

C. Jonathan Benner (*pro hac vice*)
Kathleen E. Kraft (*pro hac vice*)
Thompson Coburn LLP
1909 K Street, N.W., Suite 600
Washington, D.C. 20006-1167
Phone: 202-585-6900
Fax: 202-585-6969
Email: jbenner@thompsoncoburn.com
kkraft@thompsoncoburn.com
Herbert H. Ray, Jr. (Alaska Bar No. 8811201)
Keesal, Young & Logan
1029 West Third Avenue, Suite 650
Anchorage, AK 99501-1954
Phone: 907-279-9696
Fax: 907-279-4239
E-mail: bert.ray@kyl.com
Attorneys for Plaintiffs

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

CRUISE LINES INTERNATIONAL
ASSOCIATION ALASKA, *et al.*,

Plaintiffs,

v.

THE CITY AND THE BOROUGH OF
JUNEAU, ALASKA, *et al.*,

Defendants.

Case No. 1:16-cv-00008-HRH

Stipulation Allowing Plaintiff to File First Amended Complaint

Plaintiffs Cruise Lines International Association Alaska and Cruise Lines International Association (together, "Plaintiffs") filed their Complaint in this Action on April 13, 2016. [ECF No. 1.] By prior stipulation, the parties agreed to extend the time for Defendants the City and Borough of Juneau, Alaska, Ken Koelsch, in his official capacity as Mayor, Kimberly A. Keifer, in her official capacity as City Manager, and Bob Bartholomew, in his official capacity as

Finance Director (together, "Defendants") to file an Answer until May 23, 2016. [ECF No. 14].
The Court entered an order granting that extension. [ECF No. 15].

Plaintiffs wish to file the attached First Amended Complaint. No Answer to the Complaint has been filed, however, Federal Rule of Civil Procedure 15(a)(1) states that a party "may amend its pleading once as a matter of course *within 21 days after serving it*" or "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(A)-(B) (emphasis added). In this instance, more than 21 days has elapsed, though no responsive pleading was due or filed because of the previously granted extension. Federal Rule of Civil Procedure 15(a)(2) governs amendment in all other cases, and requires either an opposing party's written consent or the Court's leave. Defendants' counsel has agreed in writing to Plaintiffs' filing of the First Amended Complaint. Specifically, the Parties, by and through their attorneys, stipulate to the following:

- 1) Plaintiffs may file the First Amended Complaint, attached hereto as Exhibit 1; and
- 2) Defendants shall have up to and including June 7, 2016 to file an Answer.

Defendants' counsel has authorized the undersigned to sign this Stipulation on his behalf and to so advise the Court.

Respectfully submitted,

DATED: May 18, 2016

By: /s/ C. Jonathan Benner
C. Jonathan Benner (*pro hac vice*)
Kathleen E. Kraft (*pro hac vice*)
Thompson Coburn LLP

Herbert H. Ray, Jr. (Alaska Bar No. 8811201)
Keesal, Young & Logan, LLC

*Attorneys for Plaintiffs Cruise Line
International Association Alaska and Cruise
Lines International Association*

By: /s/ Robert P. Blasco

Robert P. Blasco, AK Bar # 7710098

Hoffman and Blasco, LLC

Attorneys for the City and Borough of Juneau,

Alaska, a municipal corporation, Bob

Bartholomew, in his official capacity as Finance

Director, Ken Koelsch, in his official capacity

as Mayor, and Rorie Watt, in his official

capacity as City Manager

CERTIFICATE OF SERVICE

I certify that on May 18, 2016, I caused a true and correct copy of the foregoing Stipulation Allowing Plaintiff to File First Amended Complaint to be filed using the Court's Electronic Case Files System ("ECF"). The document is available for review and downloading via the ECF system, and will be served by operation of the ECF system upon all counsel of record.

/s/ C. Jonathan Benner

C. Jonathan Benner