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Clerk of the Trial Courts

Attorneys for Plaintiffs

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

NELSON KANUK, a minor, by and)
through his guardian, SHARON)
KANUK; ADI DAVIS, a minor, by)
and through her guardian,)
JULIE DAVIS; KATHERINE DOLMA,)
a minor, by and through her)
guardian, BRENDA DOLMA;)
ANANDA ROSE AHTAHKEE LANKARD,)
a minor, by and through her)
guardian, GLEN "DUNE" LANKARD;)
and AVERY and OWEN MOZEN,)
minors, by and through their)
guardian, HOWARD MOZEN;)

Plaintiffs,)

v.)

STATE OF ALASKA, DEPARTMENT)
OF NATURAL RESOURCES,)

Defendant.)

Case No. 3AN-11-07474 CI

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND
EQUITABLE RELIEF**

COME NOW Plaintiffs, by and through their counsel, and hereby seek declaratory and equitable relief against Defendant State of Alaska, Department of Natural Resources for breach of its public trust obligations in Article VIII of the Alaska Constitution and to protect the atmosphere from the effects of climate change and secure a future for Plaintiffs and Alaska's children. For their complaint, Plaintiffs allege as follows:

NATURE OF THE CASE

1. Article VIII of the Alaska Constitution provides that Alaska's natural resources shall be developed consistent with the public interest; for the maximum benefit of the people of Alaska; to reserve fish, wildlife, and waters to the people for their common use; and to maintain these resources on a sustained yield basis. The Alaska courts have found that Article VIII requires the State to hold public resources in trust for public use and that the State has a fiduciary duty to manage such resources for the common good with the public as beneficiaries.

2. The atmosphere is a public trust resource under Alaska law and subject to and afforded the same

protections, consideration, and process as other natural resources, such as fish, wildlife and waters.

3. Defendant has violated Article VIII by failing to carry out its public trust obligations to present and future Alaskan citizens with respect to its atmospheric resource. Specifically, the State has failed to ensure the protection and preservation of its atmospheric resource from the impacts of climate change.

4. Plaintiffs seek a declaration that the atmosphere is a public trust resource under Alaska law, that Defendant has an affirmative and fiduciary duty to protect and preserve the atmosphere as a commonly shared public trust resource for present and future generations of Alaskans under Article VIII of the Alaska Constitution, that Defendant violated Article VIII by breaching its obligations to protect and preserve this public trust resource, and that Defendant is obligated to protect and preserve the atmosphere by establishing and enforcing limitations on the levels of greenhouse gases (GHG) emissions as necessary to significantly slow the rate and magnitude of global warming so as to prevent climate change from denying Plaintiffs and Alaskans a livable future.

JURISDICTION AND VENUE

5. The Court has subject matter jurisdiction under AS 22.10.020.

6. Venue is proper in this Court under Civil Rule 3 and AS 22.10.030.

PLAINTIFFS

7. Plaintiff Nelson Kanuk, a minor, is 16 years old and lives in Kipnuk, Alaska. Nelson is represented in this action by his guardian and mother, Sharon Kanuk. Nelson is an Alaskan Native and a member of the Yup'ik Eskimo Tribe.

8. Nelson has been personally affected by climate change due to erosion from ice melt and flooding from increased temperatures. In December 2008, ice and water flooded the village, causing Nelson and his family as well as many others in his village to have to evacuate their homes. This erosion, flood, melting ice and increased temperatures threaten the foundation of Nelson's home, village, native traditions, food sources, culture, and annual subsistence hunts.

9. There are many places in Alaska that Nelson has seen change. He has seen glaciers receding greatly and the loss of other ice. Nelson has already seen the decline of animals. Alaska is very important to Nelson

because it is essential to his family's history, traditions and culture. When Nelson gets older and has his own family, he wants to be able to share those traditions and natural resources with his own children. Nelson wants his children and grandchildren to be able to see bears, seals, moose, and other Alaskan animals when they are old. Nelson worries about the animals' ability to survive climate change. Nelson views climate change as a serious problem and does not want to leave the generations after him with problems and disasters.

10. Plaintiff Adi Davis, a minor, is 15 years old and lives in Homer, Alaska. Adi is represented in this action by her guardian and mother, Julie Davis.

11. Adi has always been interested in the environment and really cares about the Earth. Adi has been actively promoting recycling and composting to reduce the amount of trash that goes into the Homer landfill since the less material that goes into a landfill causes less carbon dioxide and methane to be emitted from the landfill into the atmosphere.

12. Adi believes that climate change is affecting everyone in different ways. In her area, rising temperatures are especially important because of the Spruce

Bark Beetle infestation. The higher summer temperatures allow more Spruce Bark Beetles to hatch and infest trees. This has caused the destruction of more than one million mature spruce trees on the Kenai Peninsula. This has led to a rise in forest fires in her area. Adi also fears that climate change will wipe out the polar bears before she has the chance to see them in the wild and cause glaciers to disappear before her children and grandchildren are able to touch and see them as she has.

13. Plaintiff Katherine Dolma, a minor, is 15 years old and lives in Homer, Alaska. Katherine is represented in this action by her guardian and mother, Brenda Dolma.

14. Katherine is very concerned about the environment and climate change. Katherine believes people are either too stubborn or too lazy to change their ways yet the world is changing around them. Years ago, beluga whales used to come into nearby Kachemak Bay but now they no longer come. Katherine has not seen the whales in Kachemak Bay and fears that, due to the careless ways of the older generations, she and her generation will not have the joy of seeing the whales.

15. Katherine believes climate change is a very big problem and sees it clearly impacting water. As the

atmosphere heats up, the water heats and the ice melts. As the water heats, species have a harder time surviving. The salmon population is decreasing because of the rising temperatures and salmon is a main food source in Alaska. With rising sea levels comes erosion which leaves less land for a growing population. Katherine believes we need to listen, stop being lazy, and do something about climate change.

16. Plaintiff Ananda Rose Ahtahkee Lankard, a minor, is almost 1 year old and lives in Anchorage, Alaska. Ananda is represented in this action by her guardian and father, Glen "Dune" Lankard, a Copper River fisherman and Eyak Athabaskan Native on the Copper River Delta and Prince William Sound regions of Alaska. Ananda is an Alaskan Native and a member of the Eyak Athabaskan Tribe.

17. Ananda and her family and others in the Eyak community have been personally affected by climate change due to erosion from ice melt and flooding from increased temperatures, as well as the forests dying. In the past decade there have been numerous floods in Alaska and Cordova, Ananda's traditional homelands. These floods, melting glaciers, dying forests and increased temperatures threaten Ananda's village, wild Copper River salmon and

other food sources, native traditions, culture, and livelihood.

18. Although Ananda is an infant, she has seen glaciers receding, decline of wild salmon stocks in the Copper River and Prince William Sound, the loss of salmon habitat and the decline of animals. Alaska is very important to Ananda because it is essential to her family's history, traditions and culture.

19. Plaintiffs Avery and Owen Mozen, minors, are siblings whose ages are 10 and 7, respectively, and who live in McCarthy and Anchorage, Alaska. Avery and Owen are represented in this action by their guardian and father, Howard Mozen.

20. Avery and Owen are really mad about climate change and worried for the Earth. Owen and Avery believe that people do not think or care about what the Earth used to be like and that people tear things down and make things ugly. People also drive vehicles which use oil which turns into exhaust which goes into the atmosphere which becomes so thick that the heat cannot get out which makes the Earth hotter and hotter.

21. Avery and Owen think global warming is bad because the North Pole is melting. It used to be huge and

now it is tiny. The polar bears now have to swim a long ways to get food. It has also caused the glacier that they live next to, the Kennicott Glacier, to shrink. It used to be a lot bigger which makes Avery and Owen sad.

DEFENDANT

22. Defendant State of Alaska, Department of Natural Resources is a department of the State of Alaska created by AS 44.17.005(10).

23. Defendant manages all state-owned land, water and natural resources, except for fish and game, on behalf of the people of Alaska.

24. Defendant's goal is to contribute to Alaska's economic health and quality of life by protecting and maintaining Alaska's natural resources and encouraging wise development of these resources by making them available for public use.

LEGAL BACKGROUND

25. Article VIII of the Alaska Constitution ensures the protection, balanced development, and conservation of the Alaska's natural resources. Article VIII also codifies the public trust doctrine in Alaska. The public trust doctrine provides that the State holds certain resources, including, but not limited to, fish, wildlife, minerals,

and water in trust for public use, and that the State owes a fiduciary duty to manage these publicly held resources for the common good of the beneficiaries, present and future generations of Alaskans. The public trust doctrine is applicable to the State's management, use, and disposal of resources held in trust for the citizens of the State of Alaska.

26. Article VIII, § 1 of the Alaska Constitution states: "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

27. Article VIII, § 2 of the Alaska Constitution states: "The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people."

28. Article VIII, § 3 of the Alaska Constitution states: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

29. Article VIII, § 4 of the Alaska Constitution

states that "fish, forests, wildlife, grasslands and all other replenishable resources belonging to the State shall be utilized, developed and maintained on a sustained yield principle, subject to preferences among beneficial uses."

30. Article VIII, § 6 of the Alaska Constitution states that "lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the public domain."

31. The public trust doctrine imposes a fiduciary obligation on the government to hold natural resources in trust for its present and future generations of citizens and to ensure that trust resources are not irrevocably harmed. The United States Supreme Court has stated that the public trust resources, "which are naturally everybody's are: air, flowing water, the sea, and the sea-shore" or, "the elements of light, air, and water"

32. The United States Supreme Court has also recognized that the public trust doctrine was needed as a bulwark to protect resources too valuable to be disposed of at the whim of the legislature and that it "is the duty of the legislature to enact such laws as will best preserve

the subject of the trust, and secure its beneficial use in the future to the people of the state."

33. The public trust doctrine is flexible in order to conform to the changing concerns of society. Original American public trust doctrine cases focused on navigable waters and submersible lands, however as society industrialized, the doctrine expanded accordingly to different geographic areas and to other modern concerns. Courts have emphasized the flexibility of the doctrine to meet changing societal concerns. The public trust by its very nature, does not remain fixed for all time but is to be "molded and extended to meet changing conditions and needs of the public it was created to benefit" and applied "as a flexible method for judicial protection of public interests...."

34. A state's public trust responsibilities with regards to water also impose public trust duties on the entire ecological system, including the atmosphere. "The entire ecological system supporting the waterways is an integral part of them (the waterways) and must necessarily be included within the purview of the trust."

FACTUAL BACKGROUND

35. For more than 200 years, the burning of fossil

fuels, such as coal and oil, together with massive deforestation, have caused a substantial increase in the atmospheric concentrations of heat-trapping greenhouse gases or "GHGs." These gases prevent heat from escaping to space, like the glass panels of a greenhouse. The extent of these gases in the atmosphere have changed and fluctuated over geologic time but have reached an equilibrium -- Earth's safe climate-zone -- which is necessary to life as we know it. However, as the concentrations of these gases continue to increase in the atmosphere, the Earth's temperature is climbing above Earth's safe climate-zone. According to data from the National Oceanic and Atmospheric Administration ("NOAA") and the National Aeronautics and Space Administration ("NASA"), the Earth's average surface temperature has increased by about 0.8°C (1.4°F) in the last 100-150 years. In fact, the eight warmest years on record (since 1850) have all occurred since 1998. Coupled with the increase in the temperature of the earth, other aspects of the climate are also changing, such as rainfall patterns, snow and ice cover, and sea levels.

36. Climate changes are currently occurring faster

than even the most pessimistic scenarios presented in the 2007 Intergovernmental Panel on Climate Change. Depending on the future rate of GHG emissions, the future is likely to bring increases of 3 to 11 degrees Fahrenheit above current levels if our government does not accept its public trust obligations and take immediate action. Once we pass certain tipping points of energy imbalance and planetary heating, we will not be able to prevent the ensuing harm. A failure to act soon will ensure the collapse of the earth's natural systems resulting in a planet that is largely unfit for human life.

37. The best available science shows that if the planet once again sends as much energy into space as it absorbs from the sun, this will restore the planet's climate equilibrium. Scientists have accurately calculated how Earth's energy balance will change if we reduce long-lived greenhouse gases such as carbon dioxide. Humans are currently causing a planetary energy imbalance of approximately six-tenths of one watt. We would need to reduce carbon dioxide by about 40 ppm to increase Earth's heat radiation to space by six-tenths of one watt, if the net non-CO₂ forcing continues to be roughly zero. That

reduction would bring the atmospheric carbon dioxide amount back to about 350 ppm.

38. The best available science also shows that to protect Earth's natural systems, average global peak surface temperature must not exceed 1° C above pre-industrial temperatures this century. To prevent global heating greater than 1° C and to protect Earth's oceans (an essential harbor of countless life forms and absorber of GHGs), concentrations of atmospheric CO2 must decline to less than 350 ppm by the end of this century. However, today's atmospheric CO2 levels exceed 390 ppm and are steadily rising.

39. To limit average surface heating to no more than 1° C (1.8° F) above pre-industrial temperatures, and to protect Alaska's public trust resources, concentrations of atmospheric carbon dioxide should be no more than 350 ppm. Today, carbon dioxide concentrations have already exceeded 390 ppm and are currently on a path to reach over 400 ppm by 2020. Current atmospheric greenhouse gas concentrations are likely the highest in at least 800,000 years. Absent immediate action to reduce CO2 emissions, atmospheric CO2 could reach levels as high as about 1000 ppm and a temperature increase of up to 5° C by 2100.

40. Even if global CO₂ emissions were instantaneously halted - i.e., if fossil fuel emissions and deforestation were abruptly terminated in 2011 -- it would still take until around 2060 before CO₂ levels would decline to below 350 ppm. If global fossil fuel CO₂ emissions continue to grow at the rate of the past decade (about two percent per year) up until the time that emissions are terminated, and termination does not occur until 2030, when CO₂ levels have reached about 450 ppm, CO₂ would not return to 350 ppm until about 2250, even if deforestation emissions were halted in 2011. With a 40-year delay (to 2050), CO₂ levels would surpass 500 ppm, and would not return to 350 ppm until around year 3000.

41. Even restoring the planet's energy balance will not immediately stop warming and sea level rise that is already in the pipeline, but it would help keep those rises relatively under control, and subject to the control of human investment and ingenuity. It would also prevent climate change from becoming a huge force for species extinction and ecosystem collapse.

42. Fossil fuel emissions must decrease rapidly if atmospheric CO₂ is to be returned to a safe level (below 350 ppm) in this century. Improved forestry and

agricultural practices, for example, can provide a net drawdown of atmospheric CO₂, primarily via reforestation of degraded lands that are of little or no value for agricultural purposes, returning us to 350 ppm somewhat sooner.

43. To have the best chance of reducing the concentration of CO₂ in the atmosphere to 350 ppm by the end of the century and avoid heating over 1 degree Celsius over pre-industrial temperatures, the best available science concludes that atmospheric carbon dioxide emissions need to peak in 2012 and then begin to decline at a global average of 6% per year through 2050 and 5% per year through 2100. In addition carbon sequestering forest and soils must be preserved and replanted to sequester an additional 100 gigatons of carbon through the end of the century. These reductions are necessary to draw down the excessive CO₂ from the atmosphere and to fulfill every government's public trust responsibilities.

44. If sovereign governments, including the State of Alaska, do not immediately react to this crisis and act swiftly to reduce human-caused carbon dioxide emissions into the atmosphere, the environment in which humans and other life have thrived will be dramatically, and possibly

catastrophically, damaged. If sovereign governments do not act immediately to reduce carbon emissions into the atmosphere, present and future generations of children will face mass suffering on a planet that may be largely uninhabitable. We must protect and preserve the planet for them. Without our action, the catastrophic collapse of natural systems is inevitable.

45. The actions of Defendant to address greenhouse gas emissions and the resulting climate change has been limited to Administrative Order 238, signed on September 14, 2007 by then-Governor Sarah Palin, establishing the Alaska Climate Change Sub-Cabinet and the actions taken thereby.

46. The purpose of this Sub-Cabinet was "to advise the Office of the Governor on the preparation and implementation of an Alaska climate change strategy. This strategy should include building the state's knowledge of the actual and foreseeable effects of climate warming in Alaska, developing appropriate measures and policies to prepare communities in Alaska for the anticipated impacts from climate change, and providing guidance regarding Alaska's participation in regional and national efforts addressing the causes and effects of climate change."

47. Governor Palin further described the purpose of the Alaskan Climate Change Strategy as: "serv[ing] as a guide for a thoughtful, practical, timely, state of Alaska response to climate change. It [should] identify priorities needing immediate attention along with longer-term steps we can take as a state to best serve all Alaskans and to do our part in the global response to this global phenomenon."

48. The Alaska Climate Change Sub-Cabinet released several reports outlining recommendations to the Governor regarding the adaptation and mitigation of climate change. Additionally, the Sub-Cabinet completed a greenhouse gas inventory for the State of Alaska, outlining the sources of Alaska's greenhouse gas emissions and projected emissions for future years. To date, no further significant affirmative action has been taken by the Alaskan government to fulfill its public trust responsibilities by addressing increasing greenhouse gas emissions in an effort to combat the effects of climate change in Alaska.

49. The Alaska Climate Change Sub-Cabinet Mitigation Advisory Group issued a number of policy recommendations to address climate change including: energy transmission optimization and expansion; energy efficiencies for residential, commercial, and industrial customers;

renewable energy implementation; building standards; and energy efficiency for industrial installations; forest management and reforestation strategies for carbon sequestration in coastal and boreal forests; community wildfire risk reduction plans; expanded use of biomass feedstocks for energy production (heat, power, alternative fuels); and advanced waste reduction and recycling; oil & gas conservation practices; reducing fugitive methane emissions; electrification of North Slope operations with centralized power; improved equipment efficiency; renewable energy in O&G operations; carbon capture, sequestration, and enhanced oil recovery strategies within and away from known geologic traps; greater commuter choices; heavy-duty vehicle idling; transportation system management; efficient development patterns; promotion of alternative-fuel vehicles; vehicle-miles-traveled and greenhouse gas reduction goals; efficiency improvements in heavy-duty vehicles and marine vessels; aviation emission reduction strategies; alternative fuels research and development; establishing an Alaska greenhouse gas emission reporting program; establishing goals for statewide greenhouse gas emission reductions; encouraging the state government to lead by example; integrating this Climate Change Mitigation

Strategy with Alaska's Energy Plan; and exploring market-based systems to manage greenhouse gas emissions. These recommendations have not been implemented in Alaska despite the Mitigation Advisory Group's estimation that these recommendations would reduce greenhouse gas emissions in Alaska by approximately 19% by 2025.

50. The Alaska Department of Environmental Conservation (ADEC) estimated that, in 2005, gross Alaskan emissions of greenhouse gases were 52.82 million metric tons of carbon dioxide equivalent ("MTCO₂e"), a rise of more than 23% from 1990 emissions levels. ADEC also projected that by 2020, gross Alaskan emissions of greenhouse gases would rise to 61.5 MTCO₂e. Alaska's annual emissions are similar to those of Oregon, Nevada, and Connecticut -- all states that have 3.5-7 times the population of Alaska.

51. The Alaska Climate Change Sub-Cabinet Mitigation Advisory Group recommended that the State of Alaska establish greenhouse gas emissions goals of 20% below 1990 greenhouse gas emission levels by 2020 and 80% below 1990 levels by 2050. According to the Mitigation Advisory Group, these recommendations corresponded to the best available science at the time, however they do not

correspond to the current best available science, which requires peak greenhouse gas emissions to occur in 2012, followed by at least a 6% annual reduction in greenhouse gases per year thereafter.

52. The Alaska Department of Environmental Conservation has outlined several expected impacts of climate change on Alaska:

- a. Increased coastal erosion and displacement of coastal communities;
- b. Melting of arctic tundra and taiga resulting in the damage of Alaska's infrastructure;
- c. Warmer summers resulting in insect infestations, more frequent and larger forest fires, and the alteration of Alaska's boreal forests;
- d. Decrease in arctic ice cover resulting in loss of habitat and prey species for marine mammals;
- e. Changes in terrestrial and oceanic species abundance and diversity resulting in the disruption of the subsistence way of life, among other adverse impacts.

53. The impacts of climate change have already

been felt throughout Alaska, especially coastal communities. These impacts include, but are not limited, to displacement of people and villages, melting sea ice, endangered and threatened species, receding glaciers, thawing tundra, record forest fires, and invasive species and erosion. Erosion is especially critical, with more than 160 rural communities threatened by erosion according to the U.S. Corps of Engineers.

COUNT 1

*Violation of the Public Trust Doctrine
Alaska Constitution, Article VIII*

54. Paragraphs 1 through 53 are incorporated herein by reference.

55. Per Article VIII, Defendant holds certain natural resources in trust for the benefit of present and future Alaskans. In Alaska, the public trust res explicitly includes, but is not limited to, water, mineral, wildlife and fish resources.

56. The atmosphere is also a part of the public trust res and is therefore held in trust by the Defendant for the benefit of present and future Alaskans. Like the other resources constituting the public trust res, the atmosphere does not lend itself to private ownership and is necessary for human survival.

57. The atmosphere is also inextricably linked with these constitutionally recognized public trust resources. Harm to the atmosphere negatively affects water, wildlife, and fish resources. Harm to the atmosphere also harms the public's ability to use public trust resources.

58. Defendant, as trustee for the people, bears the responsibility of preserving and protecting the right of the public to the use of public trust resources for these recognized purposes.

59. Defendant has an affirmative fiduciary duty to prevent waste, to use reasonable skill and care to preserve the trust property and to maintain trust assets. The fiduciary duty to protect the trust asset means that the Defendant must develop trust assets consistent with the public interest, conserve trust assets for the maximum benefit of its people, allow the common use of trust assets by Alaskans, and ensure the continued availability and existence of healthy trust resources consistent with the purposes for which they are held in trust for present and future generations.

60. Defendant's failure to regulate and reduce carbon

dioxide emissions violates its affirmative fiduciary obligation to protect the atmosphere and other public trust assets from harm.

61. Defendant's failure to preserve and protect carbon sinks such as forests and soils violates its affirmative fiduciary obligation to protect the atmosphere and other public trust assets from harm.

62. Defendant's failure to implement any significant measures to combat climate change and protect the health of the atmosphere violates their affirmative fiduciary obligation to protect the atmosphere and other public trust assets from harm.

63. Defendant's waste of and failure to preserve and protect the atmospheric trust and additional trust assets has caused, and will continue to cause, the injuries described above.

64. Defendant's failure to protect the atmosphere and other public trust assets has interfered and will interfere with Plaintiffs' as well as present and future generations of Alaskans' use of public trust assets for their own survival, maintenance and enhancement of water resources, maintenance and enhancement of fish and wildlife resources, conservation, pollution abatement, ecological values, in-

stream flows, commerce, navigation, fishing, recreation, and energy production.

65. Defendant's failure to uphold their public trust obligations threatens the health, safety, and welfare of Plaintiffs, as well as all present and future generations of Alaskans.

66. Defendant's foregoing actions and inaction violate Article VIII's requirement that public trust assets be utilized, developed and conserved consistent with the public trust doctrine.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Declare that the atmosphere is a public trust resource under Article VIII of the Alaska Constitution;
2. Declare that Defendant, as trustee, has an affirmative fiduciary obligation to protect and preserve the atmosphere as a commonly shared public trust resource for present and future generations of Alaskans under Article VIII of the Alaska Constitution;
3. Declare that Defendant has failed to uphold its fiduciary obligations to protect and preserve the

atmosphere as a public trust resource and thereby violated Article VIII of the Alaska Constitution;

4. Declare that the fiduciary obligation related to the atmosphere is dictated by the best available science and that said science requires carbon dioxide emissions to peak in 2012 and be reduced by at least 6% each year until 2050;

5. Order Defendant to reduce the carbon dioxide emissions from Alaska by at least 6% per year from 2013 through at least 2050;

6. Order Defendant to prepare a full and accurate accounting of Alaska's current carbon dioxide emissions and to do so annually thereafter;

7. Declare that Defendant's fiduciary obligation related to the atmosphere is enforceable by citizen beneficiaries of the public trust;


8. Retain continuing jurisdiction over this matter for the purposes of enforcing the relief awarded;

9. Declare Plaintiffs are the prevailing party and award them all costs and attorney's fees to which they are entitled to pursuant to Civil Rule 79 and AS 09.06.010(c)(1); and

10. Award Plaintiffs such other and further relief as the Court deems just and equitable.

Respectfully submitted this 21st day of July 2011.

Attorneys for Plaintiffs



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Defendant.)

Case No. 3AN-11-07474 CI)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of
Plaintiffs' First Amended Complaint was mailed via U.S.

Mail on July 21, 2011 to:

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