

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

In the Matter of the
2021 Redistricting Plan.

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CASE NO. 3AN-21-08869CI

PRETRIAL ORDER

Pleadings.

1. Five cases have been filed challenging the 2021 Redistricting Plan. They are:

City of Skagway v. Alaska Redistricting Board, 1JU-21-00944CI;

The City of Valdez v. Alaska Redistricting Board, 3VA-21-00080CI;

Matanuska-Susitna Borough v. Alaska Redistricting Board, 3PA-21-02397CI;

Calista Corporation v. Alaska Redistricting Board, 4BE-21-00372 CI; and

Felisa Wilson v. Alaska Redistricting Board, 3AN-21-08869CI.

2. Pursuant to Civil Rule 90.8(f) the Presiding Judges have consolidated the five cases and moved them to Anchorage.

3. All further pleadings will be filed in Anchorage using the above caption, and the primary case number 3AN-21-08869CI. Parties filing pleadings that relate to any of the non-Anchorage cases shall include that case number as a secondary case number in the caption.

4. All pleadings shall be served on counsel for all parties, including any parties seeking to intervene, at least until any issues of intervention are resolved.

Technical Support.

5. The Alaska Redistricting Board shall immediately provide parties, including those seeking to intervene, with access to any software needed to view and explore census data and district boundaries.

6. The parties will engage a real time transcription service to provide transcripts throughout any evidentiary hearings and the trial. All six parties (plus each group of intervenors) will be required to pay 1/x (as of now 1/7) the cost of the transcriber. Each party shall bear any additional cost of getting its copy of the transcript or the live electronic feed. If the parties cannot agree upon a transcription service by **27 December 2021**, then a party may propose a transcription service for the Court's selection.

Trial Timelines.

7. Civil Rule 90.8(c) requires the case to be done in the superior court 120 days before the filing deadline for the first election using the new districts. That filing deadline is 1 June 2022.¹ Thus, the superior court's decision is due by **1 February 2022**.

¹ AS 15.25.040(a)(1).

8. To give the assigned judge time to craft the decision the evidence should be finished by **25 January 2022**. Written closing arguments and proposed findings of fact should be submitted by **27 January 2022**.

9. As a very preliminary estimate, if each set of plaintiffs is given one trial day to present its case in chief and the Board is given 3-5 days for its case in chief, trial will have to begin no later than 11 January and likely sooner than that. The parties are invited to propose start dates for the trial.

Summary Judgment Motions.

10. The Court will permit no motions for summary judgment.

Witnesses.

11. Each Plaintiff may call no more than three witnesses at trial. A Plaintiff may present the video deposition testimony of up to three additional witnesses. The Plaintiff must identify those witness in advance and make the witness available for a video deposition by **11 January 2021**.

12. The Board may call no more than seven witnesses at trial. The Board may present the video deposition testimony of up to seven additional witnesses. The Board must identify those witness in advance and make the witness available for a video deposition by **11 January 2021**.

13. Each party shall file affidavits setting forth the direct testimony of the non-expert witnesses it would call in its case in chief. The direct

testimony shall be filed by **27 December 2021**. At trial the witness shall be called only for cross examination, redirect, and recross.

14. Each party shall submit evidentiary objections to the pre-filed direct testimony by **30 December 2021**. Responses to objections are due two business days after the objections are filed.

15. Each Plaintiff is limited to one expert witness. The Board is limited to three expert witnesses. Each party shall identify the expert witness and the topics of the expert's testimony by **27 December 2021**.

16. Each party shall submit an affidavit of the expert's direct testimony by **30 December 2021**.

Discovery.

17. The Board shall provide the Court, the Plaintiffs, and the pending Intervenors with the record as defined by Civil Rule 90.8(d) by **21 December 2021**.

18. The parties shall be prepared to discuss discovery deadlines and perhaps limits on discovery or deposition at the scheduling hearing on **20 December 2021 at 11:30 a.m.** Parties will be sent a **zoom invitation** by chambers. This overrides the earlier order setting a telephonic hearing.

19. The Court encourages the parties to begin discussions regarding discovery and the scheduling of specific depositions in advance of the scheduling hearing.

20. All witnesses must be made available for depositions no later than the **week of 3 January 2022**.

Sequences of Party and Witness Presentation.

21. At a date to be determined, the Plaintiffs shall discuss and propose a sequence for when each shall make their witnesses available for cross examination and redirect at the trial.

22. At a date to be determined, the Board shall propose a sequence for when it shall make its witnesses available for cross examination and redirect at the trial.

Judicial Assignment.

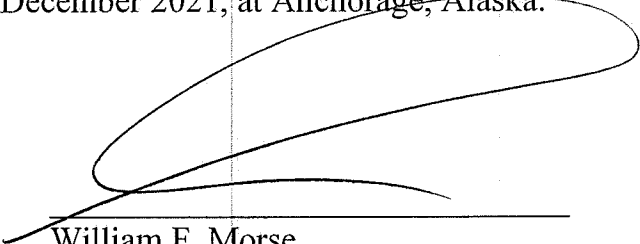
23. The judge to be permanently assigned to the case will be identified shortly after the scheduling conference.

24. The parties shall have **two business days** after the distribution of a judicial assignment order to exercise a Civil Rule 42(c) challenge.²

25. The assigned judge may revisit these pretrial orders as the case develops.

² This modification of Civil Rule 42(c)(3) is made pursuant to Civil Rule 84.

DONE this 15th day of December 2021, at Anchorage, Alaska.

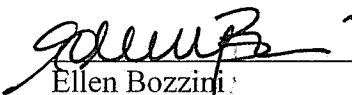


William F. Morse
Superior Court Judge

CERTIFICATE OF SERVICE

I certify that on 15 December 2021
a copy of the above was emailed/mailed to each of the
following at their addresses of record:

Stacey Stone
Holly Wells
Nathaniel Amdur-Clark
Robin Brena
Eva Gardner
Matthew Singer



Ellen Bozzini
Judicial Assistant