IN THE SUPERIOR COURT FOR THE STATE OF ALASKA FOURTH JUDICIAL DISTRICT AT FAIRBANKS

CONSOLIDATED CASE NO. 4FA-11-2209-CI 4FA-11-2213 CI 1JU-11-782 CI 4FA-13-2435 CI
) 4FA-11-2207-C1
) 1JU-11-782 CI
4FA-13-2435 CI

DEFENDANT ALASKA REDISTRICTING BOARD'S MOTION FOR SUMMARY JUDGMENT RE: RILEY PLAINTIFFS' CLAIM HOUSE DISTRICTS 9 AND 12 HAVE UNNECESSARILY HIGHER DEVIATIONS FROM THE IDEAL DISTRICT

COMES NOW, Defendant Alaska Redistricting Board ("Board"), by and through counsel Patton Boggs LLP, pursuant to Alaska Rule of Civil Procedure 56, and for the reasons set for in the Memorandum of Points and Authorities in Support of Defendant Alaska Redistricting Board's Motion for Summary Judgment re: Riley Plaintiffs' Claim House Districts 9 and 12 have Unnecessarily Higher Deviations from the Ideal District (the "Memorandum") filed contemporaneously herewith, hereby moves this Court for entry of partial summary judgment.

As set forth more fully in the accompanying Memorandum, there is no genuine dispute as to any material fact that House Districts 9 and 12 contain "a population as near as practicable" to the ideal district size in accordance with Article VI, section 6 of the Alaska Constitution. The Board Record establishes that House District 9 is short only 16 people from the ideal district size, making it the House District with the second lowest deviation of the 2013 Proclamation Plan; House district 12 has a deviation of

PATTON BOGGS LLP 601 West Fifth Avenue Suite 700 Anchorage, AK 99501

Phone: (907) 263-6300 Fax: (907) 263-6345

only -0.47%. The Plaintiffs simply cannot dispute this evidence. Therefore, the Riley Plaintiffs' claims fail as a matter of law.

Accordingly, the Board is entitled to summary judgment on Plaintiffs' claims alleging House Districts 9 and 12 have unnecessarily higher deviations than the ideal district. The Board requests this Court deny the Riley Plaintiffs' claims regarding unnecessarily higher deviations than the ideal district as to House Districts 9 and 12, and enter judgment for the Board.

DATED at Anchorage, Alaska this day of September 2013.

PATTON BOGGS LLP Counsel for Defendant Alaska Redistricting Board

Michael D. White

Alaska Bar No. 8611144

Nicole A. Corr

Alaska Bar No. 0805022

PATTON BOGGS LLP 601 West Fifth Avenue Suite 700

Anchorage, AK 99501 Phone: (907) 263-6300 Fax: (907) 263-6345

CERTIFICATE OF SERVICE

I hereby certify that on the day of September 2013, a true and correct copy of the foregoing document was served on the following via:

☑ Electronic Mail on:

Michael J. Walleri; walleri@gci.net; mwalleri@fairbanksaklaw.com

Jason Gazewood; jason@fairbanksaklaw.com

Gazewood & Weiner PC
Attorneys for Riley/Dearborn
1008 16th Ave., Suite 200
Fairbanks, AK 99701

Thomas F. Klinkner; tklinkner@BHB.com
Birch, Horton, Bittner & Cherot
Attorney for Petersburg Plaintiffs
1127 W. 7th Avenue
Anchorage, AK 99501

Jill Dolan; jdolan@fnsb.us Attorney for Fairbanks North Star Borough P.O. Box 71267 Fairbanks, AK 99707

Carol Brown; cbrown@avcp.org
Association of Village Council Presidents
P.O. Box 219, 101A Main Street
Bethel, AK 99550

Thomas E. Schultz; tschulz235@gmail.com Attorney for RIGHTS Coalition 715 Miller Ridge Road Ketchikan, AK 99901

Supreme Court of the State of Alaska jhotho@appellate.courts.state.ak,us mmay@appellate.courts.state.ak.us

Joseph N. Levesque; joe@levesquelawgroup.com; joe-wwa@ak.net Levesque Law Group, LLC Attorney for Aleutians East Borough 3380 C Street, Suite 202 Anchorage, AK 99503

Natalie A. Landreth; landreth@narf.org
Native American Rights Fund
Attorney for Bristol Bay Native Corporation
801 B Street, Suite 401
Anchorage, AK 99501

Marcia R. Davis; <u>mdavis@calistacorp.com</u> Attorney for Calista Corporation 301 Calista Court Anchorage, AK 99518

Scott A. Brandt-Erichsen; scottb@kgbak.us Ketchikan Gateway Borough 1900 1st Avenue, Suite 215 Ketchikan, AK 99901

Joe McKinnon; jmckinn@gci.net
Attorney for Alaska Democratic Party
1434 Kinnikinnick Street
Anchorage, AK 99508

By:

Anita R. Tardugno, PLS

Legal Secretary

PATTON BOGGS LLP

029810.0101\4832-9266-6645.

PATTON BOGGS LLP 601 West Fifth Avenue Suite 700 Anchorage, AK 99501

Anchorage, AK 99501 Phone: (907) 263-6300 Fax: (907) 263-6345

DEFENDANT ALASKA REDISTRICTING BOARD'S MOTION FOR SUMMARY JUDGMENT RE: RILEY PLAINTIFFS' CLAIM HOUSE DISTRICTS 9 AND 12 HAVE UNNECESSARILY HIGHER DEVIATIONS FROM THE IDEAL DISTRICT In Re 2011 Redistricting Cases, Consolidated Case No. 4FA-11-02209 CI Page 3 of 3