

IN THE SUPREME COURT OF THE STATE OF ALASKA

DOCKETING STATEMENT A For Use in Appeals Under Appellate Rule 204 and 218

(for court system use)

INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS: If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

No. _____

1. TYPE OF APPEAL

a. <input checked="" type="checkbox"/> General Civil Rule Appeal (App. Rule 204)	b. <input type="checkbox"/> Appeal in Child Custody Case (App. Rule 218)
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2. PARTY FILING APPEAL (Appellant)

a. Name State of Alaska and Michael Hanley, Comm'r of A			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	
c. Party Mailing Address (not attorney's address) PO Box 110500			<input type="checkbox"/> Other. Specify: _____	
City Juneau	State AK	Zip Code 99811	d. Telephone (907) 465-2802	

3. APPELLANT'S ATTORNEY

a. Name Kathryn Vogel			b. Bar Number 1403013	
c. Attorney Mailing Address 1031 West 4th Avenue, Suite 200			d. Telephone (907) 269-5275	e. Fax (907) 279-2834
City Anchorage	State AK	Zip Code 99501	f. Firm/Agency State of Alaska, Department of Law	

4. PARTY APPEALED AGAINST (Appellee) [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)[1] & (g).]

a. Name Ketchikan Gateway Borough, Agnes Moran, Joh			b. Status in the Trial Court <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	
c. Party Mailing Address 1900 1st Avenue, Suite 215			<input type="checkbox"/> Other. Specify: _____	
City Ketchikan	State AK	Zip Code 99901	d. Telephone (907) 228-6635	

5. APPELLEE'S ATTORNEY

a. Name Louisiana Cutler			b. Bar Number 9106028	
c. Attorney Mailing Address 420 L Street, Suite 400			d. Telephone (907) 276-1969	e. Fax
City Anchorage	State AK	Zip Code 99501	f. Firm/Agency K&L Gates	

6. SUPERIOR COURT PROCEEDING

a. Case No. 1KE-14-00016CI			b. Superior Court Judge William B. Carey			c. Date Judgment Distributed 1/23/14		
d. Post-Judgment Motions: List all post-judgment motions that affect time for filing appeal. See Appellate Rule 204(a)(3).								
DATE OF FILING			Type of Post-Judgment Motion			DATE ORDER DISTRIBUTED		
Month	Day	Year				Month	Day	Year

7. CONSTITUTIONAL ISSUES

Is the constitutionality of a state statute or regulation at issue in this appeal?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, cite statute or regulation: AS 14.17.410(b) and AS 14.12.020(c)		

8. FINALITY OF JUDGMENT OR ORDER BEING APPEALED

- a. The judgment or order being appealed is final and disposes of ALL claims by ALL parties. (The judgment or order is final under City and Borough of Juneau v. Thiboudeau 595 P.2d 626 (AK 1979).)
- b. The judgment or order being appealed does not dispose of all claims by all parties but is final under Civil Rule 54(b). (The trial court's Civil Rule 54(b) order must be attached.)
- c. The judgment or order being appealed is not final. The authority for this appeal is _____

9. ATTACHMENTS

- The following items are submitted with this form (except that cross-appellants need not submit item a.):
- a. A copy of the final order or judgment from which the appeal is taken.
 - b. A statement of points on appeal.
 - c. A \$150 filing fee or a motion to appeal at public expense (financial statement affidavit form must be included).
 - a motion to waive filing fee (if basis for motion is inability to pay, financial statement affidavit form must be included).
 - an application for exemption from filing fee under AS 9.19.010.
 - no filing fee is required because appellant is represented by court-appointed counsel, and AS 9.19.010 does not apply.
 - the state or an agency thereof.
 - an employee appealing denial of benefits under AS 23.20 (Employment Security Act)
 - d. A \$750 cost bond or deposit or
 - a copy of a superior court order approving appellant's supersedeas bond or a copy of appellant's motion to the superior court for approval of a supersedeas bond.
 - a motion to waive cost bond (if basis for motion is inability to pay, financial statement affidavit form must be included).
 - a motion to appeal at public expense (financial statement affidavit form must be included).
 - no cost bond is required because appellant is represented by court-appointed counsel.
 - a state agency, municipality, or state or municipal officer.
 - an employee appealing denial of compensation by Alaska Workers' Compensation Board or denial of benefits under AS 23.20 (Employment Security Act).
 - e. Designation of transcript submitted not submitted (no transcript being requested) motion to extend submitted

1/28/14
Date

Kathryn R. Vogel
Signature of Appellant or Appellant's Attorney

CERTIFICATE OF SERVICE

I certify that on 1/28/14 a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

mailed	delivered	to All Parties (listed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Louisiana Cutler</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Scott Brandt-Erichsen</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>A. Rene Broker</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Signature: _____

FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN

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

Plaintiffs,)

v.)

STATE OF ALASKA; MICHAEL)
HANLEY, COMMISSIONER OF)
ALASKA DEPARTMENT OF)
EDUCATION AND EARLY)
DEVELOPMENT, in his official)
capacity,)

Defendants.)

Case No. 1KE-14-00016 CI

FINAL JUDGMENT

IT IS ORDERED that judgment is entered as follows:

1. Plaintiffs Ketchikan Gateway Borough, Agnes Morgan, John Coss, John Harrington and David Spokely collectively shall recover from and have judgment against Defendant State of Alaska, as follows:

- a. Attorney's fees \$ _____
Date awarded: _____
Judge William B. Carey: _____
- b. Costs \$ _____

Ketchikan Gateway Borough v. SOA, et.al.
FINAL JUDGMENT

Case No. 1KE-14-00016 CI
Page 1 of 2

JAN 22 2015

K&L GATES LLP
420 L STREET, SUITE 400
ANCHORAGE, ALASKA 99501-1971
TELEPHONE: (907) 276-1969

Date awarded: _____

Clerk: _____

c. **TOTAL JUDGMENT** \$ _____

d. Post Judgment Interest Rate: 3.75%

2. As set out in the Order on Motion and Cross Motion for Summary Judgment dated November 21, 2014 ("Order"), the court rules that the required local contribution ("RLC") imposed on the Ketchikan Gateway Borough pursuant to AS 14.17.410(b) and AS 14.12.020(c) qualifies as "proceeds of any state tax or license" and is thus subject to the restrictions of the dedicated funds clause (art. IX, §7) of the Alaska Constitution. The court further finds that the RLC is a "dedicated fund" within the meaning of the Constitutional prohibition. It is therefore unconstitutional for the State of Alaska to require the payment of the RLC, or to penalize the Ketchikan Gateway Borough ("Borough") (including but not limited to reducing State funding for the Ketchikan Gateway Borough School District ("District") under AS 14.17 *et seq.* or AS 14.12 *et seq.*) based on the Borough's non-payment of an RLC in the future.

3. As of the date of the Order, the State of Alaska shall not require any further payment of the RLC by the Borough, and shall not penalize the Borough or the District for the non-payment of the RLC.

4. As set out in the Order, all other claims in Plaintiffs' Complaint are dismissed.

Dated this 23 day of January, 2015.

K&L GATES LLP
420 L STREET, SUITE 400
ANCHORAGE, ALASKA 99501-1971
TELEPHONE: (907) 276-1969

CERTIFICATION

Copies Distributed

Date 1-22-15

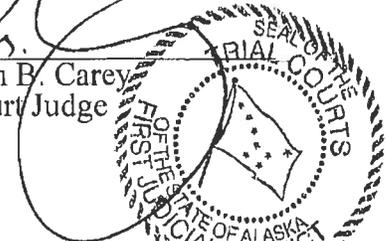
To S. Brandt-Erichsen / L. Cutler

M. Paton Walsh

A. Broker

R. Hattan


Hon. William B. Carey
Superior Court Judge



Ketchikan Gateway Borough v. SOA, et al.
FINAL JUDGMENT

Case No. 1K15-DIS-00016 CI
Page 2 of 2

1
2 **IN THE SUPREME COURT OF THE STATE OF ALASKA**

3 STATE OF ALASKA; MICHAEL)
4 HANLEY, COMMISSIONER OF)
5 ALASKA DEPARTMENT OF)
6 EDUCATION AND EARLY)
7 DEVELOPMENT, in his official)
8 capacity,)

9 Appellants,)

10 v.)

11 KETCHIKAN GATEWAY)
12 BOROUGH; AGNES MORAN, an)
13 individual, on her own behalf and on)
14 behalf of her son; JOHN COSS, a)
15 minor; JOHN HARRINGTON, an)
16 individual; and DAVID SPOKELY, an)
17 individual;)

18 Appellees.)

Supreme Court No.: S-_____

Trial Court Case #: 1KE-14-00016 CI

19 **NOTICE OF APPEAL**

20 The defendants/appellants State of Alaska and Michael Hanley, through the Office
21 of the Attorney General, give notice of appeal to the Supreme Court for the State of
22 Alaska from the January 23, 2015, final judgment of the Ketchikan Superior Court in
23 1KE-14-00016 CI. A copy of the judgment, a completed docketing statement, a statement
24 of points on appeal, and proof of service are also submitted.
25
26

1
2 DATED January 28, 2015.

3 CRAIG W. RICHARDS
4 ATTORNEY GENERAL

5 By:



6 Kathryn R. Vogel
7 Assistant Attorney General
8 Alaska Bar No. 1403013
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DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

1
2 **IN THE SUPREME COURT OF THE STATE OF ALASKA**

3 STATE OF ALASKA; MICHAEL)
4 HANLEY, COMMISSIONER OF)
5 ALASKA DEPARTMENT OF)
6 EDUCATION AND EARLY)
7 DEVELOPMENT, in his official)
8 capacity,)

9 Appellants,)

10 v.)

11 KETCHIKAN GATEWAY)
12 BOROUGH; AGNES MORAN, an)
13 individual, on her own behalf and on)
14 behalf of her son; JOHN COSS, a)
15 minor; JOHN HARRINGTON, an)
16 individual; and DAVID SPOKELY, an)
17 individual;)

18 Appellees.)

Supreme Court No.: S-_____

Trial Court Case #: 1KE-14-00016 CI

19 **STATEMENT OF POINT ON APPEAL**

20 Appellants State of Alaska and Michael Hanley raise the following point on
21 appeal:

22 Did the superior court err by holding that the required local contribution to public
23 school districts, imposed pursuant to AS 14.17.410(b) and AS 14.12.020(c), violates the
24 prohibition on dedicated funds in Article 9, Section 7 of the Alaska Constitution?
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DATED January 28, 2015.

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 
Kathryn R. Vogel
Assistant Attorney General
Alaska Bar No. 1403013

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

1
2 **IN THE SUPREME COURT OF THE STATE OF ALASKA**

3 STATE OF ALASKA; MICHAEL)
4 HANLEY, COMMISSIONER OF)
5 ALASKA DEPARTMENT OF)
6 EDUCATION AND EARLY)
7 DEVELOPMENT, in his official)
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9 Appellants,)

10 v.)

11 KETCHIKAN GATEWAY)
12 BOROUGH; AGNES MORAN, an)
13 individual, on her own behalf and on)
14 behalf of her son; JOHN COSS, a)
15 minor; JOHN HARRINGTON, an)
16 individual; and DAVID SPOKELY, an)
17 individual;)

18 Appellees.)

Supreme Court No.: S-_____

Trial Court Case #: 1KE-14-00016 CI

19 **CERTIFICATE OF SERVICE AND TYPEFACE**

20 I hereby certify that on January 28, 2015 a true and correct copy of the *Docketing*
21 *Statement A, Notice of Appeal, Statement of Point on Appeal* and this *Certificate of*
22 *Service* were served by U.S. Mail and email to the following:

23 Louisiana W. Cutler
24 K&L Gates
25 420 L Street, Suite 400
26 Anchorage, Alaska 99501-1971
louisiana.cutler@klgates.com

Scott A. Brandt-Erichsen
Ketchikan Gateway Borough
1900 First Avenue, Suite 215
Ketchikan, Alaska 99901
scottb@kgbak.us

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

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I further certify, pursuant to App. R. 513.5, that the aforementioned documents were prepared in 13 point proportionately spaced Times New Roman typeface.

Katelyn M. Disney
Law Office Assistant

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