

FILED
 DATE 02/05/99
 BY [Signature]
 CLERK, FSM SUPREME COURT
POHNPEI
 TRIAL DIVISION

IN THE SUPREME COURT OF THE
 FEDERATED STATES OF MICRONESIA
 APPELLATE DIVISION

STATE OF CHUUK, STATE OF KOSRAE,)	APPEAL CASE NO. P4-1998
STATE OF POHNPEI and STATE OF YAP,)	
)	
Appellants,)	
)	
vs.)	NOTICE
)	
SECRETARY OF DEPARTMENT OF FINANCE)	
and FEDERATED STATES OF MICRONESIA,)	
)	
Appellees.)	

On January 28, 1999, pursuant to my earlier order, the parties filed memorandums of law on the question of why this appeal should not be dismissed on the ground that the notice of appeal filed August 25, 1998 is of no effect under the provisions of FSM Rule of Appellate Procedure 4(a)(4) because of the plaintiffs' pending timely motion to alter or amend judgment in the trial division. Those memorandums were most helpful. It seems there is some question whether the pending motion was timely. Both parties suggest that this appeal be left in abeyance until the termination of the trial court proceeding on the motion to alter or amend judgment.

Accordingly, the court will take no further action at this time.

Dated the 30th day of January, 1999.

[Signature]
 Richard H. Benson
 Associate Justice

Entered this 3 th day of February, 1999.

[Signature]
 Chief Clerk of Court