

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

In the Matter of the )  
2021 REDISTRICTING PLAN. ) Case No. 3AN-21-08869CI  
\_\_\_\_\_ )

**ORDER RE VARIOUS PRE-TRIAL AND MID-TRIAL MOTIONS**

During the course of this expedited proceeding, the parties have filed numerous Motions, and Objections. Most of these motions were addressed on the record, or have become moot as a result of the court's rulings during the trial. Nonetheless, in order to provide a clean record for appellate review, the Court now makes the following omnibus order to address all pending motions.

**A. Joint Motion to Establish Trial Guidelines (Case Motion #3)**

This motion was implicitly granted at the Court's initial Discovery hearing on December 22, 2021. The Court held weekly discovery hearings with the parties. Trial guidelines were established during the discovery hearings, and modified periodically as the case progressed.

**B. Joint Motion to Include Certain Categories of Documents in Administrative Record (Case Motion #4)**

This motion was mostly denied at the Discovery Conference on December 22, 2021. The parties were instead permitted to submit exhibits at trial.

**C. ARB Objection to and Motion to Modify the Fourth Pretrial Order (Case Motion #11)**

This Motion was granted in part and denied in part as outlined on the record at the discovery conference on January 7, 2022.

**D. East Anchorage Plaintiff's Motion to Preclude Redirect Questioning in Absence of Cross-Examination (Case Motion #15)**

This Motion was granted in part and denied in part as outlined on the record during the first day of trial on January 21, 2022.

**E. East Anchorage Plaintiff's Conditional Motion to Strike Paragraphs 34 and 35 of Supplemental Affidavit of Peter Torkelson (Case Motion #16)**

This Motion was effectively non-opposed by the Board's counsel on the record when he agreed to withdraw those paragraphs of the affidavit during the trial on January 21, 2022. Accordingly, the motion was effectively granted on the record.

**F. Plaintiffs' Joint Motion Regarding Status of Exhibits (Case Motion # 21)**

This Motion was resolved during the Court's omnibus hearing on exhibits on Friday, February 4, 2022 and is therefore moot.

**I. OBJECTIONS TO TRIAL TESTIMONY**

In advance of trial the parties lodged various objections to pre-filed testimony. This Order confirms the Court's oral orders made on the record.

**A. ARB Objections to Plaintiff's Experts**

The Board lodged various objections to the expert testimony proffered by Plaintiffs. The Court addressed these objections on the record. Each of the experts offered by the Plaintiffs were deemed to be experts pursuant to Evidence Rule 702. The objections are addressed to the weight the Court will give the testimony, not its admissibility.

**B. Objections to Lay Testimony**

The Board lodged objections to some portions or all of the pre-filed direct testimony of the Plaintiffs' lay witnesses. As outlined on the record, these objections were all denied. The court will give the testimony the weight it deserves, including the lay opinion testimony which is considered under Evidence Rule 701. In addition, the Court will consider hearsay testimony only to the extent it is considered reliable and trustworthy, or it falls within an appropriate exception to the Hearsay Rule.

At least one of the Plaintiffs lodged an objection to the Board's pre-filed direct testimony. These objections are similarly denied for the same reason.

### C. Deposition Testimony

Finally, as a matter of expediency, the Court agreed to consider all of the deposition testimony taken by the parties. This includes the depositions of Board Members, Bahnke, Binkley, Borromeo, Marcum and Simpson, Executive Director Torkelson, and third-party witness Randy Ruedrich. The parties were ordered to forego the traditional page and line designation of deposition testimony, followed by objections. The Court will follow the same approach outlined above in considering the weight to give the deposition testimony.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 7<sup>th</sup> day of February, 2022.

A handwritten signature in black ink, appearing to read 'Tom Matthews', written over a horizontal line.


Thomas A. Matthews  
Superior Court Judge

I certify that 2/7/22 a copy of this Order was sent to the following:

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