

No H-2B case settlement at this time

Haidee V Eugenio, heugenio@guampdn.com Published 3:54 p.m. ChT Dec. 13, 2017 | Updated 5:54 p.m. ChT Dec. 13, 2017



(Photo: PDN file photo)

It is unlikely that a settlement will be reached in the case involving the use of skilled foreign labor on Guam, attorneys stated in documents filed Wednesday morning in the U.S. District Court of Guam.

The Guam Contractors Association and nearly a dozen local businesses that have used foreign labor under the federal H-2B visa program sued the federal government in October 2016 after immigration officials started denying nearly all visa applications under the program. A foreign work force that in recent years exceeded 1,000 on Guam under the program is now fewer than 50.

None of the plaintiffs in the case have any H-2B workers remaining on the payroll.

The impact is widespread, businesses have stated, resulting in the inability to take on new projects, with rising costs for any construction work that does manage to start.

U.S. District Court Chief Judge Frances Tydingco-Gatewood on Monday held a day-long hearing on issues related to the case, including a motion to dismiss and a motion to certify the case as a class-action. She also must decide whether to issue a temporary injunction, as requested by the businesses.

Magistrate Judge Joaquin Manibusan, who presided over preliminary issues in the case, has recommended that the request for an injunction be denied because he believes the plaintiffs are unlikely to win their case.

MORE NEWS:

[Former K57 radio personality Travis Coffman dies at age 50](http://www.guampdn.com/story/news/2017/12/13/former-k-57-radio-personality-travis-coffman-dies-50/946884001/)
(<http://www.guampdn.com/story/news/2017/12/13/former-k-57-radio-personality-travis-coffman-dies-50/946884001/>)

[Mistrial in ex-Navy commander's attempted rape trial](http://www.guampdn.com/story/news/2017/12/12/mistrial-ex-navy-commanders-attempted-rape-trial/108558382/)
(<http://www.guampdn.com/story/news/2017/12/12/mistrial-ex-navy-commanders-attempted-rape-trial/108558382/>)

Tydingco-Gatewood ordered the parties to state, by noon Wednesday, whether settlement is a viable option, before she makes a decision on the pending motions.

Settlement does not appear to be a viable option at this time, according to attorneys Jeff Joseph and Jennifer Davis, who are counsels for the plaintiffs.

They stated that the plaintiffs had proposed two settlement options to the federal government, and both were rejected. They stated if there is to be a settlement, they expect the federal government to come up with a proposal.

They said they received a Dec. 12 email from the federal government, indicating the government has no settlement proposal to offer.

"As such, unless the defendants are willing to consider the plaintiffs' previous offers of settlement, it appears that settlement is not a viable option at this time," Joseph and Davis stated.

President Trump this week signed the 2018 defense budget bill, which will allow as many as [4,000 H-2B visa workers on Guam each year](http://www.guampdn.com/story/news/2017/12/13/trump-signs-defense-bill-into-law-354-6-m-guam-buildup-4-000-h-2-b-workers/946855001/) (story/news/2017/12/13/trump-signs-defense-bill-into-law-354-6-m-guam-buildup-4-000-h-2-b-workers/946855001/), but only for military-related projects.

Reporter Haidee Eugenio covers Guam's Catholic church issues, education, business and more. Follow her on Twitter [@haidee_eugenio](https://twitter.com/haidee_eugenio) (https://twitter.com/haidee_eugenio). Follow Pacific Daily News on Facebook/GuamPDN (<http://www.facebook.com/guampdn/>) and Instagram [@gua](http://instagram.com/GuamPDN) (<http://instagram.com/GuamPDN>)mpd (<http://instagram.com/GuamPDN>)n.

READ MORE:

[After H-2B workers drop to under 50 on Guam, feds insist there's no change in foreign labor policy](http://www.guampdn.com/story/news/2017/12/11/after-h-2-b-workers-drop-under-50-guam-feds-insist-theres-no-change-foreign-labor-policy/939418001/)
(<http://www.guampdn.com/story/news/2017/12/11/after-h-2-b-workers-drop-under-50-guam-feds-insist-theres-no-change-foreign-labor-policy/939418001/>)

[Feds need to resolve Guam's H-2B issue soon: Our View](#)

(<http://www.guampdn.com/story/opinion/editorials/2017/12/10/feds-need-resolve-guams-h-2-b-issue-soon-our-view/938070001/>)

Projects delayed as plaintiffs now have zero H-2B workers

(<http://www.guampdn.com/story/news/2017/12/09/projects-delayed-plaintiffs-now-have-zero-h-2-b-workers/929760001/>)

Read or Share this story: <http://www.guampdn.com/story/news/2017/12/13/no-h-2-b-case-settlement-time/946769001/>