



Office of the Attorney General  
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Attorneys for the Government of Guam

**IN THE DISTRICT COURT OF GUAM**

**GUAM SOCIETY OF  
 OBSTETRICIANS  
 and GYNECOLOGISTS, GUAM  
 NURSES ASSOCIATION, et al., on  
 behalf of themselves and all others  
 similarly situated, and all their women  
 patients,**

Plaintiffs,

vs.

**DOUGLAS B. MOYLAN**, in his official  
 capacity as Attorney General of Guam;  
**LOURDES LEON GUERRERO**, in her  
 official capacity as Governor of Guam,  
**ARTHUR U. SAN AGUSTIN, MHR**, in  
 his official capacity as Director of the  
 Department of Public Health and Social  
 Services; **LILLIAN POSADAS, MN,**  
**RN**, in her official capacity as  
 Administrator and CEO of Guam  
 Memorial Hospital; and **ALICE M.**

CIVIL CASE NO. 90-00013

**DEFENDANT ATTORNEY  
 GENERAL OF GUAM  
 DOUGLAS B. MOYLAN'S  
 MOTION TO VACATE PERMANENT  
 INJUNCTION PURSUANT TO  
 FED.R.CIV.P. 60(b)(5) AND TO  
 DISMISS THIS CASE WITH  
 PREJUDICE**

**FILED**  
 DISTRICT COURT OF GUAM

FEB 01 2023

**JEANNE G. QUINATA**  
 CLERK OF COURT

ORIGINAL

**TAIJERON, GERARD “JERRY” C.** )  
**CRISOSTOMO, G. PATRICK** )  
**CIVILLE, JOSEPH P. MAFNAS,** )  
**ANTONIA “TONI” R. GUMATAOTAO,** )  
**CARISSA E. PANGELINAN, and** )  
**BENNY A. PINAULA,** in their official )  
capacities as members of the Guam )  
Election Commission, )  
) )  
Defendants.\* )  
\_\_\_\_\_ )

Pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure, the Attorney General of Guam moves this Court for an order vacating the permanent injunction entered in this matter on August 23, 1990 (Dkt. Nos. 224, 226), as amended October 16 and 17, 1990 (Dkt. Nos. 249, 251). *See, Guam Society of Obstetricians and Gynecologists v. Ada*, 776 F.Supp. 1422 (D.Guam 1990), *aff’d*, 962 F.2d 1366 (9th Cir. 1992); *cert. denied sub nom. Ada v. Guam Society of Obstetricians and Gynecologists*, 506 U.S. 1011 (1992). The Attorney General further moves this Court for an order dismissing this case with prejudice.

*A Memorandum in Support of Defendant Guam Attorney General Douglas B. Moylan’s Motion to Vacate Permanent Injunction Pursuant to F.R.C.P. 60(b)(5) and to Dismiss this Case With Prejudice* is filed contemporaneously with this Motion.

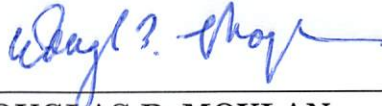
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\* This case has been dormant since 1997. The defendants named here in their official capacities have been automatically substituted in place of their predecessors pursuant to Fed.R.Civ.P. 25(d) (“An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party. Later proceedings should be in the substituted party’s name, but any misnomer not affecting the parties’ substantial rights must be disregarded.”).

WHEREFORE, the Attorney General of Guam moves the Court to vacate the permanent injunction entered in this matter, and to dismiss this case with prejudice.

Respectfully submitted.

**OFFICE OF THE ATTORNEY GENERAL**



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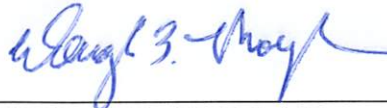
**DOUGLAS B. MOYLAN**  
Attorney General of Guam

**HEATHER M. ZONA**  
Acting Deputy Attorney General

**CERTIFICATE OF SERVICE**

I declare under penalty of perjury under the laws of Guam that on this day I caused the foregoing document to be served on counsel by filing it electronically with the Clerk of Court for the United States District Court of Guam using the CM/ECF system or otherwise by personal service.

Executed at Tamuning, Guam, on February 1, 2023.



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**DOUGLAS B. MOYLAN**  
Attorney General of Guam

**Copies to be served:**

**Anita Arriola, Esq.** Counsel for the Plaintiffs

**Lourdes Leon Guerrero**, in her official capacity as Governor of Guam;

**Arthur U. San Agustin, MHR**, in his official capacity as Director of the Department of Public Health and Social Services;

**Lillian Posadas, MN, RN**, in her official capacity as Administrator and CEO of Guam Memorial Hospital; and

**Alice M. Taijeron, Gerard “Jerry” C. Crisostomo, G. Patrick Cville, Joseph P. Mafnas, Antonia “Toni” R. Gumataotao, Carissa E. Pangelinan, and Benny A. Pinaula**, in their official capacities as members of the Guam Election Commission