IN THE SUPREME COURT FOR THE STATE OF ALASKA

LAW OFFICES OF JAMES B. GOTTSTEIN Appellant, vs. ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL & GAS Appellee	)	Supreme Court Case No. S-12942

Trial Court Case Nos. 3AN-06-06003CI, & 3AN-06-08094CI

MOTION FOR NON-ROUTINE EXTENSION OF TIME TO FILE OPENING BRIEF

Appellant, the Law Offices of James B. Gottstein, a sole proprietorship, hereby moves for an extension of time to file his opening brief until 30 days after the Superior Court issues its decision on the motion for reconsideration in the consolidated appeals of *Allen & Donkel v. DNR*, 3AN-05-09272 CI, and *Allen & Donkel v. DNR*, 3AN-06-08419 CI. The brief is currently due April 4, 2008, and one routine extension has previously been granted. As set forth below, the reason for the extension is so that the questions presented on appeal will have a full factual and legal setting in which the practical effect of the parties' contentions may be weighed. Appellant has been diligent and expects the brief will filed within the time requested (or the appeal will be dismissed). Appellant contacted counsel for Appellee Department of Natural Resources (DNR) to determine whether DNR would oppose the motion and was informed DNR probably would oppose the motion.

I. SUMMARY

The following four administrative appeals involving Alaska Department of Natural Resources (DNR) oil and gas lease No. ADL 369116 (ADL 369116) were consolidated before Superior Court Judge Stowers because they involved common questions of fact and law:

1. *Allen & Donkel v. DNR*, 3AN-05-09272 CI.
2. *Law Offices of James B. Gottstein v. DNR*, 3AN-06-06003CI.
3. *Law Offices of James B. Gottstein v. DNR*, 3AN-06-08094CI.
4. *Allen & Donkel v. DNR*, 3AN-06-08419 CI.

More particularly, although they appealed three different actions by DNR, they ultimately involve whether ADL 369116 was properly terminated.

Appellant's addition to the issues being litigated by Allen and Donkel is whether a trial *de novo* should be held on the bad faith of DNR in postponing action to remove a cloud on the title of ADL 369116 it had created in violation of a specific court order prohibiting it from doing so. Among the issues raised by appellants Allen and Donkel in their appeals was that the appeal should be remanded to DNR for a hearing, including on the bad faith of DNR.

Appellant's extensive motion for trial *de novo* was denied and he joined in Allen and Donkel's briefing with respect to the other issues in the appeal, but his appeals were nevertheless dismissed for failure to prosecute. This appeal is over the dismissal of Appellant's appeals.

By dismissing Appellant's appeals, the Superior Court severed the claim for a trial *de novo* from the claim for a remand. Appellant believes this Court should have both

potential remedies before it and he filed a Motion for Stay, on February 19, 2008, requesting relief similar to that requested here.[1] Both DNR and Appellant assumed that motion became moot as a result of the Superior Court issuing its decision on the Allen/Donkel appeals and that motion was withdrawn. However, reconsideration was sought by Messrs. Allen and Donkel, and the Superior Court has ordered a response thereto.[2] In other words, withdrawal of the Motion for Stay for being moot ended up being premature and Appellant is requesting an extension of time until 30 days after the Superior Court issues its decision on reconsideration to file his opening brief. As discussed in more detail below, if the Superior Court remands the case for a hearing, this appeal almost certainly becomes moot, or at least Appellant is very likely to dismiss it. On the other hand, as also set forth more fully below, if the Superior Court re-affirms its original decision, the briefing in this appeal should be informed by such a decision and this appeal should include the remedy of a remand to DNR for proper handling.

In other words, the consolidated Superior Court appeals should never have been severed in the way they were and by this motion, Appellant seeks to have this appeal put

[1] The full title of the filing is "Opposition To Appellee's Motion To Dismiss For Failure To Appeal From Rule 511.5(C) Dismissal And Because Appeal Is Moot and Motion For Stay Of Appeal Pending Determination Of 3AN-05-09272 CI., and 3AN-06-08419 CI." It seems referring to this as the "Motion for Stay" fits best with this motion, so that is to what it is hereinafter referred.

[2] Exhibit A. Appellant was hoping a decision on reconsideration would have been issued by the time his opening brief was due and the procedural setting not have as many uncertainties, but that has not happened to Appellant's knowledge after inquiry.

into the sensible posture of having this Court considering both the remand and trial *de novo* options if it even ends up being necessary to continue with this appeal.[3]

II…….BACKGROUND

The following is a truncated description of the facts and proceedings regarding ADL 369116. A more complete description is contained in the May 9, 2006, Preliminary Pre-Briefing Motions (Preliminary Motions).[4]

(A) DNR's Bad Faith

During a previous Superior Court appeal over improper termination of ADL 369116 DNR violated an April 27, 2000 court order prohibiting it from leasing the same property during the pendency of the Superior Court appeal,[5] held a competitive oil and gas lease sale including the property on August 16, 2000, notifying the high bidder, Richard E. Wagner on August 28, 2000 he was the high bidder,[6] and issued a new oil and gas lease, ADL 389508, covering the same property to Wagner on May 1, 2001 (Wagner Lease).[7]

Just a month later, on June 1, 2001, DNR issued a letter revoking the Wagner Lease, reciting that it had been issued in violation of a court order and therefore DNR did

[3] This is not to say this Court couldn't remand the case back to DNR without this, but it just seems sensible to be in this posture going into briefing.
[4] Attachment 1 to Motion for Stay. Rather than file as Exhibits to this motion an additional copy of well over 100 pages of documents already in this appeal file, reference will be made to where they appear elsewhere.
[5] April, 27, 2000 Order, Attachment 2 to Motion for Stay
[6] August 28, 2000, Notice to High Bidder, Attachment 3, to Motion for Stay
[7] May 1, 2001, Competitive Oil and Gas Lease, ADL No. 389508, attached as Exhibit U to Preliminary Motions.

not have authority to issue the lease.[8] Wagner filed an administrative appeal on June 29, 2001.[9]

On March 4, 2002, the Superior Court ruled that ADL 369116 had been improperly terminated and remanded the case back to DNR for proper handling.[10] In late November, 2002, DNR and Messrs. Daniel Donkel, Bolt and Kasper entered into a settlement agreement whereby the lessees had until December 31, 2005 to drill a well.[11]

Contrary to expectations that DNR would process Wagner's administrative appeal in due course, DNR failed to do so until after Appellant wrote a letter on behalf of Messrs Donkel, Robert Bolt and George Kasper on June 13, 2004, stating among other things, the following:

> To their dismay, the Lessees have found that the Division failed to move forward to correct its violation of the court order prohibiting it to lease any part of ADL 369116 by issuing a final decision with respect to the Wagner lease, ADL 389508, covering part of ADL 369116. The Lessees regard this as bad faith on the part of the Division and grounds to vitiate the December 31, 2005, deadline for drilling a well. This bad faith has prevented the Lessees from drilling a well because it has cast a cloud on Lessee's title. . . . Thus, any termination should, at a minimum, be extended by the amount of time the Division has failed to issue a decision on the Wagner Lease, ADL 389508.
>
> The problem is real because it is Appellant's understanding a company decided against a drilling program in Cook Inlet to include ADL 369116 because of the cloud on title created by the Division. My understanding is that not only was ADL 369116 affected, but that drilling of another lease is not occurring because of the continuing cloud on ADL 369116's title created by the Division.

[8] Attachment 4 to Motion for Stay.
[9] Attachment 5 to Motion for Stay.
[10] *See*, March 4, 2002, Order, attached as Exhibit B to Preliminary Motions.
[11] Attachment 6 to Motion for Stay.

> Therefore, if the Division considers the letter/"decision" a decision on the termination of ADL 369116, in prosecuting their appeal, the Lessees are requesting/demanding they be allowed to conduct discovery regarding the underlying facts with full subpoena power to compel relevant testimony and production of documents, briefing and then a hearing by an impartial decisionmaker who is not employed by the State of Alaska.[12]

Sometime on June 14, 2004 or shortly thereafter a "Bill" at DNR, who is probably Bill Van Dyke, the then acting director of the Division of Oil and Gas, hand wrote a note to two other DNR employees, "Carol," who is probably Carol Lee and "Pirtle," presumably Pirtle Bates, asking, "What is the deal with the Wagner Lease?"[13]

DNR, never responded to the demand for discovery contained in Appellant's June 13, 2004, letter, [14] but by letter dated August 2, 2004, did say the May, 2004, decision addressed by Appellant's June 13, 2004 letter was not a lease termination decision.[15]

Less than two weeks later, by letter dated August 13, 2004, DNR issued it decision against Wagner in the administrative appeal,[16] which Wagner didn't appeal to the Superior Court, thus finally clearing title to ADL 369116.

(B) Renaissance Resource's Acquisition of Working Interest and Requests for Extension

Under Paragraph 8 of the Settlement Agreement,[17] when Unocal and Forest, the then "working interest owners" in ADL 369116,[18] failed to submit a written commitment

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[12] Attachment 7 to Motion for Stay.
[13] Attachment 8 to Motion for Stay, emphasis added.
[14] Attachment 7 to Motion for Stay.
[15] Attachment 9 to Motion for Stay.
[16] Attachment 10 to Motion for Stay.
[17] Attachment 6 to Motion for Stay, p. 2.
[18] "Working interest owners" means they had the right to drill and develop any oil and gas discovered. Messrs. Donkel, Bolt & Kasper, had what is known as royalty or

to drill a well by October 31, 2003, they assigned all of their interests in ADL 369116, including 100% of the working interest, back to Messrs. Donkel, Bolt and Kasper.[19]

It wasn't until after DNR had cleared the title to ADL 369116 by finally revoking the Wagner lease in late summer 2004, that Messrs. Donkel Bolt and Kasper were in a position to try and get someone else to develop (drill) the lease. This was accomplished by April 25, 2005, when Renaissance Resources, Alaska, LLC (Renaissance) submitted assignments of various interests in ADL 369116, including 100% of the Working Interest from Messrs Donkel, Bolt and Kasper.[20] In spite of Renaissance's tremendous efforts to put a drilling program together before the December 31, 2005 deadline, it was unable to do so and submitted two requests for extension of the lease in order for it be able to pull all the pieces together.[21] These requests, however, were denied.[22]

(C) Appellant's Involvement In the Administrative Proceedings

On June 15-17, 2004, as part of Appellant's compensation for an engagement in another matter, Appellant received assignments of royalty interests in ADL 369116 totaling 1.5% from Messrs. Donkel, Bolt and Kasper.[23] DNR was notified of Appellant's

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overriding royalty interests, meaning they were entitled to a share of the revenue should oil and/or gas be discovered and produced on the lease.

[19] Exhibit HH to Preliminary Motions.
[20] Exhibit OO to Preliminary Motions.
[21] Exhibits VV and XX to Preliminary Motions.
[22] Exhibits WW and YY to Preliminary Motions.
[23] Attachment 11, to Motion for Stay, pp 20-25.

ownership interest in ADL 369116 as early as June 21, 2005, [24] which was reiterated in a letter from Appellant dated June 24, 2005.[25]

On February 22, 2006, DNR issued a Final Order and Decision denying Renaissance's request for a lease extension.[26] For various reasons Appellant decided to participate in his own name and recorded the assignments on March 2, 2005,[27] and by letter dated March 3, 2005, entered the administrative proceedings on his own behalf by writing a letter to the Commissioner of DNR.[28] Portions of this March 3, 2005 letter state:

> I am participating now on my own behalf as an overriding royalty interest owner. . . .
>
> [T]he bad faith of the Division of Oil and Gas under the settlement agreement has given rise to the right to have the lease extended. . . .
>
> It is a matter of "Black Letter Law" in Alaska that every contract, which includes settlement agreements, includes the implied requirement of "good faith and fair dealing." Here, it was not until I wrote your predecessor on June 13, 2004, that the Division finally corrected its contempt of court in issuing ADL 398508 in violation of the Superior Court's order prohibiting it from doing so. This had the effect of clouding title to ADL 369116 and preventing the Appellants from receiving the benefit of their bargain in the settlement agreement. . . .
>
> The deadline for appealing your February 22nd Final Order and Decision is coming up and, if necessary, among other things, I intend to file an appeal

[24] Attachment 11, to Motion for Stay, p. 18, n.1 ("In the interest of full disclosure, it should probably be noted that Appellant's law office has received assignments of overriding royalty interests as part of Appellant's compensation in an engagement in another matter").
[25] Attachment 11, to Motion for Stay, p 19, n. 2 ("As Appellant mentioned in Appellant's June 21st letter, Appellant am a principal in ADL 369116").
[26] Exhibit EE to Preliminary Motions.
[27] Attachment 11 to Motion for Stay, pp 20-25.
[28] Attachment 11, to Motion for Stay.

> to the Superior Court of that decision in order to provide a vehicle for the lease extension and to protect my legal rights. . . .
>
> I hereby request the opportunity to conduct discovery with respect to the Division's failure to terminate ADL 398508 in a timely manner and a hearing before an impartial decisionmaker.
>
> I hope we can amicably resolve this matter and avoid this otherwise inevitable litigation.[29]

In spite of this letter and attempts to negotiate, the Commissioner did not reverse his decision rejecting Renaissance's request for an extension and issued a final decision terminating ADL 369116 on April 24, 2006.[30]

(D) The Four Superior Court Appeals

There were four appeals filed from the various DNR decisions regarding ADL 369116:

1. *Allen & Donkel v. DNR*, 3AN-05-09272 CI.
2. *Law Offices of James B. Gottstein v. DNR*, 3AN-06-06003CI.
3. *Law Offices of James B. Gottstein v. DNR*, 3AN-06-08094CI.
4. *Allen & Donkel v. DNR*, 3AN-06-08419 CI.

The first one, 3AN-05-09272 CI, was to the decision on the Plan of Development, which Messrs. Allen and Donkel filed to make sure that DNR wasn't going to come back later and assert they had lost the opportunity to appeal.[31] The second one, 3AN-06-06003CI, was by Appellant to DNR's decision not to extend the lease to allow the new working interest owner, Renaissance, a chance to put a drilling program together. The third one, 3AN-06-08094CI, also by Appellant, was to the decision terminating the lease.

[29] Attachment 11 to Motion for Stay, pp 1-2.
[30] Exhibit III to Preliminary Motions.
[31] *See*, Attachment 11 to Motion for Stay, pp 18 & 19.

The fourth one, 3AN-06-08419 CI, by Messrs. Allen and Donkel, also appealed the termination of the lease.

(E) The Allen/Donkel Opening Brief

On April 3, 2006, Messrs. Allen and Donkel filed their opening brief in the first appeal.[32] The Issues Presented for Review therein are:

> 1. Whether the Commissioner violated 11 AAC 02.050(a) in denying Appellants' request for a hearing on the dispute concerning ADL 369116?
>
> 2. Whether the Commissioner's refusal to grant Appellants a hearing on the dispute over ADL 369116 violated the requirements of due process set forth in Article 1, §7 of the Alaska Constitution?
>
> 3. Whether the DNR breached the covenant of good faith and fair dealing implicit in ADL 369116 by denying Appellants' request for an extension of the term of ADL 369116?
>
> 4. Whether the DNR breached section 4(d) of ADL 369116 by refusing to extend the terms of the lease?
>
> 5. Whether the DNR was correct in determining that an extension of ADL 369116 was not in the State's best interest?
>
> 6. Whether the DNR violated the terms of the stay in Case No.3 AN-OO-3616 CI ("Donkel et al v. State") by issuing ADL 389508 to Richard Wagner?
>
> 7. Whether the DNR breached the covenant of good faith and fair dealing implicit in the 2002 Settlement Agreement in Case No.3 AN-00-3616 CI ("Donkel et al v. State") by failing to adjudicate the Wagner appeal for over two (2) years?
>
> 8. Whether the DNR breached the covenant of good faith and fair dealing implicit in the 2002 Settlement Agreement in Case No.3 AN-00-3616 CI ("Donkel et al v. State") by failing to grant Appellants an extension of ADL 369116?

[32] Brief of Appellants Monte J. Allen and Daniel K. Donkel, filed in 3AN-05-09272 CI., Attachment 12 to Motion for Stay (Allen/Donkel Brief).

9. Whether the Commissioner's decision approving the 2005 Plan of Development for the North Middle Ground Shoal Unit failed to meet the criteria set forth in 11 AAC 83.303?[33]

(F) The Motions for Trial *De Novo* and Consolidation

On May 9, 2006, Appellant filed various preliminary motions, including one for a trial *de novo* (Motion for Trial *De Novo*).[34]

On June 1, 2006, DNR moved to consolidate all four appeals, among other things, on the basis that they involved common questions of fact and law (Motion to Consolidate).[35] The Motion to Consolidate was granted on June 6, 2006.[36]

The Motion for *De Novo* Trial was denied March 19, 2007.[37]

(G) Further Briefing

On April 18, 2007, Appellant filed a notice that Appellant would not be filing an opening brief, intending instead, if necessary and desirable, when ripe, to file an appeal to this Court with respect to the denial of the motion for a *de novo* trial.[38]

On May 7, 2007, Messrs. Allen and Donkel filed a notice that they would rely on their brief in 3AN 05-09272CI for both of their appeals.

On June 6, 2007, DNR filed its Brief in the consolidated appeals.[39]

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[33] Attachment 12 to Motion for Stay, pp 5-6.
[34] Attachment 1 to Motion for Stay.
[35] Memorandum in Support of Rule 42 Motion of Appellee Alaska Department of Natural Resources to Consolidate Four Pending Appellate Rule 605a Administrative Appeals from Decision of the DNR Commissioner.
[36] *See*, Exhibit 3 to the herein filed Memorandum in Support of Appellee's Motion to Dismiss for Failure to Appeal from Rule 511.5(c) Dismissal and Because Appeal is Moot (Motion to Dismiss).
[37] Exhibit 3 to Motion to Dismiss.
[38] Exhibit 5, p.2 to Motion to Dismiss.

On July 18, 2007, Messrs. Allen and Donkel filed their Reply Brief.[40]

(H) DNR's Superior Court Motion to Dismiss

On June 29, 2007, DNR filed a motion to dismiss Appellant's two appeals and the second Allen/Donkel Appeal for failure to prosecute.[41]

Appellant filed an opposition to the Superior Court motion to dismiss Appellant's two appeals on July 10, 2007, which included the following:

> There are a number of issues in the consolidated appeals, but Gottstein focused on just three in his Points on Appeal:
>
> 1. The Decision to terminate Lease ADL 369116 should be reversed and vacated because the Appellee violated its implied covenant of good faith and fair dealing under the settlement agreement in *Donkel et. al., v Alaska Dept. of Natural Resources*, 3AN-00-3616 CV, and
>
> 2. The Decision did not comport with the requirements of due process. . . .
>
> Point Number 1 was briefed by Allen and Donkel in 3AN-05-09272 CI, which since the cases are consolidated, also applies to Gottstein's two appeals on this same issue. That is the whole point of consolidating the appeals and it is therefore simply not true that the appeal has not been prosecuted. [3] . . .
>
> Point Number 2 involved the necessity of the Court conducting *de novo* trial, which was briefed and decided upon motion and no further briefing is necessary with respect to this issue. Thus, this issue has also been prosecuted.
>
> It is inappropriate for the Court to dismiss Gottstein's appeals before the Court determines the issue of bad faith based on the current record and the briefing on that issue.
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[39] Brief of Appellee in Rule 605(a) Appeal from May 26, 2005 Decision of the Commissioner of the Alaska Department of Natural Resources.
[40] Reply Brief of Appellants Monte J. Allen and Daniel K. Donkel.
[41] Appellate Rule 511.5(C) Motion to Dismiss Appeals from Decisions of the Commissioner of the Alaska Department of Natural Resources for Failure to Prosecute.

[3] Gottstein's notice about not filing an additional brief could have been more clear on this point.[42]

On November 26, 2007, the Superior Court granted DNR's motion to dismiss Appellant's two appeals, but not Allen/Donkel's second one.[43] This appeal followed.

III. THE TIME FOR FILING APPELLANT'S OPENING BRIEF SHOULD BE EXTENDED UNTIL AFTER THE SUPERIOR COURT DECIDES RECONSIDERATION OF THE CONSOLIDATED ALLEN/DONKEL APPEALS

(A) Overview

Fundamentally, it has always seemed to Appellant, as has been repeatedly asserted by Messrs. Donkel, Bolt and Kasper,[44] and Allen and Donkel,[45] and Appellant,[46] that he, Allen and Donkel have the right to a legitimate factual determination over whether DNR acted in bad faith under the Settlement Agreement.

Unfortunately, we have recently seen in this state the spectacle of high state officials being convicted for accepting bribes to do the bidding of Big Oil. In what is not a credit to the State of Alaska, Federal prosecutors have had to intervene upon the failure of the State of Alaska to address the corruption. In light of the literally billions of dollars involved, it would be naïve to fail to recognize that Big Oil has almost certainly corrupted DNR's Division of Oil and Gas.[47]

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[42] Exhibit 6 to Motion to Dismiss.
[43] Exhibit 8 to Motion to Dismiss, p.2.
[44] *See*, Attachment 7 to Motion for Stay.
[45] *See*, Exhibit QQ to Preliminary Motions.
[46] Attachment 1 to Motion for Stay.
[47] The current administration of Governor Palin seems to be making a concerted effort to clean things up, but this effort has not percolated down to this matter, nor is it likely it has percolated down to the problem line Division Oil and Gas staff.

While Appellant believes there are compelling reasons why a remand to DNR is inadequate and a trial *de novo* should be granted, Appellant recognizes this Court prefers to have agencies properly handle administrative matters in compliance with due process requirements so that administrative appeals can be decided on the record.[48] Thus, a remand to DNR for proper handling, if possible, which is sought in the Allen/Donkel Brief,[49] which Appellant joined, is one of two ways to correct the due process violations by DNR. The other is the trial *de novo*. The requested extension is to allow these two potential remedies to get re-joined after they were severed by the Superior Court's dismissal of Appellant's two appeals from the consolidated proceeding.

When the four appeals were consolidated this matter was in a procedural posture to be handled efficiently. In that posture, if the Superior Court ended up remanding the issue back to the agency to correct the due process violations by DNR, or ruled in Messrs., Allen and Donkel's favor on one or more of their other points, it would have mooted Appellant's motion for a trial *de novo*. In addition, there would not have been any final judgment to appeal.[50] However, by the dismissal of Appellant's appeals from the consolidated proceeding, there is a final judgment as to Appellant and Appellant was forced to appeal to protect his rights even though the issue might have otherwise disappeared--and might still. In other words, Appellant was forced to appeal before the whole case was decided.

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[48] *South Anchorage Concerned Coalition, Inc. v. Municipality of Anchorage Bd. of Adjustment*, 172 P.3d 774, 778 (Alaska 2007).
[49] Attachment 12, to Motion for Stay, p.17 (p. 13 in the Brief's numbering).
[50] *Copeland v. Commercial Fisheries Entry Com'n*, 167 P.3d 682, 686 (Alaska 2007); *Stalnaker v. Williams*, 960 P.3d 590, n3 (Alaska 1998).

In this regard, the following analysis from *Bradley v. Bradley*, 32 P.3d 372 (Alaska 2001), citing to *Johnson v. State*, 577 P.2d 706, 709 (Alaska 1978), seems completely applicable:

> [The] rule [prohibiting appeals until all substantive issues are resolved] has at least two purposes. First, it is a rule of judicial economy. Issues which seem important at intermediate stages in litigation may become insignificant or moot when the final judgment is entered. Also, interlocutory review often causes delay and needless expense. Second, the rule is designed to ensure that the questions presented on appeal have a full factual and legal setting in which the practical effect of the parties' contentions may be weighed

Extending the time for filing the opening brief until after final determination of the two Allen/Donkel appeals serves the goals of the final judgment rule while, conversely, commencing briefing during the pendency of the Allen/Donkel appeals results in many of the problems of piecemeal appeals.

If, as Appellant thinks it should, the Superior Court remands the case back to DNR, or if Messrs. Allen and Donkel prevail on one or more of their other appeal points for which reconsideration is currently pending, Appellant's motion for trial *de novo* becomes moot, provided Appellant is allowed to participate in the remanded proceedings. The extension requested here is necessary so that, as this Court has said, "the questions presented on appeal [will] have a full factual and legal setting in which the practical effect of the parties' contentions may be weighed."[51]

[51] *Bradley*, *supra*.

IV. CONCLUSION

For the foregoing reasons, Appellant is requesting the time for filing his opening brief be extended until 30 days after the Superior Court issues its decision on reconsideration in *Allen & Donkel v. DNR*, 3AN-05-09272 CI, and *Allen & Donkel* v. DNR, 3AN-06-08419 CI.

DATED April 3, 2008.

James B. Gottstein
Alaska Bar No. 7811100

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

MONTE J. ALLEN and DANIEL K. DONKEL, Appellants, vs. ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL & GAS, Appellee.	)	Case No. 3AN-05-09272CI

ORDER

Appellants Monte J. Allen and Daniel K. Donkel move for reconsideration of the court's Decision on Appeal dated February 15, 2008. The Appellee Alaska Department of Natural Resources is requested to file a response to the Motion for Reconsideration within 20 days. No reply is permitted.

Dated this 4 day of March, 2008 at Anchorage, Alaska.

CRAIG STOWERS
Superior Court Judge

I certify that on 3/4/08 a copy of this Order was mailed to at their address of record.
R. Todd/W. Bankston

D. Alford/ Judicial Assistant

cc: Donkel
Allen
CMS
3-5-08

Exhibit A