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Attorneys for Party-in-Interest  
XEROX CORPORATION

RECEIVED  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

JAN 12 2011

TRAC: 304 BY: JAV  
FILE NO. OPA-PA: 10-010

IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT PETITION

IN THE PETITION OF

TOWNHOUSE DEPARTMENT STORES,  
INC. dba ISLAND BUSINESS SYSTEMS &  
SUPPLIES,

Appellant.

OPA-PA-10-010

**XEROX CORPORATION'S REQUEST  
TO RESCHEDULE HEARING ON  
DOE'S MOTION TO LIFT THE  
AUTOMATIC STAY TO PROCEED  
WITH AN AWARD TO APPELLANT  
OF ITEMS #1 & #3 IN IFB 006-2010  
AND PREHEARING CONFERENCE**

Party-in-Interest Xerox Corporation hereby requests that the OPA reschedule the Friday, January 21, 2011 hearing on DOE's Motion to Lift the Automatic Stay on IFB 006-2010, and the Pre-hearing Conference scheduled for the same day.

On January 21, 2011, Counsel for Xerox is conducting a deposition in an unrelated Superior Court of Guam litigation. This particular deposition has been scheduled since January 6, 2011, and is expected to last the entire seven hours allotted by Guam Rule of Civil Procedure 30(d)(2) as the deponent requires an interpreter and is the principal party in the action involving numerous claims, counterclaims, and affirmative defenses. Because parties residing off-island

have already made plans to attend the deposition, counsel for Xerox will be unable to reschedule this deposition.

Counsel for Xerox, Elyze Iriarte, has been the only attorney at Carlsmith Ball LLP involved in representing Xerox in this proceeding and in related proceedings before the OPA. Since the Motion and the prehearing conference will touch upon the dispositive issues raised in this case, no other attorney at the law firm at Carlsmith Ball LLP can adequately represent Xerox at the hearing.

Counsel respectfully requests that the OPA reschedule the hearing and the pre-hearing conference. Counsel for Xerox contacted counsel for IBSS and DOE, and the following days and times are agreeable to all counsels' schedules: the afternoon of January 24, the afternoon of January 25, and anytime on January 26.<sup>1</sup>

As a matter of completeness, Counsel reports the following which ensued among the parties during informal discussions to reschedule the hearing:


- (1) All parties agree that should the OPA grant DOE's Motion, this matter will be moot.
- (2) All parties agree that a decision on the Motion obviates the need for a pre-conference hearing, and prefer that the OPA rule on the Motion before holding the pre-conference hearing.
- (3) DOE and IBSS do not require a hearing on the Motion. Xerox requests a hearing.
- (4) IBSS and DOE wish for an expedited ruling. Xerox is not opposed to expediting the hearing, as long as it is allowed an opportunity to be heard.

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<sup>1</sup> Counsel for Xerox is available on January 19 and 20, however, counsel for DOE is not, and counsel for IBSS is not available on the morning of the 19th.

DATED: Hagåtña, Guam, January 12, 2011.

CARLSMITH BALL LLP

  
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ELYZE M. IRIARTE  
Attorneys for Party-in-Interest  
XEROX CORPORATION