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SUPERIOR COURT  
OF GUAM

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CLERK OF COURT

**IN THE SUPERIOR COURT OF GUAM**

By: 

PITT COUNTY MEMORIAL HOSPITAL,  
INCORPORATED,

Plaintiff,

vs.

SHERIF ANTOUN PHILIPS, M.D.,

Defendant.

**CIVIL CASE NO. CV0478-18**

**DECISION AND ORDER GRANTING  
MOTION TO REVIVE JUDGMENT**

Pitt County Memorial Hospital, Inc. (PCMH) moves to revive the January 24, 2019 Judgment in this action against Defendant Sherif Antoun Philips, M.D. Finding that PCMH satisfies the requirements to revive a judgment, the Court GRANTS the Motion.

**I. PROCEDURAL BACKGROUND**

On January 24, 2019, the Court entered judgment for PCMH on its claim to enforce a North Carolina judgment for costs and attorneys' fees. J. (Jan. 24, 2019). The Judgment awarded PCMH \$12,781.25 in costs and \$444,554.45 in attorneys' fees, together with post-judgment interest accruing from July 17, 2014, until the Judgment is satisfied. *Id.*

The Judgment remains unsatisfied. PCMH represents that, as of June 25, 2026, \$457,335.70 in principal and \$243,398.19 in accrued interest remained due. Mot. & Mem. Revive J., Ex. A (July 8, 2026). The record also reflects PCMH's continuing efforts to collect the Judgment, including payment orders, judgment-debtor proceedings, and related litigation.

Dr. Philips asks the Court to deny or stay revival. He principally relies on PCMH's July 15, 2026 action in North Carolina seeking to renew the underlying North Carolina judgment. He

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argues that the new North Carolina action calls into question the enforceability of the Guam judgment. He also contends that the Judgment is no longer enforceable under Guam law because the statutory period for enforcement has expired. Opp'n at 6.

## II. LAW AND DISCUSSION

### A. Legal Standard

Section 23106 of title 7 provides: "In all cases the judgment may be enforced or carried into execution after the time lapse of six years from the date of entry, by leave of Court, upon motion, or by judgment for that purpose, founded upon supplemental pleadings." 7 GCA § 23106. The statute permits enforcement after six years have elapsed from the date of judgment, but it requires the judgment creditor to obtain leave of Court. *Id.* The Court therefore has discretion as to whether to permit continued enforcement after the six years.

The Ninth Circuit addressed the operation of this provision in *Guam Economic Development Authority v. Ulloa*, 841 F.2d 990 (9th Cir. 1988). The court rejected the argument that the period to obtain execution as a matter of right caused the judgment to lapse. *Id.* at 992. That period "merely provides a limited time within which the judgment creditor may obtain the writ of execution as a matter of right." *Id.* After that period expires, discretionary enforcement remains available by leave of court, upon motion, or by judgment based on supplemental pleadings. *Id.*; 7 GCA § 23106. The court also rejected the argument that the judgment creditor had to show diligence in attempting to enforce the judgment during the earlier period. *Id.* at 993. The statute contained no express diligence requirement, and the court declined to imply one. *Id.* Accordingly, section 23106 does not require PCMH to prove a particular history of collection efforts before seeking leave to enforce the Judgment.

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The Court's inquiry is therefore whether six years have elapsed since entry of the Judgment, whether the Judgment remains enforceable and unsatisfied, and whether PCMH has requested leave through a procedure authorized by section 23106. The Court retains discretion to grant or deny that request, but the statute does not require a separate diligence showing. *See id.* at 992–93; 7 GCA § 23106.

Those considerations support granting PCMH's motion. More than six years elapsed between entry of the Judgment on January 24, 2019, and PCMH's motion. *See J.; Mot. & Mem. Revive J.* The Judgment remains unsatisfied: PCMH represents that a substantial principal balance and accrued interest remained due as of June 25, 2026, and Dr. Philips identifies no order showing that the Judgment has been paid, vacated, or satisfied. Lastly, PCMH also seeks leave by motion, the procedure expressly authorized by section 23106. 7 GCA § 23106.

**B. Collection Efforts Support the Request.**

The record further reflects PCMH's substantial efforts to collect during the years after entry of the Judgment. This includes extensive post-judgment proceedings investigating Dr. Philips' assets, resulting in a current automatic monthly assessment of \$7,000. *See Order Increasing Monthly Withdrawal Amt.* (June 19, 2026). While collection efforts are not an independent statutory requirement, they nevertheless provide context for PCMH's request to continue enforcing an existing, unpaid judgment. *See* 7 GCA § 23106; *Ulloa* at 993.

**C. Defendant's Challenges Do Not Prevent Enforcement.**

Dr. Philips's remaining arguments do not identify a legal impediment to enforcement. His Opposition attempts to revisit the underlying North Carolina judgment, this Court's

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enforcement judgment, removal, jurisdiction, and collection proceedings. Those arguments do not establish that the Judgment has been vacated, satisfied, or rendered unenforceable.

The history of this litigation reinforces that conclusion. The District Court of Guam determined that Dr. Philips's attempt to remove this enforcement action was improper, and the Ninth Circuit affirmed that determination while directing remand to this Court. *See Philips v. Pitt Cnty. Mem'l Hosp., Inc.*, 2025 WL 2860600, at \*1 (9th Cir. 2025). The District Court of Guam also declared Dr. Philips a vexatious litigant after finding that his repeated efforts to relitigate the North Carolina and Guam enforcement judgments were meritless and harassing. *See Philips v. Pitt Cnty. Mem'l Hosp. Inc.*, 2024 WL 5132119, at \*7 (D. Guam Dec. 17, 2024).

Those rulings provide relevant context here. Dr. Philips's Opposition again asks the Court to address issues that have already been litigated or that do not bear on whether the Judgment remains unsatisfied and enforceable. A motion to revive is not an invitation to reopen every prior dispute in the case.

Dr. Philips also asserts that he has consistently challenged the Judgment and its enforceability in Guam. Def.'s Opp'n [Revive] J. (July 31, 2026). On that point, the Court agrees. Dr. Philips has filed numerous submissions challenging enforcement at nearly every stage of this matter. Consistency, however, is not the same as success. Nor does repeated litigation, without a ruling vacating or otherwise altering the Judgment, prevent the Court from considering a motion authorized by Guam law.

**D. Pending North Carolina Litigation is Not a Basis to Deny Revival.**

Nor does PCMH's pending North Carolina action prevent revival. The record shows that PCMH filed that action seeking to renew a judgment under North Carolina law. Reply Mem.

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Supp. Mot. Revive J., Ex. 1 (Aug. 19, 2026). PCMH contends that, under North Carolina law, renewing a judgment requires filing a one-time new civil action based on the original judgment. *Id.* (citing N.C. Gen. Stat. § 1-47).

Dr. Philips argues that the action calls into question the enforceability of the Guam Judgment. But the record does not show that the North Carolina court has entered an order affecting either the North Carolina judgment or the Guam Judgment. PCMH's request for relief in North Carolina, standing alone, does not alter the Guam Judgment's present force or enforceability. A request for relief is not the same thing as an order granting that relief. The distinction should not require explanation, but the present filings make it necessary.

Unless a court with authority enters a ruling that alters the Judgment, the January 24, 2019 Judgment remains unsatisfied and enforceable. The pending North Carolina action therefore does not establish a legal reason to deny PCMH leave under section 23106.

**E. Pre-Filing Order, Repetitive Arguments and Unauthorized Sur-Reply.**

The Court also reminds Dr. Philips that the July 31, 2025 Amended Pre-Filing Order remains in effect. Although an opposition to another party's motion does not require a Request to File or a cash bond, any filing may still be subject to sanctions if it repeats an argument previously rejected by this Court—for example, issues of forum, jurisdiction, or validity of the underlying judgment. The Court does not impose sanctions in this Order, but Dr. Philips is cautioned that continued repetition of previously rejected arguments may result in sanctions in a future filing.

Finally, Dr. Philips's fifteen-page August 21, 2026, "Response to Plaintiff's Reply Memorandum" does not affect the Court's analysis. Dr. Philips filed the response without leave

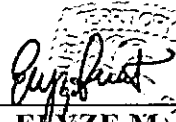
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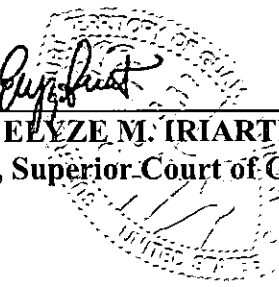
of Court. Because the filing was unauthorized, the Court strikes it and has not considered it in resolving PCMH's motion.

### **III. CONCLUSION AND ORDER**

For the foregoing reasons, PCMH's Motion to Revive Judgment is GRANTED. The January 24, 2019 Judgment is revived under 7 GCA § 23106. PCMH may continue enforcing the Judgment under Guam law as to the unpaid balance, including lawful post-judgment interest, until the Judgment is satisfied or otherwise altered by a court with authority to do so. Dr. Philips' August 21, 2026, "Response to Plaintiff's Reply Memorandum" is STRICKEN.

**SO ORDERED** this 12 October 2026.

  
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**HON. ELYZE M. IRIARTE**  
Judge, Superior Court of Guam



**Appearing Parties:**

Daniel J. Berman, Esq., Law Office of Daniel J. Berman, for Plaintiff Pitt County Memorial Hospital, Incorporated  
William B. Brennan, Esq., Arriola Law Firm, LLC, for Claimant RSA-Tumon, LLC  
Sherif Antoun Philips, M.D., Self-Represented Defendant

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