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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

**DECLARATION OF KATHLEEN E.
KRAFT**

The undersigned, Kathleen E. Kraft, under penalty of 28 U.S.C. § 1746, certifies that the statements set forth in this instrument are true and correct.

1. My name is Kathleen E. Kraft. I am a partner at Thompson Coburn LLP in Washington, D.C. I have been retained to represent Cruise Lines International Association (“CLIA

Global”) and Cruise Lines International Association Alaska (“CLIA Alaska”) (together “CLIA” or “Plaintiffs”) in the above-captioned matter.

2. I am over the age of twenty-one and, if called upon as a witness, I could and would testify competently under oath as to the contents of this Declaration.
3. I have personal knowledge of the information and statements contained in this Declaration, which is submitted in connection with Plaintiffs’ Motion for Summary Judgement and Statement of Facts In Support of Motion for Summary Judgment (“Plaintiffs’ Motion”).
4. On or about December 12, 2016, August 14, 2017, September 15, 2017, and September 22, 2017, Defendant The City and Borough of Juneau, Alaska (“CBJ” or “Juneau”) and Defendant Rorie Watt (together “Defendants”) transmitted documents listed in their Initial Disclosure Statement and/or documents responsive to CLIA’s Requests for Production. Those productions included the following documents that are cited in support of Plaintiffs’ Motion: Exhibits 003, 004, 014, 016, 022 through 068, and 135.
5. The documents referenced in Paragraph No. 4 were produced by Defendants pursuant to their their initial disclosure obligations and/or in response to discovery requests propounded by CLIA in the above-captioned matter.
6. The documents produced by CBJ in discovery are self-authenticating, constitute admissions by Defendants, and are properly considered on a motion for summary judgment. *See Welenco, Inc. v. Corbell*, 126 F. Supp. 3d 1154, 1163–64 (E.D. Cal. 2015).
7. On or about January 10, 2017, January 11, 2017, January 15, 2017, September 22, 2017, October 9, 2017, and October 17, 2017, CLIA transmitted documents responsive to Defendants’ Requests for Production. Those productions included the following documents that are cited in support of Plaintiffs’ Motion: Exhibits 069 and 070.

8. The Assembly of the City and Borough of Juneau, Alaska considers proposed legislation at its regular meetings. According to CBJ's website, once adopted, resolutions and appropriating ordinances are effective immediately, and other ordinances become effective 30 days after adoption or at any later date specified in the ordinance. Copies of the unsigned ordinances as they were during the Assembly meeting at which the ordinances were adopted are available only at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>. In some instances, the unsigned ordinances that were ultimately adopted by the Assembly display a "DRAFT" watermark on the publicly available copy.
9. The following documents are CBJ ordinances that are publicly available at the above-referenced website and are attached as exhibits to Plaintiffs' Motion: Exhibits 5 through 9.
10. As set forth more fully in Plaintiffs' Motion to Take Judicial Notice in Connection with Plaintiffs' Motion for Summary Judgment and Statement of Facts in Support of Motion for Summary Judgment ("Motion to Take Judicial Notice"), filed concurrently herewith, Plaintiffs are requesting that the Court take judicial notice of 78 exhibits attached to Plaintiffs' Motion. Specifically, Plaintiffs' Motion to Take Judicial Notice requests that the Court take judicial notice of Exhibits 5 through 13, 15, 17 through 20, and 72 through 134 to Plaintiffs' Motion, as these exhibits are: statutes, ordinances, resolutions, and code provisions; CBJ documents available publicly online; and documents available publicly online for which Plaintiffs have supplied the Court with the necessary information to access the websites and confirm the accuracy of the documents' content.

[signature page follows]

I, Kathleen E. Kraft, declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare and certify under penalty of perjury that the foregoing is true and correct.

EXECUTED at Washington DC, this 18th day of October, 2017.



Kathleen E. Kraft

DATED: October 24, 2017

Respectfully submitted,

By: /s/ C. Jonathan Benner

C. Jonathan Benner (*pro hac vice*)

Kathleen E. Kraft (*pro hac vice*)

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Keesal, Young & Logan, LLC

Attorneys for Plaintiffs Cruise Line

International Association Alaska and Cruise

Lines International Association

CERTIFICATE OF SERVICE

I certify that on October 24, 2017, I caused a true and correct copy of the foregoing document 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/ Kathleen E. Kraft

Kathleen E. Kraft