

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKA WILDLIFE ALLIANCE,)

Plaintiff,)

v.)

STATE OF ALASKA, ALASKA) Case No. 3AN-23-07495 CI

BOARD OF GAME, DOUGLAS)

VINCENT-LANG, Commissioner of)

the Alaska Department of Fish &)

Game, in his capacity as an official of)

the State of Alaska,)

Defendants.)

**SOA LIMITED OPPOSITION TO PLAINTIFF’S RENEWED PEITION FOR
TRO AND REQUEST FOR ADDITIONAL EVIDENTIARY HEARING**

The Board of Game (“Board”), Commissioner Douglas Vincent-Lang (“Commissioner), and the Alaska Department of Fish and Game (the “Department”) (collectively “the State”) files this response and limited opposition to the issuance of a preliminary injunction.¹ Upon the issuance of the temporary restraining order (“TRO”), the Department promptly ceased bear control activities intended to increase calf-survival this year and redirected field efforts to scheduled caribou and predator surveys and data collection. The Department also initiated the process of scheduling a future Board of Game meeting to consider authorizing a permanent regulation for an intensive management plan to include bear control.

¹ See May 12 Order, n. 30.

1 With this pleading, the State opposes the plaintiff's claims of bad faith and
2 requests an evidentiary hearing to challenge the issuance of the TRO and the self-
3 executing preliminary injunction. As a practical matter, the purpose of the TRO and the
4 future preliminary injunction has been fulfilled because the Department has ceased
5 activities authorized by the emergency regulation and is initiating the process to
6 consider a permanent regulation. The Department has no intention of resuming bear
7 removal activities unless and until a permanent regulation is in place. However, the bad
8 faith finding remains in the court record, and if not corrected, could subject the State to
9 enhanced attorney fees and other unjustifiable consequences in this matter.
10

11
12 The record does not establish a probability of success in establishing bad faith by
13 the State, which the Court found to be essential to its jurisdiction to address the
14 Department's activities under the emergency regulation adopted on March 27, 2025.²
15 The May 7 Order of this Court expressly found that AWA had not met its burden to
16 justify injunctive relief, declined to order such relief, and did not address the substantive
17 validity of the emergency regulation under the Administrative Procedure Act. Acting on
18 legal advice, the Department proceeded to implement a regulation that had not been
19 invalidated and had not been properly challenged in this litigation. Once enjoined by the
20 May 12 Order, the Department immediately complied. Therefore, the preliminary
21 injunction must be denied because the bad faith finding is not supported by the record.
22
23

24
25 ² The State notes that the TRO was issued on a basis not briefed by AWA in the
26 renewed motion for injunctive relief.

I. Standard of Review

Upon statehood, the fish and wildlife resources became property of the State of Alaska.³ The Alaska Constitution granted the Legislature broad authority to manage the state's natural resources, including game.⁴ The legislature delegated the regulatory authority to the Board of Game and general management authority to the Alaska Department of Fish and Game.⁵ Adopted regulations are presumed valid and it is the plaintiff's burden to prove otherwise.⁶ As noted in the May 12 Order, the Alaska Supreme Court has made clear that courts may not use injunctions or restraining orders as tools to manage fish and game resources.⁷ Moreover, injunctive relief is subject to reversal if the superior court fails to adequately consider the resulting harm such relief may cause to subsistence users.⁸

The State agrees with the May 12 Order's finding that, because this request addresses the management of wildlife resources, the appropriate standard for issuing a

³ Pub. L. No. 85-508, (1958), 72 Stat. 339.

⁴ Alaska Const. Art. VIII.

⁵ AS 16.05.251; AS 16.05.020.

⁶ *West v. State, Bd. of Game*, 248 P.3d 689, 694 (Alaska 2010).

⁷ *State v. Kluti Kaah Native Village of Copper Center*, 831 P.2d 1270, 1274 n.9 (Alaska 1992).

⁸ Order at 10; n. 20.

preliminary injunction is the probability of success on the merits.⁹ AWA has not met that very high standard.

The burden is on the party seeking the injunction to make a clear showing of probable success on the merits.¹⁰ *Clear* is the operative word; the Court must avoid delving too deeply into the merits at this stage of the dispute, as doing so would be premature and based on an incomplete record.¹¹ A preliminary injunction is an extraordinary remedy that is never awarded as of right.¹² The burden of proof that rests with the plaintiff is high, and courts should not grant such relief, except “in extreme or exceptional cases [and] ... with great caution.”¹³ The Court maintains the discretion to deny such relief even if a plaintiff can demonstrate probable success on the merits when granting the relief would “imperil the public interest.”¹⁴

The party who is granted a temporary restraining order must continue to prosecute their request for a preliminary injunction at an adversarial hearing.¹⁵ The issuance of a temporary restraining order does not shift the burden of proof at the

⁹ May 12 Order, p. 10.

¹⁰ *Kluti Kaah*, 831 P.2d at 1274.

¹¹ *A.J. Industries, Inc. v. Alaska Public Service Commission*, 470 P.2d 537, 540 (Alaska 1970).

¹² *State v. Galvin*, 491 P.3d 325, 338 (Alaska 2021) (internal quotations omitted).

¹³ *Kluti Kaah*, 831 P.2d at 1274 n.9.

¹⁴ *Galvin*, 491 P.3d at 339.

¹⁵ Alaska R. Civ. P. 65(b).

preliminary injunction stage.¹⁶ “In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if the party does not do so, the court shall dissolve the temporary restraining order.”¹⁷ The State cites this standard, but also recognizes the TRO that is already in place effectively prohibits any meaningful attempt to address predation during the short calving season that is already underway. The scheduling of a hearing can properly consider this reality and the hearing need not be scheduled on such an expedited basis.

II. The Record Will Not Show the State Acted in Bad Faith in Adopting the Emergency Regulation

The State emphatically rejects any suggestion that it has acted in bad faith both in adopting the emergency regulation and acting as authorized by it.¹⁸ “Bad faith” is not a well-defined concept and AWA makes no effort to articulate a definition in its the renewed request for a TRO. Nor is the standard for criminal contempt a translatable

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ The Board of Game and the Department are separate entities with separate powers and duties. AS 16.05.211 et. seq.; AS 16.05.010 et. seq. Adopting regulations for intensive management is a duty of the Board. AS 16.05.255(e)-(g). Administering the regulations adopted by the Board is a duty of the Department. AS 16.05.050.

standard to what was addressed by *State v. American Civil Liberties Union*, where the issue was whether the State adopted regulations the Supreme Court ordered they adopt.¹⁹ Black’s Law Dictionary (12th ed. 2024) defines bad faith as “dishonesty of belief, purpose, or motive ‘the lawyer filed the pleading in bad faith’.” In the context of good faith and fair dealing in contract law, the *Restatement (Second) of Contracts* § 205 cmt. d (1979) further explains that a

complete catalogue of types of bad faith is impossible, but the following types are among those which have been recognized in judicial decisions: evasion of the spirit of the bargain, lack of diligence and slacking off, willful rendering of imperfect performance, abuse of a power to specify terms, and interference with or failure to cooperate in the other party’s performance.

The Alaska Supreme Court equates bad faith with “[d]ishonesty of belief or purpose.”²⁰ In the context of special attorney’s fees under Alaska R. Civ. P. 82, the court “may award full fees only upon a finding of bad faith and vexatious conduct” which “includes claims or motions that are ‘collectively or individually so lacking in merit that it is permissible to infer that [the non-prevailing party] or his lawyer acted in bad faith or engaged in vexatious litigation conduct.’”²¹

¹⁹ 159 P.3d 513 (Alaska 2006), *infra*; cf. *Cont’l Ins. Companies v. Bayless & Roberts, Inc.*, 548 P.2d 398, 400 (Alaska 1976) (addressing lack of notice for contempt as a remedy for failure to provide responsive answers to interrogatories after a court order to do so).

²⁰ *Bragg v. Teslow*, 533 P.3d 533, 539 (Alaska 2023) (citing *Johnson v. Johnson*, 239 P.3d 393, 400 (Alaska 2010) (*quoting* Bad Faith, Black’s Law Dictionary (8th ed. 1999)).

²¹ *Id.*

In *State v. Alaska Civil Liberties Union*, 159 P.3d 513 (Alaska 2006), the Alaska Supreme Court addressed the issue of bad faith in the context of the State's implementation of court-mandated regulations. The case involved the State's obligation to extend employment benefits to certain public sector employees, following a prior decision that such exclusion violated the Alaska Constitution. The Court emphasized that, in the absence of evidence indicating bad faith, discriminatory intent, or clear facial invalidity, the regulations adopted by the state to comply with the court's mandate should be presumed constitutional. This presumption aligns with the standard that regulations are generally upheld if they are rational and not arbitrary. The Court stated:

Absent a basis for finding bad faith, discriminatory intent, or clear facial invalidity, we hold that the regulations adopted by the state must be accorded the usual presumption of constitutionality and must be reviewed under the test that applies when a regulation is challenged on non-constitutional grounds: as long as the regulations attempt to offer the benefits mandated by our opinion in a rational and non-arbitrary manner, they must be approved.²²

That decision underscores that, under Alaska law, bad faith in administrative actions is characterized by *intentional misconduct*, such as discriminatory intent or arbitrary decision-making. When such elements are absent, courts will generally defer to the administrative agency's expertise and presume the validity of its regulations.

Here, there is no evidence—none—of intentional misconduct by the State. There is likewise no indication of discriminatory intent or arbitrary decision-making. To the

²² *State v. Alaska Civil Liberties Union*, 159 P.3d at 513.

contrary, the extensive record²³ concerning caribou predation demonstrates a reasoned, science-based approach to wildlife management, grounded in data, expert input, and the *statutory responsibilities* of the Department.²⁴ Far from acting in bad faith, the Department proceeded cautiously and in reliance on the advice of legal counsel, particularly after this Court expressly declined to issue a temporary restraining order. That decision by the Court signaled that it did not find an immediate basis to halt the agency's actions, and the Department reasonably interpreted it as confirmation that proceeding with the planned measures was lawful.

Far from constituting bad faith, the Department's conduct is an eminently foreseeable reaction to this Court's order which plainly states that

AWA has not met its burden because the requested relief is outside the authority of this Court . . . The TRO requested by AWA, for the 'halting of preparations for or the actual killing of brown bears by the Alaska Department of Fish and Game ("ADF&G") in Game Management Unit ("GMU") 17 and 18' does not conform with the Order. The Order does *not* state that the State is prohibited from ever killing brown bears. Moreover, AWA has not provided this Court with any alternative TRO request which *does* fit within the parameters of the Order.²⁵

²³ The Court significantly limited what information from this record could be presented at the initial TRO hearing on May 6, 2025. This was due to the Court's self-acknowledged lack of jurisdiction to determine new questions regarding the emergency regulation, and the Court initially declined to make a bad faith finding. However, that information does have relevance to the subjective intentions of the State. *See* Alaska R. Evid. 401 (definition of relevant evidence); *see also A.J. Industries, Inc. v. Alaska Public Service Commission*, 470 P.2d 537, 540 (Alaska 1970) (warning against issuing injunctive relief on an incomplete record). This Court would err in issuing an injunction on the basis of a bad faith finding that excluded relevant evidence to the contrary.

²⁴ State's Opposition to Plaintiff's Application for a Temporary Restraining Order, Part II(b)-(c), p. 5-19.

²⁵ May 12 Order, p. 8-9 (quotations and emphasis in original).

1 As the Alaska Supreme Court emphasized in *State v. Alaska Civil Liberties*
2 *Union*, in the absence of bad faith, discriminatory intent, or clear facial invalidity,
3 agency actions are entitled to a presumption of regularity and must be reviewed for
4 rationality and non-arbitrariness. The Department’s actions easily meet the legal
5 standard of rationality and non-arbitrariness—and the law requires nothing more.
6

7 Even looking to other states’ standards, there is no relevant standard under which
8 the Department operated in bad faith. In the Pacific Northwest, courts in Washington
9 and Idaho have consistently held that bad faith requires a showing of intentional
10 misconduct—such as willful or malicious behavior—rather than mere negligence or
11 error.
12

13 In Washington, the Supreme Court in *Wolf v. Scott Wetzel Services, Inc.*, 113
14 Wash. 2d 665, 782 P.2d 203 (1989), emphasized that to establish bad faith in the
15 administration of a workers’ compensation claim, the claimant must demonstrate
16 conduct that is “outrageous,” involving intentional deception or malice. The court noted
17 that merely labeling conduct as “fraudulent” or “deceitful” is insufficient without factual
18 allegations supporting intentional misconduct.
19

20 Similarly, in Idaho, the Supreme Court in *White v. Unigard Mutual Insurance*
21 *Co.*, 730 P.2d 1014 (1986), clarified that bad faith by an insurer constitutes a separate
22 tort from breach of contract and arises from intentional conduct aimed at avoiding
23 contractual obligations. The Idaho Supreme Court approvingly cited a Wisconsin Case,
24 *Anderson v. Continental Ins. Co.*, 271 N.W. 2d 368, in which that court was emphatic
25

1 that “the tort of bad faith is not a tortious breach of contract. It is a *separate intentional*
2 *wrong*, which results from a breach of a duty imposed as a consequence of the
3 relationship established by contract.” *Id.* at 374 (emphasis added). Here, there is no
4 “separate intentional wrong” or anything remotely approaching it.
5

6 These cases collectively affirm that in our sister states, establishing bad faith
7 requires clear evidence of intentional misconduct, such as willful deception or malicious
8 intent, rather than mere negligence or procedural errors. Nothing even remotely
9 bordering on willful deception, malicious intent, or outrageous conduct involving
10 intentional deception or malice occurred here to justify a finding of bad faith in the
11 adoption of the emergency regulation.
12

13 **III. The Record Will Not Show the Department Acted in Bad Faith in** 14 **Implementing the Emergency Regulation**

15 The May 12 Order and bad faith finding are seemingly predicated on testimony
16 that the Department had already begun preparing for the predator control program when
17 the March 14 Order was issued and was looking for a legal avenue to proceed.²⁶ Alaska
18 law allows for the adoption of regulations on an expedited basis when an emergency
19 exists.²⁷ While the Department felt an emergency justified swift action, that decision
20 ultimately remained with the Board. There is no authority to support the conclusion that
21
22
23

24 ²⁶ May 12 Order, p. 7.

25 ²⁷ AS 44.62.250.

the Department maintaining readiness to proceed with predator control efforts supports the conclusion that the Department was going to act contrary to a court order.

Nevertheless, AWA asked this Court to

grant injunctive relief in the form of a narrowly crafted Order requiring the Commissioner of the Alaska Department of Fish & Game to halt any and all plans and operations underway to kill bears authorized by the BOG under the ‘emergency’ regulation on March 27, 2025, and comply with this Court’s Decision and Order entered on March 14, 2025.”²⁸

This is not a request for a narrow order and the renewed request for injunctive relief is substantively identical to the relief requested by its first request for a TRO, which the Court found it lacked jurisdiction to grant.²⁹ The question of whether the State acted in bad faith in the adoption of the emergency regulation was not briefed by either party prior to the issuance of the TRO. Further, the TRO fails to address the adverse impact on the resources, the State’s interests in wildlife management, and subsistence users dependent on game,³⁰ and fails to address the legal directives to manage the caribou with a priority for human consumption.³¹

Procedurally, this Court held a hearing on AWA’s initial request for a TRO on May 6, 2025. The parties were prepared to litigate the record underlying the emergency

²⁸ *Memorandum in Support of Renewed Application*, p. 3.

²⁹ Order re TRO, Other Equitable Relief, p. 9 (May 7, 2025).

³⁰ *Kluti Kaah*, 831 P.2d at 1275 (“we hold that the superior court failed to adequately weigh and protect the interests of the state, other hunters, or the resource in issuing its injunction”).

³¹ Affidavits of Douglas Vincent-Lang and J. Ryan Scott.

1 regulation.³² Due to the shortened time between the judicial reassignment and the May 6
2 hearing, the parties were not advised that the scope of the hearing would be limited to a
3 single issue: was the March 14 order complied with?³³ While the May 7 Order
4 concluded it was not, the May 7 Order also stated that the Court did not find the Board
5 of Game acted bad faith in adopting the emergency regulation.³⁴ This Court's May 7
6 Order did not enjoin implementation of the emergency regulation.³⁵ Neither did the
7 Court review the substantive validity of the emergency regulation under the
8 Administrative Procedure Act.³⁶ In fact, the Court specifically held that it lacked
9 jurisdiction to consider the validity of the emergency regulation.³⁷

12 Court orders that prohibit a party from engaging in certain actions must be
13 specific to adequately notify the parties of what actions are forbidden.³⁸ This Court's
14 May 7 Order *expressly* did not issue a TRO, nor did it invalidate the emergency

16 ³² Statements of Joe Geldhof, May 6, 2025; State's Opposition to Plaintiff's
17 Application for Temporary Restraining Order.

18 ³³ Statements of Judge Rankin, May 6, 2025.

19 ³⁴ May 7 Order, p. 8.

20 ³⁵ May 7 Order, p. 9.

21 ³⁶ May 7 Order, p. 5.

22 ³⁷ May 7 Order p. 7, 9.

23 ³⁸ Alaska R. Civ. P. 65(e); *see also Cook Inlet Fisherman's Fund v. State*, 357 P.3d
24 789 (Alaska 2015) (an injunction that lacks specificity would not convey what
25 management actions could be taken); *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974)
26 ("[T]he specificity provisions of [the analogous federal rule] are no mere technical
requirements. The Rule was designed to prevent uncertainty and confusion on the part
of those faced with injunctive orders, and to avoid the possible founding of a contempt
citation on a decree too vague to be understood.").

1 regulation. As such, it provided no notice to the Department that any particular activities
2 were prohibited.

3 Relying on the advice of legal counsel, and in the absence of any order to the
4 contrary, the Department continued with operations expressly authorized by a regulation
5 that had not been invalidated and is legally presumed valid.³⁹ Yet, without any new
6 information regarding the adoption of the emergency regulation, without allowing for
7 the State to respond, and exceeding what was requested by AWA, the Court found bad
8 faith on the basis of a press release from May 9, 2025 announcing continuance of
9 activities authorized by a regulation that had not been invalidated or enjoined. When
10 this Court did expressly enjoin those activities in its May 12 Order, the Commissioner
11 promptly instructed his staff to cease bear control operations and began the process of
12 calling for a Board of Game meeting to consider adopting a permanent regulation.⁴⁰

13 AWA's renewed request for a TRO does not address the deficiencies this Court
14 identified in the first request for a TRO, which limited this Court's jurisdiction. The
15 renewed request did not address how this Court now had jurisdiction to address the
16 substantive validity of the emergency regulation, or to address new constitutional
17 questions.⁴¹ AWA did not brief the issue of bad faith. This filing by the State is
18 accompanied by affidavits of Commissioner Vincent-Lang and Director Scott
19
20
21
22

23 ³⁹ Affidavit of Commissioner Douglas Vincent-Lang; *see* AS 44.62.100.

24 ⁴⁰ Affidavit of Commissioner Douglas Vincent-Lang.

25 ⁴¹ May 7 Order, p. 5. (quoting *State v. Alaska C.L. Union*, 159 P.3d 513, 514-15
26 (Alaska 2006)).

1 addressing the intent of the Department to balance the March 14 Order, which declared
2 invalid the 2022 version of 5 AAC 92.111(c), with the on-going statutory mandate to
3 provide intensive management for the Mulchatna caribou herd, which still remains
4 below management objectives.⁴² As addressed above, the Department took a reasoned,
5 scientific approach to address a pressing management problem. At the same time, the
6 Department was mindful of the March 14 Order by consciously deciding to address the
7 need for intensive management in a manner that would maximize public notice and
8 participation instead of an alternative manner that would have omitted public
9 participation from the process.⁴³ AWA admitted at the May 6 hearing that it had *actual*
10 *notice* of the emergency petition and acted accordingly.⁴⁴ Evidence was presented that
11 many people were able to testify in opposition to the petition and that written opposition
12 was submitted to the Board, starting the same day as the announcement and continuing
13 throughout the meeting.⁴⁵ There was no evidence presented from any identified
14 individual, in any form, who was unable to participate in the March 2025 meeting. The
15 record does not demonstrate that AWA can meet the high burden of probable success on
16 the merits that the State acted in bad faith, meaning AWA cannot establish this Court has
17
18
19
20
21

22 ⁴² Affidavit of Commissioner Douglas Vincent-Lang; Affidavit of J. Ryan Scott;
see also AS 16.05.255(e)-(g); 5 AAC 92.108.

23 ⁴³ *Id.*

24 ⁴⁴ May 6, 2025, Testimony of Nicole Schmitt.

25 ⁴⁵ May 6, 2025, Testimony of Natalie Weber; *see also* State's Opposition to
26 Plaintiff's Application for a Temporary p. 10-12.

1 jurisdiction to grant the requested relief. This is because the record shows the State was
2 acting in *good* faith in trying to rectify notice deficiencies identified in the March 14
3 Order by maximizing the opportunity for public participation.⁴⁶

4 **IV. Since the Record Demonstrates the State Did Not Act In Bad Faith, This**
5 **Court Does Not Have Jurisdiction to Grant Further Injunctive Relief Because**
6 **AWA Did Not File a New Action**

7
8 This Court's March 14 Order did not retain jurisdiction to review future actions
9 of the Board of Game. As noted by this Court several times, the Board's adoption of an
10 emergency regulation in accordance with the Administrative Procedure Act, and the
11 substance of that emergency regulation, were never part of this litigation.⁴⁷

12
13 This Court recognized this on May 6 when the scope of the TRO hearing was
14 limited and again in the May 7 Order.⁴⁸ The Court specifically noted that new
15 constitutional challenges to the new regulation must be considered in a new matter.
16 Rather than file a new action challenging, AWA ignored this finding and filed a
17 renewed request for injunctive relief. May 12, the Court *sua sponte* reversed its own
18 finding and reconsidered the extremely limited record to make a bad faith finding in
19 order to obtain jurisdiction to grant a TRO. However, the May 12 Order did not just
20
21

22
23 ⁴⁶ Affidavit of J. Ryan Scott.

24 ⁴⁷ May 7 and May 12 Orders.

25 ⁴⁸ May 7 Order, p. 5 ("this Court is not permitted to address 'new constitutional
26 questions arising from the details of the implementing [of new] regulations' (e.g. was an
'emergency' actually triggered). Such challenges would need to be in a new matter.").

1 issue a TRO. While Civil Rule 65 provides that a TRO is only valid for 10 days, the
2 Court ordered a self-executing preliminary injunction⁴⁹ as well as the ultimate relief in
3 the form of an invalidated emergency regulation prior to any hearing.⁵⁰ The May 12
4 Order invalidated the emergency regulation without a hearing, without providing the
5 State an opportunity to respond and without a full record, contrary to Rule 65 and
6 supreme court precedent deterring trial courts from even issuing *temporary* injunctive
7 relief on incomplete, preliminary records, not to mention granting the ultimate
8 declaratory relief without allowing response from the State. AWA cannot meet the
9 burden to demonstrate this level of extraordinary relief is justified.
10

11
12 The Court's finding of bad faith by the State was not a claim made in this
13 litigation, was not properly before the Court, and was not fully briefed or based on a
14 complete record. The State asks that this portion of the May 12 Order be stricken
15 entirely because it is unsupported legally and factually, and from it stems extraordinary
16 (and now unnecessary) preliminary relief that was granted without appropriate review
17 of the record. Without considering the appropriate record, the Court overruled the Board
18 of Game's determination that an emergency existed and that the adoption of an
19 emergency regulation was warranted under the statutory authority granted by the
20 Intensive Management Act and the Administrative Procedure Act. In doing so, the
21 Court acted contrary to controlling Alaska Supreme Court precedent, which expressly
22
23

24 ⁴⁹ May 12 Order, p. 15 n. 30.

25 ⁵⁰ May 12 Order, p. 13.

1 limits judicial interference in wildlife management decisions entrusted to the Board of
2 Game and the Department of Fish and Game.⁵¹ The State recognizes the TRO will
3 expire on its own terms under Rule 65 before a hearing can occur. Nevertheless, for the
4 reasons stated above, the State requests an evidentiary hearing on the issue of bad faith
5 and that a preliminary injunction be denied.
6

7 **V. Conclusion**

8 The State respectfully requests that this Court hold an evidentiary hearing to
9 address the bad faith finding. Additionally, as bear control activities have ceased and the
10 order invalidated the emergency regulation, a preliminary injunction is unnecessary so
11 the hearing can be scheduled at the Court's convenience.
12

13 DATED May 15, 2025.

14 TREG TAYLOR
15 ATTORNEY GENERAL

16 By: /s/ Kimberly K. Del Frate
17 Kimberly K. Del Frate
18 Assistant Attorney General
19 Alaska Bar No. 1806052

20 By: /s/ Cheryl R. Brooking
21 Cheryl R. Brooking
22 Senior Assistant Attorney General
23 Alaska Bar No. 9211069
24

25 ⁵¹ *State v. Kluti Kaah Native Village of Copper Center*, 831 P.2d 1270, 1274 n.9
(Alaska 1992); *Cassell v. State*, ___ P.3d ___, 2025 WL 1273117 (Alaska 2025).