



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

---

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

---

Jamaica Nakama &lt;jnakama@arriolafirm.com&gt;

Fri, Nov 22, 2024 at 2:01 PM

To: jhernandez@guamopa.com

Cc: jgrimes@carlsmith.com, William B Brennan &lt;wbrennan@arriolafirm.com&gt;

Hafa Adai,

Please see the attached for filing.

Thank you.

***Jamaica Nakama******Legal Assistant to William B. Brennan, Esq.*****ARRIOLA LAW FIRM, LLC**[259 Martyr Street, Suite 201](#)

Calvo-Arriola Building

Hagatna, Guam 96910

Tel: 671.477.9730/33

Email: [jnakama@arriolafirm.com](mailto:jnakama@arriolafirm.com)

This email message, including any attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. Â§Â§ 2510-2521, is sent by a law firm, and is intended only for the use of the recipient to whom it is addressed. The message, including any attachments, may contain information that is privileged, confidential, and exempt from disclosure. Any and all rights of privilege, confidentiality and non-disclosure are hereby expressly reserved and not waived. If you are not an intended recipient of this message, please advise the sender by reply email and delete this message and any attachments. Unauthorized use, dissemination, distribution, or reproduction of this message is strictly prohibited and may be unlawful.

---

 **Stipulation to Dismiss.pdf**  
738K

**WILLIAM B. BRENNAN, ESQ.**  
**ARRIOLA LAW FIRM, LLC**  
259 MARTYR STREET, SUITE 201  
HAGÁTÑA, GUAM 96910  
TEL: (671) 477-9730/33  
[attorneys@arriolafirm.com](mailto:attorneys@arriolafirm.com)

Attorneys for Appellant  
ASC Trust, LLC

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

**In the Appeal of**

**ASC Trust, LLC,**

**Appellant.**

) Consolidated Appeal  
) Docket No. OPA-PA-23-005  
) Docket No. OPA-PA-23-006  
)  
)  
)  
)  
)  
)  
)

**STIPULATION TO DISMISS**

**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

ARRIOLA LAW FIRM HAGÁTÑA, GUAM 96910

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.

ARRIOLA LAW FIRM HAGÁTÑA, GUAM 99910

It is so stipulated.

**ARRIOLA LAW FIRM, LLC**  
Attorneys for ASC Trust, LLC

By:   
**WILLIAM B. BRENNAN**

**Dated:** November 22, 2024

**CARLSMITH BALL LLP**  
Attorneys for Government of Guam  
Retirement Fund

By:   
**JOANNE L. GRIMES**

**Dated:** November 20, 2024

ARRIOLA LAW FIRM HAGÁTÑA, GUAM 96910