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

2016 SEP 21 AM 10:22

5 BENJAMIN NAGEAK, ROB ELKINS,)
6 ROBIN D. ELKINS, LAURA WELLES)
7 and LUKE WELLES,)

8 Plaintiffs,)

9 v.)

Case No.: 3AN-16-09015 CI

10 LT. GOVERNOR BYRON MALLOTT,)
11 in his official capacity as Lt. Governor for)
12 the State of Alaska, and)
13 JOSEPHINE BAHNKE, in her official)
14 capacity as Director of the Division of)
15 Elections,)

16 Defendants.)

17 UNOPPOSED MOTION FOR STATUS CONFERENCE

18 The defendants, Lieutenant Governor Byron Mallott and Director of the Division
19 of Elections Josephine Bahnke, ask this Court to set a status conference as soon as
20 possible—preferably by Thursday, September 22—to establish a schedule for litigating
21 this case on an extremely expedited basis. Counsel for the defendants has contacted
22 Tim McKeever and Stacey Stone, counsel for the plaintiffs, and Tom Amodio, counsel
23 for proposed intervenor Dean Westlake, and they have indicated via email that they do
24 not oppose this motion.

25 This case is a dispute about the outcome of the 2016 Democratic Primary in
26 House District 40, so resolving this case is necessary to determine whose name should
appear on the general election ballot as the Democratic candidate for that district. The

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2 general election is scheduled to be held on November 8, 2016, and many pre-election
3 deadlines are fast approaching. *See* Affidavit of Josephine Bahnke (attached to the
4 defendants' Motion for Expedited Consideration of this motion). Because of printing
5 and mailing deadlines, the Division of Elections needs a final appellate decision by the
6 morning of October 14 telling it what should appear on the general election ballot for
7 House District 40.¹ *See id.* To build in time for the Alaska Supreme Court consideration,
8 a decision from this Court will be needed even sooner than that.

9
10 The defendants therefore request a status conference as soon as possible—
11 preferably by Thursday, September 22—to establish a schedule for litigating this case
12 and achieving a final outcome expeditiously to prevent disruption of the general election
13 and disenfranchisement of voters.

14
15 DATED: September 21, 2016

16 JAHNA LINDEMUTH
17 ATTORNEY GENERAL

18 By: 
19 Margaret Paton-Walsh (0411074)
20 Elizabeth M. Bakalar (0606036)
21 Assistant Attorneys General

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25 ¹ A parallel proceeding—appealing the recount directly to the Alaska Supreme
26 Court under AS 15.20.510—has been stayed pending the outcome of this election
contest. *See* S-16462.