

for a long time. Berman also argues that she was denied equal protection of the laws because non-FSM citizens were excluded from the EPA attorney eligible lists.

Berman does not point to any evidence that other qualified non-FSM citizens were excluded from the eligible lists, only that she was excluded. The court therefore cannot conclude that she was discriminated against on the basis of her citizenship as opposed to because of her prior litigation and employment history, although Berman may be able to prove that later.

D. *Result*

Accordingly, the court cannot grant Berman summary judgment for two main reasons. First, whether Berman’s prior litigation history was an adequate reason to not hire her requires a legal conclusion based on facts not yet in evidence – whether the truthful grounds that she had previously sued state government agencies and that her contracts had not been renewed was an adequate reason for Pohnpei not to hire someone depends on the particular case’s circumstances. Second, Pohnpei Code Title 9, § 2-112(2) seems not to require notice in Berman’s situation, however, the court is reluctant to rule that way without learning if the Pohnpei state courts have interpreted that statute differently, and, if that statute does not apply, then whether there is some other basis for requiring the defendants to inform Berman why she was not hired.

IV. CONCLUSION

Accordingly, Mary Berman’s May 28, 2020 summary judgment motion is denied. The parties shall file and serve, no later than September 22, 2020, their proposals for further proceedings in this matter.

\* \* \* \*

FSM SUPREME COURT APPELLATE DIVISION

SASAKI L. GEORGE,	)	APPEAL CASE NO. K8-2015
	)	(Consolidated with K10-2015)
Appellant,	)	(Civil Action No. 2013-2004)
	)	
vs.	)	
	)	
CANNEY PALSIS, individually and in his capacity	)	
as Directing Attorney for Kosrae MLSC, LEE	)	
PLISCOU, in his capacity as the Executive	)	
Director of MLSC, and MICRONESIAN LEGAL	)	
SERVICES CORPORATION;	)	
	)	
Appellees.	)	
_____	)	

ORDER DENYING PETITION FOR REHEARING

Decided: September 7, 2020

BEFORE:

Hon. Dennis K. Yamase, Chief Justice, FSM Supreme Court  
Hon. Cyprian J. Manmaw, Specially Assigned Justice, FSM Supreme Court\*  
Hon. Mayceleen JD Anson, Specially Assigned Justice, FSM Supreme Court\*\*

\*Chief Justice, State Court of Yap, Colonia, Yap

\*\*Associate Justice, Pohnpei Supreme Court, Kolonia, Pohnpei

APPEARANCE:

For the Appellant: Yoslyn G. Sigrah, Esq.  
P.O. Box 3018  
Kolonia, Pohnpei FM 96941

\* \* \* \*

HEADNOTE

Appellate Review – Rehearing

A petition for rehearing filed after the time period requested and granted to enlarge the time to file a rehearing petition will be denied because it was filed outside the scope of the requested enlargement of time to file. George v. Palsis, 23 FSM R. 22, 23 (App. 2020).

\* \* \* \*

COURT'S OPINION

DENNIS K. YAMASE, Chief Justice:

This comes before the Court on the Appellant's Petition for Rehearing, filed on March 19, 2019, under FSM Appellate Rule 40.

The Judgment in this case was entered on February 21, 2019. FSM Appellate Rule 40 provides that a petition for rehearing must be filed within 14 days of the date that the Judgment is entered, or no later than March 8, 2019. Thereafter, on March 7, 2019, the Appellant filed a motion to enlarge the time period for the filing of a petition for rehearing from March 8, 2019, to March 14, 2019. The Court granted this requested enlargement of time. No further enlargement of time was sought by the Appellant in this case.

As noted above, the Appellant's petition for rehearing was filed on March 19, 2019. This filing date, however, is outside the scope of the requested enlargement of time to do so, by March 14, 2019. Accordingly, the Petition for Rehearing at issue here is hereby denied.

\* \* \* \*