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JUN 15 2015
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LEGISLATIVE AFFAIRS AGENCY

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

ALASKA BUILDING, INC., an Alaskan
corporation,

Plaintiff,

Case No.: 3AN-15-05969CI

v.

716 WEST FOURTH AVENUE, LLC,
KOONCE PFEFFER BETTIS, INC., d/b/a
KPB ARCHITECTS, PFEFFER
DEVELOPMENT, LLC, LEGISLATIVE
AFFAIRS AGENCY, and CRITERION
GENERAL, INC.,

Defendants.

**LEGISLATIVE AFFAIRS AGENCY'S MOTION FOR EXPEDITED
CONSIDERATION**

The Legislative Affairs Agency (the "Agency"), by and through their attorney,
Kevin Cuddy, and pursuant to Rule 77(g) of the Alaska Rules of Civil Procedure, hereby
move for an order shortening the time within which its accompanying "Motion for a Stay

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of Proceedings” may be heard, considered, and ruled upon, and for an order shortening time when any oppositions are to be filed and served.

The Agency makes this request for expedited consideration because the Agency filed a potentially dispositive Motion to Dismiss on standing grounds pursuant to Civil Rule 12(b)(1) on May 27 which this Court has not yet ruled on. That motion will be ripe for decision shortly. On June 12, Plaintiff Alaska Building, Inc. filed a motion for partial summary judgment with respect to Count 1 that may be rendered moot by the Agency’s Motion to Dismiss. In light of the fact that standing is a threshold issue, the Court should stay the proceedings as to Count 1 until such time that the Court has ruled on the Agency’s Motion to Dismiss. Otherwise, the parties and the Court may be forced to expend resources unnecessarily while addressing Plaintiff’s new motion (and potentially other filings).

This motion is supported by the accompanying Memorandum in Support of Motion for Expedited Consideration; the accompanying Certificate of Counsel; and all other pleadings and documents on file in the above-captioned action.


Civil Rule 77(g)(3) Certification: The date before which a decision is necessary:
June 22, 2015.

Civil Rule 77(g)(4) Certification: The undersigned counsel certifies that he spoke with opposing counsel, Jim Gottstein, on June 12, 2015, about whether he would oppose the instant motion. Mr. Gottstein stated that he does not oppose this request for expedited consideration, as long as he could get expedited consideration of the Agency’s motion to dismiss or sever.

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DATED: June 15, 2015

STOEL RIVES LLP

By: 
KEVIN CUDDY
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Attorney for Defendant
LEGISLATIVE AFFAIRS AGENCY

CERTIFICATE OF SERVICE AND OF FONT

This certifies that on June 15, 2015, a true and correct copy of the foregoing was served via First Class Mail on:

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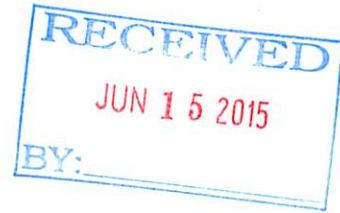
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I further certify that this document was substantively produced in Times New Roman 13, in compliance with Alaska Appellate Rule 513.5(c)(1) and Civil Rule 76(a)(3).


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corporation,

Case No.: 3AN-15-05969CI

Plaintiff,

v.

716 WEST FOURTH AVENUE, LLC,
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KPB ARCHITECTS, PFEFFER
DEVELOPMENT, LLC, LEGISLATIVE
AFFAIRS AGENCY, and CRITERION
GENERAL, INC.,

Defendants.

**LEGISLATIVE AFFAIRS AGENCY'S MEMORANDUM IN SUPPORT OF
MOTION FOR EXPEDITED CONSIDERATION PURSUANT TO RULE 77(g)(3)**

The Legislative Affairs Agency (the "Agency") requests expedited consideration of its motion to stay proceedings as to Count 1 because, unless that motion is ruled on promptly, the fundamental purpose of the motion to stay will be undermined. The Agency filed its motion to stay proceedings as to Count 1 (as well as its earlier motion to

stay discovery as to Count 1) in the interests of judicial economy and conservation of the parties' resources, since additional discovery or litigation with respect to the merits of Count 1 may be wasted effort if the Court determines that Plaintiff Alaska Building, Inc. ("Plaintiff") lacks standing to bring its claim.

On June 12, 2015, Plaintiff filed a motion for partial summary judgment, asking this Court to rule on the merits of Count 1 of the Complaint. In particular, Plaintiff asked this Court to declare that the Agency's contract with Defendant 716 West Fourth Avenue LLC does not comply with AS 36.30.083(a) and that it does not extend a real property lease.

The Agency filed both a motion to dismiss for lack of standing and a motion to stay discovery as to Count 1 on May 27, 2015. The Agency contends that Plaintiff does not have standing to bring the underlying claim and as a result, potentially unnecessary discovery should be stayed pending this Court's decision on the Agency's motion to dismiss for lack of standing. The same reasoning applies to the Agency's motion to stay proceedings. Plaintiff recently filed its opposition to the Agency's motion to stay discovery and motion to dismiss on June 9 and June 12, respectively. The Agency's replies are due shortly and then those motions will be ripe for decision.

Unless a stay of proceedings is granted as to Count 1, the Agency's response to Plaintiff's motion for partial summary judgment is due on June 29. It is highly likely, in the absence of a stay of proceedings, that the Agency's time for filing a response to the motion for partial summary judgment will run prior to a ruling on the motion to dismiss.


The parties will then have to devote substantial resources to addressing Plaintiff's motion

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for partial summary judgment (and any other pleadings or filings relating to Count 1) despite the fact that Count 1 may be dismissed as a threshold issue before the Court even reaches Plaintiff's other filings relating to Count 1. In order to preserve the utility and value of the motion to stay proceedings – and in furtherance of judicial economy and conservation of the parties' resources – the Court should decide the motion to stay proceedings in advance of the Agency's deadline for responding to Plaintiffs' partial summary judgment motion.

DATED: June 15, 2015

STOEL RIVES LLP

By: 

KEVIN CUDDY
(Alaska Bar #0810062)
Attorney for Defendant
LEGISLATIVE AFFAIRS AGENCY

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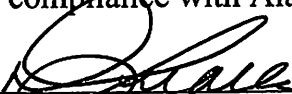
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