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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

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17 This matter comes before the court on Plaintiffs-Appellants Ron and Tiffany Hocog's
18 motion for limited remand or supervisory order directing the Superior Court to rule on their
19 motion for reconsideration. We deny the motion for limited remand. The Superior Court may
20 deny the motion for reconsideration on its own or issue an order indicating its intent to grant the
21 motion for reconsideration.

I. FACTUAL AND PROCEDURAL BACKGROUND

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24 and Guam Memorial Hospital Authority (“GMHA”) for “medical malpractice, wrongful death,
25 personal injury, negligent infliction of emotional distress, gross negligence, loss of consortium,
26 and failure to obtain informed consent” in conjunction with the purported labor, delivery, and
27 eventual death of their child. *See* Compl. at 1 (Feb. 26, 2025). Dr. Cook-Huynh moved to dismiss.
28 Mot. Dismiss (May 14, 2025). The Superior Court granted her motion and issued a partial

E-Received

1 judgment. Dec. & Order (Aug. 11, 2025); Partial Judgment (Aug. 11, 2025). The Hocogs moved
2 for reconsideration under Local Rules of the Superior Court of Guam Civil Rule (“CVR”) 7.1.
3 Notice Mot. & Mot. (Aug. 21, 2025); CVR 7.1 Form 2 (Aug. 21, 2025). Separately, the Hocogs
4 also filed a notice of appeal to this court. Notice Appeal (Sep. 11, 2025). At the scheduling
5 conference regarding remaining claims against GMHA, parties discussed whether the Superior
6 Court retained jurisdiction over the pending motion for reconsideration. *See* Min. Entry (Sep. 17,
7 2025). The Superior Court issued an order stating that it “will take no further action on Plaintiff’s
8 motion for reconsideration while an appeal from the Partial Judgment is pending,” until this court
9 orders otherwise. Order at 2 (Oct. 30, 2025). Now, the Hocogs move this court for limited
10 remand, or in the alternative, for supervisory order directing the Superior Court to decide on their
11 motion for reconsideration. Mot. Ltd. Rem. (Nov. 13, 2025). Dr. Cook-Huynh has not responded.
12 *See* Guam R. App. P. 6(a)(3)(A).

13 II. DISCUSSION

14 Generally, “the filing of a notice of appeal divests the [Superior Court] of jurisdiction over
15 the matters on appeal, with the exception that the [Superior Court] retains jurisdiction to take
16 action in aid of the appeal.” *Hemlani v. Flaherty*, 2002 Guam 10 ¶ 6. In *Hemlani*, we held that
17 the Superior Court retains jurisdiction to consider and deny a Rule 60(b) motion after a notice of
18 appeal has been filed. The denial of such a motion does not disturb appellate jurisdiction and
19 could aid the appeal. The Superior Court, however, lacks jurisdiction to grant Rule 60(b) relief,
20 and may not do so without a remand from this court.

21 Guam Rule of Civil Procedure 60(b) and CVR 7.1(i) are similar. *Compare* Guam R. Civ.
22 P. 60(b) (“On motion and upon such terms as are just, the court may relieve a party . . . from a
23 final judgment”), *with* CVR 7.1(i) (“A motion for reconsideration of the decision on any motion
24 may be made.”). Therefore, we extend *Hemlani* to a parallel CVR 7.1(i) motion.

25 However, such a holding does not necessarily warrant remand. The Superior Court retains
26 “jurisdiction to deny the motion without action by this court. If the [Superior Court] is inclined
27 to grant [the] motion, it should enter an order so indicating.” *Hemlani*, 2002 Guam 10 ¶ 12.
28 Absent “indication in the record that the [Superior Court] intends to grant” the motion, remand is

1 inappropriate. *Id.* If the Superior Court “issue[s] an order indicating its intention to grant [the]
2 motion, [movant] may thereafter file in this court a motion to remand.” *Id.* Here, the Superior
3 Court did not reach the merits of the Hocogs’ motion for reconsideration. *See Order at 2 (Oct.*
4 *30, 2025).* Therefore, we decline to remand.

5 **III. CONCLUSION**

6 We **DENY** the Hocogs’ motion for limited remand. The Superior Court retains
7 jurisdiction to deny the Hocogs’ motion for reconsideration. But if the Superior Court is inclined
8 to grant the motion for reconsideration, it may issue an order so indicating, and the Hocogs should
9 again move this court to request remand.

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11 **SO ORDERED** this 27th day of January, 2026.

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15 **F. PHILIP CARBULLIDO**
16 Associate Justice

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18 **ROBERT J. TORRES**
19 Associate Justice

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29 **KATHERINE A. MARAMAN**
30 Chief Justice