

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

AMERICAN CIVIL LIBERTIES)
UNION OF ALASKA, BONNIE L.)
JACK, and JOHN D. KAUFFMAN,)

Plaintiffs,)

v.)

MICHAEL J. DUNLEAVY, in his)
official capacity as Governor of Alaska,)
and STATE OF ALASKA,)

Defendants.)

**FILED in the TRIAL COURTS
STATE OF ALASKA, THIRD DISTRICT**

JUL 20 2020

Clerk of the Trial Courts

By _____ Deputy

Case No. 3AN-19-08349 CI

DEFENDANTS' ANSWER TO AMENDED COMPLAINT

The Defendants Governor Michael J. Dunleavy and the State of Alaska
(collectively, "the Governor"), by and through the Office of the Attorney General,
answers the amended complaint in this action as follows:

INTRODUCTION

1. This paragraph states legal argument to which no response is required.
2. This paragraph states legal argument to which no response is required.

The text of the Alaska Constitution speaks for itself.

3. This paragraph states legal argument to which no response is required.

The text of the Alaska Constitution speaks for itself.

4. This paragraph states legal argument to which no response is required.
5. This paragraph states legal argument to which no response is required.

6. This paragraph states legal argument to which no response is required. To the extent this paragraph makes factual allegations, admitted that in June of 2019, the Governor exercised his line item veto power to veto a portion of the Alaska Court System budget for fiscal year 2020. Except as expressly admitted, the remaining allegations are denied.

7. This paragraph states legal argument to which no response is required. To the extent this paragraph makes factual allegations, admitted that in April of 2020, the Governor exercised his line item veto power to veto a portion of the Alaska Court System budget for fiscal year 2021. Except as expressly admitted, the remaining allegations are denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. This paragraph states a description of the plaintiffs' case to which no response is required. To the extent this paragraph makes factual allegations, the allegations are denied.

JURISDICTION AND VENUE

13. Admitted.

14. Admitted.

PARTIES

15. Admitted that plaintiff American Civil Liberties Union of Alaska is a nonprofit corporation organized under the laws of the state of Alaska. All other allegations in this paragraph are denied for lack of knowledge.

16. Denied for lack of knowledge.

17. Admitted that plaintiff John D. Kaufman is an Alaska attorney. All other allegations in this paragraph are denied for lack of knowledge. The text of the attorneys' oath in Alaska Bar Rule 5, Section 3 speaks for itself.

18. Admitted.

19. Admitted.

FACTUAL STATEMENT

20. Admitted.

21. Admitted that *State v. Planned Parenthood of the Great Northwest*, 436 P.3d 94 (Alaska 2019) was issued on February 15, 2019. The remainder of this paragraph is legal argument to which no response is required. The text of the decision speaks for itself. Any interpretation of the law that is inconsistent with the language of the decision is denied.

22. Admitted.

23. The first sentence of this paragraph is admitted. The allegations in the second sentence of this paragraph are too vague to be confirmed, and therefore are denied.

24. Admitted.

25. Admitted.

26. Admitted that the paragraph correctly quotes the Governor's Statement of Objections accompanying the veto. To the extent the paragraph contains other factual allegations, they are denied.

27. Admitted.

28. Admitted that the Alaska Legislature passed HIB 205 containing the state's operating budget for FY 2021, which runs from July 1, 2020 to June 30, 2021. Except as expressly admitted, allegations in this paragraph are denied.

29. Admitted.

30. Admitted.

COUNT 1 – DOCTRINE OF SEPARATION OF POWERS

31. This paragraph states legal argument to which no response is required.

32. This paragraph states legal argument to which no response is required.

33. This paragraph states legal argument to which no response is required.

The text of the Alaska Constitution speaks for itself.

34. This paragraph states legal argument to which no response is required.

35. This paragraph states legal argument to which no response is required.

36. This paragraph states legal argument to which no response is required.

The text of the Constitution speaks for itself.

37. This paragraph states legal argument to which no response is required. To the extent this paragraph states factual allegations, they are denied.

38. This paragraph states legal argument to which no response is required. To the extent this paragraph contains factual allegations, they are denied.

39. Denied.

40. Denied.

COUNT II – ARTICLE II § 15 OF THE ALASKA CONSTITUTION

41. This paragraph states legal argument to which no response is required. The text of the Constitution speaks for itself.

42. This paragraph states legal argument to which no response is required.

43. This paragraph states legal argument to which no response is required.

44. Denied.

45. Denied.

AFFIRMATIVE DEFENSES

1. Some or all of the plaintiffs lack standing.

2. Some or all of the plaintiffs' claims are nonjusticiable.

3. Some or all of the plaintiffs' claims are moot.

4. The plaintiffs have failed to state a claim on which relief can be granted.

5. Some or all of the relief requested by the plaintiffs is not within the court's power to grant.

6. Some or all of the plaintiffs' claims may be barred by the doctrines of sovereign, discretionary, and/or official immunity.

PRAYER FOR RELIEF

Defendants seek the following relief:

1. The Complaint be dismissed with prejudice.
2. All items requested in Plaintiffs Prayer for Relief be denied.
3. Final judgment be entered in favor of Defendants.
4. An award of costs and attorneys' fees incurred defending in this lawsuit.
5. Any other relief to which Defendants are legally entitled and as may be

just and equitable under the circumstances.

DATED July 20, 2020.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By: /s/ JESSICA LEEAH
Jessica Leeah
Assistant Attorney General
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/s/ LAEL HARRISON
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CERTIFICATE OF SERVICE

I certify that on July 20, 2020, true and correct copies of the **DEFENDANTS'**
ANSWER TO AMENDED COMPLAINT, and this **CERTIFICATE OF SERVICE**
were served via E-Mail on the following:

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