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STATE OF ALASKA  
APPELLATE COURTS

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IN THE SUPREME COURT FOR THE STATE OF ALASKA

BENJAMIN N. NAGEAK,

Appellant,

vs.

LT. GOVERNOR BYRON MALLOT, in  
his official capacity as Lt. Governor for the  
State of Alaska, and JOSEPHINE  
BAHNKE, in her official capacity as  
Director of the Division of Elections,

Appellees.

Supreme Court No. S-16462

**LIMITED OPPOSITION TO APPELLEES' EMERGENCY MOTION FOR  
STAY AND/OR REFERRAL TO THE SUPERIOR COURT**

COMES NOW Appellant Benjamin N. Nageak by and through his attorneys,  
Holmes, Weddle & Barcott, P.C. and hereby submits his limited opposition to  
Appellees' Emergency Motion for Stay and/or Referral to the Superior Court.

Appellant is in agreement that the parties do require an expedited decision to  
provide an orderly framework for litigating the election cases set forth in this matter and  
the underlying Superior Court matter, Appellant contends that one of the remedies

LIMITED OPPOSITION TO EMERGENCY MOTION  
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SUPERIOR COURT

Page 1 of 2

*Benjamin N. Nageak v. Lt. Gov. Byron Mallot, et al*  
Supreme Court Case No. S-16462

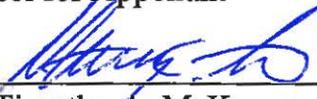
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proposed is contrary to law. Therefore, this matter should not be consolidated into the matter before the Superior Court for consideration.<sup>1</sup>

Appellant joins in the request that this Court either (1) stay this recount appeal pending a superior court decision in the underlying Superior Court election contest matter, and then consolidate this case with any resulting appeal or (2) instruct the parties on how to litigate these two matters in the most judicially efficient matter.

Dated this 19<sup>th</sup> day of September, 2016, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.  
Counsel for Appellant

By: 

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<sup>1</sup> Pursuant to AS 15.20.510, original jurisdiction to hear the recount appeal lies with the Supreme Court.