

anc.law.ecf@alaska.gov

IN THE SUPREME COURT OF THE STATE OF ALASKA

Bryon Mallott, Lieutenant Governor of)
the State of Alaska, and the Alaska)
Division of Elections,)

Appellants,)

v.)

Stand for Salmon,)

Appellee.)

FILED

OCT 20 2017

APPELLATE COURTS
OF THE
STATE OF ALASKA

Supreme Court No.:

Trial Court Case No.: 3AN-17-09183CI

NOTICE OF APPEAL

Byron Mallott, Lieutenant Governor of Alaska, and the Alaska Division of Elections file this appeal from the Superior Court's order dated October 9, 2017, granting summary judgment in favor of Plaintiff Stand for Salmon.

DATED October 20, 2017

JAHNA LINDEMUTH
ATTORNEY GENERAL

By: *K Demarest*
Joanne M. Grace (8606035)
Elizabeth Bakalar (0606036)
Katherine Demarest (1011074)
Assistant Attorneys General

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

anc.law.ecf@alaska.gov

IN THE SUPREME COURT OF THE STATE OF ALASKA

Bryon Mallott, Lieutenant Governor of)
the State of Alaska, and the Alaska)
Division of Elections,)

Appellants,)

v.)

Stand for Salmon,)

Appellee.)

FILED

OCT 20 2017

APPELLATE COURTS
OF THE
STATE OF ALASKA

Supreme Court No.:

Trial Court Case No.: 3AN-17-09183CI

STATEMENT OF POINTS ON APPEAL

The Superior Court erred in concluding that ballot initiative 17FSH2 does not appropriate public assets and in holding that the initiative does not violate the subject matter restrictions of the Alaska Constitution, art. XI, section 7.

DATED October 20, 2017

JAHNA LINDEMUTH
ATTORNEY GENERAL

By: *K Demarest*
Joanne M. Grace (8606035)
Elizabeth Bakalar (0606036)
Katherine Demarest (1011074)
Assistant Attorneys General

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

IN THE SUPREME COURT OF THE STATE OF ALASKA

DOCKETING STATEMENT A For Use in Appeals Under Appellate Rule 204 and 218

(for court system use)

FILED

OCT 20 2017

APPELLATE COURTS OF THE STATE OF ALASKA

No. _____

INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS: If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

1. TYPE OF APPEAL

| | |
|---|---|
| a. <input checked="" type="checkbox"/> General Civil Rule Appeal (App. Rule 204) | b. <input type="checkbox"/> Appeal in Child Custody Case (App. Rule 218) |
|---|---|

2. PARTY FILING APPEAL (Appellant)

| | |
|--|--|
| a. Name Byron Mallott, Lt Gov. & Div. of Elections | b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant |
| c. Party Mailing Address (not attorney's address) P.O. Box 110001 | <input type="checkbox"/> Other. Specify: _____ |
| City State Zip Code Juneau AK 99811 | d. Telephone 465-3500 |

3. APPELLANT'S ATTORNEY

| | |
|--|--------------------------|
| a. Name Joanne M. Grace | b. Bar Number 8606035 |
| c. Attorney Mailing Address 1031 W. 4th Ave., Suite 200 | d. Telephone 269-5100 |
| City State Zip Code Anchorage AK 99501 | e. Fax 279-3697 |
| f. Firm/Agency Office of the Attorney General | |

4. PARTY APPEALED AGAINST (Appellee) [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)[1] & (g).]

| | |
|---|--|
| a. Name Stand for Salmon | b. Status in the Trial Court <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| c. Party Mailing Address c/o Valerie Brown | <input type="checkbox"/> Other. Specify: _____ |
| City State Zip Code | d. Telephone 276-4244 |

5. APPELLEE'S ATTORNEY

| | |
|--|--------------------------|
| a. Name Valerie Brown | b. Bar Number 9712099 |
| c. Attorney Mailing Address 1026 W. 4th Ave., Suite 201 | d. Telephone 276-4244 |
| City State Zip Code Anchorage AK 99501 | e. Fax 276-7110 |
| f. Firm/Agency Trustees for Alaska | |

6. SUPERIOR COURT PROCEEDING

| | | |
|--|---|--|
| a. Case No. 3AN-17-09183CI | b. Superior Court Judge Mark Rindner | c. Date Judgment Distributed October 9, 2017 (SJ Order) |
| d. Post-Judgment Motions: List all post-judgment motions that affect time for filing appeal. See Appellate Rule 204(a)(3). | | |
| DATE OF FILING | | DATE ORDER DISTRIBUTED |
| Month | Day | Year |
| Type of Post-Judgment Motion | | |
| Month | Day | Year |
| | | |
| | | |

7. CONSTITUTIONAL ISSUES

| | | |
|--|------------------------------|--|
| Is the constitutionality of a state statute or regulation at issue in this appeal? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If yes, cite statute or regulation: _____ | | |

8. FINALITY OF JUDGMENT OR ORDER BEING APPEALED

- a. The judgment or order being appealed is final and disposes of ALL claims by ALL parties. (The judgment or order is final under City and Borough of Juneau v. Thiboudeau 595 P.2d 626 (AK 1979).)
- b. The judgment or order being appealed does not dispose of all claims by all parties but is final under Civil Rule 54(b). (The trial court's Civil Rule 54(b) order must be attached.)
- c. The judgment or order being appealed is not final. The authority for this appeal is _____

9. ATTACHMENTS

The following items are submitted with this form (except that cross-appellants need not submit item a.):

- a. A copy of the final order or judgment from which the appeal is taken.
- b. A statement of points on appeal.
- c. A \$200 filing fee or a motion to appeal at public expense (financial statement affidavit form must be included).
 - a motion to waive filing fee (if basis for motion is inability to pay, financial statement affidavit form must be included).
 - an application for exemption from filing fee under AS 9.19.010.
 - no filing fee is required because appellant is represented by court-appointed counsel, and AS 9.19.010 does not apply.
 - the state or an agency thereof.
 - an employee appealing denial of benefits under AS 23.20 (Employment Security Act)
- d. A \$750 cost bond or deposit or
 - a copy of a superior court order approving appellant's supersedeas bond or a copy of appellant's motion to the superior court for approval of a supersedeas bond.
 - a motion to waive cost bond (if basis for motion is inability to pay, financial statement affidavit form must be included).
 - a motion to appeal at public expense (financial statement affidavit form must be included.)
 - no cost bond is required because appellant is represented by court-appointed counsel.
 - a state agency, municipality, or state or municipal officer.
 - an employee appealing denial of compensation by Alaska Workers' Compensation Board or denial of benefits under AS 23.20 (Employment Security Act).
- e. Designation of transcript submitted not submitted (no transcript being requested) motion to extend submitted

10/20/2017
Date

TC Demarest
Signature of Appellant or Appellant's Attorney

CERTIFICATE OF SERVICE

I certify that on _____ a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

| mailed | delivered | to All Parties (listed) |
|--------------------------|--------------------------|-------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Signature: _____

FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

**Attachment to Docketing Statement
Mallott et. al v. Stand for Salmon**

3. Appellants' Attorney

Elizabeth Bakalar (0606036)
Office of the Attorney General
PO Box 110300
Juneau, AK 99811
Telephone: (907) 465-3600
Facsimile: (907) 465-2539

Katherine Demarest (1011074)
Office of the Attorney General
1031 W. Fourth Avenue, Suite 200
Anchorage, AK 99501
Telephone: (907) 269-5275
Facsimile: (907) 276-3697