

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.,  
Defendants.

Case No. 3AN-15-05969CI

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO  
716 WEST FOURTH AVENUE LLC**

Pursuant to Civil Rule 34 Plaintiff Alaska Building, Inc., serves the following requests for production on the Defendant 716 West Fourth Avenue, LLC (716 LLC).

Electronic production of hard-copy documents as word searchable Acrobat (PDF) files is preferred. Reasonably useable forms or formats for electronically stored information include (i) word searchable Acrobat (PDF) for written documents, (ii) jpeg or tiff for photographs or other images or graphics, (iii) MP3 for audio files, (iv) MPEG or MP4 for video files, and (v). pst (Outlook) or word searchable Acrobat for E-mails.

LAW OFFICES OF  
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## I. DEFINITIONS

Unless the request conclusively indicates otherwise, the following definitions apply to the words used in these interrogatories:

A. LIO Lease: The words "LIO Lease" refers to that certain document titled "Extension of Lease and Lease Amendment No. 3 Extension of Lease," a copy of which is attached as Exhibit 1 to the June 12, 2015, Affidavit in Support of Plaintiff's Motion for Partial Summary Judgment.

B. New LIO Building. The term "New LIO Building," means the completed building under the LIO Lease.

C. Document: The term "document" is defined to mean and include any and all graphic or physical representations, including without limitation all handwritten, typed or printed material, photographs, copies of all the foregoing, and electronically stored information within the meaning of Civil Rule 34(a), including e-mail.

D. Relate: The words "relate" or "relating to" mean referring to, pertaining to, concerning, alluding to, responding to, connected with, commenting on, in respect of, about, regarding, discussing, showing, describing, mentioning, reflecting, analyzing, constituting, evidencing, or pertaining to, directly or indirectly, in whole or in part.

## II. CLAIMS OF PRIVILEGE:

If any document(s) or other item(s) identified or requested herein are withheld for any reasons under a claim of privilege or any other claim, the particular document or other item(s) withheld are to be described as follows:

- (1) The date of the document or other item;
- (2) The author or addressor of the document or other item;
- (3) The recipient or addressee of the document or other item;
- (4) The number of pages of the document;
- (5) The general subject matter of the document or other item;
- (6) Each person who sent, received and obtained copies of the document or other item;
- (7) A general description of the document or other item (i.e., letter, report, memoranda, audio or video recording); and

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- (8) The basis of the privilege asserted with respect to the alleged grounds for non-production of the document or other item.

**REQUEST FOR PRODUCTION NO. 1.**

Please produce all loan applications and other documents relating to financing the New LIO Building, including without limitation, all projections and *pro formas* and personal financial statements. This includes, without limitation, both interim or construction financing, and permanent financing and loans that were consummated and loans that were not, if any.

**RESPONSE**

**REQUEST FOR PRODUCTION NO. 2.**

Please produce the financial records of 716 LLC, from January 1, 2012. If the electronic accounting/bookkeeping records are kept in QuickBooks, please provide the QuickBooks file or a backup of it and any applicable password. If not, it would be preferable for counsel to confer and agree on a reasonably useable form, such as whether exporting to Microsoft Excel or Access is a viable option. Otherwise, they should be produced in word searchable Acrobat (PDF) format, and include without limitation (a) all registers (accounts), (b) income statements and balance sheets on an annual basis to the

end of 2014, and monthly thereafter, (c) check register, (d) general ledger, and (e) listing of all real property assets. Initially your response is to include the time period from January 1, 2012, through July 31, 2015, and should be updated monthly by the 10th of each month for the prior month. This request does not include "backup" documentation, except as specifically requested in the following request.

**RESPONSE**

**REQUEST FOR PRODUCTION NO. 3.**

Please produce all documents relating to payments by 716 LLC to Robert Acree; Mount Trident, LLC; Mark Pfeffer; Mark E. Pfeffer Alaska Trust Utad 12/28/07; or Pfeffer Development, LLC; or any combination thereof.

**RESPONSE**

**REQUEST FOR PRODUCTION NO. 4.**

Please produce all documents, including without limitation, e-mails, relating to 716 LLC leasing or potentially leasing space to the Legislative Affairs Agency for the Anchorage Legislative Information Office upon the expiration of the lease in effect on

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January 1, 2010 and thereafter. This includes all documents pertaining to the LIO Lease, including without limitation, negotiation.

**RESPONSE**

**REQUEST FOR PRODUCTION NO. 5.**

Please produce the operating agreement for 716 LLC, including all amendments and any other agreements pertaining to the operation and/or management of 716 LLC.

**RESPONSE**

**REQUEST FOR PRODUCTION NO. 6.**

Please produce all documents relating to the LIO Lease complying with the requirement in AS 36.30.083(a) that it extend a real property lease.

**RESPONSE**

REQUEST FOR PRODUCTION NO. 7.

Please produce all documents relating to opinions, estimates or determinations of the market rental value and/or value of the New LIO Building and/or leasing or purchasing space for the Anchorage Legislative Information Office from January 1, 2010, **except** for (a) that certain "Rental Value Appraisal Report Anchorage Legislative Information Office," by Waronzof Associates, submitted October 15, 2013, as of June 1, 2014, a copy of which can be accessed by going to <http://bit.ly/1MCkd93>, and (b) that certain October 10, 2013, Report by the Alaska Housing Finance Corporation on the LIO Building Anchorage, Alaska, titled "Evaluation of Cost Estimate for Downtown Development," a copy of which can be accessed by going to <http://bit.ly/1LV9MeW>. This request includes communications with any and all persons regarding the market rental value of the New LIO Building, including without limitation during the planning phase and whether or not any opinion regarding the market rental value of the New LIO Building was formed or provided. In essence, this request is for all documents relating to the value or market rental value relating to leasing space by the Legislative Affairs Agency for the Anchorage Legislative Information Office after the expiration of the then existing lease.

**RESPONSE**

REQUEST FOR PRODUCTION NO. 8.

Please produce all documents memorializing payments for costs under the LIO Lease for what is called renovations. In other words, this request is to obtain all cost records for construction of the space under the LIO Lease which the Legislative Affairs Agency occupied in January of 2015. This includes payments for project management to defendant Pfeffer Development LLC.

**RESPONSE**

DATED: August 3, 2015.

Law Offices of James B. Gottstein

By: 

James B. Gottstein, ABA # 7811100  
Attorney for Alaska Building, Inc.

**CERTIFICATE OF SERVICE**

I certify that on August 3, 2015, I hand delivered a copy hereof to Kevin M. Cuddy, Jeffrey W. Robinson/Eva R. Gardner, Blake Call, Daniel T. Quinn, and Cynthia L. Ducey, and mailed a copy to Mark Scheer.

  
Jim Gottstein

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