

# **SUPERIOR COURT MATTERS UNDER ADVISEMENT**

## **April 1, 2013 Report**

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

### **PRESIDING JUDGE ALBERTO C. LAMORENA III**

#### Motions (90-day target)

1. **CV1182-08**      **UA 147 days as of 4-1-13; 57 days beyond target date**  
***Benii Restaurant vs. Nina Kyong Lee***  
- Motion to dismiss counterclaim for failure to prosecute
2. **CV2058-10**      **UA 147 days as of 4-1-13; 57 days beyond target date**  
***Teker, Torres & Teker vs. Porter***  
- Motion to dismiss motion to vacate default judgment
3. **CV932-12**      **UA 119 days as of 4-1-13; 29 days beyond target date**  
***Chang vs. Guam Construction Company***  
Motion to dismiss
4. **CV1785-09**      **UA 119 days as of 4-1-13; 29 days beyond target date**  
***Hugh Sule vs. Guam Board of Examiners for Dentistry***  
Motion to compel discovery
5. **CV1848-01**      **UA 112 days as of 4-1-13; 22 days beyond target date**  
***Bautista, Guthrie, Perez, etc.***  
Motion for attorney fees
6. **CV0758-12**      **UA 105 days as of 4-1-13; 15 days beyond target date**  
**vs.**  
Motion to dismiss
7. **CV1211-11**      **UA 105 days as of 4-1-13; 15 days beyond target date**  
***FHB vs. Jessie Lujan***  
Motion to dismiss
8. CV710-12      UA 84 days as of 4-1-13  
*Donald Davis vs. IHIAC, Inc.*  
Motion to disqualify law firm
9. DM856-08      UA 28 days as of 4-1-13  
*Mindy Borja vs. Ben Borja*  
Motion
10. SP185-12      UA 21 days as of 4-1-13  
*Joshua Perez*  
Motion for appointment of counsel re writ of habeas corpus

11. CV1848-01      UA 14 days as of 4-1-13  
*Bautista, Guthrie, et al. vs.*  
Motion
12. CF680-11      UA 10 days as of 4-1-13  
*People vs. Thasku Joseph*  
Motion to dismiss
13. CV1200-11      UA 7 days as of 4-1-13  
*Mitchell, Wilkinson*  
Motion
14. DM113-12      UA 7 days as of 4-1-13  
*Ramon De Plata vs. Bernita De Plata*  
Motion to strike

Non-Motions (120-day target)

1. DM709-11      UA 86 days as of 4-1-13  
*Malabanan*  
Disqualification of Judge JJLCII re 6107

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

**JUDGE MICHAEL J. BORDALLO**

Motions (90-day target)

1. **CV570-10**      UA 124 days as of 4-1-13; 34 days beyond target date  
*Aflague vs. Aflague*  
- Motion
2. **DM873-11**      UA 123 days as of 4-1-13; 33 days beyond target date  
*Peredo vs. Peredo*  
- Motion
3. **CM29-11**      UA 122 days as of 4-1-13; 32 day beyond target date  
*People vs. Derek Santos*  
Motion
4. **CV753-05**      UA 109 days as of 4-1-13; 32 day beyond target date  
*Fidelity Enterprises, LTD vs. National Union*  
- Motion
5. CF518-12      UA 88 days as of 4-1-13  
*People vs. Chin-Ho Wang*  
- Motion

6. CV223-10           UA 76 days as of 4-1-13  
*Jon McDonald; Alma McDonald; Estate of Domingo Bae Guerrero; etc.*  
- Motion
7. CM969-10           UA 73 days as of 4-1-13  
*People vs. Tomson Tommy*  
- Motion
8. CV781-12           UA 68 days as of 4-1-13  
*Tricia Candoleta vs. Tamio Clark, et al*  
- Motion
9. CF380-12           UA 62 days as of 4-1-13  
*People vs. Lastwell Bisek*  
- Motion
10. CV1651-10        UA 48 days as of 4-1-13  
*May Hannah; Leon Guerrero; etc..*  
- Motion
11. JP709-01         UA 46 days as of 4-1-13  
*[Juvenile matter]*  
- Motion
12. CF222-12         UA 39 days as of 4-1-13  
*People vs. Cecilio Rodriguez*  
- Motion
13. SP100-12         UA 39 days as of 4-1-13  
*Joel Joseph; Guam Board of Allied Health Examiners.*  
- Motion
14. CM730-12         UA 38 days as of 4-1-13  
*People vs. Ulysis Kapwich*  
- Motion
15. CF673-12         UA 26 days as of 4-1-13  
*People vs. Mike Kokore*  
Motion
16. CF17-12           UA 26 days as of 4-1-13  
*People vs. Michele Ungacta*  
Motion for reconsideration
17. CV442-88         UA 25 days as of 4-1-13  
*Siegel; Gill; Coral Pit; etc.*  
Motion
18. CM1197-12        UA 24 days as of 4-1-13  
*People vs. Rachel Kinsella*  
Motion

19. CM588-12      UA 24 days as of 4-1-13  
*People vs. Mongami Jorim*  
Motion

Non-Motions (120-day target)

1. **DM0050-09**      UA **216 days as of 4-1-13; 96 days beyond target date**  
***Liwayway Isaac vs. Brian Isaac***  
- Bench trial
2. CF175-12      UA 42 days as of 4-1-13  
*People vs. Ronald Castro Crisostomo*  
Bench trial

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

**JUDGE ANITA A. SUKOLA**

Motions (90-day target)

1. CM767-12      UA 75 days as of 4-1-13  
*People vs. Joseph Cruz*  
Motion
2. CF211-12      UA 75 days as of 4-1-13  
*People vs. Luke Taitano*  
Motion
3. CF540-09      UA 68 days as of 4-1-13  
*People vs. Daniel Fajarang*  
Motion
4. CV402-12      UA 55 days as of 4-1-13  
*Gerald Quiel; Shinja Quiel; etc.*  
Motion
5. DM857-12      UA 34 days as of 4-1-13  
*Frankie Dumanal vs. Yoko Dumanal*  
Motion
6. CV1466-06      UA 14 days as of 4-1-13  
*Yanfag; Cyfred; etc.*  
Motion

Non-Motions (120-day target)

1. JD296-12      UA 40 days as of 4-1-13  
*In Re [minor]*  
Fact finding

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**  
Motions (90-day time standard)

1. CV1170-12; D&O issued on March 12, 2013; taken UA on December 12, 2012 (UA 90 days); *Guam YTK Corp v. Port Authority*; Mot. to Compel Arbitration
2. CF390-12; D&O issued on March 26, 2013; taken UA on February 20, 2013 (UA 34 days) *People v. Diego*; 413 Motion & Mot. in Limine to Exclude Healing Hearts Report & Photos
3. CF20-08; D&O issued on March 29, 2013; taken UA on February 25, 2013 (UA 32 days); *People v. Cha, et. al*; People's Mot. to Disqualify Def. Manila's Counsel
4. CF263-12; D&O issued on April 5, 2013; taken UA on January 7, 2013 (UA 88 days) *People v. Rhonda Aguero et. al*; Mot. to Dismiss
5. CF193-11; D&O issued on April 11, 2013; taken UA on January 29, 2013 (UA 72 days) *People v. Danny Zamora*; *People's Renewed GRE 413 Mot.*, Def.'s GRE 412 Motion & Def's. Withdrawal of Mot. to Consolidate Offenses for Trial

Non-Motions (120-day time standard)

1. CV1753-09; D&O issued on February 28, 2013; taken UA on October 31, 2012 (UA 120 days); *Blair Construction v. Peter Chung, et al*; Findings of Fact & Conclusions of Law
2. CS 323-10; D&O issued on March 5, 2013; taken UA on December 5, 2012 (UA 90 days); *Harper v. Harper*; Review of Referee's Findings
3. SP 168-05; D&O issued on March 5, 2013; taken UA on December 5, 2012 (UA 90 days); *In the Matter of the Guardianship of Lucy P. Ulloa*; Petition to Terminate Guardianship

**JUDGE ARTHUR R. BARCINAS**

Motions (90-day target)

1. **CV123-11** UA 136 days as of 4-1-13; 41 days beyond target date  
*Carlo Branch, et al, Request for Declaratory Relief*  
- Motion
2. **CV1124-09** UA 122 days as of 4-1-13; 23 days beyond target date  
*Government of Guam et al.*  
- Motion for summary judgment

3. **CV1980-10**      **UA 104 days as of 4-1-13; 14 days beyond target date**  
***Rekha Hemlani vs. Kishore Hemlani***  
- Motion
4. **CV973-09**      **UA 103 days as of 4-1-13; 13 days beyond target date**  
***Marianas Drilling, et al.***  
- Motion
5. CV1461-10      UA 45 days as of 4-1-13  
*Gagne; Charfauros; Chargualaf; etc.*  
- Motion to intervene & for partial summary judgment
6. DM842-10      UA 10 days as of 4-1-13  
*Stahl vs. Stahl*  
- Motion
7. CV2038-10      UA 10 days as of 4-1-13  
*Carbullido, Flickinger; Camacho; etc.*  
- Motion

Non-Motions (120-day target)

1. **SP145-12**      **UA 133 days as of 4-1-13; 13 days beyond target date**  
***Xerox vs. OPA***  
Writ
2. **CV1201-11**      **UA 131 days as of 4-1-13; 11 days beyond target date**  
***Estate of Emilia Perez Mesa, et al vs. Dept of Rev & Tax***  
Bench Trial
3. DM263-11      UA 80 days as of 4-1-13  
*Quito vs. Quito*  
Bench trial
4. DM207-10      UA 63 days as of 4-1-13  
*Ptack vs. Ptack*  
Bench trial
5. CV293-12      UA 33 days as of 4-1-13  
*John Young; GMHA*  
Bench trial
6. SP51-12      UA 19 days as of 4-1-13  
*GMHA; Evangeline Chaco; etc.*  
Petition
7. CV1394-11      UA 19 days as of 4-1-13  
*Dorothy Manley; Albert Manley; etc.*  
Bench trial

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

**JUDGE VERNON P. PEREZ**

Motions (90-day target)

1. DM355-11      UA 38 days as of 4-1-13  
- Motion

Non-Motions (120-day target)

N/A

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

1. SP1-13      D&O issued on 3-14-13 taken UA on 3-1-13 (UA 13 days)  
*Joseph v. Board*  
Motion to Quash Subpoena
2. CF281-09      D&O issued on 3-15-13 taken UA on 2-19-13 (UA 25 days)  
*People v. Pablo*  
Motion to Dismiss
3. CV1419-11      D&O issued on 3-26-13 taken UA on 2-22-13 (UA 32 days)  
*PIM v. Dep. Of Rev and Tax*  
Motion for Summary Judgment
4. CM690-12      D&O issued on 3-26-13 taken UA on 3-4-13 (UA 22 days)  
*People v. Kosam*  
Motion to Dismiss
5. CM312-12      D&O issued on 3-26-13 taken UA on 3-6-13 (UA 20 days)  
*People v. Julao*  
Motion to Dismiss
6. CF452-10      D&O issued on 3-26-13 taken UA on 12-26-12 (UA 90 days)  
*People v. Pablo*  
Motion to Dismiss
7. CF505-11      D&O issued on 3-28-13 taken UA on 3-6-13 (UA 22 days)  
*People v. Robert, et al.*  
Motion to Dismiss
8. DM476-11      D&O issued on 3-28-13, taken UA on 3-12-13 (UA 16 days)  
*Sudo v. Rains*  
Motion for Shared Custody

9. CF158-05 D&O issued on 3-29-13 taken UA on 2-21-13 (UA 42 days)  
*People v. Lizama*  
Motion to Suppress

Non-Motions (120-day time standard)

1. DM468-07 D&O issued on 3-28-13, taken UA on 3-15-13 (UA 13 days)  
*Reyes v. Reyes*  
Motion to Amend FOFCOL
2. DM608-10 D&O issued on 3-26-13, taken UA on 2-18-13 (UA 36 days)  
*Roberto-Santos v. Santos*  
Bench Trial

**JUDGE JAMES L. CANTO II**

Motions (90-day time standard)

1. CM1076-12 UA 66 days as of 4-1-13  
*People vs. Ricky Santos, etc.*  
- Motion to suppress and dismiss
2. CF121-12 UA 49 days as of 4-1-13  
*People vs. James Espinosa*  
- Motion to dismiss
3. CM500-11 UA 49 days as of 4-1-13  
*People vs. Alexis Hernandez*  
- Motion to dismiss
4. CM556-11 UA 49 days as of 4-1-13  
*People vs. Nefos Nikkepwi*  
- Motion to dismiss
5. CM489-12 UA 42 days as of 4-1-13  
*People vs. Jeffrey San Agustin*  
- Motion to suppress
6. CM395-11 UA 35 days as of 4-1-13  
*People vs. Joycelyn Leon Guerrero*  
- Motion to dismiss
7. CF132-12 UA 35 days as of 4-1-13  
*People vs. Muki Callahan*  
- Motion
8. CF689-12 UA 28 days as of 4-1-13  
*People vs. Yasuhiro Maeda*

9. CV513-12           UA 28 days as of 4-1-13  
*Tudor Constuction Co.; Core Tech International; ; etc.*  
- Motion
10. DM83-12           UA 14 days as of 4-1-13  
*Payumo vs. Payumo*  
Motion to vacate entry of default
11. CM1076-12        UA 14 days as of 4-1-13  
*People vs. Santos and Pannullo*  
- Motion to suppress
12. CM534-12        UA 7 days as of 4-1-13  
*People vs. Raphael Unpingco*  
- Motion

Non-Motions (120-day time standard)

1. CV1486-11        UA 45 days as of 4-1-13  
*Enriquez; Smith*  
Oral argument on Supreme Court remand
2. CF440-12        UA 42 days as of 4-1-13  
*People vs. Quintanilla; Avena; White; etc.*  
Evidentiary hearing

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

**JUDGE MARIA T. CENZON**

Motions (90-day time standard)

1. CV149-08        UA 49 days as of 4-1-13  
*O'Connor; Babaran; etc.*  
Motion to reconsider order of dismissal
2. CF151-10        UA 42 days as of 4-1-13  
*People vs. Rikat Roten*  
Motion for new trial
3. CV327-03        UA 35 days as of 4-1-13  
*Hawaiian Rock, Inc.; Ocean Housing; etc.*  
Motions to dismiss & quash
4. CF81-08        UA 7 days as of 4-1-13  
*People vs. Andon and Felder*  
Motion to reduce sentence

Non-Motions (120-day target)

1. SP0136-12      UA 66 days as of 4-1-13  
*In the Matter of the Application of Anthony T. De Venencia*  
Writ of habeas corpus
2. DM605-02      UA 28 days as of 4-1-13  
*Lujan vs. Lujan*  
Remand hearing

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

1. CV 1169-12; D&O issued on 4-10-13; taken UA on 1-30-13 (UA 70 days)  
*Pacific Rim Equipment, LLC v. Chamarro Equities, Inc.*  
Order following Evidentiary Hearing on Application for Default Judgment

**REFEREE LINDA L. INGLES**

Motions (90-day target)

1. **DM237-12**      UA 133 days as of 4-1-13; 43 days past target date  
*Romeo Miranda vs. Cherry Miranda*  
- Motion to set child support
2. **DM680-10**      UA 122 days as of 4-1-13; 32 day past target date  
*Egenias vs. Balauro*  
- Motion for medical reimbursement
3. CS346-10      UA 5 days as of 4-1-13  
*Felisan vs. Padios*  
- Motion for child support arrears

Non-Motions (120-day target)

N/A

**Under Advisement Matters Disposed of Between Publication of 3-1-13 and 4-1-13 UA Reports**

Motions (90-day time standard)

Non-Motions (120-day time standard)

**REFEREE BENJAMIN SISON**

Non-Motions (120-day target)

1. **1C00776353**      UA 139 days as of 4-1-13; 19 days past target date  
**Bench trial**
2. 1C00781662      UA 111 days as of 4-1-13  
Bench trial

**JUDGE PRO TEMPORE RICHARD BENSON**

Motions (90-day target)

1. CV831-10      UA 33 days as of 4-1-13  
*Galen Lujan vs. Brant McCreddie, et al*  
Motion
2. CV415-12      UA 20 days as of 4-1-13  
*Carl Gutierrez vs. Vicente Akimoto & Douglas Moylan*  
Motion

Non-Motions (120-day target)

1. CV21-12      UA 25 days as of 4-1-13  
*Noella Carter; Nahjoaaa; American Home Assurance Co.; Worker's Comp Commissioner; etc.*  
Preliminary Injunction