FILED Clerk District Court

OCT 24 2017

for the Northern Mariana Islands By______(Deputy Clerk)

UNITED STATES DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS

BETTY JOHNSON, on behalf of herself, and as a representative of a class of similarly-situated persons,

Plaintiffs,

v.

RALPH DELEON GUERRERO TORRES, Governor of the Commonwealth of the Northern Mariana Islands ("CNMI"), *et al.*,

Defendants.

CIVIL CASE NO. 09-00023

ORDER

On September 27, 2017, this case came before the court for a hearing, at which the Settlement Fund Trustee (the "Trustee"), Civille & Tang, PLLC, acting by and through its principal representative Joyce C.H. Tang, presented an update on the status of the Settlement Fund. Consistent with the various matters discussed at the hearing, the court orders the following:

• NMI Retirement Fund v. Sword and Express Electronics, Civil Action No. 12-0086 (NMI Superior Court) - Retiree Mariano Taitano wrote to the court expressing concern about the above described lawsuit and other matters. The Trustee's Status Report stated that said action was initiated by the NMI Retirement Fund and was not identified as an asset to be transferred to the Settlement Fund. See Status Report (Sept. 19, 2017) at 23, ECF No. 767. The court orders the Trustee and Deputy Attorney General Lillian Tenorio to meet with Mr. Taitano to discuss his concerns.

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- Casino Gross Revenue Tax ("GRT") The Casino GRT has become a primary source of revenue for the CNMI Government. The Trustee requested a breakdown of the Casino GRT collected in prior years from the Secretary of Finance, Larissa Larson. At the hearing, Ms. Larson stated that the information requested would be ready in a few days. Margery Bronster, Class Counsel, also requested that she be provided with the information. If Ms. Larson has not provided this information to the Trustee and Class Counsel, she shall provide the information to them no later than one week from the date of this Order.
- Next Hearing The court tentatively sets this matter for a status hearing in April 2018.
 The Trustee and counsels for the parties shall confer on a mutually agreeable date for such a hearing and thereafter notify the court no later than December 1, 2017, of the selected date so that the court can then set the date for the next status hearing.

The court is pleased with the status of this case. The court commends the Trustee and Class Counsel for adhering to fulfill their fiduciary duties. The court thanks the Trustee and her staff for their hard work and diligence in ensuring that the Class members receive the benefits due them. The court also commends Class Counsel, both Ms. Bronster and Robert Hatch, for their persistence and attention to this case.

The court also expresses its gratitude to Governor Ralph Torres and the Northern Marianas Commonwealth Legislature, under the leadership of Senate President Arnold I. Palacios and House Speaker Rafael S. Demapan, for their good governance. The court recognizes that the CNMI Government has been extremely cooperative with the Trustee and has been diligent in making its payments. The court notes that the economy appears to have improved such that the CNMI Government has been making regular payments of \$1 million per week to the Settlement Fund. These regular weekly payments allows the Settlement Fund to avoid drawing down on its investments, thus extending the Settlement Fund's investment horizon. The court commends Governor Torres and the Legislature for making the payments to the retirees a priority. Not only have the retirees received the 75% payments guaranteed under the Settlement Agreement, but the CNMI Government also continues to pay the retirees the 25% benefit payment and has approved

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a bonus payment of over one thousand dollars for each retiree for Fiscal Year 2018. The court appreciates the hard work of these leaders in serving the needs of the retirees while balancing competing interests of the entire community in a timely, appropriate and responsive manner. The court also appreciates the close working relationship between Ms. Larson and Lillian Pangelinan (the Settlement Fund's Administrator), and their weekly telephone conferences help ensure that the Settlement Fund receives sufficient funds to make their biweekly payments to the Class. The court is hopeful that the parties can continue to work cooperatively with the Trustee and one another to ensure that all obligations to the Class are met.

IT IS SO ORDERED.



/s/ Frances M. Tydingco-Gatewood Designated Judge Dated: Oct 24, 2017