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STATE OF ALASKA
APPELLATE COURTS
2018 DEC 10 PM 4:23
CLERK APPELLATE COURT
BY _____
DEPUTY CLERK

IN THE SUPREME COURT FOR THE STATE OF ALASKA

KATHRYN DODGE,

Appellant,

vs.

LT. GOVERNOR KEVIN MEYER, in his
official capacity as Lt. Governor for the
State of Alaska, and
JOSEPHINE BAHNKE, in her official
capacity as Director of the Division of
Elections,

Supreme Court No. S-17301

Appellees.

LIMITED OPPOSITION TO MOTION TO EXPEDITE SCHEDULE

Appellant Kathryn Dodge, by and through her undersigned attorneys of record, hereby provides this Limited Opposition to the Motion to Expedite the existing schedule. The record was received at 1:30 this afternoon, just as this motion was being finalized for filing. It is therefore premature to set an evidentiary hearing in the next 2-3 days, as would be required under the State's proposed schedule.

Moreover, Ms. Dodge respectfully submits that the schedule proposed by the State would not allow sufficient time for the parties or the court to adequately

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brief and consider the issues raised in this appeal. This is not a rubber stamp kind of case. The issues---such as the evidentiary and legal standards for determining voter residency---are nuanced and not entirely clear under Alaska law. The appointed special master has already indicated that he will require briefing on this threshold issue at least. Such briefing may even be required prior to presenting evidence. It is simply unreasonable to expect all that to be accomplished by Friday of this week. If anything, Ms. Dodge believes more time should be dedicated to the proceedings in front of the master, not less, so that the issues and evidence are as clear and well-defined as possible by the time the Supreme Court considers this case. The Court will then, of course, require time to consider the unique issues in this case as well. We believe the current schedule can accomplish that.

To that end, the Master has already held a scheduling conference with all three parties to initiate and plan this already-expedited proceeding. The resulting schedule will require hearing briefs to be submitted to the Master not later than Monday, December 17, with replies due just two days later on Wednesday, December 19. The hearing will be held December 20 at 8:30 a.m. (with the Master's Report expected to be submitted to the Court not later than the following day, December 21). Given that two parties have just been granted intervenor status a few hours ago, the fact that the parties do not yet even have the administrative record, and the Master's competing schedule, Ms. Dodge does not


believe this proceeding can or should be expedited even further than it already is. That said, if the issues are thoroughly briefed, argued, and decided by the Master, it is at least possible that subsequent briefing to the Court could be expedited by a few days ahead of the Court's currently scheduled oral argument on January 8.

Ms. Dodge certainly understands there can be logistical issues associated with an election recount appeal. She will experience these same difficulties if she prevails in this appeal. But the legislature (and in some cases, the Alaska Constitution) long ago set the date for elections, the timeline for absentee and questioned ballot review proceedings, the deadline for an appeal, and the first date of the legislative session. It set these dates with full knowledge that an appeal could create uncertainty and inconvenience legislators and/or staff members. The DOE and Ms. Dodge have complied with these deadlines every step of the way. It therefore seems inappropriate to reduce even further the amount of time available for the parties to be heard and for the Court to reach a reasoned decision when the legislature itself established the timelines that are now being complained of. Ms. Dodge therefore opposes the Motion to Expedite, and asks the Court, for the time being, to allow the Master to follow the schedule he set this morning.

Dated this 10th day of December 2018.

BOYD, CHANDLER, FALCONER
& MUNSON, LLP

By: _____


for: Patrick W. Munson
AK Bar No. 1205019

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2018,
a true and accurate copy of the foregoing was
sent via first class, regular U.S. Mail to:

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