

Description	CV0328-25 EAGLE LAND HOLDINGS, LLC VS. SCIENCE IS FUN AND AWESOME LEARNING ACADEMY CHARTER SCHOOL UNLAWFUL DETAINER HEARING BEFORE MJSEB PRESENT: ATTORNEY JON RAMOS FOR PLAINTIFF, ATTORNEY MIKE PHILLIPS FOR DEFENDANT, CLERK- J.KERKOS		
Date	8/5/2025	Location	[JDNCSCRA]

Time	Speaker	Note
9:00:34 AM	judge	good morning do we have an update
9:00:40 AM	ramos	we have been working with SIFA on removal of their belongings
9:00:49 AM		2 days ago they removed everything so there is no longer any property of SIFA on the property
9:00:59 AM		the issue is the promethian boards owned by GDOE
9:01:18 AM		we've been informed GDOE has instructed warranty would be voided if moved without confirmation
9:01:41 AM		we are willing to allow the boards remain on the premises for GDOE to take the measures to have those boards removed without voiding any warranty
9:01:52 AM	judge	does this case need to stay alive to make that happen
9:02:02 AM	ramos	i dont believe it does, with confirmation by SIFA that theyve been completely vacated from the premises
9:02:10 AM		our purposes for this unlawful detainer action has been completed and we dont see any reason for this case to stay alive
9:02:25 AM	judge	thank you
9:02:29 AM		Mr. Phillips did you hear everything Mr. Ramos has said
9:02:40 AM	phillips	yes a couple of points on that but we would still like the court to address our jurisdiction motion which was supposed to happen at the very beginning, under law anything that SIFA purchases belongs to the Government
9:03:01 AM		the 9 boards are being picked up today so thats not an issue
9:03:16 AM	judge	Mr. Phillips i appreciate your desire to have jurisdictional issue addressed first and i do agree normally that would be the first step in case like this but Mr. Ramos indicated at the last hearing that if there were no more issues this case would be dismissed
9:03:39 AM	phillips	that is not correct you dont have jurisdiction, supreme court made it very clear that the courts must address jurisdiction first, theres no party here
9:04:06 AM		i dont represent the non profit i represent the school, they did not sue the school
9:04:37 AM		the court has no jurisdiction that has to be addressed, they made it clear they are suing the non profit
9:04:58 AM	judge	in any event Mr. Ramos is it still the plaintiffs desire to dismiss the case

<u>9:05:19 AM</u>	ramos	yes, we believe all matters has been addressed, we are willing to argue the motion to dismiss
<u>9:05:31 AM</u>		but we believe our purposes has been completed and we can move to dismiss the case if the court would allow it
<u>9:05:39 AM</u>	judge	i will allow it, file the order i am granting the dismissal plaintiff's request without prejudice
<u>9:05:45 AM</u>		Mr. Phillips again i understand your arguements, i agree that jurisdiction is a primary issue in this case and all cases however in this instance finally addressing the merits of motion we have a dismissal request from the plaintiff
<u>9:06:07 AM</u>		based on all 3 requested issues in the complaint have been addressed
<u>9:06:15 AM</u>		this case is dimissed without prejudice and i will sign the order, please send a copy to Mr. Phillips
<u>9:06:26 AM</u>	phillips	why without prejudice, you have no jurisdiction over these parties
<u>9:06:38 AM</u>	judge	in the original complaint Mr. Ramos indicated there might be some damages addressed but not in this case, i dont want to impact anything with whatever issues there are with the parties
<u>9:06:47 AM</u>	phillips	lawsuit is against the non profit thats the problem, they are not here
<u>9:07:25 AM</u>		youre required to address the motion, paragraph 3 they were going for the non profit, youre not denying you dont have any jurisdiction over this party
<u>9:07:50 AM</u>	judge	i understand if the case is brought back you can raise your motion at that point if there was prejudice made to your
<u>9:08:09 AM</u>	phillips	we already raised the motion it was scheduled to be heard the last time, your honor does not have jurisdiction, whats going on in this case that makes it special, the court has an issue addressing the motion and Mr. Ramos is all over the place
<u>9:08:34 AM</u>		there is significance to the court maintaining jurisdiction by saying without prejudice, they did not move to amend the complaint
<u>9:08:51 AM</u>		you have to dismiss the case based on lack of jurisdiction
<u>9:09:07 AM</u>	judge	even if i dismissed the case based on lack of jurisdiction, youre saying it has to be without prejudice Mr. Phillips?
<u>9:09:10 AM</u>	phillips	no im saying because you wont dismiss this with prejudice, we are entitled to have the court recognize there is no jurisdiction in this case, youre continuing it, whats going on here your honor
<u>9:09:21 AM</u>	judge	Mr. Phillips the issue while relavant and possibly correct, is currently moot
<u>9:09:29 AM</u>		the case is already dismissed without prejudice, if the case is brought back at that point if there is prejudice towards your client you can raise the issue at that point if without prejudice was an error

<u>9:09:40 AM</u>	phillips	what would happen if we didnt show up, what will you do, these parties are not before you, at least give us the time
<u>9:09:52 AM</u>	judge	i made my decision Mr. Phillips the case is over
<u>9:10:08 AM</u>		thank you
<u>9:10:13 AM</u>	phillips	will the court issue an opinion, can we provide our party with attorney's fees
<u>9:10:21 AM</u>	judge	i will sign the order of dismissal from plaintiff
<u>9:10:30 AM</u>	ramos	we are not agreeing to that, we dont believe we sued the wrong party
<u>9:10:39 AM</u>	phillips	thats the problem they sued the wrong party
<u>9:10:49 AM</u>	judge	if there are money issues after this case the parties still have rights to move forward in a different proceeding
<u>9:10:56 AM</u>		this case is concluded
<u>9:11:02 AM</u>	ramos	thank you

FILED
SUPERIOR COURT
OF GUAM

2025 AUG 12 AM 9:23

CLERK OF COURT

BY: _____

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SUPERIOR COURT OF GUAM

Attorneys for Plaintiff Eagle Land Holdings, LLC

IN THE SUPERIOR COURT OF GUAM

EAGLE LAND HOLDINGS, LLC

Plaintiff,

v.

SCIENCE IS FUN AND AWESOME
LEARNING ACADEMY
CHARTER SCHOOL,

Defendant.

CIVIL CASE NO. CV0328-25

**ORDER FOR DISMISSAL WITHOUT
PREJUDICE**

Having reviewed the record and based on the Parties' representation that the Defendant has voluntarily vacated Plaintiff's premises located at 305 Seagull Avenue, Barrigada, Guam 96913 and removed all belongings, and that there is no further relief to be granted, the Court finds that the present unlawful detainer action is now moot.

Accordingly, and for good cause shown, IT IS HEREBY ORDERED that the above-captioned matter is DISMISSED WITHOUT PREJUDICE. Each party shall bear its own costs and attorney's fees.

SO ORDERED

8/11/25

SERVICE VIA E-MAIL

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

Cabot Mantonona

Date: 8/12/25 Time: 9:30

Coulevio

Deputy Clerk, Superior Court of Guam

HONORABLE SEAN E. BROWN
Magistrate Judge, Superior Court of Guam