

RECEIVED
MAY 27 2015
BY:

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

ALASKA BUILDING, INC., an)
Alaska corporation,)
)
Plaintiff,)
)
v.)
)
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-15-05969 CI

**PFEFFER DEVELOPMENT, LLC'S RESPONSES TO ALASKA BUILDING, INC.'S
FIRST SET OF INTERROGATORIES**

Pfeffer Development, LLC responds to Alaska Building, Inc.'s First Set of Interrogatories to Pfeffer Development, LLC, dated April 20, 2015, as follows:

INTERROGATORY NO. 1: Please identify all persons with knowledge of the LIO Project as it relates to this matter. If any such person(s) is an attorney, such person(s) must be identified.

RESPONSE: Objection, to the identification of persons with knowledge of the LIO project, which is the subject of the Plaintiff's Complaint prior to the time Initial Disclosures are

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due on June 4, 2015. Additional objection to the extent this interrogatory invades the attorney client privilege. Without waiving the foregoing, however, given the fact that virtually no discovery has occurred, answering Defendant's knowledge of persons with relevant information is limited. Plaintiff has made allegations in the Complaint and answering Defendant can assume the following persons will be called on to answer the allegations in the Complaint, including:

James Gottstein and representatives of Alaska Building Inc.

Mark Pfeffer, Bob O'Neill and representatives of Pfeffer Development LLC;

Representatives of 716 West Fourth Avenue, LLC;

Representatives of Koonce Pfeffer Bettis, Inc. d/b/a KPB Architects;

Representatives of Legislative Affairs Agency;

Representatives of Criterion General, Inc., including employees who worked on the project that is the subject of this lawsuit.

Subcontractors who provided materials and labor on the project that is the subject of this lawsuit to be identified in the course of discovery.

INTERROGATORY NO. 2: With respect to each person identified in response to the preceding interrogatory, please summarize such person's knowledge of the LIO Project as it relates to this matter.

RESPONSE: Objection, based on attorney-client privilege and attorney work product privilege. See *Hayes v. Xerox Corp.*, 718 P.2d 929 (Alaska 1986) (holding that an interrogatory requesting an attorney to provide a detailed summary of a witness' testimony violates the work-product rule because, in answering an interrogatory, the attorney must give conclusions as to what a witness would say). Additional objection since Initial Disclosures have not been exchanged and virtually no discovery has occurred and thus, this interrogatory is premature. Additional objection to providing an answer with respect to persons or parties not within answering defendant's custody or control and who may be represented by counsel. Without waiving the foregoing objections, answering Defendant assumes that each of the parties and their representatives would provide testimony regarding the allegations in the Complaint, the admissions and denials in their respective Answers, as well as the affirmative defenses. Answering Defendant assumes that in the course of discovery, additional facts will be revealed that may support answering Defendant's defenses and denials. The other defendants may well develop facts that could support their own individual defenses and denials once discovery commences.

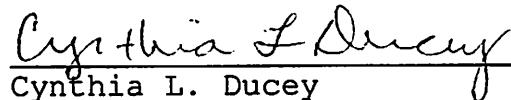
INTERROGATORY NO. 3: Please identify all documents relating to this matter.

RESPONSE: Objection, based on the attorney work product privilege. See *Hayes v. Xerox Corp.*, 718 P.2d 929 (Alaska 1986). Additional objection to identification of documents relating to this matter that are premature, since initial disclosures have not been exchanged. Without waiving the foregoing objections, Plaintiff's Complaint has put in issue certain documents including the documents identified at paragraph 7 of its Complaint, paragraph 14 of its Complaint, and paragraph 16 of its Complaint. Certain construction documents may be identified in the course of discovery as relevant to the complaint. There may be additional documents and agreements between and among the parties that are also relevant and will be identified in the course of discovery.

With respect to objections.

DATED this 26th day of May, 2015, at Anchorage, Alaska.

DELANEY WILES, INC.
Attorneys for Defendant
Pfeffer Development, LLC


Cynthia L. Ducey

Alaska Bar Assoc. No. 8310161

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VERIFICATION OF RESPONSES

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

I swear or affirm that I have read the responses to Alaska Building, Inc.'s First Set of Interrogatories to Pfeffer Development, LLC, an Alaska Limited Liability Company, and that they are true and correct to the best of my knowledge, information and belief.

Date

Mark Pfeffer
Member of Pfeffer
Development, LLC

SUBSCRIBED AND SWORN OR AFFIRMED TO before me this ___ day
of _____, 2015.

Notary Public in and for Alaska
My commission expires:_____

CERTIFICATE OF SERVICE

This certifies that I am an authorized agent of Delaney Wiles, Inc., for service of papers pursuant to Civil Rule 5, and that on this 21st day of May, 2015, a copy of the foregoing document was served by first class mail upon:

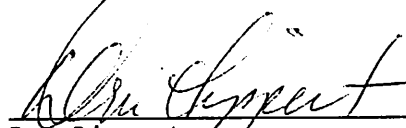
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Dru Lippert
4823-6720-6692, v. 1

HOWARD A. LAZAR
DONALD C. THOMAS
TIMOTHY J. LAMB
CYNTHIA L. DUCEY
DONNA M. MEYERS
SCOTT J. GERLACH
KENDRA E. BOWMAN
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June 1, 2015



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Re: *Alaska Building, Inc. v. 716 W. 4th Ave., LLC, et al.*

Greetings Counsel:

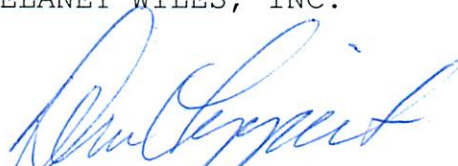
Enclosed is a copy of the signed Verification of Responses regarding Pfeffer Development, LLC's Responses to First Interrogatories from Plaintiff, served on May 26, 2015.

DELANEY WILES, INC.

June 1, 2015
Page 2

Cordially,

DELANEY WILES, INC.



Dru Lippert
Legal Assistant

Enclosure
4853-0657-4372, v. 1

VERIFICATION OF RESPONSES

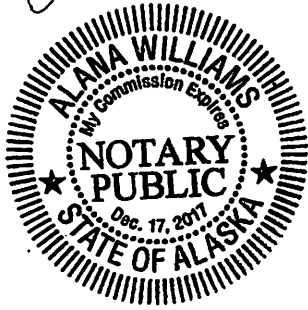
STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

I swear or affirm that I have read the responses to Alaska Building, Inc.'s First Set of Interrogatories to Pfeffer Development, LLC, an Alaska Limited Liability Company, and that they are true and correct to the best of my knowledge, information and belief.

5/29/15
Date

[Signature]
Mark Pfeffer
Member of Pfeffer
Development, LLC

SUBSCRIBED AND SWORN OR AFFIRMED TO before me this 29th day of May, 2015.



[Signature]
Notary Public in and for Alaska
My commission expires: 12/17/17

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