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RECEIVED  
 OFFICE OF THE PUBLIC AUDITOR  
 PROCUREMENT APPEALS  
 DEC 30 2008  
 TIME: 12:35  
 BY: AC  
 FILE No. OPA-PA 08-012

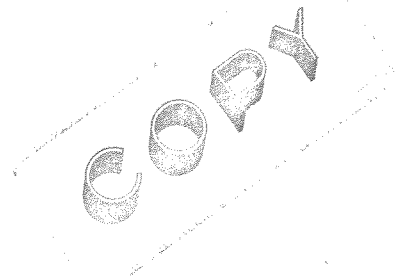
PROCUREMENT APPEAL  
 BEFORE THE OFFICE OF THE PUBLIC AUDITOR

In the Appeal of	)	
	)	
TOWN HOUSE DEPARTMENT STORES,	)	APPELLANT'S:
INC., dba	)	WITNESS LIST
ISLAND BUSINESS SYSTEMS	)	
& SUPPLIES,	)	
APPELLANT	)	DOCKET NO. OPA-PA -08-012
_____	)	

Appellant advises that the following person(s) may be called as Witness at the Hearing of this matter on January 7, 2009:

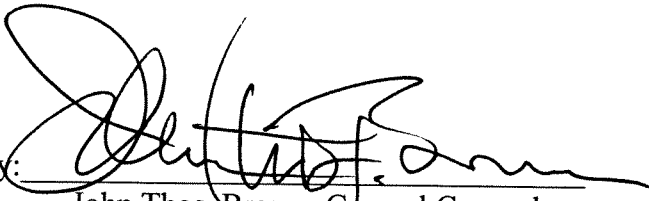
Ms. CLAUDIA S. ACFALLE, Chief Procurement Officer  
 Guam General Services Agency  
 Department of Administration, Government of Guam

Appellant respectfully request the Hearing Officer to accept this tardy submission. Opposing Counsel had agreed by email to prepare a joint Witness list (see attached hard copy of email from Mr. Weisenberger, dated 17 Dec 2008 10:32:40 [AM]). Appellant received today GSA's "Respondent's Hearing Materials", filed with the Office of the Public Auditor yesterday, 12/29/08. Evidently, Mr. Weisenberger neglected to prepare the Witness list as a joint submission. There is no hardship or surprise to the Witness given that she has already been named by Respondent and informed by Mr. Weisenberger that Appellant would be calling her as a witness (see additional attached copy od email from Mr. Weisenberger dated 30 Dec 2008 10:04:42 [AM]).



RESPECTFULLY SUBMITTED:

Town House Department Stores, Inc., dba Island Business Systems & Supplies

By:   
John Thos. Brown, General Counsel

DATED: 30<sup>th</sup> day of DEC., 20 08.

Delivered-To: jngo@ozemail.com.au  
X-IronPort-Anti-Spam-Filtered: true  
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Date: Wed, 17 Dec 2008 10:32:40 +1000  
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Thread-Topic: IBSS/GSA procurement appeal stipulations  
thread-index: Aclf2U2tR2IgtJZKS4urPv6YuUx7rQABWc0g  
From: "John Weisenberger" <jweisenberger@guamattorneygeneral.com>  
To: "John Thos. Brown" <jngo@ozemail.com.au>

Good Morning John,

I will prepare the stipulation for our signatures. I will include a joint submission on witnesses. This should follow soon. John.

John Weisenberger  
Assistant Attorney General

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287 West O' Brien Drive  
Hagatna, Guam 96910  
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-----Original Message-----

From: John Thos. Brown [<mailto:jngo@ozemail.com.au>]  
Sent: Wednesday, December 17, 2008 9:54 AM  
To: John Weisenberger  
Subject: IBSS/GSA procurement appeal stipulations

John, Thanks for the clean up job on the stipulations. If you will kindly have them put in form for submission, I will sign.

We also discussed witnesses. You had indicated that you probably would not call any, and I said I would call Claudia and probably a representative of Deloitte & Touche, likely Dan Fitzgerald. If that is final, do you also want to include a joint submission for that?

Cheers, John

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Date: Tue, 30 Dec 2008 10:04:42 +1000  
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Thread-Topic: OPA hearing: subpoena?  
thread-index: AclqC3rgI7OGIZ0HSX2Q4hPztqqNtgABUnQg  
From: "John Weisenberger" <jweisenberger@guamattorneygeneral.com>  
To: "John Thos. Brown" <jngo@ozemail.com.au>  
Cc: <cacfalle@mail.gov.gu>

Good Morning John,

I have spoken to Claudia and advised her that you would be calling her as a witness. I have listed her as my witness as well. She indicated that she would be available. I have confirmed the date, time and place with her. I do expect for her to be present. Thanks, John.

John Weisenberger  
Assistant Attorney General

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-----Original Message-----

From: John Thos. Brown [mailto:jngo@ozemail.com.au]

Sent: Tuesday, December 30, 2008 9:18 AM

To: John Weisenberger

Subject: OPA hearing: subpoena?

Hi John, In what's left of this year it occurred to me that I may need to issue subpoenas for the witnesses. However, I'm reconsidering calling Deloitte, considering what is already in the record. That leaves Claudia. Can we agree that she will attend, or do you prefer I formally have a subpoena served?

(I tried to call, but only got an answering machine/voice mail for the receptionist.)

Cheers, John