

1 Law Office of Joseph W. Geldhof  
2 2 Marine Way, Suite # 207  
3 Juneau, Alaska 99801  
4 Telephone: (907) 723-9901 [Mobile]  
5 E mail: joeg@alaskan.com  
6 Counsel for Plaintiff Eric Forrer

FILED  
STATE OF ALASKA  
JUDICIAL DISTRICT  
JUNEAU

2020 MAY 18 AM 9:02

CLERK TRIAL COURTS

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7 **SUPERIOR COURT FOR THE STATE OF ALASKA**  
8 **FIRST JUDICIAL DISTRICT AT JUNEAU**

9 ERIC FORRER )

10 Plaintiff, )

11 vs. )

12 STATE OF ALASKA )

13 and LUCINDA MAHONEY, )

1JU-20-00644 Civil

14 Commissioner of the Alaska )

15 Department of Revenue )

16 in her capacity as an official )

17 of the State of Alaska. )

18 Defendants. )

19 **MOTION FOR EXPEDITED CONSIDERATION**

20 [Alaska Civil Rule 77 (g)]

21 Eric Forrer ("Forrer"), through counsel and on behalf of the public  
22 interest, seeks expedited consideration of the Application for a Preliminary  
23 Injunction and Other Relief Injunction filed in this court on May 18, 2020.

24 Expedited consideration of Forrer's application for equitable relief is  
25 necessary. [See, *Affidavit of Joseph W. Geldhof* at Paragraphs 4-8, attached].  
26 The reasons for granting expedited review are also outlined in the *Memorandum*  
27 *in Support* that accompanies plaintiff's *Application for a Preliminary*  
28 *Injunction and Other Relief* filed contemporaneously in this case.

Accordingly, Forrer requests the court conduct hearing regarding  
plaintiff's motion for equitable relief on the morning of **May 18, 2020** at the

1  
2 court's convenience and that the court render a decision on Forrer's request for  
3 equitable relief before the close of judicial proceedings on **May 18, 2020**, in order  
4 to facilitate a considered evaluation of the constitutional issues present in the  
5 current dispute and to allow the legislature and governor to promptly resolve this  
6 matter. *See*, Alaska Civil Rule 77 (g) (3), ("...date before which a decision on  
7 the principal motion is needed.").

8 **CERTIFICATION REGARDING EFFORTS TO RESOLVE DISPUTE**  
9 [Alaska Civil Rule 77 (g) (4)]

10 I certify that on May 14, 2020 I called the office of the Alaska Attorney General  
11 twice, once in the morning and once in the afternoon seeking to discuss this case  
12 with Ed Sniffen, including the scheduling of a hearing and how to resolve the  
13 case. I was informed both times that Mr. Sniffen was in a meeting. I was asked  
14 about the matter I needed to discuss with Mr. Sniffen and gave the person in Mr.  
15 Sniffen's office detailed information about the above-referenced case. Mr.  
16 Sniffen did not return either phone call. On May 15, 2020, I again attempted to  
17 contact Mr. Sniffen or Attorney Clark about resolving this case. I was informed  
18 Mr. Sniffen and the Attorney General were in meetings and then instructed to  
19 send any questions I had about the case to the Office of the Attorney General via  
20 an e-mail. On reflection, I sent the requested e-mail to the Attorney General.  
21 [Exhibit A, attached].

22 **DATED** this 17th day of May, 2020 at Juneau, Alaska.

23 **LAW OFFICE OF**  
24 **JOSEPH W. GELDHOF**

25 

26 \_\_\_\_\_  
27 Joseph W. Geldhof  
28 Alaska Bar # 811109

1  
2  
3 **Certification**

4 I certify that a copy of this  
5 Motion, the Affidavit of  
6 Joseph W. Geldhof, Exhibit A  
7 and a proposed Order  
8 were sent by FAX [(907) 276-3697] to:

9 Attorney General Clarkson, counsel for  
10 the State of Alaska and Lucinda Mahoney.

11 I further certify that a copy of this  
12 Motion, the Affidavit of Joseph W. Geldhof,  
13 Exhibit A and a proposed Order  
14 were sent by via U.S.P.S. by inserting the  
15 documents in a U.S.P.S. postal box in  
16 Douglas, Alaska to:

17 Attorney General Clarkson, counsel for  
18 the State of Alaska and Lucinda Mahoney  
19 at the following address;  
20 1031 West 4<sup>th</sup> Street, Suite # 200  
21 Anchorage, Alaska 99501

22 DATED: MAY 17, 2020

23 By:   
24 Joseph W. Geldhof



**Joe Geldhof**

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**From:** Joe Geldhof <joeg@alaskan.com>  
**Sent:** Friday, May 15, 2020 2:10 PM  
**To:** 'attorney.general@alaska.gov'  
**Cc:** Eric Forrer  
**Subject:** Forrer v. State of Alaska & Lucinda Mahoney

Attorney General Clarkson: I am in active discussions with various members of the Alaska Legislature pertaining to the above-reference lawsuit.

The discussions with the members of the Legislature at this time revolve language to be adopted via an Act that will allow for disbursement of the CARES Act money in a manner consistent with the Alaska Constitution. As part of these efforts to enact legislation in an expeditious manner, issues related to the authority of the Governor have arisen.

We need your help in addressing and resolving these issues.

I believe I have left four requests with your staff to discuss this matter since yesterday morning. Your inability or unwillingness to assist in the resolution of these issues is inhibiting a prompt rendering of financial assistance to the citizens of Alaska. In your absence, we will endeavor to adopt an act that will resolve this entire matter but we would appreciate hearing from you about at least a portion of the constitutional issues pertaining to Articles II & III of the Alaska Constitution.

Please call to discuss this matter.

Joe G.  
Counsel for Eric Forrer

Law Office of Joseph W. Geldhof  
2 Marine Way, Suite # 207  
Juneau, Alaska 99801  
(907) 723-9901 [Mobile]

EXHIBIT A

MAY 18 2020

By EG Deputy

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Juneau, Alaska 99801  
Telephone: (907) 723-9901 [Mobile]  
E-mail: joeg@alaskan.com  
Counsel for Plaintiff Eric Forrer

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

ERIC FORRER  
Plaintiff,

vs.

STATE OF ALASKA  
and LUCINDA MAHONEY,  
Commissioner of the Alaska  
Department of Revenue  
in her capacity as an official  
of the State of Alaska.  
Defendants.

1JU-20-00644 Civil

**AFFIDAVIT OF JOSEPH W. GELDHOF**

State of Alaska )  
First Judicial District ) ss.

Joseph W. Geldhof, being first duly sworn and on my oath, states as follows:

1. I am a resident of Juneau, Alaska.
2. The facts and matters I am providing testimony about in this affidavit are based on my personal observations, experience, review of available public information and true to the best of my knowledge.

Affidavit of Joseph W. Geldhof  
May 17, 2020  
Forrer v. State of Alaska, et al  
1JU-29-00644 Civil

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3. I am the counsel for Eric Forrer, the plaintiff in the above-captioned lawsuit.
  4. As a result of initiating the lawsuit in the above-referenced case, the Alaska Legislature is convening in regular session in Juneau, Alaska, on Monday, May 18, 2020, for the purpose of allocating federal CARES Act funding in an amount of roughly \$1.5 billion.
  5. There are numerous legal issues confronting the allocation and authorization of federal CARES Act funds that need to be decided by the Alaska Legislature.
  6. The Alaska Legislature is seemingly intent on addressing the various legal, political and policy questions pertaining to the allocation and authorization to expend the CARES Act funds in three days.
  7. For the reasons articulated in the memorandum accompanying the motion seeking equitable relief filed by the plaintiff on Monday, May 18, 2020, expedited review and a ruling is likely to facilitate resolution of the CARES Act funding issue in a manner that will provide prompt funding for the citizens of Alaska during the COVID-19 pandemic.
  8. An injunction will protect the public funds in the Alaska treasury and likely spur legislative action in the public interest.

*Further the affiant sayeth naught.*

**DATED** this 17<sup>th</sup> day of May, 2019 at Juneau, Alaska.

  
\_\_\_\_\_  
**Joseph W. Geldhof**