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b) Opinions and Entry of Judgment

(1) Opinions. Opinions may be rendered by the assigned Justice, or may take the form of *per curiam* or memorandum opinions. Opinions rendered by the court shall be published unless designated otherwise. Memorandum opinions shall not be published. Opinions that are not published shall not be cited in any other action or proceeding except when the opinion establishes the law of the pending case, *res judicata* or collateral estoppel, or in a criminal action or proceeding involving the same respondent.

(2) Entry of Judgment; Notice

(A) Entry. A judgment is entered when it is noted on the docket. The clerk must prepare, sign, and enter the judgment:

- (i) after receiving the court’s opinion; or
- (ii) if a judgment is rendered without an opinion, as the court instructs.

(B) Notice. On the date when judgment is entered, the clerk must serve on all parties a copy of the opinion--or the judgment, if no opinion was written--and a notice of the date when the judgment was entered.

c) Mandate: Contents; Issuance and Effective Date; Stay

(1) Contents. Unless the court directs that a formal mandate issue, the mandate consists of a certified copy of the judgment, a copy of the court’s opinion, if any, and any direction about costs.

(2) When Issued. The court’s mandate must issue 7 calendar days after the time to file a petition for rehearing expires, or 7 calendar days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. The court may shorten or extend the time.

(3) Effective Date. The mandate is effective when issued.

(4) Staying the Mandate.

(A) On Petition for Rehearing or Motion. The timely filing of a petition for panel rehearing, petition for rehearing en bane, or motion for stay of mandate, stays the mandate until disposition of the petition or motion, unless the court orders otherwise.

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1 (B) Pending Petition for Certiorari.

2 (i) A party may move to stay the
3 mandate pending the filing of a
4 petition for a writ of certiorari in the
5 Supreme Court of the United States.
6 The motion must be served on all
7 parties and must show that the
8 certiorari petition would present a
9 substantial question and that there is
10 good cause for a stay.

11 (ii) The stay must not exceed 90 days,
12 unless the period is extended for good
13 cause or unless the party who obtained
14 the stay files a petition for the writ and
15 so notifies the Guam Supreme Court
16 clerk in writing within the period of
17 the stay. In that case, the stay
18 continues until the Supreme Court of
19 the United States' final disposition.

20 (iii) The court may require a bond or
21 other security as a condition to
22 granting or continuing a stay of the
23 mandate.

24 (iv) The court must issue the mandate
25 immediately when a copy of a
26 Supreme Court of the United States'
27 order denying the petition for writ of
28 certiorari is filed.

d) Petitions to the Supreme Court of the United States. If a party files a petition of certiorari in the Supreme Court of the United States, a copy of the petition for certiorari shall be filed with the Supreme Court of Guam.

20 **RULE 22-- COSTS.**

21 a) Against Whom Assessed. The following rules apply unless the law provides or the
22 court orders otherwise:

23 (1) if an appeal is dismissed, costs are taxed against the appellant,
24 unless the parties agree otherwise;

25 (2) if a judgment is affirmed, costs are taxed against the appellant;

26 (3) if a judgment is reversed, costs are taxed against the appellee;

27 (4) if a judgment is affirmed in part, reversed in part, modified, or
28 vacated, costs are taxed only as the court orders.

b) Costs For and Against the Government of Guam. Costs for or against the Government of Guam, its agency, or officer will be assessed under Rule 22(a) only if authorized by law.

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c) Costs of Copies. The cost of producing necessary copies of a brief or excerpts, or copies of records shall not exceed \$0.25 per page unless good cause is shown.

d) Bill of Costs: Objections; insertion in Mandate.

(1) A party who wants costs taxed must--within 14 days after entry of judgment--file with the Supreme Court clerk, with proof of service, an itemized and verified bill of costs.

(2) Objections must be filed within 10 days after service of the bill of costs, unless the court extends the time.

(3) The clerk must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the Superior Court clerk must--upon the Supreme Court clerk's request--add the statement of costs, or any amendment of it, to the mandate.

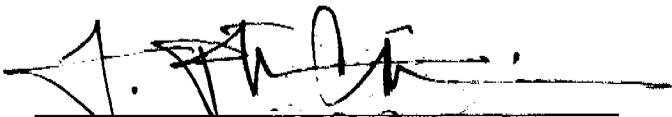
e) Costs on Appeal Taxable in the Superior Court. The following costs on appeal are taxable in the Superior Court for the benefit of the party entitled to costs under this rule:

- (1) the preparation and transmission of the record;
- (2) the reporter's transcript, if needed to determine the appeal;
- (3) premiums paid for a supersedeas bond or other bond to preserve rights pending appeal; and
- (4) the fee for filing the notice of appeal.

SO ORDERED, this 23rd day of December, 2004.


ROBERT J. TORRES, JR.
Associate Justice


FRANCES M. TYDINGCO-GATEWOOD
Associate Justice


F. PHILIP CARBULLIDO
Chief Justice