

1 Thomas V. Van Flein
 2 John Tiemessen
 3 Clapp, Peterson, Van Flein,
 4 Tiemessen & Thorsness LLC
 5 711 H St., Suite 620
 6 Anchorage, Alaska 99501-3454
 7 Phone: (907) 272-9272
 8 Facsimile: (907) 272-9586

9 *Attorneys for Plaintiff Joe Miller*

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF ALASKA**

| | | | |
|----|-------------------------------------|---|-------------------|
| 12 | JOE MILLER, |) | |
| 13 | |) | Civil Action No: |
| 14 | <i>Plaintiff,</i> |) | 3:10-cv-252 (RRB) |
| 15 | |) | |
| 16 | v. |) | |
| 17 | |) | |
| 18 | LIEUTENANT GOVERNOR CRAIG |) | |
| 19 | CAMPBELL, in his official capacity; |) | |
| 20 | and the STATE OF ALASKA, |) | |
| 21 | DIVISION OF ELECTIONS, |) | |
| 22 | |) | |
| 23 | <i>Defendants.</i> |) | |
| 24 | _____ |) | |

25 **PLAINTIFF JOE MILLER’S OPPOSITION TO**
 26 **DEFENDANTS’ MOTION TO RE-CONDITION INJUNCTION**

1 This Motion is one of two inexplicably premature Motions the State chose to file last
 2 Friday. The events of that afternoon have rendered this Motion moot.

3 After Defendants filed this Motion and the Superior Court issued its order granting
 4 Summary Judgment to the State on all counts, the Alaska Supreme Court clerk’s office
 5 arranged a conference call among all the parties to this case. The clerk’s office directed that

6 Plaintiff Joe Miller’s Opposition to Defendants’ Motion to Re-Condition Injunction
 7 *Miller v. Campbell*, Case No. 3:10-CV-252 (RRB)
 8 Page 1 of 3

1 any notice of appeal be filed by noon today, Appellant's brief be filed by noon on Tuesday,
2 Appellee's brief by 4:30 P.M. on Wednesday, and any Reply by noon on Thursday. If an
3 appeal is filed, the Alaska Supreme Court will hear oral argument at 1:30 P.M. on Friday,
4 December 17, 2010. Thus, Defendants already have obtained the relief they seek, and their
5 request to this Court is moot.

6
7 **CONCLUSION**

8 For these reasons, Plaintiff Miller respectfully requests that this Court deny Defendants'
9 Motion to Re-Condition the Injunction.

10 Dated this 13th day of December, 2010.

11
12 Respectfully submitted,

13 /s/ Thomas V. Van Flein
14 Thomas V. Van Flein
15 John Tiemessen
16 CLAPP, PETERSON, VAN FLEIN
17 TIEMESSEN & THORSNESS LL
18 711 H St., Suite 620
19 Anchorage, Alaska 99501-3454
20 Phone: (907) 272-9272
21 Facsimile: (907) 272-9586

1 Certificate of Service:

2 The undersigned hereby certifies that a true
3 and exact copy of the foregoing was served
4 this 13th day of December 2010 via:

- 4 () First Class Mail
5 () Hand-Delivery
6 () Facsimile
7 () E-Mail
8 (X) ECF

9 to the following listed individual(s):

10 Michael Barnhill
11 Sarah Felix
12 Margaret Paton-Walsh
13 Timothy McKeever
14 Scott Kendall

15 By: /s/ Thomas V. Van Flein
16 Thomas V. Van Flein