

- 1 2. All written communications, memos, notes, meeting minutes,
2 reports, commentaries from or by anyone in the Office of the
3 Governor between December 2010 and the present date, in any
4 way mentioning Benjamin M. Abrams, either directly or indirectly.
- 5 3. Any communications, from anyone in the Office of the Attorney
6 General of Guam, or any other person, concerning providing legal
7 counsel to Benjamin M. Abrams or any other named defendant in
8 the above-referenced case, or discussing the case in any way.
- 9 4. Anything in writing showing payments or disbursements of legal
10 fees to and for Terence E. Timblin and Civile and Tang PLLC in
11 referenced civil action between 2013 and the present time.
- 12 5. All papers and documents that relate to, or underly, all requests
13 for proposals and invitation for bids and any procurement
14 procedures related to retention of counsel for any of the
15 Defendants in the referenced civil action, between 2013 and the
16 present date.

17 The foregoing documents and materials are requested to be made
18 available within four (4) working days from receipt of this Request, or
19 other applicable time period provided for under the Sunshine Act.

20 I ask that the foregoing documents and materials be sent to me
21 in PDF format, via e-mail. Please let me know of any requirements in
22 connection with this Request, as per statute.

23 Sincerely,

24 

25 Benjamin M. Abrams

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

VIA ELECTRONIC MAIL: bmalaw@gmail.com

September 30, 2020

Benjamin M. Abrams
P.O. Box 141
Hagatna, Guam 96932

RE: FOIA Request Regarding Retention of Terence E. Timblin as Legal Counsel for David Highsmith and G. Patrick Civile as Legal Counsel for M. Thomas Nadeau, Rosanna Rabago and James Gillan in Joseph v. Abrams, et al., Case #1:14-cv-00005 (District Court of Guam) and Other Documents relating to Benjamin M. Abrams.

Dear Mr. Abrams,

Please find the attached document responsive to your request dated September 14, 2020 for documents under the Sunshine Reform Act of 1999. The document was retrieved after a review of records of the current Administration and in records of the Calvo-Tenorio Administration maintained in the Office of the Governor's Central Files office.

Thank you.

Sincerely,

/s/
Lynnette O. Muna
Executive Management Director

Enclosure

Gov
LtGov
COS
Legal
KG

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

June 6, 2014

HAND DELIVER

MEMORANDUM

To: Honorable Eddie B. Calvo
Governor of Guam

Via: Arthur Clark, Chief Policy Advisor
Office of the Governor

Sandra Cruz-Miller
Governor's Legal Counsel

From: Attorney General of Guam

Re: *Joseph v. Abrams, Highsmith, Gillan, Rabago, Nadeau, et al.*, District Court
Civil Action No. 14-00005



The above-named defendants in this case are government of Guam employees sued in their individual capacities. Benjamin Abrams and David Highsmith are Assistant Attorneys General (AAsG); James Gillan is the Director of the Department of Public Health and Social Services (DPHSS); and Rosanna Rabago and Tom Nadeau are employees of the DPHSS.

Section 30108 of Title 5 of the Guam Code Annotated provides in pertinent part:

Whenever any action for damages is instituted against any officer or employee of the government of Guam in his individual capacity for the performance of an authorized official act, the officer or employee may request the Attorney General to undertake the defense of such action. If the Attorney General finds that the officer or employee acted in good faith, then, subject to the approval of the Governor, he shall appear and defend the officer or employee.

5 G.C.A. § 30108(a).

The defendants have requested that the Attorney General undertake their defense in this case. Based on the allegations in the complaint in this case, the Attorney General finds that, for the purposes of section 30108(a), all of the above-named government employees acted in good faith.

The two AAsG have identified private attorneys who they want to represent them in the case. One of the attorney defendants has indicated that he believes that the provisions of 10 G.C.A. § 12803(e) apply to this case. Section 12803(e) provides: “If . . . any . . . person serving or having served the [Guam] Board [of Allied Health Examiners] requests the government to defend him . . . against any claim or action arising out of any act, omission, proceeding, conduct or decision related to his . . . duties undertaken or performed in good faith and within the scope of the function of the Board, and if such a request is made in writing at a reasonable time before trial, and if the person requesting defense cooperates in good faith in the defense of the claim or action, the government should provide and pay for such defense, and should pay any resulting judgment, compromise or settlement.” 10 G.C.A. § 12803(e).

After consulting with private counsel, Director Gillan and the other DPHSS employees advised the Chief Deputy Attorney General, the Civil Deputy Attorney and other attorneys at the Office of the Attorney General that they did not want the Office of the Attorney General to represent them in this case. The Director and the other DPHSS employees have also stated that they believe they may have a defense in this case based on advice of counsel.

Under the circumstances in this case and based upon the representations made by the DPHSS defendants, the Office of the Attorney General cannot represent any of the defendants in the case.

It is our understanding that motions to dismiss or answers to the complaint are currently due by June 16, 2014. This does not leave much time for an attorney to prepare a motion to dismiss and file it before the deadline for answering the complaint. Therefore time is of the essence.

You have received the Memoranda of Understanding (MOUs) between the Office of the Attorney General and the defendant AAsG. The MOUs relate to the hiring of private counsel by the defendant AAsG for this case. We ask that you approve the MOUs.



Leonardo M. Rapadas