

IN THE SUPERIOR COURT OF GUAM

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TSANG BROTHERS CORPORATION,

Plaintiff,

vs.

MAN LING AU, PING CHUNG TSANG,
and AU LAI HING,

Defendants.

CIVIL CASE NO. CV1218-17

BY: DISPOSITION AND ORDER:
BY DISCOVERY MASTER

This matter came before MAGISTRATE JUDGE SEAN E. BROWN on September 9, 2025. Attorney Geri Diaz represented Tsang Brothers Corporation (TBC), Attorney Curtis Van de Veld represented Man Ling Au (Defendant Man Ling) and Ping Chung Tsang (Defendant Larry) and William Gavras represented Au Lai Hing (Defendant Au). The Court addressed the various motions to compel discovery filed by TBC and Defendant Au. Defendants Larry and Man Ling did not file a motion to compel. After having heard the Parties' arguments for the motions, and considering the Parties' pleadings, evidence and the record, the Court now issues the following written Disposition and Order documenting the rulings.

DISCUSSION**I. Defendant Au's Motion to Compel Plaintiff to Answer Discovery**

Defendant Au filed a motion to Compel Plaintiff to Answer Discovery on April 14, 2025. TBC filed its Opposition on May 19, 2025. Also on April 14, 2025, Defendant Au and TBC prepared a Stipulation of Discovery Issues to be Determined at Hearing.

1. Issue Number 1¹: as Listed in the April 14, 2025 Stipulation

TBC provided 16 general objections in response to Defendant Au's first set of Interrogatories. Defendant Au argues that general objections are improper. TBC argues that the

¹ For this section of the Order, the numbering system will be aligned with the listed issues put forward in the Stipulation filed April 14, 2025. For example, Issue number 1 from the Stipulation will be addressed at bullet point number 1. The Stipulation referenced also contains the written interrogatories and responses at issue and will not be re-copied into this disposition.

1 general objections are customary and are otherwise supplemented with more specific objections.
2 Guam Rules of Civil Procedure (GRCP) Rule 33(a)(4) provides that all grounds for objections
3 “shall be stated with specificity.” General objections prior to any specific interrogatory cannot
4 possibly align with the rules. As a result, a general objection to all interrogatories that do not
5 contain specificity fail to comply with the rules and will be overruled. Where the general
6 objections are later reiterated with additional specifics, those will be addressed in turn.

7 Defendant Au also took issue with TBC’s “contingent” responses. TBC’s answers were
8 contingent to the general objections and those objections are overruled to be consistent with
9 GRCP Rule 33(a)(4). Where contingent responses occurred to specific objections, the Court will
10 not generally overrule all of TBC’s contingent responses. GRCP Rule 33 (a)(1) requires a party
11 to state its objection and “shall answer to the extent the interrogatory is not objectionable”. The
12 rules require a party to continue to respond after stating its objection to the remaining portion of
13 the interrogatory. The Court will continue to go through the remaining specific objections to the
14 extent they are appropriate.

15 2. Defendant Au’s Interrogatory Number 1

16 TBC objected to Defendant Au’s Interrogatory Number 1 based on the question being
17 “vague, ambiguous and uncertain”. The Court finds that the interrogatory is specific and detailed
18 in what it requests and does not find the interrogatory as written to be vague, ambiguous or
19 uncertain. TBC will respond to Interrogatory 1 if the existing contingent response is insufficient
20 based on this ruling.

21 3. Defendant Au’s Interrogatory No. 1

22 As highlighted by the third issue referenced in the April 14, 2025 Stipulation, TBC also
23 separately objected to Defendant Au’s Interrogatory 1 based on the term “legal title” being
24 “vague, ambiguous and uncertain”. Defendant Au made reference to US. v. \$3,000.00, 906 F.
25 Supp. 1061 (Dis. Ct. Virginia 1995). While the case cited by Defendant Au discusses legal title,
26 the Court finds that the holding of that case focuses on different issues. The US v. \$3,000.00 case
27 does, however, highlight the common usage of the phrase “legal title”. The Court does not find
28 the phrase “legal title”, as used in this case, to be vague, ambiguous or uncertain. The phrase

1 “legal title”, referring to ownership, is found throughout Guam statutes and has a fairly common
2 understanding depending on the context used. Here, the interrogatory provides simple wording
3 and provides sufficient contextual detail to compel a response. The Court also finds that the
4 reference to “equitable title” to be sufficiently clear based on the context of the written
5 interrogatory. TBC will further respond to Interrogatory 1 if the existing contingent response is
6 insufficient based on this ruling.

7 4. Defendant Au’s Interrogatory 1

8 The fourth issue raised by the Parties’ Stipulation relates to Defendant Au’s issue with
9 TBC’s contingent responses, which were addressed above. Because the rules permit contingent
10 responses, this Court will not further address this issue aside from informing the Parties that this
11 Court overruled all of TBC’s underlying objections to Defendant Au’s Interrogatory 1.

12 5. Defendant Au’s Interrogatory 2

13 TBC’s first objection to Interrogatory 2 was based on the argument that the responsive
14 information is contained in a document within the possession of Defendant Au’s husband.
15 Defendant Au argues that such an objection is improper. In the federal system, “courts have
16 unambiguously stated that this exact objection is insufficient to resist a discovery request.”
17 National Academy v. On Point, 256 F.R.D. 678, 682 (Dis. Ct., California 2009). The Court will
18 take the same approach in this case as the federal and local civil procedures rules are quite similar.
19 GRCP Rule 33(d) does provide a party the ability to object to if there is a business record equally
20 available to the party serving the interrogatory that contains the responsive information.
21 However, the rule requires the objection to be sufficiently detailed and the business record would
22 have had to be in Defendant Au’s possession. In this instance, the Court will overrule the object
23 and grants Defendant Au’s motion to compel.

24 6. Defendant Au’s Interrogatory 2

25 TBC provided a contingent response and this Court overruled the underlying objection.
26 Defendant Au also asked for more detail in the response. This Court reminds TBC of its
27 continuing duty and that if this Court’s ruling provides for the opportunity for a more detailed
28 answer because the underlying objection was overruled, such answer is required.

1 7. Defendant Au's Interrogatory 4

2 TBC objected to this interrogatory on the basis of it being unintelligible and
3 undecipherable. This Court overrules the objection and finds that the written interrogatory is fairly
4 straight forward and clear enough to compel an answer.

5 8. Defendant Au's Interrogatory 4

6 TBC made a similar objection to Issue 5, relating to Defendant Au's Interrogatory 2, that
7 the information requested is equally available to Defendant Au. This Court finds that the same
8 ruling as made for Issue 5 is warranted in relation to Defendant Au's Interrogatory 4 and the
9 possibility that information is equally available to other Parties, does not obviate the obligation
10 to respond without more specific information under the business record exception. TBC's
11 objection to Interrogatory 4 is overruled.

12 9. Defendant Au's Interrogatory 4

13 TBC provided what appears to be an appropriate contingent response aside from its
14 objections and this Court overruled the underlying specific objections. Defendant Au also asked
15 for more detail in TBC's response. This Court reminds TBC of its continuing duty and that if this
16 Court's ruling provides for the opportunity for a more detailed answer, such further response is
17 appropriate. If TBC has no further detail to provide, an answer explaining as such is perfectly
18 acceptable.

19 10. Defendant Au's Interrogatory 5

20 TBC objected to this interrogatory on the basis of it being overbroad and unduly
21 burdensome. This Court does not find the written interrogatory to be overbroad. TBC further
22 argues that the request is burdensome because it would require TBC to review its own voluminous
23 papers to be able to answer the discovery request. Such argument fails to convince the Court that
24 the interrogatory is overly burdensome. This Court finds that where the contingent response was
25 insufficient, TBC is ordered to complete its response to Defendant Au's Interrogatory 5.

26 11. Defendant Au's Interrogatory 5

27 TBC argued at different times that answers to the interrogatories were included in the
28 Complaint and other documents. Based on earlier rulings and the National Academy case, this

1 Court in this instance finds that a more detailed response is appropriate considering that TBC also
2 concluded its investigation in relation to Defendant Au's Interrogatory 5. The Court instructs
3 TBC to provide any additional response necessary based on this ruling.

4 12. Defendant Au's Interrogatory 5

5 TBC withdrew the objection that was the basis for the twelfth discovery issue between
6 TBC and Defendant Au. TBC explained that it is no longer investigating a response to Defendant
7 Au's Interrogatory 5.

8 13. Defendant Au's Interrogatory 6

9 TBC objected on the basis that the information requested is within documents possessed
10 by Defendant and her husband. As decided earlier, that is not an appropriate objection without
11 more specificity and is hereby overruled as to interrogatory 6.

12 14. Defendant Au's Interrogatory 6

13 TBC provided a contingent response to this interrogatory. Defendant Au has previously
14 argued that such answers are improper which this Court has previously ruled are proper.
15 However, this Court overruled the underlying objection and this Court instructs TBC to comply
16 with its discovery obligations where this Court's current rulings necessitate updated responses.

17 15. Defendant Au's Interrogatory 7

18 TBC objected on the basis that the information requested is within documents possessed
19 by Defendants. As decided earlier, that is not an appropriate objection and is hereby specifically
20 overruled as to interrogatory 7.

21 16. Defendant Au's Interrogatory 7

22 TBC provided a contingent response to this interrogatory. Defendant Au has previously
23 argued that such answers are improper which this Court has previously ruled are proper.
24 However, this Court overruled the underlying objection and this Court instructs TBC to comply
25 with its discovery obligations where this Court's current rulings necessitate updated responses.
26 Defendant Au also argues that specific information is available to TBC via tax documents. This
27 Court orders the existing responses to be amended if TBC does have access to the requested
28 information.

1 17. Defendant Au's Interrogatory 8

2 TBC objected to Defendant Au's Interrogatory 8 on the basis that another party possesses
3 the information. That objection, alone, is not appropriate in this instance as previously decided
4 and the objection is overruled. If TBC has no access to the information, that could be an
5 appropriate answer. However, if TBC does have access to the needed information, TBC is still
6 compelled to provide a response.

7 18. Defendant Au's Interrogatory 8

8 TBC objected to Defendant Au's Interrogatory 8 on the basis that information in the
9 response is found in other documents. Again, the Court overrules the objection based on the
10 rationale put forth in the National Academy case and a need for sufficient detail to make such an
11 objection pursuant to GRCP Rule 33(d).

12 19. Defendant Au's Interrogatory 8

13 TBC provided a contingent response to this interrogatory. Defendant Au has previously
14 argued that such answers are improper which this Court has previously ruled are proper.
15 However, this Court overruled the underlying objections and this Court instructs TBC to comply
16 with its discovery obligations where this Court's current rulings necessitate updated responses.

17 20. Defendant Au's Interrogatory 9

18 TBC objected to Defendant Au's Interrogatory 8 on the basis that information is possessed
19 by another party. The Court overrules the objection based on the rationale put forth in the
20 National Academy case and a need for sufficient detail to make such an objection pursuant to
21 GRCP Rule 33(d).

22 21. Defendant Au's Interrogatory 9

23 TBC provided a contingent response to this interrogatory. Defendant Au has previously
24 argued that such answers are improper which this Court has previously ruled are proper.
25 However, this Court overruled the underlying objection and this Court instructs TBC to comply
26 with its discovery obligations where this Court's current rulings necessitate updated responses.
27 If TBC has knowledge sufficient to answer whether or not money was ever held in a foreign
28 account, TBC is ordered to provide an updated response.

1 22. Defendant Au's Interrogatory 11

2 TBC objected on the basis that the information requested is within documents possessed
3 by Defendant and her husband. As decided earlier, that is not an appropriate objection without
4 more specific information pursuant to Rule 33(d) and is hereby overruled as to interrogatory 11.

5 23. Defendant Au's Interrogatory 11

6 TBC objected to Defendant Au's Interrogatory 11 on the basis that information in the
7 response is found in other documents. The Court overrules the objection based on the rationale
8 put forth in the National Academy case.

9 24. Defendant Au's Interrogatory 11

10 TBC withdrew this objection and confirmed that there is no more ongoing investigation.

11 25. Defendant Au's Interrogatory 11

12 TBC provided a contingent response to this interrogatory. Defendant Au has previously
13 argued that such answers are improper which this Court has previously ruled are proper under the
14 rules. However, this Court overruled the underlying objection and this Court instructs TBC to
15 comply with its discovery obligations where this Court's current rulings necessitate updated
16 responses. If TBC has knowledge sufficient to answer whether or not the relevant monies
17 belonged to Harmon Trucking, TBC is ordered to update its response.

18 26. Defendant Au's Interrogatory 12

19 TBC objected to Defendant Au's Interrogatory 12 on the basis that the term "commingled
20 assets" is vague and ambiguous. The Court disagrees and overrules the objection. The phrase
21 "commingles assets" is clear and unambiguous. TBC is instructed to provide any new or altered
22 responses in the event this ruling causes the need for such new or altered responses.

23 27. Defendant Au's Interrogatory 12

24 TBC objected to Defendant Au's Interrogatory 12 on the basis that information about
25 Harmon Trucking is not relevant to this case. The Court disagrees with TBC's argument. The
26 Court does find that the requested information about Harmon Trucking would likely lead to
27 relevant information concerning the merits and issues underlying this matter. The Court instructs
28

1 TBC to amend or supplement its responses if the overruling of the TBC's objections requires such
2 amendment.

3 28. Defendant Au's Interrogatory 12

4 TBC objected on the basis that the information requested is within documents possessed
5 by Defendant and her husband. As decided earlier, the Court agrees with Defendant Au that such
6 objections are insufficient to obviate a response without more detail pursuant to Rule 33(d).

7 29. Defendant Au's Interrogatory 13

8 TBC withdrew this objection.

9 30. Defendant Au's Interrogatory 13

10 The parties made a mistake in numbering the issues. There is no thirtieth issue.

11 31. Defendant Au's Interrogatory 13

12 TBC objected to Defendant Au's 13th Interrogatory on the basis that information in the
13 response is found in other documents. The Court overrules the objection based on the rationale
14 put forth in the National Academy case and under GRCP Rule 33(d).

15 32. Defendant Au's Interrogatory 13

16 TBC withdrew this objection and confirmed that there is no more ongoing investigation.

17 33. Defendant Au's Interrogatory 14

18 TBC withdrew this objection.

19 34. Defendant Au's Interrogatory 14

20 TBC objected to Defendant Au's 13th Interrogatory on the basis that information in the
21 response is found in other documents. The Court overrules the objection based on the rationale
22 put forth in the National Academy case.

23 35. Defendant Au's Interrogatory 14

24 TBC withdrew this objection and confirmed that there is no more ongoing investigation.

25 36. Defendant Au's Interrogatory 15

26 TBC objected to Defendant Au's Interrogatory 15 on the basis that it is overbroad and
27 unduly burdensome. Yet, TBC's complaint against Defendant Au contains allegations that are
28 similar to the nature of Defendant Au's Interrogatory 15. The Court finds that a lack of any other

1 instances of theft, or bad conduct, could be relevant to the finder of fact in this case. Defendant
2 Au's request is limited to facts known to TBC and later clarified that TBC should not speculate.
3 As a result, the Court does not find that Defendant Au's Interrogatory 15 is overbroad or unduly
4 burdensome. The Court overrules TBC's objection.

5 37. Defendant Au's Interrogatory 15

6 TBC objected to Defendant Au's 13th Interrogatory on the basis that information in the
7 response is found in other documents. The Court overrules the objection based on the rationale
8 put forth in the National Academy case and pursuant to Rule 33(d).

9 38. Defendant Au's Interrogatory 15

10 TBC withdrew this objection and confirmed that there is no more ongoing investigation.

11 39. TBC's General Objections to Defendant Au's Request for Admissions.

12 TBC provided a list of 18 General Objections to Defendant Au's Request for Admissions.
13 The Court addressed a similar topic when addressing Issue Number 1. GRCP Rule 36 requires
14 an objection to be made along with a reason for the objection. The Court overrules the General
15 Objections and finds that objections should be made in the individual response and not as a
16 general precursor to all answers. TBC provided for objections prior to any specific issue and
17 therefore, any such "general" objection is improper and overruled as a result.

18 40. Defendant Au's Request for Admission 1

19 A similar issue was addressed in Issue Number 3. The Court finds that the result here is
20 the same. The Court overrules TBC's objection that the term "legal title" is vague or ambiguous.

21 41. Defendant Au's Request for Admission

22 TBC objected to Defendant Au's Request for Admission on the basis of relevance. The
23 Court, as previously decided, does find information about Harmon Trucking relevant if TBC is
24 aware of any commingling of assets among the two distinct businesses.

25 42. Defendant Au's Request for Admission 2

26 A similar issue was addressed in Issue Number 26. The Court finds that the result here is
27 the same. The Court overrules TBC's objection that the term "commingled assets" is vague,
28 ambiguous or uncertain.

1 43. Defendant Au's Request for Admission 3

2 TBC objected to Defendant Au's Request for Admission on the basis of relevance. The
3 Court, as previously decided, does find information about Harmon Trucking relevant if TBC is
4 aware of any commingling of income among the two distinct businesses.

5 44. Defendant Au's Request for Admission 3

6 A similar issue was addressed in Issue Numbers 26 and 42. The Court finds that the result
7 here is the same. The Court overrules TBC's objection that the term "commingled assets" is
8 vague, ambiguous or uncertain.

9 **II. Plaintiff TBC's Motion to Compel Against Defendant Lai Hing Au**

10 TBC filed a Motion to Compel Against Defendant Au on April 15, 2025. Defendant Au
11 filed its Opposition on May 21, 2025. The April 14, 2025 stipulation on discovery issues
12 submitted by the Parties also addressed TBC's Motion to Compel.

13 TBC's Request For Production 1, 2 and 3²

14 After identifying three issues in the Stipulation between TBC and Defendant Au,
15 Defendant Au provided some additional information in response. Defendant then notified the
16 Court that nothing remains outstanding and nothing else exists. TBC believes additional
17 documents due exist. As an officer of the Court, attorney William Gavras on behalf of Defendant
18 Au, affirmed that no other documents exist that were not already provided. The Court reminds
19 the Parties of their continuing duty to disclose. The Court further reminds the Parties that this
20 case is now eight years old and Defendant Au would be prohibited from using any discovery at
21 trial not already provided. On the other hand, sanctions could be appropriate if it is later
22 determined that either party affirmed no further discovery exists in contradiction to the facts.

23 **III. Plaintiff TBC's Motion to Compel Against Defendant Larry**

24 TBC filed a Motion to Compel Against Defendants Larry and Man Ling on May 2, 2025.
25 Both Defendant Larry and Defendant Man Ling filed their separate oppositions on July 7, 2025.

26
27
28 ² From this point forward, the Court will no longer use the prior numbering system for ease of organization. These
three issues were identified as Issue 45, 46 and 47 in the Parties' Stipulation.

1 A stipulation between TBC and Defendants Larry and Man Ling was filed on May 2, 2025 that
2 listed the discovery issues to be decided.

3 TBC's Request for Production 1 Directed to Defendant Larry

4 TBC made a written Request for Production asking for Defendant Larry to provide
5 documents relating to bank accounts and Time Certificate Deposits (TCD) from 2001 to 2014.
6 Defendant Larry prepared a signed response and six pages of documents. Defendant Larry,
7 through attorney Van de Veld, has represented to the Court that no other documents exist relevant
8 to the request. While the Court agrees with TBC that likely more relevant documents must have
9 existed, the Court has no evidence before it that indicates Defendant Larry or his counsel is
10 intentionally deceiving the Court or hiding discovery. As a result, the Court will deny the motion
11 to compel.

12 **IV. Plaintiff TBC's Motion to Compel Against Defendant Man Ling**

13 TBC's Request for Production No. 1, 2, 3 and 3b Directed to Defendant Man
14 Ling

15 TBC requested for Defendant Man Ling to provide all documents relevant to a payment
16 of one million dollars. Defendant Man Ling responded with a statement indicating "already
17 disposed" and a single page bank record. Defendant Man Ling, through his attorney, also
18 indicated that no other documents exist in his possession relevant to the request. At this point,
19 there is no evidence to support a finding that Defendant Man Ling is hiding discovery and the
20 motion to compel is denied.

21 TBC's Request for Production No. 4 Directed to Defendant Man Ling

22 TBC made a request for Defendant Man Ling to produce all bank statements from 2001
23 to 2017. Defendant Man Ling referred back to the same document provided in response to
24 Requests for Production 1, 2, 3 and 3b. Defendant Man Ling also indicated that no other
25 documents remain in Defendant Man Ling's possession. Absent additional evidence to support
26 other documents existing, the Court will not compel further production. The motion as it applies
27 to RFP 4 is denied. The Court does remind Defendant Man Ling that this ruling does not mean
28 that Defendant Man Ling is excused from completing its duties under the discovery rules. If

1 Defendant Man Ling learns it was wrong about what documents exists, Defendant Man Ling must
2 still provide said discovery.

3 TBC's Interrogatory 10 directed to Defendant Man Ling

4 TBC asked Defendant Man Ling to answer the question "In July 2001, why did you choose
5 to open a bank account in First Commercial Bank as opposed to any other Guam bank?"
6 Defendant's response was "it is because of convenience". Defendant Man Ling also indicated
7 that more complete answers were provided in her deposition. The Court has previously
8 determined in this order under the rationale put forward in the National Academy case that even
9 though information exists in other forms elsewhere in the case, if said information is available, it
10 should be addressed in the interrogatory response. Furthermore, in a note of the advisory
11 committee on rules from the 1946 amendment to the federal Rule 33, indicated that "[i]t may be
12 quite desirable or necessary to elicit additional information by the inexpensive method of
13 interrogatories where a deposition has already been taken." Federal Rules of Evidence, Rule 33.
14 Defendant Man Ling's response to TBC's Interrogatory No. 10, was shorter and less detailed than
15 what the Parties indicated occurred during the deposition. The Court will grant TBC's Motion to
16 Compel and orders Defendant Man Ling to provide a more detailed response in response to TBC's
17 Interrogatory 10 directed to Defendant Man Ling.

18 **V. Outstanding Discovery**

19 This case is now almost eight years old and the Parties have assured the Court that there
20 are no known discovery issues outside the above listed issues. The Parties are deemed to have
21 waived any additional discovery requests unless there is good cause for the lack of identification
22 or if further production resulting from this disposition creates fresh issues. The Court also bases
23 the waiver of future discovery issues on at least three prior Court issued discovery cut-off dates
24 given to the Parties.

25 All updated or new responses caused by this disposition shall be completed by December
26 17, 2025.

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CONCLUSION

The Court has hereby addressed all outstanding discovery issues. Some of the rulings will necessitate additional or updated responses. Those responses are to be completed by December 17, 2025. The Court will not order sanctions against any Party. All discovery issues not concluded by this point will be deemed waived unless there is a good faith reason or if these rulings create fresh issues. This matter will be returned to the assigned Superior Court Judge.

HONORABLE SEAN E. BROWN
MAGISTRATE JUDGE, SUPERIOR COURT OF GUAM