

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

ALASKA BUILDING, INC., an Alaska)
corporation,)

Plaintiffs,)

vs.)

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. _____



Case No.: 3AN-15-05969 Civil

716 WEST FOURTH AVENUE, LLC'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

Defendant 716 West Fourth Avenue, LLC, by and through its attorney, Jeffrey W. Robinson of Ashburn & Mason, P.C., hereby answers Plaintiff's Second Amended Complaint as follows:

ANSWER

I. Parties

1. On information and belief, Defendant admits that Alaska Building Inc. ("ABI") filed a biennial report in 2014, and as of the date of this Answer is in good standing with the State of Alaska Department of Commerce, but denies the remaining allegations of this paragraph.

2. Defendant admits that 716 West Fourth Avenue is an Alaska Limited Liability Company.

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3. Paragraph 3 of the Amended Complaint is not directed to this answering defendant, and therefore no response is required. To the extent a response is required, on information and belief, the Legislative Affairs Agency is an agency of the State of Alaska.

4. Defendant admits that the LAA entered into a 10-year lease extension and amendment for the Anchorage LIO with its Lessor, Defendant, and that the agreement provided for expansion and renovation of the LIO. Otherwise, Defendant denies the remainder of paragraph 4.

5. Defendant objects that the allegation in paragraph 5 calls for a legal conclusion. To the extent an answer is required, it is denied.

6. Defendant objects that the allegations in paragraph 6 call for a legal conclusion. To the extent an answer is required, Defendant denies the allegation.

7. Defendant objects that the allegations in paragraph 7 calls for a legal conclusion. To the extent an answer is required, Defendant denies the allegation.

8. Defendant objects that the allegation in paragraph 8 calls for a legal conclusion. To the extent an answer is required, Defendant denies the allegations of this paragraph.

9. Defendant denies the allegations of this paragraph.

10. Defendant objects that the allegation in paragraph 10 calls for a legal conclusion. To the extent an answer is required, Defendant denies the allegation.

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RESPONSE TO PRAYER FOR RELIEF

To the extent that the prayer for relief in the Second Amended Complaint requires an answer, defendant denies them all.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff may have failed in whole or in part to mitigate, minimize, or avoid the damages allegedly sustained, and any recovery must be reduced by that amount.
3. Plaintiff's damages, if any, may have been proximately caused in whole or in part by the actions and/or negligence of the Plaintiff. Plaintiff's recovery, if any, should be reduced in proportion to the percentage of Plaintiff's and/or other third parties' fault.
4. Plaintiff's recovery should be reduced by the comparative fault of persons other than defendant.
5. Plaintiff's claims are barred by waiver, estoppel, and/or release,
6. Plaintiff's recovery is barred by the doctrine of accord and satisfaction.
7. Plaintiff's claims are barred by bad faith, unclean hands, and/or other inequitable conduct.
8. Plaintiff's claims may be barred by the doctrine of lack of privity.

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9. Plaintiff's claims may be barred by the doctrine of laches.
10. Plaintiff has no standing to bring an action against 716 regarding the legality of the lease in question.
11. Defendant asserts all defenses stated in Rule 12(b).
12. Defendant adopts all affirmative defenses alleged by other defendants and reserves the right to assert further defenses and claims pending discovery and investigation in this case.

PRAYER FOR RELIEF

WHEREFORE, having answered plaintiff's Amended Complaint, and having asserted affirmative defenses, defendant prays that the Court enter judgment in its favor and against plaintiff as follows:

1. Dismissal of plaintiff's claims against Defendant, with prejudice;
2. An award of its reasonable expenses and costs incurred by defendant, including attorney's fees, against plaintiff.
3. For such further relief as this Court deems equitable and just.

ASHBURN & MASON, P.C.
Attorneys for 716 West Fourth Avenue, LLC

DATED: 9/8/2015

By: 

#9806035 *fr* Jeffrey W. Robinson
Alaska Bar No. 0805038

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically messenger facsimile U.S. Mail on the 8th day of September 2015, on:

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