

1 The court held evidentiary hearings on February 4, 2014 and March 3, 2014 on the fee
2 applications and the motions seeking approval of settlements reached. Specifically with regard to
3 Mr. Lord's fee petition and the motion to approve the settlement reached with Mr. Jorgensen, the
4 court is unsatisfied with the submissions before it and finds that the current record is insufficient
5 for the court to determine whether the fees sought by Mr. Lord and the settlement reached with
6 Mr. Jorgensen are reasonable. Accordingly, the court will require the following further submissions⁵
7 with regard to Mr. Lord's fee petition and the motion to approve the settlement reached with
8 Mr. Jorgensen:

9 **Lord's Fee Petition**

- 10 • Not later than June 10, 2014, Mr. Lord shall file and serve a *final* fee petition with (i)
11 one or more declarations, under penalty of perjury, containing all direct testimony that
12 supports his petition, including all exhibits and appropriate foundational evidence, and
13 (ii) comprehensive lists of Mr. Lord's witnesses and exhibits.
- 14 • Not later than June 24, 2014, each party in interest who objects to Mr. Lord's final fee
15 application ("respondent") shall file and serve (i) one or more declarations, under
16 penalty of perjury, containing all direct testimony that supports the objection(s) raised,
17 including all exhibits and appropriate foundational evidence, (ii) any evidentiary
18 objections to the declarations and exhibits filed by Mr. Lord, stated as concisely as they
19 would be if stated orally at an evidentiary hearing, (iii) a statement designating which,
20 if any, of Mr. Lord's witnesses the respondent wishes to cross-examine, and (iv)
21 comprehensive lists of the respondent's witnesses and exhibits.

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24 his fee petitions is attached as Exhibit D to the Declaration of Shawn Adams. *See* ECF No.
614.

25 ⁵ The court notes that this action had been pending for many years before the below-
26 signed judge became involved in the case. Therefore, it is difficult to assess the reasonableness
27 of counsels' work performed prior to the court's involvement, and the court believes it may also
28 be necessary to hold another evidentiary hearing to resolve disputed factual issues concerning
the legal work performed during the initial stages of this action and how such work specifically
benefitted the class.

- 1 • Not later than July 1, 2014, Mr. Lord shall file and serve (i) one or more declarations,
2 under penalty of perjury, containing all rebuttal testimony that he intends to offer,
3 including all exhibits and appropriate foundational evidence, (ii) any evidentiary
4 objections to the respondent's declarations and exhibits, stated as concisely as they
5 would be if stated orally at an evidentiary hearing, (iii) a statement designating which,
6 if any, of the respondent's witnesses Mr. Lord wishes to cross-examine, and (iv) final
7 comprehensive lists of his witnesses and exhibits.

8 **Motion for Approval of Jorgensen's Settlement**

- 9 • Not later than June 10, 2014, Mr. Jorgensen shall file and serve (i) one or more
10 declarations, under penalty of perjury, containing all direct testimony that supports his
11 motion for approval of the settlement reached with the CNMI Government, including
12 all exhibits and appropriate foundational evidence that support the reasonableness of
13 said request, and (ii) comprehensive lists of Mr. Jorgensen's witnesses and exhibits.
- 14 • The schedule and requirements as set forth above shall apply with regard to any
15 objections a party in interest may have to Mr. Jorgensen's submissions, as well as
16 Mr. Jorgensen's rebuttal to such objections.

17 Unless otherwise ordered, the court will not receive any evidence, consider any evidentiary
18 objections, or allow any cross-examination that is not timely presented or requested in accordance
19 with this order.

20 The court strongly encourages Messrs. Lord and Jorgensen to continue discussions between
21 themselves and the CNMI Government, with the assistance of Judge Robert J. Faris if necessary,
22 so that these pending matters may be resolved expeditiously without the need for further court
23 action.

24 IT IS SO ORDERED.



/s/ **Frances M. Tydingco-Gatewood**
Designated Judge
Dated: May 30, 2014