Office of the Attorney General of Guam

590 S. Marine Corps Drive, Suite 901 ♦ Tamuning, GU 96911
671.475.3324 extension 5015 ♦ Fax 671.477-4703 ♦ Email law@guamag.org

Hon. Leevin Taitano Camacho
Attorney General of Guam

35GL-19-1009
Speaker Tina Rose Muña Barnes

SEP 12 2019
Time 1:45 ( )AM (/)PM
Received By: alg

September 12, 2019

MEMORANDUM

TO: Speaker, Tina Muna-Barnes, 35th Legislature, Chairperson of Committee on Public Accountability, Human Resources & The Guam Build Up

FROM: Deputy Attorney General, Litigation Division

SUBJECT: Court Order requiring your attendance (*United States of America vs. Government of Guam*; District Court of Guam Civil Case No. 02-00022)

Dear Speaker,

Attached is the Order from the Guam District Court requiring your attendance at a hearing on Friday, October 11, 2019 at 8:30 a.m.

KENNETH ORCUTT
Deputy Attorney General

2019 SEP 13 PM 12:53

1009

08/29/19 MN

DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA, Plaintiff, vs. GOVERNMENT OF GUAM, Defendant.	CIVIL CASE NO. 02-00022 **ORDER** re Status Hearing and Reports

The court hereby schedules this case for a hearing on Friday, October 11, 2019, at 8:30 a.m. to discuss the status of the Guam Solid Waste Authority ("GSWA") and the tasks remaining for the Receiver to complete. To prepare for said hearing, the court ORDERS the filing of various status reports as further addressed below:

- GSWA Board - Since May 1, 2019, the GSWA Board has had administrative and managerial responsibility over GSWA's day-to-day operations. The Board shall file a status report that discusses the operations and finances of GSWA for the period beginning May 1, 2019, to August 31, 2019, along with a budget for fiscal year 2020. Specifically, the report shall provide information on the following (1) GSWA's operating results for the above period; (2) its cash position (revenue billed and collected from commercial, residential and government accounts) ; (3) GSWA's Fund balance; (4) a summary of its operating budget; (5) residential delinquency rates; (6) commercial delinquency rates; (7) government delinquency rates and outstanding balances by agency/department; (8) financial status of reserves; and (9) change in waste (tons) disposed by GSWA between fiscal years 2018 and 2019 by customer category

RECEIVED
MN 08-29-19 9:00
OFFICE OF THE ATTORNEY GENERAL
LITIGATION DIVISION

02.011 DA/LC/KO/TC

Doc. No. 35GL-19-1009.

(residential, commercial, military, government, mayors, transfer stations, other) as of August 31, 2019; and (10) GSWA's compliance activities with regard to applicable environmental laws, permits and regulations. The GSWA Board's status report should be modeled after prior reports prepared by the Receiver.

- Receiver - The Receiver shall file a report that addresses the following: (1) the status of the post-closure of the Ordot Dump, including work related to the three projects discussed in the U.S. EPA's Status Report filed on July 16, 2019;[1] (2) the status of the draft trust agreement, and, if the parties have reached consensus on said agreement, the Receiver's negotiation efforts with a prospective trustee; (3) the status of the negotiations with an independent engineer who will provide GEPA with the technical expertise necessary to review and approve invoices post-Receivership; (4) the awarding of the contract for the construction of Cell 3 and the negotiation for construction management services with GHD, Inc.; and (5) the status of the Ordot Dump Post-Closure Account.

The above status reports shall be filed no later than October 4, 2019.

The following individuals are ordered to attend the court hearing:[2]

- Hon. Lourdes A. Leon Guerrero, Governor of Guam, or, in her absence, Hon. Joshua F. Tenorio, Lt. Governor of Guam;
- Hon. Tina Muña Barnes, Speaker, 35th Guam Legislature or, in her absence, Hon. Telena Cruz Nelson, Vice-Speaker, 35th Guam Legislature;
- Hon. Sabina E. Flores Perez, Senator, 35th Guam Legislature, Chairperson of Committee on Environment, Revenue and Taxation, and Procurement;
- Walter S. Leon Guerrero, Administrator, GEPA ;
- Conchita Taitano, Air and Land Administrator, GEPA;

[1] These projects include the Soil Vapor Extraction system, leachate management and groundwater monitoring.

[2] The court also encourages members of the 35th Guam Legislature, interested members of the Mayors' Council of Guam, and key members of the new administration's fiscal team to attend as well.

Doc. No. 35GL-19-1009.

- all GSWA Board members;
- Larry Gast, General Manager, GSWA;
- Katherine Kakigi, Comptroller, GSWA; and
- Alicia Fejeran, Waste Management Services Supervisor, GSWA.

IT IS SO ORDERED.

/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Aug 28, 2019

Doc. No. 35GL-19-1009.

Microsoft Outlook Web App

Type here to search | This Folder | Address Book | Options | Sign out

Mail
Calendar
Contacts

Deleted Items (3)
Drafts [6]
Inbox
Junk E-Mail
Sent Items

Click to view all folders

Manage Folders...

Reply | Reply All | Forward | Move | Delete | Junk | Close

Activity in Case 1:02-cv-00022 USA v. Government of Guam Order

CM-ECF@gud.uscourts.gov [CM-ECF@gud.uscourts.gov]

Sent: Wednesday, August 28, 2019 5:37 PM
To: CM-ECF@gud.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

Civil/Criminal CM/ECF System

District Court of Guam

Notice of Electronic Filing

The following transaction was entered on 8/28/2019 at 5:37 PM CST and filed on 8/28/2019
Case Name: USA v. Government of Guam
Case Number: 1:02-cv-00022
Filer:
WARNING: CASE CLOSED on 02/11/2004
Document Number: 1890

Docket Text:
Order. Status Reports due by 10/4/2019 from GSWA Board and Receiver. Status Hearing set for 10/11/2019 08:30 AM in 4th Floor Courtroom before Chief Judge Frances M. Tydingco-Gatewood. Signed by Chief Judge Frances M. Tydingco-Gatewood on 8/28/2019. (fad,)

1:02-cv-00022 Notice has been electronically mailed to:

David L Manning dmanninggbb@gmail.com, candersongbb@gmail.com, CLund@gbbinc.com, hgershman@gbbinc.com, RTyson@gbbinc.com

Elizabeth Barrett-Anderson ebanderson@guamag.org, law@guamag.org, puntalan@guamag.org

Georgette Bello Concepcion (Terminated) gbc@guamlaw.net, clare@guamlaw.net

Jessica F. Wessling jessica.f.cruz@usdoj.gov, CaseView.ECF@usdoj.gov, jackie.o.emmanuel@usdoj.gov, michelle.perez@usdoj.gov, mikel.schwab@usdoj.gov, sasha.presnell@usdoj.gov, usagu.docket@usdoj.gov

Joyce C.H. Tang jtang@guamattorneys.com, cmesa@civilletang.com, jtang@civilletang.com, kuntalan@civilletang.com, kuntalan@guamattorneys.com, ltravis@civilletang.com

Kenneth D. Orcutt korcutt@guamag.org, civildivision@guamag.org

Leevin T. Camacho leevin@guahanlaw.com

Mikel W. Schwab mikel.schwab@usdoj.gov, CaseView.ECF@usdoj.gov, jackie.o.emmanuel@usdoj.gov, Jessica.f.cruz@usdoj.gov, michelle.perez@usdoj.gov, sasha.presnell@usdoj.gov, usagu.docket@usdoj.gov

Robert D. Mullaney efile_sf.enrd@usdoj.gov, robert.mullaney@usdoj.gov

Sandra E. Cruz-Miller sandra.miller@guam.gov

Valerie K Mann valerie.mann@usdoj.gov, efile_ees.enrd@usdoj.gov, timothy.dunne@usdoj.gov

Vanessa L. Williams vw@guamlawyer.biz, vanessalee.williams@gmail.com

1:02-cv-00022 Notice has been delivered by other means to:

Andrew E. Mishkin
Duane Morris LLP
505 9th Street, N.W.
Suite 100
Washington, DC 20004-2166

Young Chull Kim(Terminated)

CO Wanjoo Kim, Atty-In-Fact
158 Thomas Street
Tamuning, GU 96913

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:C:\fakepath\CV-02-00022-Order re status hrng rpts.pdf
Electronic document Stamp:
[STAMP dcecfStamp_ID=1088563379 [Date=8/28/2019] [FileNumber=418352-0]
[e14f06857b56c295f94218a9b3c1e4b8c96556f4bfe7a6312b2a5daeb3114ab79fd7
1b43ba1ec1110893dfc581abbd2cd94e878de38affddb5cbc18abf10fce2]]

Connected to Microsoft Exchange

Doc. No. 35GL-19-1009.