

Judge delays key decision in labor lawsuit

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(Photo: Pacific Marketplace file photo)

District Court of Guam Chief Judge Frances Tydingco-Gatewood has decided to delay her decision on whether or not a civil case related to the use of foreign labor should be a class-action lawsuit.

The Guam Contractors Association and a dozen local businesses that use foreign labor last year [sued the federal government](http://www.guampdn.com/story/news/2016/10/04/twelve-companies-sue-us-over-visa-denials-foreign-labor/91521546/), ([/story/news/2016/10/04/twelve-companies-sue-us-over-visa-denials-foreign-labor/91521546/](http://www.guampdn.com/story/news/2016/10/04/twelve-companies-sue-us-over-visa-denials-foreign-labor/91521546/)) which recently has been rejecting nearly all requests to use foreign workers under the H-2B visa program.

The businesses argued the denials are improper and have created a labor crisis on Guam, but the federal government has argued businesses have long [abused the program](http://www.guampdn.com/story/money/2017/04/26/lawyer-feds-may-singling-out-guam-h-2b-visa-issue/100920526/) ([/story/money/2017/04/26/lawyer-feds-may-singling-out-guam-h-2b-visa-issue/100920526/](http://www.guampdn.com/story/money/2017/04/26/lawyer-feds-may-singling-out-guam-h-2b-visa-issue/100920526/)), which is intended only for temporary labor.

Tydingco-Gatewood, in an order filed Tuesday, said she agreed with the federal government's argument that potential members of a class-action lawsuit still have the option of filing their own lawsuits and would not be adversely affected if the class certification is delayed.

She also stated pending decisions in the case may make the issue of class certification moot.

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