

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

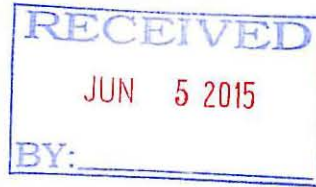
ALASKA BUILDING, INC., an Alaska)
corporation,)

Plaintiff,)

vs.)

716 WEST FOURTH AVENUE, LLC,)
KOONCE PFEFFER BETTIS, INC., d/b/a)
KPB ARCHITECTS, PFEFFER)
DEVELOPMENT, LLC, LEGISLATIVE)
AFFAIRS AGENCY, and CRITERION)
GENERAL, INC.,)

Defendant.



Case No.: 3AN-15-05969 Civil

716 WEST FOURTH AVENUE, LLC'S INITIAL DISCLOSURES

Defendant , 716 West Fourth Avenue, LLC ("716") by and through counsel Ashburn & Mason, P.C., hereby states the following as its initial disclosures pursuant to Alaska Rule of Civil Procedure 26(a)(1).

The disclosures are based on Defendant's current understanding of the issues in the case and the information currently available. Defendant is still in the process of investigating this matter and reserves the right to supplement these disclosures.

A. FACTUAL BASIS FOR CLAIMS AND DEFENSES

The factual basis of defenses is set out in 716's answer to the complaint.

ASHBURN & MASON P.C.
LAWYERS
1227 WEST 9TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TEL 907.276.4331 • FAX 907.277.8235

B. IDENTITY OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

1. Alaska Building, Inc.
c/o James B. Gottstein
Law Offices of James B. Gottstein
406 G Street, Suite 206
Anchorage, AK 99501
907-274-7686

Plaintiff in this matter.

2. 716 West Fourth Avenue, LLC
c/o Jeffrey W. Robinson
Ashburn & Mason, PC
1227 W. 9th Avenue, Suite 200
Anchorage, AK 99501
907-276-4331
Attorney-Client Privilege

Defendant in this matter. Individuals from 716 West Fourth Avenue, LLC who may have relevant information in this matter include but are not limited to: Robert B. Acree; Donald McClintock (Attorney-Client Privilege); Robert O'Neil; Mark Pfeffer.

3. Criterion General, Inc.
c/o Mark P. Scheer
Scheer & Zehnder, LLP
701 Pike Street, Suite 2200
Seattle, WA 98101
206-262-1200

Defendant in this matter. Individuals from Criterion General, Inc. who may have relevant information in this matter include but are not limited to:

- Mark Aden; Brad Anderson; Michael Banta; James Berry; Cody Botelho; John Bowie; Dustin Brashears; Kristopher Butler; Devin Clausen; Dave DeRoberts (President; signed the LIO project contract); Greg Dunaway; Jayson Duszynski; Joshua Euteneier; Jeremiah Hemphill; David Hurn, Jr.; Adam Jackson; Evan Jerman; Kyle Kennedy; Chris Lampton; Barry Lapp (Project Superintendent for LIO project); Steve Lebida; David Lind; Joshua Lind; John McBride; Tyler McIntosh; Jeremy McKee; Scott Mercier; William Miller; Lance Moistner; Dustin Picton; Dane Prince; Shay Rosser; Jon Salgat; Chad Shannon; Kevin Shults; Rob Skaats; Dennis Smedley;

Antonio Smith; Dale Smith; Mike Smith; Tyler Smith; Mike Somahkawahl; James Spain; David Thompson, Jr.; Reed Thwaites; Cory Toews; Howard Tresham; Terry Velarde; Robert Voss; Walter Warner; Travis Wilson; and Kendall Wilson, Project Engineer with knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.

4. Koonce Pfeffer Bettis, Inc. d/b/a KPB Architects
c/o Daniel T. Quinn
Richmond & Quinn
360 K Street, Suite 200
Anchorage, AK 99501
907-276-5727

Defendant in this matter. Individuals from Koonce Pfeffer Bettis, Inc. d/b/a KPB Architects who may have relevant information in this matter include but are not limited to: Jeffrey P. Koonce; Andrew J. Weiss.

5. Pfeffer Development, LLC
c/o Cynthia L. Ducey
Delaney Wiles, Inc.
1007 W. 3rd Avenue, Suite 400
Anchorage, AK 99501
907-279-3581
Attorney-Client Privilege

Defendant in this matter. Individuals from Pfeffer Development, LLC who may have relevant information in this matter include but are not limited to:

- Mark Pfeffer has knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.
- Robert O'Neill, project engineer/superintendent with knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.
- Amy Slinker, government relations assistant with knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.

Legislative Affairs Agency
c/o Kevin Cuddy

Defendant's Initial Disclosures
Alaska Building, Inc. vs. 7165 West Fourth Avenue, LLC 3AN-15- 05969CI

Stoel Rives, LLP
510 L Street, Suite 500
Anchorage, AK 99501
907-277-1900

Defendant in this matter. Individuals from Legislative Affairs Agency who may have relevant information in this matter include but are not limited to: Doug Gardner; Mike Hawker.

7. 3Form
2300 South 2300 West
Salt Lake City, UT 84119
801-994-8180
8. Alaska Abatement Corporation
520 West 58th Avenue, Suite J
Anchorage, AK 99518
907-563-0088

Individuals from Alaska Abatement Corporation who may have relevant information in this matter include but are not limited to: John Anderson; Wayne Schmidt.

9. Alas-Co General Construction Co., Inc.
111 East 80th Avenue
Anchorage, AK 99518
907-522-2297

Individuals from Alas-Co General Construction Co., Inc. who may have relevant information in this matter include but are not limited to: Jeff Jensen.

10. Alaska Concrete Services, Inc.
2321 Cinnabar Loop
Anchorage, AK 99507
907-345-2399
11. Alaska Demolition, LLC
2817 Rampart Drive, Suite 101
Anchorage, AK 99501
907-274-3366

Individuals from Alaska Demolition, LLC who may have relevant information in this matter include but are not limited to: Mike Waddell.

12. Anchorage Sand & Gravel Company, Inc.
1040 O'Malley Road

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Anchorage, AK 99515
907-348-6700

Individuals from Anchorage Sand & Gravel Company, Inc. who may have relevant information in this matter include but are not limited to: Kevin Norton.

13. Alaska Stairlift & Elevator, LLC
230 E. Potter Drive, Suite 5
Anchorage, AK 99518
907-245-5438

Individuals from Alaska Stairlift & Elevator, LLC who may have relevant information in this matter include but are not limited to: Melissa Davidson.

14. Andy Milner Company
1520 Shore Drive
Anchorage, AK 99515
907-349-0906

Individuals from Andy Milner Company who may have relevant information in this matter include but are not limited to: John Swartz.

15. BBFM Engineers, Inc.
510 L Street, Suite 200
Anchorage, AK 99501
907-274-2236

Individuals from BBFM Engineers, Inc. who may have relevant information in this matter include but are not limited to: Dennis Berry, Structural Engineer; Forest Braun; Troy Feller; Scott Gruhn. Mr. Berry has knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.

16. Blower & Blower Window Cleaning
P.O. Box 91864
Anchorage, AK 99509-1864
907-903-5611

Individuals from Blower & Blower Window Cleaning who may have relevant information in this matter include but are not limited to: Tom Blower.

17. Bradshaw & Associates, Inc.
1205 E. 72nd Avenue
Anchorage, AK 99518
907-522-7205

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Individuals from Bradshaw & Associates, Inc. who may have relevant information in this matter include but are not limited to: Pat Brashler.

18. Carlile Transportation Systems, Inc.
1800 E. 1st Avenue
Anchorage, AK 99501
907-276-7797

Individuals from Carlile Transportation Systems, Inc. who may have relevant information in this matter include but are not limited to: Jessica Match.

19. Chinook Fire Protection, Inc.
13651 Old Seward Highway
Anchorage, AK 99515
907-344-3473

Individuals from Chinook Fire Protection, Inc. who may have relevant information in this matter include but are not limited to: Jeffrey M. Wilcheck.

20. Commercial Contractors, Inc.
4920 Fairbanks Street
Anchorage, AK 99503
907-563-1911

Individuals from Commercial Contractors, Inc. who may have relevant information in this matter include but are not limited to: Peter Morgan.

21. Denali Drilling, Inc.
8240 Petersburg Street
Anchorage, AK 99507
907-562-2312

Individuals from Denali Drilling, Inc. who may have relevant information in this matter include but are not limited to: Ron L. Pichler.

22. Dimond Fabricators
11400 Lang Street
Anchorage, AK 99515
907-348-6752

Individuals from Dimond Fabricators who may have relevant information in this matter include but are not limited to: Dane Smulick.

23. Door Systems of Alaska, Inc.
18727 Old Glenn Highway
Chugiak, AK 99567

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907-688-3367

Individuals from Door Systems of Alaska, Inc. who may have relevant information in this matter include but are not limited to: John Slater.

24. EBSC Engineering, LLC
11301 Olive Lane
Anchorage, AK 99515
907-222-1085

Individuals from EBSC Engineering, LLC who may have relevant information in this matter include but are not limited to: Edward Hakala; Luke Mattson.

25. Edge Surveying
12501 Old Seward Highway, Suite D
Anchorage, AK 99515
907-344-5990

Individuals from Edge Surveying who may have relevant information in this matter include but are not limited to: Tony Wilson.

26. Far North Acoustics, Inc.
P.O. Box 111474
Anchorage, AK 99511-1474
907-344-5119

Individuals from Far North Acoustics, Inc. who may have relevant information in this matter include but are not limited to: Jon Andreasen.

27. Michael Fierro
Reid Middleton
4300 B Street, Suite 302
Anchorage, AK 99503
907-562-3439

Mr. Fierro is a non-retained expert; he has knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.

28. General Mechanical, Inc.
9135 King Street
Anchorage, AK 99515
907-522-5959

Individuals from General Mechanical, Inc. who may have relevant information in this matter include but are not limited to: David Stanfield.

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29. GMC Contracting, Inc.
351 E. International Airport Road
Anchorage, AK 99518
907-561-4733

Individuals from GMC Contracting, Inc. who may have relevant information in this matter include but are not limited to: Frank Chandler.

30. Greenstreet General Contracting, LLC
P.O. Box 1191
Palmer, AK 99645
907-745-6778

Individuals from Greenstreet General Contracting, LLC who may have relevant information in this matter include but are not limited to: Darrell Greenstreet; Donna Ballard.

31. Guardian Security Systems, Inc.
2600 Seward Highway
Anchorage, AK 99503
907-274-5275

Individuals from Guardian Security Systems, Inc. who may have relevant information in this matter include but are not limited to: James Bryan.

32. Inline Steel Fabricators, Inc.
P.O. Box 9396
Yakima, WA 98909
509-248-4554

Individuals from Inline Steel Fabricators, Inc. who may have relevant information in this matter include but are not limited to: Michael Corn; J.J. Johnson; Matt Mayhak.

33. K-C Corporation, Inc.
2964 Commercial Drive
Anchorage, AK 99501
907-258-2425

Individuals from K-C Corporation, Inc. who may have relevant information in this matter include but are not limited to: Byron Kohfield.

34. Legislative Information Office
716 W. 4th Avenue, Suite 200
Anchorage, AK 99501
907-269-0111

35. Northclad Rainscreen Solutions
11831 Beverly Park Road, Building C
Everett, WA 98204
425-487-1111

Individuals from Northclad Rainscreen Solutions who may have relevant information in this matter include but are not limited to: Tina Hutchinson.

36. Northern Geotechnical Engineering, Inc.
11301 Olive Lane
Anchorage, AK 99515
907-344-5934

Individuals from Northern Geotechnical Engineering, Inc. who may have relevant information in this matter include but are not limited to: Shelley A. McCoy; Keith F. Mobley.

37. North Star Equipment Service
790 Ocean Dock Road
Anchorage, AK 99501
907-263-0117

Individuals from North Star Equipment Service who may have relevant information in this matter include but are not limited to: Steve Poste.

38. Otis Elevator Company
619 E. Ship Creek Avenue, Suite 301
Anchorage, AK 99501
907-278-4575

Individuals from Otis Elevator Company who may have relevant information in this matter include but are not limited to: Michael V. Liebing.

39. Quinn's Decorative Concrete
12450 W. Melanie Avenue
Wasilla, AK 99654
907-360-5394

Individuals from Quinn's Decorative Concrete who may have relevant information in this matter include but are not limited to: Rick Quinn.

40. Redi Electric, LLC
6151 A Street
Anchorage, AK 99518

907-561-2323

Individuals from Redi Electric, LLC who may have relevant information in this matter include but are not limited to: Larry Rhymer.

41. Pat Reilly
Rain Proof Roofing, Inc.
2201 E. 84th Court
Anchorage, AK 99507
907-344-2297

Mr. Reilly has knowledge of concerns raised by James Gottstein and responses by Criterion, Pfeffer Development, LLC, and 716 West Fourth Avenue, LLC.

42. Rep Tile
800 High View Drive
Anchorage, AK 99515
907-345-3843

Individuals from Rep Tile who may have relevant information in this matter include but are not limited to: Lawrence Wissing.

43. Smith Masonry
P.O. Box 670809
Chugiak, AK 99567
907-688-2002

Individuals from Smith Masonry who may have relevant information in this matter include but are not limited to: Jerry Smith.

44. Spenard Builders Supply
P.O. Box 99060
Anchorage, AK 99509-9060
907-261-9284

Individuals from Spenard Builders Supply who may have relevant information in this matter include but are not limited to: Chuck Savoini.

45. Star Seismic, LLC
6300 North Sagewood Drive, Suite H #511
Park City, UT 84098
435-940-9222

Individuals from Star Seismic, LLC who may have relevant information in this matter include but are not limited to: Rob Burby.

46. Statewide Door & Glass
221 E. Ship Creek Avenue
Anchorage, AK 99501
907-562-2074

Individuals from Sttewide Door & Glass who may have relevant information in this matter include but are not limited to: Michael Hammer.

47. Summit Anchor Company
4507 Metropolitan Court
Fredrick, MD 21704
301-874-4941

Individuals from Summit Anchor Company who may have relevant information in this matter include but are not limited to: Jim Giuffreda.

48. Wallcovering Plus, Inc.
9138 Arlon Street, Suite A3-267
Anchorage, AK 99507
907-346-2642

Individuals from Wallcovering Plus, Inc. who may have relevant information in this matter include but are not limited to: Robbie Muir.

49. Whalen Construction, Inc.
P.O. Box 112156
Anchorage, AK 99511-2156
907-360-3261

Individuals from Whalen Construction, Inc. who may have relevant information in this matter include but are not limited to: Patrick Whalen.

C. IDENTITY OF INDIVIDUALS WHO HAVE MADE WRITTEN OR RECORDED STATEMENTS

Defendant 716 is unaware of written or recorded statements.

D. RELEVANT DOCUMENTS

In addition to documents that are publicly recorded or in Defendant's possession, Defendant believes the documents disclosed herewith may be relevant. Because

discovery is ongoing, Defendant will supplement these disclosures with additional information if it becomes available.

E. PHOTOGRAPHS, DIAGRAMS OR VIDEOTAPES

Photos of the LIO Project are included at Bates Stamp 716-000116-716-000263 Plaintiff has made a video of the alleged condition of the building pre-construction. He is in possession of the video.

F. INSURANCE AGREEMENT

Insurance Documents are included at Bates Stamp 716-000001-716-000115.

G. DAMAGES

Defendant 716 reserves the right to claim damages as litigation proceeds. It will seek to recover any costs and attorney's fees expended in defending this lawsuit.

H. IDENTITY OF POTENTIALLY RESPONSIBLE PERSONS

See Affirmative Defenses. It is too early in the discovery process to identify all potentially responsible persons at this time. Discovery is ongoing and information will be supplemented as it becomes available.

ASHBURN & MASON, P.C.
Attorneys for Defendant, 716 West Fourth
Avenue, LLC

DATED: 6/11/15

By: gwr
Jeffrey W. Robinson
Alaska Bar No. 0805038

ASHBURN & MASON P.C.
LAWYERS
1227 WEST 9TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TEL 907.276.4331 • FAX 907.277.8235

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically messenger
facsimile U.S. Mail on the 4th day of June 2015, on:

James B. Gottstein
Law Offices of James B. Gottstein
406 G Street, Suite 206
Anchorage, Alaska 99501

Mark P. Scheer
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701 Pike Street, Suite 2200
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1007 W. 3rd Avenue, Ste. 400
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Richmond & Quinn
360 K Street, Suite 200
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ASHBURN & MASON

By: Heidi Wyckoff
Heidi Wyckoff

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