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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

**CRUISE LINES INTERNATIONAL  
ASSOCIATION'S OBJECTIONS AND  
RESPONSES TO CBJ'S FIRST  
REQUESTS FOR ADMISSION TO  
CRUISE LINES INTERNATIONAL  
ASSOCIATION**

Pursuant to Fed. R. Civ. P. 26(b)(1) and 36 and LCvR 26.1, Plaintiff Cruise Lines International Association ("CLIA"), by and through undersigned counsel, responds to Defendants' City and Borough of Juneau, Alaska and Rorie Watt, in his official capacity as City Manager (together, "CBJ"), First Set of Requests for Admission to Cruise Lines International Association (each, an "RFA" and collectively, the "RFAs").

## OVERARCHING OBJECTIONS

I. In accordance with Fed. R. Civ. P. 26-36, CLIA objects to and declines to be bound by CBJ's "INSTRUCTIONS" and "DEFINITIONS" to the extent they exceed the Federal Rules of Civil Procedure and/or purport to require of CLIA more than the Federal Rules of Civil Procedure require. In particular, but in no way limiting CLIA's objections, CLIA objects and declines to be bound by the following:

- A. *CBJ's RFA instruction regarding explanation of denials and objections.* This instruction purports to require CLIA to "state the reasons for [its] objection or denial" in the event that CLIA "objects to or denies any Request or portion of a Request." CLIA objects to this instruction as it is outside the scope of Fed. R. Civ. P. 36(a)(4).
- B. *CBJ's RFA instruction regarding from whom each RFA solicits information.* This instruction purports to impose on CLIA the obligation to "solicit all information obtainable by Plaintiff from Plaintiff's members, attorneys, investigators, agents, employees, and representatives" in response to each RFA. CLIA objects to this instruction as outside the scope of Fed. R. Civ. P. 36. CLIA's members are not subject to CLIA's control. CLIA further objects to this instruction as outside the scope of Fed. R. Civ. P. 36 to the extent it requests information from parties that are not within CLIA's control.
- C. *CBJ's RFA instruction regarding CLIA's "reasonable inquiry."* This instruction purports to require CLIA to "describe any and all efforts [CLIA] made to inform [itself] of the facts and circumstances necessary to answer or respond" whenever CLIA lacks sufficient information to admit or deny an RFA. CLIA objects to this instruction's use of the phrase "any and all," as this is outside the scope of Fed. R. Civ. P. 36. Further, CLIA objects to this instruction because it violates multiple privileges, including but not limited to the attorney-client privilege and protections afforded by the work-product doctrine.

D. *CBJ's RFA definition of "Plaintiffs."* CLIA objects to this definition because it contains cruise lines who are members of CLIA. The cruise line members of CLIA are not plaintiffs in this litigation. CLIA further objects to this definition insofar as "Plaintiffs" is defined as any person except for CLIA and Cruise Lines International Association Alaska ("CLIAA").

II. CLIA submits these responses without conceding the relevancy or materiality of the subject matter of any request and without prejudice to CLIA's right to object to further discovery or to the admissibility of any additional proof on the subject matter of any response at the time of trial.

III. CLIA's responses and objections are based on information currently known to CLIA. CLIA reserves the right to supplement its responses as its investigation and discovery continues; CLIA, however, assumes no obligation to supplement its responses beyond that imposed by the Federal Rules of Civil Procedure or court orders.

#### **OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1: Admit that for all times from January 1, 1991 until February 7, 2007, the Northwest and Canada Cruise Association was a cruise line industry representative to governmental entities in Alaska.**

**RESPONSE:** CLIA objects to this RFA as compound because it seeks admission as to an unlimited or nearly unlimited number of persons ("government entities"). Subject to and without waiving this objection and CLIA's Overarching Objections, and after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny that an entity called the Northwest and Canada Cruise Association was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. To CLIA's knowledge, as referenced in response to CBJ Interrogatory No. 1, an entity called the North West Cruiseship Association, renamed the North West & Canada Cruise Association on or about June 15, 2010, was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. It may be that there is some other entity called the Northwest and Canada Cruise Association, and so CLIA is unable to definitively admit or deny this RFA. Further, by explaining the grounds for its inability to either admit or deny this

response, CLIA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIA to perform extensive, burdensome, and independent research, including research outside of CLIA's possession, custody, or control and/or from third-party sources. Further, by referencing its inquiry efforts in this response, CLIA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine. Notwithstanding the foregoing, CLIA admits that, generally, member cruise lines attempt to recover certain external charges, including port fees, through the mechanism of the ticket price.

**REQUEST FOR ADMISSION NO. 57: Admit that no passenger who has paid the Entry Fees referenced in Paragraph 25 of your First Amended Complaint has authorized you to file this lawsuit against the City and Borough of Juneau.**

**Response:** CLIA objects to this RFA as irrelevant to the issues in this case: whether CBJ's entry fees and use thereof are lawful. CLIA further objects to this RFA as irrelevant, as it is the cruise ship, not the passengers, who are liable to CBJ for its entry fees. CBJ would have no recourse against a passenger if its entry fees were not paid. Subject to and without waiving its objections and the Overarching Objections, CLIA denies that any passenger has paid the entry fees to CBJ. CLIA admits that it has not sought and has not received authorization from any passenger on an Alaska cruise to file this lawsuit against CBJ. CLIA denies each and every remaining allegation in this RFA.

DATED: January 9, 2017

By: /s/ C. Jonathan Benner

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