

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.

E-FILED in the TRIAL COURTS
State of Alaska Fourth District

APR 21 2020

Clerk of the Trial Courts

Case No.: 4FA-19-02233 CI

DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND COSTS

Pursuant to Civil Rules 79 and 82, Rep. Bryce Edgmon and Sen. Catherine A. Giessel move for an award of their attorney's fees and costs. On April 6, 2020, this Court granted Defendants' motion to dismiss Plaintiff's complaint. A motion for entry of final judgment in favor of Defendants is currently pending.

Defendants are the prevailing parties in this case and are entitled to their reasonable attorney's fees and costs under Civil Rules 79 and 82. Plaintiff cannot avoid his responsibility for causing Defendants to incur fees in this matter. He is not a constitutional claimant and his claims were frivolous.

I. DEFENDANTS ARE THE PREVAILING PARTIES

There is no dispute that Defendants are the prevailing parties under Alaska law. Defendants prevailed on the "main issue in the case" and obtained complete dismissal of

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Plaintiff's lawsuit.¹ Absent unusual circumstances, "the prevailing party in a civil case shall be awarded attorney's fees calculated under" Rule 82.²

II. PLAINTIFF DID NOT BRING CONSTITUTIONAL CLAIMS UNDER AS 09.60.010(C)

In a recent filing, Plaintiff has argued that Defendants should not receive any attorney's fees here because he is a constitutional claimant who is immune from any fee award under AS 09.60.010.³ Plaintiff is mistaken for two reasons. First, he is not a constitutional claimant. Second, even assuming that he might otherwise qualify, Plaintiff cannot show that he is entitled to protection under AS 09.60.010(c)(2) because his claims were frivolous.

A non-prevailing party may only avoid responsibility for his adversary's attorney's fees under AS 09.60.010(c)(2) if his civil action sought to establish, protect, or enforce a constitutional right. "*AS 09.60.010(c) does not apply when the right finds its source in statute.*"⁴ The only rights at issue here found their sources in statutes. Namely, Plaintiff claimed that (1) the Defendants (and the Legislature) violated AS 24.05.100 by convening the special session in Juneau, rather than Wasilla;⁵ and (2) the Defendants (and the

¹ *Matanuska Elec. Ass'n v. Rewire the Board*, 36 P.3d 685, 690 (Alaska 2001) ("Under Alaska law, the prevailing party is the one who successfully prosecuted or defended the action and prevailed on the main issue.").

² Civil Rule 82(a). While Rule 82's calculations do not apply in certain limited circumstances (e.g., agreement by the parties), none of those circumstances apply here.

³ See Plaintiff's Opposition to Defendants' [Proposed] Final Judgment (filed Apr. 14, 2020).

⁴ *Lake & Peninsula Borough v. Oberlatz*, 329 P.3d 214, 226 (Alaska 2014) (emphasis added).

⁵ Complaint for Declaratory Judgment and Injunctive Relief ("Compl.") ¶¶ 8, 11, 17, 18; Prayer for Relief ¶¶ 1-3.

Legislature) violated AS 25.60.037 by meeting in ways that Plaintiff believed were inconsistent with the Legislature's Open Meeting Guidelines.⁶ Because these rights were based in statutes, Plaintiff is not a constitutional claimant and may not claim the protection of AS 09.60.010(c)(2).

Plaintiff nevertheless asserts that his claims were constitutional because he referenced the Alaska Constitution in his Complaint.⁷ But neither of the provisions cited in the Complaint were the source of the right at issue. Article III, Section 17 merely provides that the Governor may convene the Legislature when he considers it in the public interest. Likewise, Article II, Section 9 allows the Governor to call a special session, identifies the topics to be addressed during the session, and sets a 30-day time limit for the session. *None of these were at issue in this litigation.* No one disputed the Governor's authority to call a special session of the Legislature or to identify what topics were to be addressed. The core issue was the proper location of the session, not whether the session could be called. Plaintiff's efforts to frame his claims in constitutional terms are irrelevant.⁸ Plaintiff cannot escape his liability for Defendants' fees by citing to inapplicable constitutional provisions and asserting that his claims were actually constitutional. The Alaska Supreme Court previously rejected a similar argument when the plaintiff tried to "constitutionalize" his claims by asserting that non-constitutional

⁶ See Compl. ¶¶ 12, 17, 18; Prayer for Relief ¶ 4.

⁷ See Plaintiff's Opposition to Defendants' [Proposed] Final Judgment (filed Apr. 14, 2020).

⁸ See *Musser v. Wells Fargo Home Mortgage, Inc.*, 2008 WL 1914375, at *4 (Alaska Apr. 30, 2008) (unpublished) (declining to apply AS 09.60.010(c)(2) despite the fact that plaintiff had "frame[d] many of his claims in constitutional terms").

issues also impacted his due process rights. “If Musser’s public-interest-litigant argument was allowed to succeed, any litigant could similarly constitutionalize claims for relief and seek haven in the public-interest-litigant fee-shifting exception.”⁹ Plaintiff should likewise not be permitted to seek haven in AS 09.60.010(c)(2) for claims that are based in statutory rights.

Plaintiff’s insistence that his claims are constitutional cannot be squared with his own admissions in this case, much less with this Court’s decision. Plaintiff previously confirmed in filings with this Court that “Alaska’s Constitution is silent as to where the Legislature shall meet. Alaska Statutes are not silent on this subject.”¹⁰ This is a fatal admission that Plaintiff’s claims were based in statutes, not the Alaska Constitution, and therefore Plaintiff may not seek the protection of AS 09.60.010(c)(2). The Court’s decision further leaves no doubt when ruling that Plaintiff’s claims were non-justiciable. The Court found that “the plaintiff’s core claims relate to a matter of legislative procedure, i.e. the ability to designate the location of a special legislative session.”¹¹ The Court went to explain that “Article 2, Section 9 of the Alaska Constitution[] gives the governor the authority to call special sessions, but does not expressly give the governor the authority to determine the location of these sessions.”¹² If Plaintiff’s claims had involved compliance with constitutional provisions, then the non-justiciability doctrine would not have

⁹ *See id.*

¹⁰ Reply to Defendants’ Opposition to Motion for Declaratory Judgment and Preliminary Injunction at 2.

¹¹ Decision and Order Granting Defendants’ Motion to Dismiss (April 6, 2020) (the “Decision”) at 19.

¹² *Id.* at 19 n.49.

applied.¹³ But no such constitutional rights were asserted by Plaintiff or implicated by the Decision, and the Court, thus, properly found that Plaintiff's core claims regarding the location of the special session were non-justiciable because they related to a matter of legislative procedure. Alaska Statute 09.60.010(c)(2) simply has no application in this setting.

Even if Plaintiff otherwise qualified as a constitutional claimant, he still would not be entitled to the protection of AS 09.60.010(c)(2) because his purported constitutional claims were frivolous.¹⁴ To the extent that Plaintiff ever asserted that the proper location of the special session was a constitutional issue, he promptly confirmed the frivolousness of that assertion when he admitted in his filings that the Alaska Constitution was silent on that issue and that the issue was instead covered by AS 24.05.100.¹⁵ Plaintiff is trying to use the fig leaf of some citations to the Alaska Constitution to avoid his responsibility for Defendants' attorney's fees. The Court should reject Plaintiff's misuse of the public-interest-litigant fee-shifting exception.

¹³ *Abood v. Gorsuch*, 703 P.2d 1158, 1161 (Alaska 1985).

¹⁴ AS 09.60.010(c)(2) (stating that the court may not order a non-prevailing constitutional claimant to pay the attorney fees of the opposing party if "the action or appeal asserting the right was not frivolous").

¹⁵ See *supra* note 10 and accompanying text.

III. THE COURT SHOULD AWARD DEFENDANTS BETWEEN 75-100% OF THEIR ATTORNEY'S FEES UNDER CIVIL RULE 82(b)(3).

While Civil Rule 82(b)(2) sets a default percentage fee award for prevailing defendants, the Court may – and in this case should – award enhanced fees based on a series of factors.¹⁶ Many of those factors apply here, as described below.

A. Vexatious conduct – Civil Rule 82(b)(3)(G)

Plaintiff is a former legislator and House Majority Leader who, by his own account, has “extensive knowledge of the Legislative Rules, the Alaska statutes that pertain to the legislative process, and the Constitution as it pertains to the Alaska Legislature[.]”¹⁷ Despite this extensive knowledge, Plaintiff violated “the plain language of the Alaska Constitution”¹⁸ when he repeatedly served the Speaker of the House and the President of the Senate with pleadings and other filings during the special legislative session of July 2019. Plaintiff knew better than to bring the claims he did and to pursue them in the way that he did. To make matters worse, Plaintiff filed a motion for a preliminary injunction to disrupt the pending special legislative session and to require the Defendants to travel immediately to Wasilla, Alaska, and sought expedited consideration of that motion.¹⁹ When the Court denied the request for expedited consideration, Plaintiff redoubled his

¹⁶ See Civil Rule 82(b)(3).

¹⁷ See Affidavit of Stanley Allen Vezey in Support of Opposition to Motion to Dismiss Pursuant to Legislative Immunity; Civil Rule 12(b)(2); Nonjusticiability; and Civil Rule 12(b)(6) ¶¶ 2-3 (filed Sept. 17, 2019).

¹⁸ See Decision at 5.

¹⁹ See Defendants’ Motion to Dismiss Pursuant to: Legislative Immunity; Civil Rule 12(b)(2); Nonjusticiability; and Civil Rule 12(b)(6) (“Motion to Dismiss”) at 3 (filed Aug. 20, 2019) (recounting procedural history).

interference with yet another motion for expedited consideration (and request for a hearing on expedited time) and sought an “immediate response” to his request for a conference concerning his motion practice.²⁰ Plaintiff was clearly seeking to “impede or impair [the Defendants from] attending a session of the legislature” – in direct contravention of their legislative immunity.²¹

Plaintiff’s repeated and improper efforts to impede, impair, and disrupt the special legislative session in July 2019 through this litigation were vexatious under Civil Rule 82(b)(3)(G). Plaintiff decided that he believed the Legislature should convene in Wasilla and sought to use litigation devices (e.g., expedited motion practice, preliminary injunctions) to harass and coerce the Defendants into complying with his wishes, despite knowing full well that the Defendants were immune from civil process.²² Given Plaintiff’s intimate familiarity with “the Alaska statutes that pertain the legislative process” – including AS 24.40.010, which provides that a legislator attending a legislative session is not subject to civil process – and relevant constitutional provisions (including Article II, Section 6), his repeated efforts to distract the Defendants from their legislative duties during the 30-day legislative session were vexatious.

Before continuing to litigate, Plaintiff confirmed his vexatious intent in a published interview. After this Court denied his initial request for expedited consideration of his

²⁰ See *id.* at 4 & nn.7-8.

²¹ Decision at 5 (*quoting* drafting history of Alaska Const., art. II, § 6).

²² See, e.g., *Garrison v. Dixon*, 19 P.3d 1229, 1234 (Alaska 2001) (affirming a full attorney’s fee award under Civil Rule 82(b)(3) where litigation was brought to harass the defendants).

motion seeking a preliminary injunction, Plaintiff was interviewed by the Anchorage Daily News:

Al Vezey, the former North Pole representative who brought the lawsuit, said that without expedited consideration, *he doesn't believe the suit can work its way through the court system before the end of the special session*. He had asked for a court order forcing lawmakers to go to Wasilla.

"I think that that is an astronomically low probability," Vezey said in a phone interview Saturday.^[23]

Plaintiff thus confirmed (correctly) on July 13, 2019, that there was "an astronomically low probability" that his lawsuit would not become moot if expedited consideration was not granted. Yet when his second (and final) motion for expedited consideration was also denied on July 17, and even when the Governor issued his First Supplemental Proclamation stating that the special session would continue in Juneau from July 17 forward, Plaintiff plowed ahead and required Defendants to incur substantial additional legal costs. While Plaintiff insisted that the purpose of his lawsuit was to ensure that the Legislature assembled in one location,²⁴ he continued to litigate for months *after* the entire Legislature had assembled in Juneau and even after the special session had ended. This was vexatious and meant to harass the Defendants.

The Court may award Defendants full reasonable attorney's fees pursuant to Civil Rule 82(b)(3)(G), provided that reasons are given in the opinion. If the Court determines

²³ Madeline McGee & James Brooks, *Judge Denies Quick Consideration of Lawsuit Challenging Alaska Legislature's Juneau Special Session*, Anchorage Daily News, July 14, 2019 (<https://www.adn.com/politics/alaska-legislature/2019/07/14/judge-denies-quick-consideration-of-lawsuit-challenging-alaska-legislatures-juneau-special-session/>) (emphasis added).

²⁴ See Motion to Dismiss at 13-14 & n.46 (citing Plaintiff's counsel's letter).

that only partial fees are available, Defendants explain below the other factors that support an enhanced fee award.

B. The reasonableness of the claims pursued by Plaintiff – Civil Rule 82(b)(3)(F)

Plaintiff pursued several unreasonable claims in this lawsuit, each of which warrants an enhanced fee award.²⁵

First, Plaintiff requested a preliminary mandatory injunction that would force the Defendants to travel immediately to Wasilla and convene a special session there but failed to offer *any* legal basis for that injunction in his motion.²⁶ Plaintiff did not even attempt to establish the elements for an injunction. In addition, even after the special session was over, Plaintiff continued to argue that this Court should invalidate a portion of the special session and compel absent members to attend a special session at a designated location.²⁷

Second, Plaintiff continued to pursue his claims for months after they were effectively mooted by the passage of time (and the ending of the special session), as well as the Governor's Supplemental Proclamation setting the venue for the special session as Juneau from July 17 forward. Plaintiff's stubborn pursuit of these moot claims caused Defendants to incur considerable unnecessary legal expenses.

²⁵ See *State v. Jacob*, 214 P.3d 353, 362 (Alaska 2009) ("Reliance on this factor is appropriate where the non-prevailing party has made unreasonable arguments.").

²⁶ See generally Memorandum in Support of Motion for Declaratory Judgment and Preliminary Injunction and Hearing Request (filed July 11, 2019).

²⁷ See generally Reply to Defendants' Opposition to Motion for Declaratory Judgment and Preliminary Injunction.

Third, Plaintiff stretched both the law and basic vocabulary when arguing that his claims were justiciable as constitutional claims. Plaintiff argued that the Governor's purported authority to designate the location of the special session was a matter of constitutional law, despite having previously admitted that the Alaska Constitution was silent as to where the Legislature was to meet.²⁸ Plaintiff even went so far as to manufacture a term to describe AS 24.05.100 – calling it a “constitutional statute” – in an attempt to avoid dismissal of his claims due to non-justiciability.²⁹ This was patently unreasonable.

Fourth, Plaintiff repeatedly relied on speculative and hypothetical actions or damages in an effort to stave off dismissal of his claims. This included speculating that the Legislature and Governor would repeatedly disagree on the location of a special session such that the “public interest exception” should apply – “despite the fact that the question has never been raised before and the question was quickly resolved.”³⁰ He also claimed to have interest-injury standing because, he speculated, it was possible that someone might challenge the appropriations that funded the Permanent Fund Dividend (“PFD”), which could cause him economic injury.³¹ These speculative hypotheticals were unreasonable on their face.

Fifth, Plaintiff's claims created the very circumstance that he claimed would grant him interest-injury standing. That is, Plaintiff argued that his interest in a PFD check was

²⁸ See Reply Brief in Support of Defendants' Motion to Dismiss at 2-3 (filed Oct. 3, 2019).

²⁹ See *id.* at 4 & n.9.

³⁰ Decision at 8.

³¹ See *id.* at 11.

in jeopardy of being voided as a result of a legal challenge to the Legislature's special session, but it was Plaintiff's lawsuit (challenging that special session) that created the jeopardy he claimed he was trying to avoid. Plaintiff's pursuit of self-defeating arguments was unreasonable.

As the Court recognized, Plaintiff's core claims related purely to a matter of legislative procedure.³² Plaintiff, as a self-described expert on legislative procedure and a former legislator himself, should have known that he was asking the Court to rule on non-justiciable questions that went to the heart of the Legislature's inherent authority. His dogged pursuit of these non-justiciable claims for months after the executive and legislative branches resolved their disagreement was flatly unreasonable.

C. The relationship between the amount of work performed and the significance of the matters at stake – Civil Rule 82(b)(3)(H)

This case had enormous significance for the Legislature. Plaintiff sought to cause the Court to dictate the Legislature's internal processes and procedures.³³ If Plaintiff's lawsuit had been successful, it would have placed the judicial branch in a position to second-guess the Legislature's internal affairs and eroded the separation of powers that helps ensure that the three branches of government remain coequal. Worse still, it would have authorized the Attorney General to make good on his threat that the Governor may deploy State Troopers to "round up" legislators who failed to appear in whatever location the Governor selected for any special session – even along the side of a highway.³⁴

³² See *id.* at 19 ("the plaintiff's core claims relate to a matter of legislative procedure").

³³ See *id.* at 11 n.24, 12, 19.

³⁴ See Motion to Dismiss at 21 & n.76.

Plaintiff's ill-conceived lawsuit sought to subjugate the legislative branch to the beck and call of the executive branch even as it related to the Legislature's control of its own working conditions. Further, as the Court correctly found, Plaintiff's lawsuit aimed to wreak unimaginable havoc on the State by "undoing" numerous bills and appropriations that had been approved by both the Legislature and the Governor.³⁵ Obtaining dismissal of Plaintiff's lawsuit was vital to the State of Alaska, not just the Defendants.

Given the fundamental stakes at issue, the amount of work performed by the Defendants' counsel was clearly reasonable and appropriate. An enhanced fee award is appropriate in this context.³⁶

D. The complexity of the litigation – Civil Rule 82(b)(3)(A)

This was a complex case that addressed complicated issues of statutory interpretation, constitutional immunity, separation of powers, standing doctrines, justiciability, and the mootness doctrine. As reflected in the Court's detailed analysis in its 21-page Decision, there were numerous dense legal theories that Defendants pursued in order to prevail here. These included, for example, mining the drafting history of the Alaska Constitution to address the scope of legislative immunity and exploring the scope of the separation-of-powers doctrine under Alaska law and its impact on the justiciability of Plaintiff's claims. It also included addressing the interplay of statutory rights and

³⁵ See Decision at 20 ("It is difficult to comprehend the extent of the chaos that would result if a court were to attempt to undo these political budget decisions.").

³⁶ See *State v. Jacob*, 214 P.3d at 362 (affirming enhanced fee award where issue addressed in litigation was important).

constitutional provisions in these unusual circumstances. Defendants are entitled to an enhanced fee award in recognition of the complex issues on which they prevailed.

IV. IN THE ALTERNATIVE, DEFENDANTS ARE ENTITLED TO AT LEAST 20 PERCENT OF THEIR FEES UNDER CIVIL RULE 82(b)(2).

In the alternative, Civil Rule 82(b)(2) provides that a prevailing defendant – when no money judgment is obtained – “shall” be awarded 20 percent of its actual attorney’s fees which were necessarily incurred. A fee award that tracks Civil Rule 82(b)(2) – i.e., 20 percent of the attorney’s fees that were necessarily incurred – is presumptively valid and the Superior Court need not make any findings in support of the award.³⁷

V. DEFENDANTS’ FEES ARE REASONABLE.

The fees claimed are reasonable, were actually and necessarily incurred, and are supported by the Affidavit of Kevin M. Cuddy filed concurrently with this Motion, as well as the attached Stoel Rives LLP (Stoel) invoices identified as Exhibits A-F.³⁸ Exhibits A-F include comprehensive time records for all the fees Stoel charged Defendants through April 21, 2020, for which Defendants are seeking an award from Plaintiff, as well as the detail for all costs for which Defendants seek reimbursement. These legal fees and costs

³⁷ See *Anderson v. State*, 440 P.3d 217, 223 (Alaska 2019).

³⁸ Courts have found that the hourly rates charged by Defendants’ counsel were reasonable and awardable under Civil Rule 82. See, e.g., *Bernie’s Pharmacy, Inc. v. AmerisourceBergen Drug Corp.*, No. 3:18-cv-00183-TMB, at Dkt. 79-1, 82 (finding undersigned’s rate of \$420 per hour to be reasonable and awardable, and finding that a partner’s rate of \$550 per hour was reasonable and awardable).

were specifically and necessarily incurred in connection with Defendants' defense against the claims brought against them by Plaintiff.³⁹

Actual attorney's fees which were necessarily incurred and billed in this matter for which Defendants seek to recover under Civil Rule 82 total \$59,266.00.⁴⁰ The Court has at least three options:

First, pursuant to Civil Rule 82(b)(3)(G), the Court may expressly find the Plaintiff's claims were vexatious and award Defendants 100% of their reasonable fees.

Second, pursuant to any or all of the factors under Civil Rule 82(b)(3), the Court may expressly find that Defendants are entitled to enhanced fees that are more than 20 percent but less than 100 percent of their reasonable fees.

Or third, pursuant to Civil Rule 82(b)(2), the Court may award Defendants 20 percent of their reasonable fees.

VI. DEFENDANTS ARE ENTITLED TO THEIR COSTS

In addition to the fee award, Civil Rule 79(a) provides: "Unless the court otherwise directs, the prevailing party is entitled to recover costs allowable under paragraph (f) that were necessarily incurred in the action." Defendants request their costs that were necessarily incurred in this action, as set out in the Cost Bill filed with this Motion. The allowable costs, as set out in the Cost Bill filed with this Motion, total \$1,912.60.⁴¹

³⁹ See Affidavit of Kevin M. Cuddy in Support of Defendants' Motion for Attorney's Fees and Costs.

⁴⁰ *Id.* at ¶ 11 and Exs. A-F.

⁴¹ See Cost Bill; Cuddy Aff., ¶ 11 and Exs. A-F.

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Defendants, therefore, seek an award of fees and costs in the amount of \$61,178.60, together with post-judgment interest at the rate of 5.25% per annum.

DATED: April 21, 2020

STOEL RIVES LLP

By: /s/ Kevin M. Cuddy
KEVIN M. CUDDY
(Bar No. 0810062)
Attorney for Defendants

CERTIFICATE OF SERVICE

This certifies that on April 21, 2020, a copy of the foregoing was served via email on:

William R. Satterberg, Jr.
bill@satterberg.net
joanne@satterberg.net

/s/ Karen P. Warne
Karen P. Warne



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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 08/08/19
INVOICE NUMBER 4145312
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 07/31/19

Current Activity:

Fees for Professional Services (see attached for detail)	\$26,923.00	
Disbursements and Other Charges	586.60	
Total current amount due		\$27,509.60

Payment is due within 30 days from the date of invoice.

**REMITTANCE COPY - PLEASE RETURN WITH PAYMENT OR
REFERENCE OUR INVOICE NUMBER**

PLEASE REMIT PAYMENT BY:	<u>CHECK</u>	<u>ACH</u>	<u>WIRE</u>
	101 S. Capitol Blvd. Suite 1900 Boise, ID 83702	KeyBank ABA #021052053 Stoel Rives LLP Deposit Account Account #61354458	KeyBank ABA #123002011 Stoel Rives LLP Deposit Account Account #371971006254

Ex. A, Page 1 of 6



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Account #61354458

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Ex. A, Page 2 of 6



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DATE	CURRENT SERVICES THROUGH 07/31/19	ATTY	HOURS
07/09/19	Calls and emails re potential litigation	BRP	.2
07/10/19	Teleconferences with legislative counsel; research re Verzey complaint; teleconference with clients re same; follow-up re next steps	JET	2.1
07/10/19	Telephone conferences re suit against Alaska Speaker of House and President of Senate and potential procedural issues and defenses; review complaint and memos prepared by Megan Wallace; research re potential arguments; telephone conference with clients and Megan Wallace re goals, strategy, and next steps	RCL	1.8
07/10/19	Call with client; review complaint; review legal memos; additional legal research	BRP	2.4
07/11/19	Review and respond to emails; review Plaintiff's pleadings	JET	.4
07/11/19	Research re legislative immunity; begin outlining theories for motion to dismiss and potential motion to stay; emails and telephone conferences re same; review motions for expedited consideration and preliminary injunction; emails re same	RCL	5.1
07/11/19	Call with client; emails re same	BRP	.2
07/12/19	Review Vezezy pleadings; emails re same; telephone conference with clients re status and strategy	JET	1.6
07/12/19	Emails re service of summons and motions and litigation strategy; telephone conference with Megan Wallace re litigation strategy; review materials re legislative immunity forwarded by Megan Wallace; additional research re legislative immunity; emails re Alaska tort claims act; begin research special appearances and potential waiver of personal jurisdiction defense; email re same; research re deadline to appear; email re same	RCL	7.2
07/12/19	Call with client; internal calls; review expedited motion for declaratory relief	BRP	1.2
07/14/19	Review materials and underlying complaint; research re service issues and potential legislative immunity argument; emails with team re status and next steps	KMC	1.4
07/14/19	Review and respond to emails	JET	.1
07/15/19	Research re potential motion to dismiss; research re opposition to motion for expedited consideration; review docket and email client re same; conference with Megan Wallace re strategy issues; review filing in case	KMC	3.2
07/15/19	Research re legislative immunity; draft list of potential grounds for motion to dismiss; begin outlining legislative immunity argument for	RCL	7.2



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DATE	CURRENT SERVICES THROUGH 07/31/19	ATTY	HOURS
	motion to dismiss; review letter from Plaintiff's counsel seeking to confer on expedited consideration of Plaintiff's motion for preliminary injunction; telephone conference re strategy for motion to dismiss and response to Plaintiff's counsel		
07/15/19	Teleconference re case status and strategy	BRP	1.0
07/16/19	Review pleadings; research re opposition to second motion for expedited consideration; call with opposing counsel re same; research re motion to dismiss theories	KMC	5.8
07/16/19	Review motion for expedited consideration and motion for preliminary injunction; emails re implications of same; continue outlining motion to dismiss arguments; research re same	RCL	2.3
07/17/19	Listen to audio recordings re legislative history; emails re same; research re motion to dismiss; review information re new proclamation; review denial of second motion for expedited consideration; call with opposing counsel re proclamation issue	KMC	2.1
07/17/19	Emails re litigation deadlines; begin reviewing legislative history materials; review Senate and House journals for July 8; research re legislative immunity; review denial of second motion for expedited consideration; emails re effect of governor's amended proclamation to move session location to Juneau	RCL	2.0
07/18/19	Email opposing counsel re potential dismissal and timing; research re motion to dismiss	KMC	.9
07/18/19	Review Plaintiff's disclosure to court re denial of motion for expedited consideration of motion for preliminary injunction	RCL	.1
07/19/19	Call with client re [REDACTED] and strategic considerations; email team re same; review underlying pleadings; research and draft opposition to motion for declaratory relief	KMC	2.5
07/20/19	Emails re litigation strategy	JET	.2
07/23/19	Draft, research, and revise opposition to motion for declaratory judgment and injunctive relief	KMC	3.1
07/23/19	Telephone conference and email re outline for legislative immunity arguments; revise same	RCL	.8
07/24/19	Review outline of legislative immunity research; research re same	KMC	.6
07/24/19	Research re immunity from civil process; telephone conference re same; revise outline of legislative immunity arguments	RCL	1.5
07/25/19	Continue developing outline of legislative immunity arguments	RCL	.5
07/26/19	Research re civil process immunity; complete outline for motion to	RCL	4.0



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00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 07/31/19	ATTY	HOURS
07/29/19	dismiss section re legislative immunity Review legislative history re AS 24.05.100; emails re same	RCL	.3

TOTAL CURRENT SERVICES **\$26,923.00**

TIME RECAP

	HOURS	RATE	VALUE
Kevin M. Cuddy (KMC)	19.6	420	8,232.00
Rachel C. Lee (RCL)	32.8	445	14,596.00
Bryn R. Pallesen (BRP)	5.0	335	1,675.00
James E. Torgerson (JET)	4.4	550	2,420.00

TIMEKEEPER TOTALS **61.8** **26,923.00**



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INVOICE DATE 08/08/19
INVOICE NUMBER 4145312
KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 07/31/19

DATE	ITEM	AMOUNT
07/24/19	Computerized Research - Westlaw LEE,RACHEL	345.60
07/26/19	Computerized Research - Westlaw LEE,RACHEL	241.00
TOTAL CURRENT CHARGES		\$586.60



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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 10/08/19
INVOICE NUMBER 4146170
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 08/31/19

Current Activity:

Fees for Professional Services (see attached for detail)	\$18,926.00	
Disbursements and Other Charges	1,310.40	
Less Payment Received	(307.00)	
Total current amount due		\$19,929.40

Payment is due within 30 days from the date of invoice.

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JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 10/08/19
INVOICE NUMBER 4146170
KMC

Employer's Identification No. 93-0408771

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00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 08/31/19

Current Activity:

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INVOICE DATE 10/08/19
INVOICE NUMBER 4146170
KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 08/31/19	ATTY	HOURS
08/01/19	Draft, research, and revise motion to dismiss	KMC	3.1
08/02/19	Draft and revise opposition to motion for injunctive relief	KMC	2.1
08/03/19	Begin drafting legislative immunity arguments for motion to dismiss	RCL	2.0
08/05/19	Draft, research, and revise opposition to motion for declaratory judgment	KMC	2.2
08/06/19	Revise opposition to motion for declaratory judgment; conference with Rachael Lee re same	KMC	1.2
08/06/19	Office conference re motion to dismiss and opposition to motion for preliminary injunction	RCL	.7
08/06/19	Review and comment on draft opposition to motion for preliminary injunction	RCL	.2
08/08/19	Draft and research motion to dismiss on constitutional and notice issues	KMC	2.4
08/08/19	Continue drafting legislative immunity arguments for motion to dismiss	RCL	1.4
08/09/19	Emails with co-counsel re brief structure	KMC	.2
08/12/19	Draft, research, and revise motion to dismiss; email client re same	KMC	1.1
08/13/19	Draft, research, and revise motion to dismiss	KMC	6.8
08/14/19	Draft, research, and revise motion to dismiss; revise opposition to motion for declaratory judgment and circulate to Megan Wallace	KMC	6.3
08/15/19	Draft, research, and revise motion to dismiss; emails with client re same; review revisions from Rachel Lee and incorporate same	KMC	6.8
08/15/19	Revise draft motion to dismiss	RCL	2.3
*08/16/19	Cite check motion to dismiss (.8); revise same (1.5)	J-F	2.3
*08/16/19	Cite check opposition brief (.4); revise same (.8); cite check motion to dismiss (1.4)	K-B	2.6
08/16/19	Review and revise motion to dismiss in response to edits; review and revise opposition to motion for declaratory relief and prepare for filing	KMC	3.4
08/16/19	Revise draft motion to dismiss; emails re same	RCL	.3
08/19/19	Perform final review of opposition to motion for declaratory relief and motion to dismiss; fix errors; arrange for filing and service of same	KMC	.9
08/19/19	Revise draft motion to dismiss	RCL	.3
TOTAL CURRENT SERVICES			\$18,926.00



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KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

TIME RECAP	HOURS	RATE	VALUE
* Kerry Bittler (K-B)	2.6	80	208.00
Kevin M. Cuddy (KMC)	36.5	420	15,330.00
* Jackie Fischer (J-F)	2.3	80	184.00
Rachel C. Lee (RCL)	7.2	445	3,204.00
TIMEKEEPER TOTALS	48.6		18,926.00
* NON-ATTORNEY TIME			



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KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 08/31/19

DATE	ITEM	AMOUNT
08/05/19	Computerized Research - Westlaw CUDDY,KEVIN M	28.60
08/12/19	Computerized Research - Westlaw CUDDY,KEVIN M	138.80
08/14/19	Computerized Research - Westlaw CUDDY,KEVIN M	57.20
08/15/19	Computerized Research - Westlaw CUDDY,KEVIN M	979.60
08/16/19	Computerized Research - Westlaw BITTLER,KERRY	85.80
08/16/19	Computerized Research - Westlaw FISCHER,JACKIE	20.40
TOTAL CURRENT CHARGES		\$1,310.40



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JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 10/31/19
INVOICE NUMBER 4151501
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 09/30/19

Current Activity:

Fees for Professional Services
(see attached for detail)

\$5,502.00

Total current amount due

\$5,502.00

Payment is due within 30 days from the date of invoice.

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STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 10/31/19
INVOICE NUMBER 4151501
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 09/30/19

Current Activity:

Fees for Professional Services
(see attached for detail)

\$5,502.00

Total current amount due

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INVOICE DATE 10/31/19
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KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No 93-0408771

DATE	CURRENT SERVICES THROUGH 09/30/19	ATTY	HOURS
09/03/19	Review plaintiff's reply brief in support of motion for declaratory relief; email client with analysis re same; email to client re plaintiff's request for extension	KMC	.8
09/04/19	Call and emails with opposing counsel re extension request for reply; emails with client re same	KMC	.2
09/05/19	Emails with opposing counsel re correcting reply briefing date	KMC	.1
09/06/19	Emails with opposing counsel re updated order	KMC	.1
09/18/19	Review opposition to motion to dismiss; outline potential reply arguments; emails with opposing counsel re service issues	KMC	1.1
09/19/19	Work on draft reply brief in support of motion to dismiss	KMC	1.6
09/20/19	Draft, research and revise reply brief in support of motion to dismiss	KMC	6.6
09/24/19	Review and revise reply brief	KMC	.7
09/25/19	Draft, research, and revise reply brief in support of motion to dismiss	KMC	1.9

TOTAL CURRENT SERVICES

\$5,502.00

TIME RECAP

Kevin M. Cuddy (KMC)

HOURS	RATE	VALUE
13.1	420	5,502.00

TIMEKEEPER TOTALS

13.1 5,502.00



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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 11/18/19
INVOICE NUMBER 4154452
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 10/31/19

Current Activity:

Fees for Professional Services (see attached for detail)	\$336.00	
Disbursements and Other Charges	66.52	
Total current amount due		\$402.52

Payment is due within 30 days from the date of invoice.

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JESSICA GEARY, EXECUTIVE DIRECTOR
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 11/18/19
INVOICE NUMBER 4154452
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 10/31/19

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Disbursements and Other Charges	66.52	
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INVOICE DATE 11/18/19
INVOICE NUMBER 4154452
KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No 93-0408771

DATE	CURRENT SERVICES THROUGH 10/31/19	ATTY	HOURS
10/01/19	Review brief for edits	KMC	.1
*10/01/19	Revise reply in support of motion to dismiss (NO CHARGE)	J-K	.0
*10/02/19	Revise reply brief (NO CHARGE)	K-B	.0
10/03/19	Review and revise reply brief; arrange for filing and service of same; email opposing counsel re timing of filing	KMC	.7

TOTAL CURRENT SERVICES \$336.00

TIME RECAP	HOURS	RATE	VALUE
Kevin M. Cuddy (KMC)	.8	420	336.00
TIMEKEEPER TOTALS	.8		336.00

* NON-ATTORNEY TIME



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INVOICE DATE 11/18/19
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KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 10/31/19

DATE	ITEM	AMOUNT
10/04/19	Federal Express Air Courier Delivery	66.52
	TOTAL CURRENT CHARGES	\$66.52



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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
120 4TH STREET
STATE CAPITOL, ROOM 3
JUNEAU, AK 99801-1182

INVOICE DATE 01/08/20
INVOICE NUMBER 4166466
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 12/31/19

Current Activity:

Fees for Professional Services (see attached for detail)	\$3,486.00	
Disbursements and Other Charges	15.60	
Total current amount due		\$3,501.60

Payment is due within 30 days from the date of invoice.

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JESSICA GEARY, EXECUTIVE DIRECTOR
120 4TH STREET
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INVOICE DATE 01/08/20
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KMC

Employer's Identification No. 93-0408771

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00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 12/31/19

Current Activity:

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INVOICE NUMBER 4166466
KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 12/31/19	ATTY	HOURS	
11/16/19	Review order re supplemental briefing on standing and gather template	KMC	.2	
11/18/19	Draft, research, and revise supplemental brief on standing issues and submit to client for review	KMC	1.9	
11/20/19	Follow up with client re supplemental brief on standing	KMC	.1	
11/22/19	Emails with opposing counsel re service of standing briefing; review plaintiff's supplemental brief and email client with analysis re same	KMC	.4	
11/25/19	Draft, research, and revise response brief re standing	KMC	2.6	
11/26/19	Review supplemental brief from Vezey; call and emails with LAA re proposed response	KMC	.6	
11/27/19	Review and revise response brief on standing; emails with client and opposing counsel re same	KMC	2.1	
11/29/19	File and serve brief re standing issue; review plaintiff's brief re same	KMC	.4	
TOTAL CURRENT SERVICES			\$3,486.00	
TIME RECAP		HOURS	RATE	VALUE
Kevin M. Cuddy (KMC)		8.3	420	3,486.00
TIMEKEEPER TOTALS		8.3		3,486.00



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0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 12/31/19

DATE	ITEM	AMOUNT
11/22/19	Document Reproduction	9.00
12/02/19	Document Reproduction	6.60
TOTAL CURRENT CHARGES		\$15.60



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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
120 4TH STREET
STATE CAPITOL, ROOM 3
JUNEAU, AK 99801-1182

INVOICE DATE 04/21/20
INVOICE NUMBER 4187810
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 04/20/20

Fees for Professional Services (see attached for detail)	\$5,109.00	
Total current amount due		\$5,109.00

Payment is due within 30 days from the date of invoice.

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TO: LEGISLATIVE AFFAIRS AGENCY
JESSICA GEARY, EXECUTIVE DIRECTOR
120 4TH STREET
STATE CAPITOL, ROOM 3
JUNEAU, AK 99801-1182

INVOICE DATE 04/21/20
INVOICE NUMBER 4187810
KMC

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 04/20/20

Fees for Professional Services
(see attached for detail)

\$5,109.00

Total current amount due

\$5,109.00

Payment is due within 30 days from the date of invoice.

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INVOICE NUMBER 4187810
KMC

0081622 LEGISLATIVE AFFAIRS AGENCY
00009 VEZEY V. EDGMON

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 04/20/20	ATTY	HOURS
04/07/20	Review favorable decision and report to client re same; email re preparation of motion for entry of final judgment and Rule 82 motion	KMC	.7
04/08/20	Email with analysis re Rule 82 motion options	KMC	.9
04/09/20	Review and revise motion for entry of final judgment; email re filing and service of same; research re 'vexatious' element for fee award	KMC	.9
04/10/20	Draft and research motion for enhanced attorney's fees	KMC	4.2
04/13/20	Review invoices to identify taxable costs and time entries including confidential material that require redaction; prepare computation of costs and attorneys fees	SJD	1.2 see note below
04/13/20	Revise motion for attorney's fees and costs	KMC	.3
*04/14/20	Email re status of fees and costs computations and cost bill	SJD	.2
*04/15/20	Review and revise cost bill	SJD	.3
04/15/20	Emails re redactions to fees request; revise motion for attorneys' fees re constitutional claimant issue; email client re same	KMC	1.2
*04/16/20	Revise motion for fees and costs; begin preparing supporting affidavit; finalize exhibits thereto	SJD	.5
04/16/20	Review and revise reply brief in support of motion for entry of final judgment and motion for attorney's fees; email with client re same	KMC	1.1
*04/17/20	Prepare affidavit of counsel in support of motion for fees and costs	SJD	.9
04/18/20	Review and revise motion for attorney's fees and supporting affidavit; review bill of costs	KMC	.4

TOTAL CURRENT SERVICES

\$5,109.00

TIME RECAP	HOURS	RATE	VALUE
Kevin M. Cuddy (KMC)	9.7	450	4,365.00
* Sarah J. Dronenburg (SJD)	3.1	240	744.00*
TIMEKEEPER TOTALS	12.8		5,109.00

* NON-ATTORNEY TIME

*Claiming \$120 for 0.5 hrs paralegal time for reviewing invoices for confidential material on 4/13/20.

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.

E-FILED in the TRIAL COURTS
State of Alaska Fourth District

APR 21 2020

Clerk of the Trial Courts

Case No.: 4FA-19-02233 CI

**AFFIDAVIT OF KEVIN M. CUDDY IN SUPPORT
OF DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND COSTS**

I, Kevin M. Cuddy, declare as follows:

1. I am over the age of 18 and have personal knowledge of the statements contained in this affidavit.
2. I am an attorney with the law firm of Stoel Rives, LLP (Stoel), counsel for Defendants, Rep. Bryce Edgmon and Sen. Catherine A. Giessel, in this action. I make this affidavit in support of Defendants' Motion for Attorney's Fees and Costs.
3. I have over 19 years of experience. I have been practicing in Alaska's state and federal courts since 2008. I have served as lead counsel in numerous complex litigation matters. My billing rate in this matter was \$420.00 per hour from July 2019 through December 2019, and \$450.00 per hour from January 2020 through April 2020. From July

2019 through April 2020, I worked a total of 88 hours for which Defendants seek to be awarded fees.

4. While I have been the lead attorney for Defendants in this litigation, the other Stoel Rives attorneys have worked on this matter, Rachel C. Lee, James E. Torgerson, and Bryn R. Pallesen, have made important and necessary contributions.

5. Rachel C. Lee is a Stoel Rives partner whose practice focuses on complex civil litigation. Prior to joining the Portland office of Stoel Rives, she clerked for the Honorable Susan Graber of the Ninth Circuit Court of Appeals, and she graduated from Stanford Law School in 2009. Her hourly billing rate in this matter was \$445.00. From July 2019 through April 2020, she worked a total of 40 hours for which Defendants seek to be awarded fees.

6. James E. Torgerson is a Stoel Rives partner who has been admitted to practice law in Alaska for more than 30 years. He has served as lead counsel in numerous complex litigation matters in Alaska. His hourly billing rate in this matter was \$550.00. From July 2019 through April 2020, he worked a total of 4.4 hours for which Defendants seek to be awarded fees.

7. Bryn R. Pallesen was an associate attorney at Stoel Rives. Her hourly billing rate in this matter was \$335.00. From July 2019 through April 2020, she worked a total of 5 hours for which Defendants seek to be awarded fees.

8. Sarah J. Dronenburg is a Stoel Rives paralegal. Her hourly billing rate in this matter was \$240.00. From July 2019 through April 2020, she worked a total of 0.5 hours for which Defendants seek to be awarded fees.

9. Stoel typically bills its clients on a monthly basis, preparing comprehensive time records describing all tasks performed and the time spent on each. In this matter, such monthly invoices were prepared and sent to the Legislative Affairs Agency's Executive Director, Jessica Geary. I reviewed the monthly invoices each month to ensure that the tasks and time reflected on them were described accurately and were necessary and reasonable.

10. Attached hereto as **Exhibits A-F** are true and correct copies of Stoel's invoices. They include comprehensive time records for all the attorney's fees charged by Stoel for which Defendants are seeking an award from Plaintiff. I asked my staff to redact all attorney-client privileged information from the invoices. Unredacted copies of the invoices are available. If requested by the Court or to the extent necessary to address any opposition to Defendants' request for fees and costs, Defendants will file a copy of the unredacted invoices under seal for the Court's eyes only.

11. Exhibits A-F include the following documents:

A. Redacted Invoice Number 4145312, dated August 8, 2019 (\$26,923.00 in fees; \$586.60 in costs);

B. Invoice Number 4146170, dated October 8, 2019 (\$18,534.00 in fees; \$1,310.40 in costs);

C. Invoice Number 4151501, dated October 31, 2019 (\$5,502.00 in fees);

D. Invoice Number 4154452, dated November 18, 2019 (\$336.00 in fees);

E. Invoice Number 4166466, dated January 8, 2020 (\$3,486.00 in fees; \$15.60 in costs);

F. Invoice Number 4187810, dated April 21, 2020 (\$4,485.00 in fees).

12. As Exhibits A-F establish, Stoel's fees and costs billed in this matter total \$61,178.60, including reasonable attorney's fees of \$59,266.00¹ and costs of \$1,912.60. These legal fees and costs were specifically and necessarily incurred in connection with Defendants' successful defense against the claims raised by Plaintiff in this litigation.

13. Based on my knowledge of the Alaska legal market, Stoel's billing rates are consistent with rates charged by other legal professionals similarly situated in this market and are appropriate given the nature and complexity of the work performed.

14. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21st day of April 2020.

/s/ Kevin Cuddy
KEVIN M. CUDDY

SUBSCRIBED AND SWORN to before me this ____ day of _____
2020.

Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF SERVICE

¹ The fees do not include 4.9 hours of time billed for editing, representing \$392.00 in fees.

AFFIDAVIT OF CUDDY ISO DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND COSTS
Vezey, vs. Edgmon and Giessel Case No.: 4FA-19-02233 CI
Page 4 of 5

STOEL RIVES LLP
510 L Street, Suite 500, Anchorage, AK 99501
Main (907) 277-1900 Fax (907) 277-1920

This certifies that on April 21, 2020, a copy of the foregoing was served via email on:

William R. Satterberg, Jr.
bill@satterberg.net
joanne@satterberg.net

/s/ Karen P. Warne
Karen P. Warne