## IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the

2021 Redistricting Plan.

Supreme Ct. No. S-18332

Superior Court Case No. 3AN-21-08869 CI

### SKAGWAY-VALDEZ'S RESPONSE TO BOARD'S EMERGENCY MOTION FOR RECONSIDERATION <u>OF ORDER CONVERTING APPEAL TO PETITION</u>

The Municipality of Skagway Borough and Brad Ryan and the City of Valdez and Mark Detter (collectively "Skagway-Valdez"), through their counsel, Brena, Bell & Walker, P.C., hereby respond to the Emergency Motion for Reconsideration of Order Converting Appeal to Petition ("Motion") filed by the Alaska Redistricting Board in accordance with this Court's Order of this same date.

Skagway-Valdez agree with and join in the logic of the Motion insofar as all the issues being appealed by the parties from the superior court decision should be deemed final for purposes of appellate review—i.e., the superior court's decision "completely disposes of the redistricting challenges"<sup>1</sup>—and the extent to which the redistricting map may change under the remand directed by the superior court will not affect the issues being appealed. Skagway-Valdez request that all filed appeals from the superior court's order be consolidated and proceed with the scheduling conference under Appellate Rule 216.5(c), so this matter may proceed as efficiently as possible under the expedited and compressed timeframe with equal treatment for all parties.

BRENA, BELL & WALKER, P.C. 810 N Street, Suite 100 Anchorage, AK 99501 Phone: (907) 258-2000 Fax: (907) 258-2001 www.brenalaw.com

SKAGWAY-VALDEZ'S RESPONSE TO RECONSIDERATION *In the Matter of the 2021 Redistricting Plan*, S-18332

<sup>&</sup>lt;sup>1</sup> Motion at 4.

Alternatively, and at a minimum, Skagway-Valdez request the Court amend its orders converting the appeals to petitions in accord with the past practice of expanding the standard petition rules with regard to filing time, page limit, focus of content, excerpts, consolidation, and scheduling of these matters, in order for all the issues on appeal to be sufficiently and equally addressed in the filings before this Court.<sup>2</sup>

RESPECTFULLY SUBMITTED this 18th day of February, 2022.

BRENA, BELL & WALKER, P.C. Counsel for Appellants MUNICIPALITY OF SKAGWAY BOROUGH and BRAD RYAN, CITY OF VALDEZ and MARK DETTER

By //s// Robin O. Brena

Robin O. Brena, AK Bar No. 8410089 Jake W. Staser, AK Bar No. 1111089 Laura S. Gould, AK Bar No. 0310042 Jon S. Wakeland, AK Bar No. 0911066 810 N Street, Suite 100 Anchorage, Alaska 99501 Phone: (907) 258-2000 Fax (907) 258-2001 Email: <u>rbrena@brenalaw.com</u> jstaser@brenalaw.com

jwakeland@brenalaw.com

BRENA, BELL & WALKER, P.C. 810 N Street, Suite 100 Anchorage, AK 99501 Phone: (907) 258-2000 Fax: (907) 258-2001 www.brenalaw.com

<sup>2</sup> See Exhibit 1, Order in In Re 2001 Redistricting Cases, S-10504 (Feb. 5, 2002).

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# In the Supreme Court of the State of Alaska

In Re 2001 Redistricting Cases,	)	
	)	Supreme Court No. S-10504
	)	
	)	Order
	)	
	)	Date of Order: 2/5/02
	)	

Trial Court Case # 3AN-01-08914CI Consolidated

Before: Fabe, Chief Justice, and Matthews, Eastaugh, Bryner, and Carpeneti, Justices

Upon consideration of the notices of appeal filed on 2/05/02, and because the 2/01/02 memorandum and order of the superior court in this matter ordered remand to the Alaska Redistricting Board for further proceedings regarding House Districts 12 and 16, despite the stay entered by the superior court of the remand order, there is no "final judgment" for purposes of direct appeal. *See City and Borough of Juneau v. Thibodeaux*, 595 P.2d 626 (Alaska 1979). Therefore,

## IT IS ORDERED:

- 1. Persons and entities seeking reversal of decisions of the superior court in these cases must file petitions for review per Appellate Rule 216.5(h).
- 2. Petitions for review from the 2/01/02 memorandum and order would have been due, per Appellate Rule 216.5(h), on or before 2/08/02. However, some parties have incorrectly assumed that they have a right of direct appeal under Appellate Rule 216.5(b). The court therefore sua sponte extends the time for any party to file a petition for review. Petitions must be filed on or before 2/13/02.
- 3. Responses to the petitions for review shall be due on or before 2/20/02.
- 4. In invoking the court's discretionary review, parties should focus their petitions on the procedural and substantive merits of their case. The court is aware of the importance of redistricting disputes and the need for prompt review.

- 5. Petitions and responses may not exceed 25 pages and must comply with Appellate Rule 513.5.
- 6. Although Appellate Rule 210 normally does not apply to petitions for review, the parties must submit excerpts of record in accordance with AR 210(c). In addition, the parties must submit an "executive excerpt," containing only those record materials (transcripts, documents, and exhibits) most critical to the court's understanding and accurate resolution of the petitions. The executive excerpt should, if possible, not exceed 250 pages.
- 7. Parties must submit an original and twelve copies of all documents filed with the court.
- 8. Service must satisfy the requirements of Appellate Rule 216.5(k).
- 9. Parties may discuss, in their petitions or responses, whether this court should vacate the superior court's 2/01/02 stay of its decision remanding in part to the Alaska Redistricting Board.
- 10. All petitions from the 2/01/02 memorandum and order are consolidated for consideration by this court. The caption shall be as set out above. All petitions and responses will be assigned Supreme Court Case No. S-10504.
- 11. The clerk of the appellate courts will conduct the mandatory scheduling conference on Thursday, 2/7/02 at 10:00 a.m. in the supreme court conference room (come to 303 K Street, 4<sup>th</sup> floor). Counsel for all parties or amici curiae in the superior court who intend to participate in the petitions are expected to attend the scheduling conference. Counsel outside of Anchorage may contact Cheryl Jones of the appellate clerk's office at 264-0608 to arrange a conference call.

Entered at the direction of the court.

Clerk of the Appellate Courts

Marilyn May

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### Distribution:

Philip R. Volland Volland & Taylor 211 H Street Anchorage AK 99501

Kenneth P Jacobus Attorney at Law 425 G Street #920 Anchorage AK 99501

Robert Blasco Robertson Monagle & Eastaugh, PC P O Box 21211, 801 W. 10th St. Ste 300 Juneau AK 99802

Douglas J Serdahely Patton Boggs LLP 1031 West Fourth Avenue #504 Anchorage AK 99501

Kyle Parker Patton Boggs L.L.P. 1031 W 4th Ave Ste 504 Anchorage AK 99501

Michael D White Patton Boggs LLP 1031 West 4th Avenue Suite 504 Anchorage AK 99501

Thomas F. Klinkner Birton Horton Bittner & Cherot 1127 West 7th Avenue Anchorage AK 99501

Joseph N. Levesque Walker Walker & Associates 550 W. 7th Avenue #1850 Anchorage AK 99501 William M Walker Walker Walker and Associates, LLC 550 W 7th Ave Suite 1850 Anchorage AK 99501

Charles E Cole Law Office of Charles Cole 406 Cushman Street Fairbanks AK 99701

James Baldwin Asst Attorney General P O Box 110300 Juneau AK 998110300

Jeffrey M Feldman Feldman & Orlansky 500 L Street #400 Anchorage AK 99501

Kenneth P. Eggers Groh Eggers LLC 3201 C Street Anchorage, AK 99502-3967

Ardith Lynch, Borough Attorney P.O. Box 71267 Fairbanks, AK 99707

Myra M. Munson Sonosky, Chambers, Sachse, Miller & Munson 318 Fourth Street Juneau, AK 99801