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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,

Appellees.

Supreme Court No. S-17301

PARTIAL OPPOSITION TO MOTION TO INTERVENE

Appellant Kathryn Dodge, by and through her undersigned attorneys of record, hereby provides this Partial Opposition to the Motion to Intervene jointly filed by Barton LeBon and the Alaska Republican Party (ARP). Ms. Dodge does not oppose the Motion as it pertains to Mr. LeBon.

However, Ms. Dodge opposes the Motion as to the ARP because ARP does not meet the standards for permissive intervention.¹ ARP states that its request

¹ ARP does not assert it is entitled to intervene by right, nor could it since its interests would be adequately represented by Mr. LeBon.

for permissive intervention should be granted if ARP shows that it “(1) has distinct interests in the action which are related but not identical to the interests of the original parties, and (2) seeks to present new issues significant to the adjudication of the main action but distinct from those presented by the original parties....”²

ARP has not identified any distinct interest or issue that it would present in this litigation that will not be adequately represented by Mr. LeBon’s participation. Both parties seek an identical goal: “to uphold the Director’s decisions and the certification of the election at Recount.”³ Ms. Dodge is presently unaware of any prohibition against Mr. LeBon acting upon ARP’s challenges. Mr. LeBon should therefore be capable of defending ARP’s identical interests. Moreover, by statute, the parties to an election appeal are limited to a “candidate or any person who requested a recount....” AS 15.20.510. While there may be some instance in which adding other parties would be justified, there is no reason to do so in this case. Ms. Dodge therefore opposes the Motion to Intervene as it pertains to ARP.

Dated this 7th day of December 2018.

BOYD, CHANDLER, FALCONER
& MUNSON, LLP

By: 

for: Patrick W. Munson

² *Mot. to Intervene*, p. 8.

³ *Id.*, p. 3.

CERTIFICATE OF SERVICE

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

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