IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

BEVOLI IMEONG, ISIDORO TAKISANG, KALISTO JOSEPH, VALENTINA SUKRAD, and THE OURROT OF EKLBAI CLAN,
Appellants,
v.
ELIA YOBECH, JOB KIKUO, and EKLBAI CLAN, ,
Appellees.

Cite as: 2016 Palau 21
Civil Appeal No. 15-018
Appeal from Civil Action Nos. 99-261, 01-179, 01-180

Decided: October 17, 2016

Counsel for Appellants .....Kevin N. Kirk
Counsel for Appellees.....Oldiais Ngiraikelau

BEFORE: KATHLEEN M. SALII, Associate Justice
KATHERINE A. MARAMAN, Associate Justice
HONORA E. REMENGESAU RUDIMCH, Associate Justice Pro Tem

Appeal from the Trial Division, the Honorable Lourdes F. Materne, Associate Justice, presiding.

OPINION

PER CURIAM:

[¶ 1] This case began in 1999, when Eklbai Clan's undisputed chief male titleholder, Iyechaderchemai Kikuo Remeskang, sued Appellants Bevoli Imeong and Isidoro Takisang for trespassing on clan-owned land known as *Eklbai*. In the more than 15 years since, the underlying dispute—concerning authority over clan lands and titles—has manifested in at least three separate civil actions. This is the fifth appeal we have heard arising from these actions.

[¶ 2] The current appeal challenges the Trial Division's determination of the identity of the true senior strong members of Eklbai Clan. Two competing factions claim this status. The Trial Division determined that the members of

the Yobech faction, represented by Appellees, are the senior strong members of Eklbai Clan. That decision is **AFFIRMED**.

BACKGROUND

[¶ 3] Eklbai Clan is the highest clan in Ngerchemai Hamlet, Koror State. In 1999, Eklbai Clan's undisputed chief male titleholder, Iyechaderchemai Kikuo Remeskang, sued Bevoli Imeong and Isidoro Takisang for trespassing on clan-owned land known as *Eklbai*. *See Eklbai Clan v. Imeong*, Civ. Action No. 99-261. Imeong and Takisang responded by claiming that they had received permission to reside on the property from certain strong Eklbai members. Remeskang replied by contending that those individuals were not even members of Eklbai Clan, much less strong ones.

[¶ 4] In 2001, Remeskang passed away. His nephew, Elia Yobech, subsequently claimed to have been appointed to succeed Remeskang as the new Iyechaderchemai.[1] However, Yobech's right to the title was contested by Kalisto Joseph[2] and a group purporting to be the Clan's true senior strong female members, or ourrot.[3] Members of the Joseph faction filed suit seeking declaratory relief that Joseph held the title Iyechaderchemai and seeking an injunction barring Yobech from using the title. *See Joseph v. Yobech*, Civ. Action No. 01-179.[4]

[¶ 5] The Yobech faction asserted that Yobech had been selected as Iyechaderchemai by his aunt, Ibau Oiterong, who held the highest female title

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[1] The individuals aligned with Elia Yobech, Appellees here, will be referred to as the "Yobech faction."

[2] The individuals aligned with Kalisto Joseph, Appellants here, will be referred to as the "Joseph faction."

[3] Expert testimony defined a clan's "ourrot" as the senior strong female members.

[4] The third civil case underlying this appeal was also filed in 2001. Joseph sought to enjoin Job Kikuo from building on certain Eklbai Clan land. Kikuo claimed to have been given permission for the building from his father, former Iyechaderchemai Kikuo Remeskang. Joseph claimed that he was the new titleholder and thus that his consent was now required. *See Joseph v. Kikuo*, Civ. Action No. 01-180.

in Eklbai Clan, Uchelbil ra Kumer. The Joseph faction asserted that the Clan's true ourrot had selected Joseph as Iyechaderchemai. At its core, then, the case became a dispute about which faction's members constituted the true senior strong members of the Clan and were therefore authorized to appoint the Iyechaderchemai.

[¶ 6] We described the competing bases for each faction's claim in our last opinion in this matter. *See Imeong v. Yobech*, 17 ROP 210, 211-15 (2010). Briefly, the Yobech faction traces its ancestry to a man named Tengeluk who was purportedly Iyechaderchemai many years ago. This title was passed down through Tengeluk's descendants until being held by Remeskang. Remeskang was the brother of Ibau Oiterong, who purportedly holds Eklbai Clan's highest female title, Uchelbil ra Kumer. During the many years this case has carried on, the Yobech faction has presented considerable evidence supporting Oiterong's position as Uchelbil ra Kumer. According to the Yobech faction, both the male and female titles have been in the family line for over a century.

[¶ 7] Elia Yobech is Oiterong's nephew. After Remeskang's death, Oiterong claims to have named Yobech as the next Iyechaderchemai. Yobech purportedly held a customary feast attended by five of the nine Ngerchemai chiefs or their representatives. Expert testimony suggested that this should be sufficient to indicate the klobak's acceptance of the new titleholder.

[¶ 8] On the other side, the Joseph faction traces its first connection to Eklbai Clan to a man named Ngirameong. Ngirameong is listed in the Tochi Daicho for several Eklbai-owned lots. The Joseph faction asserted that Ngirameong was a Clan titleholder and that his descendants represent the true strong members of Eklbai Clan. In support, the faction produced evidence indicating that its purported ourrot descended from a female line several generations back. Joseph also purportedly held a customary feast, approximately a month after Yobech's, attended by seven of the nine hamlet chiefs. Unlike Yobech, Joseph was accepted by and seated in the Koror House of Traditional Leaders.

[¶ 9] At least some of these claims are undisputed between the factions, although they generally dispute the effect various facts have on the status of its faction members. For example, the Yobech faction does not appear to

contest that Joseph was seated by the klobak and the House of Traditional Leaders; rather, the Yobech faction claims that these groups violated custom by doing so. Likewise, the parties do not dispute that members of the Joseph faction have held titles in Mowai over the years. However, the parties dispute the status of Mowai. The Joseph faction argues that the Mowai titles are meláng̃es to Eklbai titles, meaning that the titleholders typically ascend to open Eklbai titles. In contrast, the Yobech faction argues that Mowai is not a part of Eklbai, but is itself a separate and distinct clan altogether.

[¶ 10] The history of the litigation of these competing claims is laid out in more detail in our earlier opinions. *See, e.g.*, *Imeong*, 17 ROP at 213-15. For purposes of this appeal, it is enough to note that we have remanded this case four separate times. In general, our remand orders noted that the trial court's reasons for reaching its decisions were unclear and we asked it to elaborate.

[¶ 11] The first three Trial Division decisions favored Joseph's claims. The trial court's early decisions relied heavily on Joseph's acceptance by the klobak and the Koror House of Traditional Leaders. Broadly speaking, the Trial Division reasoned that by accepting Joseph, these groups must have determined that those appointing him constituted Eklbai's true ourrot. On appeal, we held that while the klobak's acceptance was relevant evidence, unquestioning adoption of such acceptance created a presumption that was not an appropriate rule of law. *See Eklbai Clan v. Imeong*, 12 ROP 17, 23 (2004). We remanded a second time for the trial court to determine which faction represented Eklbai's true strong members. On remand, the Trial Division considered additional evidence, but still appeared to be overly focused on the council's acceptance of Joseph as Iyechaderchemai. We accordingly remanded a third time for further consideration. *See Eklbai Clan v. Imeong*, 13 ROP 102, 109 (2006).[5]

[¶ 12] The trial court acknowledged the instructions from our previous remand orders, and addressed the parties' competing evidence. The court found that Yobech faction members had held the male and female Clan titles for more than a century. The court further found that Oiterong was Uchelbil

[5] The original trial justice had left the court in the interim and the matter was accordingly reassigned.

ra Kumer and had been since 1992. The court concluded that "the evidence supported the Yobech faction's claim and that others maternally related to Ibau Oiterong qualify as ochell or strong members of Eklbai Clan." *Imeong*, 17 ROP at 214 (citation omitted). However, the trial court found that the Joseph faction's members were *also* strong or ochell members of Eklbai clan. The court found that Ngirameong, to whom Joseph traces ancestry, and some of his descendants have lived on land called *Eklbai* and that Clan land was once listed in the Tochi Daicho under Ngirameong's name. The court also noted that some Joseph faction members, including Ngirameong's sister, are buried at the Eklbai odesongel, or stone platform, indicating rank within a clan.

[¶ 13] Having found both factions to include strong members of Eklbai Clan, the court turned to the issue of the proper Iyechaderchemai. The trial court "held that Kalisto Joseph could not have been appointed Iyechaderchemai because Uchelbil ra Kumer Oiterong did not participate in his selection." *Imeong*, 17 ROP at 214. On the other hand, "Elia Yobech was not properly selected because custom requires that the ourrot (which the court found included members of the Joseph faction) approve of a nominee." *Id.* at 214-15. The consequence of these conclusions was that neither Joseph nor Yobech had authority to control Eklbai Clan property.

[¶ 14] Not surprisingly, both factions appealed that fourth trial court decision. On appeal, we found "ample evidentiary support for finding that the Yobech faction has held the male and female titles for generations." *Imeong*, 17 ROP at 217. However, we found that the trial court had not explained how that fact led to the conclusion that Oiterong and her maternal relatives were ochell or strong members of the Clan. *Id.* With regard to the Joseph faction's evidence, despite our instruction to reconsider all the record evidence, the trial court began its discussion by stating that it would not disturb certain prior trial court findings. *Id*. We found that "[t]he trial court's discussion of the Joseph faction's evidence t[ook] several unarticulated logical steps and d[id] not address certain crucial points." *Id.* at 217-18. In particular, we noted that the court's ochell status finding was based on evidence of behavior; we explained that such evidence may be relevant, but that ochell status is typically determined by blood, birthright, or ancestry. *Id.* at 218. Additionally, we noted a fundamental, yet still unanswered, question in this case: "is the

Joseph faction part of Mowai, Eklbai, or both?" *Id.* at 218. The parties had disputed whether Mowai was a lineage within Eklbai or a separate clan; the trial court had made no determination concerning that central fact.

[¶ 15] In concluding our last opinion in this case, we noted that there was some evidence to support each faction's claim to be strong members of Eklbai Clan. We further noted, however, that it appeared untenable to decide that *both* factions were ochell, or, if it was not untenable, that the trial court did not adequately articulate how it was possible. We remanded a fourth time, noting that our general directive to the trial court remained the same: "which faction—Yobech or Joseph—comprises the true senior strong and potentially ochell members of Eklbai Clan? The answer cannot be both." *Imeong*, 17 ROP at 219.

[¶ 16] On remand, the Trial Division decided the issue in favor of the Yobech faction. The trial court found that the true ochell members of Eklbai have died out. The court further found that ulechell members can become an ourrot and hold a title if there are no ochell members available. In this regard, the court found that although the members of the Yobech faction were ulechell members of the clan, they have attained strong status through a hundred and fifty years of service to the clan. With regard to the Joseph faction, the trial court found that its members are Mowai, and that Mowai is a separate clan from Eklbai. The court explained that the first of the Joseph faction's ancestors to be connected with Eklbai was Ngirameong; Ngirameong was a drifter who was taken in by certain members of Eklbai. The Trial Division concluded by finding that members of the Joseph faction, as descendants of members of Mowai, were at best weaker members of Eklbai than Yobech faction members.[6] The Joseph faction timely appealed.

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[6] Given these factual findings regarding strength within Eklbai Clan, the Trial Division disposed of the related lawsuits over the use of clan lands. The court found that Joseph and his faction could not prevail on enjoining Kikuo from building on the land at issue in Civil Action No. 01-180, and that members of the Yobech faction could eject Imeong and Takisang from the land at issue in Civil Action No. 99-261.

STANDARD OF REVIEW

[¶ 17] We review the trial court's findings of fact for clear error. *Imeong*, 17 ROP at 215. Under this standard, we will reverse only if no reasonable trier of fact could have reached the same conclusion based on the evidence in the record. *Id.* "Status and membership in a lineage are questions of fact, as is the existence of a purported customary law." *Id*. (citing *Ngiraswei v. Malsol*, 12 ROP 61, 63 (2005)).[7] Importantly, "an appellate court's role is not to determine issues of fact or custom as though hearing them for the first time." *Id.* (citing *Sambal v. Ngiramolau*, 14 ROP 125, 127 (2007)). As an appellate tribunal, our review of factual findings is limited to reversing those findings that are clearly erroneous. *Id.*

DISCUSSION

[¶ 18] Before turning to the Trial Division's decision under appeal, we are compelled to pause first and note that the appeal is very close to being frivolous. Under the clear error standard of review, "an appeal that merely re-states the facts in the light most favorable to the appellant and contends that the [lower court] weighed the evidence incorrectly borders on frivolous." *Ngarameketii/Rubekul Kldeu v. Koror State Pub. Lands Auth.*, 2016 Palau 19 ¶ 10 ("*NRK*"). Appellants are very near that border.

[¶ 19] Appellants' brief contains a ten-page section headed "The Record Below," which summarizes testimony from eight witnesses favorable to Appellants' case. *See* Appellants' Br. at 10-20. Missing from "The Record Below" is any mention that there was testimony going the other way. Appellants' brief in this section suggests that the entire record consists solely

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[7] For the purposes of this appeal, the existence and content of a custom must be established by clear and convincing evidence. *See Imeong*, 17 ROP at 215 n.10. Subsequent to our decision in *Imeong*, we decided *Beouch v. Sasao*, 20 ROP 41 (2013). *Beouch* overruled past precedent and changed the approach to determining customary law. *See id.* at 48-51. However, we explicitly held that *Beouch* was not retroactive and that "courts should apply the previous traditional law standard to all cases filed before" *Beouch* was decided. *Id.* at 51 & n.10. This case was filed before *Beouch* was decided and the previous traditional law standards apply.

of favorable testimony. Appellants go beyond merely re-stating the facts in the most pro-appellant light, instead omitting entirely the facts that weigh against them. This statement of facts also fails to comply with the rules of this Court, which require briefs to contain "a concise but complete statement of all facts material to the determination of the question(s) presented for appellate decision." *See* ROP R. App. P. 28(a)(7) (emphasis added).

[¶ 20] Appellants have the candor to later concede that "there are," in reality, "facts in the record that support the [appealed decision]." Appellants' Br. at 24.[8] But although acknowledging this reality may stave off sanctions for misleading the Court, that same reality makes a successful appeal here extremely unlikely. As we explained in our remand order, "[t]his is not a legally complex case," *Imeong*, 17 ROP at 219; it is a case that turns on factual determinations. Such factual determinations are reviewed on appeal only for clear error. *Id.* at 215. The full record below contains copious evidence susceptible of differing interpretations. As we have repeatedly explained, "where evidence is subject to multiple reasonable interpretations, a court's choice between them *cannot* be clearly erroneous." *NRK*, 2016 Palau 19 ¶ 10. Appellants must do more than simply re-state their own preferred interpretation of the evidence. They must show that, given the record, "no reasonable trier of fact could have reached the same conclusion" that the lower court did. *See id*.

[¶ 21] The clear error standard "is purposely heavy on appellants" and it is difficult to succeed in appeals challenging factual determinations. *See id.* at ¶ 18. Appellants here make this already difficult task even more difficult by declining to point to specific findings they object to or to explain why those findings are clearly erroneous. In a case that turns on factual determinations, the failure to point to any specific factual determination and explain why that determination was clearly erroneous is almost necessarily fatal to an appeal.

[¶ 22] Instead of pointing to specific determinations of the trial court, Appellants make two sweeping arguments. First, Appellants argue that the

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[8] This is a wise concession. In a previous remand order to the Trial Division, we stated that "there is abundant evidence in the record on both sides." *Eklbai Clan*, 13 ROP at 109.

trial court failed to adequately explain the findings it made. Second, Appellants argue that the trial court misinterpreted our remand order. We will address each of these arguments in turn, but cannot turn to them quite yet.

[¶ 23] Before we address them, we quote Appellants' statement that the trial court's decision was "received by the appellants with utter disbelief and no small amount of questioning the integrity of the court and the process that led" to the decision. Appellants' Br. at 25. "Clearly, this is likely to be the reaction of any unbiased layperson." *Id.* Appellants inform us that we "should react in the same way." *Id.*

[¶ 24] We do not.

[¶ 25] We do, however, react to reckless assertions about the integrity of the Trial Division. To be clear: a party injured by judicial impropriety will have a remedy. But claiming that a Justice of this Court acted dishonestly is a serious accusation, and one that should be supported by more than seriously ill-advised bravado. Flippantly making such a claim is both inconsistent with acceptable standards of attorney conduct and utterly ineffective advocacy.

I. The Trial Division properly explained its findings.

[¶ 26] When we last remanded this case to the Trial Division, we did so in part because we concluded that the trial court did not adequately explain certain findings or articulate how certain findings led to its conclusions. *See Imeong*, 17 ROP at 216-19. Appellants argue that the Trial Division again failed to adequately explain its factual findings and reasoning. We disagree.

[¶ 27] As a general rule, "[a] lower court 'must issue findings of fact and conclusions of law that make clear the basis for its determination.'" *Esebei v. Sadang*, 13 ROP 79, 82 (2006) (quoting *Mesebeluu v. Uchelkumer Clan*, 10 ROP 68, 72 (2003)).[9] An appellate opinion finding that a trial court did not

[9] This principle is partially codified in the Rules of Civil Procedure, which direct that a trial court "shall find the facts specially and state separately its conclusions of law thereon." ROP R. Civ. P. 52(a). The Rule "does not include an obligation on the part of the trial court to summarize and comment upon each witness's testimony in its decision." *Ngirutang v. Ngirutang*, 11 ROP 208, 210 (2004). We stress also that the lower court most certainly

"make clear the basis" for its determination is not an opinion on the correctness of the outcome in the trial court; it is merely a finding that the trial court's articulation of its decision was incomplete. Without a clearly articulated basis for a factual determination, an appellate court cannot meaningfully assess whether that determination is clearly erroneous. *See, e.g.*, *Ngirutang v. Ngirutang*, 11 ROP 208, 211 (2004) (explaining that "a trial court decision must contain sufficient findings supporting its conclusions to allow for appellate review"). Remand enables the lower court to articulate its bases, after which we can properly review the decision. *See, e.g.*, *Estate of Tmilchol v. Kumangai*, 13 ROP 179, 182 (2006) ("[W]here a lower court has not clearly set forth the basis for its decision, remand for further elaboration is appropriate.")

[¶ 28] Here, Appellants do not challenge specific determinations as unexplained.[10] Instead, Appellants' challenge is more general. They contend that the decision below reaches the opposite result to the prior decision of the Trial Division in this matter. This change in result, Appellants argue, is what requires remand for further explanation.

[¶ 29] This argument does not provide a sound basis for granting relief on appeal. As an initial matter, Appellants mischaracterize the Trial Division's earlier decision. Appellants suggest that that prior decision was an unmitigated victory for them, with the current decision—a loss—representing an entirely contrary result. That is simply not the case. As we have explained, the Trial Division previously "found both factions to be strong members" of the Clan, *Imeong*, 17 ROP at 214, a result we characterized as the trial court having "called it a tie." *Id.* at 219.

[¶ 30] The more fundamental problem with Appellants' argument is that the general rule that lower courts must sufficiently explain their findings,

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"'need not reiterate every fact presented at trial.'" *Esebei*, 13 ROP at 82 (quoting *Mesebeluu*, 10 ROP at 72).

[10] They go so far, in fact, as to note that they are "able to understand the reasoning underlying the trial court's individual findings as to the status of the Yobech faction." Appellants' Br. at 25. The presence of that reasoning in the trial court's decision strongly suggests that the trial court "made clear the basis" of its decision.

Esebei, 13 ROP at 82, applies to current findings. The trial court's responsibility after the last appeal was to sufficiently explain its findings on remand, whether the same as—or different than—its prior findings. Appellants have not identified any specific finding on remand that is inadequately explained. They argue, in the most general terms, that the trial court "simply ignored the considerable and extensive evidence adduced by the Joseph faction" without explanation. Appellants' Br. at 25. It is not clear to us that we need even consider this argument. "It is not the Court's duty to interpret this sort of broad, sweeping argument, to conduct legal research for the parties, or to scour the record for any facts to which the argument might apply." *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010).

[¶ 31] Regardless, the argument lacks merit. "Although a trial court decision must contain sufficient findings supporting its conclusions to allow for appellate review, there is no rule that the court must make a finding with respect to every piece of evidence submitted, customary or otherwise. When findings of fact are reviewed in the context of a full record, it may be very clear what evidence was rejected." *Ngirutang*, 11 ROP at 211 (citation omitted). Nor is there a rule that a trial court must accept even uncontradicted testimony as true. *See Idid Clan v. Olngebang Lineage*, 12 ROP 111, 124 (2005). What the trial court's decision must do is "'reveal an understanding analysis of the evidence, a resolution of the material issues of 'fact' that penetrate beneath the generality of ultimate conclusions, and an application of the law to those facts.'" *Ngirutang*, 11 ROP at 210 (quoting *Fritz v. Blailes*, 6 ROP Intrm. 152, 153 (1997)). Upon review, we find no error in the Trial Division's explanations of its findings.

II. The Trial Division correctly interpreted our remand order.

[¶ 32] Appellant also briefly argues that the Trial Division misinterpreted the mandate of our remand order in *Imeong*. This argument is barely developed and it is unclear that we even need to address it. *See Idid Clan*, 17 ROP at 229 n.4. Regardless, it can be disposed of quickly.

[¶ 33] Appellant states that we directed the trial court to "review the complete record and make an independent and conclusive determination as to which faction—Yobech or Joseph—comprises the true senior strong and potentially ochell members of Eklbai Clan." Appellants' Br. at 26-27. We did.

Imeong, 17 ROP at 220. And the Trial Division followed that direction. It determined that the members of the Yobech faction are the strong members with authority over the titles and property of Eklbai Clan and that the members of the Joseph faction are, at best, weaker members than the Yobech faction.

[¶ 34] Furthermore, contrary to Appellants' suggestions in their brief that our remand opinion simply told the trial court to "try again," we in fact provided significant additional guidance, and the trial court heeded that guidance. For example, we explained that the trial court had not made a determination of "whether Mowai was a lineage within Eklbai or a separate clan." *Imeong*, 17 ROP at 218. We noted that if Mowai was a separate clan, "then the Joseph faction would likely have no claim to a title in Eklbai Clan." *Id.*[11] The Trial Division has now made such a determination, and this determination is nearly dispositive of the issue of the Joseph faction's strength in Eklbai Clan. The trial court made an explicit finding that Mowai is not a lineage of Eklbai Clan but is rather a separate clan in Ngerchemai.[12] Our remand opinion instructed the Trial Division to make a determination one way or the other. The Trial Division did so.

[¶ 35] Our remand opinion also noted several other specific findings that would likely need to be made, and highlighted various conclusions that would need to be clearly articulated. *See Imeong*, 17 ROP at 216-20. After reviewing the decision below, we conclude that the Trial Division properly applied our remand order. Accordingly, we find no error to warrant reversal.

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[11] We also stated that "[w]ithout clarity on this point, one cannot ascertain the Joseph faction's true status." *Imeong*, 17 ROP at 218. This alone undercuts most of Appellants' arguments on appeal. None of the trial court decisions prior to *Imeong* could have properly found the Joseph faction to be strong because the "fundamental" question of whether "the Joseph faction [is] part of Mowai, Eklbai, or both" had never been answered. *See* 17 ROP at 218.

[12] This determination is central to the ultimate conclusions of the trial court. Appellants do not challenge this determination specifically. Even liberally implying a challenge to that finding, Appellants offer no argument as to why it is incorrect, or why the conclusions drawn from it are erroneous.

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[¶ 36] As noted in the Background, in addition to making factual findings regarding relative strength within Eklbai clan that was the core dispute in Civil Action No. 01-179, the Trial Division also applied those findings to resolve the land-use rights issues in Civil Action Nos. 99-261 and 01-180. We have addressed Appellants' arguments regarding the Trial Division's clan strength decision, despite those arguments being underdeveloped. Appellants' arguments regarding the land-use cases are not just underdeveloped; they are non-existent. The briefs contain no argument, for example, that Imeong and Takisang cannot be ejected from the land at issue in Civil Action No. 99-261 notwithstanding the clan strength findings.

[¶ 37] We will not disturb the trial court's disposition of the land-use cases. "[T]he burden of demonstrating error on the part of a lower court is on the Appellant." *Rudimch v. Rebluud*, 21 ROP 44, 46 (2014) (citing *Ngetchab v. Lineage v. Klewei*, 16 ROP 219, 221 (2009)). Appellants, by making no argument concerning the land-use cases, have necessarily failed to carry their burden of demonstrating error. As we have repeatedly noted, "'[a]ppellate courts generally should not address legal issues that the parties have not developed through proper briefing.'" *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010) (quoting *Ngirmeriil v. Estate of Rechucher*, 13 ROP 42, 50 (2006)). In the present case, we find no reason to depart from our usual refusal to hear claims not fully briefed by the parties. *Cf. Ngirmeriil*, 13 ROP at 50 & n.10 (explaining the policies behind these requirements).

CONCLUSION

[¶ 38] For the foregoing reasons, the decision of the Trial Division is **AFFIRMED**.

SO ORDERED, this 17th day of October, 2016.