

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
RESOLUTIONS

| Resolution No. | Sponsor | Title | Date Intro | Date of Presentation | Date Adopted | Date Referred | Referred to | PUBLIC HEARING DATE | DATE AUTHORS REPORT FILED | NOTES |
|----------------|--------------------|--|----------------------|----------------------|--------------|---------------|-------------|---------------------|---------------------------|-------|
| 409-37 (COR) | Committee on Rules | Relative to authorizing the Legislative Counsel, or other retained counsel, to represent <i>I Mina'trentai Siette Na Liheslaturan Guåhan</i> in the Supreme Court of Guam and/or the Superior Court of Guam in <i>Government of Guam, et.al. v. CoreTech International Corporation, Civil Case Cv1198-18</i> . | 5/17/24 5:26 p.m. | | 5/20/24 | | | | | |

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Resolution No. 409-37 (COR)

As amended by the Committee on Rules.

Introduced by:

Committee on Rules

Relative to authorizing the Legislative Counsel, or other retained counsel, to represent *I Mina'trentai Siette Na Liheslaturan Guåhan* in the Supreme Court of Guam and/or the Superior Court of Guam in *Government of Guam, et.al. v. CoreTech International Corporation, Civil Case Cv1198-18*.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*:**

3 **WHEREAS**, the Government of Guam (GovGuam) commenced suit in
4 *Government of Guam and Guam Waterworks Authority v. Core Tech International*
5 *Corporation and Younex Enterprises Corporation*, Civil Case No. CV1198-18, against
6 Core Tech International Corporation (CoreTech) and Younex Enterprises Corporation
7 (Younex) on December 17, 2018. In its suit, GovGuam petitioned the court to cancel
8 and amend certain Certificates of Title issued to CoreTech and/or Younex Enterprises.
9 On March 25, 2019, the Guam Waterworks Authority (GWA) moved to intervene, and
10 subsequently filed its Petition to Quiet Title on April 17, 2019; and

11 **WHEREAS**, this case involves a dispute between the parties as to the rightful
12 owner of Lot AL-002 or a portion of Lot AL-002 and the Northern District Wastewater
13 Treatment Plant (NDWWTP) based on a series of conveyances and the legal effect of
14 those conveyances; and

15 **WHEREAS**, CoreTech argues that the 1997 Grant Deed conveys an easement to
16 the NDWWTP but not the Plant property itself. GWA argues it acquired title to the
17 NDWWTP property, not just the easement, from the 1997 Grant Deed; and

1 **WHEREAS**, on August 14, 2023, the court issued its Decision and Order in Re:
2 Core Tech International Corporation’s Motion to Dismiss and Motion for Summary
3 Judgment and Guam Waterworks Authority’s Second Motion for Summary Judgment
4 holding (1) the 1997 Grant Deed from GovGuam to GWA included the property on
5 which the NDWWTP sits; (2) GWA received title in 2001 when the federal government
6 conveyed title to GovGuam; (3) GovGuam granted GWA fee simple determinable title
7 in the 1996 [sic] Grant Deed; (4) the 1997 Grant Deed required GWA to complete real
8 estate survey requirement maps, but GWA failed to complete the maps within an
9 extended timeframe; (5) the After-Acquired Title Doctrine applies to CoreTech’s
10 predecessors, and thus, to CoreTech; (6) the Land Title Registration Act protects
11 CoreTech; and (7) the Law of the Case Doctrine does not preclude the court from
12 reaching these conclusions; and

13 **WHEREAS**, following the court’s August 14, 2023 Decision and Order, GWA
14 and CoreTech filed Motions for Reconsideration and GovGuam filed a Request for
15 Ruling. On April 16, 2024, the court denied reconsideration and further clarified its
16 August 14, 2023 findings, stating that the court (1) intends to resolve the title and
17 ownership issues before turning its attention to potentially amending and cancelling
18 Certificates of Title; (2) the court did not determine the Certificates of Title relied upon
19 were evidence of CoreTech’s ownership; and (3) the court set a status hearing for May
20 15, 2024 to discuss the next phase of the case; and

21 **WHEREAS**, the Committee on Rules of *I Mina'trentai Siette na Liheslaturan*
22 *Guåhan* does hereby, on behalf of *I Liheslaturan Guåhan*, intend to file an Amicus
23 Curiae or a Motion to Intervene in the instant litigation to assert *I Liheslaturan*
24 *Guåhan’s* position relative to the requirement of Legislative approval for the
25 conveyance of property belonging to the government of Guam, and its effect on the
26 purported conveyances in this case; now therefore, be it

1 **RESOLVED**, that the Chairperson of the Committee on Rules of *I Mina'trentai*
2 *Siette na Liheslaturan Guåhan* is authorized to retain, on behalf of *I Liheslaturan*
3 *Guåhan*, such legal counsel as he may deem necessary and appropriate to represent the
4 interests of *I Liheslaturan Guåhan* in the aforementioned litigation; and be it further

5 **RESOLVED**, that the Chairperson of the Committee on Rules of *I Mina'trentai*
6 *Siette na Liheslaturan Guåhan* is authorized to negotiate a contract for legal services
7 for no more than Sixty-five Thousand Dollars (\$65,000) to be expended from *I*
8 *Liheslaturan Guåhan's* Central Operations Fund for legal fees and costs in this matter,
9 and shall be paid pursuant to submitted monthly legal billings not to exceed a combined
10 total of Sixty-five Thousand Dollars (\$65,000); and be it further

11 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
12 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
13 the same be thereafter transmitted to all the members of *I Mina'trentai Siette na*
14 *Liheslaturan Guåhan*; to Mr. Joseph R. San Agustin, Executive Director of *I*
15 *Liheslaturan Guåhan*; and to Ms. Agnes Cruz, Chief Fiscal Officer of *I Liheslaturan*
16 *Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE 20TH DAY
OF MAY 2024.**



THERESE M. TERLAJE
Speaker



CHRIS BARNETT
Chairperson, Committee on Rules


AMANDA SHELTON
Legislative Secretary



COMMITTEE ON RULES

Chris Barnett, Chairperson, Committee on Rules

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

COMMITTEE VOTE SHEET

Resolution No. 409-37 (COR) – As amended by the Committee on Rules - Committee on Rules. – “Relative to authorizing the Legislative Counsel, or other retained counsel, to represent *I Mina'trentai Siette Na Liheslaturan Guåhan* in the Supreme Court of Guam and/or the Superior Court of Guam in *Government of Guam, et.al. v. CoreTech International Corporation, Civil Case Cv1198-18.*”

| | INITIAL | DATE | TO ADOPT | TO NOT ADOPT | TO ABSTAIN |
|--|---------|---------|----------|--------------|------------|
| Senator Chris Barnett Chairperson | VOTE | 5/20/24 | ✓ | | |
| Senator Sabina Flores Perez Vice Chairperson | VOTE | 5/20/24 | ✓ | | |
| Speaker Therese M. Terlaje Member | VOTE | 5/20/24 | ✓ | | |
| Vice Speaker Tina Rose Muña Barnes Member | | | | | |
| Legislative Secretary Amanda L. Shelton Member | | | | | |
| Senator William A. Parkinson Member | | | | | |
| Senator Roy A. B. Quinata Member | | | | | |
| Senator Joe S. San Agustin Member | VOTE | 5/20/24 | ✓ | | |
| Senator Dwayne T. D. San Nicolas Member | VOTE | 5/20/24 | ✓ | | |
| Senator Joanne M. Brown Minority Member | | | | | |
| Senator Christopher M. Dueñas Minority Member | VOTE | 5/20/24 | ✓ | | |
| Senator Thomas J. Fisher Minority Member | | | | | |
| Senator Telo T. Taitague Minority Member | VOTE | 5/20/24 | ✓ | | |
| For Sponsor's Office Use Only | | | | | |
| Sponsor Signature: <i>DUB</i> | | | | | |
| Staff Contact Person: <i>Kamarin Nelson</i> | | | | | |
| For COR/Clerk's Office Use Only | | | | | |
| <u> 7 </u> Certified <u> </u> Returned | | | | | |
| Name: Joaquin 'Quin' P. Taitague | | | | | |
| Date: May 20, 2024 | | | | | |
| Notes: | | | | | |