

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.)
)
 GOVERNMENT OF GUAM,)
)
 Defendant.)
 _____)

CIVIL CASE NO. 02-00022

**ORDER RE: MOTION TO
SUPPLEMENT THE RECORD**

This court has reviewed the Legislature’s Motion to Supplement the Record and finds in this instance it will permit it. The court recognizes that this matter is of significant island wide import and evokes strong emotions and opinions. In that light, the court appreciates that the Legislature is addressing this matter. However, the court finds that the materials submitted neither changes this court’s past findings nor are they likely to change any future holdings.^{1/} Again, this court has found, and continues to find, that the Government of Guam must comply with the Consent Decree and the terms that the Government of Guam and the United States negotiated.

SO ORDERED.



**/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jan 17, 2008**

^{1/}For the record, the court notes that Public Law 23-95 does not unequivocally state that Guatali is the landfill site as the Resolution suggests. In fact, there is qualifying language which states that if “it is found that Guatali can not be used, the secondary site shall be that area known as Malaa. The same conditions apply to Malaa as stated for Guatali if Guatali can not be used.” Guam Pub. L. 23-95: 2 (May 8, 1996). In determining the landfill site under the terms of the Consent Decree the professionals found neither site suitable for the purposes of the landfill. This court will not interfere with that assessment.