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Attorneys for Plaintiffs

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

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

Plaintiffs,

v.

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

Defendants.

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

**PLAINTIFFS' MOTION FOR LEAVE TO
FILE SUR-REPLY TO DEFENDANTS'
REPLY IN SUPPORT OF REQUEST
FOR ENTRY OF FINAL JUDGMENT**

Plaintiffs Cruise Lines International Association and Cruise Lines International Association Alaska move the Court for leave to file a sur-reply to Defendants' reply in support of their request for entry of final judgment (Dkt. No. 213). In support of their motion, Plaintiffs state:

1. On December 6, 2018, the Court ruled on Defendants' Motion to Determine the Law of the Case and the parties' cross-motions for summary judgment. (Dkt No. 207). That same

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day, the Court stated in a separate order: “It is the court’s perception that all that remains to be done in this case is to enter a declaratory judgment. If, however, any of the parties think otherwise, they shall provide notice to the court of what issues they believe remain to be resolved.” (Dkt. No. 208).

2. On January 8, 2019, Defendants filed a two-sentence “Request for Entry of Final Judgment.” (Dkt. No. 210).

3. On January 10, 2019, Plaintiffs filed their notice to Court of issues that remain to be resolved. (Dkt. No. 211).

4. On January 11, 2019, the Court issued an order stating: “The court is treating the defendants’ request as a motion, and plaintiffs’ notice as a response to the defendants’ motion. The court will entertain a reply from the defendants, which will please be filed on January 17, 2019.” (Dkt. No. 212).

5. Plaintiffs filed their Notice document as a direct response to the Court’s December 6 order, not as a response to Defendants’ “Request for Entry of Final Judgment”

6. On January 17, 2019, Defendants filed their reply in support of their request for entry of final judgment. (Dkt. No. 213).

7. In their reply, Defendants raise new arguments not mentioned in their two-sentence request for entry of final judgment.

8. On January 17, 2019, Defendant Rorie Watt, the City Manager of Defendant The City and Borough of Juneau (CBJ), told “a packed room of attendees” the following about the Court’s December 6, 2018 ruling: “**What exactly is a service to a vessel? We have not resolved that.**” (See Alex McCarthy, *City breaks silence on cruise lawsuit*, JUNEAU EMPIRE, Jan.

18, 2019, p. 2 (copy attached to Plaintiffs' proposed sur-reply as Exhibit 5 and available at <https://www.juneauempire.com/news/city-breaks-silence-on-cruise-lawsuit/>).

9. Plaintiffs seek leave to file a short sur-reply to respond to Defendants' reply and to advise the Court of Mr. Watt's statement.

10. Plaintiffs' proposed sur-reply is attached to this motion.

11. A proposed order granting this motion is attached to this motion.

DATED: January 23, 2019

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

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*Attorneys for Plaintiffs Cruise Lines International
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Association*

Certificate of Service

I certify that on January 23, 2019, I caused a true and correct copy of the foregoing document to be served via the Court's electronic filing system, on counsel for Defendants, and upon the Honorable H. Russel Holland, Judge District Court of Alaska.

/s/ C. Jonathan Benner