

STOEL RIVES LLP
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Kevin Cuddy (Alaska Bar #0810062)
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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, and
LEGISLATIVE AFFAIRS AGENCY, and
CRITERION GENERAL, INC.,

Defendants.

Case No. 3AN-15-05969 CI

**LEGISLATIVE AFFAIRS AGENCY'S MOTION FOR
RULE 11 AND RULE 82 FEES**

Defendant Legislative Affairs Agency (LAA), moves for an award of its attorneys' fees incurred in connection with its defense of Plaintiff Alaska Building, Inc.'s (ABI) qui

tam request for relief¹ and Count 2 (property damage claim) under Rules 11 and 82. LAA is the prevailing party on Count 2 for the reasons explained in its October 15, 2015 Motion and Memorandum in Support of Request for Entitlement to Attorneys' Fees and Costs and its October 29, 2015 Reply in Support of Request for Entitlement to Attorneys' Fees and Costs.

Attached to the Affidavit of Kevin M. Cuddy filed concurrently with this Motion are true and correct copies of Stoel Rives LLP invoices identified as Exhibit A. Exhibit A includes comprehensive time records for attorney and paralegal fees Stoel Rives LLP charged LAA, was paid by LAA, and for which LAA is seeking an award from Alaska Building Inc.

Actual attorneys' fees billed in this matter for which LAA seeks to recover under Rules 11 and 82 total \$11,089.00. LAA seeks an award of attorney's fees of no less than twenty percent of that amount under Rule 82(b)(2), but requests that the Court award full fees related to LAA's defense of the property damage claim and qui tam request for relief because, under Rules 82(b)(3) and Rule 11, ABI had no good faith basis or legal support for bringing those claims. LAA therefore seeks an award of fees in the total amount of \$11,089.00.

¹ Though the Court found that ABI did not in fact bring a formal qui tam action in its January 13, 2016 Order Regarding ABI's *Qui Tam* and Punitive Damages Request for Relief, this motion and accompanying memorandum characterize ABI's June 8, 2015 request for relief in the form of "10% of the savings to the Legislative Affairs Agency for invalidation or reformation of the LIO Project Lease" as a qui tam request because the motions and briefing related to this issue all used that term.

DATED: May 31, 2016

STOEL RIVES LLP

By: 

for KEVIN CUDDY
(Alaska Bar #0810062)

Attorney for Defendant
LEGISLATIVE AFFAIRS AGENCY

CERTIFICATE OF SERVICE

This certifies that on May 31, 2016, a true and correct copy of the foregoing was served via First Class Mail on:

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

Jeffrey W. Robinson
Eva R. Gardner
Ashburn & Mason
1227 West Ninth Avenue, Suite 200
Anchorage, AK 99501
(Attorneys for Defendant 716 West Fourth Avenue, LLC)


Debby Allen, Litigation Practice Assistant
86688838.1 0081622-00003

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716 WEST FOURTH AVENUE, LLC, and
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CRITERION GENERAL, INC.,

Defendants.

Case No. 3AN-15-05969 CI

**MEMORANDUM IN SUPPORT OF LEGISLATIVE AFFAIRS AGENCY'S
MOTION FOR RULES 11 AND 82 FEES**

Defendant Legislative Affairs Agency (LAA) seeks to recover attorneys' fees for its defense of Plaintiff Alaska Building, Inc.'s (ABI) qui tam request for relief¹ and Count

¹ Though the Court found that ABI did not in fact bring a formal qui tam action in its January 13, 2016 Order Regarding ABI's *Qui Tam* and Punitive Damages Request for Relief, this memorandum characterizes ABI's June 8, 2015 request for relief in the form (continued . . .)

2 (property damage claim) of Plaintiff's June 8, 2015 Amended Complaint under Rules 11 and 82.

LAA requests Rule 82 fees related to Count 2 (property damage) since LAA was the prevailing party on that claim under the Court's August 20, 2015 order granting LAA's motion to sever the property damage claim and ordering that the claim must proceed, if at all, in a new lawsuit. LAA briefed why it is the prevailing party as to that ruling in its October 15, 2015 Motion and Memorandum in Support of Request for Entitlement to Attorneys' Fees and Costs and its October 29, 2015 Reply in Support of Request for Entitlement to Attorneys' Fees and Costs. LAA hereby references and incorporates that briefing here.

Though Rule 82(b)(2) provides for 20% of a prevailing party's fees, LAA requests a full fee award under Rule 11² for the qui tam and property damage issues because LAA had no good faith basis for bringing its claims. ABI's president, Mr. James Gottstein, admitted under oath that ABI had no legal support for its request for relief in the form of

(... continued)

of "10% of the savings to the Legislative Affairs Agency for invalidation or reformation of the LIO Project Lease" as a qui tam request because the motions and briefing related to this issue all used that term.

² Alaska Civil Rule 95 states that a court "may withhold or assess costs or attorney's fees" for "any infraction of these rules," including Civil Rule 11; *see also Enders v. Parker*, 125 P.3d 1027, 1037 n.37 (Alaska 2005).

10% of the alleged savings to the LAA for lease invalidation,³ and there was and is similarly no good faith basis for bringing any property damage claim against a lessee who played no role in the construction of the building. LAA did not cause any of the property damage at issue, and ABI was fully aware that there was no good faith basis in fact or in law for contending that LAA was responsible for any such property damage.

Under Rule 11(b)(2), claims, defenses, and other legal contentions must be “warranted by existing law.” Pleadings must also not “needlessly increase the cost of litigation” under Rule 11(b)(1). ABI brazenly violated Rule 11 by admitting that there was no statutory support for its request for relief in the form of 10% of the alleged savings to the LAA for lease invalidation, which this Court recognized in its January 13, 2016 Order Regarding ABI’s *Qui Tam* and Punitive Damages Request for Relief. As the Court stated, “there is no statutory authority” for that request, and “ABI does not provide any legal theory upon which this court could justify creating new law.”⁴

As the Alaska Supreme Court held in *Keen v. Ruddy*, Rule 11 sanctions are

³ See Oct. 16, 2015 Deposition of James Gottstein, Exhibit B, at 43:6-9 (admitting that Mr. Gottstein is unaware of any statute that would authorize Plaintiff’s request for 10 percent of any savings); 43:13-18 (“Q. Is there any common law that you can point to to say that a savings of this type had been given to a private litigant? A. No. Well, not yet anyway. So, I mean, it’s possible I’ll come up with some, but I haven’t found – I haven’t seen any yet.”); see also LAA’s October 21, 2015 Non-Opposition to 716’s Motion for Ruling of Law Precluding ABI’s Claims for *Qui Tam* Damages and November 20, 2015 Joinder of Reply in Support of 716’s Motion for Ruling of Law Precluding ABI’s Claims for *Qui Tam* Damages.

⁴ January 13, 2016 Order Regarding ABI’s *Qui Tam* and Punitive Damages Request for Relief, at 4.

appropriate when a court “finds that a pleading signed by [an attorney] is not well grounded in fact, is not warranted by existing law or a reasonable argument for its extension, or is interposed for an improper purpose.”⁵ It is clear that ABI’s request for relief in the form of 10% of the alleged savings to the LAA for lease invalidation was not supported by existing law because Alaska has not enacted a version of the False Claims Act, as discussed in LAA’s November 20, 2015 Joinder of Reply in Support of 716’s Motion for Ruling of Law Precluding ABI’s Claims for *Qui Tam* Damages. Moreover, ABI could not have had a good faith argument for extending the law based on the Alaska Legislature’s 2003 passage of HB 145, codified as AS 09.06.010(b)-(3), which clearly abolished the Alaska Supreme Court’s public interest exception to Rule 82 and was discussed by this Court in its January 13, 2016 order.

Rule 11 no longer strictly requires willful conduct or subjective bad faith to impose sanctions.⁶ Rather, the determining factor is whether there was a reasonable basis for the attorney’s signature.⁷ Rule 11 sanctions are warranted here because ABI and its representative Mr. James Gottstein could not have had a reasonable belief that the

⁵ 784 P.2d 653, 658 (Alaska 1989); *see also State Employees Assoc. v. Pub. Emp. Assoc.*, 813 P.2d 669, 671 (Alaska 1991) (holding that a court can impose sanctions when it finds that the pleadings were not warranted by existing law or a reasonable argument for their extension, modification, or reversal).

⁶ *See Alaska Fed. Savings & Loan Assoc. of Juneau v. Bernhardt*, 794 P.2d 579 (Alaska 1990).

⁷ *See id.*

pleadings were supported by existing law or that there was a good faith argument for extending the law.

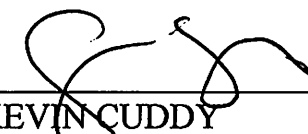
REQUEST

The hourly attorney and paralegal fees claimed are reasonable, were actually incurred, and are supported by the Affidavit of Kevin M. Cuddy filed concurrently herewith. The invoices attached to the Affidavit of Kevin M. Cuddy as Exhibit A include comprehensive time records for all of the attorney fees charged by the firms for which LAA is seeking an award. These legal fees and costs were specifically and necessarily incurred in connection with LAA's defense of ABI's qui tam request for relief and Count 2 of its Amended Complaint.

LAA seeks an award of attorneys' fees of at least 20% of \$11,089.00. This request is based on prevailing fees for rates in Anchorage, Alaska, as described in the accompanying Kevin M. Cuddy Affidavit.

DATED: May 31, 2016

STOEL RIVES LLP

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

CERTIFICATE OF SERVICE

This certifies that on May 31, 2016, a true and correct copy of the foregoing was served via First Class Mail on:

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

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Debby Allen, Litigation Practice Assistant
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Kevin Cuddy (Alaska Bar #0810062)
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Plaintiff,

v.

716 WEST FOURTH AVENUE, LLC, and
LEGISLATIVE AFFAIRS AGENCY, and
CRITERION GENERAL, INC.,

Defendants.


Case No. 3AN-15-05969 CI

**DEFENDANT LEGISLATIVE AFFAIRS AGENCY'S NOTICE OF FILING
UNSIGNED COPY OF THE AFFIDAVIT OF KEVIN M. CUDDY**

Defendant Legislative Affairs Agency hereby notifies this Court of filing an unsigned copy of the Affidavit of Kevin M. Cuddy submitted in support of Defendant Legislative Affairs Agency's Motion for Rule 82 Attorneys' Fees. The original signed affidavit will be filed with the Court promptly upon Mr. Cuddy's return to the State of Alaska.

DATED: May 31, 2016

STOEL RIVES LLP

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

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Anchorage, AK 99501
(Attorneys for Defendant 716 West Fourth Avenue, LLC)



Debby Allen, Litigation Practice Assistant
86704144.1 0081622-00003

RECEIVED
JUN 6 2016
BY: _____

Attorneys for Defendant
LEGISLATIVE AFFAIRS AGENCY

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

Plaintiff,

V.

Defendants.

Case No. 3AN-15-05969 CI

AFFIDAVIT OF KEVIN M. CUDDY IN SUPPORT OF LEGISLATIVE AFFAIRS
AGENCY'S MOTION FOR RULE 82 ATTORNEY'S FEES

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, KEVIN M. CUDDY, being sworn on oath, say as follows:

1. I am over the age of eighteen and have personal knowledge of the statements contained in this declaration.

2. I am an attorney with the law firm of Stoel Rives, LLP, counsel for Defendant Legislative Affairs Agency ("Agency") in the above-captioned litigation and submit this affidavit in support of Defendant Legislative Affairs Agency's Motion for Rule 82 Attorneys' Fees.

3. I have been admitted to practice law in Alaska for more than 8 years, all in private practice. I have served as lead counsel in numerous complex litigation matters before this court and other Alaska courts.

3. Stoel typically bills its clients on a monthly basis, preparing comprehensive time records describing all tasks performed by attorneys and paralegals, and the time spent on each. In this matter, such monthly invoices were prepared and sent to LAA.

5. I reviewed the monthly invoices each month to ensure that the tasks and time reflected on them were described accurately and were necessary and reasonable.

6. I have had overall leadership responsibility for this litigation for Stoel.

7. In preparation for this filing, I have reviewed Stoel's invoices and identified those containing attorney's fees incurred in defense of Plaintiff Alaska Building, Inc.'s (ABI) qui tam request for relief and Count 2 (property damage claim) of Plaintiff's June 8, 2015 Amended Complaint under Rules 11 and 82.

8. Attached as Exhibit A is a true and correct compilation of attorney and paralegal time worked in this matter by Stoel for the first eight months of this litigation. Exhibit A includes comprehensive time records for all of the attorney and paralegal fees charged by Stoel for which LAA is seeking an award from ABI as described in our

briefing. Attorney-client privileged information and unrelated information has been redacted from the invoices. Unredacted copies of the actual invoices are available if requested by the Court, or to the extent necessary to address any opposition to LAA's request for fees and costs, LAA will file a copy of the unredacted invoices under seal for the Court's eyes only.

10. In addition to the invoices marked as Exhibit A, Stoel will bill LAA for work on this matter for which a printed invoice has not yet been generated.

11. These legal fees were specifically and necessarily incurred for the reasons described in detail in the "Facts" section of the accompanying memorandum in support of the fees motions.

12. Based on my knowledge of the Alaska legal market, the billing rates for which LAA seeks its recovery are consistent with rates charged by other legal professionals similarly situated in this market, and are appropriate given the nature and complexity of the work performed.

13. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 31st day of May, 2016.

KEVIN M. CUDDY

SUBSCRIBED AND SWORN to before me this 31st day of May 2016 in

Anchorage, Alaska.

Notary in and for the State of Alaska
My Commission expires: _____

CERTIFICATE OF SERVICE

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Debby Allen, Litigation Practice Assistant

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TO: LEGISLATIVE AFFAIRS AGENCY
DOUG GARDNER, DIR. OF LEGAL SERVICES
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 06/23/15
INVOICE NUMBER 3832342
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY
00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING INC.

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 05/31/15

Balance From Previous Statement		Redacted
Payment(s) Received		Redacted
Current Activity:		
Fees for Professional Services (see attached for detail)	Redacted	
Disbursements and Other Charges	Redacted	
TOTAL CURRENT AMOUNT DUE		Redacted
Total Outstanding Balance as of 06/23/15		Redacted

Statements are due within 30 days after the invoice date printed on the statement. A monthly late fee equal to 8 percent per annum, commencing on the due date, will be charged on all amounts not paid within 60 days after the invoice date.

Remit to: Stoel Rives LLP, 900 SW Fifth Ave., Suite 2600, Portland, OR 97204



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0081622 LEGISLATIVE AFFAIRS AGENCY
00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING
INC.

INVOICE DATE 06/23/15
INVOICE NUMBER 3832342
JET

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 05/31/15	ATTY	HOURS
Redacted	[Redacted]	[Redacted]	[Redacted]
Redacted	[Redacted]	[Redacted]	[Redacted]
05/08/15	Continue drafting motion to dismiss for lack of standing	RLD	3.0
Redacted	[Redacted]	Redacted	Redacted
05/13/15	Revise motion to dismiss; research re same	KMC	2.1
05/14/15	Review and revise motion to dismiss; send updated draft to Kevin Cuddy	RLD	1.3
05/15/15	Review and revise edits to draft motion to dismiss; revise and add analysis to discuss why Plaintiff is not an appropriate plaintiff and lacks standing	RLD	1.4
05/15/15	Draft, research, and revise motion to dismiss; email with client re same	KMC	1.8
Redacted	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
05/27/15	Call with client re filing; revise proposed order re dismissal; review filings; arrange for filing and service of motion to dismiss and motion to stay of discovery; call with Jeff Robinson re same	KMC	2.1
05/27/15	Review and analyze documents filed in case today	RLD	.1
Total			Redacted



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INC.

INVOICE DATE 06/23/15
INVOICE NUMBER 3832342
JET

Employer's Identification No. 93-0408771

TOTAL CURRENT SERVICES

\$8,797.50

TIME RECAP

KEVIN M. CUDDY (KMC)
RACHEL L. DUNNINGTON (RLD)

HOURS	RATE	VALUE
Redacted	360	Redacted
Redacted	255	Redacted
Redacted		Redacted

TIMEKEEPER TOTALS



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INC.

INVOICE DATE 06/23/15
INVOICE NUMBER 3832342
JET

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 05/31/15

DATE	ITEM	AMOUNT
05/06/15	Document Reproduction	3.60
05/18/15	Document Reproduction	9.72
05/27/15	Document Reproduction	27.72
05/05/15	Computerized Research - Westlaw Redacted	27.72
05/08/15	Computerized Research - Westlaw Redacted	93.52
05/14/15	Computerized Research - Westlaw Redacted	13.86
05/21/15	Computerized Research - Westlaw Redacted	20.79
05/22/15	Computerized Research - Westlaw Redacted	86.59
05/22/15	Computerized Research - Westlaw Redacted	13.86
TOTAL CURRENT CHARGES		\$297.38



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TO: LEGISLATIVE AFFAIRS AGENCY
DOUG GARDNER, DIR. OF LEGAL SERVICES
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 07/28/15
INVOICE NUMBER 3838247
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 06/30/15

Balance From Previous Statement Redacted

Payment(s) Received Redacted

Current Activity:

Fees for Professional Services
(see attached for detail) Redacted

Disbursements and Other Charges Redacted

TOTAL CURRENT AMOUNT DUE Redacted

Total Outstanding Balance as of 07/28/15 Redacted

Statements are due within 30 days after the invoice date printed on the statement. A monthly late fee equal to 8 percent per annum, commencing on the due date, will be charged on all amounts not paid within 60 days after the invoice date.

Remit to: Stoel Rives LLP, 900 SW Fifth Ave., Suite 2600, Portland, OR 97204

EXHIBIT A | Page 5 of 20
3AN-15-05969CI



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JUNEAU, AK 99801

INVOICE DATE 07/28/15
INVOICE NUMBER 3838247
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

MATTER NUMBER/NAME		Balance Per Previous Statement	Payments	Current Services	Current Charges	Current Totals
Redacted	Redacted					
00002	LEGISLATIVE AFFAIRS AGENCY	9094.88	9094.88	12990.00	661.40	13651.40
00003	LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING IN					
TOTALS		Redacted	Redacted	Redacted	Redacted	Redacted



INVOICE DATE	07/28/15
INVOICE NUMBER	3838247
	JET

DATE	CURRENT SERVICES THROUGH 06/30/15	ATTY	HOURS
------	-----------------------------------	------	-------

4



INVOICE DATE	07/28/15
INVOICE NUMBER	3838247
	JET

EXHIBIT A | Page 8 of 20
3AN-15-05969CI



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INC.

INVOICE DATE 07/28/15
INVOICE NUMBER 3838247
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Employer's Identification No. 93-0408771

TOTAL CURRENT SERVICES

Redacted



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INC.

INVOICE DATE 07/28/15
INVOICE NUMBER 3838247
JET

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 06/30/15

DATE	ITEM	AMOUNT
06/03/15	Document Reproduction	1.44
06/09/15	Document Reproduction	89.36
06/10/15	Document Reproduction	.12
06/12/15	Document Reproduction	11.00
06/15/15	Document Reproduction	33.48
06/15/15	Document Reproduction	3.60
06/18/15	Document Reproduction	8.64
06/19/15	Document Reproduction	9.60
06/29/15	Document Reproduction	46.08
06/06/15	Computerized Research - Westlaw Redacted	27.72
06/11/15	Computerized Research - Westlaw Redacted	34.65
06/16/15	Computerized Research - Westlaw Redacted	62.37
06/17/15	Computerized Research - Westlaw Redacted	238.07
06/17/15	Computerized Research - Westlaw Redacted	54.04
06/25/15	Computerized Research - Westlaw Redacted	41.23
TOTAL CURRENT CHARGES		\$661.40



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TO: LEGISLATIVE AFFAIRS AGENCY
DOUG GARDNER, DIR. OF LEGAL SERVICES
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 09/25/15
INVOICE NUMBER 3850093
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 08/31/15

Balance From Previous Statement Redacted

Payment(s) Received Redacted

Current Activity:

Fees for Professional Services
(see attached for detail) Redacted

Disbursements and Other Charges Redacted

TOTAL CURRENT AMOUNT DUE Redacted

Total Outstanding Balance as of 09/25/15 Redacted

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Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

MATTER NUMBER/NAME		Balance Per Previous Statement	Payments	Current Services	Current Charges	Current Totals
Redacted Redacted 00003	LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING IN	Redacted Redacted	Redacted			
TOTALS		Redacted	Redacted	Redacted	Redacted	Redacted



510 L STREET, SUITE 500
ANCHORAGE, AK 99501-1959
Telephone (907) 277-1900
Fax (907) 277-1920
For Billing Inquiries 1-800-305-8453
Or Email Billing@stoel.com

0081622 LEGISLATIVE AFFAIRS AGENCY
00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING
INC.

INVOICE DATE 09/25/15
INVOICE NUMBER 3850093
JET

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 08/31/15	ATTY	HOURS
08/03/15	Review proposed stipulation of dismissal for Criterion; finalize and serve initial disclosures; call re tender issues; begin preparation for oral argument	KMC	.9
08/06/15	Call with counsel for 716 regarding tender of defense and strategy for resolving Count 2 of amended complaint	KMC	.3
08/13/15	Research re court's discretion in denying a case based on standing; draft email to Kevin Cuddy re the same	RLD	1.8
08/13/15	Preparation for oral argument on motion to dismiss	KMC	2.1
08/14/15	Oral argument preparation for hearing on motion to dismiss	KMC	1.8
	[REDACTED]	Redacted	
	[REDACTED]		
	[REDACTED]		
08/17/15	Prepare for oral argument on motions to dismiss and sever claims	KMC	4.4
08/18/15	Oral argument on motion to dismiss and sever; prep for same; meeting with client to discuss next steps in litigation; review case law and briefing on standing issues	KMC	1.0
08/18/15	Review and analyze court order granting 716's request for ruling and joining as a party for oral argument	RLD	.1
	[REDACTED]	Redacted	
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		



INVOICE DATE	09/25/15
INVOICE NUMBER	3850093
	JET

DATE	CURRENT SERVICES THROUGH 08/31/15	ATTY	HOURS
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total	[REDACTED]		[REDACTED]
TOTAL CURRENT SERVICES			[REDACTED]



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00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING
INC.

INVOICE DATE 09/25/15
INVOICE NUMBER 3850093
JET

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 08/31/15

DATE	ITEM	AMOUNT
08/03/15	Document Reproduction	7.92
08/03/15	Document Reproduction	12.50
08/31/15	Document Reproduction	455.96
08/13/15	Computerized Research - Westlaw Redacted	55.44
08/17/15	Computerized Research - Westlaw Redacted	13.86
08/21/15	Computerized Research - Westlaw Redacted	6.93
08/23/15	Computerized Research - Westlaw Redacted	6.93
TOTAL CURRENT CHARGES		\$559.54



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TO: LEGISLATIVE AFFAIRS AGENCY
DOUG GARDNER, DIR. OF LEGAL SERVICES
STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 11/20/15
INVOICE NUMBER 3861997
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

STATEMENT OF SERVICES, DISBURSEMENTS, AND OTHER CHARGES THROUGH 10/31/15

Balance From Previous Statement Redacted

Payment(s) Received Redacted

Current Activity:

Fees for Professional Services
(see attached for detail) Redacted

Disbursements and Other Charges Redacted

TOTAL CURRENT AMOUNT DUE Redacted

Total Outstanding Balance as of 11/20/15 Redacted

Statements are due within 30 days after the invoice date printed on the statement. A monthly late fee equal to 8 percent per annum, commencing on the due date, will be charged on all amounts not paid within 60 days after the invoice date.

Remit to: Stoel Rives LLP, 900 SW Fifth Ave., Suite 2600, Portland, OR 97204



510 L STREET, SUITE 500
ANCHORAGE, AK 99501-1959
Telephone (907) 277-1900
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TO: LEGISLATIVE AFFAIRS AGENCY
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STATE CAPITOL, MAIL STOP 3101
JUNEAU, AK 99801

INVOICE DATE 11/20/15
INVOICE NUMBER 3861997
JET

Employer's Identification No. 93-0408771

0081622 LEGISLATIVE AFFAIRS AGENCY

MATTER NUMBER/NAME		Balance Per Previous Statement	Payments	Current Services	Current Charges	Current Totals
Redacted 00003	Redacted LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING IN	Redacted 3359.32	Redacted 3359.32	Redacted 18108.00	Redacted 443.10	Redacted 18551.10
TOTALS		Redacted	Redacted	Redacted	Redacted	Redacted



INVOICE DATE	11/20/15
INVOICE NUMBER	3861997 JET

DATE	CURRENT SERVICES THROUGH 10/31/15	ATTY	HOURS
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3



510 I. STREET, SUITE 500
ANCHORAGE, AK 99501-1959
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0081622 LEGISLATIVE AFFAIRS AGENCY
00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING
INC.

INVOICE DATE 11/20/15
INVOICE NUMBER 3861997
JET

Employer's Identification No. 93-0408771

DATE	CURRENT SERVICES THROUGH 10/31/15	ATTY	HOURS
10/21/15	Revise non-opposition re qui tam damages; email with client re same; review and finalize motion for summary judgment on laches; review updated affidavit; arrange for filing and service of same; email re request for oral argument	KMC	.5
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
10/26/15	Draft, research, and revise reply brief in support of fees	KMC	2.3
Redacted	Redacted	Redacted	Redacted
10/28/15	Draft, research, and revise reply brief in support of ruling of law on qui tam damages	KMC	2.3
10/29/15	Draft, research and revise reply brief in support of motion to preclude qui tam relief for plaintiff; emails re same	KMC	2.9
Redacted	Redacted	Redacted	Redacted
Total			Redacted
TOTAL CURRENT SERVICES			Redacted



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0081622 LEGISLATIVE AFFAIRS AGENCY
00003 LEGISLATIVE AFFAIRS AGENCY V. ALASKA BUILDING
INC.

INVOICE DATE 11/20/15
INVOICE NUMBER 3861997
JET

Employer's Identification No. 93-0408771

CURRENT DISBURSEMENTS AND OTHER CHARGES THROUGH 10/31/15

DATE	ITEM	AMOUNT
10/09/15	Document Reproduction	.24
10/12/15	Document Reproduction	5.04
10/15/15	Document Reproduction	3.36
10/16/15	Document Reproduction	1.08
10/21/15	Document Reproduction	72.52
10/23/15	Document Reproduction	3.00
10/27/15	Document Reproduction	2.40
10/29/15	Document Reproduction	24.54
10/19/15	Court Reporter Services -- Vendor: Redacted	Redacted
09/09/15		Redacted
	TOTAL CURRENT CHARGES	\$443.10

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

Kevin Cuddy (Alaska Bar #0810062)
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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, and
LEGISLATIVE AFFAIRS AGENCY,

Defendants.

Case No. 3AN-15-05969 CI

**[PROPOSED] ORDER GRANTING LEGISLATIVE AFFAIRS AGENCY'S
MOTION FOR RULES 11 AND 82 ATTORNEYS' FEES**

Defendant Legislative Affairs Agency ("LAA") has moved for Rules 11 and 82 attorney fees against Plaintiff Alaska Building, Inc. relating to its fees incurred in the defense of Plaintiff's qui tam request for relief and Count 2 of Plaintiff's June 8, 2015 Amended Complaint.

THIS COURT, upon consideration of the motion and responses thereto, finds LAA is the prevailing party as to Count 2 of Plaintiff's June 8, 2015 Amended Complaint, and hereby **GRANTS** LAA's Motion for Rule 82 Attorneys' Fees. The Court also finds that Plaintiff's request for relief in the form of 10% of the alleged savings to the LAA for lease invalidation was frivolous and hereby **GRANTS** LAA's Motion for Rule 11 Attorneys' Fees.

IT IS HEREBY ORDERED that Defendant's Legislative Affairs Agency is awarded its fees of \$ _____, due and payable on or before _____, 2016.

DATED this _____ day of _____, 2016.

Honorable Patrick McKay
Superior Court Judge

CERTIFICATE OF SERVICE

This certifies that on May 31, 2016, I caused a true and correct copy of the foregoing to be served by first class mail on:

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

Jeffrey W. Robinson
Ashburn & Mason
1227 West Ninth Avenue, Suite 200
Anchorage, AK 99501
(Attorneys for Defendant 716 West Fourth Avenue, LLC)


Debby Allen, Litigation Practice Assistant

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