

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, and  
LEGISLATIVE AFFAIRS AGENCY

Defendants.

CLERK RECEIVED

**MAY 26 2016**

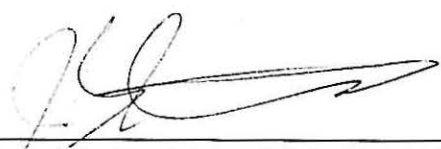
Clerk of the Trial Courts

Case No. 3AN-15-05969CI

**ALASKA BUILDING, INC., MOTION FOR COSTS AND  
ATTORNEY'S FEES AGAINST 716 WEST FOURTH AVENUE LLC  
AND LEGISLATIVE AFFAIRS AGENCY**

Pursuant to Civil Rules 79 and 82, Plaintiff, Alaska Building, Inc., moves for costs and attorney's fees against defendants 716 West Fourth Avenue LLC and the Legislative Affairs Agency.

Dated May 26, 2016.

  
James B. Gottstein, ABA # 7811100  
Attorney for Plaintiff

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, and  
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Defendants.

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Clerk of the Trial Courts

Case No. 3AN-15-05969CI

**MEMORANDUM IN SUPPORT OF  
ALASKA BUILDING, INC., MOTION FOR COSTS AND  
ATTORNEY'S FEES AGAINST 716 WEST FOURTH AVENUE LLC  
AND LEGISLATIVE AFFAIRS AGENCY**

Plaintiff, Alaska Building, Inc., has moved for costs and attorney's fees against defendants 716 West Fourth Avenue LLC (716 LLC) and the Legislative Affairs Agency pursuant to Civil Rules 79 and 82. On March 24, 2016, this Court entered its Order on Motion for Summary Judgment Re: Lease is Not an Extension granting the declaratory judgment requested by Alaska Building, Inc., and making it the final appealable order. Reconsideration was sought by 716 LLC on March 30, 2016, and this Court requested responses by April 11, 2016. The time for Alaska Building, Inc., to file its motion for attorney's fees was extended by Order dated April 11, 2016, until 10 days after determination of the then pending motion for reconsideration. The Legislative Affairs

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JAMES B. GOTTSTEIN  
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Agency received two extensions for its response and reconsideration was denied on May 20, 2016. Alaska Building, Inc., is thus the prevailing party in this action.

### **I. Fees and Costs**

Filed herewith is the Affidavit of James B. Gottstein, Esq., In Support of Alaska Building Motion for Attorney's Fees (Affidavit of Counsel), which establishes the following costs and attorney's fees:

Date	Description	Fees	Costs
3/3/2015	Filing Fee		\$ 150.00
	Westlaw		\$ 1,300.00
	Copies & Postage		\$ 100.00
1/14/2016	Both Counts	\$ 41,862.18	
1/14/2016	Illegal Lease	\$ 64,856.81	\$ 240.60
3/25/2016	Illegal Lease	\$ 26,020.59	\$ 25.00
5/20/2016	Illegal Lease	\$ 11,589.51	\$ -
<b>Total</b>		<b>\$ 144,329.09</b>	<b>\$ 1,815.60</b>

### **II. Civil Rule 82**

Civil Rules 82(a) &(b) (2) provide that the prevailing party in a civil case that recovers no money judgment shall be awarded 20% of reasonable actual attorney's fees as the default. Within the \$144,329.09 in attorney's fees, \$8,220.33, highlighted in yellow, has been identified as being for work on what was Count Two of the original complaint pertaining to damage to the Alaska Building, which was severed from this action. These have been identified because of an expected challenge to them, but "attorney fees do not have to be apportioned 'with reference to the disposition of individual issues,' " *Nautilus Marine Enterprises, Inc. v. Exxon Mobil Corp.*, 332 P.3d 554, 564 (2014). Thus, the entire

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*Memorandum in Support of Motion  
for Costs and Attorney's Fees*

*Page 2 of 10*



\$144,329 in fees should be the basis upon which the attorney's fees are awarded. Alaska Building, Inc., believes enhanced fees are appropriate here.

**(a) Enhanced Fees Are Appropriate Here**

Civil Rule 82(b)(3) allows the court to vary from the default percentage upon consideration of the following factors as relevant here:

- (A) the complexity of the litigation;
- (C) the reasonableness of the attorneys' hourly rates and the number of hours expended;
- (F) the reasonableness of the claims and defenses pursued by each side;
- (G) vexatious or bad faith conduct;
- (H) the relationship between the amount of work performed and the significance of the matters at stake;
- (K) other equitable factors deemed relevant.

The Court has broad discretion to vary its award from the default percentage so long as it explains the reasons for the variation:

"[I]n general, a trial court has broad discretion to award Rule 82 attorney's fees in amounts exceeding those prescribed by the schedule of the rule, so long as the court specifies in the record its reasons for departing from the schedule."

*Johnson v. Johnson*.<sup>1</sup> Because Rule 82 is to only partially compensate prevailing parties for their attorney's fees, full fees are only allowed if the claim or defense is frivolous or constitutes vexatious or bad faith conduct. *Id.*, n. 20. For the following reasons, Alaska Building, Inc., believes full fees are appropriate here, and if not, substantially enhanced fees over the default Rule 82 schedule should be awarded.

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<sup>1</sup> 239 P.3d 393, 400 (Alaska 2010).



**(i) Full Fees Should Be Awarded Here**

In *Crittell v. Bingo*,<sup>2</sup> the Supreme Court held that full attorney's fees for vexatious or bad faith conduct under Civil Rule 82(b)(3)(G), includes pre-litigation conduct as well as the conduct of the litigation. In *Johnson*,<sup>3</sup> the Supreme Court stated trial courts may award full fees under Civil Rule 82 if a claim or defense is frivolous even in the absence of bad faith. Here, there was bad faith conduct before the litigation, the defense of which was frivolous here. The parties knew the lease did not comply with AS 36.30.083(a) and when the lease was challenged in this litigation, the defense of the blatantly illegal lease was frivolous.

The bad faith conduct is demonstrated by the June 20, 2013, e-mail from Mark Pfeffer forwarding to Rep. Hawker, the chair of the Legislative Council, "the back channel between lawyers." Exhibit 1. In it Mr. Steiner reported that "the intent was to extend [the lease] based on beating the as-is [value] by 10%, but then NOT being limited by that standard in the material modification." In other words, the plan was to extend the lease under AS 36.30.083(a) with no physical modifications and then use the just adopted revised procurement procedures to perform the demolition of the two buildings and construction of the new office building as a "major modification" of the by then extended lease.

Mr. Steiner then reported "I don't know whether beating a post-renovation [Broker Opinion of Value] or appraisal by 10% will prove feasible, but I do not believe Rep.

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<sup>2</sup> 83 P.3d 532 (Alaska 2004).

<sup>3</sup> 239 P.3d at n. 20.

Hawker wants or expects to be told that standard limits improvements to the building."

*Id.* In this e-mail, Mr. Steiner is reporting Rep. Hawker intended to disregard AS 36.30.083(a)'s requirements. 716 LLC acceded, resulting in this lawsuit challenging its legality. This is bad faith conduct on both parties justifying full fees.

Then, when the legality of the lease was challenged in this action, the defense of the blatantly illegal lease was frivolous. This Court's March 24, 2016, Order On Motion for Summary Judgment Re: Lease is Not an Extension, suggests as much at p. 16 where this Court stated, "A court finding that this leasing scheme could be sole-sourced would eviscerate the competitive principles of the state procurement code." In *Alaska Fur Gallery, Inc. v. First Nat. Bank Alaska*,<sup>4</sup> the Supreme Court affirmed an award of full fees where the Superior Court found the non-prevailing party had not adequately explained inconsistency in testimony. Here, neither 716 LLC, nor the Legislative Affairs Agency even attempted to address their moving forward with a lease they knew did not comply with AS 26.30.083(a).

Thus, the conduct leading to this lawsuit was in bad faith and the defense of this litigation was frivolous, either of which support an award of full attorney's fees. Even if full fees are not awarded here, they should be substantially enhanced.

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<sup>4</sup> 345 P.3d 76, 89 (Alaska 2015).

**(ii) Complexity**

Civil Rules 82(b)(3)(A) allows enhancement of fees based on the complexity of the litigation. In *Alaskasland.Com, LLC v. Cross*,<sup>5</sup> the Supreme Court held the complexity of the case alone could have supported an enhanced award of 35%. The complexity factor, however, is often used in combination with other factors to enhance fees far beyond 35%. See, e.g. *Ware v. Ware*<sup>6</sup> approving an 80% award. In this case, the fundamental merits of the case were not particularly complex, but the defendants interposed complex standing, *laches* and justiciability defenses. This is grounds for an enhanced award.

**(iii) Reasonableness of Rate and Hours Expended**

Civil Rules 82(b)(3)(C) allows the Court to vary its attorney's fee award from the default 20% in consideration of the reasonableness of the attorneys' hourly rates and the number of hours expended. Counsel charged \$325/hour, while the rate for his contemporary, Walter Featherly, was \$540/hour as of June of 2014. Affidavit of Counsel, ¶9. A factor of 1.66 would be applied to the rate of counsel for Alaska Building, Inc., to equalize with Mr. Featherly's rate.

Alaska Building, Inc., also respectfully suggests that the number of hours expended was modest in light of resolving the case through an early summary judgement motion. While challenging the lease as not extending a real property lease as required by AS 36.30.083(a) seems obvious once Alaska Building, Inc., raised it, everyone else was focused on the fact that the rental rate was well over 2 times the market rate in violation of

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<sup>5</sup> 357 P.3d 805 (Alaska 2015).

<sup>6</sup> 161 P.3d 1188, 1199-1200 (Alaska 2007).



AS 36.30.083(a)'s requirement that it be at least 10% below. This, of course is a completely legitimate complaint and was included in this action, but by filing the motion for summary judgment regarding the lease not being an extension, a great deal of litigation was avoided. In fact, the defendants substantially prolonged the litigation and increased its expense by obtaining Civil Rule 56(f) extensions to conduct discovery on the issue when there was never any material fact in dispute regarding whether the lease was an extension.

Market value is inherently a factual issue that was going to involve discovery, perhaps extensive, and expert witnesses. The unclean hands doctrine was going to be pursued against the *laches* defense, which was also going to involve a lot of discovery which had already engendered a number of motions. In fact, the judgment declaring the lease illegal and invalid vacated pending discovery motions, including a motion to show cause why 716 LLC should not be held in contempt for disobeying this Court's order compelling certain discovery. By filing the Motion for Partial Summary Judgement Re: Not Extension, all of this was avoided.

#### **(iv) Unreasonable Defense**

Civil Rule 82(b)(3)(F) allows enhancement of fees for the unreasonable defense of any claim(s). In this case, the defense of the blatantly illegal lease was unreasonable, justifying an enhanced award.

#### **(v) Vexatious or Bad Faith Conduct**

Civil Rule 82(b)(3)(G) allows enhancement of fees for vexatious or bad faith conduct even if it doesn't rise to the level of awarding full fees. The analysis set forth in subsection (i) above thus also applies here.

**(vi) Relationship Between Amount of Work and Significance of the Matters at Stake.**

Civil Rule 82(b)(3)(H) allows enhanced fees above the default 20% based on the relationship between the amount of work performed and the significance of the matters at stake. It is respectfully suggested that whether the lease was illegal was of great significance and achieving its invalidation was accomplished with great efficiency. One matter at stake was the integrity of the procurement process itself. The result has been restoration of public confidence that at least the Court will step in and require compliance with the competitive requirements of the procurement code.

In addition, by bringing this case, Alaska Building, Inc., has saved the State of Alaska tens of millions of dollars. *BP Pipelines (Alaska) Inc. v. State, Dept. of Revenue*<sup>7</sup> seems particularly instructive on this point. There, the Supreme Court approved enhancement under Civil Rule 82(b)(3)(H) based on its positive fiscal impact on government.

**(vii) Other Equitable Factors**

Civil Rule 82(B)(3)(K) allows for enhancement of fees for other equitable factors deemed relevant. It is respectfully suggested that the considerable financial risk of a substantial attorney fee award against it that Alaska Building, Inc., took is an equitable factor strongly favoring enhanced fees. The Legislative Affairs Agency and 716 West Fourth Avenue LLC attempted to have Alaska Building, Inc.'s claim dismissed for lack of standing and under the *laches* doctrine and 716 West Fourth Avenue LLC attempted to

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<sup>7</sup> 327 P.3d 185, 197-198 (Alaska 2014).

have the entire case declared non-justiciable. At a minimum if any of these efforts had been successful it would have subjected Alaska Building to the risk of considerable attorney's fees, even at the default 20% rate.<sup>8</sup> In addition, the Legislative Affairs Agency served an offer of judgment of \$1 in an attempt to intimidate Alaska Building, Inc., into dropping the case, stating "unless you are able to beat the offer of judgment, the Legislative Affairs Agency will be entitled to recovery of 75% of its reasonable actual attorney's fees."<sup>9</sup> Exhibit 2, page 2.

**(viii) Multiple Civil Rule 82(b)(3) Factors Augur for Enhancement**

In *United Services Auto. Ass'n v. Pruitt ex rel. Pruitt*,<sup>10</sup> the Alaska Supreme Court upheld a 75% enhanced fee award that the Superior Court explained as follows,

In this case, the issue was of substantial importance to defendant and was vigorously defended by it. The issues were unique and plaintiff's efforts were effective, efficient and although driven by economic motive, also had broad beneficial effect for the public,

saying:

These reasons readily fall within some of the reasons for deviation that the rule contemplates. The court's explanation relates to "the complexity of the litigation;" "the reasonableness of the attorneys' hourly rates and the number of hours expended;" "the relationship between the amount of work performed

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<sup>8</sup> Alaska Building, Inc., could have sought a reduction or elimination under Civil Rule 82(b)(3), but it was still incurring considerable risk in prosecuting this case.

<sup>9</sup> Evidence Rule 408 does not prohibit the use of this e-mail because (a) the offer was not for a valuable consideration, and (b) it is not presented "to prove liability for or invalidity of the claim or its amount." As allowed by Evidence Rule 408 it is offered for another purpose, i.e., to establish equitable grounds under Civil Rule 82(b)(3)(K) for enhanced fees. Civil Rule 68(a) allows use of the Legislative Affairs Agency's Offer of Judgment to determine costs, which presumably means attorney's fees.

<sup>10</sup> 38 P.3d 528, 535 (Alaska 2001).



and the significance of the matters at stake;" and "the extent to which the fees incurred by the prevailing party suggest that they had been influenced by considerations apart from the case at bar, such as a desire to discourage claims by others against the prevailing party or its insurer." We conclude that it meets the requirements of Rule 82(b)(3).

(footnotes omitted). It is respectfully suggested a similar award is justified here.

### **(b) Apportionment between Non-Prevailing Parties**

The default or normal allocation between non-prevailing parties is to split the attorney fee equally. The default apportionment is equally between non-prevailing defendants<sup>11</sup> and the proposed order lodged herewith does so. However, the Court may find a reason or reasons to apportion unequally.

### **III. Conclusion**

For the foregoing reasons Alaska Building Inc., requests the Court to award it full attorney's fees in the amount of \$144,329.09 or, in the alternative substantially enhanced fees, plus costs of \$1,815.60 apportioned equally between defendants 716 West Fourth Avenue LLC and the Legislative Affairs Agency.

Dated May 26, 2016.



James B. Gottstein, ABA # 7811100  
Attorney for Plaintiff

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<sup>11</sup> *Thorstenson v. ARCO Alaska, Inc.*, 780 P.2d 371, 376 (Alaska 1989).

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**From:** Mark Pfeffer  
**Sent:** Thursday, June 20, 2013 10:55 AM  
**To:** Mike Hawker (mhawker@gci.net)  
**Subject:** FW: LAA procurement issues

FYI,

The back channel between lawyers.

*Mark Pfeffer*

**PFEFFER DEVELOPMENT, LLC**  
425 G Street, Suite 210 | Anchorage, Alaska 99501  
p 907 646 4644 | f 907.646.4655 |

**Cell Phone**  
907 317 5030

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**From:** John L. Steiner  
**Sent:** Thursday, June 20, 2013 10:39 AM  
**To:** Donald W. McClintock; Mark Pfeffer  
**Cc:** Heidi A. Wyckoff  
**Subject:** RE: LAA procurement issues

Don, I just spoke to Mark (before either of us had seen your email) and reviewed some of the background stuff. I gathered enough to know that the intent was to extend based on beating the as-is BOV by 10%, but then NOT being limited by that standard in the material modification. If the lease can be materially modified, why only in some respects and not in others? (That's a rhetorical question.)

I don't know whether beating a post-renovation BOV or appraisal by 10% will prove feasible, but I do not believe Rep. Hawker wants or expects to be told that standard limits improvements to the building. Getting the full first year appropriation done next session should be done in any event.

I still have some stuff to look through to be prepared to talk to Doug, but will get there shortly.

*John L. Steiner*  
Project Director and Counsel

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**Pfeffer Development, LLC**  
*Commercial Real Estate Developers*  
425 G Street, Suite 210 | Anchorage, Alaska 99501  
p 907.646.4644 | f 907.646.4655  
d 907 770.4306 | c 907.382.2300

This email may contain confidential or attorney-client privileged information and is in any case confidential. If you are not the intended recipient of this email please notify the sender then delete it permanently.

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**From:** Donald W. McClintock [mailto:dwm@anchorlaw.com]  
**Sent:** Thursday, June 20, 2013 10:18 AM

## James B. Gottstein

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**From:** James B. Gottstein <james.b.gottstein@gottsteinlaw.com>  
**Sent:** Sunday, July 26, 2015 9:56 AM  
**To:** 'Cuddy, Kevin M.'  
**Cc:** james.b.gottstein@gottsteinlaw.com  
**Subject:** RE: Follow-Up/Settlement Offer

Hi Kevin,

Upon further consideration I have decided to not be so inscrutable about your e-mail and Offer of Judgment. First, Evidence Rule 408 makes such communications inadmissible for certain purposes; it does not make them "confidential." As you know, the issue of the LIO Lease is a matter of great public interest. I would hope that the Legislative Affairs Agency's attempt to intimidate Alaska Building, Inc., into caving by threatening penalty attorney's fees under Civil 68 would also be a matter of public interest.

In any event, the Legislative Affairs Agency's Offer of Judgment is invalid. As the Alaska Supreme Court held in *Gold Country Estates Preservation Group, Inc. v. Fairbanks*, 270 P.3d 787 (Alaska 2012)

A Rule 68 offer of judgment serves no legitimate purpose in a citizen's Open Meetings Act claim against the government where there is no accompanying claim for monetary damages. To allow the recovery of attorney's fees would force the citizen litigant to drop its suit or face a potentially ruinous attorney's fee award, despite its good-faith effort to require the government to follow its own processes.  
...

This rule [82] provision embodies the concern expressed by Justice Matthews in his dissenting opinion in *Bozarth v. Atlantic Richfield Oil Co.*,<sup>52</sup> where he cautioned: "If the superior court is to serve its constitutional purpose as a forum available to all the people, superior court judges must consider whether an award of attorney's fees will impair the constitutional right of access to the courts.

Except for the Alaska Building's claim for 10% of the savings, that is precisely the situation here. The Legislative Affairs Agency is trying to force Alaska Building, Inc., to drop its suit by threatening a large attorney fee award against it for attempting to require the government to follow its own processes.

Also, the \$1 Offer of Judgment is invalid on its face.

When nominal offers are made at the outset of a case and have no prospect of acceptance or of furthering settlement negotiations, they are simply attempts to shift the cost of litigation onto the other party, without regard to the purpose and intent of Rule 68.

*Anderson v. Alyeska Pipeline Service Co.*, 234 P.3d 1282 (Alaska 2010). In fact, footnote 76 of the case you cite in your Offer of Judgment for the proposition that a \$1 offer of judgment is valid, *Lowell v. Hayes*, 117 P.3d 745 (Alaska 2005), states that the court did not consider that point because Lowell did not challenge the validity of the \$1 offer of judgment:

<sup>76</sup>Lowell does not challenge the defendants' offer as unreasonable or made in bad faith. A Rule 68 offer of judgment may be invalid where a party disingenuously makes a low offer so that it may benefit from Rule 68. See *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268, 274 (1983)



With respect to the claim for 10% of the savings, Alaska Building, Inc., is willing to drop it if the Legislative Affairs Agency reduces the rent to \$100,000 per month, and thereby comply with AS 36.30.083(a).

This is an offer you are required to communicate to your client under Rule 1.4(a) of the Alaska Rules of Professional Conduct and Comment [2] thereto.

Sincerely,

Jim Gottstein

Law Offices of James B. Gottstein  
406 G Street, Suite 206  
Anchorage, AK 99501  
Tel: (907) 274-7686 Fax: (907) 274-9493  
e-mail: James.B. Gottstein@GottsteinLaw.Com

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**From:** Cuddy, Kevin M. [<mailto:kevin.cuddy@stoel.com>]  
**Sent:** Friday, July 24, 2015 4:32 PM  
**To:** James B. Gottstein  
**Subject:** RE: Follow-Up

Dear Jim,

Thanks for your note. As I trust you'll recall, our discussion about the potential settlement of your claims was pursuant to Alaska Rule of Evidence 408, and our statements (as well as this email) are confidential settlement negotiations.

I still think that the parties should consider resolving their disputes short of trial. I received your offer of judgment earlier today and I expect that you have received the offer of judgment we served by hand this afternoon as well. I hope that you will give it serious consideration. Unless you are able to beat the offer of judgment, the Legislative Affairs Agency will be entitled to recovery of 75% of its reasonable actual attorney's fees. The stay of discovery will expire on August 3, and we will need to begin spending considerable time responding to discovery requests with respect to both counts of the Complaint. We will also spend significant time preparing for the upcoming oral argument. That will start now. It is difficult to envision a scenario whereby Alaska Building, Inc., will be able to recover anything from the Legislative Affairs Agency under Count 2 in light of the Criterion payment, AS 09.17.080, and your problems of proof concerning damages. For reasons you and I have discussed, I believe that you have substantial risks when it comes to the standing argument. In light of those risks, and the significant risk that you will be on the hook for Rule 68 fees, I hope you will take seriously the offer of judgment.

-Kevin

---

**From:** James B. Gottstein [<mailto:james.b.gottstein@gottsteinlaw.com>]  
**Sent:** Friday, July 24, 2015 12:00 PM  
**To:** Cuddy, Kevin M.  
**Cc:** [james.b.gottstein@gottsteinlaw.com](mailto:james.b.gottstein@gottsteinlaw.com)  
**Subject:** Follow-Up

Dear Mr. Cuddy,

I have been thinking about our conversation regarding the Legislature being unlikely to resolve the issue of the new LIO Lease, which is within its power. In a nutshell, that exemplifies the pervasive acceptance of corruption by officialdom and why the lawsuit over the illegal nature of the new LIO Lease needs to go forward.

Perhaps the trial court will decide my client lacks standing, in which case we will be on appeal. If not, then we will be in discovery, which will likely reveal the details of the corruption. The only way I see to avoid this is for the Legislature to take up the issue and decide in full public view whether or not to continue to lease a building at well over two times market rate, to the tune of \$177,328 per month more than allowed under AS 36.30.083(a).

Yesterday neither of us thought the Legislature was likely to take up the issue, but, assuming Count One is not dismissed for lack of standing, if the powers that be want to avoid exposure of the corruption that is what must be done. Personally, I would rather have the corruption exposed.

Sincerely,

James B. Gottstein  
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Tel: (907) 274-7686 Fax: (907) 274-9493  
e-mail: James.B. Gottstein@GottsteinLaw.Com

STOEL RIVES LLP  
510 L Street, Suite 500, Anchorage, AK 99501  
Main (907) 277-1900 Fax (907) 277-1920

Kevin Cuddy (Alaska Bar #0810062)  
STOEL RIVES LLP  
510 L Street, Suite 500  
Anchorage, AK 99501  
Telephone: (907) 277-1900  
Facsimile: (907) 277-1920



Attorneys for Defendant  
LEGISLATIVE AFFAIRS AGENCY

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

ALASKA BUILDING, INC., an Alaskan  
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-15-05969CI

**LEGISLATIVE AFFAIRS AGENCY'S OFFER OF JUDGMENT**

Defendant Legislative Affairs Agency, (the "Agency") by and through its undersigned counsel, and pursuant to Alaska R. Civ. P. 68 and Alaska Statute 09.30.065 and *Lowell v. Hayes*, 117 P.3d 745 (Alaska 2005), hereby offers to allow entry of judgment for Plaintiff Alaska Building, Inc. ("ABI"), and against the Agency, in the amount of one dollar (\$1.00), in resolution of all claims against the Agency inclusive of

LEGISLATIVE AFFAIRS AGENCY'S OFFER OF JUDGMENT

ALASKA BUILDING, INC. v. 716 WEST FOURTH AVENUE, LLC, et al., Case No. 3AN-15-05969CI

Page 1 of 3

Exhibit 2, page 4 of 5

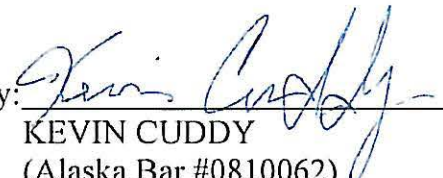


all interest, attorney's fees, and costs. This is not an admission of liability, and the Agency expressly disclaims any liability as alleged by Plaintiff.

This is an offer of judgment only and is not to be construed as an admission or as constituting any evidence of any kind at any trial of this matter. This offer of judgment shall expire ten (10) days from the date of service on the offeree as provided in Alaska R. Civ. P. 68(a), and AS 09.30.065.

DATED: July 24, 2015.

STOEL RIVES LLP

By:   
KEVIN CUDDY  
(Alaska Bar #0810062)  
Attorney for Defendant  
LEGISLATIVE AFFAIRS AGENCY

**CERTIFICATE OF SERVICE AND OF FONT**

This certifies that on July 24, 2015, a true and correct copy of the foregoing was served on:

**HAND-DELIVERED**

James B. Gottstein, Esq.  
Law Offices of James B. Gottstein  
406 G Street, Suite 206  
Anchorage, AK 99501  
(Attorney for Plaintiff)

**BY U.S. MAIL**

Mark P. Scheer  
Scheer & Zehnder LLP  
701 Pike Street, Suite 2200  
Seattle, WA 98101  
(Attorneys for Def/Criterion General, Inc.)

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,  
and LEGISLATIVE AFFAIRS AGENCY,

Defendants.

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MAY 26 2016  
Clerk of the Trial Courts

Case No. 3AN-15-05969CI

**AFFIDAVIT OF JAMES B. GOTTSTEIN, ESQ.  
IN SUPPORT OF ALASKA BUILDING MOTION  
FOR COSTS AND ATTORNEY'S FEES**

THIRD JUDICIAL DISTRICT )  
 )ss  
STATE OF ALASKA )

JAMES B. GOTTSTEIN, Esq., being first sworn under oath, hereby deposes and  
states as follows:

1. I am the attorney for plaintiff Alaska Building, Inc., in the above captioned  
action.
2. Attached hereto as Exhibit A, is my invoice for attorney's fees incurred in the  
above captioned action from March 2, 2015, through July 14, 2015 in the amount of  
\$41,862.18. This invoice includes \$8,220.33 billed for work related to Count Two  
(Damage to Alaska Building), which was later severed from this action. Entries identified

as pertaining to Count Two are highlighted in yellow and the last page of Exhibit A is the allocation of amounts billed to Count Two .

3. Attached hereto as Exhibit B is my invoice for attorney's fees for work in this matter in the amount of \$64,856.81 and \$240.60 in costs from July 23, 2015, through January 14, 2016.

4. Attached hereto as Exhibit C is my invoice for attorney's fees in the amount of \$26,020.59 and \$25 in costs from January 15, 2016, through March 24, 2016.

5. Attached hereto as Exhibit D, is my invoice for attorney's fees in the amount of \$11,589.51 from March 25, 2016, through May 20, 2016.<sup>1</sup>

6. Attached hereto as Exhibit E is the receipt for the filing fee of \$150.

7. Some years ago I quit keeping track of copies and postage. I estimate that well over \$100 in copies at \$.10 per copy and postage has been paid in this case.

8. The Westlaw account I use has a flat monthly charge of \$222.65 per month. I estimate that well over half of the Westlaw usage during the time I worked on this case was for this case. I believe \$100 per month allocated to Westlaw for 13 months is more than fair.

---

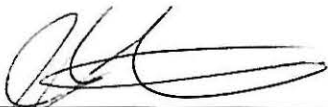
<sup>1</sup> There is one stray entry from July 7, 2015, which had been missed in previous invoices.



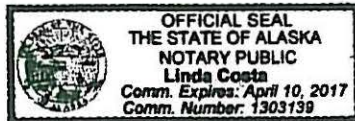
9. As of June of 2014, the hourly rate of Walter Featherly, a contemporary of mine, was \$540 per hour.


FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 25<sup>th</sup> day of May, 2016.

  
James B. Gottstein, Esq.

SUBSCRIBED AND SWORN TO before me this 25 day of May, 2016.



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

LAW OFFICES OF  
JAMES B. GOTTSTEIN  
406 G STREET, SUITE 206  
ANCHORAGE, ALASKA  
99501

TELEPHONE  
(907) 274-7686  
FACSIMILE  
(907) 274-9493

*Affidavit of James B. Gottstein, Esq.  
In Support of Motion for Costs and Attorney's Fees*

Page 3 of 3

**Law Offices of James B. Gottstein**

406 G Street, Suite 206  
 Anchorage, AK 99501  
 (907) 274-7686 Tel  
 (907) 274-9493 Fax

**Invoice**

DATE	INVOICE #
1/14/2016	3415

BILL TO
Alaska Building 406 G St, Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
3/2/2015	Picture of Server Room Floor, e-mail to R. Windt (.2)	0.2	325.00	65.00
3/10/2015	e-mail to E. Follett, call to/fr E. Follett (.67)	0.66667	325.00	216.67
3/18/2015	Call to E. Follett (.03), conference with E. Follett (.98)	1.01	325.00	328.25
3/19/2015	Complaint (.78)	0.78333	325.00	254.58
3/20/2015	Complaint (1.87)(to 2.62), e-mail to R. Windt (to 3.02), research damages/remedies (to 3.55), e-mail to/from/to R. Windt, e-mails from/to Sandra Heiden (to 3.68)	3.68333	325.00	1,197.08
3/23/2015	E-mail from/to S. Heiden, e-mail to D. DeRoberts (.72)	0.72	325.00	234.00
3/25/2015	Call from Mark Scheer, E-mail from M. Scheer, e-mails to Mark Scheer (.52)	0.52	325.00	169.00
3/26/2015	E-mail from/to M. Scheer (.05), call to D. Berry (to .32), e-mail from R. Windt, e-mail to J. Robinson (.52)	0.51667	325.00	167.92
3/27/2015	E-mail from J. Robinson, abandoned response (.15)	0.15	325.00	48.75
3/30/2015	E-mail from M. Scheer, e-mail to M. Scheer, call from M. Scheer, e-mail from M. Scheer, revise e-mail to M. Scheer, e-mail from M. Scheer, e-mail from J. Robinson, e-mail to M. Scheer (1.12), revise complaint (.2)	1.32	325.00	429.00
			<b>Total</b>	

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1/14/2016	3415

BILL TO
Alaska Building 406 G St, Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
3/31/2015	Revise Complaint (1.28), file (no charge), e-mail to M. Scheer & J. Robinson, e-mail to C. Richards & P. Varni (.2), e-mails to media (to 1.87), e-mail from J. Robinson (.02), e-mail from/to M. Scheer (.03)	1.92	325.00	624.00
4/1/2015	E-mails from/to L. Gara & B. Wielechowski, call from/to L. Norene, Service Instructions (1.2)	1.2	325.00	390.00
4/2/2015	E-mail from M. Scheer, call to B. Dickson, review discovery rules, e-mail to M. Scheer (.63), call from S. Harrison, e-mail to S. Harrison (to .82), e-mails from S. Combs, call from S. Combs (.2)	1.02	325.00	331.50
4/3/2015	E-mail from/to M. Scheer, e-mail from/to L. Norene (.60)	0.6	325.00	195.00
4/6/2015	Review Scheer Entry of Appearance (.05), conference with L. Norene (to .28)	0.28333	325.00	92.08
4/7/2015	E-mail from/to M. Scheer, e-mails from/to S. Harrison (.1), call from M. Scheer, e-mail to J. Robinson & S. Harrison (to .20)	0.2	325.00	65.00
4/9/2015	E-mail from J. Robinson, review & revise stipulation, e-mail to J. Robinson, M. Scheer & K. Cuddy (.42), e-mails from J Robinson & M. Scheer, review revised stipulation (.1)	0.52	325.00	169.00
			<b>Total</b>	



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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
4/10/2015	E-mail from/to K. Cuddy (.05), e-mail from/to/from/to Shane Durand (.05), e-mail to D. Berry (.02), call to/from/to K. Cuddy (to .30), e-mail from/to J. Robinson (.1)	0.4	325.00	130.00
4/12/2015	E-mail from M. Scheer (.02)	0.02	325.00	6.50
4/14/2015	E-mail from/to J. Robinson (.05), prepare for meeting (to .53), Inspection with M. Scheer, B. Harrower, J. Robinson, D.DeRoberts, B. O'Neill, Barry, Kendall Wilson(to 3.20)	1.2	325.00	390.00
4/15/2015	E-mail from J. Robinson (.02), e-mail from/to D. Berry (.05)	0.07	325.00	22.75
4/17/2015	Discovery (.32)	0.31667	325.00	102.92
4/19/2015	1st Set of Interrogatories to 716 LLC (1.98), assemble & serve (no charge), e-mail to J. Robinson, M. Scheer & K. Cuddy (.05)	2.03	325.00	659.75
4/20/2015	Interrogatories to LAA (.68), assemble & serve (no charge), Interrogatories to KPB, Criterion & Pfeffer Dev. (to 1.45) (to 2.87), serve (no charge)	2.86667	325.00	931.67
4/21/2015	e-mail from K. Cuddy, update citizen-taxpaper standing research, e-mail to K. Cuddy (.5), call to M. Scheer, call from K. Cuddy (to .78), e-mail from J. Robinson, upload video, e-mail to J. Robinson & C. Ducey (to .98)	0.98	325.00	318.50
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
4/22/2015	E-mail from/to D. Wilson (.22)	0.21667	325.00	70.42
4/23/2015	Review Lease "Extension" (.85), substitution (.02)	0.87	325.00	282.75
4/27/2015	Call to Cindy Ducey, call to/from J. Robinson (.23)(to .35), e-mail to/from J. Robinson (to .82)	0.78333	325.00	254.58
4/28/2015	Call from K. Cuddy (.05), call to J. Koonce (.12)	0.11667	325.00	37.92
4/29/2015	Review Criterion Answer (.1) Call from D. Quinn (.1)	0.2	325.00	65.00
5/1/2015	Call from M. Scheer (.18), Review D. Quinn Appearance & KPB Jury Demand (.02)	0.2	325.00	65.00
5/4/2015	Review 716 Answer (.18), call to D. Berry-left v-mail (to .221)	0.21667	325.00	70.42
5/5/2015	Call from/to/from D. Quinn (.1), inspection/conference by/with D.Quinn & J. Koonce (.7), call from M. Juarros (.05), e-mail from/to M. Juarros (to 1.12), e-mail to M. Juarros (.1), e-mail from/to K. Cuddy (.05), e-mail from/to K. Cuddy (.05)	1.32	325.00	429.00
5/6/2015	Review Initial Pretrial Order (.3)	0.3	325.00	97.50
			<b>Total</b>	

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5/7/2015	E-mail from J. Robinson, review calendar and reserve dates, e-mail to J. Robinson, e-mail from D. Quinn (.1), e-mail from/to J. Robinson (.05), KPB Answer, LAA Extension Motion (.2)	0.35	325.00	113.75
5/11/2015	Call to/from D. Berry (v-mail)(.1)	0.1	325.00	32.50
5/12/2015	E-mail from K. Cuddy, e-mail to M. Scheer & C. Ducey, e-mail from/to M. Scheer, e-mail from J. Robinson, E-mail from C. Ducey (.1)	0.1	325.00	32.50
5/13/2015	E-mail to/from D. Berry (.06), Joint Trial Dates Submission drafts, e-mails to/from counsel ( to .48)	0.48333	325.00	157.08
5/15/2015	Video Screening/Conference/Inspection with D. Berry (.45), e-mail to D. Berry (.05)	0.5	325.00	162.50
5/18/2015	Finalize Trial Dates Submission (.1), serve & file (no charge)	0.1	325.00	32.50
5/19/2015	Initial Disclosures (.1)	0.1	325.00	32.50
5/26/2015	Call to D. Berry (.03)	0.03333	325.00	10.83
5/27/2015	Discovery, including e-mails to J. Robinson, C. Ducey (.58), call from D. Berry (to .63)	0.63333	325.00	205.83
5/29/2015	Review LAA Motion to Dismiss or Sever (.65)	0.65	325.00	211.25
6/1/2015	E-mail from/to J. Robinson (.05)	0.05	325.00	16.25
			<b>Total</b>	



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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
6/2/2015	Call from/to/from J. Robinson (.08), Initial Disclosures, review Pfeffer Verification Page, call to M. Scheer, call from K. Cuddy, e-mail to/from K. Cuddy (2.15)(to 3.67)(to 4.38)(to 5.18)	5.18	325.00	1,683.50
6/3/2015	Initial Disclosures (2.08)(to 2.58)(to 4.27)(to 4.58)	4.58333	325.00	1,489.58
6/4/2015	Initial Disclosures (2.92), KPB's Responses to First Interrogatories, e-mail from/to D. Berry (.2)	3.12	325.00	1,014.00
6/5/2015	Opposition to Discovery Stay, review initial disclosures (2.87)	2.87	325.00	932.75
6/6/2015	Opposition to Discovery Stay, Amended Complaint, Review Initial Disclosures (5.28)	5.28	325.00	1,716.00
6/7/2015	Opposition to Stay Motion (2.98)	2.98	325.00	968.50
6/8/2015	Finalize, serve & file Amended Answer & Opposition to Discovery Stay (no charge), Call from G. Thatcher, e-mail to G. Thatcher (.05), review discovery(to .62), e-mail to D. Berry, Opposition to Dismiss or Sever, call to D. Berry (to 1.03)(to 1.25)(to 1.30)	1.3	325.00	422.50
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
6/9/2015	Opposition to Dismiss or Sever, Call from Sue Hume, call from T. Aglietti, conferences with H. Schouten, e-mail from/to J. Robinson x2 (.68)(to 1.62)(to 2.55)(to 3.27)	3.27	325.00	1,062.75
6/10/2015	Opposition to Motion to Dismiss or Sever (1.67)(to 3.42)(4.38), "Extension" Summary Judgment Motion (to 5.50)	5.5	325.00	1,787.50
6/11/2015	"Extension" Summary Judgment, review discovery, call to D. Berry (2.55)(to 3.30)(to 4.02)(to 5.87)	5.87	325.00	1,907.75
6/12/2015	Extend Summary Judgment, Opposition to Motion to Dismiss or Sever (4.33), serve & file (no charge) conference with J. Robinson (.05), call from K. Cuddy (to 4.52), e-mail to K. Cuddy (.02)	4.54	325.00	1,475.50
6/15/2015	E-mail from/to K. Cuddy (.05) e-mail to/from/to K. Cuddy (.05). e-mail to J. Robinson (.02), e-mail from K. Cuddy (.02), review LAA stay proceedings pleadings (.1)	0.29	325.00	94.25
6/16/2015	Opposition to Proceedings Stay (1.15)	1.15	325.00	373.75
6/17/2015	Opposition to Proceedings Stay (1.02)	1.01667	325.00	330.42
6/18/2015	Call from J. Robinson (.07), review Motion for Reconsideration (.1)	0.17	325.00	55.25
			<b>Total</b>	

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1/14/2016	3415

BILL TO
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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
6/19/2015	Request and Order for Oral Argument (.15), serve & file (no charge), Opposition to Stay of Proceedings, call to D. Berry (to 3.93)(to 4.77)	4.77	325.00	1,550.25
6/22/2015	Opposition to Proceedings Stay, Review Reply re: Dismiss or Sever (2.78)	2.78	325.00	903.50
6/23/2015	Sur-Reply Package (2.12)(to 2.70), review 716 LLC Answer to Amended Complaint (.05)	2.75	325.00	893.75
6/24/2015	Opposition to Proceedings Stay, call to D. Berry (.95), look at 716 filings (to 1.17)	1.16667	325.00	379.17
6/25/2015	Opposition to Proceedings Stay (3.22), e-mail from/to J. Robinson (.05)	3.27	325.00	1,062.75
6/26/2015	E-mail to/from/to J. Robinson, Opposition to Rule 56(f) Request (1.87)	1.86667	325.00	606.67
6/29/2015	Opposition to Rule 56(f) Request (1.17)	1.46667	325.00	476.67
6/30/2015	Call to D. Berry (.08), review LAA Opposition to Partial Summary Judgment and Rule 56(f) Request (to .52)	0.52	325.00	169.00
7/1/2015	Conference with B. Call (.05), opposition to 716 Rule 56(f) Request (to 1.02)(to 2.93), review 716 extension package (to 3.22)(to 3.77)	3.77	325.00	1,225.25
			<b>Total</b>	



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1/14/2016	3415

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Alaska Building 406 G St, Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
7/2/2015	Opposition to Expedited Consideration, Opposition to 716 Discovery Stay Motion, Interrogatory No. 4 to Criterion (1.98)(to 3.12), serve & file (no charge), Opposition to 716 Rule 56(f) Request (to 4.95)(to 5.88)(to 6.37), serve & file (no charge), e-mail to M. Scheer & B. Call, review KPB Initial Disclosures (to 7.67)	7.66667	325.00	2,491.67
7/3/2015	Review KPB Discovery (1.63), review LAA Proceeding Stay Reply (to 1.80)	1.8	325.00	585.00
7/5/2015	Partial Summary Judgment Reply (2.37)	2.37	325.00	770.25
7/6/2015	Partial Summary Judgment Reply, call from/to/from D. Berry (.83)(to 1.47)(to 2.52)(to 3.02)	3.01667	325.00	980.42
7/7/2015	Motion for Partial Summary Judgment Reply (3.98) serve & file (no charge)	3.98333	325.00	1,294.58
7/8/2015	Opposition to 716 Dismiss Motion (.5)	0.5	325.00	162.50
7/9/2015	Opposition to 716 Dismissal Motion (1.35)	1.35	325.00	438.75
7/10/2015	716 Dismiss Motion Opposition (1.77)(to 2.38)(to 3.03)(to 3.95), serve & file (no charge)	3.95	325.00	1,283.75
7/13/2015	Discovery on Criterion (1.5), Review LAA & 716 Pleadings (.5), e-mail from/to B. Call, call to B. Call (.05)	2.05	325.00	666.25
			<b>Total</b>	

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DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
7/14/2015	Conference with B. Call , Discovery on Criterion(2.12)	2.12	325.00	689.00
			<b>Total</b>	\$41,862.18

Allocation to Count Two

Date	Count 2	Allocation
3/2/2015	\$ 65.00	All
3/20/2015	\$ 598.54	Half
3/23/2015	\$ 234.00	All
3/25/2015	\$ 169.00	All
3/26/2015	\$ 167.92	All
3/30/2015	\$ 429.00	All
3/31/2015	\$ 162.50	.5 hours
4/2/2015	\$ 331.50	All
4/3/2015	\$ 32.50	.1 hours
4/6/2015	\$ 16.25	.05 hours
4/7/2015	\$ 65.00	All
4/9/2015	\$ 169.00	All
4/10/2015	\$ 6.50	.02 hours
4/12/2015	\$ 6.50	All
4/21/2015	\$ 123.50	.38 hours
4/22/2015	\$ 70.42	All
4/23/2015	\$ 6.50	.02 hours
4/27/2015	\$ 254.58	All
4/28/2015	\$ 39.00	.12 hours
4/29/2015	\$ 65.00	All
5/1/2015	\$ 65.00	All
5/4/2015	\$ 70.42	All
5/5/2015	\$ 260.00	.8 hours
5/11/2015	\$ 32.50	All
5/15/2015	\$ 162.50	All
5/26/2015	10 44/53	All
5/27/2015	\$ 205.83	All
6/2/2015	\$ 32.50	.1 hour
6/3/2015	\$ 744.79	Half
6/4/2016	\$ 858.00	Half
6/8/2015	\$ 65.00	.2 hours
6/24/2015	\$ 32.50	.1 hours
6/20/2015	\$ 26.00	.08 hours
7/1/2015	\$ 16.25	.05 hours
7/2/2015	\$ 487.50	1.5 hours
7/3/2015	\$ 529.75	1.63 hours
7/6/2015	\$ 269.75	.83 hours
7/13/2015	\$ 650.00	2 hours
7/14/2015	\$ 689.00	All
<b>Total</b>	<b>\$ 8,220.33</b>	



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DATE	INVOICE #
1/14/2016	3416

BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
7/23/2015	Call from K Cuddy (.3)	0.3	325.00	97.50
7/24/2015	E-mail to K. Cuddy (.45), e-mail from K. Cuddy, review offer of judgment, e-mail to K. Cuddy (.2)	0.65	325.00	211.25
7/25/2015	Work on e-mail to K. Cuddy (.92)	0.91667	325.00	297.92
7/26/2015	E-mail to K Cuddy, Count One Offer of Judgment (3.03), e-mail from/to K. Cuddy (to 3.58)	3.58333	325.00	1,164.58
7/27/2015	E-mail to J. Robinson & K. Cuddy (.05)	0.05	325.00	16.25
7/30/2015	Discovery on 716 & LAA (1.82)	1.81667	325.00	590.42
7/31/2015	Discovery, Discovery on 716 & LAA (2.62)	2.62	325.00	851.50
8/3/2015	E-mail from B. Call (.02)	0.02	325.00	6.50
8/3/2015	Discovery on LAA & 716 (1.33), Discovery on Pfeffer Dev (to 2.08), assemble & serve (no charge), e-mail to K. Cuddy, e-mail to J. Robinson, e-mail to C. Ducey (to 2.23)	2.23333	325.00	725.83
8/6/2015	Review LAA Initial Disclosures (.08)	0.08	325.00	26.00
8/16/2015	Prepare for Oral Argument (1.02)	1.05	325.00	341.25
8/17/2015	Prepare for Oral Argument (1.87)(to 2.38)(to 3.20)(to 4.82)(to 5.37)	5.36667	325.00	1,744.17
8/18/2015	Prepare for Oral Argument (4.98), oral argument 2)	6.98	325.00	2,268.50
8/19/2015	Call from J. Robinson (.05), conference with J. Robinson (to .42). call from/to D. Quinn (to .47)	0.46667	325.00	151.67
			<b>Total</b>	

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				TERMS
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8/20/2015	E-mail from/to/from/to J. Schwamm, call to J. Schwamm (.48), call from L. Norene, organize information (to .88)	0.88333	325.00	287.08
8/21/2015	Review Order (.1)	0.1	325.00	32.50
8/25/2015	E-mail to/from/to K. Cuddy & J. Robinson (.13), 2nd Amended Complaint (to .33)(to .82), finalize, serve & file (no charge), e-mail to K. Cuddy & J. Robinson (.05)	0.87	325.00	282.75
8/31/2015	Review Deficiency Notice, call to Clerk (.13)	0.13333	325.00	43.33
9/3/2015	Review Discovery Responses (.43)	0.43333	325.00	140.83
9/4/2015	E-mail to J. Robinson (.05), review LAA discovery (.to .27), e-mail from/to/from J. Robinson (.05)	0.32	325.00	104.00
9/5/2015	Response to LAA Discovery Requests (1.67)(to 2.90)	2.9	325.00	942.50
9/6/2015	Respond to LAA Discovery Requests (1.42)(to 2.88)	2.88	325.00	936.00
9/9/2015	Review 716 discovery responses, e-mail from/to/fr/to K. Cuddy, conference with L. Norene, review 716 LLC Partial Opposition to Criterion Dismissal, call to Blake Call (2.92)(to (3.15), e-mail from/to J. Robinson (.1), e-mail from/to K. Cuddy (.1)	3.35	325.00	1,088.75
9/10/2015	Review Discovery (.63)	0.78333	325.00	254.58
			<b>Total</b>	

**Law Offices of James B. Gottstein**

406 G Street, Suite 206  
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**Invoice**

DATE	INVOICE #
1/14/2016	3416

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Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
9/12/2015	Reply re: Criterion Dismissal (.5), e-mail from L. Norene, call to L. Norene, e-mail to L. Norene (to .75)	0.75	325.00	243.75
9/15/2015	Discovery (.27), prepare for scheduling hearing, scheduling hearing (1.47)	1.47	325.00	477.75
9/22/2015	LAA discovery response (.52)	0.52	325.00	169.00
9/23/2015	Review & file Pfeffer Dev Offer of Judgment (.05)	0.05	325.00	16.25
9/23/2015	Letter to J. Robinson re: 1st Production Responses (.87)	0.87	325.00	282.75
9/24/2015	Letter to J. Robinson re: Discovery Failures (.22)(to 1.87)(to 2.53), e-mail to J. Robinson (to 2.60), call to J. Robinson (.02), Rule 37(d) Certificate, (.19) motion for preliminary injunction (to 4.03), Supplement to Initial Disclosures (.5)	4.53	325.00	1,472.25
9/25/2015	E-mail from/to/from J. Robinson (.05)	0.05	325.00	16.25
9/25/2015	Call from E. Gardner (.03), call to/from J. Schwamm (.02), Review Notice of Deposition (.01)	0.01	325.00	3.25
9/28/2015	Review LAA Discovery (1.75), e-mail from/to L. Norene, Motion for Preliminary Injunction (to 3.47)	3.47	325.00	1,127.75
			<b>Total</b>	



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1/14/2016	3416

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
9/29/2015	Review LAA Discovery (1.64), Motion for Preliminary Injunction (to 3.28)(to 4.72)(to 5.76)	5.76	325.00	1,872.00
9/30/2015	E-mail from/to J. Robinson, prepare for meeting (.22), review LAA Discovery (to 1.38), Discovery consultation with J. Robinson (.4), confirmation e-mail to J. Robinson (to 3.43), continue review LAA Discovery (to 4.88)	4.88	325.00	1,586.00
10/1/2015	E-mail from/to J. Robinson re: Requests for Production (.2), review LAA Discovery (to 1.37)(to 3.02)(to 3.98)	3.98	325.00	1,293.50
10/2/2015	Motion for Preliminary Injunction (.45)(to 1.22)(to 2.50), Motion to Compel 716 LLC Production (to 3.42)(to 3.97)	3.96667	325.00	1,289.17
10/3/2015	Motion to Compel (.48)	0.48	325.00	156.00
10/4/2015	Motion to Compel (1.08)(to 2.68)(to 3.57), Response to LAA Discovery (to 3.98)	3.98333	325.00	1,294.58
10/5/2015	Respond to LAA Discovery (1.32)(to 1.77), serve (no charge), Motion to Compel (to 2.18)	2.18333	325.00	709.58
10/6/2015	Motion for Preliminary Injunction (1.85),discovery letter to K. Cuddy (.3)	2.15	325.00	698.75
10/7/2015	Respond to 716 Discovery (.53)	0.53333	150.00	80.00
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
10/8/2015	Respond to 716 Discovery Requests (1.18)(to 1.92)	1.91667	325.00	622.92
10/9/2015	Respond to 716 Discovery (.87)(to 1.22)(to 1.87), call to K. Cuddy, Rule 37(d) Certificate (to 1.97), Opposition to 716 Law Motion (to 2.52)	2.51667	325.00	817.92
10/13/2015	Look at K. Cuddy Letter (.02)	0.02	325.00	6.50
10/14/2015	E-mail to K. Cuddy (.02), look at 716 e-mail production (.1)	0.12	325.00	39.00
10/16/2015	E-mail from/to J. Robinson (.02), opposition to Qui Tam/Punitives dismissa to (.65), scan 716 Production (2), JG Deposition (1.7), E-mail to J. Robinson/Eva Gardner (.5)	4.85	325.00	1,576.25
10/17/2015	Review 716 LLC Discovery (1.5), e-mail to K. Cuddy (.02)	1.52	325.00	494.00
10/18/2015	E-mail from/to K. Cuddy (.15), review 716 produced e-mails, e-mail from J. Robinson (to .63)(to 1.03), e-mail from/to K. Cuddy (.05)	1.08	325.00	351.00
10/19/2015	E-mail from J. Robinson, e-mail to K. Cuddy, Review 716 LLC Discovery, e-mails to K. Cuddy, e-mail from K. Cuddy, e-mail to J. Robinson, look at deposition transcript (.52)(to 1.83)(to 2.72)	3.16667	325.00	1,029.17
			<b>Total</b>	

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DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
10/20/2015	Extension Motion, serve & file (no charge), review 716 discovery (1.38)(to 1.82)	1.82	325.00	591.50
10/21/2015	Review 716 Discovery (1.22)(to 3.33)(to 4.62)	4.61667	325.00	1,500.42
10/23/2015	JG Deposition (2.15), opposition to prevailing party motion (to 3.87)(to 4.57), finalize, serve & file (no charge), Review Laches Oral Argument Request, review extension orders (.02), e-mail from/to J. Robinson (.05)	5.04	325.00	1,638.00
10/24/2015	Opposition to 716 Qui Tam/Punies Motion (1.83)	1.83333	325.00	595.83
10/25/2015	Opposition to 716 Qui Tam and Punies Motion (.45)(to 3.23)(to 5.20)	5.2	325.00	1,690.00
10/26/2015	Settlement mtg with J. Robinson (.2), Opposition to 716 Qui Tam/Punies motion (to 1.35)(to 3.13)(to 4.28)(to 6.82)(to 7.57)	7.56667	325.00	2,459.17
10/27/2015	Opposition to 716 Qui Tam/Punies Motion (.55)(to 2.17), finalize, serve & file (no charge), e-mail from/to J. Robinson (.02)	2.19	325.00	711.75
10/28/2015	Review Deficiency Notice, Proper Proof of Service, serve & file (no charge), call from H. Wyckoff (.02), Look at 2nd Production supplement (to .53)	0.53333	325.00	173.33
10/29/2015	E-mail to H. Wyckoff (.02)	0.02	325.00	6.50
			<b>Total</b>	



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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
10/30/2015	Review 716 LLC Opposition to Motion to Compel (.18), review LLC Opposition to Preliminary Injunction, e-mail to H. Wyckoff (to .93), e-mail to/from/to H. Wyckoff, look at Motion for Protective Order, look at LAA Attorney Fee Motion Reply (.4)	1.33	325.00	432.25
11/1/2015	Laches Opposition (.77)	0.77	325.00	250.25
11/2/2015	Opposition to Laches (1.63)	1.63333	325.00	530.83
11/3/2015	Laches Opposition, e-mail from/to J. Robinson (1.58)(to 2.55)(to 3.18)	3.18333	325.00	1,034.58
11/4/2015	Laches Opposition (1.75)(to 2.97)(to 3.58)(to 4.95)(5.55)(6.47)	6.46667	325.00	2,101.67
11/5/2015	Laches Opposition (.95)(to 1.73), finalize, serve & file (no charge)	1.73333	325.00	563.33
11/6/2015	Call to M. Bahr, call to K. Cuddy, e-mail to/from/to M. Bahr (.48), Response to Protective Order Motion (to 2.25), e-mails from/to H. Wyckoff & E. Gardner (to 2.80)	2.8	325.00	910.00
11/7/2015	Protective Order Opposition (.85)(to 2.38)(to 3.53)	3.53333	325.00	1,148.33
11/8/2015	Opposition to Protective Order (2.30)(to 3.18)	3.18333	325.00	1,034.58
			<b>Total</b>	

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11/9/2015	e-mail from/call to/fr M. Bahr (.35) Preliminary Injunction Reply (to .65), call from K. Cuddy (.08) (to 1.60)(to 2.98), finalize, serve & file (no charge)	2.98333	325.00	969.58
11/10/2015	Review Laches extension motion, e-mail to/from/to J. Robinson (.25), Protective Order Opposition (to 1.17), finalize, serve & file (no charge), call from/to K. Cuddy (to 1.18)	1.18333	325.00	384.58
11/11/2015	Call from K. Cuddy (.1),Discovery letter & e-mail to J. Robinson (to 2.12), Compel Reply (to 2.35)	2.35	325.00	763.75
11/12/2015	Compel 716 Reply (1.37)	1.37	325.00	445.25
11/14/2015	Compel 716 Production Reply (1.12)	1.12	325.00	364.00
11/15/2015	Compel 716 Production Reply (1.42)(to 2.88)(to 4.23)	4.23333	325.00	1,375.83
11/17/2015	Review LAA Laches Reply (.15), Compel 716 Production Reply (to 1.97)(to 2.28)	2.28333	325.00	742.08
11/18/2015	Compel 716 Production Reply (.37)	0.36667	325.00	119.17
11/26/2015	Review 716 Protective Order Reply (.05)	0.05	325.00	16.25
11/27/2015	Review Qui Tam/Punies Replies (.55)	0.55	325.00	178.75
12/7/2015	Notice of Admissions by LAA (1), serve & file (no charge), e-mail to K. Cuddy (to 1.12), discovery letter to J. Robinson (to 1.82)	1.81667	325.00	590.42
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
12/8/2015	Discovery Letter to J. Robinson, e-mail to J. Robinson (1.60), prepare for oral argument (1.8), Rule 56(f) Request (.5)	3.9	325.00	1,267.50
12/9/2015	Rule 56(f) Request (1.45)(to 2.47)	2.46667	325.00	801.67
12/10/2015	E-mail to K. Cuddy re: Rep. Hawker's gci e-mail (1.5), e-mail from/to/from G. Callow (.05)	1.55	325.00	503.75
12/11/2015	Call to G. Callow (.02)	0.02	325.00	6.50
12/12/2015	Prepare for oral argument (.33)	0.33	325.00	107.25
12/14/2015	Motion Re: Hawker GCI e-mails (1.48), serve & file (no charge)	1.48333	325.00	482.08
12/15/2015	Prepare for oral argument (.92)	0.92	325.00	299.00
12/16/2015	Prepare for oral argument (4), oral argument (to 5.28)	5.28	325.00	1,716.00
12/30/2015	Review Opposition to Rule 56(f) Request, Rule 56(f) Reply, review LAA Mootness Motion, e-mail to K. Cuddy (1.67) ( to 1.95)	1.95	325.00	633.75
12/31/2015	Conditional Civil Rule 56(f) Reply(1.45)(to 2.20)	2.2	325.00	715.00
1/1/2016	Conditional Rule 56(f) Reply, Status Conference Request, Preliminary Witness List, Request for Production No. 5 to LAA (1.33)(to 2.30)	2.3	325.00	747.50
1/2/2016	Conditional Rule 56(f) Reply, e-mail to M. Buller (1.23)(to 2.03)	2.03333	325.00	660.83
			<b>Total</b>	



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1/14/2016	3416

BILL TO
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				TERMS
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1/3/2016	Status Conference Request, Conditional Rule 56(f) Request Reply (2.02), serve (no charge).	2.01667	325.00	655.42
1/4/2016	File Conditional Rule 56(f) Reply & status conference request (no charge), e-mail to K. Cuddy (.15), call from M. Buller (.to .20), e-mail to/from M.E. Beardsley (.05), e-mail from/to K. Cuddy (to .30), prepare for K. Cuddy Mtg (.05)	0.35	325.00	113.75
1/6/2016	Review Deficiency Notice, Response to Deficiency Notice (.23) serve & file (no charge), e-mail from/to J. Robinson (.002)	0.25	325.00	81.25
1/7/2016	Prepare for conference with K. Cuddy (2.24), conference with K. Cuddy (1.2), review Laches Denial Order (to 3.53)	3.53333	325.00	1,148.33
1/8/2016	Call from/to J. Crawford (.15), discovery letter to K. Cuddy (to 2.28)	2.28333	325.00	742.08
1/11/2016	Request for Production No. 6 to LAA (.8)	0.8	325.00	260.00
1/13/2016	AHFC Deposition (.5), review Compel 716 LLC Order (to .63), look at QuiTam/Punies Order (to .72)	0.71667	325.00	232.92
1/14/2016	E-mail from/to J. Robinson (.05), call to J. Robinson, e-mail to J. Robinson (to .09)	0.09	325.00	29.25
7/31/2015	Outlook PST File Viewer Pro - Single User License		69.00	69.00
			<b>Total</b>	

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1/14/2016	3416

BILL TO
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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
10/15/2015	Notary signature		10.00	10.00
10/19/2015	Copy - compression/word index, electronic transcript Exhibits (electronically scanned and hyperlinked/archived/e-mailed)		151.60	151.60
11/5/2015	Notary Signature		10.00	10.00
	Total Reimbursable Expenses			240.60
			<b>Total</b>	\$65,097.41

## Outlook PST Viewer Pro Reimbursement

<input checked="" type="checkbox"/> 08/01/2015	FS *systoolsgroup 877-3278914 CA		\$69.00
	Transaction date:	07/31/2015	
	Card type:	Visa	
	Transaction type:	Purchases	
	Merchant description:	DIRECT MARKETING/MARKETERS - NOT ELSEWHERE CL	
	Merchant information:	877-3278914 , CA	
	Reference number:	6389	

Bill	
<p>Vendor <u>Jim Gottstein -exp</u> ▼</p> <p>Address <div style="border: 1px solid black; padding: 5px; min-height: 60px;">Jim Gottstein -exp</div></p> <p>Terms <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span> ▼</p> <p>Memo <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span></p>	<p>Date <u>07/31/2015</u> </p> <p>Ref. No. <u>SysTools</u></p> <p>Amount Due <u>69.00</u></p> <p>Bill Due <u>08/10/2015</u> </p>

<b>Expenses</b>	<b>\$69.00</b>	<b>Items</b>	<b>\$0.00</b>
Account	Amount	Memo	
Computer Expense	69.00	Outlook PST File Viewer Pro - Single User License	



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Notary - 1 Signature

SubTotal \$ 10.00  
Total \$ 10.00

VISA \$ 10.00  
ACCOUNT NUMBER \* \*\*\*\*\*8295  
Appr Code: (S) Sale

Receipt ID 83839372663277888382 001 Items  
CSH: LINDA Tran: 1255 Reg: 001

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406 G Street, Suite 206  
Anchorage, Alaska 99501

**ATTENTION:**

J. Gottstein

## Invoice

DATE	INVOICE ...
10/19/2015	15-20219
TERMS	
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REPOR... BROOKING

DATE TAKEN	DESCRIPTION	AMOUNT
10/16/2015	ALASKA BUILDING, INC. v 716 WEST FOURTH AVENUE LLC, ET AL. DEPOSITION OF JAMES GOTTSTEIN - VOLUME I  Copy - Compression/word index, electronic transcript Exhibits (electronically scanned and hyperlinked/archived/e-mailed)	142.10 9.50
Thank you for choosing Pacific Rim Reporting.		<b>Total</b> \$151.60

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Notary - 1 Signature

SubTotal \$ 10.00  
Total \$ 10.00

VISA \$ 10.00  
ACCOUNT NUMBER \* \*\*\*\*\*8295  
Appr Code: (S) Sale

Receipt ID 82839379859118888381 001 Items  
CSH: LINDA Tran: 3660 Reg: 002

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DATE	INVOICE #
3/25/2016	3419

BILL TO
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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
1/15/2016	Prepare for and conference with J. Robinson (1.03), e-mail to J. Robinson (.1), e-mail from/to J. Robinson (.03)	1.16	325.00	377.00
1/20/2016	Review Motion for Reconsideration (.12), review extension motion (.02), e-mail to K. Cuddy (.02)	0.16	325.00	52.00
1/21/2016	AHFC Discovery (.13), review J. Robinson e-mail and 716 Settlement proposal, e-mail to J. Robinson (.2), call from/to/from J. Robinson, e-mail to J. Robinson (to 1.23), e-mail from/to K. Cuddy (.08), continue AHFC Discovery (to 1.77), e-mail to Maryellen Beardsley (.05), revise draft settlement agreement, e-mail to J. Robinson (2)	3.82	325.00	1,241.50
1/22/2016	Request for In Camera Review package (.8), serve & file (no charge), call from K. Cuddy, e-mail to J. Robinson (to .98), e-mail from/to J. Robinson (to 1.49), e-mail from/to Mary Ellen Beardsley (.05) e-mail from/to J. Robinson (.01), e-mail from/to Mary Ellen Beardsley (.01), e-mail from/to J. Robinson (to 1.70), e-mail from J. Robinson, review & revise new draft settlement agreement, e-mail to J. Robinson (to 2.67)(to 3.95)	3.95	325.00	1,283.75
			<b>Total</b>	

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DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
1/23/2016	E-mail to J. Robinson (.15)	0.15	325.00	48.75
1/24/2016	E-mails from J. Robinson, e-mail to J. Robinson (.03), e-mail from J. Robinson, review & revise settlement agreement, e-mail to J. Robinson, e-mail to M. Bahr, e-mail to J. Robinson (to 1.43), e-mail from/to M. Bahr, e-mail to J. Robinson (.02)	1.45	325.00	471.25
1/25/2016	E-mails from J. Robinson, e-mail to J. Robinson, call from M. Bahr (.12), e-mail from M. Bahr, call from J. Robinson (to .25), letter from K Cuddy (.1), e-mail from/to J. Robinson (to .24), e-mail from/to J. Robinson (.05)	0.29	325.00	94.25
1/26/2016	E-mail from J. Robinson, review & revise settlement agreement, e-mail to J. Robinson (.43), review Laches Reconsideration Denial, review final settlement agreement (to .77), conference with J. Robinson (.3), call from K. Cuddy (.02), e-mail from/to J. Robinson (.02)	1.11	325.00	360.75
1/28/2016	Look at Documents from AHFC (.3), e-mail to M.E. Beardsey (.02)	0.32	325.00	104.00
2/1/2016	Call to J. Robinson (.10)	0.1	325.00	32.50
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
2/4/2016	Call to J. Robinson (.08), review LAA Not Extension S/J Opposition & cases (to .91)(to 1.45), e-mail to K. Cuddy, e-mail to J. Robinson (to 1.57)	1.56667	325.00	509.17
2/5/2016	Look at LAA Response to Request for Production No. 5, call to K. Cuddy (.30), Extension motion, serve & file (no charge), e-mail from/to J. Robinson, call to J. Robinson, review Rule 41 (to .52), review P. Varni analysis of 716 LLC proposal, call to J. Robinson (.15)	0.67	325.00	217.75
2/7/2016	E-mails to J. Robinson, e-mail from J. Robinson (.27)	0.27	325.00	87.75
2/8/2016	Discovery letter to K. Cuddy (1.58)	1.58333	325.00	514.58
2/11/2016	E-mails from/to J. Robinson (.15)	0.15	325.00	48.75
2/12/2016	Call from J. Robinson (.03), review K. Cuddy Discovery Letter (.05), e-mail to K. Cuddy (to .63)	0.63333	325.00	205.83
2/16/2016	Look at LAA Supplemental Production (.13)	0.13333	325.00	43.33
2/17/2016	Review 716 LLC summary judgment opposition (.45)	0.45	325.00	146.25
			<b>Total</b>	



**Law Offices of James B. Gottstein**

406 G Street, Suite 206  
 Anchorage, AK 99501  
 (907) 274-7686 Tel  
 (907) 274-9493 Fax

**Invoice**

DATE	INVOICE #
3/25/2016	3419

BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
2/18/2016	Review LAA Response to In Camera Request, Review LAA Response to RFP No. 6, Not Extension Summary Judgment Reply, e-mail from/to/from/to J. Robinson, e-mail from K. Cuddy, review 716 LAA Motion for Protective Order, Notice Of Compliance and Production (.65)(2.78)	2.78	325.00	903.50
2/19/2016	Not Extension Summary Judgment Reply (1.35)(to 3.98)(to 6.12)	6.11667	325.00	1,987.92
2/20/2016	Motion for Contempt (.87) (to 1.22)	1.21667	325.00	395.42
2/21/2016	Motion for Contempt (1.32)(to 2.55)(to 4.73)	4.73	325.00	1,537.25
2/22/2016	Contempt Motion (1.38), finalize, serve & file (no charge), Not Extension Summary Judgment Reply (to 1.82)(to 3.05)	3.05	325.00	991.25
2/23/2016	Not Extension Summary Judgment Reply (2.78)(to 3.12), finalize, serve & file (no charge)	3.11667	325.00	1,012.92
2/24/2016	E-mail from A. Mcleod, review M. Pfeffer APOC reports, e-mail to A. Mcleod (.3)	0.3	325.00	97.50
			<b>Total</b>	

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				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
2/24/2016	Discovery letter to K. Cuddy (.35)(to .53), (to 2.33) call from L. Norene (.1), e-mail to J. Robinson, e-mail from/to H. Wyckoff, review Opposition to Contempt Motion, In Camera Request Review Reply (to 4.52), e-mail from J. Schwamm, call to J. Schwamm (.05)	4.57	325.00	1,485.25
2/25/2016	Call from/to/from J. Schwamm, e-mail to J. Schwamm, In Camera Review Request Reply (.35)(to .58)(to .67), finalize, serve & file (no charge), prepare for L. Norene deposition, Show Cause Reply (to 1.02)	1.01667	325.00	330.42
2/26/2016	Opposition to 716 Protective Order Motion (.62)(to 1.92)(to 2.70), call from/to J. Robinson, review and contemplate Calendaring Order (to 2.83)(to 4.13), Contempt Motion Reply (to 4.37)	4.37	325.00	1,420.25
2/27/2016	Contempt Motion Reply (2), Opposition to Motion for Protective Order (to 2.33)	2.33333	325.00	758.33
2/29/2016	Opposition to Protective Motion (1.32)(to 1.73), Contempt Motion Reply (to 2.55)(to 3.57), finalize, serve & file (no charge), review Discovery Letter from K. Cuddy (.05).	3.62	325.00	1,176.50
			<b>Total</b>	

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BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
3/2/2016	E-mail from J. Robinson, Review Discovery Motions stay, call to K. Cuddy, call to P. Shorett (.35), call to J. Robinson (to .37)	0.36667	325.00	119.17
3/3/2016	Call from L. Norene (.48), e-mail to/from P. Shorett (.75), e-mail to K. Cuddy (to 1.62), witness list, call from J. Robinson (to 1.75)	1.9	325.00	617.50
3/4/2016	Review 716 LLC privilege log (.17), letter to J. Robinson (to .95)(to 3.33)	3.33333	325.00	1,083.33
3/5/2016	Preliminary Witness List (1.17)	1.16667	325.00	379.17
3/7/2016	E-mail from/to/from/to J. Robinson (.2), Preliminary Witness List, Non-retained Experts summary (.77), e-mail from/to K. Cuddy (.05)	0.82	325.00	266.50
3/8/2016	Preliminary Witness List & Non-Retained Expert Summary (1.52)	1.51667	325.00	492.92
3/10/2016	Review file, call to/fr K. Cuddy (.48). Witness List (.4)	0.52	325.00	169.00
3/11/2016	Preliminary Witness List, e-mail from/to J. Robinson (.72), E-mail from/to K. Cuddy, Review LAA Justiciability Response (.5)	1.22	325.00	396.50
3/13/2016	Preliminary Witness List and Non-Retained Expert Summary (.88)	0.88	325.00	286.00
3/15/2016	Review LAA Preliminary Witness List & Expert Disclosure (.03)	0.03	325.00	9.75
3/16/2016	Review J. Robinson Discovery Letter (.15)	0.15	325.00	48.75
			<b>Total</b>	



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3/25/2016	3419

BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
3/17/2016	Review 716 LLC Witness List (.1)	0.1	325.00	32.50
3/18/2016	Prepare for oral argument (.18)	0.18333	325.00	59.58
3/19/2016	Prepare for oral argument (1)	1	325.00	325.00
3/20/2016	Prepare for Oral Argument (.63)(to 1.78)(to 2.54)	2.54	325.00	825.50
3/21/2016	Prepare for Oral Argument (3.28)	3.28	325.00	1,066.00
3/22/2016	Prepare for oral argument (4.17), oral argument (1.5 hours)	5.67	325.00	1,842.75
3/24/2016	Review Not Extension Summary Judgment Order (.2)	0.2	325.00	65.00
	Total Reimbursable Expenses			25.00
			<b>Total</b>	<b>\$26,045.59</b>

Low Office 11/15/16

The UPS Store - #131      Lock  
645 G Street, Suite 100  
Anchorage, AK 99501  
(907) 276-7888

01/26/16 02:04 PM

We are the one stop for all your  
shipping, postal and business needs.

We offer all the services you need  
to keep your business going.



001 500060 (011)	TO \$ 10.00
Notary - 1 Signature	
002 500059 (011)	TO \$ 5.00
Notary 2-10 Sig.	

SubTotal \$ 15.00  
Total \$ 15.00

VISA \$ 15.00  
ACCOUNT NUMBER \* \*\*\*\*\*8295  
Appr Code: (S) Sale

Receipt ID 8383931821947888372 002 Items  
CSH: Peggy Tran: 3750 Reg: 001

Thank you for visiting our store.  
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needs, we are here to serve you.

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Low off  
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The UPS Store - #131  
645 G Street, Suite 100  
Anchorage, AK 99501  
(907) 276-7888

02/22/16 10:35 AM

We are the one stop for all your  
shipping, postal and business needs.

We offer all the services you need  
to keep your business going.



001 500060 (011) TO \$ 10.00  
Notary - 1 Signature

SubTotal \$ 10.00  
Total \$ 10.00

VISA \$ 10.00  
ACCOUNT NUMBER \* \*\*\*\*\*8295  
Appr Code: (S) Sale

Receipt ID 83839318790020888383 001 Items  
CSH: LINDA Tran: 4424 Reg: 001

Thank you for visiting our store.  
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**Invoice**

DATE	INVOICE #
5/20/2016	3421

BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
7/7/2015	Call to K. Cuddy (.13)	0.13333	325.00	43.33
3/25/2016	e-mail to K. Cuddy (.32)	0.31667	325.00	102.92
3/26/2016	E-mail from/to/from/to K. Cuddy (1.85), fee application (.5)	2.35	325.00	763.75
3/27/2016	E-mail to/from/to/from/to K. Cuddy (.6)	0.5	325.00	162.50
3/28/2016	Fee Application (1.23)	1.23	325.00	399.75
3/29/2016	Fee Application (1.20)(to 2.73)(to 3.33), e-mail to/from/to K. Cuddy (.5)	3.83	325.00	1,244.75
3/30/2016	Fee Application (.95)(to 3.68)	3.68	325.00	1,196.00
3/31/2016	Fee Application, e-mail to K. Cuddy, e-mail to J. Robinson (deferred b/c reconsideration motion) (1.52) (to 3.02) review motion for reconsideration, review request for responses, Motion for Enlargement of Time (to 3.72)(to 4.52), finalize, serve & file (no charge), Response to Reconsideration motion (to 5.52)(6.42)	6.41667	325.00	2,085.42
4/1/2016	Call from/to K. Cuddy (.52), Reconsideration Response, e-mail to K. Cuddy (to 1.02)(to 2.88)	2.88333	325.00	937.08
4/4/2016	Call from K. Cuddy(.4), call to/from J. Robinson, e-mail to/from/to K. Cuddy (to .43)(.2)	0.63	325.00	204.75
4/6/2016	Reconsideration Response (1.85)(to 2.70)(to 3.82)(to 5.65)(1)	6.65	325.00	2,161.25
			<b>Total</b>	

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DATE	INVOICE #
5/20/2016	3421

BILL TO
Alaska Building, Inc. 406 G St. Ste 206 Anchorage, AK 99501

				TERMS
DATE	WORK PERFORMED	HOURS	RATE	AMOUNT
4/7/2016	Check Court View, e-mail to K. Cuddy (.02), Reconsideration Response, e-mail from/to K. Cuddy, Review Extension Motion (to .43)(to 1.72), serve (inc. e-mail to K. Cuddy) & file Extension Opposition (no charge)(to 2.53)(to 3.12), mail missing proposed order & e-mail to K. Cuddy & J. Robinson (no charge)	3.11667	325.00	1,012.92
4/8/2016	Reconsideration Response (.85)	0.85	325.00	276.25
4/10/2016	Reconsideration Response (.2)	0.2	325.00	65.00
4/11/2016	Reconsideration Response (2.02), serve & file (No charge), Review Reconsideration Response Extension Reply (.05)	2.07	325.00	672.75
4/15/2016	Call to K. Cuddy (.32)	0.31667	325.00	102.92
4/26/2016	E-mail to K. Cuddy (.05)	0.05	325.00	16.25
4/28/2016	Call to K. Cuddy (.07)	0.07	325.00	22.75
4/29/2016	Call from K. Cuddy (.22)	0.21667	325.00	70.42
5/2/2016	Review LAA Extension Motion, Review Extension Order (.05)	0.05	325.00	16.25
5/10/2016	Review LAA Response to Reconsideration (.05)	0.05	325.00	16.25
5/20/2016	Review Reconsideration Denial (.05)	0.05	325.00	16.25
			<b>Total</b>	<b>\$11,589.51</b>

## ALASKA COURT SYSTEM

Receipt Type	Case	Outstanding Amount	0.00
Receipt Number	1160385	Receipt Date	03/31/2015

Case Number	3AN-15-05969CI
Description	Alaska Building Inc vs. 716 West Fourth Avenue LLC

Received From Law Offices of James B. Gottstein  
On Behalf Of Alaska Building Inc

## Itemized Listing:

Description	Amount
Complaint Re Real Estate Matter	150.00

Receipt Payments	Amount	Reference Description
Check/Money Order	150.00	10513

Total Received	150.00
Net Received	150.00
Change	0.00

## Comments

Deputy Register	gmills	Transaction Date	03/31/2015 11:28:53.23
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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, and  
LEGISLATIVE AFFAIRS AGENCY

Defendants.

**COPY**  
Original Received

**MAY 26 2016**

Clerk of the Trial Courts

Case No. 3AN-15-05969CI

**ORDER GRANTING  
ALASKA BUILDING, INC., MOTION FOR COSTS AND  
ATTORNEY'S FEES AGAINST 716 WEST FOURTH AVENUE LLC  
AND LEGISLATIVE AFFAIRS AGENCY**

Plaintiff, Alaska Building, Inc., has moved for costs and attorney's fees against defendants 716 West Fourth Avenue LLC and the Alaska Legislative Affairs Agency pursuant to Civil Rules 79 and 82. Upon consideration of the motion and responses thereto, the finds Alaska Building, Inc., is indeed the prevailing party, and **GRANTS** the motion.

**IT IS FURTHER ORDERED:**

1. Alaska Building, Inc., is awarded 1,815.60 in costs against defendants 716 West Fourth Avenue LLC and the Legislative Affairs Agency, equally split between them.
2. Substantially enhanced fees are warranted here because \_\_\_\_\_

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JAMES B. GOTTSTEIN  
406 G STREET, SUITE 206  
ANCHORAGE, ALASKA  
99501

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(907) 274-7886  
FACSIMILE  
(907) 274-9493



3. Alaska Building, Inc., is awarded \_\_\_\_\_ in attorney's fees  
against defendants 716 West Fourth Avenue LLC and the Legislative Affairs Agency,  
equally split between them.

Dated \_\_\_\_\_, 2016.

\_\_\_\_\_  
James B. Gottstein, ABA # 7811100  
Attorney for Plaintiff

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JAMES B. GOTTSTEIN  
406 G STREET, SUITE 206  
ANCHORAGE, ALASKA  
99501

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(907) 274-9493

*Order Granting Motion for Costs  
and Attorney's Fees*

*Page 2 of 2*

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

**COPY**  
Original Received

**MAY 26 2016**

Clerk of the Trial Courts

ALASKA BUILDING, INC., an Alaska  
corporation,

Plaintiff

vs.

716 WEST FOURTH AVENUE LLC, and  
LEGISLATIVE AFFAIRS AGENCY

Defendants.

**CERTIFICATE OF SERVICE**

Case No. 3AN-15-05969CI

I hereby certify that on this date I hand delivered a copy of:

1. Alaska Building Motion for Costs and Attorney's Fees Against 716 West Fourth Avenue LLC and Legislative Affairs Agency;
2. Memorandum in Support of Alaska Building Motion for Costs and Attorney's Fees Against 716 West Fourth Avenue LLC and Legislative Affairs Agency;
3. Affidavit of James B. Gottstein, Esq., in Support of Alaska Building Motion for Costs and Attorney's Fees
4. (proposed) Order Granting Alaska Building Motion for Costs and Attorney's Fees Against 716 West Fourth Avenue LLC and Legislative Affairs Agency; and
5. this Certificate of Service, to:

Jeffrey W. Robinson/  
Eva R. Gardner  
Ashburn & Mason, PC  
1227 W. 9th Ave., Ste. 200  
Anchorage, AK 99501

Kevin M. Cuddy  
Stoel Rives LLP  
510 L St., Ste. 500  
Anchorage, AK 99501

Dated: May 26, 2016

  
Jim Gottstein