

FILED
Clerk
District Court

DEC 12 2019

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

re Payment of Trustee's Invoices
(June to November 2019)

On September 25, 2013, the court appointed Civile and Tang, PLLC, acting by and through its principal representative Joyce C.H. Tang, as the Trustee for the Settlement Fund. *See* Order re Appointment of Trustee, ECF No. 526. Pursuant to the terms of the appointment, the Trustee now requests compensation¹ for work performed and expenses incurred during the months of May to October 2019. The Trustee's invoices are summarized as follows:

¹ At the time of the Trustee's appointment, the court approved a remuneration "rate of \$250.00 per hour, subject to future increase by the court upon petition by the Trustee." *Id.* at 6. The Trustee has petitioned the court for an increase in her rate to \$350.00 per hour, beginning with work performed in the month of May 2019 and going forward. *See* Trustee's Letter Dated Dec. 5, 2019, appended hereto as Exhibit G. The Trustee has discussed the rate increase with class counsel, who confirms that she does not object to the requested increase. *Id.* The court finds the Trustee's request to be reasonable, particularly because of the Settlement Fund's positive financial status and better than expected investment return this fiscal year. Accordingly, the court grants the Trustee's request to increase her remuneration rate to \$350.00 per hour, beginning with work performed as of May 1, 2019, and going forward.

Month of Invoice	Invoice No.	Professional Fees	Expenses	Total
June 2019	43447	\$4,797.50		\$4,797.50
July 2019	43787	\$19,567.50	\$150.67	\$19,718.17
August 2019	44130	\$11,077.50	\$71.91	\$11,149.41
September 2019	44472	\$3,007.50		\$3,007.50
October 2019	44805	\$28,260.00	\$605.49	\$28,865.49
November 2019	45146	\$7,265.00		\$7,265.00
TOTAL		\$73,975.00	\$828.07	\$74,803.07

Attached to this Order as Exhibits 1 through 6 are unredacted versions of these invoices, while the redacted² versions of the invoices are appended as Exhibits A through F. The court orders the Clerk of Court to file Exhibits 1 through 6 under seal.

The court has reviewed these invoices and finds the request for compensation and reimbursement of expenses to be reasonable. The court is satisfied with the work performed by the Trustee during this time frame. Accordingly, pursuant to the terms of the Order re Appointment of Trustee, the court hereby orders the Settlement Fund to pay the Trustee the sum of **Sixty-Six Thousand Five Hundred Seventy-Seven Dollars and Fifty Cents (\$66,577.50)**. This amount represents ninety percent (90%) of the Trustee's professional fees and all expenses incurred during the months of May through September 2019 (invoices dated June to November 2019).

The court further orders the Settlement Fund to hold in trust to the credit of the Trustee the sum of **Seven Thousand Three Hundred Ninety-Seven Dollars and Fifty Cents (\$7,397.50)**, which represents ten percent (10%) of the Trustee's professional fees for this time period. The Trustee may petition for release of this 10% retainer on a quarterly basis, subject to the court's satisfaction of the Trustee's work and any objections to the Trustee's compensation requests. *See* Order of Appointment of Trustee at 6, ECF No. 526. Objections to the Trustee's request for remuneration may be made within ten (10) days of this Order by the Plaintiff, Class Counsel and counsel for the CNMI Government. *Id.*

² The Trustee has redacted from the invoices personal identifiers and information that may affect pending litigation and the research of other confidential issues.

Furthermore, the Trustee also petitions for release of the 10% retainer withheld from its invoices for services rendered during the months of December 2018 through April 2019. *See* Order re Payment of Trustee's Invoices, ECF No. 779. There being no objection to said invoices and the court being satisfied with the Trustee's work, the court orders the Settlement Fund to pay the Trustee the additional sum of **One Thousand Nine Hundred Thirty Dollars and Fifty Cents (\$1,930.50)**.

Finally, the Trustee advised the court that the CNMI's Department of Finance has determined that the Trustee is not exempt from paying the Business Gross Revenue Tax ("BGRT"). *See* Ex. G. The Trustee thus requested reimbursement for BGRT payments for invoiced dated May 2018 through November 2019, as reflected in the below table:

Month of Invoice	BGRT
May 2018	\$335.19
June 2018	\$233.09
July 2018	\$225.90
August 2018	\$387.20
September 2018	\$485.06
October 2018	\$150.13
November 2018	\$548.37
December 2018	\$476.07
January 2019	\$76.93
February 2019	\$187.76
March 2019	\$247.98
April 2019	\$303.72
April 2019	\$175.30
June 2019	\$119.94
July 2019	\$489.18
August 2019	\$276.94
September 2019	\$75.18
October 2019	\$706.50
November 2019	\$373.20
TOTAL	\$5,873.64

1 In light of the Secretary of Finance's determination, the court finds it reasonable to grant the
2 Trustee's request to be reimbursed for BGRT payments. Accordingly, the court orders the
3 Settlement Fund to pay the Trustee the additional sum of **Five Thousand Eight Hundred Seventy-**
4 **Three Dollars and Sixty-Four Cents (\$5,873.64)**, subject to the Trustee's filing of receipts
5 reflecting the above payments of BGRT.

6 IT IS SO ORDERED.



/s/ Frances M. Tydingco-Gatewood
Designated Judge
Dated: Dec 12, 2019