

In the Supreme Court of the State of Alaska

Benjamin N. Nageak,)
)
Appellant,)
v.)
)
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,)
)
and)
)
Dean Westlake,)
)
Intervenor.)

Supreme Court No. **S-16462**

Order
Lifting Stay & Providing Schedule

Date of Order: **9/27/16**

Division of Elections Recount Appeal

The State has filed a motion to lift the stay in this matter and set an expedited schedule for briefing and decision. The motion is **GRANTED**; the stay of this recount appeal is hereby **LIFTED**.

The superior court is hearing the related election contest in case number 3AN-16-09015CI. Trial in that matter is set to begin September 27 and is expected to end by October 3. The decision in that case shall be issued no later than **Thursday, October 6**. If an appeal is filed from that matter, it will be consolidated with this case for briefing, argument, and decision pursuant to this court's order of September 20, 2016.

The court has tentatively outlined the following schedule for the appeal, assuming the superior court decision is issued on October 6:

- Thurs., October 6: decision issued by superior court
- Fri., October 7: appeal filed in election contest

Nageak v. Mallott
Supreme Court No. S-16462
Order of 9/27/16
Page Two

Sat., October 8, noon: simultaneous opening briefs (memorandum format)

Mon., October 10, noon: simultaneous responsive briefs

Wed., October 12: oral argument (time to be set)

This schedule will allow a decision to be made in time to allow the State to distribute ballots in a timely manner.

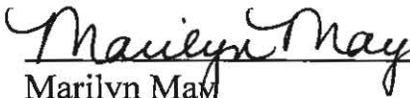
Briefs shall be filed by email, in PDF format, sent to mmay@akcourts.us and mmontgomery@akcourts.us. No paper copies of the briefs need to be filed; the court will make the necessary copies for its own use.

If the superior court decision is issued prior to October 6, the schedule will be revised forward, and the clerk will issue the new schedule in writing. Simultaneous opening briefs will likely be due two to three days following the superior court's decision.

The clerk shall communicate with the parties as soon as practicable to determine the feasibility of the proposed schedule.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts


Marilyn May

cc: Supreme Court Justices
Judge Guidi

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