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IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

THE RETIRED PUBLIC EMPLOYEES)
OF ALASKA, INC.,)

Plaintiff,)

v.)

Case No. 3AN-16-04537 CI

SHELDON FISHER, COMMISSIONER)
OF THE ALASKA DEPARTMENT OF)
ADMINISTRATION,)

Defendant.)

JOINT REPORT TO THE COURT

In response to the Initial Pretrial Order, issued March 15, 2016, the parties have conferred and propose the court issue a non-routine scheduling order reflecting the following agreements of the parties:

The parties agree that, to accommodate counsel's previous commitments, the date for serving initial disclosures should be extended to April 29 (approximately two weeks beyond the current due date).

The parties believe that the case likely can be resolved through motions, and that no trial will be required.

The parties further believe that there is one specific legal issue that should be resolved initially, whether or not this issue will be dispositive of the entire case, specifically: Is the retired state employees' optional dental-visual-audio ("DVA") plan

subject to the non-diminishment clause of Alaska Constitution art. XII, § 7? Whatever answer the court reaches, the parties believe that resolving this legal issue early on will facilitate the most efficient resolution of the remainder of the case.

The parties believe that the exchange of initial disclosures should provide sufficient information to both parties to enable briefing the legal question set forth above as a motion for full or partial summary judgment, without the need for other formal discovery.

Having considered counsel's pre-arranged travel commitments, the parties propose the following briefing schedule:

- | | |
|--|-----------------|
| Plaintiff will submit its summary judgment motion: | June 1, 2016 |
| Defendant will submit is opposition/cross-motion: | July 1, 2016 |
| Plaintiff will submit its opposition/reply: | July 22, 2016 |
| Defendant will submit its reply: | August 12, 2016 |

Oral argument could be scheduled at the court's convenience after September 15, 2016. (Plaintiff's counsel expects to be out of state in early September).

If the court's ruling in fact does not resolve the entire case, the parties commit to conferring, determining whether discovery is needed as to any remaining issues, and proposing a schedule for concluding the case.

Given the parties' shared belief that this case potentially can be resolved through motions, the majority of the routine pretrial order appears irrelevant to this case, and

therefore a non-routine order incorporating the above dates would be more efficient.

If the court has questions, the court could schedule a short in-court planning and scheduling hearing.

The parties have conferred and concur that this case is not susceptible to any form of alternative dispute resolution.

Respectfully submitted, this 30th day of March, 2016.

REEVES AMODIO LLC

ATTORNEY GENERAL'S OFFICE

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Counsel for Plaintiff

Jessica Alloway [ABA 1205045]
Counsel for Defendant