

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

FILED



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SUPREME COURT
OF THE
REPUBLIC OF PALAU

BEDOCHEL E. SADANG,
Appellant,
v.
REBECCA SULLIVAN,
Appellee.

Cite as: 2021 Palau 36
Civil Appeal No. 21-005
Appeal from Small Claims Case No. 21-023

Decided: November 29, 2021

Counsel for Appellant	Pro Se
Counsel for Appellee	Pro Se

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
KATHERINE A. MARAMAN, Associate Justice

Appeal from the Court of Common Pleas, the Honorable Honora E. Remengesau Rudimch, Associate Justice, presiding (sitting by designation).

OPINION

PER CURIAM:


[¶ 1] This case arises out of a dispute between a landlord, Appellant Bedochel E. Sadang, and his former tenant, Appellee Rebecca Sullivan. Sadang claims that Sullivan caused damage to the apartment she rented, and he filed suit seeking the repair costs. Sullivan denies causing the damage and filed a counterclaim seeking the return of her security deposit. After holding a hearing and considering the evidence and testimony presented, the Court of Common Pleas found that Sadang had failed to prove that Sullivan caused the damage to the apartment. Thus, the court held that Sullivan was not liable for

the repair costs and that Sadang must return Sullivan's security deposit. Sadang now appeals.


[¶ 2] We review factual findings by the Court of Common Pleas for clear error. *See Glover v. Lund*, 2018 Palau 10 ¶ 2. Under the clear error standard, we view the record in the light most favorable to the lower court's judgment, *Rekemel v. Tkel*, 2019 Palau 36 ¶ 5, and its "findings will be reversed only if no reasonable trier of fact could have reached the same conclusion based on the evidence in the record," *Ngarbechesis Klobak v. Ueki*, 2018 Palau 17 ¶ 9. In reviewing for clear error, we do not "reweigh the evidence, test the credibility of witnesses, or draw inferences from the evidence." *Esuroi Clan v. Roman Tmetuchl Family Trust*, 2019 Palau 31 ¶ 12.

[¶ 3] Sadang argues that the Court of Common Pleas clearly erred in finding that Sullivan did not cause the damage to the apartment. Sadang's challenge to the Court of Common Pleas' factual determination, however, would require us to reweigh the evidence (and consider new evidence not introduced below), reconsider the credibility of witnesses, and draw new inferences in the light most favorable to Sadang. That is clearly beyond the scope of our review on appeal. Based on our review of the entire evidentiary record, the Court of Common Pleas did not clearly err in finding that Sullivan did not cause the damage to the apartment or in ordering Sadang to return her security deposit. We **AFFIRM**.

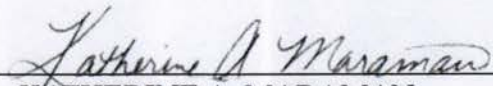
SO ORDERED, this 29th day of November, 2021.



OLDIAIS NGIRAIKELAU
Associate Justice



JOHN K. RECHUCHER
Associate Justice



KATHERINE A. MARAMAN
Associate Justice