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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,

v.

716 WEST FOURTH AVENUE, LLC, and
LEGISLATIVE AFFAIRS AGENCY, and
CRITERION GENERAL, INC.,

Defendants.

Case No. 3AN-15-05969 CI

**LEGISLATIVE AFFAIRS AGENCY'S REPLY IN SUPPORT OF MOTION FOR
EXTENSION OF TIME TO FILE ITS RESPONSE TO MOTION FOR
RECONSIDERATION**

Pursuant to Civil Rule 77(k)(3), the Court requested that Legislative Affairs Agency ("LAA") file a response to the pending motion for reconsideration with respect to the legality of the lease for the Legislative Information Office building (the "LIO"). That response would ordinarily be due by April 11. In light of recent events, including a

contingent offer to purchase the LIO, LAA requested a three-week extension of time to file its response. Plaintiff opposes that request, but none of its arguments has merit. The extension should be granted.

Since LAA prepared its motion, it has been publicly reported that defendant 716 West Fourth Avenue, LLC (“716”) has conditionally agreed to sell the LIO pursuant to the contingent offer.¹ While Plaintiff complains that LAA improperly speculated that some decisions regarding the potential purchase of the LIO by April 17, 2016,² at least one of the key decisions was apparently made in the past few days. More decision are anticipated soon.

In an effort to avoid potentially wasting the Court’s (and the parties’) time and effort, LAA asked for additional time before further briefing was required. Plaintiff opposes that request for a series reasons, each of which is addressed in order.

First, Plaintiff asserts that it is extremely unlikely that a decision to purchase the LIO will be made by April 17.³ This may or may not be true, but it is likely that the parties will know whether or not the proposed purchase is viable by then. As Plaintiff

¹ <http://www.ktuu.com/news/news/senator-owners-agree-to-sell-anchorage-office-building-to-legislature-for-325-million/38884660> (last visited Apr. 7, 2016).

² Alaska Building, Inc., Opposition to Legislative Affairs Agency’s Motion for Extension of Time to File Its Response to Motion for Reconsideration at 1 (filed Apr. 7, 2016) (“Opp.”).

³ See *id.* at 1-2.

concedes, the Legislature may decide not to purchase the LIO by April 17.⁴ Or the Legislature may support the purchase and send it to the governor for a decision. If the purchase remains viable, a further extension may be warranted. But the parties can cross that bridge if and when we get there. For now, for the sake of judicial economy, it makes sense to grant a short extension so that the parties understand the lay of the land before expending additional resources on litigating these issues.

Second, Plaintiff claims that LAA's request for an extension is somehow inconsistent with its earlier request for a prompt ruling on the legality of the lease.⁵ Not true. The Court did issue a ruling on its interpretation of AS 36.30.083, and this decision helped facilitate budgeting and other decisions that had to be made by the Legislature. LAA's requested extension seeks to give the parties' sufficient breathing room to determine whether the purchase will go forward (which will shape the scope of their relationship prospectively). There is no added uncertainty here.

Third, Plaintiff asserts that 716's motion must be resolved no matter what happens and therefore no extension is warranted.⁶ That may or may not be true. It remains possible that 716 could withdraw its motion in connection with the sale of the LIO,

⁴ See *id.* at 2 n.1.

⁵ See *id.* at 2.


⁶ See *id.* at 2-3.

thereby mooting the issue.⁷ Even if the motion is not mooted, however, there is no urgency to resolving this motion for reconsideration right now. In particular, Plaintiff does not even attempt to argue that there is some urgency that requires the motion to be addressed immediately. Plaintiff identifies no prejudice it may suffer as a result of a three-week extension – or an extension of any duration at all. Plaintiff simply claims that the Court will ultimately need to rule on the motion for reconsideration and therefore the motion for an extension of time should be denied. LAA submits that a short postponement of time will not prejudice any party and may give greater clarity to the scope of, and possibly need for, any future litigation.

LAA respectfully requests that its motion for an extension of time to respond to 716's motion for reconsideration be granted.

DATED: April 8, 2016

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By: 

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⁷ This decision rests, of course, with 716. LAA does not presume to know how 716 will proceed in this litigation.