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SUPREME COURT  
OF GUAM

IN THE SUPREME COURT OF GUAM

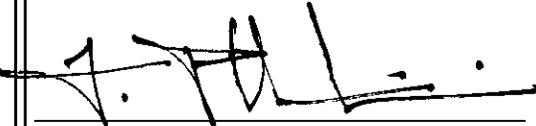
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6	<b>RE:</b>	) Supreme Court Case No. PRM06-006
7	<b>AMENDMENTS TO GUAM RULES OF CIVIL</b>	)
8	<b>PROCEDURE RULE 16 and CIVIL RULES</b>	) <b>PROMULGATION ORDER</b>
9	<b>16.1 TO 16.6 OF THE LOCAL RULES OF</b>	) <b>NO. 06-006-16</b>
10	<b>THE SUPERIOR COURT OF GUAM</b>	)

11           The Subcommittee on Rules of Civil Procedure and Rules of Court Revisions was created  
 12 for the purpose of reviewing and proposing changes to the Rules of Civil Procedure for the  
 13 Superior Court of Guam and the Local Rules of the Superior Court of Guam.

14           The Subcommittee has met regularly to review and discuss proposed amendments to  
 15 rules governing pre-trial conferences, scheduling orders, and discovery found in Guam Rules of  
 16 Civil Procedure (“GRCP”) Rule 16 and Civil Rules (“CVR”) 16.1 to 16.6 and the accompanying  
 17 forms. The proposed revisions to GRCP 16 and CVR 16.1 to 16.6 and the related forms were  
 18 circulated to the Guam Bar Association (“GBA”) members and Superior Court judges for  
 19 comment, and presentations to the Superior Court judges and GBA members were conducted on  
 20 October 29 and 30, 2013. All comments received were fully considered, and where deemed  
 21 appropriate by the Subcommittee, incorporated into the proposed revisions and recommended to  
 22 the Supreme Court for adoption. The public comment period having expired, the Subcommittee  
 23 now recommends that the Supreme Court promulgate the proposed revisions and the related  
 24 forms.  
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1           Upon the recommendation of the Subcommittee, and under the authority to “make and  
2 promulgate rules governing the administration of the judiciary and the practice and procedure in  
3 the courts of the judicial branch of Guam,” 48 U.S.C.A. § 1424-1(a)(6), the Supreme Court  
4 hereby adopts the proposed revisions to GRCP 16 and CVR 16.1 to 16.6 and the related forms  
5 which are attached as Exhibit A. These Rules and related forms, as amended and restated, shall  
6 apply to all actions, cases and proceedings brought after the instant Promulgation Order takes  
7 effect and to all actions, cases and proceedings commenced prior to the effective date hereof and  
8 still pending, except to the extent that the application of the amended Rules to those pending  
9 actions, cases and proceedings would not be feasible, or would work injustice, in which event the  
10 prior valid Guam Rules of Civil Procedure and Civil Rules shall apply.  
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12           **SO ORDERED** this 29<sup>th</sup> day of July, 2014.

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18 **F. PHILIP CARBULLIDO**  
19 Associate Justice

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21 **KATHERINE A. MARAMAN**  
22 Associate Justice

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28 **ROBERT J. TORRES**  
Chief Justice

## **GRCP 16**

### **Rule 16. Pretrial Conferences; Scheduling; Management.**

(a) Purposes of a Pretrial Conference. In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

- (1)expediting the disposition of the action;
- (2)establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3)discouraging wasteful pretrial activities;
- (4)improving the quality of the trial through more thorough preparation; and
- (5)facilitating settlement and assessing the case or issues for mediation.

(b) Scheduling.

(1) Scheduling Order. Except in categories of actions exempted by local rule, the judge must issue a scheduling order:

- (A) after receiving the parties' report under Rule 26(f); or
- (B) after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference or by telephone, mail, or other means.

(2) Time to Issue. The judge must issue the scheduling order as soon as practicable, but in any event within the earlier of 120 days after any defendant has been served with the complaint or 90 days after any defendant has appeared.

(3) Contents of the Order.

(A) Required Contents. The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions.

(B) Permitted Contents. The scheduling order may:

- (i) modify the timing of disclosures under Rules 26(a) and 26(e)(1);
- (ii) modify the extent of discovery;
- (iii) provide for disclosure or discovery of electronically stored information;
- (iv) include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced;
- (v) set dates for pretrial conferences and for trial; and
- (vi) include other appropriate matters.

(4) Modifying a Schedule. A schedule may be modified only for good cause and with the judge's consent.

(c) Attendance and Matters for Consideration at a Pretrial Conference.

(1) Attendance. A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) Matters for Consideration. At any pretrial conference, the court may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) amending the pleadings if necessary or desirable;

(C) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and ruling in advance on the admissibility of evidence;

(D) avoiding unnecessary proof and cumulative evidence, and limiting the use of testimony under Guam Rule of Evidence 702;

(E) determining the appropriateness and timing of summary adjudication under Rule 56;

(F) controlling and scheduling discovery, including orders affecting disclosures and discovery under Rule 26 and Rules 29 through 37;

(G) identifying witnesses and documents, scheduling the filing and exchange of any pretrial briefs, and setting dates for further conferences and for trial;

(H) referring matters to a magistrate judge or referee;

(I) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or local rule;

(J) determining the form and content of the pretrial order;

(K) disposing of pending motions;

(L) adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

(M) ordering a separate trial under Rule 42(b) of a claim, counterclaim, cross-claim, third-party claim, or particular issue;

(N) ordering the presentation of evidence early in the trial on a manageable issue that might, on the evidence, be the basis for a judgment as a matter of law under Rule 50(a) or a judgment on partial findings under Rule 52(c);

(O) establishing a reasonable limit on the time allowed to present evidence; and

(P) facilitate in other ways the just, speedy, and inexpensive disposition of the action.

(d) Pretrial Orders. After any conference under this rule, the court should issue an order reciting the action taken. This order controls the course of the action unless the court modifies it.

(e) Final Pretrial Conference and Orders. The court may hold a final pretrial conference to formulate a trial plan including a plan to facilitate the admission of evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice.

(f) Sanctions.

(1) In General. On motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney:

(A) fails to appear at a scheduling or other pretrial conference;

(B) is substantially unprepared to participate—or does not participate in good faith—in the conference; or

(C) fails to obey a scheduling or other pretrial order.

(2) Imposing Fees and Costs. Instead or in addition to any other sanction, the court must order the party, its attorney, or both to pay the reasonable expenses—including attorney's fees—incurred because of any noncompliance with this rule, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust.

**SOURCE:** FRCP 16 (2007).

## CVR 16.1-16.6

### **CVR 16.1. Scheduling Order and Discovery Plan.**

(a) *Applicability.* Unless otherwise ordered, this Rule is applicable to all civil cases pending in the Superior Court of Guam except for the cases exempted by CVR 16.1(b). Counsel are expected to meet and confer as required by Rule 26(f) of the Guam Rules of Civil Procedure and CVR 16.2, prior to commencing discovery, unless the Court orders otherwise. Counsel are expected to complete pretrial discovery in the shortest time reasonably possible with the least expense.

#### (b) *Exempt Actions.*

(1) The following cases are exempt from compliance with these procedures unless otherwise ordered by the Court:

(A) an action for review on an administrative record;

(B) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;

(C) an action brought without counsel by a person in custody of the United States, a state, territory or a subdivision thereof;

(D) an action to enforce or quash an administrative summons or subpoena;

(E) a proceeding ancillary to proceedings in other courts;

(F) an action to enforce an arbitration award;

(G) a petition for adoption or termination of parental rights;

(H) a proceeding for adult commitment for mental health services;

(I) a petition for annulment;

(J) an action for child support;

(K) an action for collection of money which is uncontested or a default;

(L) an action for divorce uncontested or a default;

(M) a petition for guardian ad litem/settlement for juvenile;

(N) a petition for guardianship of an adult;

(O) a petition for guardianship of a juvenile;

(P) a petition for juvenile (PINS, BC, Drug Court, Delinquency);

(Q) an order to show cause for a name change;

(R) a petition for probate;

(S) an action for a protective order or protective injunction; and

(T) proceedings for writs.

(2) Notwithstanding the exemptions set forth herein, a party may request the Court to

exempt them from the requirements of this Rule under appropriate circumstances or for good cause shown.

(c) Meeting of Parties, Proposed Scheduling Order, Proposed Discovery Plan and Order, Status Report and Scheduling Conference.

(1) Meeting of Parties. All parties are directed to confer in accordance with CVR 16.2 and Rule 26(f) of the Guam Rules of Civil Procedure and provide the Court with a Scheduling Order and separate Discovery Plan and Order within seventy-five (75) days of the date of the filing of the complaint. The Scheduling Order and Discovery Plan and Order shall be in substantially the same form as CVR 16.1 Forms 2 and 3.

(2) Initial Communication of Parties. It is the responsibility of plaintiff's counsel to initiate the communication necessary to prepare the Scheduling Order and Discovery Plan and Order. In the event that the plaintiff is proceeding pro se, the defendant shall contact the plaintiff and arrange a meeting to comply with this Rule in the appropriate time frame.

(3) Time Limits - Scheduling Notice, Conference, Proposed Scheduling Order, and Proposed Discovery Plan and Order. The Clerk of Court will schedule a Scheduling Conference to be held within ninety (90) days after the complaint is filed. The clerk shall serve, no later than forty (40) days after the complaint has been filed, a Scheduling Notice in the form set forth in CVR 16.1 Form 1 setting forth:

(A) the date on which the Scheduling Order and Discovery Plan and Order shall be filed by the parties, and

(B) the date for the Scheduling Conference.

It is the responsibility of plaintiff's counsel or the pro se plaintiff to serve a copy of the clerk's Scheduling Notice on all parties who may appear after the clerk's issuance of the Notice of Scheduling Conference.

(4) Contents of Proposed Scheduling Order. The Scheduling Order to be submitted by the parties shall contain the following information:

(A) The nature of the case;

(B) The posture of the case including hearings, motions and discovery;

(C) A statement indicating whether the parties agree or disagree with the contents of the Discovery Plan and Order as provided in CVR 16.1 Form 3. If the parties do not agree to the contents of the Discovery Plan and Order:

(i) any modifications of the time for disclosures under Rules 26(a) and 26(e)(1) of the Guam Rules of Civil Procedure;

(ii) a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery;

(D) The following dates:

(i) a proposed date limiting the joinder of parties and claims;

(ii) a proposed date limiting the filing of motions to amend the pleadings;

(iii) the assigned date for the required Scheduling Conference with the Judge;

(iv) discovery cut-off dates (defined as the last day to file responses to discovery and to complete depositions);

(v) discovery and dispositive motion cut-off dates (the last day to file motions);

(vi) pretrial conference dates;

(vii) dates for filing the trial brief, exhibit lists, and witness lists; and

(viii) the trial date, and in no event shall the trial date be later than fifteen (15) months after the complaint is filed, unless the Court otherwise allows;

(E) That counsel have each filed MR 4.1 Form B1 Attorney Certification regarding court-referred mediation as required by Miscellaneous Rule 4.1.6 of the Local Rules of the Superior Court of Guam;

(F) Whether the trial is jury or non-jury;

(G) The number of trial days required;

(H) The names of trial counsel;

(I) Whether the parties desire to submit the case early in the litigation to a settlement conference or engage in alternative dispute resolution;

(J) Suggestions for shortening trial; and

(K) Any other issues affecting the status or management of the case.

(d) Contents of Proposed Discovery Plan and Order. The Discovery Plan shall contain a description, including a schedule, of all pretrial discovery each party intends to initiate prior to the close of discovery, including time and length of discoverable events. The plan shall conform to the obligation to limit discovery under Rule 26(b) of the Guam Rules of Civil Procedure and shall address all matters set forth in Rule 26(f) of the Guam Rules of Civil Procedure.

(e) Non-Appearance of Defendants - Status Report. If on the due date of the Scheduling Order and Discovery Plan and Order, the defendant(s) or respondent(s) have been served and no answer or appearance has been filed, or if service on the defendants has not been effected, counsel for the plaintiff or the pro se plaintiff shall file an independent status report setting forth the above information required in subsections A through K to the extent possible. The report shall also include the current status of the non-appearing parties.

In addition, if service has not been effected, plaintiff's counsel or the pro se plaintiff must set forth the reasons why service has not been effected and what attempts at service have been made.

**CVR 16.2. Meeting of Counsel and Preparation of Proposed Scheduling Order and Proposed Discovery Plan and Order.**

(a) Meeting of Counsel or Pro Se Litigants. Within fifteen (15) days after the receipt of the clerk's Scheduling Notice, but no later than sixty (60) days after the filing of the complaint, counsel of record and all pro se litigants shall meet in person for the purposes set forth below:

(1) Documents. To exchange all documents then reasonably available to a party which are contemplated to be used in support of the allegations of the pleading filed by the party. Documents later shown to be reasonably available to a party and not exchanged may be

subject to exclusion at the time of trial.

(2) Discovery. To exchange preliminary schedules of discovery; to arrange for the disclosures required by CVR 26.2 and Rule 26(a) of the Guam Rules of Civil Procedure; and to discuss all items set forth in Rule 26(f) of the Guam Rules of Civil Procedure.

(3) Other Evidence. To exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.

(4) List of Witnesses. To exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

(5) Settlement. To discuss the timing and appropriateness of mediation or other forms of alternative dispute resolution.

(6) Complicated Cases. To discuss whether the action is sufficiently complicated so that special procedures need to be adopted to facilitate the management of this action.

(7) Proposed Scheduling Order. To discuss the contents and preparation of the Scheduling Order.

(8) Proposed Discovery Plan and Order. To discuss the contents and preparation of the Discovery Plan.

(b) Preparation of the Proposed Scheduling Order. After the meeting of counsel referred to in CVR 16.2(a) above, plaintiff's counsel, or if plaintiff is pro se, the plaintiff, shall prepare a draft of the Scheduling Order required by this Rule. Plaintiff's draft shall be presented to all parties for amendments and modifications. If all parties do not agree on a Scheduling Order, each party shall sign and file, on the date that the Scheduling Order is due, a statement re: Disagreement of Scheduling Order, stating that the parties have been unable to agree despite good faith efforts to do so. To this statement shall be attached the party's Scheduling Order. If a party disagrees but does not attach a Scheduling Order, that party will be considered to have not taken a position with respect to the dates and matters contained therein.

(c) Preparation of the Proposed Discovery Plan and Order. After the meeting of counsel referred to in CVR 16.2(a) above, the attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for submitting to the Court a Discovery Plan and Order required by this Rule. If all parties do not agree on a Discovery Plan and Order, each party shall sign and file, on the date that the Discovery Plan and Order is due, a statement re: Disagreement of Discovery Plan and Order stating that the parties have been unable to agree despite good faith efforts to do so. To this statement shall be attached the party's Discovery Plan and Order. If a party disagrees but does not attach a Discovery Plan and Order, that party will be considered to have not taken a position with respect to the dates and matters contained therein.

(d) Scheduling Conference and Order. All matters required to be taken care of by the Scheduling Order and the Discovery Plan and Order will be addressed at the Scheduling Conference, after which the final Scheduling Order and Discovery Plan and Order will be entered.

**CVR 16.3. Failure to Cooperate - Sanctions.**

The failure of a party or a party's counsel to participate in good faith in the framing of the Scheduling Order and the Discovery Plan and Order required by this Rule, and Rules 16(b) and 26(f) of the Guam Rules of Civil Procedure, may result in the imposition of appropriate sanctions. *See* GR 2.1; Guam R. Civ. P. 16(f), 37(g).

**CVR 16.4. Filing of Motions Does Not Excuse Counsel from the Requirements of this Rule.**

Absent an order of the court to the contrary, the filing of a motion, including a discovery motion, motion for summary judgment, or a motion to dismiss, will not excuse the parties from complying with this Rule and any Scheduling Order entered in the case.

**CVR 16.5. Extension of Deadlines Fixed in Scheduling Order.**

A deadline established by a Scheduling Order may be extended only upon a good cause finding by the Court. The deadline for completion of all discovery will not be extended unless there has been active discovery. Delayed discovery will not justify an extension of discovery deadlines. A motion to extend the deadline in a Scheduling Order must demonstrate a specific need for the requested extension, and should be accompanied by a detailed proposed amendment to the previously entered Scheduling Order. The date for completion of discovery will be extended only if the remaining discovery is specifically described and scheduled, e.g., the names of each remaining deponent and the date, time and place of each remaining deposition. The Court, in its discretion, may order that the client consent in writing to any continuance proposed by counsel.

**CVR 16.6. Settlement Conference.**

(a) Settlement Judge. At any time after an action or proceeding has been filed, any party may file a request for a settlement conference. Upon the filing of the request, the Clerk of Court will notify the parties of the name of the judge assigned. Such conference may be held before the judge trying the case, another judge, or a *pro tempore* judge. If the judge trying the case agrees to conduct the conference, a written stipulation by all counsel shall be filed prior to the settlement conference. Unless otherwise ordered by the judge, the settlement conference shall be held no later than twenty-eight (28) days before trial. The parties, and the attorneys primarily responsible for the litigation, are required to attend and be prepared to provide the following:

- (1) Brief description of the substance of the suit, addressing the party's views of the key liability issues and damages and discussing the key evidence;
- (2) Identify the discovery or motions that promise to contribute most to equipping the parties for meaningful settlement negotiations;
- (3) Except to the extent prohibited by applicable laws of privilege, describe the history and current status of any settlement negotiations;
- (4) Provide additional information about any needs, interests or other considerations not described elsewhere in the statement that might be pertinent to settlement; and
- (5) Include copies of documents likely to make settlement more productive or to materially advance settlement prospects.

(6) Each party attending shall have full decision making authority. The judge conducting the settlement conference may excuse a party from personally appearing based on good cause, but the party may be required to participate by telecommunication at the party's expense. For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the trial judge imposing appropriate sanctions in his/her discretion upon motion of the opposing party. Sanctions may include requiring the party, or the attorney representing the party, or both, to pay all reasonable costs, including attorney's fees, of the party appearing for the scheduled session(s).

(7) Settlement conferences shall, in all respects, be privileged proceedings and not reported or recorded. No party is bound by any position taken during a settlement conference unless a settlement is reached. When a settlement has been reached, the judge may, and at the request of any party shall, cause the settlement to be made a matter of record.

(8) If the parties have reached an entire or partial agreement, or have agreed to other matters that promote the prompt and fair disposition of the case, a record of settlement shall be signed and filed by the parties and their attorneys, or placed on the record in open court. If no agreement is reached, the judge shall file a notice of termination of the settlement conference. Unless otherwise ordered by the Court, the filing of a request for judicial settlement conference shall not extend or suspend the dates set in the scheduling order. Judicial time standards shall be tolled during the periods of a conference.

(b) Mediation. At any time after the filing of the Scheduling Order and Discovery Plan the parties may be ordered into mediation under Local Rules of Court by the judge, or they may agree to stipulate to mediation services.

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**IN THE SUPERIOR COURT OF GUAM**

	)	Superior Court Case No. _____
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	)	
Plaintiff,	)	
	)	<b>CVR 16.1 FORM 1</b>
vs.	)	
	)	
	)	
Defendant.	)	
_____	)	

**SCHEDULING NOTICE**

The Civil Rules ("CVR") establish procedures for complying with Rules 16(b) and 26(f) of the Guam Rules of Civil Procedure ("GRCP"). Counsel should study the Civil Rules before attempting to process cases in this court.

Pursuant to CVR 16.1 and 16.2, it is hereby ORDERED that:

1. Counsel of record and all pro se litigants that have appeared in the case must meet and confer, within fifteen (15) days after receipt of this Notice, but no later than sixty (60) days after the filing of the complaint, prior to commencing discovery.

2. A proposed Scheduling Order and a proposed Discovery Plan shall be filed on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Careful and immediate attention should be given to the directions in CVR 16.1 and 16.2 to ensure complete and timely compliance with GRCP Rules 16(b) and 26(f), and the Local Rules.

3. Plaintiff's counsel, or if the plaintiff is pro se, then the pro se plaintiff, must take the lead in the preparation of the Scheduling Order. If a defendant is not contacted by a pro se

1  
2 plaintiff within the required time frame, the defendant shall contact the pro se plaintiff and  
3 arrange a meeting to comply with this Rule in the appropriate time frame. The failure of a party  
4 or its counsel to participate in good faith in the framing of a Scheduling Order may result in the  
5 imposition of sanctions.  
6

7 4. Counsel of record and all pro se litigants that have appeared in the case are jointly  
8 responsible for submitting a Proposed Discovery Plan to the Court.

9 5. A Scheduling Conference shall be held on the \_\_\_\_ day of \_\_\_\_\_,  
10 20\_\_\_\_, at \_\_:\_\_\_ .m.

11 6. Counsel are reminded that the filing of motions does not postpone discovery.  
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15 Danielle T. Rosete  
16 Clerk of Court

17 By: \_\_\_\_\_  
18 Deputy Clerk  
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**IN THE SUPERIOR COURT OF GUAM**

	)	Superior Court Case No. _____
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Plaintiff,	)	
	)	<b>CVR 16.1 FORM 2</b>
vs.	)	
	)	
	)	
Defendant.	)	
_____	)	

**PROPOSED SCHEDULING ORDER**

**Trial**

The court shall set trial no later than \_\_\_\_\_. *See* CVR 16.1(c)(4)(viii)  
(unless otherwise ordered by the court, "in no event shall the trial date be later than fifteen (15)  
months after the complaint is filed.").

Bench trial/Trial by jury shall be scheduled for \_\_\_\_\_ at \_\_\_\_\_m.

Estimated duration of trial: \_\_\_\_\_.

The nature of the case: \_\_\_\_\_

\_\_\_\_\_

The names of counsel in this case are:

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2  
3 **Scheduling Conference**

4 Scheduling Conference is scheduled for \_\_\_\_\_ at \_\_\_\_\_m.

5 **Motions**

6 (1) Motions to join other parties shall be filed no later than \_\_\_\_\_ and motions to  
7 otherwise amend pleadings shall be filed no later than \_\_\_\_\_. Thereafter,  
8 parties may be joined and/or pleadings amended only upon leave of court and for good  
9 cause shown.

10  
11 (2) All motions under the discovery rules shall be filed no later than \_\_\_\_\_.

12 (3) Dispositive motions shall be filed no later than \_\_\_\_\_.

13 **Mediation/ADR**

14 (1) \_\_\_ Counsel have informed their clients of the availability of mediation as required under  
15 Miscellaneous Rule MR 4.1.6 of the Local Rules of the Superior Court of Guam and  
16 counsel have filed the required MR Form 4.1 B1 "Attorney Certification."

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18 (2) \_\_\_ The parties have agreed to mediation, either voluntarily under 7 GCA §43A or as  
19 ordered to do so by the court under Miscellaneous Rule MR 4.1.6 of the Local Rules of  
20 the Superior Court of Guam.

21 (3) \_\_\_ The parties have attempted Alternative Dispute Resolution under 7 GCA §42-A or B.  
22 \_\_\_ The parties have not attempted Alternative Dispute Resolution and do not intend to.  
23 \_\_\_ The parties have not attempted Alternative Dispute Resolution but may do so in the  
24 future.  
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**Further Pre-Trial Proceedings**

- (1) The Pretrial Conference shall be held on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_m.
- (2) Trial brief
  - (a) \_\_\_\_ The court orders each party to file a trial brief no later than \_\_\_\_\_.
  - (b) \_\_\_\_ The court does not require the parties to file a trial brief.
- (3) The following documents shall be filed or lodged by \_\_\_\_\_ (usually no later than fourteen (14) days prior to trial:
  - (a) Witness lists
  - (b) Exhibit lists
  - (c) Discovery Material Designations
  - (d) Proposed Jury Instructions
  - (e) Proposed Voir Dire Questions
  - (f) Proposed Forms of Verdicts

(4) Discuss prospects for settlement:  
\_\_\_\_\_  
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\_\_\_\_\_

(5) Discuss any suggestions for shortening trial:  
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Dated: \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

SO ORDERED: \_\_\_\_\_.

\_\_\_\_\_  
Judge, Superior Court of Guam

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**IN THE SUPERIOR COURT OF GUAM**

	)	Superior Court Case No. _____
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	)	
Plaintiff,	)	
	)	<b>CVR 16.1 FORM 3</b>
vs.	)	
	)	
	)	
Defendant.	)	
_____	)	

**DISCOVERY PLAN AND PROPOSED ORDER**

(1) Unless required in support of a motion or by order of the court, discovery documents are not to be filed with the court.

(2) The following matters will affect the status or management of the case:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) In accordance with Guam Rules of Civil Procedure ("GRCP") Rule 26(f) and CVR 16.2, the parties:

(a) \_\_\_ Have met and conferred on \_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_m.,  
attended by: (Insert attorneys' names and parties represented)  
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(b) \_\_\_ Parties have not conferred because: \_\_\_\_\_

\_\_\_\_\_

but plan to meet and confer on \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_m.

(4) Initial disclosures, as required by GRCP 26(a)(1), will be exchanged by:

\_\_\_\_\_.

(GRCP 26(a)(1) generally requires exchange within 14 days of the GRCP 26(f) conference)

(5) Expert witness disclosures in accordance with GRCP 26(a)(2) must be made on or before \_\_\_\_\_ (in the absence of a court order or stipulation by the parties, GRCP 26(a)(2)(C) requires disclosure at least 90 days before trial, or 30 days after initial disclosure if offered for rebuttal).

(6) Pursuant to GRCP 26(a)(3), each party shall serve and file, on or before \_\_\_\_\_, pretrial disclosures which, unless otherwise specifically stated, must include expert as well as lay witnesses. Unless solely for impeachment, only those witnesses so disclosed will be permitted to testify at trial. (GRCP 26(a)(3) generally requires disclosure at least 30 days before trial).

(7) Limits on discovery

The limitations on discovery in accordance with GRCP 26(b) shall apply, except:

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\_\_\_\_\_

(8) The following is a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery:

Plaintiff:

Defendant:

Dated: \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

SO ORDERED: \_\_\_\_\_.

\_\_\_\_\_  
Judge, Superior Court of Guam