



**Supreme Court
Commonwealth of the Northern Mariana Islands**

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PRESS RELEASE

Shinji Fujie v. Atalig, 2014 MP 14

The NMI Supreme Court affirmed the trial court's decision granting partial summary judgment declaring that Shinji Fujie and the Toshin Group International (collectively, "Toshin Group") were entitled to possess property they leased from Joaquin Atalig.

On appeal, Atalig and his business-partner Ramon K. Quichocho argued summary judgment was improper because there was a genuine issue of material fact about whether the lease was properly terminated due to the Toshin Group abandoning the property. The Court disagreed. The Court began with the standard for abandonment, which requires the tenant: (1) vacate the leased property without justification; (2) vacate without intending to return; and (3) fail to pay the rent. This standard foreclosed any abandonment argument because the Toshin Group could never fail to pay the rent—they had prepaid the entire lease. Accordingly, there was no question about whether the property was abandoned—it was not—so the Court affirmed the trial court's decision.

After concluding the trial court made the correct decision, the Court expressed concerns with Quichocho's briefing—specifically the failure to present the proper legal standard for abandonment. Because Quichocho had been involved in a similar federal case that set forth the Commonwealth's standard for abandonment and the trial court in this case also set forth the same standard, the Court was troubled by Quichocho's failure to provide that standard or argue why it did not apply.

The Supreme Court's full opinion, 2014 MP 14, can be found at:
<http://www.cnmilaw.org/supreme14.html>.

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