

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

RECALL DUNLEAVY, an  
unincorporated association,

Plaintiff,

vs.

STATE OF ALASKA, DIVISION OF  
ELECTIONS, and GAIL FENUMIAI,  
DIRECTOR, STATE OF ALASKA  
DIVISION OF ELECTIONS,

Defendants.

3AN-19-10903 CI

**ORDER re:**

*Scheduling Conference and Disclosure of Military Retirement Ceremony*

Scheduling Conference

A scheduling conference is calendared for 14 November 2019 at 10:30 am in Courtroom 604, Nesbett Courthouse, Anchorage, Alaska.

Counsel shall be prepared to discuss:

- 1) AS 15.45.720 and the 30-day period of time within which to conduct the judicial review of the director's determination. In particular, the beginning and end date of that 30-period.

- 2) A briefing and hearing schedule compliant with AS 15.45.720.
- 3) The need, if any, for an evidentiary hearing.

#### Military Retirement Ceremony

The Court discloses that on 3 November 2019, a military retirement ceremony was conducted in honor of this judge's military service. The event was organized and invitations issued by a military officer within the 176<sup>th</sup> Wing, Alaska Air National Guard. The event was attended by Lieutenant Governor Kevin Meyer and his wife Marty. Lt. Governor Meyer's invitation was part of a generalized invitation to members of the Department of Military and Veteran's Affairs and other State of Alaska officials. The Lt. Governor did not make a presentation or speech. I am not personal friends with the Lt. Governor, nor is any member of my family personal friends with any member of his family. This was, in fact, the first time I had ever met the Lt. Governor. I did speak with Lt. Governor Meyer after the ceremony while in the reception line. He complimented me on balancing my judicial duties with my military duties. We did not discuss any political issues or pending cases, to include this case.

While I was personally honored that the Lieutenant Governor and his wife took time out of their schedule to attend my retirement ceremony, I do not find any basis pursuant to AS 22.20.020 or Judicial Canon 3(E) which requires me to recuse myself from this case. The Court will answer questions from counsel


regarding the ceremony so counsel can better advise their respective clients on whether or not to move this court to disqualify itself from presiding over this case.

Dated at Anchorage, Alaska this 12<sup>th</sup> day of November 2019.



Eric A. Aarseth  
Superior Court Judge

I certify that on \_\_\_\_\_ a copy  
of the above was mailed to each of the following  
at their addresses of record.

 Orlansky/Feldman/Hottstein  
Nancy McKewin, Judicial Assistant  
Kendall/Hendernuth  
Paton-Walsh