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Judy Aldan



IN THE
Supreme Court
OF THE
Commonwealth of the Northern Mariana Islands

PILAR M. DELEON GUERRERO,
Plaintiff-Appellant,

v.

ST. JUDE RENAL CARE FACILITY, INC.,
Defendant-Appellee.

Supreme Court No. 2024-SCC-0025-CIV

SLIP OPINION

Cite as: 2026 MP 9

Decided September 9, 2026

ASSOCIATE JUSTICE JOHN A. MANGLOÑA
JUSTICE PRO TEMPORE PERRY B. INOS
JUSTICE PRO TEMPORE ROBERT J. TORRES

Superior Court No. 22-0009-CV
Associate Judge Joseph N. Camacho, Presiding

MANGLOÑA, J.:

¶ 1 The trial court entered summary judgment and dismissed the Estate of Pilar M. DeLeon Guerrero’s negligence and medical malpractice claims on the ground that no survivorship statute existed. Three days after the dismissal, the Legislature enacted a survivorship statute. The Estate then moved to amend or alter the judgment but the trial court denied relief, concluding the case was no longer “pending” when the statute took effect. We hold that this matter was pending when the survivorship statute became effective, and the trial court was required to apply it. We REVERSE the trial court’s grant of summary judgment and dismissal of Guerrero’s claims and REMAND for proceedings consistent with this Opinion.

I. FACTS AND PROCEDURAL HISTORY

¶ 2 Pilar M. Deleon Guerrero (“Guerrero”) was a long-term diabetic who began receiving dialysis treatments at St. Jude Renal Care Facility (“St. Jude”) in 2015. During one of her regular dialysis sessions, St. Jude staff placed a heating lamp near her left foot after she reported feeling cold. The lamp remained in place throughout the treatment. In the days that followed, Guerrero discovered a burn on her foot. Despite receiving medical care, Guerrero’s injury worsened and became so severe that she had to undergo below-the-knee amputations on both legs.

¶ 3 In 2022, Guerrero filed suit alleging negligence, negligent supervision, negligent training, and medical malpractice. She died in April 2023. St. Jude moved for summary judgment, arguing absent a survivorship statute, the claims extinguished upon Guerrero’s death. The trial court granted the motion and dismissed the case with prejudice.

¶ 4 Three days later, the Governor approved House Bill 23-61, enacting Public Law 23-17. The law preserves wrongful-act causes of action from extinguishment upon death and directs that it shall apply to cases pending within one year of its effective date.

¶ 5 The Estate timely filed a motion under Civil Procedure Rule 59(e) to alter or amend the judgment and a motion under Rule 60(b)(5) for relief from the final judgment. The Estate argued that Public Law 23-17 represented an intervening change in controlling law, a recognized basis for relief under Rule 59(e). It also sought relief under Rule 60(b)(5), which permits relief from a final judgment for reasons not otherwise enumerated when required by justice. The trial court denied both motions, concluding the matter was not “pending” when the statute took effect. This appeal followed.

II. JURISDICTION

¶ 6 We have jurisdiction over final judgments and orders of the Superior Court under 1 CMC § 3102(a) and Article IV, Section 3 of the NMI Constitution.

III. STANDARD OF REVIEW

¶ 7 We review the denial of a Rule 59(e) motion for abuse of discretion. *Angello v. Louis Vuitton Saipan, Inc.*, 2000 MP 17 ¶ 3. A court abuses its discretion when it applies the wrong legal standard or relies on an erroneous view of the law. *Commonwealth v. Torres*, 2025 MP 5 ¶ 22. Reconsideration is appropriate where there is an intervening change in controlling law, newly available evidence, or the need to correct clear error or to prevent manifest injustice. *Commonwealth v. Guerrero*, 2014 MP 4 ¶ 2.

IV. DISCUSSION

¶ 8 The central question is whether this matter falls within Public Law 23-17's retroactive reach. The statute directs application to cases "pending" within one year of its effective date. PL 23-17, § 1.¹ The trial court concluded that once summary judgment was entered and the case was dismissed with prejudice, the matter was no longer pending. In doing so, it relied on an unduly narrow conception of pendency and overlooked settled principles governing the application of intervening legislation.

A. The Case was Pending When Public Law 23-17 Became Effective

¶ 9 A case remains pending as long as the court retains authority to take action upon it. The plain meaning of the word "pending" provides the starting point of our analysis. See *Aguon v. Marianas Pub. Land Corp.*, 2001 MP 4 ¶ 30 (stating statutory language must be given its plain meaning when it is "clear and unambiguous."). The United States Supreme Court has previously defined the "ordinary meaning" of the word "pending" in the context of state collateral review tolling for federal habeas corpus relief. *Carey v. Saffold*, 536 U.S. 214, 219–20 (2002). Relying on Webster's Dictionary, the Court found that "pending" means a matter "in continuance", "not yet decided," or "until the . . . completion of." *Id.* (quoting Webster's Third New International Dictionary 1669 (1993)). Applied to the collateral review context, the Court found that this meant the post-conviction procedures had not reached a "final resolution." *Id.* at 220.

¶ 10 California's collateral review was not technically appellate review but required the prisoner to seek a new original petition from a higher court. *Id.* at 221. Instead of strict deadlines, a reasonableness standard was applied to each filing. *Id.* In practice, this was like other states' appellate review. *Id.* California

¹ The full text of the section is:

Many jurisdictions recognize a right of survivorship for causes of action in civil lawsuits brought by an injured person who subsequently dies before the cause of action has been resolved. Hawaii, for example, has adopted standardized language for recognizing a right of survivorship. HI Rev. Stat. § 663-7 (2015). [PL 23-17] applies [the] same language to recognize such a right in the Commonwealth of the Northern Mariana Islands (CNMI). In addition, . . . to provide a fair period of transition, the application of the right of survivorship is applied retroactively to cases pending within a year of the effective date of this act.
PL 23-17, § 1.

argued that based on these technical features, cases were no longer pending between the lower court decision and a new petition in a higher court. *Id.* at 220. The Supreme Court rejected this argument and found that whether a case was pending turned not on the formal entry of judgment, but on whether the court has completed its adjudication of the prisoner’s claim. *Id.* at 221.

¶ 11 In addition to the ordinary meaning analysis, *Carey* relied on issues specific to the federal habeas context such as federalism concerns inapplicable here. *Id.* Closer to the issue here, when interpreting a waiver of sovereign immunity to all suits “pending,” a federal court found that cases in which the right to appeal had not yet expired are pending. *Mendoza v. Blum*, 560 F. Supp. 284, 286 (S.D.N.Y. 1983).

¶ 12 Under NMI R. Civ. P. R. 59(e), a party can move to alter or amend a judgment within ten days of its entry if there has been an intervening change in controlling law. The filing of a timely Rule 59(e) motion to alter or amend a judgment suspends the finality of that judgment and keeps the case pending. In *Banister v. Davis*, a prisoner brought a habeas claim which was denied. 590 U.S. 504, 509–10 (2020). The prisoner then moved under Rule 59(e) claiming the denial was in error. *Id.* at 510. After the motion was denied, the prisoner appealed. *Id.* The Fifth Circuit treated the Rule 59(e) as a second habeas petition as it was addressed to the merits of the decision. *Id.* This interpretation rendered the prisoner’s appeal untimely. *Id.*

¶ 13 The Supreme Court held that a federal² Rule 59(e) motion is not an independent proceeding but a “limited continuation of the original proceeding,” meaning it is “part of producing the final judgment.” *Id.* at 521. The motion asks the court to revisit its decision before anyone can appeal, and the court’s ruling on the motion merges into the underlying judgment for purposes of appeal. *Id.* at 508–09. Until the court resolves a timely Rule 59(e) motion, there is nothing for an appellate court to review: the time to appeal does not begin to run. *Id.* It was error for the Fifth Circuit to treat the motion as separate from the original proceeding. *Id.* at 517.

¶ 14 Rule 59(e) does not “threaten the finality of judgments” to the same degree as other motions, as it seeks to suspend the finality of the judgment rather than challenge an extant judgment. *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 215–16 (2025); *see also Rivers v. Guerrero*, 605 U.S. 443, 454 (2025) (describing Rule 59(e) as “unique” in this regard). The reason behind this unique nature becomes plain when considering the structure of an appeal.

¶ 15 A trial court and an appellate court cannot simultaneously exercise jurisdiction over the same judgment. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58–59 (1982) (“a subsequent notice of appeal is also ineffective if it is filed while a timely Rule 59 motion is still pending”). When a timely Rule

² For our rules patterned after federal rules, we look to federal jurisprudence for guidance. *Sablan v. Elameto*, 2013 MP 9 ¶ 8 n.3.

59(e) motion is filed, the trial court retains authority to alter or vacate its judgment. *See Rivers*, 605 U.S. at 454 (discussing how a successful motion permits the court to fix any mistakes before an appeal). Allowing an appeal to proceed at the same moment would risk two courts issuing conflicting orders over the same case.

¶ 16 To prevent that conflict, the law holds that no final, appealable judgment exists while a Rule 59(e) motion is unresolved. *Griggs*, 459 U.S. at 60–61; *see Browder v. Dir., Dep’t of Corr.*, 434 U.S. 257, 267 (1978) (explaining that the time to file a notice of appeal is tolled by a timely Rule 59 motion). The appeal clock does not begin to run until the court resolves the motion. *See United States v. Healy*, 376 U.S. 75, 77–78 (1964) (explaining the well-established rule in civil cases that a petition for rehearing stops the clock for the notice of appeal deadline). Until that happens, the litigation is, in the eyes of the law, unfinished.

¶ 17 This understanding aligns with how the concept of pendency is approached more broadly. A case does not reach completion if further judicial action remains necessary. In *Moses H. Cone Mem’l Hosp. v. Mercury Constr. Corp.*, the Court stated a matter was finished only when the court would have “nothing further to do in resolving any substantive part of the case.” 460 U.S. 1, 28 (1983). In *Interstate Commerce Comm’n v. Brotherhood of Locomotive Eng’r*, the Court held that a timely petition for reconsideration at the Interstate Commerce Commission kept the underlying order from becoming final and “stay[s] the running” of the period for seeking review until the petition “had been acted upon.” 482 U.S. 270, 284–85 (1987). This administrative law rule was grounded in a familiar analogy: “the filing of a timely rehearing petition . . . extends the time for appealing from the original decision.” *Id.* at 280. A reconsideration request is thus not a separate action but a continuation of the original proceeding, and the decision it challenges does not become final until the request is resolved. *See also Evans v. Chavis*, 546 U.S. 189, 191 (2006) (recognizing that a properly filed application for state collateral review tolls the limitations period for a federal habeas petition while it remains pending).

¶ 18 Applying these principles is straightforward here. The Estate filed its Rule 59(e) motion, seven days after the entry of judgment, within the ten-day period prescribed by the rule. When Public Law 23-17 took effect, the motion had not yet been filed, but the judgment had been entered just three days earlier and the window for seeking Rule 59(e) relief remained fully open. When the Estate filed its Rule 59(e) motion, the court could still reconsider whether the judgment should stand. In that posture, litigation had not been completed; there was still work for the court to do. The case was therefore pending when the statute became effective and when the Estate filed its Rule 59(e) motion.

¶ 19 The trial court’s reliance on cases involving fully terminated litigation is misplaced. Those decisions involved cases where the litigation had ended in every meaningful sense: dismissed bankruptcy petitions with no remaining judicial tasks; actions dismissed for want of prosecution with nothing left before the court; *qui tam* suits dismissed under the False Claims Act that no longer

barred later-filed actions. See *In re Easthope*, 2006 Bankr. LEXIS 826, at *5–7 (Bankr. D. Or. Apr. 14, 2006); *Sievert v. Duzinski*, 196 N.E. 3d 492, 497 (Ill. App. Ct. 2021); *Kellogg Brown & Root Servs., Inc. v. United States ex rel. Carter*, 575 U.S. 650, 662–63 (2015). Each turned on the absence of any remaining judicial task. None involved a case in which a Rule 59(e) motion had been filed. Those cases involved a complete absence of court authority to act. Here, by contrast, the trial court retained full authority to alter, amend, or vacate its judgment throughout the Rule 59(e) period, and the Estate timely filed its motion.

¶ 20 The trial court’s reading of *Kellogg* as establishing a general rule of finality was erroneous. *Kellogg* did not hold that a dismissed case is always “not pending” as a matter of general law. The Court was interpreting the phrase “pending” as used in the False Claims Act’s first-to-file bar, which prevents relators from filing duplicative *qui tam* actions while a related action is “pending.” 575 U.S. at 653–54, 662. The question was whether a dismissed case continues to block a later suit. The Court held it does not, because a dismissed action no longer performs the anti-duplication function the statute requires. *Id.* at 662–64. That narrow, purpose-driven construction of a statutory term in the *qui tam* context has no bearing on whether a case remains pending within the judicial process for purposes of applying intervening law to an unresolved post-judgment motion.

¶ 21 Because the timeframe for a Rule 59(e) motion was open when Public Law 23-17 took effect, this case had not reached final resolution. The matter remained within the trial court’s authority, and the statute therefore applies. This should have served as an intervening change in controlling law for Rule 59(e).

B. Intervening Law Applies to Cases Pending at the Time of Decision

¶ 22 Even apart from the statute’s express pendency clause, a second and independently sufficient principle compels the same result: courts must apply the law in effect at the time they render their decisions. This rule traces back to the earliest days of the Republic. As Chief Justice Marshall explained in *United States v. Schooner Peggy*: “if subsequent to the judgment and before the decision of the appellate court, a law intervenes and positively changes the rule which governs, the law must be obeyed.” 5 U.S. (1 Cranch) 103, 110 (1801). The Supreme Court reaffirmed and elaborated on this principle in *Bradley v. Richmond School Bd.*, stating “a court is to apply the law in effect at the time it renders its decision,” unless doing so would result in manifest injustice or unless Congress has clearly directed otherwise. 416 U.S. 696, 711 (1974). *Bradley* clarified that this rule applies even where the law changes after judgment in the trial court but before appellate or post-judgment resolution. *Id.* at 712–15.

¶ 23 We have consistently applied this principle. In *Sablan v. Iginoef*, we reaffirmed the general rule that “an appellate court determines questions according to the law prevailing at the time of the appellate decision,” and applied that law to a case where the underlying events had occurred decades earlier. 1 NMI 190, 205 (1990) (citing *Wacangan v. Arriola*, 3 CR 556, 560 (D.N.M.I. App.

Div. 1988)). In *Tano Group, Inc. v. Dep't of Pub. Works*, this Court again stated that it will “apply the law in effect at the time of its decision.” 2009 MP 18 ¶ 57.

¶ 24 The application of intervening law has a limiting principle. A court will not apply a new statute if doing so would amount to impermissible retroactivity. *Landgraf v. USI Film Prods.*, 511 U.S. 244, 280 (1994). *Landgraf* establishes a two-step framework. The court first asks whether the Legislature has expressly prescribed the statute’s temporal reach. *Id.* If so, that directive controls. If not, the court asks whether applying the statute would attach new legal consequences to events completed before its enactment. *Id.* at 270. A statute is impermissibly retroactive only if it impairs rights a party previously possessed, increases liability for past conduct, or imposes new duties with respect to completed transactions. *Id.* at 280.

¶ 25 We applied that exact framework in *Nevada Dep't of Health & Human Serv., Div. of Welfare v. Lizama*, 2017 MP 16. There, while an appeal was pending, the Legislature enacted Public Law 20-22, which repealed URESA and replaced it with UIFSA, a statutory scheme that eliminated non-paternity as a defense to enforcement of child support orders. *Id.* ¶¶ 2, 5. Beginning with legislative intent: UIFSA contained a transitional provision applying it to all child support proceedings pending as of its effective date, and the Legislature’s intent to cover ongoing cases was therefore plain. *Id.* ¶¶ 14–15. Turning next to retroactivity: because UIFSA altered only the procedural mechanisms available to challenge enforcement rather than any substantive right or liability, its application to the pending appeal did not violate due process. *Id.* ¶ 16. Finally, the intervening law was applied and the challenged order was vacated. *Id.* ¶¶ 17–19. The same sequence of analysis governs here.

¶ 26 Public Law 23-17 satisfies both steps of the *Landgraf* framework. At step one, the Legislature expressly directed retroactive application. The statute’s findings and purpose clause state its provisions are intended to apply to cases pending within one year of the statute’s effective date. While a findings and purpose clause cannot override clear statutory text, it is highly probative of legislative intent. *See, e.g. Dist. of Columbia v. Heller*, 554 U.S. 570, 577–78 (2008) (noting prefatory language may illuminate operative meaning). The Legislature here did not remain silent; it affirmatively declared that the statute applies to cases already within the judicial process. That explicit directive, under *Landgraf*, requires application of the statute as written. *See Bradley*, 416 U.S. at 711 (“a court is to apply the law in effect at the time it renders its decision, unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary”).

¶ 27 At step two, applying the statute does not impose impermissible retroactive consequences. Public Law 23-17 is procedural and remedial: it governs the continuation of existing claims rather than the creation of new substantive rights or liabilities. The statute does not alter the elements of negligence, impose new duties on St. Jude, or increase its liability for past conduct. St. Jude’s alleged tortious conduct was already subject to liability under

the law in force when the acts occurred. A survivorship statute preserves an existing claim; it does not create a new one. A defendant has no vested right in the continuation of a procedural rule that extinguishes claims upon death. *See Landgraf v. Usi Film Prods.*, 511 U.S. 244, 275 (1994) (holding application of new procedural rules is non-retroactive as there is a diminished reliance interest); *see also Robertson v. Wegmann*, 436 U.S. 584, 603 (1978) (Blackmun, J., dissenting) (“A defendant who has violated someone's constitutional rights has no legitimate interest in a windfall release upon the death of the victim.”). Applying Public Law 23-17 to the pending case is therefore not impermissibly retroactive. The trial court should have applied the law then-existing when the motion to amend or alter the judgment was filed.

V. CONCLUSION

¶ 28 Public Law 23-17 was designed to allow a claim to persist after a person’s death, and the Legislature directed its application to pending cases. When the Estate moved under Rule 59(e), the case was still pending, finality had not occurred, and the court was obligated to apply the law as it then stood.

¶ 29 Because Public Law 23-17 eliminated the sole basis for summary judgment and was enacted while the matter remained within the trial court's authority, the court was required to reinstate the case.³ The order denying the motion to amend or alter the judgement is hereby REVERSED, the summary judgment is VACATED, and the case is REMANDED for further proceedings consistent with this opinion and with 7 CMC § 2602.

SO ORDERED this 9th day of September, 2026.

/s/

JOHN A. MANGLOÑA
Associate Justice

/s/

PERRY B. INOS
Justice Pro Tempore

/s/

ROBERT J. TORRES
Justice Pro Tempore

³ For this reason, we do not reach the question of whether it was error not to grant reconsideration under NMI CIV. PRO. R. 60(b)(5).

COUNSEL

Michael W. Dotts, Saipan, MP, for Appellant.

Brien Sers Nicholas, Saipan, MP, for Appellee.

NOTICE

This slip opinion has not been certified by the Clerk of the Supreme Court for publication in the permanent law reports. Until certified, it remains subject to revision or withdrawal. If any discrepancies arise between this slip opinion and the opinion ultimately certified for publication, the certified opinion will control. Readers are requested to bring errors to the attention of the Clerk of the Supreme Court, P.O. Box 502165, Saipan, MP 96950, telephone (670) 236-9715, or e-mail Supreme.Court@NMIJudiciary.gov.



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Superior Court Civil Action No. 22-0009-CV

JUDGMENT

Appellant Estate of Pilar M. Deleon Guerrero appealed the trial court's order granting summary judgment to Appellee St. Jude Renal Care Facility, Inc. and dismissing Deleon Guerrero's claims due to her death. For the reasons set forth in the accompanying opinion, the Court **REVERSES** the grant of summary judgment and **REMANDS** for proceedings consistent with this opinion.

ENTERED this 9th day of September, 2026.

/s/

JUDY T. ALDAN
Clerk of the Supreme Court