

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

ALASKA BUILDING, INC., an Alaska corporation,)

Plaintiff,)

vs.)

Case No.: 3AN-15-05969 CI

716 WEST FOURTH AVENUE LLC and LEGISLATIVE AFFAIRS AGENCY, Defendants.)

GRANTING *243*
[PROPOSED] ORDER DENYING ALASKA BUILDING, INC.'S MOTION AND MEMORANDUM FOR COSTS AND ATTORNEY'S FEES AGAINST 716 WEST FOURTH AVENUE, LLC AND LEGISLATIVE AFFAIRS AGENCY

The Alaska Building, Inc.'s Motion and Memorandum For Costs and Attorney's Fees is hereby *GRANTED* *is* **DENIED**. ABI ~~shall not be~~ awarded prevailing party status and ~~no fees~~ are appropriate in this matter. *fees in the amount of \$26,132.78, of which \$16,741.54 is jointly owed with LHA. (m)*

The grand total of Attorney fees awarded is \$26,132.78. (R)

DATED: 6/23/16

[Signature]
HON. PATRICK J. MCKAY
Superior Court Judge

I certify that on 6/24/16 a copy of the following was mailed/ faxed/ hand-delivered to each of the following at their addresses of record. *sent*
James Gottstein
Jeffrey Robinson
Kevin Cuddy
Administrative Assistant

JUN 8 2016

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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,

Case No. 3AN-15-05969 CI

v.

716 WEST FOURTH AVENUE, LLC, and
LEGISLATIVE AFFAIRS AGENCY,

Defendants.

**[PROPOSED] ORDER IN RESPONSE TO ALASKA BUILDING, INC., MOTION
FOR COSTS AND ATTORNEY'S FEES AGAINST LEGISLATIVE AFFAIRS
AGENCY**

Plaintiff Alaska Building, Inc. ("ABI") requested attorney's fees in the amount of \$144,329.09. Defendant Legislative Affairs Agency ("LAA") opposed fees that were not "necessarily incurred,"¹ including litigation narrowly and exclusively focused on 716 and

¹ Alaska R. Civ. P. 82(b)(2).

JUN 6 2016

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claimed monetary relief (\$35,865.76 in fees), litigation regarding property damage (\$8,220.33 in fees), litigation related to Rep. Hawker's email request (\$482.08 in fees), and litigation related to ABI's "qui tam" claim (\$5,444.83 in fees). ABI's fees related to these four categories were \$50,013.00. LAA further argued that no upward adjustment was warranted from the 20% default based on Rule 83(b)(2) and (3) because this case was not complex, ABI failed to show that its attorney's hourly rates were reasonable, the claims pursued by ABI were unreasonable, and LAA's defenses were reasonable, among other factors.

The court does not find that 82(b)(3) factors can justify upwards adjustment of fee request.

Upon consideration of the motion and responses thereto, and for the reasons stated in LAA's opposition, the amount of fees to which ABI may be entitled is \$18,959.34², subject to an offset for any amount awarded to LAA through its pending May 31, 2016 Motion for Rule 11 and Rule 82 Fees. Pursuant to the opposition brief filed by 716 LLC this amount is further reduced \$2217.80.

IT IS HEREBY ORDERED that Plaintiff ABI is awarded fees of \$16,741.54² against LAA, jointly with 716, and payable on or before _____, 2016.

DATED this 23rd day of June, 2016.

Honorable Patrick McKay
Superior Court Judge

I certify that on 6/24/16 a copy of the following was mailed/faxed/hand-delivered to each of the following at their addresses of record.

James Dittstein
Jeffrey Robinson
Kevin Cuddley
Administrative Assistant

² [\$144,329.09 - \$50,013.00] * 0.20.

CERTIFICATE OF SERVICE

This certifies that on June 6, 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
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(Attorney for Plaintiff)

Jeffrey W. Robinson
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(Attorneys for Defendant 716 West Fourth Avenue, LLC)



Debby Allen, Litigation Practice Assistant

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MAY 31 2016

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

ALASKA BUILDING, INC., an Alaskan
corporation,

Plaintiff,

Case No. 3AN-15-05969 CI

v.

716 WEST FOURTH AVENUE, LLC, and
LEGISLATIVE AFFAIRS AGENCY,

Defendants.

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

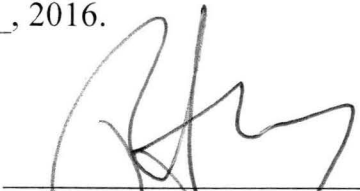
Defendant Legislative Affairs Agency ("LAA") has moved for Rules 11 and 82 attorney fees against Plaintiff Alaska Building, Inc. relating to its fees incurred in the defense of Plaintiff's qui tam request for relief and Count 2 of Plaintiff's June 8, 2015 Amended Complaint.

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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 \$ 22,178.80, ~~due and payable on or before~~ see separate order. May be applied toward ABI ~~2016.~~ fee recovery.

DATED this 23rd day of Jan, 2016.



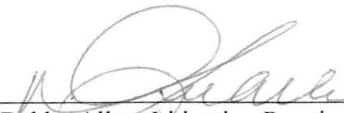
Honorable Patrick McKay
Superior Court Judge

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.
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(Attorney for Plaintiff)

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(Attorneys for Defendant 716 West Fourth Avenue, LLC)



Debby Allen, Litigation Practice Assistant

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Administrative Assistant Ky