

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GOVERNMENT OF GUAM,

Defendant.

Civil Case No. 02-00022

**ORDER RE: EX PARTE
MOTION TO INTERVENE**

1 Before the court is an Ex Parte Motion to Intervene filed by Morrigo Equipment, LLC, d/b/a
2 Trashco (“Trashco”). ECF No. 800. Trashco seeks to intervene as of right pursuant to Federal Rule
3 of Civil Procedure 24(a). *See id.* at 3. Trashco further moves the court to stay its orders regarding
4 delinquent commercial haulers. *See id.* at 1. After reviewing the filings, and the relevant statutes
5 and case law, the court finds further briefing on the following issues is necessary:

- 6 1) If the court grants limited intervention as proposed in the alternative by the
7 Government of Guam,¹ what issues should be addressed in the limited intervention?
8 2) Is permissive intervention appropriate in this case?
9 3) Should the court grant Trashco’s motion to intervene and its request to stay the
10 orders, does the court have the authority to require Trashco to post bond for the
11 amount of the past due tipping fees? If so, what is the appropriate amount?

12 Trashco shall respond to these issues by 3:00 p.m. on February 28, 2012. The Government of Guam
13 and the United States shall file their response by 3:00 p.m. on March 2, 2012. The United States

¹ *See* Gov’t of Guam’s Opp’n at 9–10, ECF No. 823.

1 shall also address the issue of the applicable statute of limitations for collecting past due fees from
2 Trashco. Trashco shall file its reply by 10:00 a.m. on March 6, 2012. After reviewing the
3 supplemental briefs, the court will determine if it will have a hearing on the Motion to Intervene.

4 Also before the court is an Emergency Request for Immediate Stay of Order Authorizing
5 Receiver to Ban Trashco. ECF No. 891. The Government of Guam and the United States shall
6 respond to the Emergency Request by 10:00 a.m. on February 27, 2012, and Trashco shall file its
7 reply by 2:00 p.m. on February 27, 2012.

8 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Feb 24, 2012