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IN THE SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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12 CHRISTINA-MARIE E. SABLAN,) CIVIL CASE NO. 09-0066 E

13 Petitioner,)

14 vs.)

15 BENIGNO R. FITIAL, in his official) **STATEMENT OF**
capacity as GOVERNOR of the) **ACCOUNT NUMBER**

16 COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS,)

17 and ELOY INOS, in his official capacity)
as SECRETARY OF FINANCE,)

18 Respondents.)

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Date: Thursday, 14 May 2009
Time: 1:30 p.m.
Judge: Hon. David A. Wiseman

21 **COME NOW RESPONDENTS** Benigno R. Fitial and Eloy S. Inos, pursuant to

22 an order of the Court dated 15 May 2009 following a 14 May 2009 status conference

23 hearing, and provide the following statement of law concerning the account number

24 from which the CNMI's Covenant Section 903 Litigation has been funded. *See* Order at 2,

25 lines 12-16 & 22-24.

1 The Account Number is “1011.” Pub. L. 16-32, § 103(b)(4)(A); *see also*
2 Respondents’ Status Conference Statement at 6, lines 15-17 & n. 5 (N.M.I. Super. Ct.
3 filed May 13, 2009).*

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5 Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL

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8 Dated: Friday, 15 May 2009.

/s/
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14 * To recapitulate, Petitioner’s 16 October 2008 letter to the Governor requested
15 “Documents identifying the department(s), agency(ies), and/or instrumentalities of the
16 CNMI government *from which public funds may have been reprogrammed* in order
17 to finance the lawsuit, and in what amounts.” Pet’n for Mandamus, Exh. A. *There are*
18 *none*. All public funding came from the Office of the Governor. Of course, as set forth
in Public Law 16-32, there are numerous other accounts in the Office of the Governor from
which disbursements could be permissible, including but not limited to Account Numbers
“1016” (Administrative Services) and “1021” (Governor’s Discretionary Account).

19 Such legal research goes well beyond the parameters of the Open Government Act,
20 and illustrates the severe shortcomings caused by Petitioner’s chosen litigation vehicle
21 (Petition for Mandamus) and the absence of discovery. Without discovery, Respondents
22 and the Court are forced to react to whatever Petitioner “wants,” without basis in fact or
law, or indeed, any way of knowing what that is. Because the OAG has gone, and
with this filing continues to go, far beyond the requirements of the OGA, there is a risk
of creating an expectation that such “oral discovery by status conference” or “trial
by ambush” is the norm in OGA proceedings.

23 Likewise, at yesterday’s hearing, Petitioner made a plethora of oral motions. While
24 the Court has given understandable leeway to the Petitioner because of *pro se* status,
25 the interests of all parties would be best served by greater adherence to the Rules of Civil
Procedure. Paradoxically, Petitioner’s efforts to expedite the docket by proceeding
willy-nilly are having the opposite effect. The rules were promulgated for a reason.