

Robin O. Brena, Esq.
 Jake W. Staser, Esq.
 Laura S. Gould, Esq.
 Jon S. Wakeland, Esq.
 Brena, Bell & Walker, P.C.
 810 N Street, Suite 100
 Anchorage, Alaska 99501
 Telephone: (907) 258-2000
 E-Mail: rbrena@brenalaw.com
jstaser@brenalaw.com
lgould@brenalaw.com
jwakeland@brenalaw.com

Attorneys for City of Valdez, Mark Detter, Municipality of Skagway and Brad Ryan

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-21-08869 CI
)	(Consolidated Cases)
)	
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Non-Anchorage Case No. 3VA-21-00080 CI		
Non-Anchorage Case No. 1JU-21-00944 CI		

**SKAGWAY’S AND VALDEZ’S RESPONSES TO
 ALASKA REDISTRICTING BOARD’S OBJECTIONS TO
PRE-FILED DIRECT TESTIMONY**

Plaintiffs, the City of Valdez (Valdez) and Mark Detter (Detter), and the Municipality of Skagway (Skagway) and Brad Ryan (Ryan), (collectively Plaintiffs), through their attorneys, Brena, Bell & Walker, P.C., file their Response to the Alaska Redistricting Board’s (Board’s) Objections to Plaintiffs’ Pre-Filed Direct Testimony (Objections). For the reasons set forth below, Plaintiffs respectfully request that the Court deny the Board’s Objections.

BRENA, BELL &
 WALKER, P.C.
 810 N Street, Suite 100
 Anchorage, Alaska 99501
 Phone: (907) 258-2000
 Facsimile: (907) 258-2001

I. RESPONSES TO GENERAL OBJECTIONS

The Board objects that Plaintiffs' witnesses "quote caselaw from the Alaska Supreme Court regarding redistricting," use "vague and argumentative wording," include testimony "in the form of legal conclusions," and "cumulatively testify regarding the same cruise ship data" (this fourth objection is erroneously applied to Valdez as well as Skagway).¹

Alaska Rule of Evidence 701 permits a lay witness's opinions or inferences if they are "rationally based on the perception of the witness" and "helpful to a clear understanding of the witness's testimony or the determination of a fact in issue." As a threshold matter, this is an expedited judge-tried matter in which this Court is fully capable of evaluating and weighing evidence without the risk of a jury being confused or misled by such evidence. In a bench trial, the judge is the trier of fact, determining the credibility of witnesses and deciding how to weigh the evidence presented.² As noted in *McCormick on*

Evidence:

For their part, judges possess professional experience in valuing evidence, greatly lessening the need for exclusionary rules. At common law, there was a sense that it was inexpedient to apply these restrictions to judges. That sense caused appellate courts to conclude that the same strictness need not be observed in applying the rules of evidence in bench trials as in jury trials. An appellate court should arguably reach the same result under the Federal and Uniform Rule of Evidence.

¹ Objections at 1-2, 13-14.

² *Wasserman v. Bartholomew*, 38 P.3d 1162, 1166-67 (Alaska 2002) (citing Alaska R. Civ. P. 52(a)).

The most important influence encouraging trial judges to take a relaxed attitude toward evidence rules in nonjury cases is a doctrine recognized by most appellate courts. According to this doctrine, on an appeal from a bench trial, the receipt of inadmissible evidence over objection is ordinarily not ground for reversal if there was other, admissible evidence sufficient to support the findings.³

Decisions of admissibility of evidence are committed to the discretion of the trial court, and the Alaska Supreme Court will only reverse the trial court if, upon review of the record as a whole, the court finds that the trial judge abused his or her discretion and the error affected the substantial rights of a party.⁴ “Greater liberality is accorded to the reception of opinion evidence in nonjury cases.”⁵

The Court has applied a more relaxed standard to the admission of evidence in the context of a judge-trying case:

To the extent the passage minimally discusses why ARM did not build portable couplers, the testimony of witnesses Burdick, Williamson, and Whitney made the disputed passages in Whalen’s testimony cumulative. Independent of Whalen’s disputed testimony, there was ample compelling evidence that portable couplers were not feasible as stopping devices and would not have made the loading process safer. *In this judge-trying case*, we cannot say that admitting Whalen’s brief, cumulative testimony was an abuse of discretion.⁶

³ § 60. Admission and exclusion of evidence in bench trials without a jury, 1 *MCCORMICK ON EVIDENCE* § 60 (8th ed.).

⁴ *Dobos v. Ingersoll*, 9 P.3d 1020, 1023 (Alaska 2000).

⁵ *State v. Phillips*, 470 P.2d 266, 271 (Alaska 1970) (citing *In re Baxter’s Estate*, 16 Utah 2d 284, 399 P.2d 442 (1965); *Leeb v. Read*, 190 So.2d 830 (Fla.App.1960).

⁶ *Janes v. Alaska Railbelt Marine, LLC*, 309 P.3d 867, 884-85 (Alaska 2013) (emphasis added).

This relaxed standard is longstanding with regard to a trial court's ability to competently weigh evidence without being prejudiced:

Even if I were persuaded by appellant's criticism of the poll, it would be difficult to conclude that the trial judge could not competently weigh the evidence without being prejudiced. This is to say that within fairly broad limits, *and especially in a judge-tried case*, any defects in the poll should go to its weight and not its admissibility.⁷

The Ninth Circuit also differentiates between the admissibility of evidence in jury and judge-tried cases:

The admission of improper evidence before a jury is grounds for reversal if a party's substantial rights are affected. In judge-tried trial, however, the admission of incompetent evidence over objection will not ordinarily be a ground of reversal if there was competent evidence received sufficient to support the findings. *The judge will be presumed to have disregarded the inadmissible and relied on the competent evidence.*⁸

Note the difference between this standard and the standard applicable to findings made by a trial judge. In the judge -tried case it is for the trial judge to select among disputed facts. On appeal, only those disputed facts found by the trial judge are tested for factual sufficiency. In a jury trial, on the other hand, all the evidence must be reviewed to see if there is any evidentiary support for the judgment.⁹

In light of this authority, this Court should have less concern regarding the Board's objections than it might if this was a jury trial. Plaintiffs' lay witnesses familiarized themselves with the leading redistricting cases to focus their testimony, and this Court can hardly be prejudiced by the inclusion of a few case quotes in their affidavits. Certainly,

⁷ *Boucher v. Bomhoff*, 495 P.2d 77, 85-86 (Alaska 1972) (emphasis added).

⁸ *Plummer v. W. Int'l Hotels*, 656 F.2d 502, 505 (9th Cir. 1981) (citing E. Clary, *MCCORMICK ON EVIDENCE* § 60 at 137 (2d ed. 1972) (emphasis added)).

⁹ *Borchgrevink v. Borchgrevink*, 941 P.2d 132, 143 (Alaska 1997).

this Court will not be confused that these lay witnesses are proffering any legal expertise. Similarly, the witnesses' use of descriptive language to express the opinions they have formed based on their personal experiences and perceptions is only "argumentative" insofar as it goes to the issues at stake in this matter, and the record is replete with Board members and members of the public expressing their own "argumentative" opinions regarding the legal issues and conclusions at issue. The Board's witnesses have continued to opine regarding legal conclusions during their depositions and in their affidavits. This Court is fully capable of giving non-expert opinion its due weight with no danger of prejudice. Lastly, cumulative evidence is unavoidable in an expedited matter with concurrent pre-filed testimony, where witnesses are testifying to the same topics and it is uncertain which of them will be available and examined at trial, and there is no prejudice or harm in this Court admitting lay affidavits that address the same facts and issues.

Because this is an expedited judge-tried case and the Board's objections do not implicate any risk of prejudice to this Court, this Court admit the affidavits at issue over the Board's objections.

II. RESPONSES TO SPECIFIC OBJECTIONS

A. Objections to Valdez Affidavits¹⁰

Scheidt ¶13. **Response.** The witness participated in and reviewed the public process before the Board as well as the Board's Final Plan, thus she has foundation for her

¹⁰ Objections at 2-13.

lay opinion with regard to these facts, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶14. **Response.** The witness is providing the context for her testimony by stating her understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶15. **Response.** The witness has personally reviewed the population data for the District as provided by the Board, and Exhibit A is generated by the autoBound program, of which the Board is also aware, using those same numbers, and the Board does not question the numbers regardless.

Scheidt ¶16. **Response.** The witness is providing her personal knowledge and opinion regarding the facts underlying a determination of socioeconomic integration, “Wasilla or Palmer” is not vague in context, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶17. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶18. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of the following paragraphs, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶19. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding representation, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶20. **Response.** The witness is a longtime resident and the Mayor of Valdez, which is foundation for her personal knowledge and opinion regarding Valdez's representation in the Legislature.

Scheidt ¶22. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding District 29, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶23-27. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶30. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding District 29, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶32. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶33. **Response.** The witness is providing her personal knowledge and opinion regarding the activities of Valdez citizens, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶42. **Response.** The witness is providing her personal knowledge and opinion regarding the Mat-Su Borough's economy with reference with the Borough's Comp Plan, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶43. **Response.** The witness is providing her personal knowledge and opinion regarding the Mat-Su and Valdez economy with reference to public documentation of such, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶46. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding TAPS, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶53. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶60. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶67. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶73. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶79. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶81. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶86. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶87. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶89. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶92. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶94. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt ¶¶95-107. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Scheidt Exhibit A. **Response.** The witness has personally reviewed the population data for the District as provided by the Board, and Exhibit A is generated by the autoBound program, of which the Board is also aware, using those same numbers, and the Board does not question the numbers regardless.

Duval ¶13. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Duval ¶15. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶17. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶18. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶19. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶20. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶23. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶24. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶25. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶29. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶38. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶42-43. **Response.** The witness is providing his personal knowledge of the generally-known facts regarding TAPS, with reference to a publicly-available document of which the Board does not question, and this Court may take judicial notice of such facts under Rule of Evidence 201.

Duval ¶72. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶76. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶79 **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶84. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶85. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶87. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval ¶90. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Duval Exhibit E. **Response.** This is a publicly-available document which the Board does not question, containing generally known facts regarding TAPS, and this Court may note judicial notice of such facts under Rule of Evidence 201.

Pierce ¶9. **Response.** The witness participated in and reviewed the public process before the Board as well as the Board’s Final Plan, thus she has foundation for her lay opinion with regard to these facts, and this Court is competent to give this lay opinion its due weight.

Pierce ¶10. **Response.** The witness is providing her personal knowledge of the legal requirements to provide context for her testimony on her opinion based on the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Pierce ¶12. **Response.** The witness has personally reviewed the population data for the District as provided by the Board, and Exhibit A is generated by the autoBound program, of which the Board is also aware, using those same numbers, and the Board does not question the numbers regardless.

Pierce ¶13. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶14-17. **Response.** The witness is providing her personal knowledge of the legal requirements to provide context for her testimony on her opinion based on the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Pierce ¶19. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶20. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, as well as her personal experience as a longtime Valdez resident and City Clerk with regard to Valdez’s representation in the Legislature, and this Court is competent to give this lay opinion its due weight.

Pierce ¶21-22. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶25. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶26. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, with reference to public budget documents, and this Court is competent to give this lay opinion its due weight.

Pierce ¶29. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶30. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶31. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Pierce ¶33. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶34-35. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶37. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶39. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶43. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶46. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶47. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶51. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶54-55. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Pierce ¶57. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Pierce ¶58. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Pierce Exhibit B. **Response.** The witness has personally reviewed the population data for the District as provided by the Board, and Exhibit B is generated by the autoBound program, of which the Board is also aware, using those same numbers, and the Board does not question the numbers regardless.

B. Objections to Skagway Affidavits¹¹

Cremata ¶7. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶8. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Cremata ¶10. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶11. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶12. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Cremata ¶15. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

¹¹ Objections at 2-13.

Cremata ¶19-22. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Cremata ¶30. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶32. **Response.** The witness is testifying based on his own personal knowledge as well as reference to a spreadsheet generated by the Municipality of Skagway based on its public business license records.

Cremata ¶41. **Response.** The witness has testified to his personal experience and knowledge of the tourism industry in Juneau and Skagway.

Cremata ¶44. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Cremata ¶50. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Cremata ¶51. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, with a one-sentence conclusion based on his prior statements, and this Court is competent to give this lay opinion its due weight.

Cremata ¶53. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶54. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Cremata ¶55. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Cremata ¶62. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, of which the Board's record is not necessarily the best evidence (particularly as it summarizes and paraphrases testimony), and this Court is competent to give this lay opinion its due weight.

Cremata Exhibit I. **Response.** This is a spreadsheet generated by the Municipality of Skagway based on its public business license records.

Ryan ¶7. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Ryan ¶8. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Ryan ¶9. **Response.** The witness is providing his personal knowledge of the legal requirements as context for his opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Ryan ¶14. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶15. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶24. **Response.** The witness is testifying based on his own personal knowledge as well as reference to a spreadsheet generated by the Municipality of Skagway based on its public business license records.

Ryan ¶26. **Response.** The witness is testifying based on his own personal knowledge and experience as Borough Manager with regular Juneau government interactions, and which is further supported by the surrounding statements.

Ryan ¶29. **Response.** The witness is testifying based on his own personal knowledge and experience as Borough Manager with regular Juneau government interactions, and which is further supported by the surrounding statements.

Ryan ¶30. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Ryan ¶31. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Ryan ¶32. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Ryan ¶34. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding Skagway and its citizens, and this Court is competent to give this lay opinion its due weight.

Ryan ¶39. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶40. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶41. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶44. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan ¶45. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, and this Court is competent to give this lay opinion its due weight.

Ryan Exhibit I. **Response.** This is a spreadsheet generated by the Municipality of Skagway based on its public business license records.

Walsh ¶6. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶7. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Walsh ¶9. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶10. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶11. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶13. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶14. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶18-21. **Response.** The witness is providing the context for his testimony by stating his understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Walsh ¶29. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶30. **Response.** The witness has testified to his personal knowledge regarding Skagway and its citizens, and this Court is competent to give this lay opinion its due weight.

Walsh ¶50. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶51. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶53. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Walsh ¶60. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, the Board's record is not necessarily the best of evidence of testimony which it paraphrases or summarizes, and this Court is competent to give this lay opinion its due weight.

Walsh ¶61. **Response.** The witness is providing his personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of his testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶11. **Response.** The witness is providing the context for her testimony by stating her understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶13. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶14. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶15. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶17. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶18. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶22-25. **Response.** The witness is providing the context for her testimony by stating her understanding of the caselaw, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶35. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶36. **Response.** The witness is testifying based on her own personal knowledge as well as reference to a spreadsheet generated by the Municipality of Skagway based on its public business license records.

Wrentmore ¶49. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶50. **Response.** The witness is providing her personal knowledge and opinion regarding Skagway and Juneau, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶53. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶54. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶56. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶58. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶59. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶61. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

Wrentmore ¶63. **Response.** The witness is providing her personal knowledge and opinion regarding the facts surrounding redistricting in this case, which is not vague in the context of her testimony, and this Court is competent to give this lay opinion its due weight.

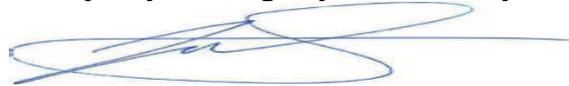
Wrentmore Exhibit I. **Response.** This is a spreadsheet generated by the Municipality of Skagway based on its public business license records.

III. CONCLUSION

Because this is an expedited, judge-tried case with concurrent pre-filed testimony, Plaintiffs' affidavits present no danger of prejudicing this Court in its consideration of the evidence in this matter. The Board's Objections are unreasonable restrictions on lay witness testimony in this context, and this Court should overrule them and admit this evidence for trial.

DATED this 12th day of January, 2022.

BRENA, BELL & WALKER, P.C.
Attorneys for City of Valdez and Mark Detter,
Municipality of Skagway and Brad Ryan



By _____

Robin O. Brena, ABA No. 8511130
Jake W. Staser, ABA No. 1111089
Laura S. Gould, ABA No. 0310042
Jon S. Wakeland, ABA No. 0911066

BRENA, BELL &
WALKER, P.C.
810 N Street, Suite 100
Anchorage, Alaska 99501
Phone: (907) 258-2000
Facsimile: (907) 258-2001

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing document was e-mailed to the following attorneys/parties of record this 7th day of January, 2022:

Attorneys for Alaska Redistricting Board

Matt Singer, Esq.
Lee Baxter, Esq.
Schwabe, Williamson & Wyatt
E-Mail: msinger@schwabe.com
lbaxter@schwabe.com

Attorneys for Matanuska-Susitna Borough and Michael Brown

Stacey C. Stone, Esq.
Gregory Stein, Esq.
Holmes Weddle & Barcott, P.C.
Email: sstone@hwb-law.com
gstein@hwb-law.com

Attorneys for Felisa Wilson, George Martinez, and Yarrow Silvers

Holly C. Wells, Esq.
Mara E. Michaletz, Esq.
William D. Falsey, Esq.
Birch Horton Bittner & Cherot
Email: hwells@bhb.com
mmichaletz@bhb.com
wfalsey@bhb.com

//s// Mary G. Hodsdon

Mary G. Hodsdon

Attorneys for Calista Corporation, William Naneng, and Harley Sundown

Eva R. Gardner, Esq.
Michael S. Schechter, Esq.
Benjamin J. Farkash, Esq.
Ashburn & Mason, P.C.
Email: eva@anchorlaw.com
mike@anchorlaw.com
ben@anchorlaw.com

Attorneys for Intervenor Doyon Limited et al.

Nathaniel Amdur-Clark, Esq.
Whitney A. Leonard, Esq.
Sonosky, Chambers, Sachse, Miller & Monkman, LLP
Email: nathaniel@sonosky.net
whitney@sonosky.net

Attorney for the State of Alaska

Thomas. S. Flynn, Esq.
State of Alaska Department of Law
Email: thomas.flynn@alaska.gov