

# Superior Court of Guam – Minute Sheet

Page No. 1

Court Convened: 10/10/2025 11:00:00 AM

Judge: **Arthur R. Barcinas**

Clerk: Yvonne Cruz

Case Number: **CV0407-24**

Case Title: A.T., by and through her Guardian ad Litem Georgine Taitano, Guam Department of Education, Government of Guam, Strader, Jay Matthew ~ Premises Liability - Court Number - CV0407-24

## Parties

A.T., by and through her Guardian ad Litem Georgine Taitano

Guam Department of Education, Government of Guam

Keogh Law Office ✓

Office of the Attorney General – Joseph Guthrie

Proceedings: Further Proceedings *Re: Sanctions Amount*

## Log Number

| 11:05 | Case Called                                                                                                                                        |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------|
|       | Matthew Wolff and Jesse Nasis present                                                                                                              |
|       | Nasis – For Govt claims we follow the law and the AG's ofc represents the Agency. We work with them to provide all the docs and/or info they need. |
|       | – The AG's ofc appears on behalf of the Agency                                                                                                     |
|       | – Funds would come from the Govt Claims Fund                                                                                                       |
|       | – AG's ofc has full authority to settle the case                                                                                                   |
|       | Guthrie – I'll accept the sanction. I was the Supervisor                                                                                           |
|       | Keogh – My Doc filed 9/21/25 has my billing attached                                                                                               |
|       | – Refers to Strader mtn filed on 10/2/25                                                                                                           |
|       | Guthrie – The Rule 18 was a rookie mistake                                                                                                         |
|       | – Mr. Keogh can file a mtn to strike and we won't oppose it.                                                                                       |
|       | Ct – Mr. Keogh need not do anything further.                                                                                                       |
|       | Keogh – I don't want it stricken.                                                                                                                  |
|       | Ct – Will decide on the sanctions amount                                                                                                           |

FILED  
SUPERIOR COURT  
OF GUAM

October 1, 2025

Jay Matthew Strader  
24 Clover Drive  
Georgetown, DE 19947

2025 OCT -2 AM 9: 09

CLERK OF COURT

BY: 

**Superior Court of Guam**

**A.T. by and through her Guardian Ad  
Litem, Georgine Taitano,**

**v.**

**Department of Education,  
Government of Guam**

Civil Case No. CV0407-24

**Motion of Jay Matthew Strader to  
Protect his Interests in Avoiding  
Sanctions**

Lawyer, Jay Matthew Strader, who no longer works for the Guam Office of the Attorney General ["OAG"], files this motion pro se to advance his interests in avoiding sanctions for filing an offer of judgment. Strader requests that the Court dismiss Plaintiff's request for sanctions because the Court already has granted the Plaintiff the proper remedy, which is to ignore and strike the offer from the record.

**I. Why Might the OAG File the Offer of Judgment?**

Many reasons could explain why the OAG filed the offer of judgment. At trial, Plaintiff had not proven anything but de minimis damages, nor did he establish a reasonable method to calculate damages. The offer suggested that the Court might consider further proceedings to decide a reasonable method to calculate damages.

The offer also implied that if Plaintiff's counsel and the Guam Department of Education fully had disclosed the evidence that they held but did not forward to the OAG, the Defense could have considered filing an offer of judgment before trial to

avoid the substantial expense of trial. Finally, the offer of judgment suggested that Defendants recognized that the trial evidence was enough to show negligence.

In addition, Defense counsel filed the offer of judgment because the elected Attorney General told him to file it. The AG did not ask if I might research the issue and evaluate its efficacy. For this obscure rule of civil procedure, Defense counsel considered the reasons above and the source of the directive before deciding to file the offer of judgment. I spent significant time identifying a reasonable method to calculate damages and presented that method to OAG leadership.

## **II. GRCP 68 States the Proper Remedy.**

Rule 68 indicates that any offer that does not follow the rule's conditions is inadmissible as evidence. The Rule states that unaccepted offers shall be inadmissible. GRCP 68. But if unaccepted offers are inadmissible, then offers that do not satisfy the rule's conditions also should be inadmissible. If the evidence of the offer is inadmissible, then it should not influence a factual ruling. The Court stipulated that it could and would ignore inadmissible evidence. *See Order Striking Defendant's Offer*, p. 4 (“[T]his Court recognizes the danger of this potential impact and will disregard this finding as it considers the verdict in this case.”).

The customary remedy when an offer does not satisfy the Rule 68 conditions is to strike the offer from the record. *See* citations in Plaintiff's Brief. The Court

agreed that striking the offer would be the appropriate remedy. Order, p. 4. It also indicated that the risk of prejudice was low in this bench trial. *Id.*

Plaintiff's cases do not require a different result, nor do they offer a normative reason to distinguish the facts of this case from any of the others that Plaintiff cited in which the court did not impose sanctions. The only case in which the Court imposed sanctions involved two violations of the rules of civil procedure. *See Fair Housing Advocates Assoc., Inc., v. Terrace Plaza Apart.*, No. 2:03-CV-0563, 2006 WL 2334851, at \*8 (S.D. Ohio Aug. 10, 2006).

### **III. Plaintiff's Counsel Himself Has Engaged in Sanctionable Behavior.**

Plaintiff's counsel knowingly withheld from Defense counsel evidence critical to evaluate this case and then attempted to obscure that same evidence from me at a deposition. *See* Defense Counsel Affidavit. He also continues to pursue \$500,000 in damages after any reasonable lawyer would know that the injury sustained in this case is worth a tiny fraction of that amount.

As an example of Plaintiff counsel's sanctionable behavior, he did not sufficiently investigate the amount or extent of the damages that his client reasonably could claim. In *Canalez v. Bob's Appliance Serv. Center, Inc.*, bad faith conduct consisted of, prior to a settlement conference, failing to thoroughly evaluate the claim and failing to attempt to negotiate a settlement. 89 Hawaii 292, 304-5 (1999). Although not sanctionable in isolation, the *Canalez* Plaintiff's lawyer

also made inaccurate statements by claiming that his client fell into a coma when the physicians characterized the Plaintiff as amnesic and confused; this was a material misrepresentation. *See id.* at 302-3. Actions that the Court sanctioned included failing to answer discovery requests that Defendants needed to evaluate the settlement offers, and failing to account for his client's own comparative negligence. *See id.* at 304-5.

During the proceedings in the *Taitano* case, Plaintiff's counsel withheld evidence necessary to evaluate liability. He has ignored evidence establishing that this case is worth far less than \$500,000. And he has ignored testimony by his own client establishing comparative negligence, which negates any claim of *res ipsa loquitor*. He has continued to assert this theory of liability.

Throughout discovery, trial, and after trial, Plaintiff's counsel has multiplied the costs of litigating this case for the government and the judiciary. In evaluating ethical behavior and the obligation to act as an agent of the Court, the Court has greater cause to sanction Plaintiff's counsel.

Respectfully Submitted,

/s/

Jay Matthew Strader



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**Attorneys for the People of Guam**

FILED  
SUPERIOR COURT  
OF GUAM

2025 OCT -2 PM 2:48

CLERK OF COURT

BY: R

**IN THE SUPERIOR COURT OF GUAM**  
**Hagåtña, Guam**

A.T. by and through her Guardian Ad Litem, )  
Georgine Taitano, )

Plaintiff, )

vs. )

Department of Education, Government of )  
Guam, )

Defendant. )

Superior Court Case No. CV407-24

**Declaration of**  
**Attorney General of Guam**  
**Responding to J.M. Strader's**  
**October 2, 2025 Motion**

**I, Douglas Moylan, declare:**

1. I make this Declaration based upon my personal knowledge and would so testify if asked. I am the principal managing attorney for the Office of the Attorney General of Guam.

2. On Thursday, October 2, 2025 Solicitor's Division staff in my office alerted me that former AAG Jay Matthew Strader ("Strader") emailed our Solicitors Division with a motion addressing pending sanctions in the above case.

1           3.     After reviewing the motion, I am compelled to file this declaration in my  
2 capacity as the Attorney General of Guam and as a licensed member of the Guam Bar  
3 Association to correct substantial material misrepresentations of facts made that appear in the  
4 motion relating to the scope of my involvement in the above case.

5           4.     I was not, and am not, counsel of record in the above civil case, and during the  
6 course of its litigation relied upon the Solicitors Division and its attorneys to handle this matter  
7 on behalf of our client, the Government of Guam.

8           5.     In the motion, Strader represents that I “told him” to file the Offer of Judgment  
9 in the above civil case. He then adds that I did not ask him to research the issues relating to the  
10 Offer of Judgment. **Both statements are patently untrue.**

11          6.     I recall Joseph Guthrie, Chief Deputy and Acting Division Deputy for the  
12 Solicitors Division, informing me sometime in July, 2025 that Stader had recommended making  
13 a settlement offer in the above case.

14          7.     As the elected Chief Legal Officer for the People of Guam and the managing  
15 principal of the AG’s Office, I was asked to approve a settlement offer. I responded that GDOE  
16 be notified as they would need to approve any settlement offers because any financial payments  
17 would be paid from their budget. I never recommended filing any Offer of Judgment. My  
18 understanding in my communications with Acting Deputy Guthrie was simply transmitting a  
19 proposed settlement offer to opposing counsel.

20          8.     It was Strader who subsequently devised the civil compromise approach that led  
21 to his filing of pleadings in furtherance of the Offer of Judgment, not me. I never directed  
22 Strader to file any pleadings or documents in furtherance of the Offer of Judgment. I relied upon

1 his professional abilities to convey a settlement offer and continue managing this litigation.

2       9.     At all relevant times, I relied upon Strader, who was an attorney licensed on  
3 Guam and served as an AAG in the Solicitor's Office of the AG's Office, and reasonably  
4 expected him to exercise his independent ethical and professional responsibilities and duties  
5 owed the courts, the AG's Office and, most importantly, the People and the Government of  
6 Guam based on a well-researched knowledge of the Guam Rules of Professional Conduct, Rules  
7 of Civil Procedure and, indeed, all rules touching on the issues in the above case.

8       10.    I reasonably relied upon Strader's professional capabilities because as the elected  
9 Attorney General of Guam my management of eight divisions in the AG's Office, each with  
10 heavy caseloads, it would be impossible for me to micromanage any particular litigation. As the  
11 frontline litigator assigned to his case, Strader should have had the requisite legal expertise and  
12 factual knowledge to press the best legal strategy to protect the People and Government of  
13 Guam.

14       11.    The Rules of Professional Conduct require all licensed attorneys to review and  
15 research any written submissions for accuracy and propriety before executing and filing such  
16 submissions with any tribunal. At all relevant times, Strader executed all submissions based  
17 presumably upon his independent legal judgment.

18       12.    I did not sign the Offer of Judgment that Stader filed, nor did I ever review a  
19 copy of it before or after its immediate filing, consistent with my relying upon his professional  
20 abilities to handle this matter.

21       13.    Atty. Strader was an attorney assigned to the Civil Division in the former AG's  
22 Office since before I took office on January 2, 2023.

14. Strader filed personnel-related legal actions in the Civil Service Commission and the Superior Court of Guam against my Office before trial in this case began. I believe that this attorney has for quite some time now been a disgruntled employee against this law firm and AG, and is, unfortunately, misrepresenting the truth of what occurred to cover the truth of his involvement.

15. I am not aware of the specific posture of this case. I believe that Strader may have made a mistake in a filing, or may have been correct, and that his immediate withdrawal avoided prejudice to anyone, especially as this was a bench trial. I also believe that Strader had the correct approach to attempt an amicable settlement of this case so long as GDOE agreed to the proposed settlement, which I understood was the case, regardless if the facts did not support GDOE's negligence or a lack of proof for the minor's alleged suffering.

16. In filing this declaration I do not waive my rights, or concede, to any deficiencies pertaining to due process, including but not limited to proper service of process, or other defense regarding sanctions or other legal matter.

I declare, under penalty of perjury, this 2<sup>nd</sup> day of October, 2025 that the foregoing is true and correct to the best of my knowledge.

Charles B. May

## Douglas Moylan

FILED  
SUPERIOR COURT  
OF GUAM

2025 SEP 26 AM 11:08

CLERK OF COURT

BY: IR

**KEOGH LAW OFFICE**

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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF GUAM**

A.T., by and through her  
Guardian ad Litem GEORGINE  
TAITANO,

Plaintiff,

vs.

DEPARTMENT OF EDUCATION,  
GOVERNMENT OF GUAM,

Defendant.

CIVIL CASE NO. CV0407-24

**DECLARATION OF  
ROBERT L. KEOGH**

I, Robert L. Keogh, hereby declare as follows:

1. I am counsel for plaintiff in this action, I am over the age of 18 years, I am competent to testify about the matters set forth herein and have personal knowledge of the matters testified about unless stated otherwise, and I submit this Declaration in support of Plaintiff's request for sanctions pertaining to the Motion to Strike Defendant's Filing of Rule 68 Offer of Judgment.

2. On July 16, 2025, at 11:57 a.m., five (5) days after the conclusion of the bench trial in this matter, I received an email from then Assistant Attorney General J. Matthew Strader advising me

1 that he had filed with the court a Rule 68 Offer of Judgment. There  
2 was no attachment to this email.

3  
4 3. After reading this email, I wrote to Mr. Strader at 12:20  
5 p.m. demanding that he withdraw the Offer of Judgment or I will  
6 file a Motion to Strike. I also asked that he provide me with a  
7 copy of whatever he filed with the court.

8  
9 4. Concerned about the various legal ramifications of what  
10 Mr. Strader had just filed, I began drafting Plaintiff's Memorandum  
11 of Points and Authorities in Support of Motion to Strike  
12 Defendant's Filing of Rule 68 Offer of Judgment as well as my  
13 Declaration.

14  
15 5. Since I had previously encountered the issue of an  
16 improperly filed Rule 68 Offer of Judgment in another case a few  
17 years back, I searched for and located the brief I had filed in  
18 that case and confirmed the cases cited were still good law and  
19 appropriate to cite once again.

20  
21 6. At 12:41 p.m. Mr. Strader emailed me a copy of the Offer  
22 of Judgment with a filed stamp from the court.

23  
24 7. I finished drafting my motion and all accompanying  
25 documents at 1:58 p.m. and e-filed them with the court.

26  
27 8. At 2:26 p.m., I received an email from the court

1 requiring payment of a \$20.00 fee for the motion. My office  
2 promptly called the Superior Court to make a credit card payment  
3 over the phone. The total cost was \$20.62 including the convenience  
4 fee charged.

5  
6 9. My office received the receipt of payment from the court  
7 at 3:25 p.m. and this was conveyed to the filing clerk's office  
8 accordingly.

9  
10 10. At 3:34 p.m., I received and reviewed defendant's  
11 Withdrawal of Offer of Judgment.

12  
13 11. The filed copy of Plaintiff's motion and all accompanying  
14 documents was received by my office at 3:51 p.m. and these were  
15 emailed to Mr. Strader forthwith.

16  
17 12. I spent time preparing and attending the September 5,  
18 2025 hearing via Zoom and I anticipate an additional hour to be  
19 spent pertaining to the October 3, 2025 hearing on this matter.

20  
21 13. I have also spent time reviewing my file and drafting  
22 this Declaration. My total time spent on this matter is 5.85 hours  
23 not including the value of the prior work product on the issues  
24 involved.

25  
26 14. Attached as Exhibit A is a Certification of Time and  
27 Costs Incurred for the time I have spent on representing plaintiff

1 with respect to the Rule 68 Offer of Judgment and its aftermath as  
2 well as the costs incurred. I have included an additional hour  
3 therein which I anticipate spending to prepare for and attend the  
4 October 3, 2025 hearing.

5  
6 15. I received an AB degree in history from Villanova  
7 University in 1969, a JD degree from Villanova Law School in 1972  
8 and an LL.M degree in Public International Law from King's College,  
9 University of London in 1973.

10  
11 16. I was employed as a Staff Attorney with a federal Legal  
12 Services Corporation funded poverty law program in Chester County,  
13 Pennsylvania from 1974 through 1977. I handled general litigation  
14 matters including various appeals to Pennsylvania appellate courts.  
15 See. In Re Pyott, 380 A. 2d 311 (Sup. Ct. Pa. 1977).

16  
17 17. I was employed as the Litigation Director for the  
18 Micronesian Legal Services Corporation in Saipan from 1977 to 1981.  
19 I handled a variety of litigation matters in the courts of the then  
20 Trust Territory of the Pacific Islands and the CNMI.

21  
22 18. I have been engaged in the private practice of law on  
23 Guam continuously since 1981 in a solo practice and with prior  
24 firms known as Keogh and Butler and Keogh and Forman. I have  
25 handled a wide variety of litigation matters in the Superior Court  
26 of Guam, Supreme Court of Guam, District Court of Guam and the  
27 Ninth Circuit Court of Appeals, including obtaining a damage award

1 of \$7.5 million for the plaintiff in a Federal Tort Claims Act  
2 medical malpractice claim in Rutledge v. United States, 2008 WL  
3 3914965 (D. Guam 2008) affirmed, 2011 WL 700516 (9<sup>th</sup> Cir. 2011.)

4  
5 19. I bill my time at the rate of \$350.00 per hour, however,  
6 I represent plaintiff in this matter on a contingent fee basis.  
7 See, *Enriquez v. Smith*, Superior Court of Guam CV1486-11, D&O, Feb.  
8 20, 2017, approving my rate of \$350.00 per hour for contingency  
9 work in a SLAPP suit when calculating the award of attorneys fees.

10  
11 20. I declare under penalty of perjury under the laws of Guam  
12 that the foregoing is true and correct.

13  
14 Respectfully submitted,

15 **KEOGH LAW OFFICE**  
16 Attorneys for Plaintiff

17  
18 DATE: September 26, 2025

19  
20 By: /s/  
21 **ROBERT L. KEOGH**

**KEOGH LAW OFFICE**  
301 FRANK H. CUSHING WAY, UNIT 801  
TAMUNING, GUAM 96913  
TELEPHONE (671) 472-6895 • MOBILE (671) 777-6895  
email address: [keoghlawoffice@gmail.com](mailto:keoghlawoffice@gmail.com)

September 26, 2025

**CERTIFICATION OF TIME SPENT AND COSTS INCURRED**  
in relation to Motion to Strike Defendant's Rule 68 Offer  
of Judgment in A.T., by and through her Guardian ad Litem,  
Georgine Taitano v. Guam Department of Education,  
Government of Guam,  
Superior Court of Guam, Civil Case No. CV0407-24.

| <u>For Professional Services rendered</u>                                                                                                                                                                                                                        | <u>Hours</u> | <u>Amount</u>            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------|
| 07/16/25 Review email from M. Strader; email to M. Strader; draft Notice of Motion and Motion, Memorandum of Points and Authorities in Support of Motion to Strike Defendant's Rule 68 Offer of Judgment and Declaration of Robert L. Keogh; instructed e-filing | 2.00         | 700.00                   |
| Review Withdrawal of Offer of Judgment                                                                                                                                                                                                                           | 0.10         | 35.00                    |
| 07/25/25 Review Order Striking the Defendant's Offer of Judgment, Withdrawal of Offer of Judgment, and Order to Show Cause                                                                                                                                       | 0.25         | 87.50                    |
| 09/05/25 Review file; prepare and attend hearing on Order to Show Cause                                                                                                                                                                                          | 1.00         | 350.00                   |
| 09/25/25 Review file; draft Declaration                                                                                                                                                                                                                          | 1.50         | 525.00                   |
| 10/03/25 Prepare and attend hearing (estimated)                                                                                                                                                                                                                  | <u>1.00</u>  | <u>350.00</u>            |
| For professional services rendered                                                                                                                                                                                                                               | 5.85         | \$2,047.50               |
| Total fees                                                                                                                                                                                                                                                       |              | <u>\$2,047.50</u>        |
| Additional Costs Incurred:                                                                                                                                                                                                                                       |              |                          |
| 07/01/16 Fee, Superior Court                                                                                                                                                                                                                                     |              | 20.62                    |
| Total costs incurred                                                                                                                                                                                                                                             |              | <u>\$ 20.62</u>          |
| Total time and cost                                                                                                                                                                                                                                              |              | <u><u>\$2,068.12</u></u> |

**EXHIBIT A**



**Douglas B. Moylan**  
**Attorney General of Guam**  
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**Attorneys for the Government of Guam**

**IN THE SUPERIOR COURT OF GUAM**

A.T., BY AND THROUGH HER  
GUARDIAN AD LITEM GEORGINE  
TAITANO,

Plaintiff,

vs.

The GUAM DEPARTMENT OF  
EDUCATION, GOVERNMENT OF  
GUAM,

Defendant.

Civil Case No. CV0407-24

**SUBMISSION OF LIST OF  
OFFICE OF THE ATTORNEY GENERAL  
MEMBERS INVOLVED IN CASE**

On Friday, September 5, 2025 a hearing was conducted in the above-captioned matter. During this hearing, the Court requested identification of the person responsible for directing, submitting, and signing substantive pleadings, motions and other legal papers pertaining to the above captioned matter.

Those people are:

1. Assistant Attorney General J. Matthew Strader, was the sole legal counselor of record;

FILED  
SUPERIOR COURT  
OF GUAM

2025 SEP 26 PM 4:11

CLERK OF COURT

BY: IR

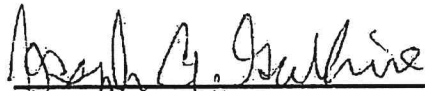
1 Division Supervising Attorney:

- 2 2. Chief Deputy Attorney General Joseph A. Guthrie, the Divisional  
3 Supervising Attorney where Mr. Strader was assigned. Mr.  
4 Guthrie advised Mr. Strader to avail of the "discretionary function  
exception";

5 By the filing of this document, we do not waive any Due Process Rights.

6 Submitted this 26<sup>th</sup> day of September, 2025.

7  
8 **OFFICE OF THE ATTORNEY GENERAL**  
Douglas B. Moylan, Attorney General of Guam

9 

10 **Joseph A. Guthrie**  
11 Chief Deputy Attorney General  
12  
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