

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, *et al.*

Defendants.

Case No. 3AN-15-05969CI

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

Alaska Building, Inc., hereby responds to 716 West Fourth Avenue, LLC's First Discovery Requests To Alaska Building, Inc. By doing so, it is not waiving any evidentiary objections. If it is discovered that these responses should be amended, corrected or supplemented, Alaska Building, Inc., reserves the right so to do.

REQUESTS FOR PRODUCTION

The produced documents can be downloaded as a "zip" archive from <http://gottsteinlaw.com/AkBldgv716W4thAve/Discovery/AkBldgDiscovery/Docs4ResponseTo716FirstDiscovery%20Requests/>.

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 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.

RESPONSE:

Object on the grounds that Mr. Gottstein's knowledge of the contemplated LIO Project is not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. Notwithstanding the foregoing, the documents are being produced.

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.

RESPONSE:

Object on the grounds that Mr. Gottstein's concerns about and expressed opposition to the LIO Project, including but not limited to concerns regarding the "legality" of the project are not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. Notwithstanding the foregoing, the documents are being produced.

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.

RESPONSE:

Object on the grounds that payments and compensation made to ABI and its tenants relating to the LIO Project are not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. Notwithstanding the foregoing, the documents are being produced.

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.

RESPONSE:

Object on the grounds that Mr. Gottstein's concerns about and expressed opposition to the LIO Project, including but not limited to concerns regarding the "legality" of the project are not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. Notwithstanding the foregoing, the documents are being produced.

INTERROGATORIES

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?

RESPONSE:

Object on the grounds that when and under what circumstances Alaska Building, Inc., and/or I acquired knowledge of the LIO Project is not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska.

Notwithstanding the foregoing, I know I became aware of it by mid-September, 2013. I know the Alaska Dispatch News ran a story about it on June 7, 2013, but I don't have a specific memory of that. I ran into Mark Pfeffer sometime on or around the week of September 16, 2013, and he said he wanted to get together with me, which we did on October 2, 2013, I think. Mr. Pfeffer went through the project during that meeting.

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.

RESPONSE:

Object on the grounds that, except for informing Don McClintock, attorney for 716 LLC, when and under what circumstances I first expressed -formally or informally-

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concern over and/or opposition to the LIO Project is not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. I expressed my concern and opposition to Don McClintock, attorney for 716 LLC in early October, 2013. I remember we had a meeting and might have had a telephone conversation or two and e-mail, which is being produced.

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.

RESPONSE:

Object on the grounds that payments to Alaska Building, Inc., or me in connection LIO Project is not relevant nor reasonably calculated to lead to the discovery of admissible evidence because this action is brought on behalf of the state and people of Alaska. Also object to the characterization of the LIO Project as a renovation.

Notwithstanding the foregoing, yes, on December 6, 2013, \$15,000 to Alaska Building, Inc., from 716 LLC pursuant to Section 1 of the November 6, 2013, Access, Indemnity, and Insurance Agreement (Agreement) for payment of professional fees related to the LIO Project, \$10,000 to Alaska Building, Inc., from 716 LLC pursuant to Section 2 of the Agreement for computer mirroring equipment to have close to real-time offsite mirroring since one of the server room walls was the very vulnerable party wall, \$2,000 to me pursuant to Section 3 of the Agreement to pay for me having to move out of my office because my computer desk was right against the party wall and very vulnerable to a

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catastrophic failure, \$14,400 to Alaska Building, Inc., pursuant to Section 4 of the Agreement for a 12 month lease of the space from which Blu Menswear was constructively evicted by the LIO Project, and \$3,900 to Alaska Building, Inc., from 716 LLC pursuant to Section 5 of the Agreement for use of the parking space on the alley. The Agreement is in 716 LLC's possession and also produced along with copies of the checks.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1

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

RESPONSE:

Object to the characterization as renovation. Notwithstanding the foregoing, and assuming the request for admission refers to physical damage, Alaska Building, Inc., admits that the physical damage the Alaska Building was caused by the demolition and construction undertaken pursuant to the LIO Lease.


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.

RESPONSE:

Subject to the previous response, admit.

Dated October 15, 2015.




James B. Gottstein, ABA # 7811100

VERIFICATION

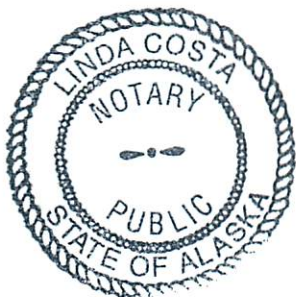
James B. Gottstein, being first duly sworn, deposes and states that I am the president of Alaska Building, Inc., the plaintiff in the above captioned litigation, I have read the above Responses to Interrogatories and believe to be true and complete based on the information available to Alaska Building, Inc., to the best of my knowledge and belief.


Dated October 15, 2015.



James B. Gottstein,
President, Alaska Building, Inc.

SUBSCRIBED AND SWORN TO before me this 15th day of October 2015.





Notary Public in and for Alaska
My Commission Expires: 04/10/2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he mailed a copy hereof to Kevin M. Cuddy and Jeffrey W. Robinson/Eva R. Gardner.

Dated October 15, 2015.



Jim Gottstein

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