

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

ANCHORAGE MUNICIPAL ASSEMBLY,)
and CHRISTOPHER CONSTANT, in his)
official capacity as Chair of the Anchorage)
Assembly,)
)
Plaintiffs,)
)
v.)
)
ANNE HELZER, in her official capacity as)
the Anchorage Municipal Attorney,)
)
Defendant.)

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Clerk of the Trial Courts

Case No. 3AN-24- 05979 CI

**MOTION FOR EXPEDITED CONSIDERATION OF THE
ANCHORAGE ASSEMBLY'S *EX PARTE* MOTION FOR ORDER
TO SHOW CAUSE AND TO ENFORCE SUBPOENA**

“Time is of the essence in this matter.”¹

Pursuant to Alaska Rule of Civil Procedure 77(g), the Plaintiffs Anchorage Municipal Assembly, through its Chair, Christopher Constant (collectively the “Assembly”), respectfully request expedited consideration of the concurrently filed *Ex Parte* Motion for Order to Show Cause and to Enforce Subpoena. A decision is requested on the Assembly’s *Ex Parte* Motion on or before **THURSDAY, APRIL 25, 2024**.

¹ Exhibit 7 at 2.

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A decision is needed before the Eklutna Hydroelectric Project Owners (Chugach Electric Association and Matanuska Electric Association) submit their proposed final Fish and Wildlife Program to the Governor pursuant to the 1991 Fish and Wildlife Agreement.

On information and belief, the Eklutna Hydroelectric Project Owners intend to submit their proposed final Fish and Wildlife Program to the Governor on or about April 27, 2024. Once the Project Owners' proposed final Fish and Wildlife Program is approved by the Governor, certain provisions of the Binding Term Sheet (which is a document described in the Subpoena) become effective and may bind the Municipality of Anchorage. The Assembly has a compelling and legitimate need to review copies of the Binding Term Sheet, and other associated documents described in the Subpoena, before legal consequences may accrue to the Municipality. Because the opportunity to influence the proposed final Fish and Wildlife Program diminishes once the Program is submitted to the Governor, the Assembly has a significant need to review the documents described in the Subpoena immediately. It is imperative that the Assembly, Assembly Counsel, and the Assembly's outside counsel have the opportunity to possess, meaningfully review, analyze, and discuss the Binding Term Sheet before the proposed Fish and Wildlife Program is submitted to the Governor.

For the foregoing reasons, the Assembly respectfully requests this Court grant expedited consideration of its *Ex Parte* Motion at the soonest possible opportunity, and in any event no later than **THURSDAY, APRIL 25**. This will allow the

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Defendant a reasonable opportunity to respond while reducing the risk of irreparable injury to the Assembly from the Defendant's ongoing and unreasonable disobedience of the Assembly's valid Subpoena.

Because this matter comes to the Court under Alaska Rule of Civil Procedure 90(b), which authorizes an "*ex parte* motion," the Assembly requests that the Court issue the Proposed Order to Show Cause and set a Show Cause Hearing for Monday, April 29, 2024. The Proposed Order also contemplates that the Defendant Anne Helzer may comply with the Subpoena on or before Friday, April 26, 2024, in which case the Assembly would stipulate to vacating the Show Cause Hearing.

This Motion is supported by the attached Affidavit of Leslie Need.

DATED: April 24, 2024.

LANDYE BENNETT BLUMSTEIN LLP

/s/ Andrew Erickson

Andrew Erickson, Alaska Bar No. 1605049
Leslie R. Need, Alaska Bar No. 0712113
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*Attorneys for the Plaintiffs Anchorage Assembly
and Christopher Constant, in his official capacity
as Chair of the Anchorage Assembly*

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Defendant.)

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(PROPOSED) ORDER GRANTING EXPEDITED CONSIDERATION

The Plaintiff's Motion for Expedited Consideration is GRANTED.

DATED this _____ day of _____, 2024, at Anchorage, Alaska.

Superior Court Judge

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