

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

DAVID J. RADICH and LI-RONG RADICH,)

Plaintiffs,)

v.)

Case No. 1:14-CV-20

JAMES C. DELEON GUERRERO, in his)
official capacity as Commissioner of the)
Department of Public Safety of the)
Commonwealth of Northern Marianas)
Islands,)

Hearing: March 12, 2015, 8:30AM

Defendant.)

PLAINTIFFS' F.R.CIV.P.56(c)(1) STATEMENT OF UNDISPUTED FACTS

NOW COME the Plaintiffs, David J. Radich and Li-Rong Radich, by and through undersigned counsel, and, for their Statement of Undisputed Facts in Support of their F.R.Civ.P. 56(a) Motion for Summary Judgment, state as follows:

1. Plaintiff Li-Rong Radich is a resident of Saipan, CNMI, and is a resident alien lawfully admitted into the United States for permanent residence since 2009. She is a citizen of the People's Republic of China. She and David have been married since 2009 (*See Declaration of Li-Rong Radich, accompanying this Statement as Exhibit 1*).

2. Plaintiff David J. Radich was born in California, and is a United States citizen, as well as an honorably discharged United States Navy veteran who served in the Gulf War. He was formerly a teacher in the Detroit Public School system in Michigan before moving to Tinian, CNMI to work for the Public School system there, and then moved to Saipan in 2008, to work for an environmental consulting

firm. He and Li-Rong have been married since 2009 (*See* Declaration of David J. Radich, accompanying this Statement as Exhibit 2).

3. Defendant, James C. Deleon Guerrero, in his official capacity as Commissioner of the Department of Public Safety of the CNMI, is responsible for enforcing the CNMI's laws, customs, practices, and policies. In that capacity, Commissioner Deleon Guerrero presently enforces the laws, customs, practices and policies complained of in this action, and is sued in his official capacity. Specifically, Commissioner Deleon Guerrero is the authority charged with issuing Weapons Identification Cards to residents of the CNMI and is located in the same (*See* Applications For Weapons Identification Card, accompanying this Statement as Exhibit 3; *See also* website screenshot from gov.mp/executive-directory, taken January 10, 2015, accompanying this Statement as Exhibit 4)).

4. Plaintiffs have been and continue to be extremely concerned about the self-defense of their persons. In 2010, while David was away and Li-Rong was at home alone, their home was invaded and Li-Rong was attacked and beaten, resulting in injuries including two broken ribs, facial contusions, and a suspected broken orbital bone and eye socket. She screamed out for help and that caused the home invader to leave. She eventually recovered physically, but both Plaintiffs incurred medical bills for Li-Rong's care.

5. The CNMI's prohibition on possession of handguns by virtually all CNMI residents (including Plaintiffs) significantly limits the Plaintiffs' ability to protect themselves and their family in the event of violence. At the same time,

Plaintiffs' inability to obtain a WIC for self-defense purposes significantly limits the Plaintiffs' ability to protect themselves and their family in the event of violence (*See Exhibits 1 and 2*).

6. On or about July 31, 2013, Plaintiffs applied to the CNMI Department of Public Safety for a Weapons Identification Card (*See Exhibits 1 and 2*).

7. Though 6 CMC § 2204(d) requires a WIC to be issued if an application is not denied within 60 days, Plaintiffs received neither a WIC nor a denial during that time period (*See Exhibits 1 and 2*).

8. In early-September, 2013, David contacted the Defendant's office regarding Li-Rong's and his still-pending WIC applications, and a representative told him that their applications were being reviewed by the Attorney General's office (*See Exhibit 2*).

9. As of the date of this Motion and Statement, Plaintiffs still have not had their WIC applications approved or denied (*See Exhibits 1 and 2*).

10. Plaintiffs have been denied the ability to legally register and possess handguns for immediate self-defense by the Defendant (*See Exhibits 1 and 2*).

WHEREFORE, the Plaintiffs, David Radich and Li-Rong Radich, request this Honorable Court to grant their F.R.Civ.P. 56(a) Motion for Summary Judgment, as well as any and all further relief as this Court deems just and proper.

Dated: January 10, 2015

Respectfully submitted,

By: /s/ David G. Sigale
One of the Attorneys for Plaintiffs

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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On January 10, 2015, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;

2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale
One of the Attorneys for Plaintiffs

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