

IN THE SUPREME COURT OF THE STATE OF ALASKA

DOCKETING STATEMENT A

For Use in Appeals Under Appellate Rule 204 and 218

INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS: If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

FILED
STATE OF ALASKA
APPELLATE COURTS

2010 DEC 13 PM 4:19

CLERK, APPELLATE COURTS

BY: _____
DEPUTY CLERK

No. S-14112 S-14121

1. TYPE OF APPEAL

a. <input checked="" type="checkbox"/> General Civil Rule Appeal (App. Rule 204)	b. <input type="checkbox"/> Appeal in Child Custody Case (App. Rule 218)
--	--

2. PARTY FILING APPEAL (Appellant) Appellee / Cross-Appellant

a. Name Lisa Murkowski			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	
c. Party mailing address (not attorney's address) 601 W. 36th Avenue			<input checked="" type="checkbox"/> Other. Specify: Intervenor	
City Anchorage,	State AK	Zip Code 99503	d. Telephone (907) 258-5472	

3. APPELLANT'S ATTORNEY

a. Name Timothy A. McKeever / Scott M. Kendall			b. Bar Number Timothy A. McKeever ABA 7611146 Scott M. Kendall ABA 0405019	
c. Attorney mailing address 701 W. 8th Avenue, Ste. 700			d. Telephone (907) 274-0666	e. Fax (907) 277-4657
City Anchorage	State AK	Zip Code 99501	f. Firm/Agency Holmes Weddle & Barcott, PC	

4. PARTY APPEALED AGAINST (Appellee)

[All parties in the trial court when the final order judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)[1] & (g).]

a. Name State of Alaska			b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	
c. Party mailing address P. O. Box 110300			<input type="checkbox"/> Other. Specify: _____	
City Juneau	State AK	Zip Code 99811	d. Telephone (907) 465-3600	

5. APPELLEE'S ATTORNEY

a. Name Thomas V. Van Flein			b. Bar Number 9011119	
c. Attorney mailing address 711 H Street, Suite 620			d. Telephone (907) 272-9272	e. Fax (907) 272-9586
City Anchorage	State AK	Zip Code 99501	f. Firm/Agency Clapp Peterson Van Flein, et al.	

6. SUPERIOR COURT PROCEEDING

a. Case No. 1JU-10-1007 CI		b. Superior Court Judge William Carey		c. Date Judgment Distributed 12/10/2010	
d. Post-Judgment Motions: List all post-judgement motions that affect time for filing appeal. See Appellate Rule 204 (a)(3).					
DATE OF FILING			Type of Post-Judgment Motion		DATE ORDER DISTRIBUTED
Month	Day	Year			Month Day Year

7. CONSTITUTIONAL ISSUES

Is the constitutionality of a state statute or regulation at issue in this appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, cite statute or regulation: _____	

8. FINALITY OF JUDGMENT OR ORDER BEING APPEALED

- a. ☒ The judgment or order being appealed is final and disposes of ALL claims by ALL parties. (The judgment or order is final under City and Borough of Juneau v. Thibodeau 595 P.2d 626 (AK 1979).)
- b. ☐ The judgment or order being appealed does not dispose of all claims by all parties but is final under Civil Rule 54(b). (The trial court's Civil Rule 54(b) order must be attached.)
- c. ☐ The judgment or order being appealed is not final. The authority for this appeal is _____

9. ATTACHMENTS

The following items are submitted with this form (except that cross-appellants need not submit item a.):

- a. ☒ A copy of the final order or judgment from which the appeal is taken.
- b. ☒ A statement of points on appeal.
- c. ☒ A \$150 filing fee or ☐ a motion to appeal at public expense (financial statement affidavit form must be included).
- ☐ a motion to waive filing fee (if basis for motion is inability to pay, financial statement affidavit form must be included).
- ☐ an application for exemption from filing fee under AS 9.19.010.
- ☐ no filing fee is required because appellant is ☐ represented by court-appointed counsel, and AS 9.19.010 does not apply.
- ☐ the state or an agency thereof.
- ☐ an employee appealing denial of benefits under AS 23.20 (Employment Security Act).
- d. ☒ A \$750 cost bond or deposit or
- ☐ a copy of a superior court order approving appellant's supersedeas bond or a copy of appellant's motion to the superior court for approval of a supersedeas bond.
- ☐ a motion to waive cost bond (if basis for motion is inability to pay, financial statement affidavit form must be included).
- ☐ a motion to appeal at public expense (financial statement affidavit form must be included).
- ☐ no cost bond is required because appellant is ☐ represented by court-appointed counsel.
- ☐ a state agency, municipality, or state or municipal officer.
- ☐ an employee appealing denial of compensation by Alaska Workers' Compensation Board or denial of benefits under AS 23.20 (Employment Security Act).
- e. Designation of transcript ☐ submitted ☒ not submitted (no transcript being requested) ☐ motion to extend submitted

December 13, 2010
Date

[Signature]
Signature of Appellant or Appellant's Attorney

CERTIFICATE OF SERVICE

I certify that on 12/13/10 a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

mailed	delivered	to ALL Parties (listed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Thomas V. Van Flein
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michael Barnhill
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sarah Felix / Laura Fox
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Joanne Grace
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michael T. Morley

Service as indicated and also by Email.

Signature: [Signature]

FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

FILED
STATE OF ALASKA
APPELLATE COURTS

2010 DEC 13 PM 4:20

CLERK, APPELLATE COURTS

BY: _____
DEPUTY CLERK

1. Timothy A. McKeever, ABA #7611146
2. Scott M. Kendall, ABA #0405019
3. HOLMES WEDDLE & BARCOTT
4. 701 West Eighth Avenue, Suite 700
5. Anchorage, AK 99501-3408
6. Phone: (907) 274-0666
7. Fax: (907) 277-4657
8. tmckeever@hwb-law.com
9. smkendall@hwb-law.com

10. Attorneys for Appellee/Cross-Appellant

11. IN THE SUPREME COURT FOR THE STATE OF ALASKA

12. JOE MILLER,

13. Appellant,

14. v.

15. LIEUTENANT GOVERNOR MEAD
16. TREADWELL, in his official capacity,
17. and the STATE OF ALASKA, DIVISION
18. OF ELECTIONS,

19. Appellees,

20. LISA MURKOWSKI,

21. Appellee/Cross-Appellant.

14121
Supreme Court Case No. S-14112

Superior Court Case No. 1JU-10-1007 CI

22. **NOTICE OF APPEAL BY**
23. **APPELLEE/PARTIAL CROSS-APPELLANT,**
24. **SENATOR LISA MURKOWSKI**


25. Notice is hereby given that Senator Lisa Murkowski, by and through undersigned
26. counsel, is appealing the Superior Court's judgment entered on December 10, 2010 for
review by the Alaska Supreme Court.

27. NOTICE OF APPEAL BY APPELLEE/PARTIAL CROSS-APPELLANT,
28. SENATOR LISA MURKOWSKI -

1. This appeal is brought pursuant to Alaska Appellate Rule 202(a), and under the
2. terms stated by the Clerk of the Appellate Courts on December 10, 2010. Pursuant to the
3. expedited briefing schedule described by the Clerk, Senator Murkowski will file her
4. Appellee/Partial Cross-Appellant's brief by 4:30 p.m. on Wednesday, December 15. In
5. order to facilitate the Court's desire to hold oral arguments on Friday, December 17,
6. Senator Murkowski hereby waives her right to file a reply in support of her issues on
7. cross-appeal.
8.

9. DATED this 15th day of December, 2010.

10.
11. HOLMES WEDDLE & BARCOTT, P.C.

12.
13. 
14. Timothy A. McKeever, ABA #7611146
15. Scott M. Kendall, ABA #0405019
16. Attorneys for Appellee/Cross-Appellant
17.
18.
19.
20.
21.
22.
23.
24.
25.

1. **CERTIFICATE OF SERVICE**

2. I hereby certify that on this 13th day of
3. December 2010 a true and correct copy of the
foregoing was sent via e-mail and as indicated to:

4. **HAND DELIVERY**

5. Thomas V. Van Flein
6. Clapp, Peterson, Van Flein, Tiemessen & Thorsness, LLC
7. 711 H Street, Suite 620
Anchorage, AK 99501-3454
8. Facsimile: 907-272-9586
Email: tv@cplawak.com

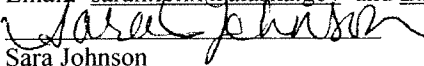
9. Joanne Grace
10. Office of the Attorney General
Alaska Department of Law - Opinions Appeals and Ethics Division
11. 1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501-1994
Facsimile: 907-278-4607
Email: joanne.grace@alaska.gov

12. **FIRST CLASS MAIL**

13. Michael T. Morley
14. 616 E. St. N.W. #254
Washington, DC 20004
Facsimile: 907-272-9586
15. Email: michaelmorleyesq@hotmail.com

16. Michael Barnhill
17. Office of the Attorney General
Alaska Department of Law - Labor and State Affairs
PO Box 110300
18. Juneau, AK 99811
Facsimile: 907-465-6735
19. Email: mike.barnhill@alaska.gov

20. Sarah Felix
Laura Fox
21. Office of the Attorney General
Alaska Department of Law - Labor and State Affairs
22. PO Box 110300
Juneau, AK 99811
Facsimile: 907-465-2520
23. Email: sarah.felix@alaska.gov and Laura.fox@alaska.gov

24. 
Sara Johnson

25. X:\4079\25503\p\ld\Appeal\Notice of Appeal 12-13-10.doc

26. NOTICE OF APPEAL BY APPELLEE/PARTIAL CROSS-APPELLANT,
SENATOR LISA MURKOWSKI -

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16. TREADWELL, in his official capacity,
17. and the STATE OF ALASKA, DIVISION
18. OF ELECTIONS,

19. Appellees.

20. LISA MURKOWSKI,

21. Appellee/Cross-Appellant.

14121
Supreme Court Case No. S-14112

Superior Court Case No. 1JU-10-1007 CI

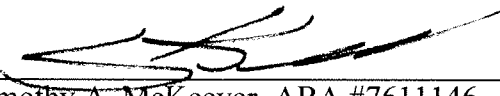
22. NOTICE OF ENTRY OF APPEARANCE

23. Please take notice that Timothy A. McKeever and Scott M. Kendall of the law
24. firm of Holmes Weddle & Barcott, P.C., 701 W. 8th Avenue, Suite 700, Anchorage,
25. Alaska 99501, hereby enter their appearance as counsel of record in the above-captioned
26. matter on behalf of Senator Lisa Murkowski.

1. Copies of all notices, motions and pleadings should be sent to the address
2. referenced above, or via email at tmckeever@hwb-law.com and smkendall@hwb-
3. law.com

4. DATED this 13th day of December, 2010.

5. HOLMES WEDDLE & BARCOTT, P.C.

6.
7. 
8. Timothy A. McKeever, ABA #7611146
9. Scott M. Kendall, ABA #0405019
Attorneys for Appellee/Cross-Appellant

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23. Email: sarah.felix@alaska.gov and Laura.fox@alaska.gov

24. 
Sara Johnson

25. X:\4079\25503\pld\Appeal\Notice of Entry.doc

26.

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6. Attorneys for Intervenor, Senator Lisa Murkowski

IN THE SUPREME COURT FOR THE STATE OF ALASKA

JOE MILLER,

Appellant,

v.

LIEUTENANT GOVERNOR MEAD
TREADWELL, in his official capacity,
and the STATE OF ALASKA, DIVISION
OF ELECTIONS,

Appellees.

LISA MURKOWSKI,

Appellee/Cross-Appellant.

Supreme Court Case No. S-14121

Superior Court Case No. 1JU-10-1007 CI

CIRC FC
CFSOP

**STATEMENT OF POINTS ON APPEAL BY APPELLEE/PARTIAL
CROSS-APPELLANT, SENATOR LISA MURKOWSKI**

Appellee/Partial Cross-Appellant, Senator Lisa Murkowski, by and through undersigned counsel hereby gives notice that she is appealing the Superior Court's final judgment entered on December 10, 2010. Pursuant to Alaska Appellate Rule 204(e), Senator Murkowski intends to rely on the following points in her cross-appeal.

STATEMENT OF POINTS

1. The Superior Court erred in ruling, as a matter of law, that AS 15.15.360 prohibits write-in ballots from being tallied where the oval next to the write-in line has not been marked.

2. The Superior Court erred in ruling as a matter of fact and law, that ballots on which "Lisa M." had been written could not be tallied as votes for Senator Lisa Murkowski.

DATED this 13th day of December, 2010.

HOLMES WEDDLE & BARCOTT, P.C.



Timothy A. McKeever, ABA #7611146
Scott M. Kendall, ABA #0405019
Attorneys for Intervenor, Senator Lisa Murkowski

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25. Sara Johnson

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26. STATEMENT OF POINTS ON APPEAL BY
APPELLEE/PARTIAL CROSS-APPELLANT,
SENATOR LISA MURKOWSKI - 3