

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In Re 2011 Redistricting Cases.

) CONSOLIDATED CASE NO.:

) 4FA-11-2209-CI

) 4FA-11-2213 CI

) 1JU-11-782 CI

) 4FA-13-2435 CI

**ALASKA REDISTRICTING BOARD'S OPPOSITION TO THE ALASKA
DEMOCRATIC PARTY'S MOTION TO ACCEPT LATE-FILED MOTIONS**

The Alaska Redistricting Board ("Board") hereby opposes the Alaska Democratic Party's ("ADP") Motion to Accept Late-Filed Motions.¹ As the ADP admits, this Court ordered any objecting party to file summary judgment motions on compactness, contiguity, and socio-economic integration within 15 days of distribution of this Court's August 28, 2013, order.² While the Board is sympathetic to counsel for the ADP, the Board must oppose the late-filing of these motions given the unique nature of this litigation and this Court's expedited briefing schedule.³

¹ The Board incorporates by reference the facts and arguments set forth in its Motion to Strike Summary Judgment Motions of the Alaska Democratic Party as though fully stated herein.

² Order Regarding the Board's Motion for Compliance, Consolidation of Cases, and Initial Briefing Schedule at pgs. 4, 5 (August 28, 2013) ("Order").

³ Contrary to the Riley Plaintiffs' assertion, rejection of the ADP's motions does not amount to litigation ending sanctions. The issues stated in both the Riley Plaintiffs' and the ADP's Applications to Correct Errors in Redistricting are before this Court for adjudication irrespective of whether a particular dispositive motion is or is not filed. The Applications are still pending for decision notwithstanding the presence or absence of motion practice vis-a-vis a particular issue.

The ADP filed three summary judgment motions, four days after this Court's deadline and only six days before the Board's opposition to any such motion is due. The Board was only aware of two of the motions after 5:00 p.m. on Friday, and did not know the ADP intended to file a third summary judgment motion until 10:30 a.m. on Monday, September 16, 2013.⁴

The briefing schedule set by this Court's Order requires the Board to file oppositions to the objecting parties' summary judgment motions no later than September 23, 2013.⁵ Counsel for the ADP appears to suggest that the Court simply extend the Board's deadline to respond to its three untimely, dispositive motions by three or four days.⁶ However, upon receipt of oppositions to its own dispositive motions on September 23, counsel for the Board will be fully occupied reviewing, analyzing and drafting replies, due three days later on September 26, in support of its five dispositive motions that were timely filed on September 12, 2013.⁷ Absent a uniform extension of all briefing deadlines, the ADP's proposal only further prejudices

⁴ See Exhibit A, a copy of an email from counsel for the ADP filing a Motion for SJ re Mat-Su and Kenai Borough. See also Ex. A, Ex. B attached to the Alaska Redistricting Board's Motion to Strike the Summary Judgment Motions of the Alaska Democratic Party (September 16, 2013).

⁵ See Order at pgs. 4, 5; see also Order Regarding the Riley Plaintiffs' Motions to Strike (September 16, 2013).

⁶ ADP Motion to Accept Late-Filed Motions at p. 3.

⁷ See Order at pgs. 4, 5; see also Order Regarding the Riley Plaintiffs' Motions to Strike (September 16, 2013).

the Board's ability to adequately defend its plan. However, because this Court clearly stated that no extensions of time would be granted, the ADP's motion must be denied.

For these reasons and those set forth in the Board's Motion to Strike, the Board opposes the ADP's request that this Court accept its late-filed summary judgment motions and asks this Court to instead reject the ADP's filings as untimely and allow the briefing schedule to move forward as ordered.

DATED at Anchorage, Alaska this 17th day of September 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September 2013, a true and correct copy of the foregoing document was served on the following via:

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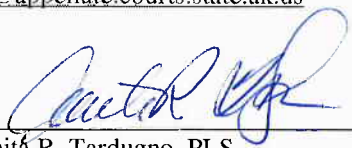
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Subject: Filing and Service: Motion for Summary Judgment re Mat-Su and Kenai Boroughs
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