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IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUAM WATERWORKS AUTHORITY
and GOVERNMENT OF GUAM,

Defendant.

CIVIL CASE NO. 02-00035

ORDER ADOPTING THE REPORT
AND RECOMMENDATION AND
ADOPTING UNITED STATES'
RECOMMENDATIONS

This matter came before the court on October 7, 2011, on Guam Waterworks Authority's ("GWA") Objections to the Magistrate Judge Joaquin V.E. Manibusan, Jr.'s Report and Recommendation ("Report") re: Deadlines for Outstanding Projects. This court had previously ordered the parties to meet and confer with the Magistrate Judge in an effort to agree upon suitable dates to finish the remaining projects under the Stipulated Order. Order, ECF No. 145. After meeting and working diligently with the parties, the Magistrate Judge issued his Report, which included an Attachment that set forth a recommended timetable for the completion of the outstanding projects, with associated terms and conditions to aid the parties in going forward (e.g. reporting requirements and notice requirements). Rpt. and Recom., ECF 154 and Attach., ECF No. 154-1.

After reviewing the Report and Attachment, the court notes that the parties were able to agree to schedules for a substantial number of the projects. To the extent the parties disagreed, the Magistrate Judge recommended a schedule that was a compromise of the parties' positions.

1 Pursuant to 28 U.S.C. § 636(b)(1), the parties had 14 days in which to file written
2 objections. On July 22, 2011, the Defendant, Guam Waterworks Authority (“GWA”) filed
3 objections to the Report. Def.’s Objs., ECF No. 155. Although the United States did not file
4 objections to the Report, it made several recommendations for this court’s consideration:

- 5 1) the addition of an introductory background information;
- 6 2) the inclusion of a “definitions” section in order to define the various terms commonly
7 used;
- 8 3) the attachment of an Appendix containing the recommended effluent monitoring
9 requirements;
- 10 4) the addition of two paragraphs to Section IV of the Attachment to allow the parties to
11 designate new notice recipients and to provide requirements for an effective notice;
- 12 5) the inclusion of a dispute resolution process; and
- 13 6) the addition of a Section V (Effect of Order) to explain the proposed Order’s effect on
14 the Stipulated Order, and a Section VI (Retention of Jurisdiction) to expressly retain this court’s
15 jurisdiction to resolve disputes arising under the Order and to enforce its terms. Pl.’s Resp., ECF
16 No. 156.

17 Pursuant to 28 U.S.C. § 636(b)(1)(C), this court may accept, reject, or modify in whole or
18 in part the Magistrate Judge’s recommendation, but must review *de novo* any part as to which an
19 objection has been filed. After conducting a careful and complete review of the Report and the
20 parties’ submissions, the court finds the schedule proposed by the Magistrate Judge is fair,
21 reasonable and achievable.¹ Accordingly, GWA’s objections to the Magistrate Judge’s Report
22 are **OVERRULED**.

23 In addition, the court agrees with the United States’ recommendations² and has
24 incorporated those, along with the Magistrate’s Report in a separate order entitled “Order for
25 _____

26 ¹ The parties may notice that some of the deadlines set by the Magistrate Judge have been
27 changed. The court changed dates only insofar as the United States recommended that the due dates
be extended.

28 ² The court notes that at the hearing, GWA agreed to several of the recommendations.

1 Preliminary Relief Re: Deadlines for Outstanding Projects Under the Amended Stipulated
2 Order.”

3 **SO ORDERED.**



4 /s/ Frances M. Tydingco-Gatewood
5 Chief Judge
6 Dated: Nov 10, 2011
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