

**THE CIVIL JUSTICE REFORM ACT PLAN FOR THE
DISTRICT OF GUAM**

The Honorable John S. Unpingco, Chief Judge

INTRODUCTION

The "Biden Bill," 28 U.S.C. §471-482, was enacted as a result of what Congress perceived to be an increasingly inefficient federal judiciary. The bill requires each district court to create its own plan for reformation of the civil justice system in their district.

The Biden Bill is two tiered; it mandates consideration of inclusion of six mandatory techniques and six discretionary techniques for better civil case management.

The District of Guam has an Article I Court located in Agana, Guam. The District of Guam was without a resident Chief Judge from the period of January, 1991, when the Honorable Cristobal C. Duenas retired, to December, 1992, when the undersigned Honorable John S. Unpingco, took the bench following appointment by President Bush. Soon after the investiture, the Advisory Group was appointed as required by the CJRA. The Group has met six times and discussed the twelve techniques contained in the Plan, as well as other aspects of civil practice in the District Court of Guam. As a result of those meetings, the accompanying Report was produced.

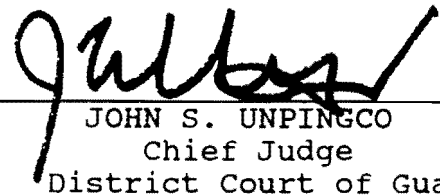
The feedback received by the Advisory Group from the Guam Bar, as well as the Court and the experiences of the Advisory Group members, led the Group to the conclusion that it would be

preferable to modify the existing local rules, with which the local Bar is already familiar, rather than to superimpose a new set of rules onto the existing Rules. Therefore, the suggestions for change contained in the Report were incorporated into the Local Rules of Practice for the District Court of Guam, Rules 220, 230-7, and 235.

Following the Plan is a Draft General Order of the District Court of Guam providing for the adoption of these amendments to Local Rules 220, 230-7 and 235, providing the date by which the amendments will go into effect. Following approval of the District of Guam CJRA Report and Plan under 28 U.S.C. §474, this Order will be issued under 28 U.S.C. 2071 et seq., enacting the Proposed Rules which follow.

The Plan is adopted to achieve the goals of the Civil Justice Reform Act of 1990, which are also the goals of the Court. The steps provided for herein will need to be tested by experience, and evaluated and improved, as time goes on. The Court will continue to consult with the advisory group, and with others, in its ongoing effort to provide full, speedy and affordable justice in all civil cases.

Dated this 29 day of November, 1993.



JOHN S. UNPINGCO
Chief Judge
District Court of Guam

cc: Director, Administrative Office of the U.S. Courts
Chief District Judges of the Ninth Circuit
Members of the CJRA Advisory Group

AMENDED LOCAL RULES

Amended Rule 235- CASE MANAGEMENT ORDER AND DISCOVERY ORDER

CJRA Note: Amended Local Rule 235 is designed to address the concern of the Advisory Group that there must be systematic ongoing early intervention by a judicial officer in all civil cases, as well as the other repeated concern of the Advisory Group that the Court set early and firm trial dates. Finally, this amended rule eliminates the recurring problem of constantly continuing of non-standard cases (i.e.; pro se cases, tax cases, injunctions, etc.).

Rule 235-1 Applicability.

Unless otherwise ordered, this rule is applicable to all civil cases pending in this district. Counsel are expected to commence discovery immediately and complete pretrial discovery in the shortest time reasonably possible with the least expense.

Rule 235-2 Exempt Actions.

The following actions are exempt from compliance with these procedures unless otherwise directed by the Court:

1. Any action filed on or behalf of a convicted prisoner, a pretrial detainee, or any other person confined in a territorial or federal institution challenging the validity or the conditions of confinement.
2. Any action challenging the validity of a criminal conviction or sentence.

Rule 235-3 Case Management Order and Discovery Conference.

(a) All parties are directed to confer as directed by Local Rule 235-5 and provide the Court with a **Case Management Order** within seventy-five days of the date of filing of the complaint. The Case Management Order shall be in substantially the same form as Attachment "D", attached hereto.

(b) In the event that the plaintiff is proceeding pro se, the Defendant shall contact the plaintiff and arrange a meeting to comply with this rule in the appropriate time frame.

(c) The Clerk of Court will schedule a Discovery Conference to be held ninety days after the complaint is filed. The Clerk shall mail, no later than forty days after the complaint has been filed, a Scheduling Notice in the form set forth in Attachment "C," setting forth (1) the date on which the Case Management Order shall be filed by the parties, and (2) the date for the Discovery

Conference. The Case Management Order to be submitted by the parties shall contain the following information:

1. The nature of the case;
2. The posture of the case including hearings, motions, and discovery;
3. The following dates:
 - (a) a proposed date limiting the joinder of parties and claims;
 - (b) a proposed date limiting the filing of motions to amend the pleadings;
 - (c) a Joint Discovery Plan, scheduling the time and length for all discoverable events. The Joint Discovery Plan shall contain a description, including a schedule, of all pretrial discovery each party intends to initiate prior to the close of discovery, including time and length of discoverable events. The plan shall conform to the obligation to limit discovery under F.R.C.P. 26(b). Counsel's plan shall consider the desirability of conducting phased discovery, limiting the first phase to developing information needed for a realistic assessment of the case. If the case does not terminate, the second phase would be directed at information needed to prepare the case for trial. Areas of disagreement with respect to discovery shall be included and denoted as such in the Discovery Plan.
 - (d) the assigned date for the required Discovery Conference with the District Judge, to be set no later than fifteen days after the filing of the Case Management Order.
 - (e) discovery cut-off dates (defined as the last day to file responses to discovery);
 - (f) discovery and dispositive motion cut-off dates (the last day to file motions);
 - (g) pretrial conference dates;
 - (h) dates for filing the pretrial statement as required by Local Rule 237, memoranda of contentions of fact and law, joint exhibit lists, witness lists, and the proposed joint pretrial order.
 - (i) the trial date, and in no event shall the trial date be later than 18 months after the complaint is filed, unless the Court otherwise allows;
4. Whether the trial is jury or non-jury;

5. The number of trial days required;
6. The names of trial counsel;
7. Whether the parties desire to submit the case early in the litigation to a neutral settlement conference;
8. Suggestions for shortening trial;

It is the responsibility of Plaintiff's counsel to serve a copy of the Clerk's Notice of Discovery Conference on all parties who may appear after the entry of the Notice of Discovery Conference. It is also the responsibility of plaintiff's counsel to initiate the communication necessary to prepare the Case Management Order.

If on the due date the defendant(s) or respondent(s) have been served and no answer or appearance has been filed, counsel for the Plaintiff shall file an independent status report setting forth the above information in subsections 1 through 8 to the extent possible. The report shall also include the current status of the non-appearing parties.

Rule 235-4 Authority to Settle at Discovery Conference and Pretrial Conferences.

Each party appearing at all conferences shall have full authority with respect to all matters on the agenda, including settlement of the action or proceeding. The Court may require, by Order issued prior to the scheduled conference, the client or its authorized representative to personally attend certain conferences.

Rule 235-5 Meeting of Counsel and Preparation of Proposed Joint Status Report

(a) Meeting of Counsel: Within fifteen (15) days after the receipt of the clerk's Scheduling Notice, counsel for the parties shall meet in person for the purposes set forth below:

1. Documents: To exchange all documents then reasonably available to a party which are contemplated to be used in support of the allegations of the pleading filed by the party. Documents later shown to be reasonably available to a party

and not exchanged may be subject to exclusion at the time of trial.

2. Discovery: To exchange preliminary schedules of discovery.

3. Other evidence: To exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.

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4. List of Witnesses: To exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

5. Settlement: To discuss settlement of the action.

6. Complicated cases: To discuss whether the action is sufficiently complicated so that all or part of the procedures of the Manual for Complex Litigation should be utilized. counsel may propose to the Court modifications of the procedures in the Manual to facilitate the management of a particular action.

7. Proposed Case Management Order: To discuss the contents and preparation of the proposed Case Management Order.

(b) After consultation with all counsel, plaintiff's counsel, or if plaintiff is pro se, the plaintiff, shall prepare a draft of the proposed Case Management Order required by this rule. Plaintiff's draft shall be presented to all parties for amendments and modifications. If all parties do not agree on a proposed Case Management Order, the parties shall sign and file, on the date that the Case Management Order is due, a mutual Statement re: Disagreement of Case Management Order, stating that the parties have been unable to agree despite good faith efforts to do so. To this Statement shall be attached each party's Proposed Case Management Order. If a party disagrees but does not attach a Proposed Case Management Order, that party will be considered to have not taken a position with respect to the dates and matters contained therein. All matters required to be taken care of by the Case Management Order will be addressed at the Discovery Conference, after which the final Case Management Order will be entered.

Rule 235-6. Failure to Cooperate - Sanctions

The failure of a party or a party's counsel to participate in good faith in the framing of the proposed Case Management Order required by this Rule and Rule 16(b) of the Federal Rules of Civil Procedure may result in the imposition of appropriate sanctions. See Local Rule 100-3 and Rules 16(f) and 37(g), Federal Rules of Civil Procedure.

Rule 235-7 Filing of Motions Does Not Excuse Counsel from the Requirements of this Rule

Absent an order of the Court to the contrary, the filing of a motion, including a discovery motion, a motion for summary judgment, or a motion to dismiss, will not excuse the parties from complying with this rule and any Case Management Order entered in the case.

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Rule 235-8 Extension of Deadlines Fixed in Joint Status Report/Scheduling Order.

In the absence of urgent and unforeseeable circumstances, a deadline fixed by the Case Management Order will not be extended for any reason. In the presence of such circumstances, the dates contained in the Case Management Order will not be extended unless the parties can prove that there has been active discovery since the initiation of the suit. Further, in the event of such circumstances, the deadline for completing discovery will be extended only if the remaining discovery is specifically described and scheduled, i.e.; the names of each remaining deponent, and the date, time and place of the remaining deposition. The Court, in its discretion, may order that the client consent in writing to any continuance proposed by counsel.

Amended Rule 220: MOTION PRACTICE

CJRA Note: Amended Local Rule 220 is designed to address the concern of the Advisory Group over attorney-generated continuances due to the attorneys' lack of control over their court appearance dates. Amended Rule 220 also addresses the recurring problem of excessive motion papers, as excessive filings were identified to be one of the main sources of expense in civil cases in the District Court of Guam.

220-1. Applicability

The provisions of this rule shall apply to motions, applications, petitions, orders to show cause, and all other proceedings except a trial on the merits and applications for a temporary restraining order, unless otherwise ordered by the Court or provided by statute, the Federal Rules of Civil Procedure or the Local Rules.

220-2. Notice and Service of Motion

Every motion shall be presented in writing. If oral argument is requested, the moving party must present a notice of motion, containing the date on which the motion will be heard, as provided for in Rule 220-5. The notice of motion and motion papers shall be served on each of the parties either by mail or in person and filed with the clerk with the motion not later than twenty-one days prior to the day on which oral argument is scheduled, unless the Court orders a shorter time.

220-3. Moving Papers

There shall be served and filed with the motion and with the opposing party's opposition to the motion:

- (1) memorandum in support thereof containing the points and authorities upon which the moving party relies;
- (2) the evidence upon which the moving party relies;
- (3) any affidavits required by the Federal Rules of Civil Procedure; and
- (4) the Proposed Order granting the relief requested in the motion.

220-4: Opposition and Reply

(a) Motions set for oral argument:

1. The opposing party shall not less than fourteen days preceding the noticed date of oral argument, serve upon all parties and file with the clerk:

(A) memorandum in support thereof containing the points and authorities upon which the moving party relies;

(B) if desired, the evidence upon which the moving party relies;

(C) any affidavits required by the Federal Rules of Civil Procedure.

2. The moving party may, not less than seven calendar days preceding the noticed date of oral argument, serve and file a reply to the opposing party's opposition.

(b) Motions not set for oral argument:

1. If a motion is not set for oral argument, the opposing party shall have fourteen days from the date of the filing of the Motion to serve and file an Opposition, consisting of
(A) memorandum in support thereof containing the points and authorities upon which the moving party relies;
(B) if desired, the evidence upon which the moving party relies;
(C) any affidavits required by the Federal Rules of Civil Procedure.

2. The moving party may, not less than seven calendar days after service of the opposition, serve and file a reply to the opposing party's opposition.

220-5. Oral Argument

(a) Oral argument not automatic: Oral argument must be requested by the parties, and may be denied in the discretion of the judge, except where oral argument is required by the statute or the Federal Rules of Civil Procedure.

(b) Request for oral argument; Certificate of Agreement of Oral Argument Date: If either party requests oral argument, they must file the notice of motion referred to in Rule 220-2 above. Each notice of motion must be accompanied by an "Agreement of Hearing Date," in a form shown below in Attachment "F." It shall be the responsibility of the moving party to contact the attorney for each party who has entered an appearance, or if the party(ies) are pro se, it is the moving party's responsibility to contact the pro se party and propose a date for oral argument. Once the parties have agreed on a date for oral argument, the moving party shall clear the date with the deputy clerk of court. When the date has been cleared with the clerk of court, that date shall be inserted in the Certificate of Agreement of Hearing Date and on the notice of motion. If the parties do not agree on a date for oral argument, no oral argument shall be scheduled and the motion shall proceed to briefing and disposition under Rule 220-4(b).

(c) Court's cancellation of oral argument: In cases where the parties have requested oral argument, such oral argument may be taken off calendar by Order of the Court, in the discretion of the Court, and a decision rendered on the basis of the written materials on file. Any such Order cancelling oral argument will be issued in writing and served by the clerk of court on the parties no later than fourteen days following the filing of the motion.

(d) Oral Argument taken off calendar by the Court: In case where the Court cancels oral argument, as referred to in subsection (c) above, the Opposition is due to be served on the opposing party(ies) and filed with the Court fourteen days prior to the originally scheduled date of oral argument, and the reply shall be served and filed seven calendar days prior to the originally scheduled day of oral argument.

220-6. Failure to file required papers

Papers not timely filed by a party including any memoranda or other papers required to be filed under this rule will not be considered and such tardiness may be deemed by the Court as consent to the granting or denial of the motion, as the case may be.

220-7. Length of briefs and memoranda

Each party may submit briefs or memoranda in support of or in opposition to any pending motion which shall not exceed a total of twenty pages in length without leave of court to file additional pages. The moving party's twenty-page limit on the brief or memoranda includes the moving party's reply brief or memoranda. All briefs and memoranda in excess of ten pages shall contain a table of authorities cited.

220-8. Advance notice of withdrawal or non-opposition; Continuances

(a) Any moving party who does not intend to press the motion or who intends to withdraw before the hearing date, any opposing party who does not intend to oppose the motion, and any party who intends to move for a continuance of the hearing of a motion shall, not later than five working days preceding the oral argument date, notify opposing counsel and the court clerk in writing.

(b) In the absence of urgent and unforeseeable circumstances, a deadline fixed by the notice of motion and the "Certificate of Agreement on Hearing Date" will not be extended for any reason.

220-9. Summary Judgment Motions

(a) Papers Required from Moving Party. There shall be served and lodged with each notice of motion for summary judgment pursuant to Rule 56, Federal Rules of Civil Procedure, a proposed "Statement of Uncontroverted Facts and Conclusions of Law" and the proposed judgment. Such proposed Statement shall set forth the material facts as to which the moving party contends there is no genuine issue.

(b) Statement of Genuine Issues of Material Fact by Opposing Party. Any party who opposes the motion shall serve and file with his opposing papers a separate document containing a concise "Statement of Genuine Issues" setting forth all material facts as

to which is it contended there exists a genuine issue necessary to be litigated.

(c) Determination of Motion. In determining any motion for summary judgment, the Court will assume that the material facts as claimed and adequately supported by the moving party are admitted to exist without controversy except to the extent that such material facts are

1. included in the "Statement of Genuine Issues" and
2. controverted by declaration or other written evidence filed in opposition to the motion.

(d) This rule shall apply to motions for orders specifying material facts that appear without substantial controversy pursuant to Rule 56(d) of the Federal Rules of Civil Procedure, except that the proposed "Statement of Uncontroverted Facts and Conclusions of Law" and "Statement of Genuine Issues" shall be limited to the facts which the moving party asserts to be without substantial controversy and the moving party shall submit a proposed order instead of a proposed judgment.

220-10. Motion for Reconsideration

A motion for reconsideration of the decision on any motion may be made only on the grounds of

1. a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or,
2. the emergence of new material facts or a change of law occurring after the time of such decision, or,
3. a manifest showing of a failure to consider material facts presented to the Court before such decision. No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.

220-11. Preliminary Injunctions

When a temporary restraining order ("TRO") is not sought, an application for a preliminary injunction shall be made by notice of motion and not by order to show cause. When a TRO is sought, application for a preliminary injunction shall be made by order to show cause. If the TRO is granted, the hearing on the order to show cause will be set within ten (10) days after the entry of the TRO unless otherwise agreed by the parties. If the TRO is denied, the Court may set the hearing on the order to show cause re: preliminary injunction without regard to the twenty-one days' notice of motion requirement of Local Rule 220-2.

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220-12. Ex Parte Applications

Applications for ex parte orders shall be accompanied by a memorandum containing the name of counsel for the opposing party, if known, the reasons for the seeking of an ex parte order, and points and authorities in support thereof. There shall also be attached, within a separate cover, the proposed ex parte order. The proposed order shall bear the signature of the attorney presenting it preceded by the words, "presented by" on the left side of the last page.

1. Notice of application. It shall be the duty of the attorney so applying to

(A) make a good faith effort to advise counsel for all other parties, if known, of the date, time and substance of the proposed ex parte application, and

(B) advise the Court in writing of efforts to contact other counsel and whether any other counsel, after such advice, opposes the application or has requested to be present when the application is presented to the Court.

2. Waiver of notice. If the judge to whom the application is made finds that the interest of justice requires that the ex parte application be heard without notice, the judge may waive the notice requirement of subpart 1. above, Local Rule 220-12(a).

220-13. Orders shortening time

Applications for orders shortening the time permitted or required by these Local Rules or the Federal Rules of Civil Procedure for the filing of any paper or pleading or the doing of any act shall be supported by a certificate stating the reasons therefor. When the application is made ex parte, the certificate shall state the reasons why a stipulation could not be obtained or notice could not be given.

220-14. Sanctions

The Court need not consider motions, oppositions to motions or briefs or memoranda that do not comply with this rule. The presentation to the Court of frivolous motions or opposition to motions or the failure to comply fully with this rule subjects the offender at the discretion of the Court to the sanctions of Local Rule 100-3.

Amended Rule 230-7: DISCOVERY MOTIONS

CJRA Note: Local Rule 230, entitled "Discovery Proceedings," addresses all discovery proceedings in the District Court of Guam in a general fashion. All sections of that rule, except 230-7, remain unchanged. Only section 230-7 is changed, to accommodate the concerns of the CJRA and the Advisory Group.

Amended Local Rule 230-7 is designed to address the consensus of the Advisory Group that a chief cause of expense and delay in the District Court of Guam is that the parties are not conducting enough voluntary discovery in civil cases.

a. Pre-discovery disclosure:

Before any party initiates discovery, that party must submit to the opponent (1) the identity of all persons known or believed to have substantial discoverable information about the claims or defenses, together with a summary of that information; (2) a description, including the location, of all documents that are reasonably likely to bear substantially on the claims or defenses; (3) a computation of any damages claimed; (4) the substance of any insurance agreement that may cover any resulting judgment; and (5) a copy of any report of an expert who may be called at trial. The disclosure obligation is reciprocal and continues throughout the case.

b. Joint Discovery Plan:

Counsel as part of their Case Management Order shall prepare and submit a Joint Discovery Plan, scheduling the time and length for all discoverable events. The plan shall conform to the obligation to limit discovery under F.R.C.P. 26(b). Counsel's plan shall consider the desirability of conducting phased discovery, limiting the first phase to developing information needed for a realistic assessment of the case. If the case does not terminate, the second phase would be directed at information needed to prepare the case for trial.

c. Resolution of Discovery Disputes:

Counsel shall meet and confer to resolve discovery disputes in accordance with Local Rule 230-7(d). Any dispute not so resolved shall be presented to a judicial officer. No motion may be filed without leave of court.

d. Discovery Motions:

-1- Prior to the filing of any motion relating to a discovery dispute, counsel for the parties shall meet in person in a good faith effort to eliminate the necessity for hearing the motion or to eliminate as many of the

disputes as possible. It shall be the responsibility of counsel for the moving party to arrange for the conference.

-2- If counsel are unable to settle their differences, they shall formulate a written stipulation specifying separately and with particularity each issue that remains to be determined at the hearing and the contentions and points and authorities of each party. The stipulation shall not refer the Court to other documents in the file. By way of example only, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated. The stipulation shall be filed and served with the notice of motion. In the absence of such stipulation, or a declaration of counsel of non-cooperation by the opposing party, the Court will not consider any discovery motion unless otherwise ordered upon good cause shown.

-3- Briefing and oral argument of all discovery motions shall be scheduled pursuant to Local Rule 220.

-4- If the discovery disputes are found to be frivolous or based on counsel's failure to cooperate with each other in good faith, sanctions will be imposed at the discretion of the Court.

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

In re:
AMENDED LOCAL RULES
220, 230-7 and 235.

PROPOSED
General Order No.
93-0000__

IT IS HEREBY ORDERED that Rules 220, 230-7 and 235 of the Local Rules of Practice for the District Court of Guam are hereby amended as shown in the attached Exhibit "A."

IT IS FURTHER ORDERED that this amendment shall take effect sixty days following the filing of this order with the Clerk of Court.

IT IS FURTHER ORDERED that all interested persons may make comments on the proposed amendments within forty five days following the issuance of this Order in writing, submitted to the Clerk of Court, Sixth Floor, Pacific News Building, Agana, Guam, or in person at a meeting of the Guam Bar Association, to be held on the ___ day of _____, 199__, at __:___ .m.

SO ORDERED this ___ day of _____, 1993.

JOHN S. UNPINGCO
District Judge

ATTACHMENT "F"

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

(TITLE OF CASE)

Civil Case No. ____-_____

AGREEMENT OF HEARING DATE

Pursuant to Local Rule 220-5, the parties hereby acknowledge the following:

1. I, _____, am the attorney for the Plaintiff in this matter. I contacted the attorney(s) for the opposing parties in this action, or if the defendant is pro se, I contacted the pro se defendant(s), to agree upon a date for oral argument of my Motion _____.

2. The attorney(s) for the opposing party(ies) (or the pro se parties) is/are:

3. We agreed upon the following date:_____.

4. I called the deputy clerk of court to ensure that the court is available on that date.

DATED:

Attorney for Moving Party

ATTACHMENT "D"

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

(TITLE OF CASE)

Civil Case No. ____ - _____

CASE MANAGEMENT ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, and Rule 235 of the Local Rules of Practice for the District Court of Guam, the parties hereby submit the following Case Management Order:

1. The nature of the case is as follows:
2. The posture of the case is as follows:
 - a) The following motions are on file:
 - b) The following motions have been resolved:
 - c) The following discovery has been initiated:
3. All motions to file parties and claims shall be filed on or before:
4. All Motions to amend pleadings shall be filed on or before:
5. **Joint Discovery Plan:**
Each party intends to initiate the following discovery (include a schedule, including time and length, of discoverable events):

Phase I: Developing information needed for a realistic assessment of the case:

Plaintiff:

Defendant:

Phase II: Information needed to prepare the case for trial:

Plaintiff:

Defendant:

6. The parties shall appear before the District Court on _____ at __:__ .m. for the Discovery Conference.

7. The discovery cut-off date (defined as the last day to file responses to discovery) is:

8. a) The anticipated discovery motions are:

All discovery motions shall be filed on or before _____ and heard on or before _____:

b) The anticipated dispositive motions are:

All dispositive motions shall be filed on or before _____ and heard on or before _____:

9. The prospects for settlement are:

10. The final pretrial conference shall be held on the ____ day of _____, at __:__ .m. and the parties' pretrial materials (memoranda of contentions of fact and law, witness list, exhibit list and pretrial statement) shall be filed on or before _____:

11. The Proposed Joint Pretrial Order shall be filed on or before the ____ day of _____, 19__.

12. The trial shall be held on the ____ day of _____, 199__, at __:__ .m. (in no event shall the trial be later than 18 months after the complaint is filed, unless the Court otherwise allows).

13. The trial is / is not a jury trial.

14. It is anticipated that it will take ____ days to try this case.

15. The names of counsel on this case are:

16. The parties do / do not wish to submit this case to a settlement conference before a neutral judge.

17. The parties present the following suggestions for shortening trial:

18. The following issues will also affect the status or management of the case:

Dated this ____ day of _____, 199__.

JOHN S. UNPINGCO
District Judge

APPROVED AS TO FORM AND CONTENT:

Attorney for Plaintiff

Attorney for Defendant

Attorney for (indicate)

Attorney for (indicate)

ATTACHMENT "C"

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

(TITLE OF CASE)

Civil Case No. ____ - _____

SCHEDULING NOTICE

Local Rule 235 establishes procedures for complying with Rule 16(b), Federal Rules of Civil Procedure. Counsel should study Local Rule 235 before attempting to process cases in this Court.

Pursuant to Local Rule 235, it is hereby ORDERED that:

1. Discovery shall commence immediately.
2. A Case Management Order shall be filed on or before the ____ day of _____, 19___. Careful and immediate attention should be given to the directions in Local Rule 235 to ensure complete and timely compliance with Rule 16(b) and Local Rule 235.
3. Plaintiffs' counsel, or if the plaintiff is pro se, then the pro se plaintiff, must take the lead in the preparation of the Case Management Order. The failure of a party or its counsel to participate in good faith in the framing of a Case Management Order may result in the imposition of sanctions.
4. A Discovery Conference shall be held on the ____ day of _____, 19____, at __:___ .m.

5. Counsel are reminded that:

- a) The filing of motions does not postpone discovery.
- b) Local Rule 230-7 governs discovery motions.
- c) The number and form of interrogatories are governed by Local Rule 230-2.

MARY L.M. MORAN
Clerk of Court

By:

Deputy Clerk