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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

RFA, CLIA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

**REQUEST FOR ADMISSION NO. 2: Admit that for all times from January 1, 1991 until February 7, 2007, the Northwest 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 the 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 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 Cruise Ship 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 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 RFA, CLIA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

**REQUEST FOR ADMISSION NO. 3: Admit that for all times after February 7, 2007, Member cruise lines in the Alaska trade were represented by the Alaska Cruise Association, which amended its articles of incorporation on May 1, 2013 by changing its name to “CLIA Alaska”.**

**Response:** Subject to and without waiving its Overarching Objections, CLIA denies this RFA except as follows: CLIA admits that the Alaska Cruise Association, which amended its articles of incorporation on May 1, 2013 by changing its name to “CLIA Alaska,” represented its member cruise lines, as that membership changes from time to time, in the Alaska trade after February 7, 2007.

**REQUEST FOR ADMISSION NO. 4: Admit that in accordance with AS 43.52.210 the state levies a tax at a rate of \$34.50 for a passenger for each trip or itinerary lasting more than 72 hours on the State of Alaska’s marine water.**

when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIA. 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.

**REQUEST FOR ADMISSION NO. 11: Admit that Table 4 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states web-advertised Member Cruise Line Per-Passenger (Double Berth) Price Ranges for 7 day sailings to or from Alaska in 2016.**

**Table 4: Plaintiff Association Member Cruise Line Web-advertised Per-Passenger (Double Berth) Price Range and Governmental taxes and other charges for 7 day sailings to or from Alaska 2016<sup>1</sup>**

Member Cruise Line	Passenger (double berth) price range	Governmental taxes and other charges
Carnival Cruise Lines	\$729.00 - \$3,459.00	\$222.58
Celebrity Cruises	\$599.00 - \$8,999.00	\$132.74 - \$214.64
Crystal Cruises	\$3,060.00 - \$18,550.00	\$350.00
Disney Cruise Line	\$1,988.00 - \$8,050.00	\$173.46 - \$241.08
Holland America	\$419.00 - \$3,899.00	\$187.00 - \$248.00
Norwegian Cruise Lines	\$479.00 - \$7,542.00	\$218.60 - \$237.15
Oceania Cruises	\$1,999.00 - \$9,199.00	\$171.35 <sup>2</sup>
Princess Cruise Lines	\$749.00 - \$2,828.00	\$219.00 - \$220.75
Regent Seven Seas Cruises	\$4,999.00 - \$18,499.00	<sup>3</sup>
Royal Caribbean International	\$672.00 - \$2,208.00	\$190.30 - \$223.36
Silversea Cruises	\$3,950.00 - \$14,150.00	<sup>4</sup>

**Response:** CLIA objects to this RFA as vague, as it is unclear what the term “web-advertised” means and the types of web advertisements it takes into account. CLIA objects to this RFA on the grounds that it is overly broad, unduly burdensome, and compound, as it requests information about 7-day sailing price ranges to and from Alaska on 11 different cruise lines. CLIA further objects because determining all web-advertised rates (assuming this means all rates advertised on the internet)—for 2016, which are no longer readily available online—would require an extensive search—well beyond the scope

<sup>1</sup> Governmental taxes and other charges are in addition to the web-advertised price unless expressly noted otherwise.

<sup>2</sup> Oceania Cruises includes the governmental charges in its base fare.

<sup>3</sup> Regent Seven Sea Cruises includes the governmental charges in its base fare. It does not disclose the amount.

<sup>4</sup> Silversea Cruises indicates that the governmental charges are included in its base fare, but also includes the following language in its *Terms and Conditions*: “Silversea reserves the right to pass through to its guests (including fully paid and deposited guests) any taxes and government fees / quasi-government fees that relate specifically to a guest’s itinerary.”

of Rule 36—of not only each cruise line’s website, but also innumerable other travel advertising sites. Subject to and without waiving these objections and the Overarching Objections, CLIA states that after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny this RFA. CLIA’s reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in 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, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIA. 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.

**REQUEST FOR ADMISSION NO. 12: Admit that Table 4 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states web-advertised Member Cruise Line Per-Passenger Governmental taxes and other charges for 7 day sailings to or from Alaska in 2016.**

**Table 4: Plaintiff Association Member Cruise Line Web-advertised Per-Passenger (Double Berth) Price Range and Governmental taxes and other charges for 7 day sailings to or from Alaska 2016<sup>5</sup>**

Member Cruise Line	Passenger (double berth) price range	Governmental taxes and other charges
Carnival Cruise Lines	\$729.00 - \$3,459.00	\$222.58
Celebrity Cruises	\$599.00 - \$8,999.00	\$132.74 - \$214.64
Crystal Cruises	\$3,060.00 - \$18,550.00	\$350.00
Disney Cruise Line	\$1,988.00 - \$8,050.00	\$173.46 - \$241.08
Holland America	\$419.00 - \$3,899.00	\$187.00 - \$248.00
Norwegian Cruise Lines	\$479.00 - \$7,542.00	\$218.60 - \$237.15
Oceania Cruises	\$1,999.00 - \$9,199.00	\$171.35 <sup>6</sup>
Princess Cruise Lines	\$749.00 - \$2,828.00	\$219.00 - \$220.75
Regent Seven Seas Cruises	\$4,999.00 - \$18,499.00	<sup>7</sup>
Royal Caribbean International	\$672.00 - \$2,208.00	\$190.30 - \$223.36
Silversea Cruises	\$3,950.00 - \$14,150.00	<sup>8</sup>

<sup>5</sup> Governmental taxes and other charges are in addition to the web-advertised price unless expressly noted otherwise.

<sup>6</sup> Oceania Cruises includes the governmental charges in its base fare.

<sup>7</sup> Regent Seven Sea Cruises includes the governmental charges in its base fare. It does not disclose the amount.

that it suggests that all of the types of taxes listed in the table in this RFA are “entry fees” akin to CBJ’s unlawful entry fees. Subject to and without waiving these objections and the Overarching Objections, CLIA denies this RFA except as follows:

(1) CLIA admits that Royal Caribbean Cruises Ltd.’s Form 10K filed with the SEC on February 22, 2016 (Commission file number 1-11884) contains the statement excerpted in the table in this RFA and attributed to Royal Caribbean’s SEC filing.

(2) CLIA admits that Carnival Corporation’s Form 10K, filed with the SEC on January 29, 2016 (Commission file number 001-15136), contains the statement excerpted in the table in this RFA and attributed to Carnival’s SEC filing.

(3) CLIA admits that Norwegian Cruise Line Holdings Ltd.’s Form 10K, filed with the SEC on February 29, 2016 (Commission file number 001-35784), contains the statement excerpted in the table in this RFA and attributed to Norwegian’s SEC filing.

**REQUEST FOR ADMISSION NO. 15: Admit that Table 7 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states passenger wharfage and other passenger entry fees of non-Alaska United States Ports used by Member Cruise Lines in 2016.**

**Table 7: Passenger wharfage and other passenger entry fees of major non-Alaska United States Ports used by Plaintiff Association Member Cruise Lines**

U.S. Port		Rate Basis
Astoria	<b>\$7.35</b>	Per passenger embarking or disembarking from/to at-anchor vessels or piers for which POA provides security.
Baltimore	<b>\$6.00</b>	Per Passenger embarking, disembarking or in transit
Bar Harbor	<b>\$4.30</b>	For Ships Anchoring: <b>\$2.30</b> per passenger; port development fee: <b>\$2.00</b> per passenger
Boston	<b>\$15.00</b>	1) Cruise Passengers, embarking for, or disembarking from a voyage or cruise and 2) Port of Call Passengers, embarking and disembarking; Per manifested passenger
Canaveral	<b>\$7.37</b>	passenger wharfage, per passenger
Charleston	<b>\$20.00- \$35.00</b>	Passengers embarking, disembarking, or on board vessel at arrival, per passenger for the first day. Based on actual passengers manifested per voyage.



		fewer than 1,000 passengers <b>\$35.00</b> 1,000 -- 2,000 passengers <b>\$30.00</b> 2,001 -- 2,500 passengers <b>\$25.00</b> 2,501 and more passengers <b>\$20.00</b>
Fort Lauderdale	<b>\$10.261</b>	Vessels offering multiday cruises, no minimum number of sailings, embark, disembark, in transit, per passenger
Galveston	<b>\$5.20</b>	Per passenger for passengers embarking or disembarking
Hawaii Harbors	<b>\$7.00</b>	per passenger 2015
Houston	<b>\$25.75</b>	per passenger
Key West	<b>\$10.00</b>	per passenger disembarking
Los Angeles	<b>\$10.31</b>	per passenger
Miami	<b>\$11.32</b>	Per passenger for other than small passenger vessels
New Orleans	<b>\$15.00</b> - <b>\$20.00</b>	dockage at <b>\$10.00</b> per passenger for ocean-going vessels; passenger wharfage charge at <b>\$5.00</b> for each passenger embarking on a vessel slated to return to New Orleans, <b>\$5.00</b> for each passenger disembarking on a vessel doing a roundtrip to New Orleans, and <b>\$10.00</b> for a vessel departing for another port and not slated to return
New York (public)	<b>\$8.96</b>	For each passenger, on an intra-harbor commuter ferry <b>\$5.12</b> each; For all other passengers <b>\$8.96</b> each
New York (Manhattan) Cruise Terminal	<b>\$21.65</b>	per passenger each way for a homeport and once for each in-transit port-of-call
Portland ME	<b>\$6.00 –</b> <b>\$10.00</b>	<b>\$6.00</b> per manifested passenger for vessels under 1,000 passengers; <b>\$10.00</b> per manifested passenger for vessels over 1,000 passengers
St. Thomas-St. John Virgin Islands	<b>\$5.60</b>	per passenger
San Francisco	<b>\$18.00</b>	per passenger
San Juan	<b>\$6.73</b>	per passenger per way
Seattle	<b>\$15.15</b> - <b>30.30</b>	Non-bundled passenger fees: (1) Home Port Cruise Ship Per Passenger <b>each way \$15.15</b> (2) Port of Call/Repositioning Call Embarking and/or disembarking Per Passenger per call <b>\$15.15</b> (3) Port of call/Repositioning Call, in transit Per Passenger per call <b>\$15.15</b>
Tampa	<b>\$7.00</b>	per passenger embarking, disembarking or in-transit



**Response:** CLIA objects to this RFA as irrelevant to any party's claim or defense. Passenger wharfage and other passenger fees at other U.S. Cruise Ship Ports are irrelevant to the issues in this lawsuit: the legality of CBJ's entry fees and use or misuse thereof. CLIA further objects to this RFA as vague, in part because the source and basis of these numbers is unclear—CBJ could have but chose not to provide the source of these data points. CLIA further objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIA to determine the veracity of at least 51 separate fee municipal fee structures at geographically disparate ports. Subject to and without waiving these objections and the Overarching Objections, CLIA states that after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny this RFA. CLIA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in 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, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIA. 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.

**REQUEST FOR ADMISSION NO. 16: Admit that the City and Borough of Juneau assesses the marine passenger fee on commercial passenger vessels with overnight berthing accommodations that depart and return to Juneau and cruise exclusively in the waters of Alaska.**

**Response:** CLIA objects to this RFA on the grounds that it calls for a legal conclusion. CLIA objects to this RFA as vague and overly broad, as it does not include a date range. Subject to and without waiving these objections and the Overarching Objections, CLIA states that after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny this RFA. CLIA's reasonable inquiry included review of information in its possession, custody, and control and

**REQUEST FOR ADMISSION NO. 31:** Admit that the Federal Aviation Administration has identified the Juneau International Airport as a primary commercial service airport in its National Plan of Integrated Airport Systems (NPIAS), making it eligible to receive Federal grants under the Airport Improvement Program (AIP).

**Response:** CLIA objects to this RFA as compound and irrelevant to the issues in this case: whether CBJ's entry fees and use thereof are lawful. Subject to and without waiving its objections and the Overarching Objections, CLIA admits this RFA.

**REQUEST FOR ADMISSION NO. 32:** Admit that the Federal Aviation Administration manages the Passenger Facilities Charge (PFC) program (49 USC §40117, 14 CFR Part 158) which allows the collection of PFC fees for every enplaned passenger at commercial airports controlled by public agencies.

**Response:** CLIA objects to this RFA as compound and as it calls for a legal conclusion. Subject to and without waiving its objections and the Overarching Objections, CLIA admits this RFA.

**REQUEST FOR ADMISSION NO. 33:** Admit that the Federal Aviation Administration has placed the Juneau International Airport on its approved list of airports for collection of the PFC.

**Response:** Subject to and without waiving its Overarching Objections, CLIA denies this RFA except as follows: CLIA admits that Juneau International Airport was a PFC approved location as of December 31, 2016.

**REQUEST FOR ADMISSION NO. 34:** Admit that the Juneau International Airport was authorized to, and did collect, the maximum allowable \$3.00 PFC per enplaning passenger between October 1, 1998 and February 1, 2001.

**Response:** CLIA objects to this RFA as compound. Subject to and without waiving these objections and the Overarching Objections, CLIA denies this RFA except as follows: CLIA admits that the Juneau International Airport was authorized to collect a \$3.00 PFC per enplaning passenger between October 1, 1998 and February 1, 2001.

**REQUEST FOR ADMISSION NO. 35:** Admit that the Juneau International Airport was authorized to, collected, and continues to collect, the maximum allowable \$4.50 PFC per enplaning passenger beginning August 1, 2001.

**Response:** CLIA objects to this RFA as compound. Subject to and without waiving these objections and the Overarching Objections, CLIA denies this RFA except as follows: CLIA admits that

the Juneau International Airport was authorized to collect a \$4.50 PFC per enplaning passenger beginning August 1, 2001.

**REQUEST FOR ADMISSION NO. 36: Admit that 49 USC §40116(b) prohibits local jurisdictions and airport authorities from levying their own taxes or fees on individuals “traveling in air commerce”.**

**Response:** CLIA objects to this RFA as it calls for a legal conclusion. CLIA objects to this RFA because it impermissibly relates to law—simply asking that CLIA confirm the contents of a referenced or unreferenced or statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIA denies this RFA.

**REQUEST FOR ADMISSION NO. 37: Admit that Alaska’s commercial passenger vessel excise tax exempts from taxation vessels:**

- **With fewer than 250 berths or other overnight accommodations for passengers;**
- **That are noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government; or**
- **Whose cruise consists of a trip or itinerary lasting 72 hours or less.**

**Response:** CLIA objects to this RFA as it calls for a legal conclusion. CLIA objects to this RFA because it impermissibly relates to law—simply asking that CLIA confirm the contents of a referenced or unreferenced or statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIA admits that this RFA accurately summarizes Alaska statutes AS § 43.52.200, AS § 43.52.210, and AS § 43.52.295.

**REQUEST FOR ADMISSION NO. 54: Admit that the Entry Fees referenced in Paragraph 25 of your First Amended Complaint are added to the cost of the passenger's ticket price by your Member companies.**

**Response:** CLIA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIA states that after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny this RFA without qualification. CLIA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in 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. 55: Admit that the Entry Fees referenced in Paragraph 25 of your First Amended Complaint are not paid by your Member companies as an out of pocket expense by the companies.**

**Response:** CLIA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIA denies this RFA.

**REQUEST FOR ADMISSION NO. 56: Admit that the payment of the Entry Fees referenced in Paragraph 25 of your First Amended Complaint does not result in any loss of revenue to any of your Member companies.**

**Response:** CLIA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIA states that after reasonable inquiry, the information CLIA knows or can readily obtain is insufficient to enable CLIA to admit or deny this RFA without qualification. CLIA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in 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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