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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA THIRD JUDICIAL DISTRICT AT ANCHORAGE

EDWARD ALEXANDER; JOSH ANDREWS; SHELBY BECK ANDREWS; and CAREY CARPENTER

Plaintiffs,

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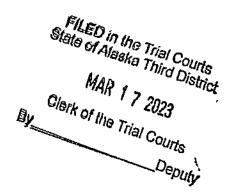
ACTING COMMISSIONER HEIDI TESHNER, in her official capacity, State of Alaska, Department of Education and Early Development,

Defendant,

٧.

ANDREA MOCERI, THERESA BROOKS, and BRANDY PENNINGTON

Intervenors.



CASE NO: 3AN-23-04309CI

INTERVENORS' STATEMENT OF NON-OPPOSITION TO DEFENDANT'S MOTION TO DISMISS



Intervenors Andrea Moceri, Theresa Brooks, and Brandy Pennington (hereinafter "Parents") respectfully submit this Statement of Non-Opposition to Defendant's Motion to Dismiss. Although Parents do not oppose Defendant's motion to dismiss Plaintiffs' facial challenge under Civil Rule 12(b)(6) and 12(b)(7), they strongly contest Defendant's description of certain uses of allotment funds as "clearly unconstitutional." See, e.g.,

Defendant's Motion to Dismiss, 2. Parents currently use allotment funds for tuition payments to the private schools their children attend. If the Court permits Plaintiffs to bring an as-applied challenge to this use of allotment funds, as Defendant suggests in the Motion to Dismiss, Parents are prepared to defend its constitutionality. First, for reasons not considered in the July 2022 Department of Law Opinion mentioned in Defendant's Motion to Dismiss, a family's use of their allotment funds to send a child to a private school does not violate Article VII, Section 1 of the Alaska Constitution. Parents also intend to raise other constitutional arguments in defense of their use of allotment funds that have not yet been addressed by Alaska courts. Notwithstanding the Defendant's Motion to Dismiss, this Court can resolve the question of the constitutionality of using allotment funds for tuition only once it is fully briefed, and the proper parties are before the Court.

Dated this 17th day of March, 2023.

LAW OFFICES OF CRAIG RICHARDS
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By: /s/ Craig Richards

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