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SUPERIOR COURT  
OF GUAM

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BY: 

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5 *Attorneys for Defendant*  
6 **KEPCO MANGILAO SOLAR, LLC**

7  
8 **IN THE SUPERIOR COURT OF GUAM**

9  
10 THE GOVERNMENT OF GUAM

11 Plaintiffs,

12 v.

13 KEPCO MANGILAO SOLAR, LLC and  
14 SAMSUNG E & C AMERICA, INC.

15 Defendants.

CIVIL CASE NO. CV0597-21

**KEPCO MANGILAO SOLAR, LLC'S  
NOTICE OF JOINDER IN SAMSUNG E&C  
AMERICA, INC.'S MOTION FOR AND  
MEMORANDUM IN SUPPORT OF  
JUDGMENT ON THE PLEADINGS AS TO  
AMENDED COMPLAINT, FILED AUGUST  
30, 2021**

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1 KEPCO MANGILAO SOLAR, LLC (“KEPCO”) hereby gives notice that it respectfully joins  
2 in Samsung E&C America, Inc.’s (“Samsung”) February 17, 2022 *Motion for and Memorandum in*  
3 *Support of Judgment on the Pleadings as to Amended Complaint, Filed August 30, 2021.*

4 In its Amended Complaint filed on August 30, 2021, the Government of Guam  
5 (“Government”) does not distinguish between the conduct of each of the two Defendants, and  
6 generally alleges its two causes of action against both Defendants. Samsung’s motion seeks  
7 judgment dismissing the Amended Complaint with prejudice as a matter of law, based on a failure to  
8 state a valid claim for relief. Specifically, Samsung seeks dismissal of the Amended Complaint based  
9 on violation of the doctrine of exhaustion of administrative remedies, dismissal of Count I for Public  
10 Nuisance based on mootness, and dismissal of Count II for Natural Resource Damage based on  
11 failure to allege a cognizable claim under Guam law. *See* Samsung’s Motion for Judgment on the  
12 Pleadings, at 5-13. Because the Government’s claims against KEPCO are identical to and  
13 indistinguishable from its claims against Samsung, the same legal grounds raised by Samsung for  
14 dismissal of each of the Government’s causes of action apply equally to KEPCO.

15 KEPCO joins in Samsung’s motion, and respectfully requests that the Court dismiss the  
16 Government’s Amended Complaint for the reasons set forth therein.

17 Dated this 17<sup>th</sup> day of February 2022

18 **CIVILLE & TANG, PLLC**

19 By: /s/ G. Patrick Civile  
20 **G. PATRICK CIVILLE**  
21 *Attorneys for Defendant*  
22 *KEPCO Mangilao Solar, LLC*  
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