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FILED DISTRICT COURT OF GUAM OCT 3 1 2006 MARY L.M. MORAN CLERK OF COURT

Attorneys for Interveners

## IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM

LINA'LA SIN CASINO and JOSEPH DUENAS,	) CIVIL CASE NO. 06-00035 )
Petitioners, vs.  GUAM ELECTION COMMISSION,  Respondent.	DECLARATION OF RICHARD  A. PIPES IN SUPPORT OF  EX PARTE APPLICATION FOR  ORDER SHORTENING TIME ON  MOTION TO INTERVENE

- I, RICHARD A. PIPES, do hereby declare as follows:
- 1. I am over the age of eighteen (18) years and competent to make this Declaration. I have personal knowledge of the matters stated herein and would be competent to testify thereto at any proceedings.
  - 2. I am admitted to practice before this Court and am co-counsel responsible for



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the representation of Committee to Revitalize Tourism (the "Committee"), Jodie Vida ("Vida"), John Paul Calvo ("Calvo"), Janet Gerber Calvo ("Gerber Calvo"), Debralynne Quinata ("Quinata"), and Carlo J.N. Branch ("Branch") (collectively "Interveners"). A good faith effort has been made by counsel to advise counsel for Petitioners of the substance of Interveners' Ex Parte Application for Order Shortening Time on the Motion to Intervene ("Ex Parte Application"). Copies of all pleadings relating to the Ex Parte Application and underlying Motion have been or will be served upon Petitioners' counsel on filing with this Court. The date and time the Court will consider the Ex Parte Application is not yet known. However, as soon as such information is made available to my office we will advise Petitioners' attorneys.

- 3. It is expected that counsel for Petitioners will oppose the Ex Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court.
- 4. It is important and urgent that the Ex Parte Application and underlying Motion be heard as soon as possible because the Petitioners urged the Superior Court of Guam, prior to removal, that this matter proceed on an expedited basis, and it is reasonable to expect that the same request will be made in this Court. As discussed in a supporting memorandum of points and authorities, if the Interveners are not allowed to intervene in this case their interests may not be adequately represented by the parties, and then they will not be able to sufficiently protect their rights in this matter.
  - 5. This Declaration is made in compliance with FRCP 26(c) and Local Rule 7.1(j)(1).

Lina'la Sin Casino, et al. v. Guam Election Commission Civil Case No. 06-00035 Declaration of Richard A. Pipes in Support of Ex Parte Application for Order Shortening Time on Motion to Intervene

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

Dated this 3/5/day of October, 2006.

RICHARD A. PIPKS

RAP/nsh

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