

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

THE RETIRED PUBLIC EMPLOYEES)
OF ALASKA, INC.,)

Plaintiff,)

v.)

KELLY TSHIBAKA, COMMISSIONER)
OF THE ALASKA DEPARTMENT OF)
ADMINISTRATION,)

Defendant.)

Case No. 3AN-16-04537 CI

~~[Proposed]~~

ORDER DENYING MOTION FOR STAY PENDING APPEAL

The court has considered the State's Emergency Motion for Stay Pending Appeal, RPEA's opposition, and the State's reply. The court finds that the State has not shown that it or retirees would suffer irreparable harm without a stay; it has not shown that RPEA or retirees would be adequately protected if a stay were granted; it has not shown that the balance of hardships tips in the State's favor; and it has not shown a clear likelihood of success in its appeal. Accordingly, the State's motion for stay pending appeal is

DENIED.*

Dated at Anchorage, Alaska, this 12th day of December 2019.



Eric A. Aarseth
Superior Court Judge

* The 2014 plan was found to be unconstitutional. The State has provided no justification as to why it could ignore the court's order and require people to continue in that plan unless they opted out. Every retiree has a right to be enrolled in a constitutionally firm plan, but they can voluntarily opt out of it and into a

RPEA v. Tshibaka Constitutionally infirm plan - not the other way around.

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