

LAW OFFICES  
**DILLON & FINDLEY**  
A PROFESSIONAL CORPORATION  
1049 W. 5th Avenue, Suite 100  
Anchorage, Alaska 99501  
TEL. (907) 277-5400 · FAX (907) 277-9896

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

4 STATE OF ALASKA,  
5 Plaintiff/Counterclaim Defendant,

6 vs.

7 ALASKA STATE EMPLOYEES  
8 ASSOCIATION/AMERICAN  
9 FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES  
LOCAL 52, AFL-CIO,

10 Defendant/Counterclaimant.

11  
12 ALASKA STATE EMPLOYEES  
13 ASSOCIATION/AMERICAN  
14 FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES  
LOCAL 52, AFL-CIO,

15 Third-Party Plaintiff,

16 vs.

17 MICHAEL J. DUNLEAVY, in his  
18 official capacity as Governor of Alaska;  
19 KEVIN G. CLARKSON, in his official  
20 capacity as Attorney General of Alaska;  
21 KELLY TSHIBAKA, in her official  
22 capacity as Commissioner of the Alaska  
Department of Administration; and  
STATE OF ALASKA, DEPARTMENT  
OF ADMINISTRATION,

Third-Party Defendants.

COPY  
Original Received  
SEP 25 2019

Clerk of the Trial Courts

Case No. 3AN-19-09971 CI

23 **TEMPORARY RESTRAINING ORDER**  
24 **AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION**  
25

1           On September 25, 2019, defendant/counterclaimant and third-party plaintiff  
2 Alaska State Employees Association / AFSCME Local 52, AFL-CIO (“ASEA”) filed a  
3 Motion for a Temporary Restraining Order and Preliminary Injunction (“Motion”)  
4 seeking to maintain the status quo by enjoining the State of Alaska and the third-party  
5 defendants from implementing Alaska Attorney General Kevin G. Clarkson’s August 27,  
6 2019 opinion letter regarding the deduction of union dues (“AG Opinion”). After  
7 considering the submissions in connection with the Motion, the Court finds that there is  
8 good cause to grant a Temporary Restraining Order and Order to Show Cause why a  
9 preliminary injunction should not be issued, because (1) ASEA is likely to succeed on the  
10 merits of its claims that the implementation of the AG Opinion would be illegal and  
11 beyond the State’s and the third-party defendants’ authority; (2) the balance of hardships  
12 justifies a temporary restraining order to prevent irreparable harm to ASEA, while the  
13 State and third-party defendants will suffer no similar harm from a temporary restraining  
14 order; and (3) a temporary restraining order is also separately appropriate to maintain the  
15 status quo pending arbitration of ASEA’s grievance challenging the implementation of  
16 the AG Opinion.  
17  
18  
19  
20

21           Accordingly, IT IS HEREBY ORDERED that the State of Alaska and third-party  
22 defendants Governor Michael J. Dunleavy, Attorney General Kevin G. Clarkson,  
23 Department of Administration Commissioner Kelly Tshibaka, and the State of Alaska,  
24 Department of Administration shall appear in courtroom \_\_\_\_\_ of  
25

1 this Court on \_\_\_\_\_, 2019, at \_\_\_\_\_, or as soon  
2 thereafter as the matter may be heard, then and there to show cause, if any, why ASEA's  
3 Motion for a Preliminary Injunction should not be granted and the State and third-party  
4 defendants and their officers, employees, servants, agents and all others acting on their  
5 behalf or in active concert or participation with them, should not be ordered to maintain  
6 the status quo pending resolution of this case by refraining from taking any actions to  
7 implement the AG Opinion and from making any changes to the State employee dues  
8 deduction practices that were in place before the AG Opinion was issued.  
9  
10

11 IT IS HEREBY FURTHER ORDERED that the State's and third-party  
12 defendants' combined brief in opposition to ASEA's motion for a preliminary injunction,  
13 if any, must be filed and served by no later than \_\_\_\_\_, 2019, and  
14 ASEA's reply brief, if any, must be filed and served by no later than  
15 \_\_\_\_\_, 2019.  
16

17 IT IS HEREBY FURTHER ORDERED that pending the hearing and  
18 determination of the Order to Show Cause, the State of Alaska and third-party defendants  
19 Governor Michael J. Dunleavy, Attorney General Kevin G. Clarkson, Department of  
20 Administration Commissioner Kelly Tshibaka, and the State of Alaska, Department of  
21 Administration, and their officers, employees, servants, agents and all others acting on  
22 their behalf or in active concert or participation with them, are enjoined from taking any  
23  
24  
25

1 actions to implement the AG Opinion and from making any changes to the State  
2 employee dues deduction practices that were in place before the AG Opinion was issued.

3  
4 The Court deems that no security is necessary or appropriate because the State and  
5 third-party defendants do not stand to suffer any costs or damages from this temporary  
6 restraining order.

7 IT IS SO ORDERED.

8 DATED: \_\_\_\_\_

9 \_\_\_\_\_  
10 THE HONORABLE GREGORY A. MILLER  
11 Superior Court Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 25, 2019, a true and correct copy of the foregoing document was served by:

- hand delivery
- first class mail
- email

on the following attorneys of record:

Tregarrick R. Taylor *- hand delivered*  
Deputy Attorney General  
State of Alaska  
1031 W. 4<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501  
Email: [treg.taylor@alaska.gov](mailto:treg.taylor@alaska.gov)

William S. Consovoy *- mail & email*  
J. Michael Connolly  
Consovoy McCarthy, PLLC  
1600 Wilson Blvd., Suite 700  
Arlington, VA 22209  
Email: [will@consovoymccarthy.com](mailto:will@consovoymccarthy.com)  
[mike@consovoymccarthy.com](mailto:mike@consovoymccarthy.com)

*Lisa Kusmider*  
\_\_\_\_\_  
Lisa Kusmider