

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

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,

Case No.: 3AN-15-05969CI

Plaintiff,

v.

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

Defendants.

**LEGISLATIVE AFFAIRS AGENCY'S NOTICE THAT PLAINTIFF'S  
PREMATURE MOTION CONCERNING REP. HAWKER'S EMAILS IS MOOT**

On December 10, counsel for the plaintiff ("ABI") first alerted the Legislative Affairs Agency ("LAA") that it wished to seek discovery of certain emails that are not in LAA's possession, custody, or control. In that email, ABI asked whether Rep. Mike Hawker would request copies of certain materials from his Internet Service Provider. Two business days later, ABI filed a motion asking the Court to order Rep. Hawker to make this request to his Internet Service Provider. ABI provides no legal support for this


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

request, noting only that it is precluded from seeking the information directly by a federal statute. ABI offers no authority for the proposition that any defendant – let alone a non-party – should be forced to seek additional materials from an Internet Service Provider when those materials are not in his possession, custody, or control.

This motion was premature and unnecessary. While LAA disputes that this extraordinary measure is required or appropriate, or has any impact on the pending summary judgment motion, Rep. Hawker is willing to request copies of e-mails that are not in his possession, custody, or control from January 1, 2013 to October 1, 2013 from his Internet Service Provider. Plaintiff's motion is moot.

DATED: December 28, 2015.

STOEL RIVES LLP

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

**CERTIFICATE OF SERVICE AND OF FONT**

I hereby certify that on December 28, 2015, I caused a true and correct copy of the foregoing to be served by U.S. mail 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

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