

CHUUK STATE SUPREME COURT APPELLATE DIVISION

SEINAS SIMINA,)	CSSC APPEAL NO. 01-2014
)	
Appellant,)	
)	
vs.)	
)	
CHUUK STATE ELECTION COMMISSION)	
and EXECUTIVE DIRECTOR OF CHUUK)	
STATE ELECTION COMMISSION,)	
)	
Appellees,)	
)	
MATAICHY PWECHAN,)	
)	
Real Party in Interest.)	
_____)	

ORDER DENYING APPELLANT'S MOTION FOR TEMPORARY RESTRAINING ORDER

Hearing: October 7, 2014
Decided: October 8, 2014

BEFORE:

Hon. Jayson Robert, Associate Justice, Presiding
Hon. Brian Dickson, Temporary Justice*

*Legislative Counsel, Weno, Chuuk

APPEARANCES:

For the Appellant: Ben Enlet
P.O. Box 1650
Weno, Chuuk FM 96942

For the Appellees: Sabino S. Asor, Esq.
Chuuk Attorney General
Office of the Attorney General
P.O. Box 1050
Weno, Chuuk FM 96942

* * * *

HEADNOTES

Civil Procedure – Injunctions; Elections

A motion to temporarily restrain an election will be denied as moot when that election was held as scheduled. Simina v. Chuuk State Election Comm'n, 19 FSM R. 572, 573 (Chk. S. Ct. App. 2014).

Civil Procedure – Injunctions – Irreparable Harm

A temporary restraining order motion will be denied when the movant has failed to meet his burden to show that irreparable injury/harm would result from denial of the temporary restraining order. Simina v. Chuuk State Election Comm'n, 19 FSM R. 572, 573 (Chk. S. Ct. App. 2014).

* * * *

COURT'S OPINION

PER CURIAM:

On October 6, 2014, the Appellant, Seinas Simina filed a "Motion for Temporary Restraining Order" ("TRO Motion"), requesting that the Appellees should be restrained from "conducting and holding the revote/re-election for the entire Nema Municipality set for Tuesday, October 7, 2014." TRO Motion at 1. A hearing on the TRO Motion was held on October 7, 2014, at 2:30 p.m. Ben Enlet appeared on behalf of the Appellant and Attorney General Sabino Asor appeared on behalf of the Appellee, Chuuk State Election Commission.

At the hearing, the Panel considered all the relevant pleadings and arguments presented by legal counsels on behalf of their respective parties. Based on the relevant pleadings and arguments presented to the Panel, and for the reasons set forth on the record at the conclusion of the hearing, the Panel orders as follows:

1. Without ruling on the issue of jurisdiction, the Appellant's TRO Motion is DENIED as MOOT given that the election was held as scheduled on October 7, 2014, and
2. The TRO Motion is also DENIED because Appellant failed to meet his burden. Specifically, Appellant failed to show that irreparable injury/harm would result from denial of the temporary restraining order.

* * * *