IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN, ALASKA

KETCHIKAN GATEWAY BOROUGH, an Alaska municipal corporation and political subdivision; AGNES MORAN, an individual, on her own behalf and on behalf of her minor son; JOHN COSS, a minor; JOHN HARRINGTON, an individual; and DAVID SPOKELY, an 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-14-00016CI FILED in the Trial Courts State of Alaska First District at Ketchikan MAR 06 2015 Clerk of the Trial Courts By_____Deputy

PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR ATTORNEYS' FEES

For the reasons set forth below, Plaintiffs Ketchikan Gateway Borough, Agnes Moran, John Coss, John Harrington, and David Spokely (collectively "Plaintiffs") respectfully request that their Motion for Attorneys' Fees be granted, and that the objections raised by the State of Alaska and Commissioner Michael Hanley ("the State") be rejected. The State's objections are 1) a dispute over whether Plaintiffs were the "prevailing party;" 2) a claim that fees incurred in connection with the reconsideration motion should be excluded from the Rule 82 fee calculation because fees on an issue

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where Plaintiffs were not successful were not "necessarily incurred;" and 3) a claim that the economic incentive of the Borough should be imputed to the private plaintiffs, thereby preventing them from claiming public interest litigant status.

None of these arguments withstand scrutiny. First, since Plaintiffs prevailed on the main issue in the case (*i.e.* the unconstitutionality of the Required Local Contribution), they are clearly the prevailing party under well-established Alaska Supreme Court ("Court") case law. In addition, the Court has held numerous times that Rule 82 fee awards do not require the exclusion of time spent on unsuccessful issues, and that the prevailing party is entitled to a partial award of fees incurred on the case as a whole, rather than on an issue-by-issue basis. Finally, the State's proposal that the Borough's economic incentive should prevent the private plaintiffs from being considered as public interest litigants has already been rejected in *Matanuska-Susitna Borough Sch. Dist. v. State*, 931 P.2d 391, 404-405 (Alaska 1997). Therefore, Plaintiffs respectfully request that their motion be granted.

A. Plaintiffs are the Prevailing Party.

The prevailing party is the party "who has successfully prosecuted or defended against the action, the one who is successful on the main issue of the action and in whose favor the decision or verdict is rendered and the judgment entered."[1] As set out in the November 21, 2014 Order, Plaintiffs obtained a declaration that the Required Local Contribution ("RLC") is unconstitutional, and a judgment was subsequently entered in

[1] *Schultz v. Wells Fargo Bank, N.A.*, 301 P.3d 1237, 1242 (quoting *Taylor v. Moutrie–Pelham*, 246 P.3d 927, 929 (Alaska 2011)).

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the Plaintiffs' favor. Since the RLC was held unconstitutional under one constitutional provision, the State's alleged "success" with respect to Plaintiffs' other constitutional claims is academic, as it did not affect the relief ultimately awarded to the Plaintiffs.

Indeed, according to the November 24, 2014 Alaska Dispatch News, the Attorney General's Office released a statement that "[w]e are disappointed with the Superior Court's decision invalidating the local contribution requirement for school funding."[2] The State's January 28, 2015 press release (Ex. B to Cutler Aff.), accurately sums up the main issue in the case, and the result:

> Ketchikan Gateway Borough brought this lawsuit last year and asserted that the required local contribution violated various constitutional provisions, including the dedicated funds clause. . . . The State believes that the required local contribution, which goes directly from the municipality to the school district, is not State revenue and does not violate the Alaska Constitution. The superior court disagreed with the State and held that the required local contribution violated the dedicated funds clause.

Neither the State's "disappointment" in the result, nor its description of the case in its press release announcing the result constitute the statements of a prevailing party.[3]

Nor is the State a co-prevailing party simply because the Plaintiffs did not prevail in their attempt to get the RLC refunded. This court granted Plaintiffs the primary relief sought, *i.e.* protection from having to pay the unconstititional RLC in future years. This

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[2] Ex. A to March 6, 2015 Second Affidavit of Louisiana W. Cutler ("Cutler Aff.").

[3] The State's filing of emergency motions for a stay pending appeal with this Court and the Supreme Court, and the substance of its briefing on these motions further demonstrate that Plaintiffs prevailed on their Anti-Dedication Clause claim and that the State concedes that this victory is a major loss on the main issue presented in the case.

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result is not only much larger in a monetary sense but also a much more significant victory as it impacts many more years than those covered by the refund claim.[4]

More importantly, the State's argument that Plaintiffs are not the prevailing parties because they did not get all of the relief they sought has long been rejected by the Court.[5] Instead, Plaintiffs prevailed when they obtained a declaration that the RLC was unconstitutional and are therefore entitled to a Rule 82 fee award as the prevailing party.

B. Rule 82 Fee Awards Are Not Reduced for Time Spent on Individual Issues On Which the Prevailing Party Was Not Successful.

The State's argument that Plaintiffs should have to exclude fees incurred in connection with their Motion for Reconsideration because such fees were not "necessarily incurred" is also misplaced. The Court has repeatedly held that Rule 82

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[4] The State's claim in n. 5 that Plaintiffs failed to achieve their desired goal of forcing the State to fund the full basic need amount and fill any funding gaps misstates the Plaintiffs' claims. As noted on p. 10 of the Plaintiffs' Motion for Summary Judgment, Plaintiffs were expressly *not* addressing the extent to which the State had an obligation to provide school funding. The truncated quote in the State's n. 5 comes from the prayer in Plaintiffs' Complaint. The full statement is "(c) requiring Defendants to fund the Basic Need of the KGB School District notwithstanding the absence of the RLC." Plaintiffs were seeking an injunction that would prevent the State from withholding Basic Need funding as a penalty for the Borough not paying the unconstitutional RLC. Plaintiffs have never sought a declaration from this court that the State has an obligation to fund any particular amount of Basic Need or other education funding, and have confined their efforts to demonstrating the constitutional problems posed by the RLC.

[5] *See Schultz v. Wells Fargo Bank, N.A.*, 301 P.3d 1237, 1241-42 (Alaska 2013) (a party may be the prevailing party "even if it wins only one of many claims;" the number of claims that a party wins is not determinative of prevailing party status); *Buza v. Columbia Lumber Co.*, 395 P.2d 511, 514 (Alaska 1964) (plaintiff seeking return of logs and damages and awarded possession of logs but no damages determined to be the prevailing party); *Blumenshine v. Baptiste*, 869 P.2d 470, 474 (Alaska 1994) ("[a] plaintiff may prevail even if he or she failed to recover all of the relief prayed for.")

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does not require allocating fees by issue, or eliminating fees incurred on issues on which the party who prevailed as a whole did not succeed:

> First, we have previously rejected the suggestion that fees [under Rule 82] should be apportioned by issue. In *Gold Bondholders Protective Council v. Atchison, Topeka & Santa Fe Railway*, 658 P.2d 776, 779 (Alaska 1983), appellants contended that the award of fees was unreasonable because most of the time was spent on issues on which appellees did not prevail. We described this contention as "untenable":
>
>> Rule 82(a) does not require that attorneys' fees be calculated with reference to the disposition of individual issues. Rather, it expressly provides that a reasonable award of fees shall be made, at the trial court's discretion, to the prevailing party. The clear meaning of that provision is that the party who prevails on the principal dispositive issue is entitled to reasonable costs calculated according to the trial court's discretion. We refuse to now alter the purview of Rule 82 by requiring the niceties in apportionment urged by the [appellants].
>
> *Id.* (citations omitted). This language indicates our unwillingness to require apportionment of fees on the basis of individual issues.[6]

Thus, the Court has already rejected the State's unsupported interpretation of "necessarily incurred."[7]

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[6] *Hickel v. Southeast Conference*, 868 P.2d 919, 924 - 925 (Alaska 1994).

[7] The private Plaintiffs have not requested full reasonable fees under AS 09.60.010 for time spent on the Motion for Reconsideration. See Ex. A to February 2, 2015 Affidavit of Louisiana W. Cutler In Support Of Motion For Attorneys' Fees. AS 09.60.010 does require allocation by issue, and exclusion of unsuccessful claims. However, the above described case law demonstrates that this approach has been rejected for Rule 82 fee awards.

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C. The Supreme Court Has Already Denied the State's Arguments with respect to "Economic Interests."

The State argues incorrectly that as long as some of the parties had an economic interest, all parties should be treated as having an economic interest and prevented from recovering fees under AS 09.60.010.[8] The actual language of AS 09.60.010 (emphasis added) provides otherwise:

> (c) In a civil action or appeal concerning the establishment, protection, or enforcement of a right under the United States Constitution or the Constitution of the State of Alaska, the court
>
> > (1) *shall award, subject to (d) and (e) of this section, full reasonable attorney fees and costs to a claimant*, who, as plaintiff, counterclaimant, cross claimant, or third-party plaintiff in the action or on appeal, has prevailed in asserting the right;
>
> . . .
>
> (d) In calculating an award of attorney fees and costs under (c)(1) of this section,
>
> > (1) the court shall include in the award only that portion of the services of claimant's attorney fees and associated costs that were devoted to claims concerning rights under the United States Constitution or the Constitution of the State of Alaska upon which the claimant ultimately prevailed; and
> >
> > (2) the court shall make an award *only if the claimant did not have sufficient economic incentive to bring the suit*, regardless of the constitutional claims involved.

The language in AS 09.60.010(c)(1) is mandatory (*i.e.* "shall award") subject only to the exception that fees are not available if "the claimant" had sufficient economic incentive to bring the suit. The statute's reference to "the claimant" negates any

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[8] The Borough has not sought to recover fees under AS 09.60.010. It should be noted, however, that the State erroneously states that Borough Manager Bockhorst stated that this lawsuit was "a pretty good investment" in a KRBD interview. That was the conclusion of the reporter, not Mr. Bockhorst.

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argument that one plaintiff's economic interest taints the status of every other plaintiff. This is especially true in this case since AS 09.60.010(b) provides that the court should not "discriminate" in an award of fees on the basis of "whether a governmental entity could be expected to bring or participate in the case."

Indeed, the "taint" argument was rejected in *Matanuska-Susitna Borough Sch. Dist. v. State*, 931 P.2d 391, 404-405 (Alaska 1997), the only case cited by the State where the issue of imputation between individuals and governmental entities was addressed. *Mat-Su Borough* is squarely on point, and squarely rejects the State's attempt to impute the Borough's interest to the private plaintiffs here. The Court held that the Mat-Su Borough and the Mat-Su Borough School District had an economic interest to challenge the RLC and the school construction debt program on equal protection grounds, but explicitly held that the individual co-plaintiffs in that suit lacked sufficient economic incentive to litigate on their own because any gain they might achieve as taxpayers was "diffusely spread" among all taxpayers, so it was "highly unlikely" that any individual taxpayer would bring suit.[9] Consequently, the individual co-plaintiffs qualified as public interest litigants even though the Mat-Su Borough's and the Mat-Su Borough School District's economic interests were too substantial for them to be considered public interest litigants. Thus, the Court has already rejected the concept that an economically incentivized government plaintiff taints all of its co-plaintiffs in a

[9] *Id.* at 404-405. In doing so, the Court reversed the superior court's finding that the private plaintiffs were not public interest litigants and therefore, had to pay the State's costs, holding that the cost award was an abuse of the superior court's discretion to determine public litigant status. *Id.* at 404.

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constitutional challenge to the RLC. Clearly, this precedent applies in the instant case.[10]

The State cites various cases where the court examined the economic incentives of members of an organization that brought a lawsuit in order to determine the economic interest of the organization itself.[11] These cases are distinguishable because they concern a single plaintiff with many members, not the multiple plaintiffs at issue in this case. Moreover, they are irrelevant because of the holding of *Mat-Su Borough* regarding the exact situation presented here of government and private parties bringing constitutional claims in the same case regarding the RLC. The private plaintiffs in this case are not "members" of an organization; they are taxpayers of the Borough, just like the private plaintiffs in *Mat-Su Borough*. Moreover, as noted above, this Court is also statutorily prohibited from discriminating against the private plaintiffs in matters relating to fee awards just because the Borough participated in this case.[12]

The State's argument that the plaintiffs should not be entitled to fees because the Borough was the financial backer of the lawsuit has also been rejected by the Court. The Court has held that a party does not need to have been the one paying an attorney in order

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[10] In *Simpson v. Murkowski*, 129 P.3d 435, 448 (Alaska 2006), the Court held that the economic incentive test previously used for public interest litigant status under Rule 82 mirrors the economic incentive test provided for in AS 09.60.010.

[11] See *Citizens for the Preservation of Kenai River, Inc. v. Sheffield*, 758 P.2d 624, 626-627 (Alaska 1988) (cited at p. 5) (the economic interest of an entity is determined by the economic interests of its typical members); *Municipality of Anchorage v. Citizens for Representative Governance*, 880 P.2d 1058, 1061 (Alaska 1994) (interests of individual plaintiffs treated as being the interests of the organization to which they belong when the organization is the alter ego of the individuals.)

[12] AS 09.60.010(b).

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to have a right to a fee award.[13] Thus, this argument also fails.

The State provides no case law or other support for its argument that the private plaintiffs are only entitled to a portion of the fees expended on the successful Anti-Dedication Clause claim under AS 09.60.010(c)(1) since the same claim was brought on behalf of the Borough as well. Moreover, the arguments made for and against the Anti-Dedication Clause claim were not dependent on the status of the Plaintiffs.[14] Instead, whether the RLC violated the Anti-Dedication Clause was dependent on an analysis of whether or not it was a tax or other state revenue source dedicated to a particular purpose. Thus, the private plaintiffs are entitled to recover all of the fees expended on their behalf on the Anti-Dedication Clause claim, as there was no portion of the work on this issue that was done exclusively for the private plaintiffs, or exclusively for the Borough.

Finally, the State's argument that Plaintiffs needed to present substantial evidence regarding the absence of their economic interest is incorrect because *Mat-Su Borough* has already held that a taxpayer's economic interest in bringing a constitutional claim

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[13] *Krone v. State, Dep't of Health and Human Services*, 222 P.3d 250, 253 (Alaska 2009) (award of full reasonable attorney fees and/or enhanced fees available to litigants who brought successful constitutional claims under AS 09.60.010(c)(1) with pro bono representation, with the court noting that the public interest status of a litigant does not vary based upon whether the litigant is a prevailing party entitled to an award, or an unsuccessful party protected from liability for fees); *Arctic Slope Native Ass'n v. Paul*, 609 P.2d 32, 38 (Alaska 1980) (a client's absence of obligation to pay for legal services rendered does not preclude an award of attorney's fees); *Gregory v. Sauser*, 574 P.2d 445, 445 (Alaska 1978) ("[A]ny further distinction, based upon whether the client has an obligation to pay for the legal services rendered, is untenable [in making a fee award]").

[14] Indeed, the State's summary judgment briefing refers to all plaintiffs together as "the borough" or the "Ketchikan Gateway Borough" and never sets forth any Anti-Dedication Clause argument that distinguishes between plaintiffs. *See* State of Alaska's Opposition To Ketchikan Gateway Borough's Motion For Summary Judgment and Cross Motion For Summary Judgment at 1, 9-16; State of Alaska's Reply Brief In Further Support Of Its Cross Motion For Summary Judgment at 1-13; 15-17.

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regarding the RLC is too diffuse and abstract to qualify as an economic interest sufficient to destroy public interest litigant status. The complaint and the summary judgment motion in this case identify the plaintiffs as taxpayers (other than the minor plaintiff) who possess a sincere interest in ensuring that the KGB schools receive adequate funding in a constitutional manner. Unlike the plaintiffs in the cases cited on p. 6 of the Opposition dealing with the economic interests of groups formed for a specific dispute, there is nothing mysterious about the private plaintiffs in this dispute.[15] Thus, the State's argument ignores the clear holding of *Mat-Su Borough*. Individual taxpayers challenging the RLC on constitutional grounds have already been held not to have an economic interest that would disqualify them as public interest litigants. Since the private plaintiffs' taxpayer status is uncontested, no further evidence is needed to support that part of the test in AS 09.60.010.

D. Additional Fees Have Been Incurred In Connection With Opposing the State's Motions for a Stay, and On Attorneys' Fees.

Since Plaintiffs filed their Motion for Attorneys' Fees, additional fees have been incurred in this matter in connection with the State's Emergency Motions for Stay (at

[15] See *Citizens Coalition v. McAlpine*, 810 P.2d 162, 171 (Alaska 1991) (where "the Coalition simply has failed to explain who or what it is" or "to show anything at all about the lawsuit's relationship to the Coalition's own interest," the court did not abuse its discretion in refusing to find that the Coalition was not motivated by an economic interest). Similarly, in *Matanuska Elec. Ass'n, Inc. v. Rewire the Board*, 36 P.3d 685, 697 (Alaska 2001), the court held that the "Rewire the Board" group had presented sufficient evidence to make a prima facie showing that most of its members did not have a substantial economic interest in the litigation, so that the trial court had discretion to treat the group as a public interest litigant despite questions raised by MEA about ties to the IBEW, and whether the suit was actually aimed at improving the IBEW's bargaining position to the economic benefit of union members. In contrast, the State has never asserted that the private plaintiffs are not who they claim they are: Borough taxpayers. *See* Plaintiffs' Complaint at ¶¶ 2-5; Plaintiffs' Memorandum/Motion For Summary Judgment at 3.

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both the trial court and Supreme Court level) and in connection with the present motion for attorneys' fees. Accordingly, the Cutler Affidavit and the March 6, 2015 Affidavit of Scott Brandt-Erichsen provide further information about the additional fees incurred and the total amount of fees incurred to date.

Conclusion

None of the State's arguments in opposition to the Plaintiffs' motion for attorney fees have merit. Therefore, Plaintiffs request that the court award 100% of the full, reasonable attorneys' fees of the Private Plaintiffs expended on the Anti-Dedication Clause claim ($182,234.40), 20% of the fees expended on other issues by K&L Gates ($7,312.90), and 20% of Mr. Brandt Erichsen's fees ($11,090.24). If the Court finds that the Private Plaintiffs are not entitled to full, reasonable attorney fees under AS 09.60.010, the Plaintiffs request 20% of all fees ($54,850.02) in accordance with A.R.C.P. 82(b)(2).

Dated this 6th day of March, 2015.

K&L GATES LLP

By: _____ for
Louisiana W. Cutler
Alaska Bar No. 9106028

Attorneys for all Plaintiffs

KETCHIKAN GATEWAY BOROUGH

By: _____
Scott A. Brandt-Erichsen
Ketchikan Gateway Borough Attorney
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN, ALASKA

KETCHIKAN GATEWAY BOROUGH, an Alaska municipal corporation and political subdivision; AGNES MORAN, an individual, on her own behalf and on behalf of her minor son; JOHN COSS, a minor; JOHN HARRINGTON, an individual; and DAVID SPOKELY, an 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-14-00016CI

FILED in the Trial Courts
State of Alaska First District
at Ketchikan
MAR 06 2015
Clerk of the Trial Courts
By _____ Deputy

SECOND AFFIDAVIT OF LOUISIANA W. CUTLER IN SUPPORT OF MOTION FOR ATTORNEYS' FEES

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Louisiana W. Cutler, being first duly sworn, deposes and states as follows:

1. I am a partner at K & L Gates LLP, attorneys for Plaintiffs Ketchikan Gateway Borough, Agnes Moran; John Coss, John Harrington, and David Spokely ("Plaintiffs").

2. I have personal knowledge of the facts contained herein, and am competent to testify thereto.

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3. Exhibit A to this affidavit is a true and correct copy of a November 24, 2014 Alaska Dispatch News article.

4. Exhibit B to this affidavit is a true and correct copy of a January 28, 2015 press release from the State of Alaska, Department of Law.

5. Exhibit C to this affidavit summarizes information from the K&L Gates LLP billing system, and is a true and correct reflection of all rates charged, and time and fees billed in this proceeding. Certain entries have been redacted because they reveal attorney work product regarding issues which are either still at issue in this proceeding or will be at issue in the State's appeal.

6. The fees charged to Plaintiffs in this case were discounted below reasonable and customary rates for litigation of this kind.

7. The total amount of fees charged by K&L Gates LLP through March 4, 2015 is $218,798.90. Twenty percent of $218,798.90 is $43,759.78.

8. Of the $218,798.90 in total fees charged through March 4, 2015, $182,234.40 is a good faith estimate of the amount of fees that were charged for services connected with the Plaintiffs' Anti-Dedication Clause claim. The backup for this estimate is also provided in Exhibit C to this affidavit in the columns entitled "Hours related only to Anti-Dedication Clause Arguments" and "Fees related only to Anti-Dedication Clause Arguments."

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FURTHER YOUR AFFIANT SAYETH NAUGHT.

Louisiana W. Cutler

SUBSCRIBED AND SWORN to before me this 6th day of March, 2015.

STATE OF ALASKA
NOTARY PUBLIC
Tara L. Moore
My Commission Expires: 7/4/2015

Notary Public in and for the State of Alaska
My commission expires: 7/4/2015

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Judge invalidates part of Alaska school funding mechanism

Mark Thiessen | Associated Press | November 24, 2014

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A Superior Court judge has invalidated the state of Alaska's requirement that local school districts help pay for education, which could leave a cash-strapped state on the hook for more than $220 million in additional funding statewide.

Judge William Carey ruled the contribution is a dedicated fund and violates the state constitution's provision that no tax or license will be earmarked for any special purpose. Carey ruled in the case Friday, but copies of the decision weren't available online from the Ketchikan court. The state Department of Law distributed copies of the decision Monday.

Under state statute, districts must pay a certain percentage of taxable real and personal property for local schools. For Ketchikan, that amounted to about $4 million in 2013.

"We are disappointed with the Superior Court's decision invalidating the local contribution requirement for school funding. The state maintains that because the local contribution is simply the borough's share of the cost of educating its students and because the local contribution is funded with borough revenue, the local contribution is not a source of state revenue and is not subject to the dedicated funds provision," the Alaska attorney general's office said in a statement.

Carey wrote in his opinion that the required local contribution, or RLC, consists of public revenues.

"It is hard to conceive of a way, and the state does not propose any, whereby a municipal district could raise the funds necessary to fulfill its RLC obligation without resorting to taxes," he wrote.

Lawyers for the state continue to evaluate the decision and any appeal options.

"We're looking forward to the future," Ketchikan Gateway Borough Manager Dan Bockhorst told The Associated Press on Monday. "We feel what Judge Carey decided was a major victory for the borough."

For the 2013-14 academic year, the state Department of Education distributed about $1.4 billion to districts, of which about $222 million came from local contributions.

Gov.-elect Bill Walker takes office next Monday and is already facing a $3 billion shortfall because of lower oil prices. He campaigned on a promise to cut the budget across-the-board by 16 percent.

An education department spokeswoman said funding is up to the Alaska Legislature, which convenes in January.

School funding was hotly contested during the last legislative session. While lawmakers flirted with changes to funding calculations and with raising the required local contribution, they ultimately decided to study how the state funds schools and further delve into the issue later. A bill to scrap the required local contribution, from Rep. Tammie Wilson, R-North Pole, failed to gain traction.

The Ketchikan Gateway Borough sued in January, arguing the required local contribution for schools is unconstitutional. The borough also claimed the mandated payment violated the Legislature's appropriation powers. Carey didn't find for the borough on that provision, however, since boroughs bypass the state treasury and give the money directly to local districts.

EXHIBIT A
PAGE 1 OF 2

The Fairbanks North Star Borough filed a friend of the court brief in support of its fellow borough.

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89 comments

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Tara Jollie · Top Commenter · University of Washington

I do believe the Ketchikan Borough is right; the constitution provides funding for education from the State. However, this ruling has it's pro's and con's. Pro: it potentially eases personal property taxes for home owners. Pro: it significantly relieves strained borough budgets. Pro: it incentives borough formation. Con: it has a severe impact on the state's cash-strapped budget. I do like that it challenges the division between Organized and Unorganized boroughs set up by the current funding mechanism. A new formula could recognize this built in discrimination factor in the old formula and fix it. I see a constitutional amendment on the horizon. LeadDog Alaska

Reply · Like · Edited · December 15, 2014 at 9:28am

Terry Adams-Stromsky · Top Commenter · Works at Johns Hopkins University

http://www.westernjournalism.com/communist-core-immigrant-mom-sees-shocking-parallels-china-u-s-education/

Reply · Like · December 2, 2014 at 4:50pm

Michael Albertson · Top Commenter

Education along with health care should be universal and at no cost. Other countries lead the way on these issues, why not the US? We can make up the difference in other ways.

EXHIBIT A
PAGE 2 OF 2

State of Alaska
Department of Law
Press Release

Attorney General Will Appeal the Lawsuit Challenging the Required Local Contribution for Schools

January 28, 2015

(Juneau, AK) – Attorney General Craig Richards announced today that the State will appeal the recent ruling invalidating the required local contribution that municipalities are required to provide to their local schools. The State will also request a stay of the superior court's ruling, which would ensure municipalities would continue to pay the local contribution until the Alaska Supreme Court decides the case or the legislature chooses to change the system of school funding.

"The State has a long history of sharing the burden of education funding between local governments, the State, and federal aid," said Attorney General Richards. "This principle has long been a part of the statutory scheme for education passed by the legislature, and the State believes in the constitutionality of this system of shared support and local control."

Ketchikan Gateway Borough brought this lawsuit last year and asserted that the required local contribution violated various constitutional provisions, including the dedicated funds clause. The dedicated funds clause prohibits any specific sources of state revenues from being dedicated to a specific purpose, subject to a list of exceptions. The State believes that the required local contribution, which goes directly from the municipality to the school district, is not State revenue and does not violate the Alaska Constitution. The superior court disagreed with the State and held that the required local contribution violated the dedicated funds clause.

The State plans on filing the appeal and requesting a stay by the end of the week.

CONTACT: Kathryn Vogel at kathryn.vogel@alaska.gov or 269-5100.

# # #

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State of Alaska © 2015 Webmaster

EXHIBIT B
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Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/5/2013	L.W. Cutler	1.00	320.00	Call with S. Brandt-Erichsen regarding history and assignments going forward and follow up regarding same; begin review of draft co-plaintiffs' agreements.	0.00	0.00
11/6/2013	L.W. Cutler	2.30	736.00	Review drafts of co-plaintiffs' agreements provided by S. Brandt-Erichsen; review similar agreements used in other situations; begin amending draft of co-plaintiff agreement provided by S. Brandt-Erichsen; confer with S. Brandt-Erichsen regarding same; begin review and analysis of potential constitutional claims provided by S. Brandt-Erichsen.	0.00	0.00
11/8/2013	L.W. Cutler	1.80	576.00	Review memo and other information provided by S. Brandt-Erichsen regarding federal impact aid; begin review of relevant state and federal education statutes and regulations; begin review of case law and AG opinions related to potential constitutional claims other than equal protection.	1.00	320.00
11/11/2013	B.K. Price	2.60	338.00	Search for published attorney general opinions and constitutional materials.	2.00	270.00
11/15/2013	B.K. Price	0.50	65.00	Continue search for published attorney general opinions and constitutional materials.		
11/17/2013	L.W. Cutler	5.00	1,600.00	Review and analyze memos and other material provided by S. Brandt-Erichsen regarding school funding and possible dedicated tax challenge, review and analyze case law regarding same.	5.00	1,600.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/18/2013	L.W. Cutler	0.50	160.00	Meet with S. Brandt-Erichsen regarding claims and strategy.	0.50	160.00
11/20/2013	L.W. Cutler	2.50	800.00	Begin review of Hicks' materials on equal protection challenge; meet with D. Bockhorst.	0.00	0.00
11/21/2013	L.W. Cutler	0.30	96.00	Continue review of Hicks' analysis.	0.00	0.00
11/22/2013	L.W. Cutler	0.40	128.00	Email to P. Talevich with materials needed and explanation of research needed regarding whether municipalities can bring equal protection claims.	0.00	0.00
11/24/2013	Peter A. Talevich	2.40	600.00	Analyze Hicks Volume II and city attorney memorandum; review authorities cited regarding whether municipalities can bring equal protection claims; outline points for meeting with L. Cutler.	0.00	0.00
11/25/2013	Peter A. Talevich	0.50	125.00	Phone conference with L. Cutler regarding research memo on equal protection claims by boroughs against state.	0.00	0.00
11/25/2013	L.W. Cutler	4.00	1,280.00	Meet with P. Talevich regarding case overview and his initial view of B. Hicks' argument regarding how to overturn Kenai and its progeny on whether boroughs and school districts can bring equal protection claims; continue research and analysis of potential dedicated funds claim and prepare summary of analysis.	3.00	960.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/26/2013	L.W. Cutler	5.50	1,760.00	Continue research and analysis of dedicated funds arugment as well as potential counter arguments; analyze potential arguments and counter arguments steming from the constitutional provision regarding education; call with S. Brandt-Erichsen; review Legislative Legal opinion implicitly characterizing the local contribution as state funds; brief review of relevant constitutional history and instruct B. Price regarding finding and organizing what we have not yet collected.	5.50	1,760.00
11/27/2013	L.W. Cutler	4.40	1,408.00	Continue analysis of dedicated funds claim; review relevant AG opinions and constutional history related to dedicated funds claim; various discussions with B. Price regarding additional opinions and history needed for analysis.	4.40	1,408.00
11/27/2013	Peter A. Talevich	0.20	50.00	Correspond with L. Cutler regarding memorandum about overturning Court's holdings that municipalities cannot bring equal protection claims.	0.00	0.00
11/27/2013	B.K. Price	3.40	442.00	Continue attorney general opinion research; obtain constitutional convention history requested by L. Cutler.	3.40	442.00
11/29/2013	Peter A. Talevich	10.60	2,650.00	Review Hicks' analysis; conduct legal research regarding history of Alaska constitutional convention to evaluate borough authority; conduct legal research regarding equal protection claims by municpal corporations against states from other jurisdictions; draft memorandum summarizing issues and submit same to L. Cutler.	0.00	0.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/29/2013	L.W. Cutler	3.40	1,088.00	Review and edit summary of dedicated funds analysis; review AG opinions related to same; review some constitutional history regarding local government articles and section establishing state responsibility for public education.	3.40	1,088.00
11/30/2013	L.W. Cutler	3.20	1,024.00	Review, analyze and edit P. Talevich's memo regarding overturning Kenai and its progeny on whether municipalities can bring equal protection claims; email correspondence regarding same and next research assignment; review and analyze part of Hicks' memo and theories for challenging the mandatory contribution on a substantive equal protection basis.	0.00	0.00
11/30/2013	Peter A. Talevich	0.60	150.00	Review L. Cutler feedback regarding memo; prepare responses to follow up questions; correspond with L. Cutler regarding same.	0.00	0.00
12/1/2013	Peter A. Talevich	2.20	550.00	Revise memorandum regarding equal protection rights for municipal corporations; conduct legal research regarding "corporate" personhood definitions in Alaska law; circulate revised memorandum to L. Cutler.	0.00	0.00
12/2/2013	B.K. Price	3.80	494.00	Research constitutional convention material and attorney general opinions per instructions from L. Cutler.	3.80	494.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/2/2013	Peter A. Talevich	3.90	975.00	Revise and finalize equal protection analysis; conference with L. Cutler regarding same and REDACTED REDACTED	2.00	500.00
12/2/2013	L.W. Cutler	7.30	2,336.00	Review P. Talevich's latest edits to memo regarding arguments to overturn the Court's holding that municipalities cannot bring equal protection claims and edit same; confer with B. Price regarding additional constitutional history and AG Opinions needed; confer with P. Talevich re finalizing his memo and next research assignments; prepare email to S. Brandt-Erichsen regarding status of project and other subjects REDACTED REDACTED review V. Fisher's analysis on the famers' intent cited in case law; review Hicks' Article X arguments; continue review of constitutional history relative to claims we might assert; review V. Fisher's analysis on the framers intent cited in case law; review Hicks' argument regarding Article X arguments to make; continue review of constitutional history relative to claims we might assert.	2.00	640.00
12/3/2013	L.W. Cutler	3.30	1,056.00	Review and analyze additional AG Opinions relevant to our potential claims; confer with P. Talevich regarding additional research and analysis he should pursue; review Constitutional Convention discussions regarding Local Government Article and school funding.	3.30	1,056.00
12/3/2013	B.K. Price	0.60	78.00	Research case law and AG opinions requested by L. Cutler.	0.60	78.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/3/2013	Peter A. Talevich	4.20	1,050.00	Phone conference with L. Cutler regarding REDACTED [redacted] dedicated funds provisions in other states, and fee/tax distinction; review L. Cutler memo regarding dedicated funds cases; review client documents regarding dedicated funds arguments; conduct legal research regarding topics identified in call with L. Cutler.	4.20	1,050.00
12/4/2013	Peter A. Talevich	1.90	475.00	Conduct legal research regarding REDACTED RED send research to L. Cutler regarding same; correspond with L. Cutler regarding follow-up research on REDACTE REDACTED [redacted]	1.90	475.00
12/4/2013	L.W. Cutler	6.10	1,952.00	Continue review and analysis of constitutional history regarding Local Government Article and education funding; review research summary from P. Talevich on various topics; review Parks case on construing constitutional provisions in harmony with one another; confer with P. Talevich regarding same, additional constitutional history and AG opinion research with respect to counter arguments to our dedicated funds analysis; work on summary of dedicated funds analysis; continue review and analysis of Hicks' substantive arguments for overturning the MatSu case and bringing new equal protection claims as well as other potential claims.	5.00	1,600.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/5/2013	L.W. Cutler	4.80	1,536.00	Continue review and analysis of B. Hicks' substantive equal protection arguments; re-read S. Brandt-Erichsen's emails, memos and other information provided; prepare notes regarding same.	2.00	640.00
12/6/2013	L.W. Cutler	3.20	1,024.00	Continue analysis and notes regarding Hicks'substantive equal protection claims; review key equal protection cases.	0.00	0.00
12/7/2013	L.W. Cutler	0.60	192.00	Continue review and analysis of substantive equal protection claims.	0.00	0.00
12/9/2013	L.W. Cutler	2.60	832.00	Continue overall analysis of claims to be brought; prepare for and meet with D. Bockhorst and S. Brandt-Erichsen.	1.50	480.00
12/9/2013	Peter A. Talevich	8.70	2,175.00	Continue research regarding REDACTED REDACTED follow up with L. Cutler regarding REDACTED in anticipation of meeting; draft research summary and circulate same to L. Cutler for review.	8.70	2,175.00
12/10/2013	Peter A. Talevich	0.70	175.00	Phone conference with L. Cutler regarding research on REDACT and other issues; review same; begin research on REDACTED	0.70	175.00
12/10/2013	L.W. Cutler	0.40	128.00	Begin review of P. Talevich's latest research results into possible defenses to the dedicated funds related claims; confer with P. Talevich regarding additional research needed and drafting sections of memo to KGB.	0.40	128.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/12/2013	L.W. Cutler	0.30	96.00	Begin memo to S. Brandt Erichsen and D. Bockhorst with initial thoughts and recommendations for claims to be brought in the lawsuit.	0.30	96.00
12/13/2013	L.W. Cutler	1.00	320.00	Work on memo to Borough summarizing initial analysis and conclusions.	1.00	320.00
12/15/2013	Peter A. Talevich	1.00	250.00	Conduct legal research regarding REDACTED REDACTED	1.00	250.00
12/16/2013	Peter A. Talevich	7.20	1,800.00	Conduct legal research regarding REDACTED public interest litigant status and fee-shifting under CR 82, standing for non-municipal entities and municipal entities, and RED REDACTED draft research summary for L. Cutler regarding same.	7.20	1,800.00
12/16/2013	L.W. Cutler	5.00	1,600.00	Continue work on memo to KGB regarding potential claims.	2.50	800.00
12/17/2013	L.W. Cutler	4.30	1,376.00	Continue drafting memo to the Borough regarding potential lawsuit.	2.20	704.00
12/18/2013	L.W. Cutler	6.40	2,048.00	Work on memo to Borough regarding potential claims; email correspondence with P. Talevich regarding same.	3.20	1,024.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/18/2013	Peter A. Talevich	2.20	550.00	Conduct legal research regarding equal protection standards of review, and draft correspondence to L. Cutler regarding same; analyze draft memorandum regarding litigation recommendations and send analysis to L. Cutler.	0.00	0.00
12/19/2013	J.M. Coughlin	0.40	128.00	Strategy discussion with L. Cutler regarding REDACTED RED	0.40	128.00
12/19/2013	Peter A. Talevich	4.50	1,125.00	Revise L. Cutler draft memorandum; conduct legal research regarding dedicated funds case; conduct legal research regarding REDACTED ; conduct legal research regarding REDACTED REDACTED draft research summary for L. Cutler regarding same.	4.50	1,125.00
12/19/2013	L.W. Cutler	9.40	3,008.00	Continue drafting memo to the Borough; confer with J. Coughlin regarding various strategical considerations; consider REDA REDACTED confer with S. Brandt-Erichsen regarding "refund" claim and other issues.	8.00	2,560.00
12/20/2013	L.W. Cutler	10.70	3,424.00	Continue to work on memo; think through refund claim; confer with J. Coughlin regarding refund claim; finalize draft.	8.00	2,560.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/20/2013	Peter A. Talevich	5.30	1,325.00	Conduct legal research regarding dedicated funds cases and initiative dedicated revenues cases, and summarize same for L. Cutler; review REDA research and suggest edits to L. Cutler; analyze research memo evaluating claims and draft revisions to same; correspond with L. Cutler regarding additional research projects.	5.30	1,325.00
12/20/2013	J.M. Coughlin	0.90	288.00	Review memo regarding case analysis; confer with L. Cutler regarding issues relating to refund claims.	0.50	160.00
12/23/2013	J.M. Coughlin	1.60	512.00	Review Borough's comments on memo; confer with L. Cutler regarding possibilities of REDACTED REDACTE conference call with L. Cutler, S. Brandt-Erichsen and D. Bockhorst.	1.60	512.00
12/23/2013	Peter A. Talevich	4.20	1,050.00	Conduct legal research regarding CR 82 and prevailing litigant attorneys' fees; conduct legal research regarding REDACTE REDACTED and draft summary of same for L. Cutler; phone conference with L. Cutler regarding feedback following meeting with Ketchikan Gateway Borough, and discussing additional research tasks and complaint drafting.	4.20	1,050.00
12/23/2013	B.K. Price	0.70	91.00	Obtain Supreme Court pleadings in State v. Alex; call Juneau Court regarding Superior Court pleadings regarding same; letter to court requesting same.	0.70	91.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/23/2013	L.W. Cutler	5.50	1,760.00	Review and edit draft memo; additional consideration of "refund" claim and confer with J. Coughlin regarding whether we could succeed in REDACTE review comments from S. Brandt-Erichsen and D. Bockhorst on memo; confer with them regarding same, possible angles on a refund claim and related issues; follow up regarding same; instruct P. Talevich regarding complaint drafting.	2.00	640.00
12/24/2013	J.M. Coughlin	0.60	192.00	Review sections of Hicks' analysis and email correspondence with L. Cutler regarding same.	0.00	0.00
12/26/2013	Peter A. Talevich	0.10	25.00	Correspond with L. Cutler regarding complaint drafting and refund theory research.	0.00	0.00
12/26/2013	L.W. Cutler	2.80	896.00	Begin review of Supreme Court briefs in State v Alex; email correspondence with P. Talevich regarding his latest research and additional research needed; begin budget estimate; review last comprehensive memo on REDACTED R edit memo to Borough in light of above and comments from S. Brandt-Erichsen and D. Bockhorst.	2.80	896.00
12/27/2013	L.W. Cutler	8.20	2,624.00	Edit claims analysis memo to the Borough in light of comments made by S. Brandt-Erichsen and D. Bockhorst and additional research and analysis of claims; consider further how to construct the refund claim; email correspondence with P. Talevich and J. Coughlin regarding various aspects of the memo and additional research needed; develop projected budget and draft memo to Scott and Dan regarding same.	7.00	2,240.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/27/2013	B.K. Price	0.40	52.00	Assist L.Cutler with budget spreadsheet.	0.00	0.00
12/27/2013	Peter A. Talevich	4.40	1,100.00	Conduct legal research regarding REDACTED REDAC and draft summary regarding same; conduct legal research regarding REDACTED and draft summary regarding same; conduct legal research regarding restitution; draft complaint.	2.00	500.00
12/27/2013	J.M. Coughlin	0.70	224.00	Research regarding Alaska cases involving REDACTED and email correspondence with L. Cutler regarding same.	0.70	224.00
12/28/2013	J.M. Coughlin	0.60	192.00	Research regarding federal cases involving REDACTED decided under similar rule; email regarding results of research.	0.60	192.00
12/28/2013	Peter A. Talevich	4.80	1,200.00	Conduct legal research regarding theories to seek repayment of unconstitutional government assessment (assumpsit, restitution, other form of relief); conduct legal research regarding waiver by payment and "payment under protest" rule; conduct legal research regarding REDACTED draft research summary for L. Cutler regarding same.	0.00	0.00
12/28/2013	L.W. Cutler	1.90	608.00	Review Supreme Court briefs in Alex case; review and consider results of RE research; consider REDACTED	1.90	608.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/29/2013	L.W. Cutler	3.30	1,056.00	Edit claims analysis memo in light of additional research conducted; work on budget projection and cover memo for same.	2.00	640.00
12/29/2013	Peter A. Talevich	5.40	1,350.00	Conduct legal research regarding REDACTED REDACTED conduct legal research regarding REDACTE conduct legal research regarding RED and draft summary of same for L. Cutler; research and draft complaint.	5.40	1,350.00
12/30/2013	Peter A. Talevich	8.50	2,125.00	Research and draft complaint; conduct legal research regarding assumpsit and restitution; conduct legal research regarding REDACTED RED follow up with L. Cutler regarding research on REDA REDACTED ; review memorandum and draft suggested edits for L. Cutler.	5.00	1,250.00
12/30/2013	J.M. Coughlin	0.90	288.00	Review revised version of memo; email with L. Cutler regarding budget.	0.50	160.00
12/30/2013	L.W. Cutler	8.40	2,688.00	Continue analyzing refund claim; continue editing claims analysis memo; confer with P. Talevich regarding refund claim and additional research needed; confer with S. Brandt-Erichsen regarding case strategy and revised memo; email correspondence regarding research, claims, and memo with P. Talevich and J. Coughlin; continue budget development and edit memo regarding same.	6.00	1,920.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/31/2013	L.W. Cutler	4.10	1,312.00	Finalize latest drafts of claims analysis memo, budget projection and memo accompanying budget projection; confer with S. Brandt-Erichsen and D. Bockhorst regarding same; finalize both memos; email correspondence with P. Talevich regarding complaint draft.	3.00	960.00
12/31/2013	Peter A. Talevich	1.00	250.00	Review final memo; draft complaint; correspond with L. Cutler regarding complaint drafting.	1.00	250.00
1/2/2014	Peter A. Talevich	1.20	300.00	Research and draft complaint.	1.20	300.00
1/2/2014	L.W. Cutler	0.50	160.00	Miscellaneous projects regarding complaint and strategy.	0.50	160.00
1/3/2014	L.W. Cutler	0.40	128.00	Email correspondence regarding complaint and related issues.	0.40	128.00
1/3/2014	Peter A. Talevich	3.60	900.00	Research, draft, and finalize complaint; circulate same to L. Cutler; correspond with L. Cutler regarding addition of new plaintiffs; outline standing allegations for individual plaintiffs.	2.50	625.00
1/6/2014	Peter A. Talevich	1.00	250.00	Review standing cases and restitution cases; draft allegations for individual plaintiffs; correspond with L. Cutler regarding complaint draft.	1.00	250.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/6/2014	J.M. Coughlin	1.60	512.00	Review complaint; confer with L. Cutler regarding same; research regarding various issues relating to complaint's allegations.	1.60	512.00
1/6/2014	L.W. Cutler	5.00	1,600.00	Review and edit first draft of complaint prepared by P. Talevich; call with P. Talevich regarding same; confer with J. Coughlin regarding same; research issues related to suing the State and municipalities' ability to sue and confer with S. Brandt-Erichsen regarding same; review KGB Resolution 2451 and related materials for complaint.	4.00	1,280.00
1/7/2014	L.W. Cutler	5.20	1,664.00	Continue editing and drafting complaint and reviewing materials needed for same; miscellaneous projects related to complaint drafting.	4.50	1,440.00
1/7/2014	J.M. Coughlin	0.70	224.00	Revise draft complaint; confer with L. Cutler regarding issues relating to parties.	0.70	224.00
1/7/2014	B.K. Price	0.20	27.00	Receive phone call from Juneau court regarding available microfishe; forward same to L. Cutler.	0.20	27.00
1/7/2014	Peter A. Talevich	0.90	225.00	Draft standing allegations and proof complaint; circulate same to L. Cutler and J. Coughlin.	0.90	225.00
1/8/2014	B.K. Price	0.20	27.00	Communications with Juneau Court regarding State v. Alex superior court pleadings.	0.20	27.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/8/2014	J.M. Coughlin	0.30	96.00	Review comments on complaint and confer with L. Cutler regarding same.	0.30	96.00
1/8/2014	L.W. Cutler	1.40	448.00	Email correspondence regarding Juneau court files for Alex v. State; call with T. Kelly regarding co-plaintiff issues; brief review of comments on draft complaint from D. Bockhorst and S. Brandt-Erichsen; confer with J. Coughlin regarding same; begin editing draft complaint based on comments from D. Bockhorst and S. Brandt-Erichsen.	1.40	448.00
1/9/2014	L.W. Cutler	3.60	1,152.00	Revise complaint; draft individual plaintiffs' engagement letter; email correspondence regarding both.	2.00	640.00
1/10/2014	L.W. Cutler	4.50	1,440.00	Review and edit complaint; review docket for Superior Court proceedings in State v. Alex for copying of certain pleadings; review D. Bockhorst and S. Brandt-Erichsen's comments on the complaint and make further edits to complaint; confer with same and make further edits; related projects; prepare for and attend Borough Assembly meeting; review rules and think through case strategy for getting to summary judgment as quickly as possible; call with Scott regarding various issues.	4.50	1,440.00
1/10/2014	B.K. Price	0.20	27.00	Highlight documents requested from Juneau	0.20	27.00
				court files and return list to clerk for		
				copies.		

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/11/2014	J.M. Coughlin	0.80	256.00	Research regarding service and timing issues; email to L. Cutler regarding same.	0.80	256.00
1/12/2014	L.W. Cutler	0.30	96.00	Email correspondence regarding service issues and whether court would stay our motion for summary judgment before answer is filed.	0.30	96.00
1/13/2014	L.W. Cutler	1.60	512.00	Review electronic filing instructions; review and edit final version of complaint; confer with S. Brandt-Erichsen regarding same; email correspondence regarding filing of complaint and summonses.	1.60	512.00
1/14/2014	L.W. Cutler	2.30	736.00	Begin work on motion for summary judgment and injunctive relief (review S. Brandt-Erichsen's draft MSJ memorandum, think through additional pieces needed, confer with P. Talevich regarding draft motion).	2.30	736.00
1/14/2014	Peter A. Talevich	1.00	250.00	Review final, filed complaint, L. Cutler notes, and S. Brandt-Erichsen's initial draft memorandum; conference with L. Cutler regarding summary judgment drafting; research preliminary injunction cases.	1.00	250.00
1/15/2014	Peter A. Talevich	0.50	125.00	Conduct legal research regarding motion for summary judgment.	0.50	125.00
1/16/2014	L.W. Cutler	0.70	224.00	Miscellaneous projects regarding complaint, draft of summary judgment motion, possible motions to dismiss.	0.70	224.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/23/2014	Peter A. Talevich	0.10	25.00	Correspond with L. Cutler regarding motion for summary judgment.	0.10	25.00
1/25/2014	Peter A. Talevich	7.80	1,950.00	Conduct legal research regarding governor's veto power and legislative appropriation power; draft legal argument portion of motion for summary judgment.	0.00	0.00
1/26/2014	Peter A. Talevich	7.90	1,975.00	Draft motion for summary judgment; draft affidavit of Ketchikan Gateway Borough agent to support motion.	6.00	1,500.00
1/27/2014	J.M. Coughlin	0.30	96.00	Discuss various issues relating to summary judgment draft with L. Cutler.	0.30	96.00
1/27/2014	Peter A. Talevich	3.50	875.00	Revise statement of facts; revise legal argument; edit draft affidavit for Borough representative; proof and submit draft motion for summary judgment and affidavit to L. Cutler.	3.00	750.00
1/27/2014	L.W. Cutler	1.50	480.00	Email correspondence with P. Talevich and S. Brandt-Erichsen regarding draft summary judgment motion; review first draft of same from P. Talevich; discuss various aspects of same with J. Coughlin.	1.00	320.00
1/28/2014	L.W. Cutler	4.70	1,504.00	Call from M. Paton-Walsh, DOL, regarding extension of time for filing responsive pleading; call with S. Brandt-Erichsen regarding same and summary judgment strategy; edit draft motion for summary judgment and affidavit; email correspondence with P. Talevich and S. Brandt-Erichsen regarding aspects of same.	4.70	1,504.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/29/2014	L.W. Cutler	0.20	64.00	Continue to work on motion; begin review of pleadings in superior court proceeding in the Alex case.	0.20	64.00
1/30/2014	L.W. Cutler	4.70	1,504.00	Work on motion; draft proposed order and R. 77(b)(4) notice; email correspondence with S. Brandt-Erichsen re motion; confer with J. Coughlin regarding procedural and strategic issues regarding motion; review selected superior court pleadings in Alex.	4.70	1,504.00
1/30/2014	Peter A. Talevich	0.20	50.00	Review L. Cutler's edits to motion for summary judgment draft; correspond with L. Cutler regarding same.	0.20	50.00
1/30/2014	J.M. Coughlin	0.50	160.00	Confer with L. Cutler regarding timing issues; research changes to Rule 77 regarding pre-answer motions.	0.50	160.00
1/31/2014	J.M. Coughlin	1.50	480.00	Review and comment on summary judgment pleadings; review court rules attorney's file on changes to Rule 77; confer with L. Cutler regarding same.	1.50	480.00
1/31/2014	Peter A. Talevich	2.00	500.00	Review L. Cutler's edits to motion for summary judgment and Brandt-Erichsen affidavit; review J. Coughlin comments to same; draft edits to motion for summary judgment and affidavit, and circulate same to L. Cutler; review final draft submitted to Borough.	2.00	500.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/31/2014	L.W. Cutler	2.50	800.00	Finish review of some of the pleadings in the superior court proceeding in State v. Alex; edit motion in light of comments received from J. Coughlin; finalize package of pleadings and email to S. Brandt Erichsen regarding same.	2.50	800.00
2/3/2014	L.W. Cutler	0.20	64.00	Email correspondence with S. Brandt-Erichsen and review information provided by him about REDACTED REDACTED	0.00	0.00
2/3/2014	L.W. Cutler	0.20	64.00	Brief review of S. Brandt-Erichsen's comments on draft motion package.	0.20	64.00
2/4/2014	L.W. Cutler	2.90	928.00	Further consideration of S. Brandt-Erichsen's comments and confer with S. Brandt-Erichsen regarding same; edit motion and affidavit in light of our discussion; locate exhibits; email correspondence with P. Talevich regarding motion and exhibits.	2.90	928.00
2/4/2014	Peter A. Talevich	0.40	100.00	Correspond with L. Cutler regarding affidavit and motion edits; review basic need citation and send same to L. Cutler.	0.40	100.00
2/5/2014	L.W. Cutler	2.30	736.00	Confer with S. Brandt-Erichson regarding latest drafts and exhibits, follow up regarding exhibits, edit drafts; finalize package of pleadings for Scott to file/serve.	2.30	736.00
2/6/2014	L.W. Cutler	0.30	96.00	Miscellaneous projects regarding summary judgment filing.	0.30	96.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
2/7/2014	Peter A. Talevich	0.20	50.00	Review final filed motion for summary judgment.	0.20	50.00
2/11/2014	L.W. Cutler	0.80	256.00	Email correspondence and calls regarding State's request for extension of time to answer, file motion to dismiss and to oppose our motion for summary judgment.	0.80	256.00
2/12/2014	L.W. Cutler	1.20	384.00	Email correspondence regarding motion briefing schedule; confer with S. Brandt Erichsen regarding same; additional email correspondence regarding same; review and edit State's proposed stipulation and additional communications regarding same.	1.20	384.00
2/14/2014	L.W. Cutler	0.10	32.00	Email correspondence regarding meeting with FNSB attorneys.	0.00	0.00
2/19/2014	L.W. Cutler	0.40	128.00	Confer with S. Brandt-Erichsen, R. Broker and J. Dolan regarding FNSB's participation in the lawsuit.	0.00	0.00
2/20/2014	L.W. Cutler	0.30	96.00	Review and comment on portions of S. Brandt-Erichsen's proposed testimony to H. Judiciary Committe on HB 245 that relate to the lawsuit.	0.00	0.00
2/27/2014	L.W. Cutler	0.10	32.00	Review FNSB's motion to participate.	0.00	0.00
3/26/2014	L.W. Cutler	0.20	64.00	Miscellaneous regarding pleadings due from State on Friday; email correspondence regarding same.	0.20	64.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
3/27/2014	L.W. Cutler	0.10	32.00	Email correspondence with P. Talevich regarding upcoming briefing.	0.10	32.00
3/27/2014	Peter A. Talevich	0.10	25.00	Correspond with L. Cutler regarding reply brief deadling and opposition to KGB's motion for summary judgment.	0.10	25.00
3/28/2014	Peter A. Talevich	0.20	50.00	Review State of Alaska's Response to KGB Motion for Summary Judgment.	0.20	50.00
3/28/2014	L.W. Cutler	2.20	704.00	Review and analyze State's summary judgment briefing; email correspondence regarding same; locate some AG opinions regarding pre-Statehood dedication exceptions to anti-dedication clause.	2.00	640.00
3/31/2014	Peter A. Talevich	0.40	100.00	Analyze State's Response to KGB Motion for Summary Judgment.	0.40	100.00
3/31/2014	John H. Parsi	0.50	137.50	Legal research regarding Attorney General opinions on issues of dedicated fund violation.	0.50	137.50
3/31/2014	L.W. Cutler	2.80	896.00	Review D. Bockhorst and S. Brandt-Erichsen's initial comments on State's brief; research and review AG Opinions regarding grandfather clause in anti-dedication clause; call with S. Brandt-Erichsen regarding brief; instruct J. Parsi regarding research needed for pre-existing dedication argument; review G. Thompson's comments on State's brief.	2.80	896.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/1/2014	L.W. Cutler	0.60	192.00	Begin reply/opposition brief.	0.60	192.00
4/1/2014	John H. Parsi	0.90	247.50	Legal research regarding Attorney General Opinions on dedicated funds.	0.90	247.50
4/4/2014	Peter A. Talevich	0.40	100.00	Review opposition; outline reply brief.	0.40	100.00
4/4/2014	L.W. Cutler	0.90	288.00	Review AG Opinions regarding pre-existing dedications; confer with J. Parsi regarding his research; confer with P. Talevich regarding reply brief, additional research needed, and things for him to consider before we meet on Monday regarding an outline.	0.90	288.00
4/7/2014	L.W. Cutler	3.60	1,152.00	Email correspondence and conversations with P. Talevich regarding reply brief; work on introduction/summary of argument and outline of brief; review history of education funding in 1987 House Resources report.	3.60	1,152.00
4/7/2014	Peter A. Talevich	2.60	650.00	Analyze opposition and exhibits; phone conference with L. Cutler regarding outlines; draft reply outline.	2.60	650.00
4/8/2014	Peter A. Talevich	1.00	250.00	Phone conferences with L. Cutler to discuss reply; draft reply brief.	1.00	250.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/8/2014	L.W. Cutler	3.80	1,216.00	Work on brief and arguments for same; discuss with S. Brandt-Erichsen and R. Broker; follow up regarding same; discussions with P. Talevich regarding brief; various regarding stipulation for extension of time to file brief in response to State's brief.	3.80	1,216.00
4/9/2014	L.W. Cutler	0.20	64.00	Work on brief.	0.20	64.00
4/9/2014	Peter A. Talevich	8.10	2,025.00	Research and draft reply brief.	7.00	1,750.00
4/10/2014	Peter A. Talevich	1.00	250.00	Analyze L. Cutler comments to draft reply brief; phone conference with L. Cutler to follow up on goals for second draft.	1.00	250.00
4/10/2014	L.W. Cutler	2.70	864.00	Review, edit and comment on portion of draft reply brief prepared by P. Talevich; draft pre-existing dedication portion of reply brief; confer with P. Talevich regarding arguments and strategy for all portions of the brief.	2.00	640.00
4/11/2014	L.W. Cutler	4.50	1,440.00	Draft pre-existing dedication section of the brief; review and edit other sections; confer with P. Talevich regarding brief; review Convention minutes relating to Section 7, particularly with respect to pre-existing dedications; email correspondence with P. Talevich regarding same.	4.50	1,440.00
4/11/2014	Peter A. Talevich	0.10	25.00	Correspond with L. Cutler regarding brief.	0.10	25.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/13/2014	Peter A. Talevich	0.20	50.00	Revise reply brief.	0.20	50.00
4/14/2014	Peter A. Talevich	4.70	1,175.00	Conduct legal research regarding attorney general opinions on repeal of dedications; draft revisions to reply brief and circulate same to L. Cutler.	4.70	1,175.00
4/14/2014	L.W. Cutler	0.70	224.00	Work on brief; assist B. Price with finding previous statutory provisions for education funding; begin review of same.	0.70	224.00
4/14/2014	B.K. Price	1.30	175.50	Research previous statutory provisions for L. Cutler.	1.30	175.50
4/15/2014	L.W. Cutler	2.80	896.00	Email correspondence with P. Talevich regarding brief; review and edit latest draft and confer with P. Talevich re certain arguments; review previous education funding legislation; instruct B. Price regarding additional statutes and SLAs we need for pre-existing dedication argument; review some of same; review additional AG's Opinions.	2.80	896.00
4/15/2014	Peter A. Talevich	3.40	850.00	Draft revisions to reply brief; review legislative history of local contribution statutes; proof reply brief and submit same to L. Cutler.	3.40	850.00
4/15/2014	B.K. Price	0.50	67.50	Obtain additional statutes for L. Cutler.	0.50	67.50

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/16/2014	B.K. Price	0.30	40.50	Obtain missing 1949 statutes.	0.30	40.50
4/16/2014	Peter A. Talevich	2.40	600.00	Revise reply brief; circulate revisions and comments to L. Cutler.	2.40	600.00
4/16/2014	L.W. Cutler	5.00	1,600.00	Work on draft reply brief; email correspondence with S. Brandt-Erichsen and P. Talevich regarding same.	5.00	1,600.00
4/17/2014	L.W. Cutler	2.90	928.00	Email correspondence regarding brief; review again Territorial law and 1962 statute; instruct B. Price regarding additional research needed regarding repeal of Territorial law; review additional research; edit brief.	2.90	928.00
4/17/2014	Peter A. Talevich	0.40	100.00	Review L. Cutler's draft reply and comment on same.	0.40	100.00
4/17/2014	B.K. Price	1.00	135.00	Obtain additional old statutes for L. Cutler.	1.00	135.00
4/18/2014	B.K. Price	0.40	54.00	Obtain additional old statutes from law library.	0.40	54.00
4/18/2014	Peter A. Talevich	4.60	1,150.00	Revise reply brief, and circulate edits to L. Cutler; cite check and review exhibits and mark up brief to reflect changes; conduct review of AGOs regarding dedicated funds; correspond with L. Cutler regarding same.	4.30	1,075.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/18/2014	L.W. Cutler	3.20	1,024.00	Edits to draft brief; review Superior Court pleadings in Alex re REDACTE and develop exhibit regarding same; final review of statutes and choose same for exhibits; email correspondence regarding final draft brief; call with S. Brandt-Erichsen.	3.00	960.00
4/19/2014	Peter A. Talevich	2.70	675.00	Conduct legal research regarding AG Opinions on dedications; draft summaries of same.	2.70	675.00
4/20/2014	L.W. Cutler	0.20	64.00	Review D. Bockhorst's comments and email correspondence with P. Talevich regarding same.	0.20	64.00
4/21/2014	L.W. Cutler	1.40	448.00	Confer with P. Talevich regarding latest draft of brief; review and edit same; review 1991 AG's Opinion; call with S. Brandt-Erichsen regarding brief.	1.00	320.00
4/21/2014	Peter A. Talevich	1.80	450.00	Revise reply brief; incorporate editors' comments to same.	1.60	400.00
4/23/2014	Peter A. Talevich	1.10	275.00	Review and cite check exhibits; correspond with S. Petersen regarding formatting; correspond with S. Brandt-Erichsen.	1.10	275.00
4/24/2014	Peter A. Talevich	2.60	650.00	Review exhibits; correspond with B. Price regarding pages to Territorial Law, and update same; proof and edit draft reply brief; review FNSB amicus brief; correspond with S. Brandt-Erichsen regarding final brief and exhibits.	2.60	650.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
4/25/2014	Peter A. Talevich	0.30	75.00	Proof and transmit final exhibits.	0.30	75.00
5/12/2014	L.W. Cutler	0.60	192.00	Miscellaneous projects regarding briefing and oral argument; review Fairbanks' amicus brief.	0.60	192.00
5/13/2014	L.W. Cutler	0.20	64.00	Miscellaneous tasks regarding oral argument.	0.20	64.00
5/22/2014	L.W. Cutler	0.90	288.00	Begin oral argument preparations; prepare notebook for same.	0.90	288.00
5/23/2014	L.W. Cutler	1.50	480.00	Begin review and analysis of State's reply brief; work on oral argument notebook.	1.50	480.00
5/27/2014	L.W. Cutler	3.40	1,088.00	Review new cases and AG's Opinions cited in State's reply brief; review Plaintiff's reply brief; continue to analyze State's argument and prepare for oral argument; confer with S. Brandt Erichsen regarding same.	3.40	1,088.00
5/27/2014	B.K. Price	0.30	40.50	Obtain informal AG Opinion from law library.	0.30	40.50
5/28/2014	L.W. Cutler	6.80	2,176.00	Confer with S. Brandt Erichsen and R. Broker regarding points to make at oral argument; re-read some of the cases; begin oral argument outline; continue consideration of points that need to be emphasized; otherwise prepare for oral argument.	6.80	2,176.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
5/28/2014	J.M. Coughlin	0.90	288.00	Confer with L. Cutler regarding State's reply brief, and briefly review same; research regarding various workers' compensation and related programs for claims that dedicated fund issues would be presented.	0.90	288.00
5/29/2014	J.M. Coughlin	5.50	1,760.00	Confer with L. Cutler regarding oral argument; review of briefs and development of potential oral argument questions from the Judge; additional legal research on points raised in State's reply.	5.50	1,760.00
5/29/2014	L.W. Cutler	8.40	2,688.00	Continue preparation for oral argument; prepare outline for same; review case law, Convention history, briefs and related materials; discuss with J. Coughlin.	8.40	2,688.00
5/30/2014	L.W. Cutler	9.20	2,944.00	Prepare for oral argument, confer with S. Brandt Erichsen, R. Broker and J. Coughlin regarding same.	9.20	2,944.00
5/30/2014	J.M. Coughlin	4.10	1,312.00	Conference call with L. Cutler, S. Brandt-Erichsen and R. Broker regarding oral argument; further research on various dedicated fund issues; confer with L. Cutler regarding oral argument.	4.10	1,312.00
5/31/2014	J.M. Coughlin	0.70	224.00	Research regarding Constitutional Convention history issues that could arise in oral argument; email with L. Cutler regarding same.	0.70	224.00
5/31/2014	L.W. Cutler	6.90	2,208.00	Continue oral argument preparation and practice oral argument.	6.90	2,208.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
6/1/2014	L.W. Cutler	9.20	2,944.00	Prepare for and meeting with individual Plaintiffs, D. Bockhorst, S. Brandt Erichsen and R. Broker regarding oral argument.	8.50	2,720.00
6/1/2014	J.M. Coughlin	2.50	800.00	Further research on issues for oral argument; email and telephone call with L. Cutler, S. Brandt-Erichsen and R. Broker regarding same.	2.50	800.00
6/2/2014	L.W. Cutler	5.00	1,600.00	Prepare for, conduct oral argument and confer with D. Bockhorst, S. Brandt Erichsen and R. Broker regarding same.	5.00	1,600.00
6/4/2014	L.W. Cutler	1.10	352.00	Review rough draft of oral argument transcript; analyze comments made by K. Vogel at oral argument regarding SEAC case and state-local cooperative agreement exception.	1.10	352.00
6/5/2014	J.M. Coughlin	0.50	160.00	Review rough draft of oral argument transcript.	0.50	160.00
9/2/2014	L.W. Cutler	0.20	64.00	Review and comment on letter to the State protesting payment of the 2014 RLC.	0.00	0.00
11/24/2014	L.W. Cutler	1.50	480.00	Brief review of order and discuss same and next steps with D. Bockhorst and S. Brandt Erichsen.	1.30	416.00
11/24/2014	J.M. Coughlin	0.40	128.00	Review order on summary judgment.	0.30	96.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/24/2014	Peter A. Talevich	0.40	100.00	Review summary judgment order; correspond with L. Cutler regarding same.	0.30	75.00
11/25/2014	Peter A. Talevich	3.10	775.00	Phone conference with L. Cutler and J. Coughlin regarding post-judgment motions; conduct legal research regarding assumpsit/restitution for potential motions; conduct legal research regarding standard for motion to reconsider.	0.00	0.00
11/25/2014	J.M. Coughlin	1.10	352.00	Conference with L. Cutler and P. Talevich regarding reconsideration and fee issues; draft final judgment; research regarding prevailing party issues for fee motion.	0.90	288.00
11/25/2014	L.W. Cutler	0.80	256.00	Continue review of decision and consider options going forward; call with J. Coughlin and P. Talevich regarding research and analysis needed in preparation for call with S. Brandt Erichsen tomorrow.	0.80	256.00
11/26/2014	L.W. Cutler	1.50	480.00	Review emails from P. Talevich and J. Coughlin regarding motions to reconsider and attorney fees; meet with P. Talevich, J. Coughlin and S. Brandt Erichsen regarding same; think through arguments to be made and impact of filing a motion to reconsider on assumpsit/restitution on our attorney fees motion.	0.30	96.00
11/26/2014	J.M. Coughlin	1.30	416.00	Review email from P. Talevich regarding reconsideration issues; revise form of judgment; conference with L. Cutler, P. Talevich and S. Brandt-Erichsen.	0.80	256.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
11/26/2014	Peter A. Talevich	2.90	725.00	Circulate recommendations regarding motion to reconsider; conference call with S. Brandt-Erichsen, L. Cutler, and J. Coughlin regarding motion to reconsider; outline and draft motion to reconsider.	0.00	0.00
11/28/2014	Peter A. Talevich	1.90	475.00	Research and draft motion for reconsideration.	0.00	0.00
11/29/2014	Peter A. Talevich	2.60	650.00	Research, draft, revise, and circulate motion for reconsideration; review J. Coughlin's comments regarding same.	0.00	0.00
11/29/2014	J.M. Coughlin	0.60	192.00	Review and revise motion for reconsideration; email regarding same.	0.00	0.00
11/30/2014	J.M. Coughlin	0.30	96.00	Further revision of motion for reconsideration and email regarding same.	0.00	0.00
11/30/2014	L.W. Cutler	1.70	544.00	Review and edit draft motion to reconsider refund portion of Court's order; email correspondence regarding same.	0.00	0.00
11/30/2014	Peter A. Talevich	1.40	350.00	Review L. Cutler's revisions to motion to reconsider; conduct legal research regarding state obligation to fund schools; draft revisions to brief and circulate same.	0.00	0.00
12/1/2014	Peter A. Talevich	0.20	50.00	Correspond with L. Cutler regarding finalizing brief; review filed motion to reconsider.	0.00	0.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/1/2014	L.W. Cutler	2.60	832.00	Review and edit motion to reconsider; review Court's summary judgment order again; confer with S. Brandt Erichsen, J. Coughlin and D. Bockhorst regarding motion to reconsider strategy and content; review status conference order and discuss same with S. Brandt Erichsen.	0.20	64.00
12/1/2014	J.M. Coughlin	0.80	256.00	Conference call with client; revise form of judgment; confer with L. Cutler regarding status conference; review complaint regarding remaining issues.	0.80	256.00
12/2/2014	J.M. Coughlin	0.10	32.00	Email regarding results of executive session.	0.10	32.00
12/2/2014	L.W. Cutler	1.50	480.00	Review complaint, review email from S. Brandt Erichsen regarding REDACTED email correspondence regarding same; discuss situation with Scott; REDACTED REDACT additional email correspondence regarding same.	1.50	480.00
12/2/2014	Peter A. Talevich	0.30	75.00	Review L. Cutler correspondence regarding post-motion strategy.	0.30	75.00
12/3/2014	L.W. Cutler	1.30	416.00	Confer with S. Brandt Erichsen and R. Broker regarding REDACTED review agreement with co-plaintiffs and follow up with S. Brandt Erichsen regarding same; call with A. Moran; call with S. Brandt Erichsen.	1.30	416.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/4/2014	L.W. Cutler	1.70	544.00	Call with S. Brandt Erichsen; follow up regarding same; call from State's attorneys regarding a stay, confer with J. Coughlin and S. Brandt Erichsen regarding same.	1.70	544.00
12/4/2014	J.M. Coughlin	0.60	192.00	Email regarding stay issues; research regarding same.	0.60	192.00
12/5/2014	J.M. Coughlin	2.20	704.00	Further research regarding stay issues; conference calls with client and L. Cutler regarding same; draft email regarding same.	2.20	704.00
12/5/2014	L.W. Cutler	5.30	1,696.00	Review D. Bockhorst's and S. Brandt Erichsen's commentary on the REDACTED email correspondence regarding REDA REDACTED think through and discuss further with J. Coughlin, S. Brandt Erichsen and D. Bockhorst; draft email to clients regarding stay.	5.30	1,696.00
12/6/2014	L.W. Cutler	1.60	512.00	Review comments regarding REDA email to clients, revise email; review attorney fee rule; email communication re all of above.	1.60	512.00
12/8/2014	L.W. Cutler	0.30	96.00	Call with S. Brandt-Erichsen; attend Assembly executive session regarding REDACTED	0.30	96.00
12/8/2014	J.M. Coughlin	0.10	32.00	Review order on reconsideration; email regarding same.	0.00	0.00
12/9/2014	J.M. Coughlin	0.20	64.00	Email re deadlines for fee motion and final judgment; email regarding status hearing.	0.20	64.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
12/9/2014	L.W. Cutler	1.10	352.00	Email correspondence with State regarding stay request; prepare for status conference; confer with R. Broker and S. Brandt Erichsen regarding status conference and REDACT attend status conference.	1.10	352.00
12/11/2014	L.W. Cutler	0.10	32.00	Email correspondence regarding attorney fees.	0.10	32.00
12/11/2014	J.M. Coughlin	0.90	288.00	Research regarding potential public interest litigant claim.	0.90	288.00
12/18/2014	L.W. Cutler	0.20	64.00	Discuss attorney fees' motion with J. Parsi; brief review of State's brief.	0.20	64.00
12/18/2014	Peter A. Talevich	0.20	50.00	Review State's Opposition to Motion for Reconsideration.	0.00	0.00
12/19/2014	John H. Parsi	1.30	357.50	Strategize regarding attorney fees motion; legal research regarding attorney fees.	0.00	0.00
12/19/2014	L.W. Cutler	0.30	96.00	More complete review of State's opposition to our motion for reconsideration; review S. Brandt Erichsen's email regarding that and a motion for stay.	0.00	0.00
12/23/2014	John H. Parsi	1.10	302.50	Legal research regarding public interest exception to attorney fees limitation.	1.10	302.50

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/12/2015	L.W. Cutler	0.20	64.00	Review and respond to email from S. Brandt-Erichsen regarding final judgment and fee motion.	0.20	64.00
1/20/2015	John H. Parsi	2.30	655.50	Legal research regarding attorneys fees.	2.30	655.50
1/20/2015	L.W. Cutler	0.30	105.60	Review and edit final judgment and email correspondence with J. Coughlin regarding same; confer with J. Parsi regarding attorney fees' motion.	0.30	105.60
1/20/2015	J.M. Coughlin	0.10	35.20	Review form of judgment; email regarding same.	0.10	35.20
1/21/2015	L.W. Cutler	1.10	387.20	Review and edit final judgment and email correspondence with J. Coughlin regarding same; confer with J. Parsi regarding attorney fees' motion.	1.10	387.20
1/21/2015	John H. Parsi	4.60	1,311.00	Legal research regarding award of attorney fees.	4.60	1,311.00
1/22/2015	John H. Parsi	6.10	1,738.50	Draft attorney's fees motion; legal research related to same.	6.10	1,738.50
1/22/2015	L.W. Cutler	0.30	105.60	Review court's order on reconsideration; edit final judgment form; discuss same with S. Brandt Erichsen and related issues; edit same.	0.30	105.60
1/23/2015	L.W. Cutler	0.20	70.40	Call from S. Brandt Erichsen re final judgment and related issues.	0.20	70.40
1/26/2015	John H. Parsi	1.40	399.00	Strategize regarding motion for attorney fees; legal research fee motion.	1.40	399.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/26/2015	L.W. Cutler	0.80	281.60	Review first draft of attorney fees motion, brief review of applicable statute and case law, discuss edits needed to first draft with J. Parsi.	0.80	256.00
1/27/2015	L.W. Cutler	2.90	1,020.80	Analyze final judgment impact; call from K. Vogel regarding appeal, request for stay, and related subjects; confer with J. Coughlin regarding same; work on attorney fees affidavit and motion; brief review of stay case law; confer with S. Brandt Erichsen, D. Bockhorst and J. Coughlin regarding State's request.	2.90	1,020.80
1/27/2015	John H. Parsi	4.10	1,168.50	Redraft attorney fee motion; additional legal research.	4.10	1,168.50
1/28/2015	L.W. Cutler	8.9	3,132.80	Review revised draft of attorney fee motion, edit, review significant cases, add sections and confer with J. Coughlin regarding same; confer with K. Vogel regarding stay and appeal issues; confer with S. Brandt Erichsen regarding various topics; confer with J. Coughlin regarding various topics; brief review of State's appeal and motions related to stay and discuss possible responses with S. Brandt Erichsen; work on affidavit in support of fees, order, and cost bill.	8.90	3,132.80
1/28/2015	John H. Parsi	3.2	912.00	Review and revise attorneys' fee motion; legal research regarding same.	3.20	912.00
1/28/2015	J.M. Coughlin	3.5	1,232.00	Research and revise motion for fees and cost bill; review State's motion for stay; discussion with L. Cutler regarding same; further analysis of stay related issues.	3.50	1,232.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
1/29/2015	L.W. Cutler	8.8	2,816.00	Review and edit attorneys' fee motion; more detailed review stay pleadings and consider responses to same; review Court's order regarding same; confer with S. Brandt Erichsen regarding numerous topics; various regarding State's appeal; work on exhibit to my affidavit regarding attorney fees' motion; edit affidavits of L. Cutler and S. Brandt-Erichsen in support of same; think through issues related to cost bill; think through proposed briefing schedule to present to the State and status conference tomorrow.	8.80	2,816.00
1/29/2015	J.M. Coughlin	3.5	1,232.00	Review order on status conference; discuss same and attorney fee/cost issues with L. Cutler; research regarding stay motion.		
1/29/2015	J.H. Parsi	0.2	55.00	Confer with L. Cutler regarding research needed for attorney fee and stay motions.	0.00	0.00
1/30/2015	L.W. Cutler	6.1	2,147.20	Confer with S. Brandt-Erichsen regarding opposition to motion for stay and related issues; email correspondence with State regarding schedule for briefing its stay motion; discuss opposition with J. Coughlin; review and edit fee motion, affidavits and spreadsheet in support of same; instruct B. Pauli regarding cost bill preparation; prepare for status conference, attend status conference, discuss arguments for opposition to stay and work on same.	6.10	2,147.20
1/30/2015	J.M. Coughlin	3.7	1,302.40	Confer with L. Cutler regarding various issues; attend status conference; further research and drafting of opposition to motion for stay.	3.70	1,302.40
1/31/2015	L.W. Cutler	1.1	387.20	Continue work on State's motion for stay.	1.10	387.20

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
2/1/2015	L.W. Cutler	2.3	809.60	Email correspondence regarding arguments to make in opposition to stay motion; work on spreadsheet and pleadings regarding attorney fee motion and cost bill.	2.3	809.60
2/2/2015	L.W. Cutler	1.2	422.40	Email to clients regarding latest developments in the case; attend executive session with Assembly and private plaintiffs.	1.2	422.40
2/2/2015	John H. Parsi	3.3	907.50	Legal research regarding various issues related to stay motions and discussions with L. Cutler regarding same.	3.3	907.50
2/2/2015	L.W. Cutler	2	704.00	Finalize attorney fee motion and cost bill package for filing with the court; confer with S. Brandt Erichsen regarding same and strategy with respect to opposition to stay and potential cross appeal; edit draft of stay opposition.	2	704.00
2/3/2015	L.W. Cutler	7.9	2,780.80	Work on opposition to stay motion; review State's emergency motion for a stay to the Supreme Court, discuss same with S. Brandt Erichsen; instruct J. Parsi regarding research needed on several points and discuss his results with him; confer with S. Brandt Erichsen regarding stay motions and oppositions to same.	7.9	2,780.80
2/3/2015	J.M. Coughlin	0.6	211.20	Review State's emergency motion for stay with Supreme Court; email regarding same.	0.6	211.20
2/3/2015	John H. Parsi	6.1	1,677.50	Legal research regarding various aspects of stay motions; discussions with L. Cutler regarding same.	6.1	1,677.50
2/4/2015	L.W. Cutler	8.1	2,851.20	Draft and edit oppositions to stay motions; review key cases and other documents relied upon for same; email correspondence and discussions with S. Brandt Erichsen; call from Supreme Court clerk.	8.1	2,851.20

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
2/4/2015	J.M. Coughlin	0.7	246.40	Review and revise opposition to stay; email regarding State's application to supreme court for stay.	0.7	246.40
2/4/2015	John H. Parsi	7.8	2,145.00	Legal research regarding various aspects of stay motions.	7.8	2,145.00
2/5/2015	J.M. Coughlin	0.4	140.80	Emails regarding oppositions to superior court and Supreme Court motions for stay; brief review of Supreme Court opposition.	0.4	140.80
2/5/2015	J.M. Coughlin	0.4	140.80	Emails regarding oppositions to superior court and Supreme Court motions for stay; brief review of Supreme Court opposition.	0.4	140.80
2/5/2015	L.W. Cutler	11.9	4,188.80	Continue working on opposition to stay motions; confer with S. Brandt Erichsen regarding same; internal discussions and email correspondence regarding same.	11.9	4,188.80
2/5/2015	John H. Parsi	8.1	2,227.50	Legal research regarding various aspects of stay motions.	8.1	2,227.50
2/6/2015	L.W. Cutler	4.9	1,724.80	Edit both opposition briefs, prepare L. Cutler affidavit; various tasks related to finalizing briefs; discussions with S. Brandt Erichsen regarding same.	4.9	1,724.80
2/6/2015	John H. Parsi	3.4	935.00	Legal research regarding stay motions; review and edit portions of opposition drafts.	3.4	935.00
2/10/2015	J.M. Coughlin	0.1	35.20	Review Supreme Court order; email regarding same.	0.1	35.20
2/10/2015	John H. Parsi	0.3	82.50	Review order denying emergency motionsteps.	0.3	82.50

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
2/12/2015	L.W. Cutler	0.5	176.00	Brief review of State's reply brief on stay and motion for extension of time to file opposition to Plaintiffs' attorney fees motion; email correspondence regarding same and oral argument.	0.5	176.00
2/13/2015	J.M. Coughlin	0.1	35.20	Email regarding oral argument on stay motion.	0.1	35.20
2/14/2015	L.W. Cutler	0.3	105.60	Continue analysis of State's reply brief on stay motion.	0.3	105.60
2/16/2015	L.W. Cutler	5.9	2,076.80	Continue analysis of State's reply brief on stay motion and cases cited therein; outline and otherwise prepare for oral argument.	5.9	2,076.80
2/17/2015	L.W. Cutler	6.5	2,288.00	Continue preparing for oral argument; confer with S. Brandt Erichsen regarding same.	6.5	2,288.00
2/18/2015	L.W. Cutler	5.5	1,936.00	Continue to prepare for oral argument; begin appeal pleadings.	5.00	1,760.00
2/19/2015	L.W. Cutler	7.5	2,640.00	Travel to Ketchikan; continue oral argument preparation and confer with S. Brandt Erichsen regarding same; work on appeal paperwork.	7.00	2,464.00
2/20/2015	J.M. Coughlin	1.8	633.60	Telephone call with L. Cutler and S. Brandt-Erichsen regarding supplemental authority; review same and email correspondence regarding same.	1.8	633.60
2/20/2015	L.W. Cutler	11.5	4,048.00	Practice oral argument; confer with S. Brandt-Erichsen; attend oral argument and debrief regarding same; review additional authority filed by defendants, discuss response to same; travel from Ketchikan to Anchorage.	11.5	4,048.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
2/23/2015	J.M. Coughlin	1.1	387.20	Confer with L. Cutler regarding opposition to supplemental authority; additional research; review and revise opposition.	1.1	387.20
2/23/2015	L.W. Cutler	5.3	1,865.60	Finalize appeal paperwork; review Superior Court's order regarding additional briefing, discuss with J. Coughlin and S. Brandt-Erichsen; draft and edit response.	5.00	1,760.00
2/24/2015	L.W. Cutler	0.6	211.20	Call from Supreme Court; review State's reply brief regarding new case law; email correspondence with clients regarding latest developments; call with S. Brandt Erichsen.	0.6	211.20
2/24/2015	J.M. Coughlin	0.1	35.20	Review reply brief on motion for stay.	0.1	35.20
2/25/2015	L.W. Cutler	0.4	140.80	Review notice from Supreme Court regarding cross appeal; discuss issues going forward with S. Brandt Erichsen.	0.00	0.00
2/27/2015	J.M. Coughlin	1.1	387.20	Review decision denying stay; confer with L. Cutler regarding same; review opposition to motion for attorneys' fees; outline response.	1.1	387.20
2/27/2015	L.W. Cutler	1.7	598.40	Review court's order denying stay; confer with S. Brandt Erichsen and J. Coughlin regarding same; draft notice regarding same for Supreme Court; brief review of State's opposition to Plaintiffs' motion for attorney fees and discuss reply to same with J. Coughlin.	1.7	598.40
2/28/2015	L.W. Cutler	0.4	140.80	Review Judge's order regarding stay; review and analyze Defendants' opposition to motion for attorney fees.	0.4	140.80

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
3/2/2015	J.M. Coughlin	4.8	1,689.60	Further research and drafting of reply brief on fee motion; confer with L. Cutler regarding same; review State's request for consideration of its stay motion by full Supreme Court.	4.8	1,512.[illegible]
3/2/2015	L.W. Cutler	2.3	809.60	Review State's filing regarding stay order with Supreme Court; finalize and prepare our filing with Supreme Court; consider arguments made in State's reply brief on attorney fees motion; discuss same and other issues with S. Brandt Erichsen; discuss same with J. Coughlin; email correspondence regarding various issues.	2.3	809.60
3/3/2015	J.M. Coughlin	5.5	1,936.00	Email correspondence, further research and drafting of reply.	5.5	1,936.00
3/3/2015	L.W. Cutler	2.1	739.20	Continue development of arguments in response to State's opposition to attorneys fee motion, discuss same with J. Coughlin, and with S. Brandt-Erichsen.	2.1	739.20
3/4/2015	L.W. Cutler	5.7	2,006.40	Edit first draft of attorney fee reply brief; email correspondence regarding same; discussions with J. Coughlin regarding arguments in same.	5.7	2,006.40
3/4/2015	J.M. Couglin	4.5	1,584.00	Confer with L. Cutler regarding attorney fees reply brief; continued research and revision of same.	4.5	1,584.00
	TOTAL	722.90	$218,798.90	**TOTAL related only to Anti-Dedication Clause Arguments**	594.70	182,234.40

Hourly Rates

L.W. Cutler	320.00
J.M. Coughlin	320.00
John Parsi	275.00

Date	Name	Hours	Amount	Description	Hours related only to Anti-Dedication Clause Arguments	Fees related only to Anti-Dedication Clause Arguments
	Peter A. Talevich	250.00				
	B.K. Price	135.00				
	Hourly Rates AFTER January 19					
	L.W. Cutler	352.00				
	J.M. Coughlin	352.00				
	John Parsi	275.00				
	Peter A. Talevich	275.00				
	B.K. Price	135.00				

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 minor son; JOHN COSS, a minor; JOHN HARRINGTON, an individual; and DAVID SPOKELY, an 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-14-0016 CI** FILED in the Trial Courts State of Alaska First District at Ketchikan MAR 06 2015 Clerk of the Trial Courts By_____Deputy

AFFIDAVIT OF SCOTT A. BRANDT-ERICHSEN

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

Office of the
Borough Attorney
1900 1st Avenue,
Suite 215
Ketchikan, Alaska
99901
907)228-6635
Fax(907)228-6683

Scott A. Brandt-Erichsen, being first duly sworn, states as follows:

1. I am counsel for Plaintiff Ketchikan Gateway Borough in the above-entitled action.

2. Since my last affidavit, I have continued to work on this matter in connection with

the Borough's opposition to the State's unsuccessful attempt to obtain a stay of the judgment in this action, and the Borough's motion for Rule 82 fees.

3. In addition to the work addressed in my affidavit of February 2, 2015, which listed time spent on this case up through January 29, 2015, I worked on the above captioned action from January 30, 2015, and continuing on through to March 4, 2015, for a total of 53.50 hours. A breakdown of these hours is attached as Attachment A.

4. My current rate per hour is $206.33. Thus, the total cost of my time on the case for 53.50 hours, is $ 11,038.66.

5. The total amount of fees charged through March 4, 2015 is $55,451.19. 20% of this amount is $11,090.24.

6. The foregoing statements are within my personal knowledge and if sworn as a witness I can testify competently thereto.

EXECUTED at Ketchikan, Alaska, this 5th day of March, 2015.

KETCHIKAN GATEWAY BOROUGH

By: _____
Scott A. Brandt-Erichsen
Attorney for Plaintiff Borough
Alaska Bar No. 8811175

SUBSCRIBED AND SWORN to before me this 5th day of March, 2015.

(Seal)

OFFICIAL SEAL
CINDY M. MONTGOMERY
NOTARY PUBLIC-STATE OF ALASKA
My Comm. Expires 5-7-15

_____
Notary Public for Alaska
My commission expires: 5-7-15

Office of the
Borough Attorney
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99901
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Fax(907)228-6683

January	30	prepare for stauts, review stay, review atty fees	3.5
January	31	review stay motion	1.5
February	1	review attorney fees motion and stay cases	2
February	2	work on stay research	4.5
February	3	work on stay	6.5
February	4	research on budget process, work on affidavits	4.5
February	5	review and writing on opposition to stay in superior ct, work on affidavits	6.5
February	6	finalizing opposition to stay and affidavits	4.5
February	11	review e-mail about rquest for oral argument	0.25
February	12	review reply brief	1
February	13	oral argument request, communicate with clients	0.5
February	16	work on oral argument	1
February	17	review oral argument issues	3.5
February	18	oral argument preparation	1.5

Feb	19	oral argument preparation	1
feb	20	prepare and attend oral argument, review supplemental authorities.	5.25
february	23	work on notice of appeal and response on supplemental authorities	3.5
February	27	review stay order, discuss with clients and with co-counsel	0.75
March	2	Review opposition to Motion for Attorneys fees. Review cases. Discuss with Cutler and Dan	2.5
March	4	Review attorneys fee issues. Research cases	2.25

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 minor son; JOHN COSS, a minor; JOHN HARRINGTON, an individual; and DAVID SPOKELY, an 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-14-0016 CI** FILED in the Trial Courts State of Alaska First District at Ketchikan MAR 06 2015 Clerk of the Trial Courts By_____Deputy

CERTIFICATE OF SERVICE

On March 6th, 2015, a true and correct copy of the **Plaintiffs' Reply in Support of Motion for Attorneys' Fees, Second Affidavit of Louisiana Cutler In Support of Motion for Attorneys' Fees, Affidavit of Scott Brandt-Erichsen, and** this **Certificate of Service** were served on the following people of record in the following action Via: E-Mail:

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