

Superior Court Matters Under Advisement

February 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 February 1, 2013. The UA ages are relative to that date.]

PRESIDING JUDGE ALBERTO C. LAMORENA III

Motions (90-day target)

1. CV1182-08 UA 88 days as of 2-1-13
Benii Restaurant vs. Nina Kyong Lee
- Motion to dismiss counterclaim for failure to prosecute

2. CV2058-10 UA 88 days as of 2-1-13
Teker, Torres & Teker vs. Porter
- Motion to dismiss motion to vacate default judgment

3. CV932-12 UA 60 days as of 2-1-13
Chang vs. Guam Construction Company
Motion to dismiss

4. CV1785-09 UA 60 days as of 2-1-13
Hugh Sule vs. Guam Board of Examiners for Dentistry
Motion to compel discovery

5. CV1848-01 UA 53 days as of 2-1-13
Bautista, Guthrie, Perez, etc.
Motion for attorney fees

6. CV0758-12 UA 46 days as of 2-1-13
vs.
Motion to dismiss

7. CV1211-11 UA 46 days as of 2-1-13
FHB vs. Jessie Lujan
Motion to dismiss

8. DM860-11 UA 46 days as of 2-1-13
Peter Medina vs. Lolitz Munoz & Benny Barcinas
Motion for summary judgment & genetic testing

9. CM770-12 UA 30 days as of 2-1-13
People vs. Benjamin J. Schiff
Motion to dismiss

10. CV710-12 UA 25 days as of 2-1-13
Donald Davis vs. IHIAC, Inc.
Motion to disqualify law firm

Non-Motions (120-day target)

N/A

Under Advisement Matters Disposed of Between Publication of 1-1-13 and 2-1-13 UA Reports

Motions (90-day time standard)

1. SP0035-09; issued on 12-18-12; taken UA on 8-6-12 (UA 134 days); *JANE M. STORY VS. JOE T. SAN AGUSTIN, ET AL.*, Respondent's Second Motion for Summary Judgment

CV0300-12 8/06/12 12/18/12 TERESITA Q. MATANANE, ET. VS. HYANNIS AIR SERV., ET.
Defendant's Mtn to Dismiss 134 days

CV0187-06 9/10/12 12/18/12 FRANK E. PANGELINAN VS. DEPT OF CORRECTIONS
Defendant's Mtn to Dismiss 99 days

CV0454-12 8/06/12 12/19/12 GOVERNMENT OF GUAM VS. HELENE TORRES, ET AL.
Mtn to Quash 135 days

CV1179-11 12/10/12 12/19/12 JOSEPH D. LOPEZ, SR. VS. ADRIAN P. CRUZ, ET AL.
Mtn for Disqualification 9 days

CV0089-03 9/17/12 01/25/13 THE HONGKONG AND SHANGHAI BANKING CORP., LTD.
Defendant's Motion to Dismiss 130 days

CV0454-12 1/28/13 02/01/13 GOVERNMENT OF GUAM VS. HELENE TORRES, ET AL.,
Motion to Quash 4 days

CF0332-11 / CF217-11 **02/01/13** PEOPLE VS. JOHN JOSEPH MANIBUSAN
10/16/12 Def't's Mtn In Limine 108 days

CV0499-02 2/05/13 02/07/13 MICHAEL W. KENNEDY VS. GENTLE CARE DENTAL ASSOC. ETAL
Mtn to Disqualify 2 days

SP0215-09 10/29/12 02/08/13 BANK OF HAWAII VS. JONATHAN N. SAN NICOLAS, ETAL.
Motion for Reconsideration 132 days

CV0710-12 02/08/13 (on Partial Motion) DONALD B. DAVIS VSD. IHIAC, INC, ET
AL Partial Mtn to Dismiss 9/17/12 issued 2/8/13 144 days

Non-Motions (120-day time standard)

N/A

JUDGE MICHAEL J. BORDALLO

Motions (90-day target)

1. **SP189-10 UA 191 days as of 2-1-13; 101 days beyond target date**
Juan San Nicolas, et al vs. CSC
- Motion for judgment on the pleadings

2. SP19-11 UA 94 days as of 2-1-13; **4 days beyond target date**
vs.
- Motion to dismiss
3. DM802-09 UA 88 days as of 2-1-13
Sellmann vs. Sellmann
- Motion
4. CV192-10 UA 86 days as of 2-1-13
Henry Escoto, et al. vs. GMHA
- Motion
5. CF281-12 UA 73 days as of 2-1-13
People vs. Whorton Wilson
- Motion
6. CF133-12 UA 73 days as of 2-1-13
People vs. Edward Marar
- Motion
7. CV570-10 UA 65 days as of 2-1-13
Aflague vs. Aflague
- Motion
8. DM873-11 UA 64 days as of 2-1-13
Peredo vs. Peredo
- Motion
9. CF169-12 UA 57 days as of 2-1-13
People vs. Troy S.N. Ogo
- Motion
10. CV753-05 UA 50 days as of 2-1-13
Fidelity Enterprises, LTD vs. National Union
- Motion
11. CF207-12 UA 36 days as of 2-1-13
People vs. Danny Cruz
- Motion
12. CF518-12 UA 29 days as of 2-1-13
People vs. Chin-Ho Wang
- Motion
13. CV223-10 UA 17 days as of 2-1-13
vs.
- Motion
14. CF202-12 UA 16 days as of 2-1-13
People vs. Shelby Tudela, etc.
- Motion

15. CM969-10 UA 14 days as of 2-1-13
People vs. Tomson Tommy
- Motion
16. CV781-12 UA 9 days as of 2-1-13
Tricia Candoleta vs. Tamio Clark, et al
- Motion
17. CF380-12 UA 3 days as of 2-1-13
People vs. Lastwell Bisek
- Motion

Non-Motions (120-day target)

1. **DM0050-09** UA **123 days as of 2-1-13; 3 days beyond target date**
Liwayway Isaac vs. Brian Isaac
- Bench trial
2. SP218-12 UA 119 days as of 2-1-13
In the Matter of CSC and Elwin Kitano
Petition for writ
3. PO111-02 UA 50 days as of 2-1-13
Danica B. Balabagno vs. Narianito C. Bautista, Jr.
TRO

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

Motions (90-day time standard)

Non-Motions (120 day time standard)

JUDGE ANITA A. SUKOLA

Motions (90-day target)

1. CV1170-12 UA 51 days as of 2-1-13
Guam YTK Corp vs. Port Authority of Guam
Motion to compel arbitration
2. CF263-12 UA 25 days as of 2-1-13
People vs. Rhonda Aguero, etc.
Motion
3. CM767-12 UA 16 days as of 2-1-13
People vs. Joseph Cruz
Motion
4. CF211-12 UA 16 days as of 2-1-13
People vs. Luke Taitano
Motion

5. CF020-08 UA 15 days as of 2-1-13 [Nineteen Separate Motions]
People vs. Saknin Weri, etc.
Motion
6. CF540-09 UA 9 days as of 2-1-13
People vs. Daniel Fajarang
Motion
7. CF193-11 UA 4 days as of 2-1-13
People vs. Danny Zamora
Motion
8. CF193-11 UA 4 days as of 2-1-13
People vs. Danny Zamora
Motion

Non-Motions (120-day target)

N/A

Under Advisement Matters Disposed of Between Publication of 1-1-13 and 2-1-13 UA Reports

Motions (90-day time standard)

1. CV851-11; D&O issued on January 28, 2013; taken UA on November 8, 2012 (UA 81 days);
Siruelo v. Besegar; Motion for Reconsideration
2. SP195-11; D&O issued on February 8, 2013; taken UA on December 4, 2012 (UA 66 days);
In the Matter of the Guardianship of R. Hemlani; OSC Findings after Hearing
3. CF235-12; D&O issued on February 8, 2013; taken UA on January 23, 2013 (UA 16 days);
People v. Han Van Hoang; Motion to Introduce Prior Sexual Assaults
4. CM872-12; D&O issued on February 14, 2013; taken UA on December 11, 2012 (65 days);
People v. Antolin Luck; Mot. in Limine: Prior Convictions / Mot. in Limine: Video of Defendant at the Scene
of the Incident Due to Discovery Violations
5. PR143-09; D&O issued on February 15, 2013; taken UA on November 20, 2012 (87 days);
In the Matter of the Estate of Gloria Villanueva; Mot. for Second Petition of Return of Sale
- Motions 6- 22: CF20-08; 17 D&O's issued on February 18, 2013, all taken U/A on 1-17-13 (UA 32 days);
People vs. Song Ja Cha, etc.; motions described as follows:

MOTIONS FILED BY DEFENDANT DAVID Q. MANILA

1. Defendant Manila's Motion to Dismiss Indictment for Violation of the Def's Sixth
Amendment Right to Counsel & Due Process Rights
2. Defendant Manila's Motion to Dismiss Indictment For the Government's
Unconstitutional & Inorganic Use of 8 GCA § Section 10.40
3. Defendant Manila's Motion to Dismiss Indictment Due to Statute of Limitations
4. Defendant Manila's Mot. to Dismiss Indictment for Pre-Indictment Delay
5. Defendant Manila's Mot. to Dismiss Indictment Due to Prosecutorial Vindictiveness

6. Motion to Dismiss Indictment (s) Due to Impermissible Vouching and Failure to Provide Exculpatory Information to the Grand Jury
7. Motion to Compel Discovery
8. Joinder and Cross Motion for Severance

MOTIONS FILED BY DEFENDANT SONG JA CHA

1. Motion to Dismiss Second Superseding Indictment
2. Motion to Dismiss Second Superseding Indictment Re: Duplicity
3. Motion to Dismiss Indictment for Statute of Limitations
4. Motion to Dismiss Indictment Pursuant to 9 GCA § 1.16(f)

MOTIONS FILED BY DEFENDANT LAXAMANA

1. Motion for Severance and a Separate Trial
2. Ex Parte Motion to Enlarge Time
3. Motion for Discovery
4. Motion to Dismiss Superseding and Second Superseding Indictments with Prejudice for Prosecutorial Vindictiveness /

MOTIONS FILED BY THE PEOPLE

1. Motion for Discovery

JUDGE ARTHUR R. BARCINAS

Motions (90-day target)

1. CV123-11 UA 77 days as of 2-1-13
Carlo Branch, et al, Request for Declaratory Relief
- Motion
2. CV1124-09 UA 63 days as of 2-1-13
Government of Guam et al.
- Motion for summary judgment
3. CV973-09 UA 44 days as of 2-1-13
Marianas Drilling, et al.
- Motion
4. DM263-11 UA 21 days as of 2-1-13
vs.
Motion
5. DM207-10 UA 4 days as of 2-1-13
vs.
Motion

Non-Motions (120-day target)

1. **DM806-07 UA 135 days as of 2-1-13; 15 days beyond target date**
Keith Daniel Viall vs. Cynthia Sue Viall
- Bench trial

2. SP145-12 UA 74 days as of 2-1-13
Xerox vs. OPA
- Writ
3. CV1201-11 UA 72 days as of 2-1-13
Estate of Emilia Perez Mesa, et al vs. Dept of Rev & Tax
- Bench Trial

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Motions (90-day time standard)

Non-Motions (120-day time standard)

JUDGE VERNON P. PEREZ

Motions (90-day target)

1. CV1527-11 UA 63 days as of 2-1-13 [TEMPORARILY STAYED, UNTIL 2-22-13]
Western Sales Trading Company v. 7D Food
- Motion for default judgment
2. CF452-10 UA 37days as of 2-1-13
People vs. Abraham, et al.
- Objection to restitution summary
3. CM352-12 UA 23days as of 2-1-13
People vs. William Calhoun
- Motion
4. DM 488-10 UA 23days as of 2-1-13
Allyn Kelly vs. Mark Kelly
- Motion
5. CF93-12 UA 17days as of 2-1-13
People vs. Albert Tedtaotao
- Motion
- * 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 [Supplemental Appraisal Report to be Filed]

Under Advisement Matters Disposed of Between Publication of 1-1-13 and 2-1-13 UA Reports

Motions (90-day time standard)

1. SP162-11 D&O issued on 1-16-12, taken UA on 12-6-12 (UA 41 days);
DMR v. OPA; Motion for Reconsideration
2. CM1264-11 D&O issued on 1-16-13, taken UA on 12-20-12 (UA 27 days);
People v. Mansapit; Motion to Suppress
3. CV779-08 D&O issued on 1-31-13, taken UA on 12-15-12 (UA 47 days)
Bayview v. Neslon et. al; Motion for Summary Judgment
4. CV892-12 D&O issued on 2-6-13, taken UA on 11-30-12 (UA 68 days)
Johnson v. GAIN; Motion for Summary Judgment and Motion to Dismiss

Non-Motions (120-day time standard)

JUDGE JAMES L. CANTO II

Motions (90-day time standard)

1. DM0673-11 UA 53 days as of 2-1-13
Madeline T. Horinouchi v. Keith M. Horinouchi
- Motion to Enforce Judgment
2. CM0340-12 UA 53 days as of 2-1-13
People v. Chantel Marie Tingzon
- Motion to Dismiss
3. CM0715-11 UA 53 days as of 2-1-13
People v. Stanley Joe Hallers
- Motion to Reconsider and Suppress
4. CM0669-11 UA 53 days as of 2-1-13
People v. Shawn P. Cabrera
- Motion to Reconsider and Suppress
5. CF0104-12 UA 46 days as of 2-1-13
People v. Joey San Nicolas Taijeron
- Motion to Dismiss
6. CM0446-12 UA 46 days as of 2-1-13
People v. Joey San Nicolas Cruz
- Motion to Suppress
7. CM1084-11 UA 37days as of 2-1-13
People vs. Jeffins Kebekol
- Motion

8. CM1076-12 UA 37days as of 2-1-13
People vs. Ricky Santos, etc.
- Motion

Non-Motions (120-day time standard)

N/A

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Motions (90-day time standard)

Non-Motions (120-day time standard)

JUDGE MARIA T. CENZON

Motions (90-day time standard)

N/A

Non-Motions (120-day target)

1. SP0136-12 UA 24 days as of 2-1-13
In the Matter of the Application of Anthony T. De Venencia
Writ of habeas corpus
2. CV1169-12 UA 19 days as of 2-1-13
In re Chamorro Equities, Inc. v. Pacific Rim Equipment
Evidentiary hearing re default

REFEREE LINDA L. INGLES

Motions (90-day target)

1. **DM 122-00 UA 114 days as of 2-1-13; 24 days past target date**
Lopez vs. Muna
- Motion to modify child support
2. **DM842-10 UA 95 days as of 2-1-13; 5 days past target date**
Carla Stahl vs. Christopher Stahl
- Motion to set child support
3. DM0253-12 UA 74 days as of 2-1-13
Cherry Miranda vs. Romeo Miranda
- Motion to set child support
4. DM237-12 UA 74 days as of 2-1-13
Romeo Miranda vs. Cherry Miranda
- Motion to set child support
5. DM680-10 UA 63 days as of 2-1-13
Egenias vs. Balauro
- Motion for medical reimbursement

Non-Motions (120-day target)

N/A

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Motions (90-day time standard)

Non-Motions (120-day time standard)

REFEREE BENJAMIN SISON

Motions (90-day target)

N/A

Non-Motions (120-day target)

1. 1C00776353 UA 80 days as of 2-1-13
 Bench trial
2. 1C00781662 UA 52 days as of 2-1-13
 Bench trial