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SUPERIOR COURT OF GUAM

**FILED**  
SUPERIOR COURT  
OF GUAM

2026 JAN 12 PM 3:12

CLERK OF COURT

By: *[Signature]*

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF GUAM  
HAGÁTÑA, GUAM**

Attorney MICHAEL F. PHILLIPS, ) CIVIL CASE NO. CV0218-25  
Special Administrator for and on )  
behalf of the Estate of LUKE )  
IMAIZUMI ATOIGUE, )

Plaintiff,

**CVR 16.1 FORM 2**

vs.

GOVERNMENT OF GUAM, GUAM )  
POLICE DEPARTMENT and DOES )  
1-10, )

Defendants.

**PROPOSED SCHEDULING ORDER**

**TRIAL**

The court shall set trial no later than **July 27, 2026**, Rule 16.1(c)(4)(D)(viii) (unless otherwise ordered by the court, "in no event shall the trial date be later than fifteen (15) months after the complaint is filed").

Trial by Jury shall be scheduled for **July 1, 2026 at 9:00 a.m.**

Estimated duration of trial: two (2) weeks

The nature of the case: Plaintiff's Complaint seeks redress for the death of LUKE IMAIZUMI ATOIGUE ("Plaintiff"), a CHamoru man with a mental illness who was needlessly shot and killed by the Guam Police Department ("GPD") in 2022.

The names of counsel in this case are: Michael F. Phillips of the Law Office of Phillips & Bordallo P.C., Special Administrator, on Behalf of the Estate of Luke Imaizumi Atoigue as Plaintiff; Office of the Attorney General of Guam for Defendant, Government of Guam, Guam Police Department and DOES 1-10.

**SCHEDULING CONFERENCE**

Scheduling Conference is scheduled for **October 21, 2025 at 9:00 a.m. via zoom.**

**MOTIONS**

1. Motions to join other parties shall be filed no later than **January 23, 2026**, and motions to otherwise amend pleadings shall be filed no later than **January 23, 2026**. Thereafter, parties may be joined and/or pleadings amended only upon leave of court and for good case shown.

2. All motions under the discovery rules shall be filed no later than **April 15, 2026**.

3. Dispositive motions shall be filed no later than **May 1, 2026**.

**MEDIATION / ADR**

1. ☒ Counsel have informed their clients of the availability of mediation as required under Miscellaneous Rule MR 4.1.6 of the Local Rule of the Superior Court of Guam and counsel have filed the required MR Form 4.1 B1 "Mediation Certification."

2. ☐ The parties have agreed to mediation, either voluntarily under 7.G.C.A. Chapter 43A or as ordered to do so by the court under Miscellaneous Rule MR 4.1.6 of the Local Rules of the Superior Court of Guam.

3. ☐ The parties have attempted Alternative Dispute Resolution under 7  
G.C.A. Chapters 42-A or 42-B.

4. ☐ The parties have not attempted Alternative Dispute Resolution and do  
not intend to.

5. ☒ The parties have not attempted Alternative Resolution but may do so in  
the future.

**FURTHER PRE-TRIAL PROCEEDINGS**

1. The Pretrial Conference shall be held on **June 15, 2026 at 9:00 a.m. (VIA  
ZOOM).**

2. Trial brief:

(a) ☒ The court orders each party to file a trial brief no later than 14 days  
before trial.

(b) ☐ The court does not require the parties to file a trial brief.

3. The following documents shall be filed or lodged by **June 15, 2026**  
(usually no later than fourteen (14) prior to trial:

(a) Witness List

(b) Exhibit Lists

(c) Discovery Material Designations

(d) Proposed Jury Instructions

(e) Proposed Voir Dire Questions

(f) Proposed Forms of Verdicts

4. Discuss prospects for settlement: Fair.

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5. Any suggestions for shortening trial: Stipulations for admissibility of construction documents.

**PHILLIPS & BORDALLO, P.C.**

By:  1/5/26  
**MICHAEL F. PHILLIPS**

**OFFICE OF THE ATTORNEY GENERAL**

Douglas B. Moylan, General Moylan

By: no response as of 1/5/2026  
**JOSEPH A. GUTHRIE**  
Chief Deputy Attorney General

SO ORDERED: January 12, 2026

  
**HONORABLE JOHN C. TERLAJE**  
Judge, Superior Court of Guam

**SERVICE VIA EMAIL**

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

Phillip Bordallo  
MB's CIVIL  
Date: 1/12/26 Time: 3:17pm  
Scott B. Hermosilla  
Deputy Clerk, Superior Court of Guam



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*Attorneys for the Government of Guam*

**SUPERIOR COURT OF GUAM**

ATTORNEY MICHAEL F. PHILLIPS, SPECIAL  
ADMINISTRATOR FOR AND ON BEHALF OF  
THE ESTATE OF LUKE IMAIZUMI ATOIGUE

Plaintiffs,

vs.

GOVERNMENT OF GUAM, GUAM POLICE  
DEPARTMENT and DOES 1-20

Defendants,

CIVIL CASE NO: CV0218-25

**ANSWER**

Defendant, the Guam Police Department, Government of Guam, by and through undersigned counsel, hereby answers the Complaint as follows:

For purposes of this Answer, Defendant treats Plaintiff's many conclusory statements as allegations.

1. Defendant admits the allegations contained in paragraph 1, 2, 3, 4, and 5 of the Complaint.

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SUPERIOR COURT  
OF GUAM

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CLERK OF COURT

BY: 

1           2.     Defendant admits paragraph 6 of the Complaint, except with respect to  
2 the allegation that Plaintiff Atoigue had a mental illness, the latter in respect to which  
3 the Defendant lacked sufficient knowledge or information to form a belief; further, that  
4 Defendant denies the allegation of paragraph 6 of the Complaint, that Plaintiff Atoigue  
5 was needlessly shot and killed by the Guam Police Department ("GPD) in 2022.

6           3.     Defendant denies the allegations of paragraph 7 of the Complaint, that on  
7 or about April 8, 2022, GPD officers caused Plaintiff to raise what appeared to be a  
8 firearm in the air.

9           4.     Defendant lacked sufficient knowledge or information to form a belief as  
10 to the truth of the allegations of paragraph 8 of the Complaint, and therefore denies  
11 them.

12           5.     Defendant lacks sufficient knowledge or information to form a belief as to  
13 the truth of the allegations in paragraph 9 of the Complaint, including any factual  
14 allegations that underlay Plaintiff's conclusion that the Defendant exacerbated  
15 Plaintiff's mental health crisis.

16           6.     Defendant lacks sufficient knowledge or information to form a belief as to  
17 the truth of the allegations of paragraph 10 of the Complaint, and therefore denies  
18 them.

19           7.     In respect to paragraph 1 through 6 of the Complaint, Defendant, admits,  
20 denies, or avers lack of sufficient knowledge, as the case may be, as set forth in  
21 paragraph 1 through 6 of this Answer.

22           8.     Defendant admits the allegations of paragraph 12 of the Complaint.

23           9.     Defendant denies the allegations of paragraph 13 of the Complaint.

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10. Defendant denies the allegations of paragraph 14 of the Complaint.

11. Defendant denies the allegations of paragraph 15 of the Complaint.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 16 of the Complaint, and therefore denies them.

13. Defendant lacked sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 17 of the Complaint, and therefore denies them.

14. Paragraphs 18, 19, 20, 21, 22, 23, 24, 25, 25, 26, 27, 28, 29, 30, and 31 of the Complaint were dismissed by the Decision and Order in the above captioned case filed September 30, 2025.

15. In respect to paragraphs 1 through 32 of the Complaint, Defendant, admits, denies, or avers lack of sufficient knowledge, as the case may be, as set forth in paragraph 1 through 13 of this Answer.

16. Defendant admits the allegations of paragraph 33 of the Complaint.

17. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 34 of the Complaint.

18. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegation of paragraph 35 of the Complaint.

19. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegation of paragraph 36 of the Complaint.

1           20. Defendant lacks sufficient knowledge or information to form a belief as to  
2 the truth of the allegation of paragraph 37 of the Complaint.

3           21. Defendant lacks sufficient knowledge or information to form a belief as to  
4 the truth of the allegation of paragraph 38 of the Complaint.

5           22. Defendant lacks sufficient knowledge or information to form a belief as to  
6 the truth of the allegation of paragraph 39 of the Complaint.

7           23. Defendant denies the allegations of paragraph 40 of the Complaint.

8           24. Defendant denies the allegations of paragraph 41 of the Complaint.

9           25. Defendant lacks sufficient knowledge or information to form a belief as to  
10 the truth of the allegations of paragraph 42 of the Complaint.

11           26. Defendant denies the allegations of paragraph 43 of the Complaint.

12           27. Defendant lacks sufficient knowledge or information to form a belief as to  
13 the truth of the allegation of paragraph 44 of the Complaint.

14           28. Defendant lacks sufficient knowledge or information to form a belief as to  
15 the truth of the allegation of paragraph 45 of the Complaint.

16  
17           Defendant, without admitting any of the allegations in the Complaint and  
18 expressly reserving the right to assert additional defenses as discovery proceeds,  
19 states the following affirmative defenses:

20           a. Failure to state a claim upon which relief may be granted.

21           b. Statute of limitations.

22           c. Plaintiff's claims are barred by waiver and estoppel.

23           d. Laches.

24           e. Failure to join indispensable parties.  
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1 f. Mixed motive defense, unclean hands.


2 g. Reservation of rights.

3 **Relief**

4 WHEREFORE, Defendant respectfully requests that the Court dismiss the  
5 complaint with prejudice, award Defendant its costs and reasonable attorney's fees  
6 and grant such other relief as the Court deems just and proper.  
7

8 Dated this 16<sup>th</sup> day of January, 2026.

9 **OFFICE OF THE ATTORNEY GENERAL**  
10 Douglas B. Moylan, Attorney General

11 By:   
12 **JOSEPH A. GUTHRIE**  
13 Chief Deputy Attorney General  
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