

# Superior Court Matters Under Advisement

## January 1, 2013 Report

This goal of this report is to identify all matters pending under advisement (“UA”) before each of the trial court judicial officers. The total number of days each matter has been pending since it was first taken UA by the assigned judge is noted. For matters that are older than the time standards contemplate, the matter is highlighted **in bold** and the number of days the matter is past the relevant time standard is also noted.

*[The data relied on was generated on January 1, 2013. The UA ages are relative to that date.]*

### PRESIDING JUDGE ALBERTO C. LAMORENA III

#### Motions (90-day target)

1. **CV89-03**            **UA 106 days as of 1-1-13; 16 days beyond target date**  
***HSBC vs. George & Matilda Kallingal***  
- Motion to dismiss for failure to prosecute
2. **CV710-12**        **UA 106 days as of 1-1-13; 16 days beyond target date**  
***Donald Davis vs. IHIAC, Inc., et al***  
- Partial motion to dismiss
3. CF217-11            UA 77 days as of 1-1-13  
*People vs. John Joseph*  
- Motion to join with CF332-11
4. CF332-11            UA 77 days as of 1-1-13  
*People vs. John Joseph*  
- Motion to join with CF217-11
5. SP215-09            UA 64 days as of 1-1-13  
*Jim Farnum vs. CSC, GPA, et al*  
- Motion for reconsideration
6. CV1182-08        UA 57 days as of 1-1-13  
*Benii Restaurant vs. Nina Kyong Lee*  
- Motion to dismiss counterclaim for failure to prosecute
7. CV2058-10        UA 57 days as of 1-1-13  
*Teker, Torres & Teker vs. Porter*  
- Motion to dismiss motion to vacate default judgment
8. CV932-12            UA 29 days as of 1-1-13  
*Chang vs. Guam Construction Company*  
Motion to dismiss
9. CV1785-09        UA 29 days as of 1-1-13  
*Hugh Sule vs. Guam Board of Examiners for Dentistry*  
Motion to compel discovery
10. CV1848-01        UA 22 days as of 1-1-13  
*Bautista, Guthrie, Perez, etc.*  
Motion for attorney fees

11. CV0758-12      UA 15 days as of 1-1-13  
vs.  
Motion to dismiss
12. CV1211-11      UA 15 days as of 1-1-13  
*FHB vs. Jessie Lujan*  
Motion to dismiss
13. DM860-11      UA 15 days as of 1-1-13  
vs.  
Motion for summary judgment & genetic testing

Non-Motions (120-day target)

N/A

**Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 UA Reports**  
Motions (90-day time standard)

1. CV300-12; D&O issued on 12-18-12; taken UA on 8-6-12 (UA 134 days)  
*Matanane v. Hyannis*; Motion to Dismiss
2. SP0035-09; D&O issued on 12-18-12; taken UA on 8-6-12 (UA 134 days)  
*Jane Story v. Joe T. San Augustine, et al*; Motion for summary judgment
3. CV0187-06; D&O issued on 12-18-12; taken UA on 9-10-12 (UA 99 days)  
*Frank Pangelinan v. Dept. of Corrections*; Motion to Dismiss
4. CV0454-12; D&O issued on 12-19-12; taken UA on 8-6-12 (UA 135 days)  
*GovGuam v. Helen Torres*; Motion to Dismiss

Non-Motions (120-day time standard)

N/A

**JUDGE MICHAEL J. BORDALLO**

Motions (90-day target)

1. **SP189-10      UA 160 days as of 1-1-13; 70 days beyond target date**  
***Juan San Nicolas, et al vs. CSC***  
- Motion for judgment on the pleadings
2. **CV628-12      UA 132 days as of 1-1-13; 42 days beyond target date**  
Motion
3. **CF506-10      UA 116 days as of 1-1-13; 26 days beyond target date**  
Motion
4. **CM0357-12      UA 111 days as of 1-1-13; 21 days beyond target date**  
***People vs. Rudolph Wolphagen***  
- Motion

5. CF429-12           UA 90 days as of 1-1-13  
*People vs. David Uncangco*  
- Motion
6. CM418-12           UA 90 days as of 1-1-13  
*People vs. Ninwan Nakronsri*  
Motion
7. SP55-12            UA 90 days as of 1-1-13  
*Nadia Salas vs. CSC, DOC,, et al*  
- Motion
8. CF380-12           UA 81 days as of 1-1-13  
*People vs. Lastwell Bisek*  
Motion
9. DM802-09          UA 56 days as of 1-1-13  
*Sellmann vs. Sellmann*  
- Motion
10. CF517-12          UA 55 days as of 1-1-13  
*People vs. Erek Manaky*  
- Motion
11. CV192-10          UA 55 days as of 1-1-13  
*Henry Escoto, et al. vs. GMHA*  
- Motion
12. CF281-12          UA 42 days as of 1-1-13  
*People vs. Whorton Wilson*  
- Motion
13. CF133-12          UA 42 days as of 1-1-13  
*People vs. Edward Marar*  
- Motion
14. CV570-10          UA 34 days as of 1-1-13  
*Aflague vs. Aflague*  
- Motion
15. DM873-11          UA 33 days as of 1-1-13  
*Peredo vs. Peredo*  
- Motion
16. CF169-12          UA 26 days as of 1-1-13  
*People vs. Troy S.N. Ogo*  
- Motion
17. CV753-05          UA 19 days as of 1-1-13  
*Fidelity Enterprises, LTD vs. National Union*  
- Motion

18. CF207-12           UA 5 days as of 1-1-13  
*People vs. Danny Cruz*  
- Motion

Non-Motions (120-day target)

1. **SP100-12           UA 140 days as of 1-1-13; 20 days beyond target date**  
***Joel Joseph vs. Allied Board of Health Examiners***  
- Judicial review of Board action
2. **DM0050-09        UA 126 days as of 1-1-13; 6 days beyond target date**  
***Liwayway Isaac vs. Brian Isaac***  
- Bench trial
3. CV279-11           UA 89 days as of 1-1-13  
*Hugh Sule, et al.*  
- Quiet title
4. SP218-12           UA 88 days as of 1-1-13  
*In the Matter of CSC and Elwin Kitano*  
Petition for writ
5. DM194-11           UA 82 days as of 1-1-13  
*Charles Wolford vs. Alicia Wolford*  
Bench trial
6. PO111-02           UA 19 days as of 1-1-13  
*Danica B. Balabagno vs. Narianito C. Bautista, Jr.*  
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Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 UA Reports  
Motions (90-day time standard)

1. CM0357-12        D&O issued on 01/04/13; taken UA on 09-12-12 (UA 115 days)  
*People v. Rudolph Wolphagen*; Motion for leave to place Defendant mental state at issue
2. SP0019-11        D&O issued on 01/08/13; taken UA on 09-21-12 (UA 119 days)  
*Marianas Property vs. Estate of Soledad Lujan, et al*; Motion to Remove Arbitrator
3. CV0861-10        D&O issued on 01/09/13; taken UA on 09-26-12 (UA 106 days)  
*Jesse Michael Lujan vs. Jeff Marchesseault, et al*; Motion to Strike
4. CV0628-12        D&O issued on 12/17/12; taken UA on 08/22/12 (UA 115 days)  
*Cruz v. Estate of Maria G. Aguon*
5. DM0705-09        D&O issued on 12/17/12; taken UA 06/28/12 (UA 172 days)  
*Scroggs v. Scroggs*; Modification of Spousal Support
6. DM0675-09        D&O issued on 12/14/12; taken UA 08/02/12 (UA 134 days)  
*Kang v. Kang*; Motion to Disqualify Opposing Counsel

7. SP0100-12 D&O issued on 12/5/12; taken UA on 08/14/12 (UA 104 days)  
*Joseph vs. Guam Board of Allied Health Examiners*; Motion to Stay
8. CF0380-12 D&O issued on 11/30/12; taken under UA 10/12/12 (UA 12 days)  
*People v. Bisek*; Motion for Deferred Plea
9. CF0445-12 D&O issued on 12/06/12; taken under UA 10/17/12 (UA 50 days)  
*People v. Kugmondag*; Motion for Deferred Plea
10. CF0181-12 D&O issued on 12/4/12; taken under UA 11/1/12 (UA 28 days)  
*People v. Meriang*; Motion for Diversion
11. CF0222-12 D&O issued on 12/14/12; taken under UA 09-11-12 (UA 91 days)  
*People v. Rodriguez*; Motion to Dismiss
12. CM1297-11 D&O issued on 12/17/12; taken under UA 09/12/12 (UA 86 days)  
*People v. Borja*; Motion to Dismiss

Non-Motions (120 day time standard)

1. DM0718-11 D&O issued on 01/04/13; taken UA on 06/26/12 (UA 162 days)  
*Ronald Pangelinan vs. Jeanna Arnai*; Bench Trial

**JUDGE ANITA A. SUKOLA**

Motions (90-day target)

1. CV1170-12 UA 20 days as of 1-1-13  
*Guam YTK Corp vs. Port Authority of Guam*  
Motion to compel arbitration
2. CV968-12 UA 5 days as of 1-1-13  
*Xerox Corp & DOE & OPA*  
Motion

Non-Motions (120-day target)

1. DM55-08 UA 98 days as of 1-1-13  
*Thomas Kloppenburg vs. Arlean Perez Kloppenburg*  
- Finalizing distribution of certain community property

**Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 Reports**

Motions (90-day time standard)

1. CF253-12; D&O issued on 12-6-12; taken UA on 10-17-12 (UA 50 days)  
*People vs. Juan Jose Torres*; Motion for Judgment of Acquittal
2. CF20-08; D&O issued on 1-3-13; taken UA on 12-19-12 (UA 15 days)  
*People vs. David Manila*; Bail Modification
3. CV968-12; D&O issued on 1-10-13; taken UA on December 27, 2012 (UA 14 days)  
*Xerox v. Territory of Guam; Guam DOE; et.al.*; Motion for Order Vacating Deadlines in Public Auditor's Order and Mot. for Clarification

Non-Motions (120-day time standard)

1. DM55-08; issued on 1-4-13; taken UA on 9-25-12 (UA 101 days)  
*Thomas Kloppenburg v. Arlean Perez Kloppenburg*; Addendum to Findings of Fact & Concl. of Law
2. CV1511-09; issued on 12-12-12; taken UA on Oct. 23, 2012 (UA 50 days)  
*Crisostomo, et al. v. Abraham Mann*; Findings of Fact & Concl. Of Law
3. DM 14-11; issued on 12-6-12; taken UA on 11-21-12 (UA 15 days)  
*Ramirez v. Ramirez*; Findings of Fact & Concl. Law

**JUDGE ARTHUR R. BARCINAS**

Motions (90-day target)

1. CV1897-10      UA 67 days as of 1-1-13  
*Eung K. Kim, et al vs. Guam Construction Company*  
- Motion
2. CV123-11      UA 46 days as of 1-1-13  
*Carlo Branch, et al, Request for Declaratory Relief*  
- Motion
3. CV1124-09      UA 32 days as of 1-1-13  
*Government of Guam et al.*  
- Motion for summary judgment
4. CV973-09      UA 13 days as of 1-1-13  
*Marianas Drilling, et al.*  
- Motion

Non-Motions (120-day target)

1. DM806-07      UA 104 days as of 1-1-13  
*Keith Daniel Viall vs. Cynthia Sue Viall*  
- Bench trial
2. SP145-12      UA 43 days as of 1-1-13  
*Xerox vs. OPA*  
- Writ
3. CV1201-11      UA 41 days as of 1-1-13  
*Estate of Emilia Perez Mesa, et al vs. Dept of Rev & Tax*  
- Bench Trial

**JUDGE VERNON P. PEREZ**

Motions (90-day target)

1. CV1527-11      UA 32 days as of 1-1-13  
*Western Sales Trading Company v. 7D Food*  
- Motion for default judgment
2. CV779-08      UA 17 days as of 1-1-13  
*Hanil et al. vs. Nelson*  
- Motion for summary judgment
3. CV892-12      UA 16 days as of 1-1-13  
*Johnson vs. GAIN*  
- Motion to dismiss; Cross motion for summary judgment
4. CF452-10      UA 6 days as of 1-1-13  
*People vs. Abraham, et al.*  
- Objection to restitution summary
- \* DM468-07  
*Victor Reyes vs. Diana Reyes*  
- Motion to amend findings of fact and conclusions of law  
[AWAITING SUBMISSION OF PROPOSED FOF & COL]

Non-Motions (120-day target)

- \* DM608-10  
*Profita R.S. Roberto-Santos vs. Kenneth Santos*  
- Bench trial [Further Proceeding Hearing set for 12-14-12]

**Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 UA Reports**

Motions (90-day time standard)

1. CM312-12      D&O issued on 12-17-12; taken UA on 11-5-12 (UA 42 days)  
*People v. Julao*; Motion to Exclude
2. CM248-12      D&O issued on 12-17-12, taken UA on 10-15-12 (UA 63 days)  
*People v. San Juan*; Motion to Exclude
3. SP149-11      D&O issued on 12-17-12, taken UA on 11-9-12 (UA 38 days)  
*People v. Bermudez*; Motion for Reconsideration
4. CV1212-11      D&O issued on 12-17-12, taken UA on 10-26-12 (UA 52 days)  
*Untalan and Untalan v. Stahl*; Motion for Summary Judgment
5. CF460-12      D&O issued on 12-17-12, taken UA on 9-19-12 and 10-3-12  
(UA 89 days for MTD and 75 days for other Motions)  
*People v. Dongon*; Motion to Dismiss, Motion to Suppress, Motion For Discovery
6. CF543-09      D&O issued on 1-3-13, taken UA on 11-7-12 (UA 57 days)  
*People v. Hermosilla*; Motion to Dismiss

7. CV466-10 D&O issued on 1-3-13, taken UA on 11-9-12 (UA 55 days)  
*Leon Guerrero v. Leon Guerrero*; Motion to Enforce Stipulated Judgment
8. CF33-10 D&O issued on 1-3-13, taken UA on 11-20-12 (UA 44 days)  
*People v. Scharff II, et al*; Motion for Reconsideration
9. CF133-11 D&O issued on 1-3-13, taken UA on 12-6-12 (UA 28 days)  
*People v. Tiamzon*; Motion to Dismiss
10. SP162-11 D&O issued on 1-16-13; taken UA on 12-6-12 (UA 41 days)  
*DMR vs. OPA*; Motion for reconsideration
11. CM1264-11 D&O issued on 1-16-13, taken UA on 12-20-12 (UA 27 days)  
*People v. Mansapit*; Motion to Suppress

**JUDGE JAMES L. CANTO II**

Motions (90-day time standard)

1. CM0548-11 UA 36 days as of 1-1-13  
*People v. Res Alanso Narruhn*  
- Motion to Dismiss
2. CM0441-11 UA 36 days as of 1-1-13  
*People v. Jeremy Roberto Cepeda*  
- Motion to Dismiss
3. CM0986-11 UA 36 days as of 1-1-13  
*People v. Ahrt Baldoza Lagrimas*  
- Motion to Reconsider and Suppress
4. CM1289-11 UA 32 days as of 1-1-13  
*People v. Isaiky Neth*  
- Motion to Suppress
5. CV2063-10 UA 29 days as of 1-1-13  
*Kimberly K. Bersamin et al. v. Estate of Juan Cruz White et al.*  
- Motion to Dismiss Cross-Claim
6. DM0673-11 UA 22 days as of 1-1-13  
*Madeline T. Horinouchi v. Keith M. Horinouchi*  
- Motion to Enforce Judgment
7. CM0340-12 UA 22 days as of 1-1-13  
*People v. Chantel Marie Tingzon*  
- Motion to Dismiss
8. CM0715-11 UA 22 days as of 1-1-13  
*People v. Stanley Joe Hallers*  
- Motion to Reconsider and Suppress

9. CM0669-11                      UA 22 days as of 1-1-13  
*People v. Shawn P. Cabrera*  
- Motion to Reconsider and Suppress
10. CF0104-12                     UA 15 days as of 1-1-13  
*People v. Joey San Nicolas Taijeron*  
- Motion to Dismiss
11. CM0446-12                    UA 15 days as of 1-1-13  
*People v. Joey San Nicolas Cruz*  
- Motion to Suppress

Non-Motions (120-day time standard)

1. SP0153-12                      UA 50 days as of 1-1-13  
*David J. Lujan v. Melissa B. Savares*  
- Claim for Attorney's Fees
2. PR0126-09                      UA 34 days as of 1-1-13  
*Estate of Ana Taison Quichocho*  
- Petition for Final Distribution

**Under Advisement Matters Disposed Between Publication of 12-1-12 and 1-1-13 UA Reports**

Motions (90-day time standard)

1. CM1183-11; D&O Issued on 12-20-12; taken UA on 10-15-12 (UA 66 days)  
*People v. Candido Steven Taman*; Motion to Suppress
2. CM0004-12; D&O Issued on 12-26-12; taken UA on 10-15-12 (UA 72 days)  
*People v. Angelica Leigh Northard*; Motion to Suppress
3. CM0401-12; D&O Issued on 12-28-12; taken UA on 10-29-12 (UA 60 days)  
*People v. Enrique Perez Pangelinan*; Motion to Suppress
4. CM0188-10; D&O Issued on 12-28-12; taken UA on 11-5-12 (UA 53 days)  
*People v. Pershida David*; Motion to Dismiss

**SENIOR JUDGE PRO TEMPORE**  
**JUDGE ELIZABETH BARRETT-ANDERSON**

Non-Motions (120-day target)

1. DM69-12                      UA 53 days as of 1-1-13  
*Ferris vs. Ferris*  
- Bench Trial

**Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 UA Reports**

Motions (90-day time standard)

1. CV498-11; D&O issued on 1-2-2013; taken UA on 10-3-2012 (UA 90 days)  
*Quality Distributors vs. Chili's Guam, et al*; Motion for summary judgment
2. DM56-06; D&O issued on 1-11-13; taken UA on 10-11-12 (UA 90 days)  
*Jonray San Agustin, et al vs. Conovas*; Motion for OSC re grandmother visitation
3. CV1378-10; D&O issued on 1-11-13; taken UA on 10-12-12 (UA 89 days)  
*Government of Guam vs. O'Keefe, et al*; Motion to dismiss
4. CV559-12; D&O issued on 1-11-13; taken UA on 11-26-12 (UA 46 days)  
*Pacific Dining, LLC dba LONESTAR STEAKHOUSE v. Quality Distributors*;  
Motion for summary judgment

Non-Motions (120-day time standard)

N/A

**JUDGE PRO TEMPORE RICHARD BENSON**

Motions (90-day target)

1. CV 1465-06 UA 12 days as of 1-1-13  
*National Union Fire & Insurance Co. of Pittsburgh, PA v. Cyfred, Ltd., et. al*  
-Motion for summary judgment

Non-Motions (120-day target)

N/A

**Under Advisement Matters Disposed of Between Publication of 12-1-12 and 1-1-13 UA Reports**

**Non-Motions (120-day time standard)**

1. CV166-03; D&O issued on 12-10-12; taken UA on 8-2-12 (128 days UA)  
*Attorney General of Guam v. Carl T.C. Gutierrez, Davinia M. Lujan*  
Findings of Fact & Conclusions of Law for Attorney's Fees and Costs

**REFEREE LINDA L. INGLES**

Motions (90-day target)

1. DM 122-00 UA 83 days as of 1-1-13  
*Lopez vs. Muna*  
- Motion to modify child support
2. DM723-01 UA 82 days as of 1-1-13  
*Shelly Bernstein vs. Mark Bauer*  
- Motion to modify child support
3. DM842-10 UA 64 days as of 1-1-13  
*Carla Stahl vs. Christopher Stahl*  
- Motion to set child support

4. DM0253-12      UA 43 days as of 1-1-13  
*Cherry Miranda vs. Romeo Miranda*  
- Motion to set child support
5. DM237-12      UA 43 days as of 1-1-13  
*Romeo Miranda vs. Cherry Miranda*  
- Motion to set child support
6. DM680-10      UA 32 days as of 1-1-13  
*Egenias vs. Balauro*  
- Motion for medical reimbursement

Non-Motions (120-day target)

N/A

**MAGISTRATE JUDGE ALBERTO E. TOLENTINO**

Motions (90-day target)

N/A

Non-Motions (120-day target)

N/A

**REFEREE BENJAMIN SISON**

Motions (90-day target)

N/A

Non-Motions (120-day target)

1. 1C00776353      UA 49 days as of 1-1-13  
Bench trial
2. 1C00781662      UA 21 days as of 1-1-13  
Bench trial