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**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

**PLAINTIFFS' MOTION FOR LEAVE  
TO FILE OVERLENGTH BRIEF**

Plaintiffs Cruise Lines International Association and Cruise Lines International Association Alaska ("Plaintiffs" or "CLIA"), pursuant to Local Rule 10.1(m), hereby request permission to submit the following overlength brief: Plaintiffs' Motion for Summary Judgment, which consists of Plaintiff's principal brief and statement of facts in support of the motion (collectively, "Plaintiffs' Motion" or "Motion"). In support of its Motion for Leave to File Overlength Brief, CLIA states as follows:

1. CLIA filed its *Complaint* against Defendants City and Borough of Juneau (“CBJ” or “Juneau”) and City Manager Rorie Watt (collectively, “Defendants”) on April 13, 2016 (ECF No. 1). CLIA filed its *Amended Complaint* on May 18, 2016 (ECF No. 28). CLIA alleges that Defendants have charged and used two fees (the Marine Passenger Fee and the Port Development Fee), imposed as a condition of entry on vessels engaged in the interstate and international commerce of the United States, in violation of the Constitution and the laws of the United States.

2. Plaintiffs’ Motion is a dispositive motion seeking judgment in CLIA’s favor on the First, Second, and Fourth Causes of Action<sup>1</sup> set forth in the *Amended Complaint*. Plaintiffs’ Motion is 62 pages long, exclusive of pages containing a table of contents, table of authorities, or reproductions of statutes, rules, regulations, or ordinances. CLIA requires 12 additional pages, above Local Rule 10.1(m)’s 50-page limit, to address the dispositive issues in this case.

3. Plaintiffs’ Motion includes many detailed facts and references to supporting documents. CLIA has worked diligently to minimize the length of its Motion and has made a good faith effort to consolidate the recitation of facts as much as possible.

4. Provided that the Court grants this Motion for Leave to File Overlength Brief, CLIA will file its exhibits and declarations in support of Plaintiffs’ Motion, as well as a motion requesting that the Court take judicial notice in connection with Plaintiffs’ Motion.

5. Defendants will not be prejudiced in any way by CLIA’s overlength Motion.

6. A copy of Plaintiffs’ Motion and a Proposed Order are attached hereto.

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<sup>1</sup> As set forth in Plaintiffs’ Motion, a ruling in favor of Plaintiffs on the First Cause of Action (Violation of the Tonnage Clause) or the Fourth Cause of Action (Violation of the Supremacy Clause Based on Violation of Rivers and Harbors Appropriations Act; Violation of Section 1983 Based on Violation of Tonnage Clause) dispenses of any need for the Court to address Plaintiffs’ Third Cause of Action (Violation of the Commerce Clause).

WHEREFORE, Plaintiffs Cruise Lines International Association and Cruise Lines International Association Alaska respectfully requests that this Court grant Plaintiffs leave to file Plaintiffs' Motion for Summary Judgment, which is 62 pages in length.

DATED: October 20, 2017

Respectfully submitted,

By: /s/ C. Jonathan Benner  
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*Attorneys for Plaintiffs Cruise Line  
International Association Alaska and Cruise  
Lines International Association*

**CERTIFICATE OF SERVICE**

I certify that on October 20, 2017, I caused a true and correct copy of the foregoing document 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/ Kathleen E. Kraft  
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Kathleen E. Kraft