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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

17 JUL 31 PM 3:37

CLERK, TRIAL COURTS

BY AB DEPUTY

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3 ALASKA DEMOCRATIC PARTY, )  
4 Plaintiff, )  
5 v. )  
6 STATE OF ALASKA, )  
7 Defendant. )  
8 )  
9 )

Case No.: 1JU-17-00563CI

**STATE OF ALASKA’S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE  
TO FILE A REPLY ON SUMMARY JUDGMENT**

12 The State of Alaska has asked for leave to file a reply to the Alaska Democratic  
13 Party’s July 19, 2017 opposition to the State’s motion for summary judgment. That  
14 request reflects the State’s concern that—contrary to its expectations when the briefing  
15 schedule was set—the two completed rounds of briefing do not provide a full exchange  
16 of analysis and argument on the issues that the Court must decide. The Party has  
17 interpreted the State’s motion as an attack on the good faith of its attorneys and as an  
18 accusation that “the ADP has acted wrongfully,” but that was not the State’s intention.  
19 Rather, as the Party’s opposition and its attorney’s affidavit indicate, both parties  
20 significantly misunderstood what to expect from the opening motions and oppositions.  
21 [Party’s Opposition to Motion for Leave to File a Reply at 7, 11-12; Affidavit of  
22 Counsel at ¶¶ 4, 9]

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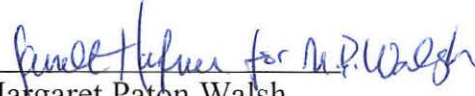
1 But this misunderstanding is a reason to grant the State's motion, not to deny it.  
2 The constitutional questions before the Court in this matter are complex. Providing the  
3 parties with an opportunity to brief responses to arguments first made in the  
4 oppositions—rather than address them at oral argument—will give this Court an  
5 opportunity to be fully informed of the issues before argument occurs. This will allow  
6 the Court to determine in advance of argument what questions it has, likely leading to a  
7 clearer, more efficient, and more useful oral argument that will assist the Court in better  
8 analyzing the Party's claims.  
9

10 And, indeed, contrary to the Party's suggestion that the State did not raise its  
11 concerns in its opposition, [Party's Opposition to Motion for Leave to File a Reply at  
12 14], the State expressly noted that it might request a reply in light of the Party's failure  
13 to fully address the state interests part of the First Amendment analysis in its opening  
14 motion. [State's Opposition at 11-12, n.20] But in the end, whether the State inferred  
15 from the sparseness of the Party's opening brief that its opposition would raise new  
16 issues makes no difference. What matters is whether the Court will be aided by  
17 additional briefing. The State believes that it will be; and therefore requests an  
18 opportunity to reply in support of its motion for summary judgment.  
19  
20

21 DATED: July 31, 2017.

22 JAHNA LINDEMUTH  
23 ATTORNEY GENERAL

24 By:

  
Margaret Paton Walsh

Alaska Bar No. 0411074

26 *Alaska Democratic Party v. State of Alaska*  
STATE'S REPLY IN SUPPORT OF ITS MOTION FOR  
LEAVE TO FILE A REPLY

Court Case No. 1JU-17-00563CI

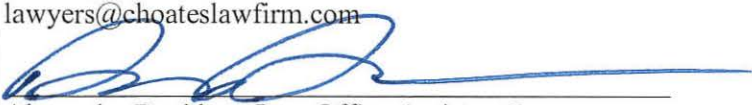
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2017, a true and correct copy of the foregoing **STATE OF ALASKA'S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE A REPLY ON SUMMARY JUDGMENT** was delivered via e-mail to the following:

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Alexandra Bookless, Law Office Assistant I