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SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA  
APPELLATE DIVISION

STATE OF CHUUK, STATE OF	)	FSM APP. CASE NO. P4-1999
KOSRAE, STATE OF POHNPEI,	)	CIVIL ACTION NO. 1995-085
AND STATE OF YAP,	)	
	)	
Appellants,	)	
	)	
v.	)	AFFIDAVIT OF CATHERINE WIEHE
SECRETARY OF DEPARTMENT OF	)	
FINANCE OF THE FEDERATED	)	
STATES OF MICRONESIA, AND	)	
THE NATIONAL GOVERNMENT	)	
OF THE FSM,	)	
	)	
Appellees.	)	

Affidavit of Catherine Wiehe

State of Pohnpei	)	
	)	ss
Town of Kolonia	)	

I, Catherine Wiehe, being first duly sworn, on oath depose and say:


1. I am an Assistant Attorney General for Pohnpei State.

2. On October 5, 1999, I had a telephone conversation with Appellee's counsel, Elizabeth McCormick, regarding the preparation of a joint appendix for this appeal. At the conclusion of the conversation, we had scheduled a meeting for this purpose at 2:00 p.m. on October 6, 1999 at the offices of the FSM Attorney General.
3. On the morning of October 6, 1999, Ms. McCormick informed me by telephone that she would not meet with me that day to discuss the appendix because she was unwilling to read and respond to more than one brief filed on behalf of the appellants. She stated that although she was aware that certain disagreements existed among the appellants about the brief, she would not act in such a way that would encourage the filing of two briefs. In response to Ms. McCormick's concerns, I asked her whether she would accept an appendix submitted by the appellants if they agreed upon the contents of such *and* even if the appellants had not reached agreement as to the number of briefs to be filed. Ms. McCormick responded in the affirmative.
4. On Friday, October 8, 1999, Andrea Hillyer and I discussed the proposed contents of the appendix. Ms. Hillyer had listed, among other parts of the record that do conform with Rule 30, the following for inclusion in the appendix: plaintiffs' motion for summary judgment; defendants' opposition to plaintiff's motion for summary judgment and cross motion for summary judgment; plaintiffs' response to defendants' cross motion for summary judgment; plaintiffs' motion to alter or amend judgment; and defendants' opposition to plaintiff's motion to alter or amend judgment. I expressed some concern about these items not having the requisite independent relevance of Rule 30(a) and read to Ms. Hillyer the relevant portion of Rule 30(a) regarding memoranda of law *verbatim*. Ms. Hillyer responded that she would not include the motion to alter or amend or opposition

to such motion, but because she was uncertain about the motion for summary judgment and the pleadings in response to it, she would confer with Professor Jon Van Dyke on the matter. That same day, she called back and informed me that the motion for summary judgment and pleadings in response to it would be included in the appendix.

5. At that point, we realized that no agreement would be reached as to the contents of the appendix and, and therefore elected to file our own.

Dated: October 15, 1999.

  
Catherine Wiehe

Subscribed and sworn to before me this 15th day of October, 1999.

  
Notary Public

Angeline O. Ligohr-Notary public  
Pohnpei State  
Federated States of Micronesia  
My commission expires on the  
15<sup>th</sup> day of November, 19 99

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 15, 1999 a true and correct copy of the attached document was served by mail, and also by facsimile machine or hand delivery to the following:

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