DANIEL S. SULLIVAN, ATTORNEY GENERAL Margaret Paton-Walsh, Assistant Attorney General Alaska Department of Law, Office of the Attorney General 1031 West 4th Avenue, Suite 200 Anchorage, Alaska 99501 Phone: (907) 269-6612, Fax: (907) 258-4978 Margaret.paton-walsh@alaska.gov

Jeffrey M. Feldman Susan Orlansky Alexander O. Bryner FELDMAN ORLANSKY & SANDERS 500 L Street, Fourth Floor Anchorage, Alaska 99501 Phone: (907) 272-3538; Fax: (907) 274-0819 feldman@frozenlaw.com orlansky@frozenlaw.com bryner@frozenlaw.com

Attorneys for Defendants

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

MICHAEL MILLER, 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	;)
LOUIS JAMES MENENDEZ, in his official	
capacity as Attorney Member of the Alaska	)
Judicial Council; WILLIAM F. CLARKE, in his	)
official capacity as Attorney Member of the	)
Alaska Judicial Council; KATHLEEN	)
TOMPKINS-MILLER, in her official capacity a	s)
Attorney Member of the Alaska Judicial Council	;) Civil No. 3:09-cv-00136 (JWS)
and CHRISTENA WILLIAMS, in her official	)

capacity as Attorney Member of the Alaska Judicial Council;	)
Defendants.	)
	)
	)

## DEFENDANTS' MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6)

Defendants, members of the Alaska Judicial Council, hereby move the Court to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim for which relief can be granted. This motion is accompanied by a supporting memorandum of law.

DATED this 31st day of July, 2009, at Anchorage, Alaska.

## DANIEL S. SULLIVAN ATTORNEY GENERAL

By: /s/Margaret Paton-Walsh
Assistant Attorney General
Attorney for the State of Alaska
Alaska Judicial Council
Alaska Bar No. 0411074

1031 West Fourth Avenue, Suite 200 Anchorage, Alaska 99501-1994 Phone: 907.269.6612

Facsimile: 907.258.4978

E-mail: Margaret.paton-walsh@alaska.gov

Jeffrey M. Feldman Susan Orlansky Alexander O. Bryner FELDMAN ORLANSKY & SANDERS

500 L Street, Fourth Floor Anchorage, Alaska 99501

Phone: (907) 272-3538; Fax: (907) 274-0819

feldman@frozenlaw.com orlansky@frozenlaw.com bryner@frozenlaw.com

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of July, 2009, a copy of the foregoing document was served electronically on Kenneth P. Jacobus, James Bopp, Jr., Joseph A. Vanderhulst, Jeffrey M. Feldman, Susan Orlansky, and Alexander O. Bryner.

s/ Margaret Paton-Walsh