

## MINUTES

CASE NUMBER: CIVIL NO. 10-00677LEK-RLP

CASE NAME: Guam Preservation Trust, et al. Vs. Katherine Gregory, Naval Facilities Engineering Command, Pacific, et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

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JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/17/2011

TIME:

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COURT ACTION: EO: COURT'S RULING ON DEFENDANTS' MOTION FOR VOLUNTARY REMAND AND STAY

Before the Court is Defendants' Motion for Voluntary Remand and Stay ("Motion"), filed May 29, 2011. Plaintiffs filed their Memorandum in Partial Opposition to the Motion ("Memorandum in Opposition") on June 13, 2011. The parties also submitted letter briefs addressing whether they could reach an agreement on the terms of a remand. This matter came on for hearing on June 17, 2011. After careful consideration of the Motion, supporting and opposing documents, and the arguments of counsel, Defendants' Motion is **HEREBY DENIED WITHOUT PREJUDICE**. A written order denying the Motion will follow.

It appears that there is a threshold issue in this case regarding the finality of the agency decision in this matter. Defendants represented at the hearing that, if the Court denied the voluntary remand, they would file a motion to dismiss on this issue. The Court therefore **ORDERS** Defendants to file their motion to dismiss on this issue by no later than **July 29, 2011**. If Defendants need more time to file their motion to dismiss, Defendants may request an extension via a letter brief to the Court, with a copy to Plaintiffs' counsel. If Plaintiffs oppose Defendants' request for an extension, Plaintiffs may state their opposition in a letter brief to the Court, with a copy to Plaintiffs' counsel. Defendants' letter brief, if necessary, is due by **July 8, 2011**, and Plaintiffs' opposing letter brief, if any, is due by **July 15, 2011**.

The Court will thereafter set the motion to dismiss for hearing in the normal course and the parties' respective memoranda will be due according to the Local Rules.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager