

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In Re 2011 Redistricting Cases.

CONSOLIDATED CASE NO.:

) 4FA-11-2209-CI

) 4FA-11-2213 CI

) 1JU-11-782 CI

) 4FA-13-2435 CI

**ALASKA REDISTRICTING BOARD'S REPLY TO PLAINTIFFS' PARTIAL
OPPOSITION TO BOARD'S MOTION FOR ENTRY OF FINAL JUDGMENT
AND OBJECTION AS TO FORM OF JUDGMENT**

By Order dated November 18, 2013, this Court accepted the Alaska Redistricting Board's ("Board") 2013 Proclamation Plan, specifically concluding that "the Board complied with the Alaska Supreme Court's 28 December 2012 Order." In this regard, the Court granted all five of the Board's motions for summary judgment and denied each and every motion for summary judgment filed by the plaintiffs. Plainly, the Board was victorious on remand from the Supreme Court's December 28, 2012 order, and prevailed on the main issue – the constitutionality of the Board's 2013 Proclamation Plan. Accordingly, the Board is the prevailing party with respect to the litigation regarding the 2013 Proclamation Plan.¹

As the prevailing party, and in the absence of any request for appellate review, the Board moved for final judgment to give the people of Alaska some finality and

¹ Notwithstanding the Board's position that the constitutional timeframe does not start and stop every time a plan is remanded to the Board, and accepting for the sake of argument the Riley Plaintiffs' position that the litigation clock restarted upon the Board's adoption of the 2013 Proclamation Plan, the Board is clearly the prevailing party with respect to all aspects of the post-remand litigation regarding this plan.

confidence in their House and Senate district configurations, as well as provide candidates with the knowledge of their constituent base prior to the upcoming elections. The Board does not dispute that motion practice for attorney's fees and costs as to the trial proceedings may still be an outstanding issue, but one that can be decided without further delaying the people of Alaska's right to a final redistricting plan.²

Therefore, the Board requests this Court enter final judgment reflecting the Court's conclusion "that the Board complied with the Alaska Supreme Court's 28 December 2012 Order," and accepting the Board's 2013 Proclamation Plan as the final redistricting plan for Alaska.

DATED at Anchorage, Alaska this 18th day of December 2013.

PATTON BOGGS LLP
Counsel for Defendant
Alaska Redistricting Board

By: 

Michael D. White
Alaska Bar No. 8611144
Nicole A. Corr
Alaska Bar No. 0805022

² The Riley Plaintiffs' suggestion that they are the prevailing party in all aspects of this litigation is baseless. The Alaska Supreme Court's award of attorney's fees and costs to the Riley Plaintiffs was expressly limited to the appellate proceedings in the Supreme Court. The Supreme Court specifically found, "trial proceedings are not relevant to our award of fees, which is to cover services provided at the appellate level." Order of 6/19/13 at 2, n.1.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December 2013, a true and correct copy of
the foregoing document was served on the following via:

Electronic Mail on:

Michael J. Walleri; walleri@gci.net;
mwalleri@fairbanksaklaw.com
Jason Gazewood; jason@fairbanksaklaw.com
Gazewood & Weiner PC
Attorneys for Riley/Dearborn
1008 16th Ave., Suite 200
Fairbanks, AK 99701

Thomas F. Klinkner; tklinkner@BHB.com
Birch, Horton, Bittner & Cherot
Attorney for Petersburg Plaintiffs
1127 W. 7th Avenue
Anchorage, AK 99501

Jill Dolan; jdolan@fnsb.us
Attorney for Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, AK 99707

Carol Brown; cbrown@avcp.org
Association of Village Council Presidents
P.O. Box 219, 101A Main Street
Bethel, AK 99550

Thomas E. Schultz; tschulz235@gmail.com
Attorney for RIGHTS Coalition
715 Miller Ridge Road
Ketchikan, AK 99901

Supreme Court of the State of Alaska
jhotho@appellate.courts.state.ak.us
mmay@appellate.courts.state.ak.us

Joseph N. Levesque;
joe@levesquelawgroup.com; joe-wwa@ak.net
Levesque Law Group, LLC
Attorney for Aleutians East Borough
3380 C Street, Suite 202
Anchorage, AK 99503

Natalie A. Landreth; landreth@narf.org
Native American Rights Fund
Attorney for Bristol Bay Native Corporation
801 B Street, Suite 401
Anchorage, AK 99501

Marcia R. Davis; mdavis@calistacorp.com
Attorney for Calista Corporation
301 Calista Court
Anchorage, AK 99518

Scott A. Brandt-Erichsen; scottb@kgbak.us
Ketchikan Gateway Borough
1900 1st Avenue, Suite 215
Ketchikan, AK 99901

Joe McKinnon; jmckinn@gci.net
Attorney for Alaska Democratic Party
1434 Kinnikinnick Street
Anchorage, AK 99508

By: _____

Legal Secretary
PATTON BOGGS LLP

029810.0101\4849-6177-6151.

PATTON BOGGS LLP
601 West Fifth Avenue
Suite 700
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345