

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

THE ALASKA LEGISLATIVE COUNCIL,)
On Behalf of THE ALASKA STATE)
LEGISLATURE,)

Plaintiff,)

v.)

HONORABLE MICHAEL J. DUNLEAVY,)
In His Official Capacity as Governor of the)
State of Alaska, KELLY TSHIBAKA, In Her)
Official Capacity as Commissioner of)
Administration for the State of Alaska, and)
MICHAEL JOHNSON, In his Official)
Capacity as Commissioner of Education and)
Early Development for the State of Alaska,)

Defendants,)

and)

COALITION FOR EDUCATION)
EQUITY,)

Intervenor.)

Case No. 1JU-19-753CI

**ORDER RE: MOTION FOR
LEAVE TO FILE BRIEF OF
AMICI CURIAE**

By motion filed on September 13, 2019, a group of twenty individuals seek leave to file an amicus (“friend of the court”) brief in the instant litigation. The Defendants oppose the intervention.¹

The individuals requesting to participate as amici curiae (hereafter, the Amici) are twenty members of the Alaska State House of Representatives. They timely seek leave to file a brief in support of the Plaintiff’s *Motion for Summary Judgment*.² These individuals seek amici curiae status in their individual capacities and they come from two political parties. Some of them are in the House majority caucus and some are not. Eighteen of the twenty Amici voted to authorize the Plaintiff to bring this lawsuit. Two of the twenty are members of the

¹ The opposition was filed on September 19, 2019. The reply was filed on September 23, 2019. Neither the Plaintiff nor the Intervenor filed any briefing on the amicus motion.

² The amicus motion was filed on the same day that the cross-motions for summary judgment were due and filed.

Legislative Council (the Plaintiff). The Amici's brief does not raise any claims not already before the court in this litigation. The Amici's brief also raises no issues of fact.

The Amici and the Defendants recognize that courts have broad discretion to allow the filing of friend of the court briefs. Here, the arguments made by the Amici are not duplicative of those made by the Plaintiff and they provide additional legal analysis of the issues before the court. These arguments and analysis may prove very helpful to the court. It is undisputed that the issues in this case are of significant public interest and import.

The Amici's motion is **GRANTED**.

DATED this 27th day of September 2019 at Juneau, Alaska.



Daniel Schally
Superior Court Judge



Certification

Copies Distributed

Date 9/27/19

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