

RECEIVED
SEP 14 2015
BY:

Kevin Cuddy (Alaska Bar #0810062)
STOEL RIVES LLP
510 L Street, Suite 500
Anchorage, AK 99501
Telephone: (907) 277-1900
Facsimile: (907) 277-1920

Attorneys for Defendant
LEGISLATIVE AFFAIRS AGENCY

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

ALASKA BUILDING, INC., an Alaskan
corporation,

Plaintiff,

v.

716 WEST FOURTH AVENUE, LLC, and
LEGISLATIVE AFFAIRS AGENCY,

Defendants.

Case No.: 3AN-15-05969CI

ANSWER TO SECOND AMENDED COMPLAINT

Defendant Legislative Affairs Agency (“LAA”), by and through its undersigned counsel, for their answer to the corresponding numbered paragraphs of Plaintiff Alaska Building, Inc.’s Second Amended Complaint, admits, denies and asserts as follows:

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

1. With regard to Paragraph 1 of Plaintiff's Second Amended Complaint, answering defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

2. Paragraph 2 of the Second Amended Complaint is not directed to this answering defendant, and therefore no response is required. To the extent a response is required, this answering defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 2 of the Second Amended Complaint and therefore denies the same.

3. Admitted.

4. LAA admits that it entered into the Extension of Lease and Lease Amendment No. 3 with 716 West Fourth Avenue LLC on September 19, 2013. The terms of that document speak for themselves. LAA denies the characterization of that document as contained in Paragraph 4 insofar as they differ from the terms of that document.

5. This paragraph consists of a legal conclusion to which no response is required.

6. This paragraph consists of a legal conclusion to which no response is required.

7. Denied.

8. Denied.

9. Denied.

10. This paragraph consists of a legal conclusion to which no response is required. To the extent a response is deemed required, LAA denies the allegation.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff lacks standing to bring this claim.
3. Plaintiff's claim for "10% of the savings to the Legislative Affairs Agency as a result of the invalidation of the LIO Project Lease" fails to state a claim upon which relief may be granted and the requested relief has no legal support.
4. Plaintiff's claims are barred or may be reduced by the doctrines of waiver, estoppel, unclean hands, release, and/or other inequitable conduct.
5. Plaintiff's claims are barred by the doctrine of laches.
6. Answering Defendant reserves the right to assert additional affirmative Defenses as discovery and further investigation reveals.
7. Defendant Legislative Affairs Agency 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.

DEFENDANTS' PRAYER FOR RELIEF

WHEREFORE, Defendant prays for relief and judgment as follows:

1. That Plaintiff take nothing from the Second Amended Complaint and that it be dismissed against Defendant Legislative Affairs Agency in its entirety with prejudice;


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

2. That Defendant Legislative Affairs Agency be awarded its costs and attorney's fees; and

3. That this Court grant such other and further relief as it deems proper.

DATED: September 9, 2015.

STOEL RIVES LLP

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

CERTIFICATE OF SERVICE AND OF FONT

This certifies that on September 9, 2015, a true and correct copy of the foregoing was served on:

James B. Gottstein, Esq.
Law Offices of James B. Gottstein
406 G Street, Suite 206
Anchorage, AK 99501
(Attorney for Plaintiff)

Jeffrey W. Robinson
Ashburn & Mason
1227 West Ninth Avenue, Suite 200
Anchorage, AK 99501
(Attorneys for Defendant 716 West Fourth Avenue, LLC)

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).


Debby Allen, Practice Assistant

79861115.1 0081622-00003