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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

WARD HINGER, KENNETH KIRK, and
CARL EKSTROM,

Plaintiffs,

v.

CHIEF JUSTICE WALTER CARPENETI, in
his official capacity as *ex officio* Member of
the Alaska Judicial Council; JAMES H.
CANNON, in his official capacity as Attorney
Member of the Alaska Judicial Council;
KEVIN FITZGERALD, in his official
capacity as Attorney Member of the Alaska
Judicial Council; and LOUIS JAMES
MENENDEZ, in his official capacity as
Attorney Member of the Alaska Judicial
Council; WILLIAM F. CLARKE, in his
official capacity as Non-Attorney Member of
the Alaska Judicial Council; KATHLEEN
THOMPkins-MILLER, in her official
capacity as Non-Attorney Member of the
Alaska Judicial Council; and CHRISTENA
WILLIAMS, in her official capacity as Non-
Attorney Member of the Alaska Judicial
Council,

Defendants

Civil Action Number 3:09-cv-00136-JWS

RESPONSE TO MOTION FOR
EXTENSION OF TIME TO OPPOSE
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

Defendants, members of the Alaska Judicial Council (“Council”), have moved for an order from the Court granting an extension of time to reply to Plaintiffs’ Motion for Preliminary Injunction filed on July 2, 2009. Given the importance of this challenge to the Alaska State Constitution, Docket 22 at 2, and the compression of time caused by the July 4 holiday weekend, Plaintiffs agree to an additional two weeks for Defendants to prepare a response. Accordingly, Plaintiffs do not object to a new due date of July 31, 2009, for Defendants’ response to Plaintiffs’ Motion for Preliminary Injunction.

Nevertheless, expedition is still necessary in this case, given the gravity of the violation of Plaintiffs’ rights under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution caused by the method for selecting the Attorney Members of the Alaska Judicial Council. The harm from this violation will become irreparable with respect to the current impending vacancy on the Alaska Supreme Court if Plaintiffs do not obtain the relief sought in their Motion for Preliminary Injunction before the Council begins the nomination process. The meeting at which the Council will consider and make nominations has now been set for October 15-18, 2009. Docket 22 at 3. Defendants will receive the compiled applicant materials approximately three weeks prior to the Council’s meeting. Alaska Judicial Council, Procedures for Nominating Judicial Candidates IV (2007), *available at* <http://www.ajc.state.ak.us/selection/Procedures/SelectionProcedures7-24-07.pdf>. It is likely that the Council members will begin deliberations when they receive these packages, which would cause harm to Plaintiffs.

Due to the scheduling of the Council meeting and the potential deliberation by the Council members, Plaintiffs respectfully request that the Court set the consolidated hearing on their Motion for Preliminary Injunction and on the merits of this case, which was requested in Plaintiffs’ Motion

for Consolidation, Docket 5, for a date in August 2009. The briefing extension requested by Defendants, Docket 22, together with a hearing in August, will permit the issues to be fully briefed and give adequate time for Plaintiffs to obtain the relief they require before the Council members receive the application packages and begin deliberations three weeks before the meeting of October 15-18, 2009.

Plaintiffs' counsel are available on the following dates for a hearing:

- The week of August 17-21, 2009
- The week of August 31 through September 4
- September 11, 14, and 15, 2009
- The week of September 28 through October 2

Finally, Plaintiffs do not require more time than the local rules provide to file their reply. D.Ak. LR 7.1(e). With a July 31, 2009, deadline for Defendants' response, Plaintiffs' reply will be due August 5, 2009.

Dated July 15, 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July 2009, a copy of the foregoing RESPONSE TO MOTION FOR EXTENSION OF TIME TO OPPOSE PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION was served electronically on:

Margaret Paton-Walsh
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/s/ Joseph A. Vanderhulst
Joseph A. Vanderhulst