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SUPERIOR COURT
OF GUAM

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CLERK OF COURT

By: 

IN THE SUPERIOR COURT OF GUAM

RYAN FLORES, by and through his parents
JOHN T. FLORES , father, and CECILIA F.
FLORES, mother,

Plaintiff,

vs.

GEORGE CHIU; and DOES 1-10, Inclusive,

Defendants.

CIVIL CASE NO. CV0655-23

DECISION AND ORDER

INTRODUCTION

This motion asks the Court to determine which legal theories Guam law permits to proceed. Plaintiff asserts claims for negligence, strict liability, and punitive damages arising from an alleged dog-bite incident. Defendant challenges those claims at the pleading stage under Rule 12(b)(6). The Court resolves Defendant George Chiu's Motion to Dismiss and narrowing the case to the claims that are legally cognizable under Guam law. Plaintiff is represented by Attorney William L. Gavras. Defendant is represented by Attorney George Neil P. Valdes.

BACKGROUND

This case arises from an alleged dog-bite incident on Guam. Plaintiff Ryan Flores, a minor, through his parents, alleges that on November 21, 2021, he was "bitten, mauled, and

1 attacked” by at least one dog owned by Defendant George Chiu. See, *Compl.* (Nov. 21, 2023).
2 The Complaint alleges that Chiu owned the dogs, knew or should have known of their dangerous
3 propensities, and failed to warn or control them. *Id.* at 8. Flores filed this action on November 21,
4 2023, asserting three causes of action: negligence, strict liability, and punitive damages. *Id.*
5 Defendant moved to dismiss under Guam Rule of Civil Procedure 12(b)(6). See, *Mot. to Dismiss*
6 (Mar. 8, 2024). He argues that the negligence claim is defective because it is captioned against
7 “Arlene M. Acfalle,” who is not a party, and that Guam law does not recognize strict liability for
8 dog bites, pointing to 10 GCA § 34114 as limiting liability to negligence. *Id.* at 4–6. He also
9 contends that the Complaint alleges only negligence, not the oppression, fraud, or malice
10 required for punitive damages under 20 GCA § 2120. *Id.* at 6–7.
11

12
13 Flores opposes dismissal. He concedes the misnomer in the negligence count and agrees
14 to amend if ordered. See, *Opp’n*, (Apr. 12, 2024). He argues that strict liability for animals with
15 known dangerous propensities is recognized at common law and has not been clearly abrogated
16 in Guam. *Id.* at 2–4. He also maintains that his punitive-damages allegations are sufficient at the
17 pleading stage. *Id.* at 5.
18

19 Defendant replies that § 34114 governs pet-injury claims in Guam and displaces strict
20 liability, and that Flores still alleges only negligence. See, *Reply* at 2–4 (Apr. 26, 2024). The
21 motion is fully briefed and submitted.
22

23 DISCUSSION

24 This order resolves three issues. First, the Court allows Plaintiff to amend the complaint
25 to correct a misnamed defendant in the negligence claim. Second, the Court dismisses the strict-
26 liability claim because Guam’s animal-liability statute ties recovery to negligence, not strict
27 liability. Third, the Court allows the punitive-damages request to proceed because the alleged
28

1 facts, if true, could support a finding of malice. With those guideposts, the Court turns to the
2 discussion.

3
4 **I. The Court grants leave to amend to correct the misnamed defendant in the First**
5 **Cause of Action.**

6 GRCP 15(a) states that a party may amend once as a matter of course before a responsive
7 pleading is served; otherwise, amendment requires leave of court, and “leave shall be freely
8 given when justice so requires.”

9
10 Plaintiff’s First Cause of Action for negligence identifies “Defendant Arlene M. Acfalle,”
11 but Plaintiff represents that this is a misnomer and that the negligence claim is intended to be
12 asserted against the Defendant George Chiu. Since the issue is clerical, not substantive, and
13 amendment promotes a decision on the merits without unfair prejudice at this stage. The Court
14 will grant leave for Plaintiff to amend their complaint to correct the misnamed Defendant.
15 Plaintiff must file and serve an amended complaint correcting the name in the First Cause of
16 Action within 10 days of this order.

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18 **II. Because § 34114 limits pet-injury liability to negligence, the strict-liability claim**
19 **cannot proceed.**

20
21 Under GRCP 12(b)(6) pleaded facts must state a claim upon which relief can be granted.
22 The Court accepts well-pleaded facts as true, construes them in the light most favorable to the
23 nonmoving party, and dismisses only when the pleader can prove no set of facts that would
24 entitle relief. *First Hawaiian Bank v. Manley*, 2007 Guam 2 ¶ 2.

25
26 Plaintiff’s Second Cause of Action seeks strict liability for injuries allegedly caused by a
27 dog. 10 GCA § 34114 provides that when “a pet shall injure any person,” “the pet owner shall be
28 liable to the extent that his negligence was the proximate cause of such injury or damage.” That

1 statutory choice matters: it ties liability to negligence, not strict liability. Because the Second
2 Cause of Action rests on strict liability, an unavailable theory under § 34114, it does not state a
3 claim for relief.

4 The Court therefore dismisses Plaintiff's Second Cause of Action.

5 **III. The punitive-damages request survives at the pleading stage.**

6
7 Guam law authorizes punitive damages where the defendant has been guilty of
8 oppression, fraud, or malice, express or implied. *See*, 20 GCA § 2120. At the Rule 12(b)(6)
9 stage, the Court only decides only whether the allegations, taken as true and viewed favorably to
10 Plaintiff, support it. *Id.*

11
12 Plaintiff alleges that Defendant knew the dog had a violent propensity to bite and attack
13 without warning or provocation, yet failed to warn or take steps to prevent harm. If true, those
14 allegations can support an inference of conscious disregard of probable consequences—conduct
15 that may qualify as malice under § 2120.

16 Defendant's motion is DENIED as to Plaintiff's claim for punitive damages.

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CONCLUSION

For these reasons, Plaintiff is granted leave to amend to correct the misnamed defendant in the First Cause of Action. The Second Cause of Action for strict liability is dismissed with prejudice, and the motion to dismiss the Third Cause of Action for punitive damages is denied. Plaintiff must file any amended complaint within 10 days of this decision and order to correct the misnamed Defendant. The case proceeds on negligence and the request for punitive damages.

IT IS SO ORDERED MAY 14 2026 .


HONORABLE ARTHUR R. BARCINAS
Judge, Superior Court of Guam