



[NEWS](#) [DECISION 2016](#) [SPORTS](#) [TV](#) [RADIO](#) [VIDEO](#) [WEATHER](#) [ABOUT](#) [LIFESTYLE](#)



Guam Contractors Association lawyer says battle has just begun



Posted: Oct 28, 2016 4:09 PM
Updated: Oct 28, 2016 4:09 PM

By Ken Quintanilla [CONNECT](#)

It's not over just yet. While the US Attorney General has asked the District Court to hold off on a federal lawsuit over the denial of H2-b petitions, the attorney representing the Guam Contractors Association and several local businesses says the battle has only just begun.

She's representing the GCA and about a dozen local companies in a federal lawsuit, and according to Attorney General Jennifer Davis, a recent filing in the District Court isn't going to stop their efforts. "It is not over, it has just begun," she said. Earlier this month, the plaintiffs filed a lawsuit over the denial of H-2b petitions. This week, US Attorney General Loretta Lynch asked the District Court of Guam to hold-off on a motion for class certification. It's a move Davis says was not unexpected.

She explained, "It means that the defendants are asking the court to simply wait, that they want an opportunity to respond to the complaint first and after they file their response to the complaint, then the court can turn its attention to the motion for class certification." Davis will be filing a response to the defendant's motion.

Along with Lynch, the secretary for the Department of Homeland Security, the director for US Citizenship and Immigration Service, the associate director of Service Center Operations and the director of California Service Center are listed as defendants. The lawsuit was prompted as the denial rate of H-2b petitions went from nearly 100% to nearly zero without a reason for a change in policy and procedure.

"Our lawsuit is telling them you cannot do that without providing notice and comment for the employers who have relied upon on that particular program to

supplement their workforce on island for various projects," noted Davis.

Because the feds plan to file a motion to dismiss the case, they are asking the federal judge to hold-off on deciding on that motion for class certification. This comes just two weeks after the plaintiffs filed a motion for a preliminary injunction to seek some immediate relief for these employers while the litigation goes on.

In the meantime, the lawsuit has drawn the support of the local government including, Governor Eddie Calvo, who even said he would file an amicus brief in support of their efforts. "I think that's absolutely the right thing to do," Davis said.

If the judge denies the request to hold off, the defendants are asking they be granted an extension to respond to the motion for class certification until December 9. Guam Department of Labor have stated with the denial rates, Guam could see its 1,200 H-2b workforce dwindle to about 100 by the end of this year.



[Meet Our Team](#)
[Contact Us](#)
[Jobs](#)
[Our History](#)
[Advertising](#)
[KUAM CareForce](#)
[EEO](#)

[Home](#)
[News](#)
[Weather](#)
[Sports](#)
[Video](#)

[iOS App](#)
[Android App](#)
[TV Apps](#)
[RSS Feeds](#)



KUAM. All Rights Reserved. For more information on this site, please read our [Privacy Policy](#), and [Terms of Service](#), and [Ad Choices](#).