

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

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

Plaintiffs,)

vs.)

Case No.: 3AN-15-05969 Civil

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.

**716 WEST FOURTH AVENUE, LLC'S FIRST DISCOVERY REQUESTS TO
ALASKA BUILDING, INC.**

COMES NOW, 716 West Fourth Avenue, LLC ("716") by and through counsel, Ashburn & Mason, P.C. and pursuant to Alaska Rules of Civil Procedure 26, 33, and 34, hereby submits the following requests for production to Plaintiff Alaska Building, Inc. ("Plaintiff").

INTRODUCTION

The following definitions apply to the enclosed discovery:

A. The term "document" as used herein is defined to include any and all manner of written, typed, printed, reproduced, filmed or recorded material, and all photographs, pictures, plans or other representations of any kind of anything pertaining,

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describing, referring or relating, directly or indirectly, in whole or in part, to the subject matter of each request, and the term includes without limitation the following:

1. All papers, books, journals, ledgers, statements, memoranda, reports, invoices, worksheets, work papers, notes, transcriptions of notes, letters, correspondence, abstracts, checks, diagrams, plans, blueprints, specifications, pictures, drawings, films, photographs, graphic representations, diaries, calendars, desk calendars, pocket calendars, lists, logs, publications, advertisements, instruments, minutes, orders, purchase orders, messages, resumes, summaries, agreements, contracts, telegrams, telexes, cables, recordings, or any other writing, copying, printing, photostatic, computer cards, discs or printouts, including non-identical copies of any of the above, or other form of communications as recorded or reproduced, as well as all notations on the foregoing; and

2. Originals, all file copies, and all other copies of any of the foregoing; and

3. All drafts and notes (whether typed, handwritten, or otherwise) made or prepared in connection with such documents, whether used or not.

B. The word “Complaint” shall mean the Complaint filed by plaintiff in this action, and the number references shall refer to those numbered sections of the Complaint.

Documents to be produced shall include all documents, wherever located, in the possession, custody, or control of you, your attorneys, consultants, accountants, or other persons retained by or acting on behalf of, or representing you. If any document is withheld under claim of privilege of any kind, the document will be identified with sufficient particularity to allow a motion to compel to be made in accordance with the procedural schedule in effect. This description shall include at least the date of the document, the name and address of the person to whom the document is sent, a brief description of the content of the document, and the basis upon which privilege is asserted.

All references to the singular shall include the plural.

Documents covered include the time period from January 1, 2005 to the date of production, unless otherwise specified in a particular request.

These discovery requests shall be continuing in nature up to and including the time of trial on the merits, for any information or documents herein requested and not known or not in the control of the responding party until some time subsequent to the date responses are due or made.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all documents, including without limitation, emails, relating to ABI and/or Jim Gottstein's knowledge of the contemplated renovation of the

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Legislative Information Office (“LIO Project”). This should include, but is not limited to, all documents indicating when ABI or Jim Gottstein first became aware of the LIO Project and all documentation of ABI and Jim Gottstein’s awareness of the ongoing construction work through the LIO Project’s completion.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents relating to ABI and Jim Gottstein’s concerns about and expressed opposition to the LIO Project, including but not limited to concerns regarding the “legality” of the project. This includes, but is not limited to any specific efforts ABI or Jim Gottstein made to stop the LIO project from moving forward either before construction began or after construction commenced. Court filings need not be discovered.

REQUEST FOR PRODUCTION NO. 3

Please produce all documents relating to payments and compensation made to ABI and its tenants relating to the LIO Project. This request includes, but is not limited to, any requests for compensation, regardless of whether compensation was actually paid.

REQUEST FOR PRODUCTION NO. 4

Please provide all documents relating to communication between Jim Gottstein, or any agent of ABI, and any tenant, or agent of that tenant, regarding any concerns expressed relating to the legality of the LIO project.

INTERROGATORIES

Pursuant to Alaska Civil Rule 33, Plaintiff is requested to respond to the following interrogatories, within (thirty) 30 days of service of these requests. 716 requests the Plaintiff produce and permit it or someone acting on its behalf, to inspect and copy the following described documents and things at the offices of Ashburn and Mason, 1227 West Ninth Avenue, Suite 200, Anchorage, Alaska.

INTERROGATORY NO. 1

On what date and under what circumstances did ABI and/or Jim Gottstein first acquire knowledge of the contemplated renovation of the Legislative Information Office?

INTERROGATORY NO. 2

Prior to the commencement of this lawsuit, on what date and under what circumstances did ABI and/or Jim Gottstein first express—formally or informally—concern over and/or opposition to the contemplated renovation of the Legislative Information Office? Please describe the first such instance and all subsequent instances.

INTERROGATORY NO. 3

Did ABI and/or Jim Gottstein ever receive any payment in connection with the renovation of the Legislative Information Office? If so, please describe the circumstances, including the date, the amount, and the reason for the payment.

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REQUESTS FOR ADMISSION

These requests for admission are submitted pursuant to Alaska Rule of Civil Procedure 36. Each request will be deemed admitted unless, within thirty days after service of these requests, you serve upon plaintiff a written answer or objection addressed to the subject matter of each and every request for admission.

REQUEST FOR ADMISSION NO. 1

Admit that the alleged damage to ABI's property, if it occurred, was caused by renovation activity.

REQUEST FOR ADMISSION NO. 2

Admit that the physical act of signing the lease document at issue did not cause damage to ABI's property.

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

DATED: 9-15-15

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

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically messenger facsimile U.S. Mail on the 18th day of September 2015, on:

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

ASHBURN & MASON

By: Heidi Wyckoff
Heidi Wyckoff

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