

OCT 26 2020

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

STATE OF ALASKA,  
Plaintiff/Counterclaim Defendant,  
vs.  
ALASKA STATE EMPLOYEES  
ASSOCIATION/AMERICAN  
FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES  
LOCAL 52, AFL-CIO;  
Defendant/Counterclaimant.

ALASKA STATE EMPLOYEES  
ASSOCIATION/AMERICAN  
FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES  
LOCAL 52, AFL-CIO;  
Third-Party Plaintiff,  
vs.  
MICHAEL J. DUNLEAVY, in his  
official capacity as Governor of Alaska;  
CLYDE "ED" SNIFFEN, in his official  
capacity as Acting Attorney General of  
Alaska; KELLY TSHIBAKA, in her  
official capacity as Commissioner of  
the Alaska Department of  
Administration; and STATE OF  
ALASKA, DEPARTMENT OF  
ADMINISTRATION,  
Third-Party Defendants.

Case No. 3AN-19-09971 CI

**ORDER GRANTING ASEA'S MOTION FOR SUMMARY JUDGMENT AND  
DENYING STATE'S MOTION FOR SUMMARY JUDGMENT**

1 Alaska State Employees Association / AFSCME Local 52's ("ASEA") and the  
2 State of Alaska have each filed motions for summary judgment. After considering the  
3 stipulated undisputed facts and the parties' arguments, ASEA's motion for summary  
4 judgment is GRANTED and the State's cross-motion for summary judgment is DENIED.  
5

6 The Court incorporates by reference and reaffirms the analysis in the Court's prior  
7 orders granting a temporary restraining order and converting that TRO into a preliminary  
8 injunction. The Court further concludes that, for the reasons set forth in ASEA's motion  
9 and supporting memorandum, the stipulated undisputed facts establish that the State,  
10 including third-party defendants the Governor, the Attorney General, the Commissioner of  
11 the Alaska Department of Administration, and the Department of Administration, by  
12 unilaterally changing the union member dues deduction procedures in effect before August  
13 27, 2019, implementing former Attorney General Clarkson's August 27, 2019 legal  
14 opinion and Administrative Order 312, and directly dealing with General Government Unit  
15 bargaining members: (1) breached the collective bargaining agreement between ASEA and  
16 the State; (2) breached the implied covenant of good faith and fair dealing; (3) violated the  
17 separation of powers enshrined in the Alaska state constitution and violated the Public  
18 Employment Relations Act; and (4) violated the Administrative Procedures Act.  
19  
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21

22 ASEA is entitled to a declaratory judgment that the First Amendment to the U.S.  
23 Constitution does not require the State to alter the union dues deduction practices in place  
24 prior to August 27, 2019, and does not require the steps set forth in Attorney General  
25

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1 Clarkson's August 27, 2019 legal opinion or the steps mandated in Administrative Order  
2 312. ASEA is also entitled to a declaratory judgment that the August 27, 2019 legal opinion  
3 is incorrect and that Administrative Order 312 is invalid and has no legal effect.  
4

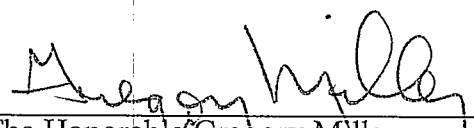
5 ASEA is also entitled to a permanent injunction prohibiting the State and third-party  
6 defendants from implementing Attorney General Clarkson's August 27, 2019 legal opinion  
7 or Administrative Order 312 or otherwise unilaterally changing the union dues deduction  
8 practices in place prior to August 27, 2019.  
9

10 ASEA is also entitled to damages from the State in the stipulated amount of  
11 \$186,020.64.

12 This Order resolves all claims as to all parties, and ASEA is directed to file a  
13 proposed final judgment.  
14

15 IT IS SO ORDERED.

16  
17 DATED: February 08, 2021

  
\_\_\_\_\_  
The Honorable Gregory Miller  
Superior Court Judge

18  
19 I certify that on 2/8/21 a copy  
20 of the following was mailed/emailed to each  
21 of the following at their addresses of record.

S. Spraker M. Brown  
Administrative Assistant J. Provest  
T. Traynham

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 23, 2020 a true and correct copy of the foregoing document was served by:

- hand delivery
- first class mail
- email

on the following attorneys of record:

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/s/ Lisa Kusmider  
Lisa Kusmider