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SUPERIOR COURT
OF GUAM

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CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

By: 

RON HOCOG and TIFFANY HOCOG,
individually and as parents of Beau Jermaine
Iba Hocog, deceased,

Plaintiffs,

vs.

DR. MARIANA COOK-HUYNH, GUAM
MEMORIAL HOSPITAL AUTHORITY and
DOES 1-20,

Defendants.

CIVIL CASE NO. CV0140-25

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Plaintiffs Ron and Tiffany Hocog move for reconsideration of the Court's August 11, 2025 Decision and Order granting Defendant Dr. Mariana Cook Huynh's Motion to Dismiss for failure to properly serve her. Mot. Recons. (Aug. 21, 2025); Dec. & Order (Aug. 11, 2025); Partial J. (Aug. 11, 2025).¹ The Court's analysis here incorporates the factual and procedural background from the prior Decision and Order.

Guam Rule of Civil Procedure 59(e) governs this Motion for Reconsideration because the Hocogs seek to alter or amend the Court's August 11, 2025 Partial Judgment. The Hocogs cite Local Rule 7.1(i), but that rule covers pre-judgment reconsideration of interlocutory orders.

¹ The Hocogs appealed the Partial Judgment. Not. Appeal (Sept. 11, 2025). The Guam Supreme Court determined that this Court may deny the Motion for Reconsideration or indicate an intent to grant it but may not grant Rule 60(b) relief absent a remand. *Hocog v. Dr. Mariana Cook-Huynh, et al.*, CVA25-021 (Order Den. Remand (Jan. 27, 2026)).

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Also, Rule 7.1 allows relief, in part, for post-decision changes in law—which is not the case here. Rule 59(e) instead controls final judgments like this one.

Rule 59(e) allows a party to seek to alter or amend a judgment within ten days after entry. The Guam Supreme Court interprets it to permit relief only for newly presented evidence, clear error or manifest injustice, or an intervening change in controlling law. See *Quitugua v. Flores*, 2004 Guam 19 ¶ 38 (citing *Ward v. Reyes*, 1998 Guam 1 ¶ 10). The primary issue on reconsideration is the Court's analysis finding improper service. The August 11, 2025 Decision and Order explained that 10 GCA § 10103 requires serving an arbitration demand like a summons. Guam law demands strict compliance with service rules. GRCP 4(e), (m); *Pineda v. Pineda*, 2005 Guam 10 ¶ 18. The Hocogs bore the burden to prove personal service on Dr. Cook-Huynh or an agent authorized by law or appointment. GRCP 4(e)(2). They did not meet this burden. The Hocogs cite *Sayama v. Guam Mem'l Hosp. Auth., et al.*, CV1183-00 (Dec. & Order (Sept. 11, 2000)), to argue that arbitration does not need to precede a Superior Court complaint. The Court need not address this issue, however, because service was not made personally to Dr. Cook-Huynh and was therefore untimely.

Both sides show no personal service occurred on Dr. Cook-Huynh: the Hocogs' process server described delivery to the office manager and Defendants noted the same. Mem. P & A Supp. Pls.' Mot. Recons., Exs. C–D (Aug. 21, 2025); Mot. Dismiss (May 14, 2025). The dispute centers on legal authorization, not facts. The August 11, 2025 Decision thus turned on undisputed legal requirements, and not evidentiary credibility. In other words, the Court neither weighed affidavits nor ignored the Hocogs' evidence.

The Hocogs also cite *Geomat & Sons, Inc. v. Hong Kong and Shanghai Banking Corp.*, 2011 WL 1317248, at *5 (D. Guam Mar. 25, 2011), as support for their proposition that Dr.

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Cook-Huynh's office manager was authorized to accept service on her behalf. But that case differs sharply. There, an attorney received service, and the court found implied authority from the attorney's role in the underlying dispute. *Id.* at *11. Here, an office manager lacks that role and holds no comparable legal appointment. Thus, service on Dr. Cook-Huynh fails Guam's strict standard. Further, the Hocogs process server's declaration reinforces this point and shows proper procedure elsewhere. He served GMHA officials only after the receptionist sought their express permission. Decl. David J. Sablan Dated Aug. 15, 2025 (Aug. 21, 2025). No such process occurred for Dr. Cook-Huynh. Even if fully credited, the declaration shows no authorized agent. This lack of authorization defeats the Hocogs' core service argument.

The Hocogs claim a right to jurisdictional discovery on service, but they never requested it before the August 11, 2025 Decision. They identify no factual dispute or evidence that discovery could resolve under Guam's strict-compliance rule. Their cited cases involve timely requests and genuine factual disputes—not undisputed facts like here. *See Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008) (refusal to provide jurisdictional discovery reversed only for "clearest showing that denial of discovery results in actual and substantial prejudice to the complaining litigant."); *Harty v. West Point Rlty, Inc.*, 28 F.4th 435, 442 (2d Cir. 2022) (courts have broad discretion whether to allow jurisdictional discovery and should permit it "where a party offers extrinsic evidence that contradicts the material allegations of the complaint...."). Here, nothing in the record—beyond bare assertions—indicates Dr. Cook-Huynh's office manager was authorized or appointed by law to accept service. Dr. Cook-Huynh was absent, and no showing of legal appointment exists. No contradicting evidence appears, so discovery would change nothing.

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The Hocogs offer no intervening law, new evidence, or clear error as Rule 59(e) requires. Their new arguments could have appeared earlier. Reconsideration finds no support in law or record. Accordingly, Plaintiffs' Motion for Reconsideration is DENIED and the August 11, 2025 Partial Judgment dismissing Defendant Dr. Mariana Cook-Huynh stands.

SO ORDERED, 13 March 2026.



HON. ELYZE M. IRIARTE
Judge, Superior Court of Guam



SERVICE VIA EMAIL

I acknowledge that an electronic copy of the original was e-mailed to:

M Smith / Torres
Arenosa: W. GARCIA
 Date 3/13/26 Time: 11:30am
Scott E. Hermosilla
 Deputy Clerk, Superior Court of Guam

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