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*Attorneys for Party in Interest Mobil Oil Guam Inc.*

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/31/14

TIME: 1:50  AM  PM BY: L. Linck

FILE NO OPA-PA: 14-008

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEAL**

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**In the Matter of** )  
)  
**IP&E HOLDINGS, LLC.,** )  
)  
**Appellant,** )  
**And** )  
)  
**GUAM POWER AUTHORITY,** )  
)  
**Purchasing Agency.** )  
)  
\_\_\_\_\_ )

**Docket OPA PA-14-008**

**INTERESTED PARTY'S  
MOTION TO STRIKE  
APPELLANT'S CLOSING  
BRIEF**

Mobil Oil Guam Inc. ("Mobil") hereby moves the Office of the Public Auditor ("OPA") to strike the "Closing Brief" filed by IP&E Holdings, LLC ("IP&E") on October 30, 2014. The Closing Brief is an uninvited and improper continuation of IP&E's argument, undertaken after the appeal has been taken into consideration by the OPA.

The Closing Brief constitutes an abuse of the process governing this appeal and a violation the basic principles governing the just and orderly adjudication of administrative appeals. If the OPA were to consider the Closing Brief and allow it to remain a part of the record, GPA and Mobil would essentially be punished for following the rules.

No notice or accommodation was made in the September 22, 2014 Scheduling Order for the filing of closing briefs. No subsequent order for requesting closing briefs was made by the

hearings officer or the OPA. While the parties were invited to file optional briefs on remedies, the Closing Brief clearly addresses the merits of IP&E's appeal and offers little to no discussion of remedies. The Closing Brief was also filed without a request for leave to file supplementary briefs, thus depriving the Guam Power Authority ("GPA") and Mobil of any opportunity to do the same.

~~Given the arguments raised above, the Mobil respectfully requests that the Closing Brief~~  
be stricken from the record and disregarded by the OPA.

DATED this 31<sup>st</sup> day of October, 2014.

**BLAIR STERLING JOHNSON & MARTINEZ**  
A PROFESSIONAL CORPORATION

BY:   
**R. MARSIL JOHNSON**  
*Attorneys for Party in Interest Mobil Oil Guam Inc.*

**CERTIFICATE OF SERVICE**

I, R. Marsil Johnson, do hereby certify that on the 31<sup>st</sup> day of October 2014, I caused to be served a copy of **INTERESTED PARTY MOBIL OIL GUAM INC.'S MOTION TO STRIKE APPELLANT'S CLOSING BRIEF** to be served upon the following, via hand delivery:

**Purchasing Agency:** Joaquin C. Flores  
General Manager  
Guam Power Authority  
1911 Rte 16  
Harmon, Guam

**Appellant:** Steven Carrara  
IP&E Holdings, LLC  
646 Chalan San Antonio  
Tamuning, Guam 96913-3644

DATED this 31<sup>st</sup> day of October, 2014.

**BLAIR STERLING JOHNSON & MARTINEZ**  
A PROFESSIONAL CORPORATION

BY: \_\_\_\_\_

**R. MARSIL JOHNSON**

*Attorneys for Party in Interest Mobil Oil Guam Inc.*