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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GOVERNMENT OF GUAM,
Defendant.

CIVIL CASE NO. 02-00022

ORDER
re Motion to Unseal

On May 23, 2013, the court issued an Order directing that the most recent cost estimates for the closure of the Ordot Dump and the other pending Consent Decree projects, which were prepared by the Receiver, be filed under seal so as not to affect the bid process.¹ *See* Order, ECF No. 1070. The court Order stated that such sealing was “subject to unsealing at a later date.” *Id.*

On June 6, 2013, the Government of Guam filed a motion to unseal Exhibit B. *See* ECF No. 1087. At the instruction of the court, on June 20, 2013, the Receiver filed a Special Report which advised the court, among other things, that the Cabot Mantanona LLP firm may have a conflict of interest. *See* Special Report (June 20, 2013) at 4, ECF No. 1110. The Special Report revealed that the representative clients listed on the Cabot Mantanona website included entities² that

¹ The list of updated cost estimates was attached as sealed Exhibit B to the court’s Order.

² These entities include Hawaiian Rock Products, Hanson Permanente Cement Guam/Hanson Micronesia Cement, Inc. and dck Worldwide. *Id.*

1 “have supplied large quantities of materials in connection with the Layon Landfill construction and
2 are highly likely to do the same with current and future Consent Decree projects, including the
3 closure of the Ordot Dump.” *Id.* Based on the Receiver’s Special Report and the United States
4 objections, the court was reluctant to unseal Exhibit B, even to the parties’ counsel, especially
5 because Rawlen Mantanona never refuted the assertions in the Receiver’s Special Report.

6 At the hearing held on October 25, 2013, Mr. Mantanona advised the court that his firm does
7 not presently represent Hawaiian Rock Products, Hanson Permanente Cement Guam/Hanson
8 Micronesia Cement, Inc. and dck Worldwide. According to Mr. Mantanona, a partner at his firm
9 previously represented said companies when he was practicing with another law firm.

10 The court directs Mr. Mantanona to file a declaration affirming the representations he made
11 at the October 25th hearing. Upon review of the declaration, the court will direct the Receiver to
12 disclose Exhibit B to counsel for the parties with the condition that the information contained in
13 Exhibit B not be divulged to any person or entity that has a conflict of interest or would be a
14 potential bidder or supplier for future projects related to the Consent Decree.

15 IT IS SO ORDERED.



16 /s/ Frances M. Tydingco-Gatewood
17 Chief Judge
18 Dated: Oct 29, 2013