

**EVELYN NGIRTURONG,
Appellant,**

v.

**JOHN RECHUCHER and MARIANO
TELLEI,
Appellees.**

CIVIL APPEAL NO. 12-005
LC/H 08-1171

Supreme Court, Appellate Division
Republic of Palau

Decided: January 10, 2013

[1] **Appeal and Error:** Procedure

Republic of Palau Rule of Appellate Procedure 31(c) provides: If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal, or the Appellate Division may so dismiss on its own motion.

BEFORE: KATHLEEN M. SALII, Associate Justice; LOURDES F. MATERNE, Associate Justice; and KATHERINE A. MARAMAN, Part-Time Associate Justice.

Appeal from the Land Court, the Honorable ROSE MARY SKEBONG, Associate Judge, presiding.

PER CURIAM:

Appellant Evelyn Ngirturong filed this appeal on February 3, 2012. Since that time, Appellant has not filed her opening brief, has not sought any extension of time,

nor has she responded to the Court's November 30, 2012, Order to Show Cause why this matter should not be dismissed.

[1] Republic of Palau Rule of Appellate Procedure 31(c) provides: "If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal, or the Appellate Division may so dismiss on its own motion."

Accordingly, the Court **DISMISSES** this appeal for Appellant's failure to comply with the Republic of Palau Rule of Appellate Procedure 31 and for lack of prosecution of this matter. *See Estate of Masang v. Marsil*, 13 ROP 1, 2 (2005) ("[W]e take this opportunity to warn all appellants and their counsel, and we direct the Clerk of Courts to provide a copy of this Order to all active members of the Palau Bar, that while we will continue to consider timely and reasonable requests for extensions of time, any failure to timely file an appeal or opening brief . . . will result in the dismissal of the appeal without further notice and that such dismissal will not be undone absent truly extraordinary and unanticipated circumstances.").