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

4 JULIE A. SCHMIDT, GAYLE SCHUH,)
5 JULIE M. VOLLIK, SUSAN L.)
6 BERNARD, FRED W. TRABER, and)
7 LAURENCE SNIDER)

8 Plaintiffs,)

9 VS.)

10 STATE OF ALASKA, and THE)
11 MUNICIPALITY OF ANCHORAGE,)

12 Defendants.)

Case No. 3AN-10-09519CI

13 **ANSWER**

14 The Defendant, State of Alaska, by and through the Office of the
15 Attorney General, answers the complaint in this action as follows:

16 **OPENING PARAGRAPH OF COMPLAINT**

17 The State admits that Plaintiffs bring this action for declaratory judgment
18 and injunctive relief, but denies that Plaintiff has any valid claims against the State
19 under these causes of action.

20 **INTRODUCTION**

21 The first two pages of Plaintiffs' complaint consist of legal argument not
22 requiring a response.
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24 **JURISDICTION AND VENUE**

25 1. Upon information and belief, the State admits the allegation of paragraph
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2. Upon information and belief, the State admits the allegation of paragraph

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3. Upon information and belief, the State admits the allegation of paragraph

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GENERAL ALLEGATIONS

4. Paragraph 4 contains a legal allegation not requiring a response.

5. Paragraph 5 contains a legal allegation not requiring a response.

6. Paragraph 6 contains a legal allegation not requiring a response.

7. Paragraph 7 contains a legal allegation not requiring a response.

8. Paragraph 8 contains a legal allegation not requiring a response.

9. Some of the allegations contained in paragraph 9 are directed toward the Municipality of Anchorage, and therefore the state is not the proper party to respond. The State admits that the State Assessor's Office has interpreted the term "spouse" to apply only to persons married under Alaska's laws. The State denies advising property owners that they are eligible for only one half of an exemption based on their same sex domestic partnership status.

THE PLAINTIFF COUPLES

Julie Schmidt and Gayle Schuh

10. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore denies them.

11. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore denies them.

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2 12. The State is without knowledge or information sufficient to form a belief
3 as to the truth of the allegation in Paragraph 12 and therefore denies it.

4 13. The State is without knowledge or information sufficient to form a belief
5 as to the truth of the allegations in Paragraph 13 and therefore denies them.

6 14. The State is without knowledge or information sufficient to form a belief
7 as to the truth of the allegation in Paragraph 14 and therefore denies it.

8 15. The State is without knowledge or information sufficient to form a belief
9 as to the truth of the allegation in Paragraph 15 and therefore denies it.

10 16. The State is without knowledge or information sufficient to form a belief
11 as to the truth of the allegations in Paragraph 16 and therefore denies them.

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13 *Julie Vollick and Susan Bernard*

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15 17. The State is without knowledge or information sufficient to form a belief
16 as to the truth of the allegations in Paragraph 17 and therefore denies them.

17 18. The State is without knowledge or information sufficient to form a belief
18 as to the truth of the allegations of Paragraph 18, and therefore denies them.

19 19. The State is without knowledge or information sufficient to form a belief
20 as to the truth of the allegations in Paragraph 19 and therefore denies them.

21 20. The State is without knowledge or information sufficient to form a belief
22 as to the truth of the allegations in Paragraph 20 and therefore denies them.

23 21. The State is without knowledge or information sufficient to form a belief
24 as to the truth of the allegations in Paragraph 21 and therefore denies them.

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2 22. The State is without knowledge or information sufficient to form a belief
3 as to the truth of the allegations in Paragraph 22 and therefore denies them.

4 23. The State is without knowledge or information sufficient to form a belief
5 as to the truth of the allegation in Paragraph 23 and therefore denies it.

6 24. The State is without knowledge or information sufficient to form a belief
7 as to the truth of the allegation in Paragraph 24 and therefore denies it.

8 25. The State is without knowledge or information sufficient to form a belief
9 as to the truth of the allegation in Paragraph 25 and therefore denies it.

10 26. The State is without knowledge or information sufficient to form a belief
11 as to the truth of the allegations in Paragraph 26 and therefore denies them.

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13 *Fred Traber and Laurence Snider*

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15 27. The State is without knowledge or information sufficient to form a belief
16 as to the truth of the allegations in Paragraph 27 and therefore denies them.

17 28. The State is without knowledge or information sufficient to form a belief
18 as to the truth of the allegations in Paragraph 28 and therefore denies them.

19 29. The State is without knowledge or information sufficient to form a belief
20 as to the truth of the allegations in Paragraph 29 and therefore denies them.

21 30. The State is without knowledge or information sufficient to form a belief
22 as to the truth of the allegation in Paragraph 30 and therefore denies it.

23 31. The State is without knowledge or information sufficient to form a belief
24 as to the truth of the allegations in Paragraph 31 and therefore denies them.
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2 32. The State is without knowledge or information sufficient to form a belief
3 as to the truth of the allegation in Paragraph 32 and therefore denies it.

4 33. The State is without knowledge or information sufficient to form a belief
5 as to the truth of the allegations in the first two sentences of Paragraph 33 and
6 therefore denies them. The final sentence of paragraph 33 calls for a legal allegation
7 not requiring a response.
8

9 **ALLEGED VIOLATIONS OF THE ALASKA CONSTITUTION**

10 34. The State is without knowledge or information sufficient to form a belief
11 as to the truth of the allegations in Paragraph 34 and therefore denies them.

12 35. Paragraph 35 consists of a legal allegation not requiring a response.

13 36. The allegations of paragraph 36 are directed at the Municipality of
14 Anchorage. The State is not the proper party to respond.
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16 37. Paragraph 37 consists of a legal allegation not requiring a response.

17 38. Paragraph 38 consists of a legal allegation not requiring a response.

18 39. Paragraph 39 consists of a legal allegation not requiring a response.

19 40. Paragraph 40 consists of a legal allegation not requiring a response.

20 41. Paragraph 41 consists of a legal allegation not requiring a response.

21 42. Paragraph 42 consists of a legal allegation not requiring a response.
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23 **PLAINTIFFS' PRAYER FOR RELIEF**

24 Plaintiffs are not entitled to any of the damages or relief that they seek.
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DEFENSES


1. Plaintiffs' claims are barred, in whole or in part, because they failed to exhaust administrative remedies.
2. Plaintiffs Traber and Snider lack standing.
3. Plaintiffs Traber and Snider fail to state a claim upon which relief may be granted.
4. The State's conduct was privileged by statute, protected by sovereign immunity or authorized by law.
5. The State reserves the right to assert additional defenses and other matters as the case proceeds.

WHEREFORE the defendant, State of Alaska, prays:

- A. That the complaint be dismissed in its entirety.
- B. That the plaintiffs take nothing by the complaint against the State.
- C. That the State be awarded its costs and fees in the action.
- D. That the Court award the State such other relief as may be just and equitable under the circumstances.

DATED this 13th day of October, 2010.

DANIEL S. SULLIVAN
ATTORNEY GENERAL

By: 
Rachel L. Witty
Assistant Attorney General
Alaska Bar No. 0409052

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LAURENCE SNIDER)

Plaintiffs,)

VS.)

STATE OF ALASKA, and THE)
MUNICIPALITY OF ANCHORAGE,)

Defendants.)

Case No. 3AN-10-09519CI

CERTIFICATE OF SERVICE

This is to certify that on this date, a true and correct copy of the
ANSWER and this **CERTIFICATE OF SERVICE** in this proceeding was served by
U.S. mail on the following:

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Signature _____ Date 10/13/10

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