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**DEPARTMENT OF
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LOURDES A. LEON GUERRERO
Governor (Maga'hága)
JOSHUA F. TENORIO
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April 13, 2023

Michael F. Phillips, Esq.
The Law Offices of Phillips and Bordallo, P.C.
410 West O'Brien Drive
Suite 102
Hagátña, Guam 96910 5044
VIA EMAIL at kotla671@yahoo.com

Re: Freedom of Information Request

Dear Mr. Phillips,

This is in response to your second FOIA request received by our office via email on Thursday, March 15, 2023 relating to COLA Retirees. This constitutes a second FOIA request.

Please be advised on the following:

5GCA §10108 (a) provide the following exception:

Except as provided in §10109 of this Chapter, nothing in this Chapter shall be construed to require disclosure of records that are any of the following:

- (a) *Records pertaining to pending litigation to which the agency is party, until the pending litigation has been finally adjudicated or otherwise settled.*

The Office of the Attorney General has advised me that the following cases have not been finally adjudicated or otherwise settled: The Law Offices of Phillips & Bordallo, PC vs. Government of Guam, Superior Court Case No.: SP0046-22; District Court Case No. 22-00020.

Accordingly, Department of Administration cannot comply with the FOIA request.

Senseramente,

EDWARD M. BIRN
Director

cc: Office of the Attorney General
Legal Counsel, Office of the Governor