



Filed

Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

**IN RE PAUL'S GUAM INC., PICHET SACHDEJ
and AMARJIT SACHDEV,**
Defendants-Petitioners,

v.

SUPERIOR COURT OF GUAM,
Respondent,

v.

KORASAN LLC dba MODA GINO'S,
Plaintiff-Respondent-Real Party in Interest.

Supreme Court Case No. WRC20-001
Superior Court Case No. CV0755-17

OPINION

Cite as: 2020 Guam 30

Argued and submitted on September 18, 2020
Via Zoom video conference

E-Received

12/31/2020 10:46:02 AM

Appearing for Defendants-Petitioners:

Carlos L. Taitano, *Esq.*
Taitano & Taitano LLP
DNA Bldg.
238 Archbishop Flores St., Ste. 405
Hagåtña, GU 96910

Appearing for Plaintiff-Respondent-
Real Party in Interest:

Daniel J. Berman, *Esq.*
Berman O'Connor & Mann
Bank of Guam Bldg.
111 Chalan Santo Papa, Ste. 503
Hagåtña, GU 96910

Appearing for Respondent:

Andrew S. Quenga, *Esq.*
Daniel Mensching, *Esq.*
Guam Judicial Center
120 W. O'Brien Dr.
Hagåtña, GU 96910

BEFORE: F. PHILIP CARBULLIDO, Chief Justice; ROBERT J. TORRES, Associate Justice; KATHERINE A. MARAMAN, Associate Justice.

PER CURIAM:

[1] Defendants-Petitioners Paul's Guam Inc., Pichet Sachdej, and Amarjit Sachdev (collectively, "Paul's") petition the court for a writ of *certiorari* challenging a contempt finding by Respondent Superior Court of Guam as having been rendered in excess of jurisdiction. Plaintiff-Respondent-Real Party in Interest Korasan LLC dba Moda Gino's ("Korasan") defends the contempt finding as a proper exercise of the Superior Court's broad discovery powers and raises issue with this court's jurisdiction to review the writ, arguing the petition was untimely. For the reasons below, we hold that the time limitations for filing a notice of appeal in Guam Rule of Appellate Procedure 4(a) apply to petitions for writ of *certiorari* challenging a contempt finding. In applying this rule prospectively, we find the Superior Court exceeded its jurisdiction in finding Paul's in contempt, and we grant in part their petition for writ of *certiorari*.

I. FACTUAL AND PROCEDURAL BACKGROUND

[2] Paul's and Korasan are adversaries in an ongoing civil dispute before the Superior Court involving allegations of trademark infringement, violations of the Deceptive Trade Practices Act, and tortious interference with contracts and economic expectancy. The dispute concerns the licensing and use of various trademarks for school uniforms and apparel at seventeen Guam Department of Education schools.

[3] As part of the litigation, the parties engaged in discovery. Among the several discovery disputes concerned a request by Korasan, the plaintiff in the proceedings below, for financial documents from Paul's about the business activities related to the trademarks at issue. Following a protracted dispute over these documents and other discovery issues, the Superior Court ordered

Paul's to produce: financial statements, economic data and tax returns relied upon by Paul's expert witness; and specific requests by Korasan for documents the trial court believed were "reasonably calculated to lead to the discovery of admissible evidence." Excerpts of Record ("ER"), vol. 3 at 382-88 (Dec. & Order, Jan. 3, 2019).

[4] When Paul's failed to produce these documents, and after the Superior Court separately determined that Paul's withheld such documents in violation of the discovery rules and the trial court's orders, Korasan moved for discovery sanctions under Guam Rule of Civil Procedure ("GRCP") 27. In a decision and order ("Contempt Order"), the Superior Court granted Korasan's motion and found Paul's in contempt for several discovery violations. In the Contempt Order, the Superior Court stated:

The Court therefore finds [Paul's] in contempt of court. "Any person found guilty of contempt of court pursuant to § 34102(b) is subject to the same penalties as a person found guilty of a petty misdemeanor." 7 GCA § 34101(b); [*People v. Lamb*, 2008 Guam 2 ¶ 15. Penalties for conviction of a petty misdemeanor include imprisonment for not more than sixty days, a fine of \$500, or "[a]ny higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender." 9 GCA § 80.34(b), 80.50(e). Based on [Paul's] failure to comply with Court orders, the Court ORDERS [Paul's] pay a fine of \$500, payable to the Court.

ER, vol. 3 at 481 (Dec. & Order Re Pl.'s Mot. Disc. Sanctions, Jan. 24, 2020) ("Contempt Order") (third alteration in original).

[5] Thirty-nine days after the Contempt Order was entered on the trial court docket, Paul's filed in this court a Petition for Writ of *Certiorari*, *Mandamus*, or *Prohibition* alleging the Superior Court exceeded its jurisdiction in finding them in contempt. In the petition, Paul's seeks an extraordinary writ, either by *certiorari*, *mandamus*, or *prohibition*, relative to Superior Court Case No. CV0755-17: (1) staying all further proceedings in the Superior Court; (2) annulling the Contempt Order in its entirety; (3) commanding the Superior Court to enforce the stipulations

between the parties as to discovery; (4) restraining the Superior Court from conducting any discovery proceedings or imposing any contempt or discovery penalties or sanctions on Paul's; and (5) commanding the Superior Court to enter all necessary or appropriate orders or decrees. By order of the court, Korasan answered the petition.¹

[6] After reviewing the record, we denied the portions of Paul's petition seeking relief concerning the discovery issues below. This includes Paul's requests to stay all further proceedings, to annul the Contempt Order (specifically, the portion of the order requiring Paul's to produce certain documents), to command the Superior Court to enforce the stipulations as to discovery between the parties, and to restrain the Superior Court from conducting any discovery proceedings or imposing discovery penalties or sanctions. In our order, we expressed caution in disrupting the proceedings through the issuance of an extraordinary writ that sought to overturn routine discovery orders. For these issues, we determined Paul's did not adequately show there to be no plain, speedy, and adequate remedy in the ordinary course of law requiring the issuance of an extraordinary writ.² As to the remaining issues—specifically, (1) annulment of the finding of contempt under 7 GCA §§ 34101(b) and 34102(b) in the Contempt Order and (2) the jurisdictional issue regarding timeliness of the petition, which was raised by Korasan—we ordered limited briefing.

II. JURISDICTION

[7] We have original jurisdiction over a petition for writ of *certiorari* challenging a contempt order. *See* 48 U.S.C.A. § 1424-1(a)(3) (Westlaw through Pub. L. 116-223 (2020)); 7 GCA §§

¹ The Superior Court declined to file a response to the petition.

² In doing so, we denied Paul's alternative requests for writ of mandamus or prohibition. *See* 7 GCA § 31203 (requiring there to be no "plain, speedy, and adequate remedy in the ordinary course of law" for mandamus relief); *id.* § 31302 (requiring there to be no "plain, speedy, and adequate remedy in the ordinary course of law" for prohibition relief).

3107(b), 31101 *et seq.* (2005); *see also Paguio v. Paguio*, 2014 Guam 36 ¶ 21 (“[The] court may review contempt orders by *habeas corpus* or *certiorari*.”). The particular jurisdictional issue confronting the court, which we discuss below, is whether the time limits in Guam Rule of Appellate Procedure (“GRAP”) 4(a) apply to petitions for writ of *certiorari* challenging a contempt finding.

III. ANALYSIS

[8] We have narrowed the issues presented by the petition to (1) whether the court has jurisdiction to hear the petition, even if it was filed 39 days³ after the Superior Court’s finding of contempt; and (2) whether the Superior Court was required to follow the statutory notice and procedural requirements in 7 GCA § 34102 *et seq.* to find Paul’s in contempt. *See* Order at 3 (Apr. 8, 2020). We address each issue in turn.

A. GRAP 4(a)’s Time Limits to File a Notice of Appeal Apply to Petitions for Writ of *Certiorari* Challenging a Contempt Finding

[9] While a contempt order is generally final, conclusive and non-appealable, *see* 7 GCA § 25102(a) (2005), a party may challenge a contempt order through a *habeas* proceeding or by petition for writ of *certiorari*. *See Paguio*, 2014 Guam 36 ¶ 22. Under 7 GCA § 31102, the court may grant a writ of *certiorari* “when an inferior tribunal . . . exercising judicial functions, has exceed[ed] the jurisdiction of such tribunal . . . and there is no appeal, nor, in the judgment of the court, any plain, speedy, and adequate remedy.” 7 GCA § 31102. Under these circumstances, “*certiorari* lies to review and annul a contempt order rendered without or excess of jurisdiction.” *Freeman v. Superior Court*, 282 P.2d 857, 859 (Cal. 1955) (in bank).

³ The petition was filed 41 days from the date of the Contempt Order, but 39 days after the order’s entry on the docket.

[10] The statute authorizing writs of *certiorari* and the GRAP, however, contain no jurisdictional time limitations on when such an action can be brought. With no time limits imposed by statute or rule, Paul's argues the petition is properly before the court as "there is no specific statute of limitation or rule within which the Petition must be filed or there was no unreasonable delay in the filing of the Petition or prejudice to Korasan." Pet'rs' Br. at 9 (Apr. 27, 2020). Paul's maintains that such actions should be subject to a traditional laches test in which the petition would "only [be] untimely if both (1) the delay in filing it is unreasonable and (2) the delay works prejudice on the real party in interest" Pet'rs' Reply Br. at 12-13 (May 7, 2020). Korasan argues that the 30-day rule for filing an appeal under GRAP 4(a) should apply to *certiorari* petitions seeking review of a contempt order. See Resp't's Br. at 27 (Apr. 29, 2020). We agree with Korasan.

[11] In advancing the argument for applying a traditional laches test, Paul's suggests that the court follow California jurisprudence, which recognizes that *certiorari* petitions are not subject to a statutory limitation and instead are untimely only if the delay in filing is unreasonable and prejudices the real party in interest.⁴ See, e.g., *Glassgold's Estate v. Glassgold*, 218 P.2d 1016, 1019 (Cal. Dist. Ct. App. 1950) ("While there is no statutory time within which a petition for such a writ must be filed, the remedy may be barred by laches."); see also 12 Cal. Jur. 3d. *Certiorari* § 33 ("There is no statutory limitation on the time within which a petition may be filed for a writ of *certiorari*. However, under principles of equity, if the applicant has been guilty of laches or inexcusable neglect in pursuing the remedy, the application will be denied."). In support of this argument, Paul's cites several California cases where courts denied *certiorari* petitions as untimely when the petitioner had been guilty of laches, inexcusable neglect, or unreasonable delay. See

⁴ Because Guam's writ of *certiorari* statute was derived from California, the court looks to California cases interpreting parallel provisions as persuasive authority. See *Gibbs v. Holmes*, 2001 Guam 11 ¶ 15.

Pet'rs' Br. at 14-16. Many of these cases, however, do not involve *certiorari* petitions challenging a contempt finding. *See, e.g., Glassgold's Estate*, 218 P.2d at 1017 (annulment of probate order); *Swars v. Council of Vallejo*, 149 P.2d 397, 398 (Cal. Dist. Ct. App. 1944) (review of employment dismissal); *Bernstein v. Superior Court*, 116 P.2d 172, 173 (Cal. Dist. Ct. App. 1941) (legality of guardianship proceeding); *Smith v. Superior Court*, 32 P. 322, 322 (Cal. 1893) (review of receivership appointment); *McKeever v. Superior Court*, 259 P. 373, 373 (Cal. Dist. Ct. App. 1927) (review of interlocutory divorce decree); *Donovan v. Bd. of Police Comm'rs*, 163 P. 69 (Cal. Dist. Ct. App. 1916) (review of employment dismissal).

[12] The only case cited by Paul's that does involve a petition challenging a contempt finding reached the proposition advanced by Korasan, which is that a petition for writ of *certiorari* should be barred if is not filed within the time period to file an appeal from a final judgment. *See Scott v. Municipal Court (People)*, 115 Cal. Rptr. 620, 621-22 (App. 1974). In *Scott*, the California Court of Appeals considered a petition for writ of review⁵ challenging a judgment of contempt and held that the "petition was untimely, having been filed well beyond the 60-day period of limitation for an appeal" *Id.* at 621; *see also Reynolds v. Superior Court*, 28 P. 121, 121 (Cal. 1883) (in bank) (per curiam) ("[T]he remedy through a writ of *certiorari* should be held to be barred by the lapse of the same length of time that bars an appeal from a final judgment."). Other California cases, while not involving *certiorari* petitions challenging a contempt finding, have reached similar conclusions as to the time limits for seeking an extraordinary writ. *See Glassgold's Estate*, 218 P.2d at 1019 ("Where there is an unexplained delay in seeking the writ, the courts have considered the time in which to appeal as being a reasonable time, and, in the absence of an explanation, the expiration of such time may be sufficient to bar relief."); *Volkswagen of Am., Inc.*

⁵ "The writ of *certiorari* may be denominated the *writ of review*." 7 GCA § 31101 (2005).

v. *Superior Court (Adams)*, 114 Cal. Rptr. 2d 541, 545 (Ct. App. 2001) (“As a general rule, a writ petition should be filed within the . . . period that is applicable to appeals.”); *see also Popelka, Allard, McCowan & Jones v. Superior Court (H. Coster Enters.)*, 165 Cal. Rptr. 748, 750-51 (Ct. App. 1980), *abrogated by Peterson v. Superior Court (Thompson)*, 642 P.2d 1305 (Cal. 1982) (in bank), *as recognized in Mt. Diablo Hosp. Dist. v. Superior Court (Green)*, 249 Cal. Rptr. 262, 263 n.1 (Ct. App. 1988).

[13] At least one other jurisdiction requiring challenges to a contempt order be made by petition for *certiorari* has considered whether it is necessary to establish time limits for review absent any limit imposed by statute or rule. *See Jones v. Mont. 19th Jud. Dist. Ct.*, 37 P.3d 682, 684 (Mont. 2001). In *Jones*, the Montana Supreme Court applied its comparable rule for filing a timely notice of appeal, which is 30 days, to petitions for *certiorari* regarding challenges to contempt orders. *Id.* at 687. In doing so, the Montana Supreme Court distinguished between contempt actions and other types of writs and reasoned that “[t]o set such indefinite time frames for [*certiorari*] petitions . . . would discourage judicial economy and would erode the inherent contempt power of the courts, where the proceedings requiring review are straightforward, definite, and final.” *Id.* at 686.

[14] As Korasan points out, we have applied the 30-day period for filing a notice of appeal under GRAP 4(a) to other proceedings absent a specific rule or statute setting a time limit. *See Sky Enter. v. Kobayashi*, 2002 Guam 24 ¶¶ 10, 12. In *Sky Enterprise*, we considered whether time limits under GRAP 4(a) apply to the filing of an interlocutory appeal. *Id.* ¶ 6. There, we held that an interlocutory appeal must meet the time requirements under GRAP 4(a).⁶ *Id.* ¶¶ 10-12. We reasoned that:

⁶ At the time we decided *Sky Enterprise*, our appellate rules were silent as to any time limits to file an interlocutory appeal. We have since amended the rules to incorporate our holding in *Sky Enterprise*. *See* Guam R. App. P. 4.2(a)(2).

The purpose of setting the time limit for an appeal is “to set a definite point of time when litigation shall be at an end, unless within that time the prescribed application has been made; and if it has not, to advise prospective appellees that they are freed of the appellant’s demands.” . . . [T]he parties must be equally assured that they can rely on the trial court’s order once the time to file an appeal has passed.

Id. ¶ 12 (citation omitted).

[15] For similar reasons, and based on the holdings of *Jones* and *Scott*, we hold that GRAP 4(a)’s 30-day period to file a notice of appeal applies to petitions for writs of *certiorari* challenging a contempt finding. Such a rule respects judicial economy and would allow litigants to be assured that they can rely on a trial court’s contempt finding and related orders once the time to file a petition has passed. Out of fairness to Paul’s, which filed its petition 39 days after entry of the Contempt Order on the docket, we apply this rule prospectively and will review the merits of Paul’s argument that the Superior Court exceeded its jurisdiction in finding them in contempt.⁷

B. The Superior Court Was Required to Follow Statutory Notice and Procedural Requirements in Finding Paul’s in Indirect Contempt Under 7 GCA § 34102(b)

[16] “The power of contempt exercised by the Superior Court is a power inherent in all courts to enforce obedience, something they must possess in order to properly perform their functions. Historically, a court’s contempt powers have been described as *sui generis*—neither civil actions nor prosecutions for offenses, within the ordinary meanings of those terms.” *People v. Torres*, 2008 Guam 26 ¶ 33; *see also Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994) (stating that courts have “inherent contempt authority” to impose civil and criminal

⁷ Paul’s argues for the first time in their reply brief that even if we did apply GRAP 4(a)’s time limits, the petition was still timely. *See* Pet’rs’ Reply Br. at 10. Paul’s maintains that because the Superior Court failed to set out its contempt finding in a separate judgment, the Contempt Order “was deemed ‘entered’ 150 days after its entry on the civil docket” under Guam Rule of Civil Procedure 58(b)(2)(B) and GRAP 4(a)(7)(B)(ii). *Id.* We reject this argument for two reasons. First, the Contempt Order is non-appealable and thus cannot be analogized to an appealable judgment or order implicating the “separate document” rule. Second, “a contempt proceeding is an action entirely independent from the underlying cause” and thus is “fundamentally different from other original proceedings commenced in this Court.” *Jones*, 37 P.3d at 684, 686. Thus, for purposes of petitions of writ of *certiorari* challenging a contempt finding, we clarify the time period for filing such a petition begins on the date the contempt order or finding is entered on the trial court docket.

contempt). In a civil proceeding, the sanction of contempt for failure to obey a discovery order may be exercised in various ways.

[17] Under the Guam Rules of Civil Procedure (“GRCP”), trial courts have significant and broad discretion to issue orders as to discovery and to impose discovery sanctions, when necessary. *See* Guam R. Civ. P. 26 (provisions concerning general rules of discovery); Guam R. Civ. P. 37 (provisions concerning sanctions and failure to comply with discovery orders). Rule 37(b)(2)(D) allows a trial court to hold a party in “contempt of court” as a sanction for failure to comply with a discovery order.⁸ *See* Guam R. Civ. P. 37(b)(2)(D) (stating that trial court may issue “an order treating as a contempt of court the failure to obey any orders” as to discovery).

[18] Additionally, trial courts may use its contempt powers under Guam’s general contempt statute to hold a party in contempt for failure to comply with the court’s orders. *See* 7 GCA 34101 *et seq.* (2005). Title 7 GCA § 34102(a) specifically “provides that contempt which occurs in the actual presence of the court (sometimes called direct contempt) may be punished summarily, but other contempt (sometimes called indirect contempt) shall be prosecuted on notice” under 7 GCA § 34102(b). *Torres*, 2008 Guam 26 ¶ 33 (citing 7 GCA § 34102(a)-(b)). “Further, section 34101 establishes a penalty that may be imposed on a person found guilty of indirect contempt of court.” *Id.*

[19] To find a party in indirect contempt of court under 7 GCA § 34102(b), trial courts must follow specific notice and procedural requirements, which include, among other things, reasonable time for notice of the contempt hearing. *See* 7 GCA § 34102(b)-(d). “The notice shall state the time and place of hearing; allowing reasonable time for the preparation of the defense, and shall state the essential facts constituting the contempt charged and describe it as such.” *Id.* § 34102(b).

⁸ We acknowledge that GRCP 37 does not specifically contain any notice and procedural requirements as a prerequisite for a trial court’s finding of contempt due to failure to comply with a trial court’s discovery orders.

Additionally, “[t]he notice shall be given orally in open court by the judge in the presence of the person charged with contempt . . . or on application of [an] attorney representing an aggrieved party.”⁹ *Id.* § 34102(e).

[20] As the Contempt Order was issued after Korasan moved for discovery sanctions under GRCP 37, Paul’s raises issue with the trial court’s jurisdiction to find them in contempt under 7 GCA § 34102(b) as a discovery sanction. *See generally* 7 GCA § 34102. Paul’s argues that a contempt finding under 7 GCA § 34102(b) requires strict notice and procedural safeguards to be complied with before a party is found in contempt and that the trial court did not comply with such requirements. *See* Pet’rs’ Br. at 9. Paul’s further argues that the Guam Legislature has enacted laws regulating contempt procedures, i.e., 7 GCA § 34102 *et seq.*, that must be given effect “as a matter of ‘comity’ because that statute does not fetter the efficient operation, or impair the ability to uphold the dignity or the authority[] of the courts of Guam.” Pet’rs’ Br. at 5, 9. We agree with these arguments because the Superior Court specifically found Paul’s in indirect contempt under 7 GCA § 34102(b) without following the statutory requirements contained therein. *See* ER, vol. 3 at 481 (Contempt Order) (“The Court therefore finds [Paul’s] in contempt of court. ‘Any person found guilty of contempt of court pursuant to § 34102(b)’”).

[21] Korasan attempts to reconcile the Superior Court’s finding of contempt by arguing that its motion for discovery sanctions and the subsequent hearing provided Paul’s with “ample notice and opportunity to be heard on the contempt issues,” essentially mirroring the statutory notice and procedural safeguards required in 7 GCA § 34102 *et seq.* *See* Resp’t’s Br. at 17, 21-22. We find no merit to this argument because the motion for discovery sanctions, which prompted the Contempt Order, was made under GRCP 37 and did not sufficiently contemplate or provide Paul’s

⁹ Contempt may also “be prosecuted . . . by an order to show cause issued without notice ordering the contemptuous person to appear, or by motion based upon affidavit.” 7 GCA § 34102(e).

with notice it was subject to contempt proceedings. And because the parties failed to provide the court with a transcript of the motion hearing, we cannot determine whether the motion hearing essentially mirrored a contempt proceeding.

[22] Korasan alternatively argues that the trial court did not have to follow the requirements under 7 GCA § 34102 for findings of contempt. *See* Resp't's Br. at 9. This argument is problematic because the Superior Court did not find Paul's in contempt under GRCP 37(b)(2)(D).¹⁰ Rather, it specifically cited to 7 GCA § 34102(b) and imposed penalties for conviction of a petty misdemeanor expressed in 7 GCA § 34101(b). *See* ER, vol. 3 at 481 (Contempt Order). Thus, Korasan's argument that the "requirements in 7 GCA § 34102(b) are unnecessary and inapplicable" for contempt based on repeated discovery sanctions ignores the Superior Court's statutorily-based finding of indirect contempt. *See* Resp't's Br. at 11.

[23] Korasan further attempts to frame the contempt imposed by the trial court as "civil contempt" as opposed to "criminal contempt." *Id.* at 12. Korasan's attempt to distinguish between civil and criminal contempt, however, is undercut by several cases it cites that hold a trial court need not follow statutory contempt procedures when a finding of contempt is made pursuant to violation of a discovery order. For example, Korasan largely relies on *Williams v. Cordle*, No. 95APF08-978, 1996 WL 52894, at *3 (Ohio Ct. App. Feb. 8, 1996), where an appeals court affirmed a lower court decision that found a party in contempt without complying with certain statutory contempt requirements. In *Williams*, however, the contempt finding by the trial court was pursuant to the civil procedure rule relative to discovery, not the contempt statute. *Id.* The same is true in *Kingsbury v. Kingsbury*, 407 A.2d. 512 (Vt. 1979), on which Korasan relies to support its argument that the motion hearing essentially mirrored statutory safeguards for contempt

¹⁰ While the trial court did briefly cite to GRCP 37 earlier in its order, it did not later clarify that its contempt finding was made pursuant to such rule. *See* ER, vol. 3 at 478 (Contempt Order).

findings. *See* Resp't's Br. at 19-22. There, the contempt finding for the discovery violation was specific to the relevant civil procedure rule concerning contempt of court. *Kingsbury*, 407 A.2d at 515.

[24] Nonetheless, whether the Superior Court's contempt sanction is criminal or civil is irrelevant to whether it exceeded its jurisdiction under the circumstances. As the California Supreme Court has stated:

In reviewing an adjudication of contempt, "the sole question before [the court] is one of jurisdiction of the trial court to render the judgment under review, and in such a case the review of the evidence is limited to determining whether there was any substantial evidence to sustain the jurisdiction of the trial court."

In re Buckley, 514 P.2d 1201, 1207 (Cal. 1973) (in bank) (citation omitted); *see also* 7 GCA § 31108 ("The review [of a writ of certiorari] cannot be extended further than to determine whether the inferior tribunal . . . has regularly pursued the authority of such tribunal . . ."). Thus, whether the Superior Court exceeded its jurisdiction hinges not on whether it imposed civil or criminal contempt sanctions, but whether it imposed indirect contempt as opposed to direct contempt under the statute. And here, the Contempt Order cited to 7 GCA § 34102(b), i.e., indirect contempt, which supports Paul's argument that the finding was erroneous and outside the Superior Court's jurisdiction because it failed to follow the strict notice and procedural safeguards contained therein. Though the Superior Court's contempt finding can be reconciled with its unquestionable and broad discretion to issue orders as to discovery and to impose discovery sanctions, we annul the portion of the Contempt Order finding Paul's in contempt under 7 GCA § 34102(b) and imposing related fines. We note, however, that the Superior Court may re-impose similar sanctions under GRCP 37 or hold formal contempt proceedings in compliance with 7 GCA § 34102 *et seq.*

//

//

IV. CONCLUSION

[25] We **GRANT** in part the petition and annul the portion of the Contempt Order finding Paul's in contempt under 7 GCA § 34102(b) and imposing related fines. We further hold that time limits to file a notice of appeal under GRAP 4(a) apply to petitions for writs of *certiorari* challenging a contempt finding. Accordingly, a party challenging a contempt finding through a petition for writ of *certiorari* must file a petition within 30 days from the date the contempt order or finding is entered on the trial court docket, absent extraordinary circumstances.

/s/

ROBERT J. TORRES
Associate Justice

/s/

KATHERINE A. MARAMAN
Associate Justice

/s/

F. PHILIP CARBULLIDO
Chief Justice