

APR 26 2004

For The Northern Mariana Islands
By _____
(Deputy Clerk) *X*

- For Publication on Web Site -

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

BONIFACIO VITUG SAGANA,

Plaintiff

v.

MARK D. ZACHARES, Secretary
of the Department of Labor and
Immigration, Commonwealth of
the Northern Mariana Islands, in
both his official and individual
capacities; and DEPARTMENT OF
LABOR AND IMMIGRATION,
Commonwealth of the Northern
Mariana Islands,

Defendants

Civil Action No. 01-0003

ORDER RE:
PROPOSED ALIEN LABOR
REGULATIONS OF THE
DEPARTMENT OF LABOR

PURSUANT TO the settlement agreement and release entered into by
the parties and incorporated into the stipulated judgment signed by the court on

1 December 3, 2002, the parties have submitted proposed alien labor rules and
2 regulations for future use by the Commonwealth Department of Labor.
3

4 THE PARTIES having represented to the court that they have met and
5 conferred and worked together to draft the proposed administrative rules and
6 regulations, and that the regulations were crafted to meet the requirements of
7 due process and the Commonwealth's Administrative Procedures Act, and that
8 they believe this submission represents good-faith compliance with the terms of
9 their settlement agreement and the orders of the court; NOW, THEREFORE,
10

11 IT IS ORDERED that the parties are discharged from their duties under
12 this portion of their settlement agreement. The court is satisfied with the
13 representations of the attorneys as officers of the court that they have fulfilled
14 their mutual obligation to draft proposed rules and regulations and that the
15 draft presented to the court will now be published by the Department of Labor,
16 made available for public comment, and adopted by the Department within a
17 reasonable period of time. Because the court cannot foresee problems which
18 may arise in the future, the court is not prepared to, nor should it, "endorse" or
19 "approve" the draft, but it does recognize and commend the effort of the parties.
20 The final measure of good faith will be demonstrated by the implementation
21
22
23
24
25
26

1 and utilization of the rules and regulations, which will benefit not only the
2 Department, but those who come in contact with its procedures. The court will
3 remain ready to assist should any further problems arise. In the event of a true
4 case or controversy the court will always be available, of course, to any allegedly
5 aggrieved party.
6

7
8 Nothing in this order shall be used or interpreted to be dispositive of any
9 issue now pending before the U.S. Court of Appeals for the Ninth Circuit in
10 Sagana v. Tenorio, Appeal No. 03-15779.
11

12 DATED this 26th day of April, 2004.
13
14

15 
16 ALEX R. MUNSON
17 Judge
18
19
20
21
22
23
24
25
26