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OPA-PA-23-005 / OPA-PA-23-006 In the Appeal of ASC Trust, LLC

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Hafa Adai,

Please see the attached for filing.

Jamaica Nakama

Thank you.

Legal Assistant to William B. Brennan, Esq.

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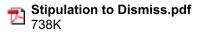
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Attorneys for Appellant ASC Trust, LLC

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEAL

In the Appeal of		Docket No. OPA-PA-23-006 Docket No. OPA-PA-23-006
ASC Trust, LLC,) STIPULATION TO DISMISS
	Appellant.))
)

COME NOW, ASC Trust, LLC ("ASC") and the Government of Guam Retirement Fund (the "GGRF") through the undersigned counsel, who state as follows:

WHEREAS, during meetings of the GGRF Board held on January 19, 2024 and on October 25, 2024, the GGRF Board of Trustees approved the Board's action to agree to cancel RFP No. GGRF-002-22 to settle the above-captioned consolidated appeal as part of a settlement of this matter.

WHEREAS, the GGRF's cancellation of RFP No. GGRF-002-22 would render moot the consolidated appeal from the GGRF's denial of ASC's protests of the underlying procurement. See In re Guardianship of Ulloa, 2014 Guam 32 ¶ 25 ("[a] claim is moot when the issues are no longer live or the parties lack a legally cognizable interest in the outcome. Accordingly, an appeal should be dismissed as moot when, by virtue of an intervening event, the appellate court

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cannot grant effectual relief whatever in favor of the appellant." (internal citations and quotation marks omitted)).

NOW THEREFORE, it is hereby stipulated and agreed, by and between the Parties that:

- 1. All claims and allegations expressly raised in the consolidated appeal shall be dismissed with prejudice. The parties acknowledge and agree that this Stipulation does not serve to waive ASC's right to seek relief in the appropriate forum for claims arising under the Guam Open Government Law (5 G.C.A. Chapter 8) related to GGRF's actions in February 2023.
- 2. No later than three (3) business days following the OPA's entry of a dismissal order in this consolidated appeal, the GGRF shall lift the stay on the procurement RFP No. GGRF-002-22 and the GGRF shall cancel the procurement RFP No. GGRF-002-22.
- 3. No later than thirty (30) days following the OPA's entry of a dismissal order in this consolidated appeal, the GGRF shall ask the Office of the Attorney General to assign an attorney to assist the GGRF in a new solicitation concerning the subject matter of RFP No. GGRF-002-22.
- 4. Upon the OPA's entry of a dismissal order in this consolidated appeal, there shall be no parties, claims and/or issues remaining in the consolidated appeal.
 - 5. The Parties shall bear their own attorney's fees and costs.

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It is so stipulated.

ARRIOLA LAW FIRM, LLC Attorneys for ASC Trust, LLC

By: WILLIAM B. RRENNAN

Dated: November 22, 2024

CARLSMITH BALL LLP

Attorneys for Government of Guam Retirement Fund

By: Garned Journe

JOANNE L. GRIMES

Dated: November 20, 2024