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2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

3 FIRST JUDICIAL DISTRICT AT KETCHIKAN

4 KETCHIKAN GATEWAY BOROUGH,)
5 an Alaska municipal corporation and)
6 political subdivision; AGNES MORAN,)
7 an individual, on her own behalf and on)
8 behalf of her son; JOHN COSS, a minor;)
9 JOHN HARRINGTON, an individual;)
10 and DAVID SPOKELY, and individual,)

11 Plaintiffs,)

12 v.)

13 STATE OF ALASKA; MICHAEL)
14 HANLEY, COMMISSIONER OF)
15 ALASKA DEPARTMENT OF)
16 EDUCATION AND EARLY)
17 DEVELOPMENT, in his official)
18 capacity,)

19 Defendants.)

Case No. 1KE-14-00016 CI

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MOTION FOR EXPEDITED CONSIDERATION

Defendants State of Alaska and Michael Hanley (“the State”), move the court, pursuant to Alaska Rule of Civil Procedure 77(g), for expedited consideration of the concurrently filed Emergency Motion for Stay Pending Appeal. The emergency nature of the request for stay due to the final judgment’s immediate fiscal and educational ramifications is explained in the motion for stay and attached supporting affidavit from Commissioner Hanley. And expedited consideration should be granted for the additional reason that the governor and legislature need to know whether the court’s final judgment is to take immediate effect so that, if necessary, they can take responsive

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2 action within the legislative session that has already begun. Every day without a ruling
3 is a day of uncertainty for Alaska’s policymakers. Additionally, should this Court deny
4 the stay, the State wishes to promptly learn of that ruling in order to exercise its ability
5 to seek a stay from the Alaska Supreme Court.

6 Counsel for the State spoke about this motion and the motion for stay with
7 Louisiana Cutler, counsel for plaintiffs, on January 27, 2015 and again on
8 January 28, 2015 but did not yet receive a response on whether plaintiffs oppose the
9 motion for expedited consideration.¹ Based on Ms. Cutler’s representation that she is
10 unable to receive direction from her clients before next Monday,² the State proposes the
11 following schedule for the motion for stay:
12

13 Any opposition should be filed by close of business on Tuesday, February 3rd.

14 The State would file any reply no later than two business days later, by close of
15 business Thursday, February 5th.
16

17 The State requests that this Court issue its decision as soon as possible thereafter
18 or no later than Thursday, February 12, 2015.

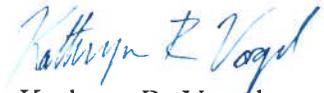
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25 ¹ Affidavit of Kathryn R. Vogel, dated January 28, 2015, ¶ 2, *attached as Ex. 1*.

26 ² *Id.*

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DATED January 28, 2015

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 
Kathryn R. Vogel
Alaska Bar No. 1403013
Rebecca Hattan
Alaska Bar No.0811096
Margaret Paton-Walsh
Alaska Bar No. 0411074
Assistant Attorneys General

Attorneys for Defendants

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

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HARRINGTON, an individual; and)
8 DAVID SPOKELY, and individual,)
9 Plaintiffs,) Case No.: 1KE-14-00016 CI
10 v.)
11 STATE OF ALASKA; MICHAEL)
12 HANLEY, COMMISSIONER OF)
13 ALASKA DEPARTMENT OF)
14 EDUCATION AND EARLY)
DEVELOPMENT, in his official)
15 capacity,)
16 Defendants.)

17 **AFFIDAVIT OF KATHRYN R. VOGEL**

18 STATE OF ALASKA)
19 FIRST JUDICIAL DISTRICT) ss.

20 Kathryn R. Vogel, being duly sworn, states as follows:

21 1. I am the Assistant Attorney General assigned to the above-captioned
22 matter and I have personal knowledge of the matters stated in this affidavit. I represent
23 the Defendants in this matter.

24 2. I spoke telephonically with Louisiana Cutler, counsel for plaintiffs, on
25 January 27, 2015, and again on January 28, 2015, regarding the State's intention to file
26

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ANCHORAGE, ALASKA 99501
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Exhibit 1
1 of 2

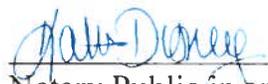
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a motion for stay and a motion for expedited consideration. Ms. Cutler informed me that she would be unable to state her clients' position on the motion for stay or motion for expedited consideration until on or after Monday, February 2, 2015 because that is the date she is meeting with her clients.


Kathryn R. Vogel

SUBSCRIBED AND SWORN TO before me this 28th day of January, 2015.




Notary Public in and for Alaska
My Commission Expires: with office

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ORDER

Upon consideration of the defendant State of Alaska's Motion for Expedited
Consideration and any opposition to the motion,

IT IS HEREBY ORDERED that the motion is GRANTED.

DATED this ___ day of January, 2015.

Honorable William B. Carey
Superior Court Judge

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9
10 **CERTIFICATE OF SERVICE**

11 I certify that on this date true and correct copies of the *Motion for Expedited*
12 *Consideration, Order* and this *Certificate of Service* were served via e-mail and U.S.

13 First Class Mail on the following:

14
15 Scott A. Brandt-Erichsen
16 Ketchikan Gateway Borough
17 1900 First Avenue, Suite 215
18 Ketchikan, Alaska 99901
19 scottb@kgbak.us

Via hand delivery and email:
20 Louisiana W. Cutler
21 K&L Gates
22 420 L Street, Suite 400
23 Anchorage, Alaska 99501-1971
24 louisiana.cutler@klgates.com

18 A. Rene Broker
19 Fairbanks North Star Borough
20 PO Box 71267
21 Fairbanks, Alaska 99707
22 renebroker@co.fairbanks.ak.us

23 Kat Disney 1-28-14
24 Katelyn M. Disney Date
25 Law Office Assistant
26