

MINUTES

CASE NUMBER: 1:10-CV-00677-LEK -RLP

CASE NAME: Guam Preservation Trust et al v. Gregory et al

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

---

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/14/2011

TIME:

---

COURT ACTION: EO: COURT'S INCLINATION REGARDING DEFENDANTS' MOTION FOR VOLUNTARY REMAND AND STAY

The Court is in receipt of Defendants' Motion for Voluntary Remand ("Motion"), filed May 29, 2011, and Plaintiffs' Memorandum in Partial Opposition to the Motion ("Memorandum in Opposition"), filed June 13, 2011. It appears that Plaintiffs would not oppose the voluntary remand under the following conditions: 1) the Navy includes public participation measures in the proposed reexamination of the site selection for the live-fire training complex; and 2) if the Navy reaffirms the selection a site in the Pâgat/Route 15 area and Plaintiffs resume prosecution of the instant case, the parties have a comparable amount of time for briefing and argument and for the Court to render its decision before any "ground disturbing activities take place." [Mem. in Opp. at 5.]

The Court therefore ORDERS the parties to submit letter briefs clarifying their respective positions on the Motion. Defendants should inform the Court whether they are agreeable to Plaintiffs' proposed conditions, and Plaintiffs should inform the Court whether they will withdraw their opposition to the Motion if Defendants agree to their proposed conditions. The parties must submit their letter briefs to chambers by no later than **Thursday, June 16, 2011, at 3:30 p.m., HST.**

If the proposed conditions are acceptable to the parties, the Court would be inclined to vacate the hearing on the Motion, currently set for Friday, June 17, 2011, at 9:00 a.m., and to grant Defendants' Motion. The Court would also be inclined to stay the instant case and to hold a status conference in approximately 120 days.

IT IS SO ORDERED.

Submitted by: Bernie Aurio, Courtroom Manager