

**MEMORANDUM REGARDING PROCEDURES FOR CIVIL CASES BEFORE
THE HONORABLE ELYZE M. IRIARTE**

(last revised 11 October 2018)

This memorandum provides general information regarding trial and pretrial procedures for “CV” cases before Judge Iriarte. This information supplements but does not replace the Local Rules of Practice, the Guam Rules of Evidence, and the Guam Rules of Civil Procedure. Counsel and any parties proceeding pro se are expected and required to be familiar with and comply with these procedures.

I. SCHEDULING CONFERENCE

Unless otherwise noticed, Magistrate Judge Jonathan Quan will preside over Scheduling Conferences. The parties are expected to address substantive aspects of the proposed discovery schedule, alternative dispute resolution, and the likelihood of trial.

II. DISCOVERY

- A.** Discovery Cutoff. This is the date for discovery to be completed, not the date by which discovery requests must be served.
- B.** The Court expects the parties to resolve discovery disputes among themselves in a courteous, reasonable, and professional manner.
- C. Expedited Discovery Assistance** is available. This process seeks to resolve disputed discovery issues expeditiously and economically, as an alternative to a Motion to Compel or CVR 37.1 Discovery Motion. To avail of this assistance:
 - 1. Either party may seek expedited discovery assistance no later than 30 days prior to the discovery cutoff date.
 - 2. Before seeking expedited discovery assistance, counsels shall meet and confer, as required by GRCP 37(a)(2) and CVR 37.1(a), in an attempt to resolve the dispute.
 - 3. Counsel seeking expedited assistance shall contact opposing counsel to arrange a mutually agreed deadline for the submission of expedited discovery resolution briefs (“EDR Briefs”). The Court expects the EDR Briefs to be submitted simultaneously unless otherwise agreed.
 - 4. Should either party seek expedited discovery assistance, the party shall file a Request for Expedited Discovery Assistance which notifies of an intention to file

an EDR Brief, identifies the issue in dispute, and states the agreed-upon deadline for such briefs if the parties have reached an agreement.

5. Should the parties be unable to agree on a deadline, the EDR Briefs will be due ten business days after either party files a Request for Expedited Discovery Assistance.
 6. EDR Briefs must contain all relevant information, including confirmation of the deadline for the submission of EDR Briefs; confirmation that the requesting party is seeking relief timely; a representation that the parties met or attempted to meet in good faith to resolve the discovery dispute; and a discussion of the dispute.
 7. A party who opposes the use of this expedited procedure may state the reasons for the opposition in the EDR Brief.
 8. Unless otherwise ordered by the Court, the EDR Briefs shall be five pages or less (single-spaced accepted), inclusive of all exhibits.
 9. Upon receipt of the EDR Briefs, the Court shall determine whether or not to hold a hearing.
- D. Discovery disputes, whether raised through a Motion to Compel or through the EDR process, will be heard by a Magistrate Judge.
- E. Expert Discovery. Unless the parties have otherwise specified in their discovery plan which the Court has approved, the Court expects expert discovery to conclude by the discovery cutoff date.

III. SETTLEMENT AND SETTLEMENT CONFERENCES

The Court encourages the parties to consider and discuss settlement.

The parties may request a settlement conference to be presided over by a Magistrate Judge or Superior Court Referee. To avail of a settlement conference, upon agreement by all parties to participate in a settlement conference, either party may contact the Superior Court of Guam Civil Case Manager, Joanna McDonald, to schedule the conference. Unless requested and approved by the Court, a settlement conference does not stay a case.

If the parties have settled, the Court expects notice of such settlement as soon as possible.

IV. SUMMARY JUDGMENT MOTIONS

A motion for summary judgment, and opposition thereto, shall include a list of all undisputed issues of material fact, with citations to the record for each item listed. Motions not containing this list may be stricken.

V. TRIAL PROCEDURES

- A. Motions In Limine. For jury trials, motions in limine shall be filed on the same date specified in the Scheduling Order for the submission of the pretrial materials, and oppositions are due one week later. Motions in limine and oppositions shall not exceed five pages unless otherwise ordered.
- B. *Daubert* motions may not be filed after the trial has commenced.
- C. Deposition testimony. Deposition testimony designations and objections shall be submitted no later than the Pretrial Conference. If deposition testimony is to be published to the jury, the party offering this testimony should notify the other parties and the court promptly so that the written or videotaped testimony can be edited in accordance with the Court's ruling on any objections without any delay in the trial proceedings. In general, no later than the trial day before the proposed publication to the jury, the court will address outstanding objections. By the start of the trial day on which the designations are to be published to the jury, the offering party shall provide a revised transcript of the deposition testimony designation to opposing counsel and the court. If the deposition testimony is to be published by reading testimony aloud to the jury, the offering party shall provide a person to read the testimony.
- D. Interpreters. Counsel and the parties are responsible for hiring and arranging for any interpreters necessary for witness testimony. These arrangements should be made well in advance of trial.
- E. Costs of Jury Trial. The Court reminds the parties that the non-refundable advance deposit for the jury trial fee is required ten days before the trial date. Except for good cause shown, the Court will not proceed with a jury trial with an unpaid or untimely paid jury trial fee.
- F. Counsel shall exchange and provide to the Court telephone numbers at which they may be reached after court hours during the course of the trial.

VI. PROPOSED ORDERS

For faster processing, parties may submit proposed orders to shernandez@guamcourts.org.

VII. TECHNOLOGY

The Court encourages parties who wish to use technology during trial and motion presentations to utilize their technological equipment. Counsel who wishes to use the Court's television monitor or electronic monitor device is expected to be knowledgeable in operating such equipment. Contact the Chamber Clerk for specific requests or concerns.