

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

STANLEY ALLEN VEZEY ,)

Plaintiff,)

vs.)

BRYCE EDGMON, Speaker of the)
Alaska State House of Representatives,)
and CATHERINE A. GIESSEL,)
President of the Alaska State Senate,)
individually,)

Defendants.)

FILED in the Trial Courts
State of Alaska Fourth District

SEP 18 2019

By _____ Deputy

CASE NO. 4FA-19-02233CI

ERRATA TO PLAINTIFF'S
OPPOSITION TO MOTION TO DISMISS PURSUANT TO:
LEGISLATIVE IMMUNITY; CIVIL RULE 12(b)(2);
NONJUSTICIABILITY; AND CIVIL RULE 12(b)(6)

COMES NOW Plaintiff, Stanley Allen Vezey, through and by means of his attorney of record, The Law Offices of William R. Satterberg, Jr., and hereby submits copies of pages 6 and 7 to the Opposition to Motion to Dismiss Pursuant to Legislative Immunity; Civil Rule 12(b)(2); Nonjusticiability; and Civil Rule 12(b)(6). Page 6 or page 7 may have been inadvertently omitted from the Opposition. This filing is to correct the omission.

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DATED this 18 day of September, 2019.

THE LAW OFFICES OF WILLIAM R. SATTERBERG, JR.

By: _____

William R. Satterberg, Jr.
Alaska Bar No. 7610126
Attorney for Stanley Allen Vezey

js

CERTIFICATE OF SERVICE

I hereby certify that a true copy of
the above document was mailed/hand-delivered to:

Cudds

This 18 day of 9, 2019

LAW OFFICE OF WILLIAM R. SATTERBERG, JR.

By: _____

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committees to meet at will and to purport to make law.

It is noted that nowhere does the Motion cite any legal vehicle that can override a governor's special session proclamation. Nor does the Motion point to any authority for the Defendants' refusal to attend the special session lawfully designated in Wasilla and to, instead, call the legislators to meet, in outright defiance of the governor's proclamation, in Juneau on July 8, 2019. In point of fact, the Alaska State Legislature Uniform Rules states that "[a] member may not be absent from sittings of the house unless the member has the leave of the house to be absent or is ill and unable to attend."¹¹

That the July 8, 2019, meeting of the legislators in Juneau was not a special session is established by AS 24.05.100(a)(2), which provides that the legislature may call itself into special session if two-thirds of the membership responds in the affirmative to a poll conducted by the presiding officer of each house. Notably, nowhere do the Defendants dispute the fact that the opposing legislators did not have the required two-thirds for the legislature to call itself into a special session under AS 24.05.100(a)(2).

Plaintiff filed the Complaint on July 10, 2019. On July 11, 2019, shortly before 9:30 a.m., Defendants were personally served with the summons and complaint in this matter. At the time of service of process, Defendants were in

¹¹ See Rule 15, Absence of Members, online at http://w3.legis.state.ak.us/docs/pdf/uniform_rules.pdf (last visited August 29, 2019).

Juneau on the second floor of the Alaska State Capitol.¹² As previously discussed, Defendants were not in a special session, going to a special session, or coming from a special session. Rather, Defendants were in Juneau because they had initiated an ad hoc meeting of the legislators as an act of civil disobedience to the proclamation for a special session located in Wasilla and in direct violation of the Legislature's own rules regarding the absence of members.¹³

On July 17, 2019, nine days after the start of the special session in Wasilla, and six days after Defendants were served with process, the governor issued the First Supplemental Proclamation Second Special Session.¹⁴ The First Supplemental Proclamation declared:

The Legislature shall continue the second special session that began on July 8, 2019, at 1:00 p.m., under my June 13, 2019 proclamation. From July 17, 2019 forward through the remainder of the constitutional period, the second special session shall continue in the Legislative Chambers in Juneau, Alaska.

The Senate Journal for July 18, 2019, indicates that Defendant Giessel was present when the First Supplemental Proclamation Second Special Session was entered into the record.¹⁵ The House Journal for July 19, 2019, indicates that Defendant Edgmon was present when the Governor's First Supplemental proclamation was read into the record.¹⁶

¹² Appendix 2.

¹³ See footnote 11, *supra*.

¹⁴ Appendix 3.

¹⁵ Appendix 4.

¹⁶ Appendix 5.