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**DISTRICT COURT OF GUAM  
TERRITORY OF GUAM**

**CYFRED, LTD.**, for itself and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

**STEWART TITLE GUARANTY  
COMPANY** and **DOES One (1) through  
Three Hundred (300)**, inclusive,

Defendants.

Civil Case No. 07-00023

**ORDER RE: MOTION TO DISMISS**

This case is before the court on Defendants' "Motion to Dismiss." *See* Docket No. 4. The court referred this motion to United States Magistrate Judge Joaquin V.E. Manibusan, Jr., on December 6, 2007. *See* Docket No. 20. The Magistrate Judge held hearings on the motion on January 7, 2008, and February 8, 2008. *See* Docket Nos. 46 & 93. On March 2, 2009, the Magistrate Judge recommended that the motion be denied, but that the action be stayed while Plaintiffs exhaust their administrative remedies. *See* Docket No. 134. Finally, on March 17, 2009, Plaintiffs objected to this recommendation. *See* Docket No. 136.

Under 28 U.S.C. § 636(b)(1)(C) and Rule 72 of the Federal Rules of Civil Procedure, the court may accept, reject, or modify in whole or in part the Magistrate Judge's recommendation, but must review *de novo* any part as to which an objection has been filed. Upon said review, the court finds that the objections to the Magistrate Judge's "Report and Recommendation" are not well-taken, and are hereby **OVERRULED**.

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1           Thus, the Magistrate Judge’s “Report and Recommendation” is hereby **APPROVED** and  
2 **ADOPTED** in its entirety. Defendants’ “Motion to Dismiss” is **DENIED**, but Plaintiffs are  
3 ordered to exhaust their administrative remedies, per the “Report and Recommendation” and  
4 related briefing. This case is stayed pending such exhaustion. All pending motions are  
5 terminated, subject to renewal by the parties should this case return to the court’s active docket  
6 once the administrative remedies have been exhausted.

7           Finally, each party to this case is ordered to file a report on the status of the administrative  
8 proceedings in this case on September 28, 2009.

9           **SO ORDERED.**



/s/ **Frances M. Tydingco-Gatewood**  
**Chief Judge**  
**Dated: Mar 27, 2009**