

IN THE KOSRAE STATE COURT  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION

FILED

DATE 11/4/02  
BY [Signature]  
CLERK, STATE COURT

GERSON JACKSON, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KOSRAE STATE ELECTION )  
COMMISSION, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. 76-02

DEFENDANT'S NOTICE OF NON-OPPOSITION  
TO MOTION FOR LEAVE OF ENTRY TO  
APPEAR AND MOTION TO RECUSE JUSTICES

COMES NOW the Kosrae State Election Commission, by and through the undersigned Assistant Attorney General and respectfully submits this DEFENDANT'S NOTICE OF NON-OPPOSITION TO MOTION FOR LEAVE OF ENTRY TO APPEAR AND MOTION TO RECUSE JUSTICES.

**Motion for Leave of Entry to Appear**

[1] The Plaintiff in this matter is represented by local counsel, Ms. Andrea Hillyer, a member of the Kosrae State Bar. Additional counsel, Mr. Jon Van Dyke, has requested leave for permission to enter appear pro hac vice.

[2] The background and qualifications of Mr. Van Dyke have been reviewed. The Defendant does not object to the Motion for Leave of Entry to Appear filed by Mr. Van Dyke.

**Motion to Recuse Justices**

[3] The Plaintiff has requested expedited proceedings so as to permit a judicial determination of whether the current Lieutenant Governor is eligible to seek re-election in the November, 2002 election. The Plaintiff has requested that actions be taken so as to permit a judicial determination on or before October 1, 2002.

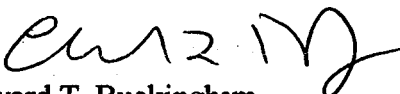
[4] The Defendant shares the goal of achieving a prompt judicial determination.

[5] Under non-exigent circumstances, the Defendant would likely oppose the motion to recuse Chief Justice George and Associate Justice Alikxa. However, in the interest of achieving a prompt judicial determination of the substantive issues in this litigation, the Defendant hereby gives notice that the motion to recuse Chief Justice George and Associate Justice Alikxa is not opposed.

Respectfully submitted,

Dated:

9-4-02

By:   
Edward T. Buckingham  
Assistant Attorney General  
P.O. Box 870  
Tofol, Kosrae State, FM 96944  
Telephone: 691-370-3215  
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**Certificate of Service**

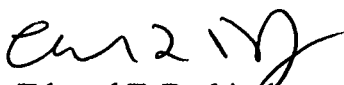
The undersigned hereby certifies that on the 4<sup>th</sup> day of September, 2002 a true and correct copy of the foregoing DEFENDANT'S NOTICE OF NON-OPPOSITION TO MOTION FOR LEAVE OF ENTRY TO APPEAR AND MOTION TO RECUSE JUSTICES was properly served on the following by the means indicated below:

Andrea Hillyer, Esq.                    --            By Fax and By Mail, Postage Pre-paid  
P.O. Box Drawer D  
Pohnpei, FM 96941  
Fax: 691-320-6485

Jon M. Van Dyke, Esq.                --            By Fax and By Mail, Postage Pre-paid  
2525 Dole Street  
Honolulu, Hawaii  
Fax: 808-956-5569

Dated:

9-4-02

By:   
Edward T. Buckingham  
Assistant Attorney General