

**LEROIJ REAB AMON, Plaintiff**  
**v.**  
**TOBEKE, and NEIBOL, Defendants**  
Civil Action No. 412  
Trial Division of the High Court  
Marshall Islands District  
June 29, 1972

Motion for order removing defendants from land. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, granted the motion where defendants had flagrantly disregarded judgment against them.

**Marshalls Land Law—"Dri Jerbal"—Withdrawal From Land**

*Dri jermal* rights of defendants who flagrantly disregarded judgment by not recognizing plaintiff as their *iroij erik* and *alab* and failing to cooperate with plaintiff under the custom would be terminated, and defendants ordered off the land.

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**TURNER, Associate Justice**

Hearing was held on plaintiff's motion for order removing defendants and their family from Lokalik *wato*, Rairok District, Majuro Atoll, in accordance with paragraph three of the Judgment.

Plaintiff was represented by her counsel. Defendants were not represented but defendant Tobeke undertook to represent both defendants. He informed the Court his former counsel was too busy to represent him. This is a second recent flagrant disregard of the obligations of a trial assistant by this counsel. (See Order entered May 24, 1972, in Civil Action No. 180.)

It is clear from the information submitted at the hearing the defendants, since the entry of the judgment against them, have made no attempt to either recognize the plaintiff as their *iroij erik* and *alab* nor have they attempted to cooperate with plaintiff in accordance with the custom. Defendants admit they have not cut copra on the land and

accordingly plaintiff has not received any money as her share of copra sales. Also, the defendants have failed to deliver breadfruit, which grows on the land, in accordance with their obligation under the custom to give the *iroij* the first fruits from the land. Defendants admit they have not talked to plaintiff since the entry of judgment.

The situation in this case is not unlike the judgment entered in *Litakmwien v. Lanilon*, Civil Action No. 210, not reported. Upon the similarity of facts, the same result should be reached.

It appears to the Court the defendants have been advised to ignore the judgment in this case. The result has been a flagrant disregard of the obligations imposed by the judgment that defendants should cooperate with plaintiff in accordance with Marshallese custom. Their failure to comply with the judgment leaves the Court with no alternative than to grant the plaintiff's request to remove them from the land.

Ordered, Adjudged and Decreed, supplemental to the Judgment in this case entered September 2, 1971, that:

1. As between the parties and all persons claiming under them, the defendants' *dri jerbai* rights in Lokalik *wato*, Rairok Island, Laura Municipality, Majuro Atoll, are duly terminated for good cause.

2. The defendants are allowed ninety (90) days from date of entry of this Order to remove any building or other readily removable property they may have upon the *wato*, provided, however, that they shall not damage or remove any trees on the *wato* and shall not cut or sell any copra from the trees on the *wato*.

3. The defendants and all those living with them on the *wato* shall remove themselves from the *wato* within ninety (90) days of date hereof and any dwellings or other property remaining on the land shall be forfeited to the plaintiff.