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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

**Joint Motion Requesting Stay of Discovery and Rule 26 Obligations and Stipulation
Extending Time Limits for Briefing on Defendants' Motion to Dismiss**

Plaintiffs Cruise Lines International Association Alaska and Cruise Lines International Association (collectively, "Plaintiffs") and Defendants the City and Borough of Juneau, Alaska and Rorie Watt, in his official capacity as City Manager, (collectively, "Defendants") for the reasons below, jointly submit this motion requesting a stay of discovery and Rule 26 obligations

during the pendency of Defendants' motion to dismiss. [ECF No. 18]. In addition, consistent with Local Rule 7.1(f)(3), the Parties' stipulate to an extended briefing schedule on Defendants' motion to dismiss as follows: (1) Plaintiffs shall file their opposition brief on or before July 8, 2016; and (2) Defendants shall file their reply brief, if any, on or before July 29, 2016.

By this action, Plaintiffs challenge, under the Constitution and the laws of the United States, the legality of entry fees imposed as a condition of entry into the City and Borough of Juneau ("CBJ") on passengers arriving in CBJ on cruise vessels engaged in the interstate and international commerce of the United States. Defendants have filed a facial challenge to this Court's subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), arguing that the Tax Injunction Act bars the exercise of federal jurisdiction in this case. [ECF No. 18]. Pursuant to the Tax Injunction Act, 28 U.S.C. § 1341, "[t]he district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State." Defendants argue that the allegations of the First Amended Complaint [ECF No. 16-1] place the entry fees at issue within the ambit of the Tax Injunction Act. Plaintiffs will oppose Defendants' motion.

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, C. Jonathan Benner and Kathleen E. Kraft, counsel for Plaintiffs, and Robert P. Blasco, counsel for Defendants, conferred by telephone on June 3, 2016, with additional telephonic conference and email exchange throughout the week of June 13, 2016. Also pursuant to Rule 26, absent court order to the contrary, the Parties' Rule 26 conference report is due on or before June 17, 2016. Plaintiffs issued their First Set of Continuing Requests for Production of Documents on June 13, 2016.

At this time, Defendants believe discovery should be stayed during the pendency of their facial challenge to the Court's subject matter jurisdiction. While Plaintiffs will oppose that facial

CERTIFICATE OF SERVICE

I certify that on June 17, 2016, I caused a true and correct copy of the foregoing Joint Motion Requesting Stay of Discovery and Rule 26 Obligations and Stipulation Extending Time Limits for Briefing on Defendants' Motion to Dismiss 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

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**(Proposed) Order Granting Joint Motion Requesting Stay of Discovery and Rule 26
Obligations and Stipulation Extending Time Limits for Briefing on Defendants' Motion to
Dismiss**

Plaintiffs Cruise Lines International Association Alaska and Cruise Lines International Association and Defendants the City and Borough of Juneau, Alaska and Rorie Watt, in his official capacity as City Manager, by and through their respective counsel, filed a joint motion

requesting a stay of discovery and Federal Rule of Civil Procedure 26 obligations until such time as the Court rules on Defendants' motion to dismiss. [ECF No. 18]. Defendants' motion raises a facial challenge to this Court's subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), and as such, discovery is not necessary for its resolution. For this reason, and in the interests of maintaining an orderly, efficient, and less costly resolution to this dispute, the Court hereby **GRANTS** the joint motion. Both discovery, including any discovery already served by either party, and the requirements of Rule 26, including the requirements to submit a joint conference report and to make initial disclosures, are stayed until such time as the Court rules on Defendants' pending motion to dismiss.

In addition, the parties filed a stipulation extending the time limits for briefing on Defendants' motion to dismiss, pursuant to Local Rule 7.1(f)(3). The Court, finding that the extension is appropriate under the circumstances and agreed upon by the Parties, hereby **GRANTS** the requested extension as follows: (1) Plaintiffs shall file their opposition brief on or before July 8, 2016; and (2) Defendants shall file their reply brief, if any, on or before July 29, 2016.

Dated: _____

H. Russel Holland
United States District Court Judge