justice*

JUDGMENT

The above-entitled cases were set for pre-trial and trial on April 15, 1969, and at request of defendant, was continued to the August sitting, when William B. Nabors, Esquire, appeared before the court as counsel for defendant and requested and was granted further continuance to give the parties an opportunity to reach a settlement agreement. At the call of the calendar for the November sitting, Mr. Nabors again appeared but expressed uncertainty as to whether he represented the defendant or not. Re was instructed to inform the defendant trial would commence the following day. The defendant, through its manager, filed with the Clerk a motion to consolidate for trial and a motion to add additional parties. When trial was called, the defendant was not present nor represented by counsel. During the noon recess, Mr. Nabors appeared and informed the court in chambers he no longer represented defendant.

Defendant's motion to consolidate also was urged by plaintiff's counsel and was granted. The motion to add additional parties was denied for reasons given from the bench.

From the evidence it is apparent the damage for which relief was sought was caused by the defendant when clearing the construction site for erection of Trust Territory government warehouses. Exhibit 1 in evidence.

The construction site was government land under lease to plaintiffs Skilang and Santos and were extensively

planted by the three plaintiffs. After the crops had been bulldozed from the area, the Trust Territory government sent a team of surveyors and agricultural appraisers to ascertain the extent of the loss. Since the report of plant valuations appears reasonable, it is sufficient to sustain the joint claim of Skilang and Ellechel and the separate claim of Santos. Exhibits 2 and 3 in evidence. **It** is, therefore,

Ordered,adjudged, and decreed:-

1. That plaintiffs Skilang and Ellechel be and hereby are granted judgment against the defendant, Chris Berg Construction Company, Inc., jointly for the sum of two thousand twenty-one dollars (\$2,021.00), together with interest at the rate of six (6) percent per annum from date hereof until paid.

2. That the plaintiff Santos be and hereby is granted judgment against the defendant, Chris Berg Construction Company, Inc., for the sum of one thousand one hundred twenty-four dollars (\$1,124.00) together with interest at the rate of six (6) percent per annum from date hereof until paid.

3. That plaintiffs are awarded their individual costs as may be allowed upon their claims filed with the Clerk of Courts.