

Suite 401 DNA Building  
 238 Archbishop Flores St.  
 Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>Ms. Carmen T. Charfauros</b> <b>Supply Management Administrator</b> Department of Education 501 Mariner Avenue B-Building, Suite 116 Barrigada, Guam 96913 Phone: (671) 475-0438 Fax: (671) 472-5001 Email: <a href="mailto:ctcharfauros@gdoe.net">ctcharfauros@gdoe.net</a>	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Public Auditor</b> Office of Public Accountability
	<b>Mr. James L.G. Stake, Esq.</b> <b>Legal Counsel</b> 501 Mariner Avenue Barrigada, Guam 96913 Phone: (671) 300-1537 Email: <a href="mailto:jlgstake@gdoe.net">jlgstake@gdoe.net</a> ; <a href="mailto:legal-admin@gdoe.net">legal-admin@gdoe.net</a>	<b>Pages:</b>	4 (including cover page)
<b>CC:</b>	<b>Mr. Joshua D. Walsh, Esq.</b> <b>Attorney for Appellant Pacific Data Systems, Inc.</b> Razano Walsh & Torres, P.C. 139 Murrary Blvd. Hagåtña, Guam 96910 Phone: (671) 989-3009 Email: <a href="mailto:jdwalsh@rwtguam.com">jdwalsh@rwtguam.com</a>	<b>Date:</b>	August 30, 2021
		<b>Phone:</b>	(671) 475-0390 x. 204
		<b>Fax:</b>	(671) 472-7951

**Re:** OPA-PA-21-004 and OPA-PA-21-005 Order Consolidating Appeals/ Scheduling Order

- For Review     
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**Comments:**

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,  
 Jerrick Hernandez, Auditor  
[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)



1 purchasing agency, DOE, and appellant, PDS. The Public Auditor finds that consolidating these  
2 appeals will provide for efficient, expeditious resolution of the appeals. Therefore, the Public  
3 Auditor ORDERS that these appeals, OPA-PA-21-004 and OPA-PA-21-005, be and are  
4 consolidated and all matters pertaining to the appeals shall be heard concurrently.  
5

### 6 **SCHEDULING ORDER**

7 The Public Auditor ORDERS the following expedited schedule, but remains subject to  
8 change at the discretion of the Public Auditor:

9 **Opposition to Motions**

10 **Deadline:** September 8, 2021 at 5:00 P.M.

11 **Reply to Opposition**

12 **Deadline:** September 17, 2021 at 5:00 P.M.

13 **Tentative Motion Hearing:**

14 September 20, 2021 at 10:00 A.M.

15 **Filing Deadline for  
16 Hearing Materials:**

17 September 24, 2021 at 5:00 P.M.

18 Parties shall file and serve on the other parties, no later than  
19 this date and time, their respective Witness Lists, Exhibit  
20 Lists with four copies of all exhibits, Admissions of Fact and  
21 List of Issues which require evidence or arguments to be  
22 presented at the hearing. The Appellant's Exhibits shall be  
23 marked with corresponding and sequential numbers. The  
24 Purchasing Agency's Exhibits shall be marked with  
25 corresponding and sequential capital letters of the alphabet.  
26 The Parties may file stipulated joint witness, exhibit, and  
27 issues lists, and admissions of fact in lieu of filing such  
28 documents separately. The term "Exhibit List" as used in this  
paragraph refers to exhibits that any party will present to a  
witness for testimonial purposes during the hearing in this  
matter.

25 **Filing Deadline for  
26 Hearing Briefs:**

27 September 28, 2021 at 5:00 P.M.

28 The Parties shall file and serve on the other parties, their  
Hearing Briefs summarizing their arguments concerning  
contested issues no later than this date and time.

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**Hearing Date:** September 30, 2021 at 9:00 A.M.  
The Hearing will proceed in the following order: (1) Opening Statements of the Parties; (2) Appellant's Case in Chief; (3) The Purchasing Agency's Case in Chief; (4) Closing Arguments of the Parties.

**Filing Deadline for Brief RE Remedies:** October 7, 2021 at 5:00 P.M.  
The Parties may, but are not required to, file and serve on the other parties, additional briefs on the issue of Remedies no later than this date and time.

**SO ORDERED** this 30<sup>th</sup> day of August 2021 by:



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**Benjamin J.F. Cruz**  
**Public Auditor of Guam**



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-21-004 and 21-005 Order Consolidating Appeals and Scheduling Order**

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**Jerrick Hernandez** <jhernandez@guamopa.com>

Mon, Aug 30, 2021 at 4:07 PM

To: "James L.G. Stake" &lt;jlgstake@gdoe.net&gt;, "Joshua D. Walsh" &lt;jdwalsh@rwtguam.com&gt;, ctcharfauros@gdoe.net, Legal Admin &lt;legal-admin@gdoe.net&gt;, "Edwin J. Torres" &lt;etorres@rwtguam.com&gt;

Cc: Thyrza Bagana &lt;tbagana@guamopa.com&gt;

Hafa Adai,

Please see attached Order Consolidating Appeals and Scheduling Order for OPA-PA-21-004 and 21-005. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

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Regards,

**Jerrick J.J.G. Hernandez**, MA, CGAP, CICA

Auditor

Office of Public Accountability – Guam

[www.opaguam.org](http://www.opaguam.org)

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**21-004 and 21-005 Order of Consolidation and Scheduling Order.pdf**

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