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**IN THE KOSRAE STATE COURT  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION**

_____	)	
GERSON JACKSON,	)	
	)	
Plaintiff,	)	Civil Action No. 76-02____
	)	
vs.	)	
	)	
KOSRAE STATE ELECTION	)	JOINT MOTION TO EXPEDITE
COMMISSION,	)	JUDICIAL REVIEW
	)	
Defendant.	)	
_____	)	

COMES NOW Plaintiff Gerson Jackson and Defendant Kosrae State Election  
Commission and jointly move this Honorable Court to expedite judicial review in the above-

captioned case.

Expedited review is required because the State of Kosrae has a deadline of October 1, 2002, for all candidates who wish to file to run in the November 2002 election. If a judicial decision is not rendered by that date, the present dispute will become moot. Such a result would not be fair to Plaintiff Gerson Jackson, who is the present Lieutenant Governor of Kosrae, or to those voters who wish to support him in the coming election. A failure to render a decision by October 1 would thus potentially deny to Plaintiff Jackson his constitutionally-protected right to seek elective office, and would also deny to those who would wish to support him their constitutionally-protected right to vote. The right to vote in the FSM has been recognized as a protectable personal right, *Wiliander v. Mallarme*, 7 FSM Intrm. 152, 160 (1995), and the FSM courts have been alert to protect this right in a wide variety of situations. The issues presented by this litigation are important ones, and they are likely to emerge again in the future, and therefore all parties wish to have a proper and prompt judicial resolution of the dispute.

The Kosrae State Election Commission has rendered its final decision on this matter, and thus all administrative remedies have been duly exhausted. Plaintiff Jackson's legal research has been completed. The Commission will be able to prepare its memorandum, containing its legal arguments, to this Court by September 16, 2002. The parties thus suggest that both parties submit their legal memoranda and documentation to this Honorable Court simultaneously on September 17, 2002, with each party having the opportunity to respond to the other's submission by September 20, 2002. The parties would thus request that the Court render its decision no later than September 27, 2002, which would be in advance of the filing deadline of October 1, 2002.

Although the parties would prefer to have the opportunity to present oral argument to the

Court, they understand that it may be impossible to do so because of the logistical difficulties involved. The parties therefore propose that a hearing be conducted by telephone, or, if that is logistically impossible, that the Court render its decision based on the written pleadings.

DATED: Honolulu, Hawaii and Tofol, Kosrae, September —, 2002.

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JON M. VAN DYKE  
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Kosrae State Election Commission

**FILED****IN THE KOSRAE STATE COURT  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION**

DATE

BY

9/10/02  
CLERK, STATE COURT  
KOSRAE

GERSON JACKSON,

Plaintiff,

v.

KOSRAE STATE ELECTION  
COMMISSION,

Defendant.

Civil Action No. 76-02

**JOINT MOTION TO EXPEDITE  
JUDICIAL REVIEW**

COMES NOW Plaintiff Gerson Jackson and Defendant Kosrae State Election Commission and jointly move this Honorable Court to expedite judicial review in the above-captioned case.

**Memorandum of Points and Authorities**

Expedited review is required because the State of Kosrae has a deadline of October 1, 2002 for all candidates who wish to file to run in the November, 2002 election. If a judicial decision is not rendered by that date, the present dispute will become moot. Such a result would not be fair to Plaintiff Gerson Jackson, who is the present Lieutenant Governor of Kosrae, or to those voters who wish to support him in the coming election. A failure to render a decision by October 1, 2002 will deny Lt. Governor Jackson the opportunity to be timely qualified as a candidate and will deny him an opportunity to effectively conduct a campaign for elective office. The right to vote in the FSM has been recognized as a protectable personal right, *Wilander v. Mallarme*, 7 FSM Intrm. 152, 160 (1995), and the FSM courts have been alert to protect this right in a wide variety of situations. The issues presented by this litigation are important ones and therefore all parties wish to have a proper and prompt judicial resolution of the dispute.

The Kosrae State Election Commission has rendered its final decision on this matter and thus all administrative remedies have been duly exhausted. Plaintiff Jackson's legal research has been completed. The Commission will be able to prepare its memorandum, containing its legal arguments, to this Court by September 16, 2002. The parties thus suggest that both parties submit their legal memoranda and documentation to this Honorable Court simultaneously on September 16, 2002 with each party having the opportunity to respond to the other's submission by September 19, 2002. The parties would thus request that the Court render its decision no later than October 1, 2002 filing deadline and, if practicable, on or before September 27, 2002 which would be in advance of the filing deadline of October 1, 2002.

Both parties have an interest in a decision being reached by October 1, 2002. To expedite the decision process, both parties agree to waive oral argument, but would be available to participate in a telephone hearing if the court would favor such an approach.

Respectfully submitted,  
Dated: September 10, 2002

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