

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

ALASKA BUILDING, INC., an Alaska  
corporation,  
Plaintiff  
vs.  
716 WEST FOURTH AVENUE LLC, and  
LEGISLATIVE AFFAIRS AGENCY,  
Defendants.

**COPY**  
Original Received  
**APR 07 2016**  
Clerk of the Trial Courts

Case No. 3AN-15-05969CI

**ALASKA BUILDING, INC., OPPOSITION TO LEGISLATIVE  
AFFAIRS AGENCY'S MOTION FOR EXTENSION OF TIME TO  
FILE ITS RESPONSE TO MOTION FOR RECONSIDERATION**

Plaintiff, Alaska Building, Inc. opposes the Legislative Affairs Agency's Motion for Extension of Time to File Its Response to Motion for Reconsideration (Extension Motion).

As grounds for the extension, the Legislative Affairs Agency speculates that at least some decisions regarding whether the State will purchase the Anchorage Legislative Information Office Building (LIO Building) will be made by the scheduled end of the current legislative session on April 17, 2016. However, it is extremely unlikely that a decision to purchase the LIO Building will be made by such time. Unless the governor announces his intention to sign or veto a legislative decision to purchase the LIO Building before then, even if the Legislature passes a bill to purchase the LIO Building, no decision

will be made until the governor decides what he will do.<sup>1</sup> It is respectfully suggested that this litigation should not be delayed by speculation as to future events, which as set forth below do not change the necessity for resolution of the Motion for Reconsideration.

In its Extension Motion the Legislative Affairs Agency is taking a position contrary to one it took just two months ago. At page 2 of the Legislative Affairs Agency's Opposition to Plaintiff's Motion for Partial Summary Judgment (Not Extension), dated February 3, 2016, the Legislative Affairs Agency asked this Court to provide a ruling on the potentially dispositive legal issue of the proper interpretation of AS 36.30.083(a) *as soon as practicable* because of the impact on budgeting and other decisions that will be made this legislative session by the Alaska Legislature. Now, in its Extension Motion, the Legislative Affairs Agency reverses course and requests that the Legislature and Governor act with such uncertainty.<sup>2</sup>

Even if the Legislature decides to purchase the LIO Building and the governor goes along, the Motion for Reconsideration needs to be resolved. In fact, whatever the Legislature and governor do, the Motion for Reconsideration has to be resolved. That the scope of this litigation may be impacted by legislative and gubernatorial action is irrelevant. The status of the Declaratory Judgment is in limbo. No change in the scope of this litigation due to legislative and gubernatorial action can resolve that. The Motion for

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<sup>1</sup> Of course, the Legislature very well might decide to not purchase the LIO Building by the scheduled end of the regular session.

<sup>2</sup> Of course, this Court's March 24, 2016, Order on Motion for Summary Judgment Re: Lease Is Not an Extension (Declaratory Judgment) would be subject to appeal and there is unavoidable uncertainty in at least that respect.

Reconsideration, and therefore the status of the Declaratory Judgment, can only be decided by:

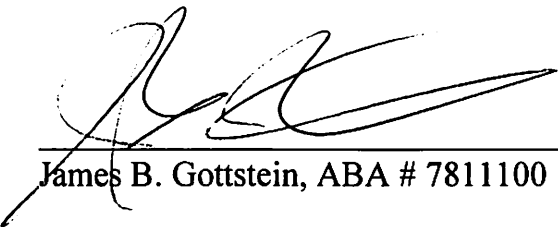
- (a) action by this Court,
- (b) inaction by this Court for the time period specified in Civil Rule 77(k)(4), or
- (c) withdrawal of the Motion for Reconsideration by 716.

The latter seems highly unlikely.

This Court's request for responses under Civil Rule 77(k)(3) is a courtesy to the non-moving parties and this Court need not accommodate an extension request when the stated ground are so feeble. This opposition is being e-mailed to the Legislative Affairs Agency as well as mailed, so it will have plenty of time to file its response within the time requested by the Court if it should so choose.

Alaska Building, Inc., respectfully suggests the Legislative Affairs Agency's Extension Motion be **DENIED**.

Dated April 7, 2016.

  
James B. Gottstein, ABA # 7811100

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date he mailed a copy hereof and accompanying proposed Order to Kevin M. Cuddy and Jeffrey W. Robinson/Eva R. Gardner and e-mailed a copy to Kevin M Cuddy.

Dated April 7, 2016.

  
Jim Gottstein

*Opposition to Legislative Affairs Motion  
for Reconsideration Response Extension*

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**ORDER DENYING  
LEGISLATIVE AFFAIRS AGENCY'S MOTION FOR  
EXTENSION OF TIME TO FILE ITS RESPONSE TO  
MOTION FOR RECONSIDERATION**

Upon due consideration of defendant Legislative Affairs Agency's Motion for Extension of Time to File Its Response to Motion for Reconsideration (Extension Motion) and plaintiff Alaska Building, Inc.'s opposition thereto, it is hereby ORDERED the motion is **DENIED**.

Dated \_\_\_\_\_, 2016.

\_\_\_\_\_  
Hon. Patrick J. McKay  
Judge of the Superior Court

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