

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

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SUPREME COURT
OF THE
REPUBLIC OF PALAU

LUII'S CHILDREN,
Appellant,
v.
KOROR STATE PUBLIC LANDS AUTHORITY and
NGERIBKAL CLAN,
Appellees.

Cite as: 2019 Palau 9
Civil Appeal No. 18-022
Appeal from LC/B Nos. 08-0408, 11-0175, & 11-0176 on remand

Decided: March 14, 2019

Counsel for Appellant Vameline Singeo
Counsel for Appellee KSPLA Michael Watson
Counsel for Appellee Ngeribkal Clan..... Yukiwo P. Dengokl

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice
JOHN K. RECHUCHER, Associate Justice
R. BARRIE MICHELSEN, Associate Justice

Appeal from the Land Court, the Honorable Salvador Ingereklii, Associate Judge, presiding.

ORDER DISMISSING APPEAL

MICHELSEN, Justice:

[¶ 1] On remand from *Ngeribukel Clan v. Ngeribkal Clan*, 2017 Palau 33, the Land Court ordered a monumentation of boundaries as part of the implementation of this Court's mandate.

[¶ 2] The Land Court's order to the Director of the Bureau of Lands and Survey included the provision that "[i]n the conduct of such monumentation and survey, the Surveyor shall first locate the outer boundary of Claim 89 and Claim 41, and mak[e] sure that monumentation of the above mentioned TD lots will not encroach into adjacent lots whose ownership have been

determined and/or [are] yet to be determined.” Order to Conduct Monumentation and Surv. 2. Appellant objects to the limitations of the monumentation, and appeals.¹

[¶ 3] Ngeribkal Clan has argued that this appeal is interlocutory and as such should be dismissed. We agree. A Land Court order to the Director of Lands and Survey is not a final Land Court judgment subject to appeal.

ANALYSIS

[¶ 4] This Court has long held that “[a]n order which does not finally settle the issues on trial generally is not appealable, although it is open to review in connection with an appeal of the final judgment.” *In re Estate of Udui*, 3 ROP Intrm. 130, 131 (1992) (citing *Palau Env'tl. Quality Prot. Bd. v. Ngatpang State*, 1 ROP Intrm. 647, 647–48 (1989); *Fritz v. Salii*, 1 ROP Intrm. 521, 546 (1988); *Nakatani v. Shigemitsu*, 1 ROP Intrm. 663A, 663C (1988);, *EQPB v. Ngatpang State*, 1 ROP Intrm. 647 (1989), *Fritz v. Salii*, 1 ROP Intrm. 521, 546 (1988), *Olikong v. Salii*, 1 ROP Intrm. 406, 411 (1987)).

[¶ 5] As has been stated by this Court, repeatedly: “Piecemeal appeals disrupt the trial process, extend the time required to litigate a case, and burden appellate courts. It is far better to consolidate all alleged trial court errors in one appeal.” *Salii v. Etpison*, 18 ROP 41, 43 (2011); (quoting *Ngirchchol v. Triple J. Enters., Inc.*, 11 ROP 58, 60 (2004)); *Republic of Palau v. Black Micro Corp.*, 7 ROP 46, 47 (1998).

[¶ 6] Although this Court has adopted a collateral order exception to the final judgment rule, which “allows an immediate appeal of an interlocutory order entered during trial that determines important rights of the parties but that is not related to the relevant cause of action,” *Black Micro Corp.*, 7 ROP Intrm. at 47, its scope is limited. Here, the objected-to order is directly related to the underlying case, with no consequence to an erroneous order that cannot be corrected on appeal. It is not “completely separate from the merits of the action and effectively unreviewable on appeal.” *Pac. Call Invs., Inc. v. Palau*

¹ If the Land Court order had been complied with when issued, the monumentation would have been completed nearly a year ago. An appeal to the Appellate Division does not automatically stay any Land Court orders that are interlocutory in nature. The monumentation should have proceeded.

Marine Indus. Corp., 16 ROP 89, 90 (2008) (citing *Heirs of Drairoro v. Yangilmau*, 10 ROP 116, 118 (2003)).

CONCLUSION

[¶ 7] We dismiss this appeal and remand the case for the Land Court to continue its efforts to implement our previous mandate.

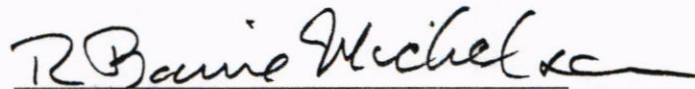
SO ORDERED, this 14th day of March, 2019.



ARTHUR NGIRAKLSONG
Chief Justice



JOHN K. RECHUCHER
Associate Justice



R. BARRIE MICHELSEN
Associate Justice