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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.

**FIRST AMERICAN TITLE INSURANCE
COMPANY, PATICO, MANU
MELWANI**, and **DOES One (1) through
Two Hundred Ninety-Eight (298)**,
inclusive,

Defendants.

Civil Case No. 07-00024

ORDER RE: MOTION TO DISMISS

This case is before the court on Defendants' two motions to dismiss the First Amended Complaint. *See* Docket Nos. 21 & 24. The court referred these motions to United States Magistrate Judge Joaquin V.E. Manibusan, Jr., on December 11, 2007. *See* Docket No. 33. The Magistrate Judge held hearings on the motions on January 7, 2008, and February 8, 2008. *See* Docket Nos. 37 & 60. On March 2, 2009, the Magistrate Judge recommended that the motions be denied, but that the action be stayed while Plaintiffs exhaust their administrative remedies. *See* Docket No. 127. Finally, on March 17, 2009, Plaintiffs objected to this recommendation. *See* Docket No. 130.

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

1 well-taken, and are hereby **OVERRULED**.

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

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

10 **SO ORDERED.**



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