



Supreme Court of Guam

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SUPREME COURT
OF GUAM

MEMORANDUM TO FILE

TO: Supreme Court Case No. PRM07-003
Amendment to the Guam Rules of Appellate Procedure

FROM: Clerk of Court *WJ*

DATE: January 9, 2009

SUBJECT: Correction to Promulgation Order Numbered 07-003-02 filed November 7, 2007

The following correction to the Promulgation Order, numbered 07-003-02, filed on November 7, 2007 in case number PRM07-003 has been corrected to reflect the proper promulgation order number: **PROMULGATION ORDER NO.: 07-003-03.**

The corrected page is included with this memo. The Promulgation Order issued on November 7, 2007, shall be published as herein corrected.

CC: Judges, Superior Court of Guam
President, Guam Bar Association
Compiler of Laws

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3 **IN THE SUPREME COURT OF GUAM**
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6 **RE:**) Supreme Court Case No.
7) PRM 07-003
8 **AMENDMENT TO THE**)
GUAM RULES OF APPELLATE) **PROMULGATION ORDER**
PROCEDURE) **NO. 07-003-03**
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10 The Subcommittee on Judicial Review/Appellate Rules Revisions was created for the
11 purpose of reviewing and proposing changes to the rules governing the appellate practice in the
12 Supreme Court of Guam. After completion of the proposed rules, a draft was forwarded to the Guam
13 Bar Association for review and comment and a forum was held. On February 20, 2007 the
14 Subcommittee filed a subcommittee report to the Supreme Court recommending adoption of the
15 Guam Rules of Appellate Procedure, subject to certain transitional language. Subsequently, on
16 February 21, 2007 under Promulgation Order No. 07-003-01, upon the recommendation of the
17 Subcommittee, the Supreme Court adopted the Guam Rules of Appellate Procedure, which became
18 effective on the same date. At the time the newly adopted Guam Rules of Appellate Procedure
19 became effective, the existing Guam Rules of Civil Procedure had not been amended.

20 Thereafter, on June 1, 2007 upon the recommendation of the Subcommittee on Rules of Civil
21 Procedure and Rules of Court Revisions, the Supreme Court under Promulgation Order No. 06-006-
22 02 adopted the revised Guam Rules of Civil Procedure. To insure consistency with the Guam Rules
23 of Appellate Procedure and the recently adopted Guam Rules of Civil Procedure, specifically Rule
24 58(b), amendment of Guam R. App. P. 4(a)(7) is required. Rule 4(a)(7) is being amended to
25 incorporate the separate document requirement as it exists in Guam R. Civ. P. 58.

26 Therefore, pursuant to the authority to "make and promulgate rules governing the
27 administration of the judiciary and the practice and procedure in the courts of the judicial branch of
28 Guam," 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby adopts the following amendment to

1 Rule 4(a)(7) of the Guam Rules of Appellate Procedure which shall read:

2 **(7) Entry Defined.**

3 (A) A judgment or order is entered for purposes of this Rule 4(a):

4 (i) if Guam Rule of Civil Procedure 58(a)(1) does not require
5 a separate document, when the judgment or order is entered in the
6 civil docket under Guam Rule of Civil Procedure 79(a); or

7 (ii) if Guam Rule of Civil Procedure 58(a)(1) requires a
8 separate document, when the judgment or order is entered in the civil
9 docket under Guam Rule of Civil Procedure 79(a) and when the
10 earlier of these events occurs:

- the judgment or order is set forth on a separate document, or
- 150 days have run from the entry of the judgment or order in the civil docket
11 under Guam Rule of Civil Procedure 79(a).

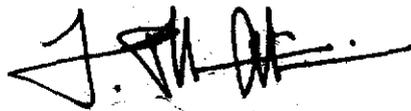
12 (B) reserved.

13 This amendment shall apply to all actions, cases and proceedings brought after the instant
14 Promulgation Order takes effect and to all actions, cases and proceedings commenced prior to the
15 effective date hereof and still pending, except to the extent that the application of this amended Rule
16 to those pending actions, cases and proceedings would not be feasible, or would work injustice, in
17 which event the prior valid Guam Rules of Appellate Procedure shall apply.

18 **SO ORDERED**, this 7th day of November, 2007.

19 
20 **KATHERINE A. MARAMAN**
Justice Pro Tempore


ROBERT J. TORRES
Associate Justice

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22 **F. PHILIP CARBULLIDO**
23 - Chief Justice
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