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RECEIVED
OFFICE OF PUBLIC ACCOUNTS
PROCUREMENT
DATE: JAN 10, 2018
TIME: 9:46 AM PM FDJ
FILE NO OPA-PA: 17-10

Attorneys for Appellant Core Tech International Corp.

**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

IN THE APPEAL OF) Docket No. OPA PA-17-10
)
CORE TECH INTERNATIONAL CORP.,) **APPELLANT CORE TECH**
) **INTERNATIONAL CORP.'S**
Appellant.) **REQUEST FOR ISSUANCE OF**
) **HEARING SUBPOENAS**

Pursuant to 2 GAR, Div. 4, §§ 12108 and 12109, Appellant Core Tech International Corp. ("CTI") requests that the Office of the Public Auditor issue Hearing Subpoenas to the individuals as stated in the attached proposed Subpoenas. A First Amended Scheduling Order and Notice of Rescheduled Hearing issued yesterday, scheduling the hearing in this case for February 5, 2018 at 9:00 a.m. CTI requires the following witnesses to appear at the hearing of this matter:

1. Felix Benavente
2. Thomas P. Keeler, Assistant Attorney General
3. Thomas Sterling, Esq.

For all of the foregoing reasons, CTI respectfully requests that the Office of the Public Auditor issue the three Subpoenas in the forms attached hereto.

Dated this 10th day of January, 2018.

ARRIOLA, COWAN & ARRIOLA
Counsel for Core Tech International Corp.

By: Anita P. Arriola
ANITA P. ARRIOLA

**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

IN THE APPEAL OF) Docket No. OPA PA-17-10
)
) **SUBPOENA TO TESTIFY AT**
CORE TECH INTERNATIONAL CORP.,) **HEARING**
)
)
)
Appellant.)
_____)

TO: THOMAS P. KEELER
Assistant Attorney General
Office of the Attorney General of Guam
Guam ITC Building
590 S. Marine Corps Drive, Suite 901
Tamuning, Guam 96913

X *Testimony*: **YOU ARE COMMANDED** to appear at the time, date and place set forth below to testify at a hearing of the above-captioned matter on behalf of Appellant Core Tech International Corp.

Place: Office of Public Accountability Suite 401 DNA Building 238 Archbishop Flores Street Hagatna, Guam 96910 Tel.: (671) 475-0390	Date and Time: Monday, February 5, 2018 at 9:00 a.m.
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The following provisions of Guam Rules of Civil Procedure Rule 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(d) and (g) relating to your duty to respond to the subpoena and the potential consequences of not doing so.

Office of the Public Auditor

The name, address, email address, and telephone number of the attorney representing CORE TECH INTERNATIONAL CORP., who issues or requests this subpoena, are: ANITA P. ARRIOLA, Arriola, Cowan & Arriola, 259 Martyr St., Suite 201, Hagatna, Guam 96910, Telephone: (671) 477-9730/33, Fax: (671) 477-9734, Email: acalaw@arriolacowan.com.

PROOF OF SERVICE

I received this subpoena on (date) _____.
(Name) _____.

I served the subpoena by delivering a copy to the named person as follows:
_____ on
(date) _____; or

I returned the subpoena unexecuted because: _____
_____;

I tendered to the witness the fees for one day's attendance, and the mileage allowed by law in the amount of \$_____.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Guam Rules of Civil Procedure, Rule 45(a)(1)(D)

Rule 45. Subpoena.

(a) Form: Issuance.

(1) Every subpoena shall:

(D) set forth the text of subdivisions (c) and (d) of this rule.

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged and other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specific conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

IN THE APPEAL OF) Docket No. OPA PA-17-10
)
) **SUBPOENA TO TESTIFY AT**
CORE TECH INTERNATIONAL CORP.,) **HEARING**
)
)
)
Appellant.)
_____)

TO: **THOMAS C. STERLING, ESQ.**
BLAIR STERLING JOHNSON & MARTINEZ
238 Archbishop F.C. Flores Street
Suite 1008 DNA Building
Hagatna, Guam 96910-5205

X *Testimony*: **YOU ARE COMMANDED** to appear at the time, date and place set forth below to testify at a hearing of the above-captioned matter on behalf of Appellant Core Tech International Corp.

Place:	Date and Time:
Office of Public Accountability Suite 401 DNA Building 238 Archbishop Flores Street Hagatna, Guam 96910 Tel.: (671) 475-0390	Monday, February 5, 2018 at 9:00 a.m.

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Office of the Public Auditor

The name, address, email address, and telephone number of the attorney representing CORE TECH INTERNATIONAL CORP., who issues or requests this subpoena, are: ANITA P. ARRIOLA, Arriola, Cowan & Arriola, 259 Martyr St., Suite 201, Hagatna, Guam 96910, Telephone: (671) 477-9730/33, Fax: (671) 477-9734, Email: acalaw@arriolacowan.com.

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

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Server's signature

Printed name and title

Server's address

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(2)(A) A person commanded to produce and permit inspection and copying of designated books papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

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Appellant.)
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TO: **FELIX BENAVENTE**

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Server's signature

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