



Supreme Court of Guam

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PRESS RELEASE

FOR IMMEDIATE RELEASE – December 29, 2023 – Today, the Supreme Court of Guam, *per curiam*, decided the appeal in the case of *Story-Bernardo v. Government of Guam*, 2023 Guam 27. Plaintiffs-Appellants Layla Story-Bernardo, Daniel Bernardo, Tommy Arceo, Betty Diaz, Faye Dora Cruz Sanchez, Nonito Santos, John Pinaula, Daniel Anciano, Raycia Marie San Nicolas Charfauros, and Roel Rama (collectively, “Appellants”), employees of various Government of Guam agencies, appealed the Superior Court’s dismissal of a proposed class action suit seeking payment for denied “double pay and/or overtime” earned during the COVID-19 public health emergency. On appeal, Appellants challenged the Superior Court’s rulings on grounds of sovereign immunity, exhaustion of administrative remedies, and the availability of statutory remedies, declaratory relief, and equitable estoppel.

The Supreme Court denied each of Appellants’ claims, holding that Appellants failed to exhaust administrative remedies and that, as a matter of law, this failure was not excused on the grounds of futility. The court held that the Superior Court properly dismissed Appellants’ claims for double pay and declaratory judgment, and that estoppel was not a valid cause of action. Finally, the court held that the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal appropriation, outside the control of the Guam Legislature, and therefore the Proper Government Spending Act did not apply to Appellants’ claims. The judgment of the Superior Court was affirmed.

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