

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff/Counterclaim Defendant,

vs.

ALASKA STATE EMPLOYEES
ASSOCIATION/AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES LOCAL 53, AFL-CIO,

Defendant/Counterclaimant.

ALASKA STATE EMPLOYEES
ASSOCIATION/AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES LOCAL 53, AFL-CIO,

Third-Party Plaintiff,

vs.

MICHAEL J. DUNLEAVY, in his official
capacity as Governor of Alaska; KEVIN G.
CLARKSON, in his official capacity as
Attorney General of Alaska; KELLY
TSHIBAKA, in her official capacity as
Commissioner of the Alaska Department of
Administration; and STATE OF ALASKA,
DEPARTMENT OF ADMINISTRATION,

Third-Party Defendants.

Case No. 3AN-19-09971CI

PRELIMINARY INJUNCTION

On October 3, this court granted ASEA's September 25, 2019 motion for a temporary restraining order. At the State's request, this court gave the State until October 7 to file whatever additional briefing it desired as to whether the TRO should become a preliminary injunction. The State timely filed its additional briefing, more

PRELIMINARY INJUNCTION

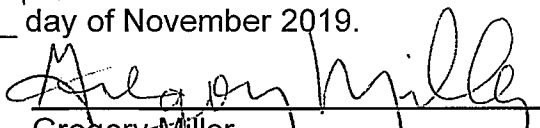
State of Alaska v. ASEA/AFSCME Local 52, AFL-CIO, 3AN-19-09971CI

briefing from ASEA and the State followed, and the issue became ripe on October 25. But notwithstanding the State's request to have until October 7 to file its additional briefing, ultimately the State's briefing just attached and relied upon a copy of its October 1 TRO opposition brief. For the reasons stated in this court's October 3 Temporary Restraining Order, this court hereby **GRANTS** ASEA's motion for a preliminary injunction. All of the terms of this court's October 3 TRO now become this preliminary injunction order, and this injunction shall remain in force until further order of this court.¹

Two last points. The State writes at page 2 of its October 7 opposition that this court granted the TRO "in part." This implies that this court simultaneously "denied" part of the TRO ASEA was seeking. The State is mistaken. This court granted the TRO in full, and similarly is granting this preliminary injunction in full.


The last point is that it appears that two more courts have recently entered orders that essentially reject how AG Clarkson urges this court to interpret *Janus*. ASEA attached those decisions to its recent filings.²

DATED at Anchorage, Alaska this 25th day of November 2019.



Gregory Miller
Superior Court Judge

I certify that on November 5, 2019
a copy of the above was emailed to:
J. Pickett
M. Brown
T. Taylor



Judicial Administrative Assistant – A. Stanley

¹ In that same October 7 filing the State moved to "consolidate" the preliminary injunction into a final judgment, and that issue is what dominated almost all of the parties' recent briefing. This court will address that motion in a separate order.

² *O'Callaghan, et al. v. Regents of the University of California, et al.*, No. CV 19-2289 JVS (US District Court Central District of California, September 30, 2019), and *City of Rio Rancho v. AFSCME, Council 18, Local 3277, et al.*, No. CV-2019-1398 (New Mexico District Court, Bernalillo County, October 28, 2019).