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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-15-05969 CI

**DEFENDANT LEGISLATIVE AFFAIRS AGENCY'S OBJECTION TO
PLAINTIFF'S MOTION FOR COSTS**

COMES NOW Defendant Legislative Affairs Agency (LAA), by and through its counsel of record, and in response to the Motion for Costs filed by Plaintiff Alaska Building, Inc.'s Motion which seeks a total of \$1,815.60 for various costs, LAA hereby submits the following objections:

Westlaw (\$1,300.00): Charges for computerized research are allowed per Rule 79(f)(11); however, Plaintiff's counsel is merely "estimating" his costs based on his estimate that he used "well over" half of his Westlaw usage during the time he worked on the case,¹ and indicating his monthly charge for his Westlaw account is \$222.65. No back-up documentation was provided to even substantiate his \$222.65 per month Westlaw charge. Therefore, LAA objects to this cost as an estimation and not properly supported.

Copies and Postage (\$100.00): By his own admission Plaintiff's counsel states that "some years ago I quit keeping track of copies and postage."² Postage costs are allowable only when process is served by certified mail.³ In-house copies are allowed at \$.15 per page.⁴ Plaintiff's counsel has not differentiated between copies and postage and is estimating. Therefore, LAA objects to these costs as an estimation, not permitted under Rule 79 and not properly supported.

Out of Pocket Costs:

Plaintiff identifies Costs of \$240.00: Of that amount, there are two notary costs for \$10.00 each.⁵ LAA objects to these costs as not allowable under Rule 79.

Plaintiff identifies a charge of \$69.00 for the cost of the purchase of a license for a computer program, i.e., *Outlook PST File Viewer Pro - Single Use License*⁶. LAA objects to this costs as not permitted under Rule 79.

¹ See, Affidavit of James Gottstein, ¶8.

² See, Affidavit of James Gottstein, ¶7.

³ Rule 79(2).

⁴ Rule 79(12).

⁵ Exhibit B, pages 13 and 15.


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Plaintiff identifies two additional notary charges totaling \$25.00.⁷ LAA objects to these costs as not allowable under Rule 79.

LAA does not object to the \$150.00 filing fee or the \$151.60 cost relating to the copies of the October 16, 2015 deposition of James Gottstein.

DATED: June 2, 2016

STOEL RIVES LLP

By: 

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

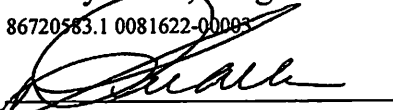
CERTIFICATE OF SERVICE

This certifies that on June 2, 2016, a true and correct copy of the foregoing was served via First Class Mail on:

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(... continued)

⁶ Exhibit B, page 12.

⁷ Exhibit C, page 8 and 9.