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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

THE DOWNTOWN SOUP KITCHEN, d/b/a,)
DOWNTOWN HOPE CENTER,)

Plaintiff,)

vs.)

MUNICIPALITY OF ANCHORAGE,)
ANCHORAGE EQUAL RIGHTS)
COMMISSION, and PAMELA BASLER,)
Individually and in her Official Capacity as)
the Executive Director of the Anchorage)
Equal Rights Commission,)

Defendants.)

Case No. 3:18-cv-00190-SLG

MUNICIPAL DEFENDANTS' ANSWER TO COMPLAINT

Defendants Municipality of Anchorage (“MOA”), the Anchorage Equal Rights Commission (“Commission”), and Pamela Basler, Individually and in her Official Capacity as the Executive Director of the Anchorage Equal Rights Commission (collectively “Municipal Defendants”), by and through the Municipal Attorney’s Office,

answer Plaintiff's Downtown Soup Kitchen, d/b/a Downtown Hope Center (collectively "Plaintiff") complaint paragraph by paragraph as follows:

INTRODUCTION

1. Paragraph 1 contains a summary of Plaintiff's characterization of its claim, to which no response is required.

2. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 2 of Plaintiff's Complaint.

3. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 3 of Plaintiff's Complaint.

4. Municipal Defendants deny the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. Municipal Defendants deny the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Municipal Defendants deny the allegations contained in paragraph 6 of Plaintiff's Complaint.

7. Municipal Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint, except that Municipal Defendants admit that unlawful uses of real property are listed in Anchorage Municipal Code (AMC), Title 5, § 5.20.020, and unlawful practices in places of public accommodation are listed in AMC § 5.20.050.

8. Paragraph 8 paraphrases a section of the AMC and therefore does not require a response.

9. Paragraph 9 paraphrases a section of the AMC and therefore does not require a response.

10. Denied. Plaintiff refused to provide sufficient information to the AERC regarding the shelter's public funding, a factor in determining its status as a public accommodation. AMC 5.20.050, which sets forth unlawful practices in places of public accommodation, does not contain an exception for homeless shelters.

11. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of Plaintiff's Complaint.

12. Municipal Defendants admit that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation, but because the investigation has not concluded, Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 12 of Plaintiff's Complaint.

13. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 13 of Plaintiff's Complaint.

14. Municipal Defendants admit that an individual who sought access to the Hope Center in January of 2018 filed a complaint with the Commission alleging discrimination on the basis of sex and gender identity, but Municipal Defendants deny any

other allegations that may be contained in paragraph 14 of the Plaintiff's Complaint. AERC was not able to proceed or to conclude its investigation largely based on refusals by the Hope Center to cooperate in the preliminary investigation.

15. Municipal Defendants admit that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation. The Commission requested Plaintiff to provide information during its investigation regarding sources of funding for the Hope Center, as well as other relevant information, but Plaintiff has not cooperated with the Commission's investigation. Municipal Defendants deny any other allegations that may be contained in paragraph 15 of the Plaintiff's Complaint.

16. Municipal Defendants admit that the Executive Director initiated another complaint against the Hope Center and/or Brena, Bell & Clarkson. This complaint was recently resolved through a written settlement agreement. Municipal Defendants deny any other allegations that may be contained in paragraph 16 of the Plaintiff's Complaint.

17. Denied. This complaint was recently resolved through a written settlement agreement. Hope Center's attorney in the original AERC complaint recently filed a Notice of Appearance in this case (Case 3:18-cv-00190-SLG).

18. Municipal Defendants admit that the Hope Center filed motions challenging the Commission's jurisdiction in both complaints brought against it, but Municipal Defendants deny that the Commission has refused to rule on the motions. The motion in the first complaint is currently pending. The Commission requested Plaintiff provide information regarding sources of funding for the Hope Center, for purposes of considering

the motion, but Plaintiff did not cooperate with the Commission's request. The motion in the second complaint is now moot, because the second complaint was recently resolved through a written settlement agreement. Municipal Defendants deny any other allegations that may be contained in paragraph 18 of the Plaintiff's Complaint.

19. Municipal Defendants deny the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. Municipal Defendants deny the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. Paragraph 21 contains a summary of the relief sought by Plaintiff in this action, to which no response is required. Paragraph 21 is denied to the extent that under the Younger abstention doctrine, a federal court should abstain from intervening and granting equitable relief, either injunctive or declaratory relief, as to the validity or constitutionality of a municipal code or state statute while the administrative action is pending and before any definitive ruling by the state court.

JURISDICTION AND VENUE

22. Paragraph 22 is denied to the extent that the federal court should abstain from jurisdiction under the Younger doctrine of abstention. The elimination of discrimination is an important state interest, and the constitutionality of the municipal code may be raised in state court judicial review of the administrative proceedings.

23. Municipal Defendants admit the allegations contained in paragraph 23 of Plaintiff's Complaint.

24. Paragraph 24 is denied to the extent that the federal court should abstain from jurisdiction under the Younger doctrine of abstention. The elimination of discrimination is an important state interest, and the constitutionality of the municipal code may be raised in state court judicial review of the administrative proceedings.

25. Paragraph 25 is denied to the extent that under the Younger abstention doctrine, a federal court should abstain from intervening and granting equitable relief, either injunctive or declaratory relief, as to the validity or constitutionality of a municipal code or state statute while the administrative action is pending and before any definitive ruling by the state court.

26. Municipal Defendants admit that venue is proper in the Third District.

PLAINTIFF

27. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 27 of Plaintiff's Complaint.

DEFENDANTS

28. Municipal Defendants admit the allegations contained in paragraph 28 of Plaintiff's Complaint.

29. Municipal Defendants admit that the Anchorage Equal Rights Commission is a commission, under Chapter 5.10 of the AMC.

30. Municipal Defendants admit the allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Municipal Defendants admit.

32. Paragraph 32 is denied (a) to the extent the officials and actions referenced are not expressly identified, and (b) when acting as a civil rights compliance agency, the Anchorage Equal Rights Commission acts without direct oversight from the Municipal Administration and Assembly. This independence is to ensure review of Municipal compliance with civil rights requirements.

33. Paragraph 33 is denied (a) to the extent the officials and actions referenced are not expressly identified, and (b) when acting as a civil rights compliance agency, the Anchorage Equal Rights Commission acts without direct oversight from the Municipal Administration and Assembly. This independence is to ensure review of Municipal compliance with civil rights requirements

34. Municipal Defendants deny the allegations of paragraph 34 of Plaintiff's Complaint.

FACTUAL BACKGROUND

The Hope Center's History

35. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 35 of Plaintiff's Complaint.

36. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 36 of Plaintiff's Complaint.

37. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 37 of Plaintiff's Complaint.

38. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 38 of Plaintiff's Complaint.

39. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 39 of Plaintiff's Complaint.

40. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 40 of Plaintiff's Complaint.

41. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of Plaintiff's Complaint.

42. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 42 of Plaintiff's Complaint.

43. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 43 of Plaintiff's Complaint.

44. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 44 of Plaintiff's Complaint.

45. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 45 of Plaintiff's Complaint.

46. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 46 of Plaintiff's Complaint.

47. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 47 of Plaintiff's Complaint.

48. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 48 of Plaintiff's Complaint.

49. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 49 of Plaintiff's Complaint.

50. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 50 of Plaintiff's Complaint.

The Hope Center's Religious Beliefs

51. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 51 of Plaintiff's Complaint.

52. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 52 of Plaintiff's Complaint.

53. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 53 of Plaintiff's Complaint.

54. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 54 of Plaintiff's Complaint.

55. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of Plaintiff's Complaint.

56. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 56 of Plaintiff's Complaint.

57. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 57 of Plaintiff's Complaint.

58. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 58 of Plaintiff's Complaint.

59. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 59 of Plaintiff's Complaint.

60. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 60 of Plaintiff's Complaint.

61. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 61 of Plaintiff's Complaint.

62. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 62 of Plaintiff's Complaint.

63. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 63 of Plaintiff's Complaint.

64. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 64 of Plaintiff's Complaint.

The Hope Center's Operations

65. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 65 of Plaintiff's Complaint.

66. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 66 of Plaintiff's Complaint.

67. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 67 of Plaintiff's Complaint.

68. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 68 of Plaintiff's Complaint.

69. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 69 of Plaintiff's Complaint.

70. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 70 of Plaintiff's Complaint.

71. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 71 of Plaintiff's Complaint.

72. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 72 of Plaintiff's Complaint.

73. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 73 of Plaintiff's Complaint.

74. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 74 of Plaintiff's Complaint.

75. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 75 of Plaintiff's Complaint.

76. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 76 of Plaintiff's Complaint.

77. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 77 of Plaintiff's Complaint.

78. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 78 of Plaintiff's Complaint.

79. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 79 of Plaintiff's Complaint.

80. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 80 of Plaintiff's Complaint.

81. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 81 of Plaintiff's Complaint.

82. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 82 of Plaintiff's Complaint.

83. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 83 of Plaintiff's Complaint.

84. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 84 of Plaintiff's Complaint.

85. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 85 of Plaintiff's Complaint.

86. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 86 of Plaintiff's Complaint.

87. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 87 of Plaintiff's Complaint.

88. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 88 of Plaintiff's Complaint.

The Hope Center's Interaction with "Jessie Doe"

89. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 89 of Plaintiff's Complaint.

90. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 90 of Plaintiff's Complaint.

91. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 91 of Plaintiff's Complaint.

92. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 92 of Plaintiff's Complaint.

93. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 93 of Plaintiff's Complaint.

94. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 94 of Plaintiff's Complaint.

95. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 95 of Plaintiff's Complaint.

96. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 96 of Plaintiff's Complaint.

97. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 97 of Plaintiff's Complaint.

98. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 98 of Plaintiff's Complaint.

99. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 99 of Plaintiff's Complaint.

100. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 100 of Plaintiff's Complaint.

101. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 101 of Plaintiff's Complaint.

102. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 102 of Plaintiff's Complaint.

103. Municipal Defendants admit the allegations contained in paragraph 103 of Plaintiff's Complaint.

The Anchorage Municipal Code

104. Municipal Defendants admit Paragraph 104.

105. Municipal Defendants admit that the Commission is a commission under Chapter 5.10 of the Anchorage Municipal Code.

106. Municipal Defendants admit Paragraph 106.

107. Municipal Defendants admit Paragraph 107.

108. Municipal Defendants admit Paragraph 108.

109. Municipal Defendants admit Paragraph 109.

110. Paragraph 110 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

111. Municipal Defendants admit Paragraph 111.

112. Municipal Defendants admit Paragraph 112.

113. Municipal Defendants deny Paragraph 113.

114. The Municipal Defendants admit Paragraph 114 to the extent that the language of the Anchorage Municipal Code speaks for itself.

115. Paragraph 115 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

116. Municipal Defendants admit Paragraph 116.

117. Municipal Defendants deny Paragraph 117 – the Commission’s remedies are not all inclusive. The language of the Anchorage Municipal Code speaks for itself.

118. Municipal Defendants admit only that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation. The Commission requested Plaintiff provide information during its investigation regarding sources of funding for the Hope Center, as well as other relevant information, but Plaintiff has not cooperated with the Commission’s investigation. Because the Commission’s investigation has not been concluded, Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of any other allegations contained in paragraph 118 of Plaintiff’s Complaint.

119. Municipal Defendants admit Paragraph 119.

120. Paragraph 120 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

121. Municipal Defendants admit Paragraph 121.

122. Municipal Defendants admit Paragraph 122.

123. Paragraph 123 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

124. Municipal Defendants admit only that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation. The Commission requested Plaintiff provide information during its investigation regarding sources of funding for the Hope Center, as well as other relevant information, but Plaintiff has not cooperated with the Commission's investigation. Because the Commission's investigation has not been concluded, Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of any other allegations contained in paragraph 124 of Plaintiff's Complaint.

125. Municipal Defendants admit Paragraph 125.

126. Municipal Defendants admit Paragraph 126.

127. Municipal Defendants admit Paragraph 127.

128. Municipal Defendants admit Paragraph 128.

129. Municipal Defendants admit Paragraph 129.

130. Paragraph 130 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

131. Municipal Defendants admit Paragraph 131.

132. Municipal Defendants admit Paragraph 132.

133. Municipal Defendants admit Paragraph 133.

134. Paragraph 134 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

The First Commission Complaint

135. Municipal Defendants admit the allegations contained in paragraph 135 of Plaintiff's Complaint.

136. Municipal Defendants admit the allegations contained in paragraph 136 of Plaintiff's Complaint.

137. Municipal Defendants admit the allegations contained in paragraph 137 of Plaintiff's Complaint.

138. Municipal Defendants admit the allegations contained in paragraph 138 of Plaintiff's Complaint.

139. Municipal Defendants admit that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation. The Commission requested Plaintiff to provide information during its investigation regarding sources of funding for the Hope Center, as well as other relevant information, but Plaintiff has not cooperated with the Commission's investigation. Municipal Defendants deny any other allegations that may be contained in paragraph 139 of Plaintiff's Complaint.

140. Municipal Defendants admit that the Commission is currently investigating the Hope Center for allegations of unlawful discriminatory practices in places of public accommodation. The Commission requested Plaintiff to provide information during its investigation regarding sources of funding for the Hope Center, as well as other relevant information, but Plaintiff has not cooperated with the Commission's investigation.

Municipal Defendants deny any other allegations that may be contained in paragraph 140 of Plaintiff's Complaint.

Proposition 1

141. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 141 of Plaintiff's Complaint.

142. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 142 of Plaintiff's Complaint.

143. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 143 of Plaintiff's Complaint.

144. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 144 of Plaintiff's Complaint.

145. Municipal Defendants admit that Plaintiff filed a motion to dismiss the First Complaint against it for lack of jurisdiction with the Commission on April 23, 2018, but Municipal Defendants deny any other allegations that may be contained in paragraph 145.

146. Municipal Defendants admit that the Commission "noted" receipt of the motion to dismiss on April 26, 2018, but Municipal Defendants deny any other allegations that may be contained in paragraph 146.

147. Municipal Defendants admit that the Commission offered the Plaintiff a “pre-determination settlement agreement”, but Municipal Defendants deny any other allegations that may be contained in paragraph 147.

148. Municipal Defendants deny the allegations contained in paragraph 148 of Plaintiff’s Complaint.

149. Municipal Defendants admit that Plaintiff declined the Commission’s pre-determination settlement proposal related to the First Complaint, but Municipal Defendants deny any other allegations that may be contained in paragraph 149 of Plaintiff’s Complaint.

The Second Commission Complaint

150. Municipal Defendants deny the allegations contained in paragraph 150 of Plaintiff’s Complaint.

151. Municipal Defendants admit the allegations contained in paragraph 151 of Plaintiff’s Complaint.

152. Municipal Defendants admit the allegations contained in paragraph 152 of Plaintiff’s Complaint.

153. Municipal Defendants admit the allegations contained in paragraph 153 of Plaintiff’s Complaint.

154. Municipal Defendants admit the allegations contained in paragraph 154 of Plaintiff’s Complaint.

155. Municipal Defendants admit the allegations contained in paragraph 155 of Plaintiff’s Complaint.

156. Municipal Defendants do not have knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 156 of Plaintiff's Complaint.

157. Municipal Defendants admit the allegations contained in paragraph 157 of Plaintiff's Complaint.

158. Municipal Defendants deny the allegations contained in paragraph 158 of Plaintiff's Complaint.

159. In response to the allegations contained in paragraph 159 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

160. In response to the allegations contained in paragraph 160 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

161. In response to the allegations contained in paragraph 161 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

162. In response to the allegations contained in paragraph 162 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the

Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

163. In response to the allegations contained in paragraph 163 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

164. In response to the allegations contained in paragraph 164 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

165. In response to the allegations contained in paragraph 165 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

166. In response to the allegations contained in paragraph 166 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

167. In response to the allegations contained in paragraph 167 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

168. In response to the allegations contained in paragraph 168 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated June 29, 2018. The letter speaks for itself.

169. Municipal Defendants deny the allegations contained in paragraph 169 of Plaintiff's Complaint.

170. In response to paragraph 170 of Plaintiff's Complaint, Municipal Defendants admit that responsive emails dated June 29, 2018 were sent. The emails speak for themselves.

171. In response to the allegations contained in paragraph 171 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent a letter to the Commission on behalf of Plaintiff and that the Municipality received that letter dated July 5, 2018. The letter speaks for itself.

172. In response to the allegations contained in paragraph 172 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney filed a motion for lack of jurisdiction to the Commission on behalf of Plaintiff and that the Municipality received that motion dated July 5, 2018. The motion speaks for itself.

173. In response to the allegations contained in paragraph 173 of the Plaintiff's Complaint, Municipal Defendants admit only that the Commission filed a Second Complaint. The Second Complaint speaks for itself. The Second Complaint was recently resolved through a written settlement agreement.

174. In response to the allegations contained in paragraph 174 of the Plaintiff's Complaint, Municipal Defendants admit only that the Commission filed a Second Complaint. The Second Complaint speaks for itself. The Second Complaint was recently resolved through a written settlement agreement.

175. In response to the allegations contained in paragraph 175 of the Plaintiff's Complaint, Municipal Defendants admit only that the Commission filed a Second Complaint. The Second Complaint speaks for itself. The Second Complaint was recently resolved through a written settlement agreement.

176. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 176 of Plaintiff's Complaint. The Second Complaint was recently resolved through a written settlement agreement.

177. Paragraph 177 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 177 of Plaintiff's Complaint. The Second Complaint was recently resolved through a written settlement agreement.

178. In response to the allegations contained in paragraph 178 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney filed a motion for lack of jurisdiction to the Commission on behalf of Plaintiff and that the Municipality received that motion dated July 5, 2018. The motion speaks for itself.

179. Paragraph 179 does not contain any allegations that require a response. The language of the Anchorage Municipal Code speaks for itself.

180. Municipal Defendants deny allegations of paragraph 180 of Plaintiff's Complaint. The Second Complaint was recently resolved through a written settlement agreement.

181. Paragraph 181 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 181 of Plaintiff's Complaint.

182. Municipal Defendants deny the allegations contained in paragraph 182 of Plaintiff's Complaint. The term "public accommodation" is defined under 5.20.010 of the AMC as "any business or professional activity that is open to, accepts or solicits the patronage of, or caters or offers goods or services to the general public, subject only to the conditions and limitations established by law and applicable alike to all persons."

183. Paragraph 183 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 183 of Plaintiff's Complaint. However, during the winter 2017/2018 shelter season, Plaintiff was a government subcontractor to provide temporary emergency overflow homeless shelter services and Defendant MOA paid \$21,323 and \$28,625, respectively, in 2018 for Plaintiff's services.

184. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 184 of Plaintiff's Complaint.

185. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 185 of Plaintiff's Complaint.

186. Paragraph 186 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants only admit that a fact finding conference occurred.

Fact Finding Conference

187. Municipal Defendants admit the allegations contained in paragraph 187 of Plaintiff's Complaint.

188. Municipal Defendants admit the allegations contained in paragraph 188 of Plaintiff's Complaint.

189. Municipal Defendants admit the allegations contained in paragraph 189 of Plaintiff's Complaint.

190. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 190 of Plaintiff's Complaint.

191. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 191 of Plaintiff's Complaint. However, all attorneys and parties present at the 7/9/18 Fact Finding Conference were given a copy of the 12/15/17 Memorandum of Agreement (MOA) entered into between Plaintiff and Catholic Social Services (CSS) and encouraged to review underlying contract documents between CSS and the Municipality of Anchorage and HUD Final Rule published 9/21/2016 regarding "Equal Access in Accordance With an Individual's Gender Identity in Community Planning and Development Programs".

192. In response to the allegations contained in paragraph 192 of the Plaintiff's Complaint, Municipal Defendants admit only that an attorney sent an email to the Commission on behalf of Plaintiff and that the Municipality received that email dated July 13, 2018. The email speaks for itself.

193. In response to paragraph 193 of Plaintiff's Complaint, Municipal Defendants admit that responsive emails dated July 13, 2018 were sent. The emails speak for themselves.

194. In response to paragraph 194 of Plaintiff's Complaint, Municipal Defendants admit only that responsive emails dated July 13, 2018 were sent. The emails speak for themselves. Municipal Defendants deny any other allegations that may be contained in paragraph 194 of Plaintiff's Complaint.

195. In response to paragraph 195 of Plaintiff's Complaint, Municipal Defendants admit that responsive emails dated July 13, 2018 were sent. The emails speak for themselves.

196. Municipal Defendants deny the allegations contained in paragraph 196 of Plaintiff's Complaint. The Commission emailed the Hope Center on July 12, 2018, around 3:13pm, with a proposed draft settlement agreement and a proposed press release. The email speaks for itself.

197. Municipal Defendants admit only that settlement discussions occurred. Municipal Defendants deny any other allegations that may be contained in paragraph 197 of Plaintiff's Complaint.

198. In response to paragraph 198 of Plaintiff's Complaint, Municipal Defendants admit only that an email dated August 3, 2018 was sent. The email speaks for itself.

199. In response to paragraph 199 of Plaintiff's Complaint, Municipal Defendants admit only that an email dated August 3, 2018 was sent. The email speaks for itself.

200. In response to paragraph 200 of Plaintiff's Complaint, Municipal Defendants admit that an email dated August 3, 2018 was sent. The email speaks for itself.

201. In response to paragraph 201 of Plaintiff's Complaint, Municipal Defendants admit only that an email dated August 3, 2018 was sent. The email speaks for itself. Municipal Defendants deny any other allegations that may be contained in paragraph 201 of Plaintiff's Complaint.

202. In response to paragraph 202 of Plaintiff's Complaint, Municipal Defendants admit only that an email dated August 3, 2018 was sent. The email speaks for itself.

203. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 203 of Plaintiff's Complaint.

204. In response to paragraph 204 of Plaintiff's Complaint, Municipal Defendants admit that emails dated July 13, 2018 were sent. The emails speak for themselves.

205. In response to paragraph 205 of Plaintiff's Complaint, Municipal Defendants admit only that Plaintiff amended its answers and objections to the Commission's interrogatories in the First Complaint on August 9, 2018. The answers and objections speak for themselves. Municipal Defendants deny any other allegations that may be contained in paragraph 205 of Plaintiff's Complaint.

206. Municipal Defendants admit the allegations contained in paragraph 206 of Plaintiff's Complaint.

207. Municipal Defendants admit the allegations contained in paragraph 207 of Plaintiff's Complaint. The Second Complaint was recently resolved through a written settlement agreement.

208. Municipal Defendants only admit the allegations contained in paragraph 208 of Plaintiff's Complaint regarding the First Complaint. The Second Complaint was recently resolved through a written settlement agreement.

Anchorage is interpreting its law to stop the Hope Center from helping others

209. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 209 of Plaintiff's Complaint.

210. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 210 of Plaintiff's Complaint.

211. Paragraph 211 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations contained in Paragraph 211.

212. Paragraph 212 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations contained in Paragraph 212.

213. Paragraph 213 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations contained in Paragraph 213.

214. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 214 of Plaintiff's Complaint.

215. Paragraph 215 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations contained in Paragraph 215.

216. Paragraph 216 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 216 of Plaintiff's Complaint.

217. Paragraph 217 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 217 of Plaintiff's Complaint.

218. Paragraph 218 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 218 of Plaintiff's Complaint.

219. Paragraph 219 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information

sufficient to form a belief as to the truth or falsity of the allegations of paragraph 219 of Plaintiff's Complaint.

220. Paragraph 220 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 220 of Plaintiff's Complaint.

221. Paragraph 221 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 221 of Plaintiff's Complaint.

222. Paragraph 222 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 222 of Plaintiff's Complaint.

223. Paragraph 223 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 223 of Plaintiff's Complaint.

224. Municipal Defendants admit only that Plaintiff attached a statement to its Complaint as Exhibit 3.

225. Paragraph 225 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information

sufficient to form a belief as to the truth or falsity of the allegations of paragraph 225 of Plaintiff's Complaint.

226. Paragraph 226 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 226 of Plaintiff's Complaint.

227. Paragraph 227 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 227 of Plaintiff's Complaint.

228. Paragraph 228 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 228 of Plaintiff's Complaint.

229. Paragraph 229 contains a legal conclusion, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 229 of Plaintiff's Complaint.

ALLEGATIONS OF LAW

230. Paragraph 230 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 230 of Plaintiff's Complaint and therefore deny the same.

231. Paragraph 231 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 231 of Plaintiff's Complaint.

232. Paragraph 232 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 232 of Plaintiff's Complaint.

233. Paragraph 233 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 233 of Plaintiff's Complaint.

FIRST CAUSE OF ACTION

First Amendment: Free Exercise of Religion

234. *See* paragraphs 1-233 above.

235. Paragraph 235 contains legal conclusions, to which no response is required.

236. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 236 of Plaintiff's Complaint.

237. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 237 of Plaintiff's Complaint.

238. Municipal Defendants deny the allegations contained in paragraph 238 of Plaintiff's Complaint.

239. Municipal Defendants deny the allegations contained in paragraph 239 of Plaintiff's Complaint.

240. Municipal Defendants deny the allegations contained in paragraph 240 of Plaintiff's Complaint.

241. Municipal Defendants deny the allegations contained in paragraph 241 of Plaintiff's Complaint.

242. Municipal Defendants deny the allegations contained in paragraph 242 of Plaintiff's Complaint.

243. Paragraph 243 contains legal conclusions, to which no response is required.

244. Paragraph 244 contains legal conclusions, to which no response is required.

245. Municipal Defendants deny the allegations contained in paragraph 245 of Plaintiff's Complaint.

246. Municipal Defendants deny the allegations contained in paragraph 246 of Plaintiff's Complaint.

247. Paragraph 247 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 247 of Plaintiff's Complaint.

248. Paragraph 248 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 248 of Plaintiff's Complaint.

249. Paragraph 249 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 249 of Plaintiff's Complaint.

250. Paragraph 250 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 250 of Plaintiff's Complaint.

251. Paragraph 251 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 251 of Plaintiff's Complaint.

252. Paragraph 252 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 252 of Plaintiff's Complaint.

253. Paragraph 253 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 253 of Plaintiff's Complaint.

254. Paragraph 254 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 254 of Plaintiff's Complaint.

255. Paragraph 255 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 255 of Plaintiff's Complaint.

256. Paragraph 256 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 256 of Plaintiff's Complaint.

257. Paragraph 257 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 257 of Plaintiff's Complaint.

SECOND CAUSE OF ACTION

First Amendment: Freedom of Speech

258. *See* paragraphs 1-257 above.

259. Paragraph 259 contains legal conclusions, to which no response is required.

260. Paragraph 260 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 260 of Plaintiff's Complaint and therefore deny the same.

261. Paragraph 261 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 261 of Plaintiff's Complaint.

262. Paragraph 262 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 262 of Plaintiff's Complaint and therefore deny the same.

263. Paragraph 263 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 263 of Plaintiff's Complaint.

264. Paragraph 264 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 264 of Plaintiff's Complaint.

265. Paragraph 265 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 265 of Plaintiff's Complaint.

266. Paragraph 266 simply quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

267. Paragraph 267 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 267 of Plaintiff's Complaint.

268. Paragraph 268 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 268 of Plaintiff's Complaint.

269. Paragraph 269 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 269 of Plaintiff's Complaint.

270. Paragraph 270 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 270 of Plaintiff's Complaint.

271. Paragraph 271 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of

paragraph 271 of Plaintiff's Complaint. Paragraph 271 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

272. Municipal Defendants admit only that the AMC does not define the terms and phrases quoted in paragraph 271 of Plaintiff's Complaint. Municipal Defendants deny any other allegations that may be contained in paragraph 272 of Plaintiff's Complaint.

273. Municipal Defendants deny the allegations of paragraph 273 of Plaintiff's Complaint.

274. Municipal Defendants deny the allegations of paragraph 274 of Plaintiff's Complaint.

275. Paragraph 275 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 275 of Plaintiff's Complaint.

276. Paragraph 276 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 276 of Plaintiff's Complaint.

277. Paragraph 277 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 277 of Plaintiff's Complaint.

278. Paragraph 278 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 278 of Plaintiff's Complaint.

279. Paragraph 279 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 279 of Plaintiff's Complaint.

280. Paragraph 280 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 280 of Plaintiff's Complaint.

281. Paragraph 281 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 281 of Plaintiff's Complaint.

282. Paragraph 282 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 282 of Plaintiff's Complaint.

THIRD CAUSE OF ACTION

Fourteenth Amendment: Procedural Due Process

283. *See* paragraphs 1-282 above.

284. Paragraph 284 contains legal conclusions, to which no response is required.

285. Paragraph 285 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 285 of Plaintiff's Complaint.

286. Paragraph 286 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 286 of Plaintiff's Complaint. Paragraph 286 also quotes or summarizes sections

of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

287. Paragraph 287 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 287 of Plaintiff's Complaint. Paragraph 287 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

288. Paragraph 288 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 288 of Plaintiff's Complaint. Paragraph 288 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

289. Paragraph 289 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 289 of Plaintiff's Complaint.

290. Paragraph 290 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 290 of Plaintiff's Complaint. Paragraph 290 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

291. Paragraph 291 quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

292. Paragraph 292 quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

293. Paragraph 293 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 293 of Plaintiff's Complaint.

294. Paragraph 294 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 294 of Plaintiff's Complaint.

295. Municipal Defendants admit the allegations of paragraph 295 of Plaintiff's Complaint. The powers of the Commission are listed in AMC Title 5.

296. Municipal Defendants admit the allegations of paragraph 296 of Plaintiff's Complaint. The powers of the Commission are listed in AMC Title 5.

297. Paragraph 297 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 297 of Plaintiff's Complaint.

298. Municipal Defendants deny the allegations of paragraph 298 of Plaintiff's Complaint.

299. Paragraph 299 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 299 of Plaintiff's Complaint.

300. Paragraph 300 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 300 of Plaintiff's Complaint.

301. Paragraph 301 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 301 of Plaintiff's Complaint.

FOURTH CAUSE OF ACTION

First Amendment: Freedom of Expressive Association

302. *See* paragraphs 1-301 above.

303. Paragraph 303 contains legal conclusions, to which no response is required.

304. Paragraph 304 contains legal conclusions, to which no response is required.

305. Paragraph 305 contains legal conclusions, to which no response is required.

306. Paragraph 306 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 306 of Plaintiff's Complaint.

307. Paragraph 307 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 307 of Plaintiff's Complaint and therefore deny the same.

308. Paragraph 308 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 308 of Plaintiff's Complaint.

309. Paragraph 309 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 309 of Plaintiff's Complaint and therefore deny the same.

310. Paragraph 310 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 310 of Plaintiff's Complaint and therefore deny the same.

311. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 311 of Plaintiff's Complaint.

312. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 312 of Plaintiff's Complaint.

313. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 313 of Plaintiff's Complaint.

314. Paragraph 314 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 314 of Plaintiff's Complaint.

315. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 315 of Plaintiff's Complaint.

316. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 316 of Plaintiff's Complaint.

317. Paragraph 317 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 317 of Plaintiff's Complaint.

318. Paragraph 318 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 318 of Plaintiff's Complaint.

319. Municipal Defendants deny the allegations of paragraph 319 of Plaintiff's Complaint.

320. Paragraph 320 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 320 of Plaintiff's Complaint.

321. Paragraph 321 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 321 of Plaintiff's Complaint.

322. Paragraph 322 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 322 of Plaintiff's Complaint.

323. Paragraph 323 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 323 of Plaintiff's Complaint.

324. Paragraph 324 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 324 of Plaintiff's Complaint.

FIFTH CAUSE OF ACTION

First Amendment: Establishment Clause

325. *See* paragraphs 1-324 above.

326. Paragraph 326 contains legal conclusions, to which no response is required.

327. Paragraph 327 contains legal conclusions, to which no response is required.

328. Paragraph 328 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 328 of Plaintiff's Complaint.

329. Paragraph 329 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 329 of Plaintiff's Complaint.

330. Paragraph 330 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 330 of Plaintiff's Complaint.

331. Paragraph 331 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 331 of Plaintiff's Complaint.

332. Paragraph 332 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 332 of Plaintiff's Complaint.

333. Paragraph 333 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 333 of Plaintiff's Complaint.

334. Paragraph 334 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 334 of Plaintiff's Complaint.

SIXTH CAUSE OF ACTION

Fourteenth Amendment: Equal Protection

335. *See* paragraphs 1-334 above.

336. Paragraph 336 contains legal conclusions, to which no response is required.

337. Paragraph 337 contains legal conclusions, to which no response is required.

338. Paragraph 338 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 338 of Plaintiff's Complaint.

339. Paragraph 339 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 339 of Plaintiff's Complaint.

340. Paragraph 340 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 340 of Plaintiff's Complaint. Paragraph 340 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

341. Paragraph 341 quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

342. Paragraph 342 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 342 of Plaintiff's Complaint.

343. Paragraph 343 contains legal conclusions, to which no response is required.

344. Paragraph 344 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 344 of Plaintiff's Complaint.

345. Paragraph 345 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 345 of Plaintiff's Complaint.

346. Paragraph 346 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 346 of Plaintiff's Complaint.

347. Paragraph 347 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 347 of Plaintiff's Complaint.

SEVENTH CAUSE OF ACTION

Alaska Constitution Article 1 § 4: Freedom of Religion

348. *See* paragraphs 1-347 above.

349. Paragraph 349 quotes or summarizes sections of the Alaska Constitution and therefore does not require a response. The language of the Alaska Constitution speaks for itself.

350. Paragraph 350 contains legal conclusions, to which no response is required.

351. Paragraph 351 contains legal conclusions, to which no response is required.

352. Paragraph 352 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 352 of Plaintiff's Complaint.

353. Paragraph 353 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 353 of Plaintiff's Complaint.

354. Paragraph 354 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 354 of Plaintiff's Complaint.

355. Paragraph 355 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 355 of Plaintiff's Complaint.

356. Paragraph 356 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 356 of Plaintiff's Complaint.

357. Paragraph 357 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 357 of Plaintiff's Complaint.

358. Paragraph 358 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 358 of Plaintiff's Complaint.

EIGHTH CAUSE OF ACTION

Alaska Constitution Article 1 § 1: Equal Protection

359. *See* paragraphs 1-358 above.

360. Paragraph 360 quotes or summarizes sections of the Alaska Constitution and therefore does not require a response. The language of the Alaska Constitution speaks for itself.

361. Paragraph 361 contains legal conclusions, to which no response is required.

362. Paragraph 362 contains legal conclusions, to which no response is required.

363. Paragraph 363 contains legal conclusions, to which no response is required.

364. Paragraph 364 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 364 of Plaintiff's Complaint.

365. Paragraph 365 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 365 of Plaintiff's Complaint.

366. Paragraph 366 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants deny the allegations of paragraph 366 of Plaintiff's Complaint. Paragraph 366 also quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

367. Paragraph 367 quotes or summarizes sections of the AMC and therefore does not require a response. The language of the AMC speaks for itself.

368. Paragraph 368 contains legal conclusions, to which no response is required.

To the extent a response is required, Municipal Defendants deny the allegations of paragraph 368 of Plaintiff's Complaint.

369. Paragraph 369 contains legal conclusions, to which no response is required.

370. Paragraph 370 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 370 of Plaintiff's Complaint.

371. Paragraph 371 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 371 of Plaintiff's Complaint.

372. Paragraph 372 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 372 of Plaintiff's Complaint.

373. Paragraph 373 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 373 of Plaintiff's Complaint.

NINTH CAUSE OF ACTION

Alaska Constitution Article 1 § 22: Right of Privacy

374. *See* paragraphs 1-373 above.

375. Paragraph 375 quotes or summarizes sections of the Alaska Constitution and therefore does not require a response. The language of the Alaska Constitution speaks for itself.

376. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 376 of Plaintiff's Complaint.

377. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 377 of Plaintiff's Complaint.

378. Municipal Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 378 of Plaintiff's Complaint and therefore deny the same.

379. Paragraph 379 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 379 of Plaintiff's Complaint.

380. Paragraph 380 contains legal conclusions, to which no response is required. To the extent a response is required, Municipal Defendants deny the allegations of paragraph 380 of Plaintiff's Complaint.

AFFIRMATIVE AND OTHER DEFENSES

1. One or more of Plaintiff's claims fails to state a claim upon which relief can be granted.

2. The conduct of Municipal Defendants was justified or excused given the circumstances.

3. Municipal Defendants acted in a manner that was proper, reasonable, lawful and in good faith.

4. Plaintiff's injuries, if any, were caused, in whole or in part, by the acts or omissions of persons or entities, including Plaintiff, over whom Municipal Defendants have no responsibility or control.

5. One or more categories of damages sought by Plaintiff are speculative.

6. Pursuant to AS 9.65.070(d) the Municipal Defendants are immune from liability for the acts of which Plaintiff complains.

7. The Municipal Defendants are immune under the doctrines of absolute and/or qualified immunity.

8. Plaintiff's claims are barred by failure to exhaust administrative remedies.

9. Plaintiff lacks standing.

10. One or more of Plaintiff's claim are not ripe.

11. One or more of Plaintiff's claims are moot.

12. The principles of comity and federalism dictate that the federal court abstain so that the state is afforded the opportunity to interpret its rules in the face of a constitutional challenge.

13. The district court should decline to exercise supplemental jurisdiction over one or more of Plaintiff's claims because they raise novel or complex issues of state law.

14. The district court should decline to exercise supplemental jurisdiction over one or more of Plaintiff's claims because the claims substantially predominate over the claim or claims over which the district court has original jurisdiction.

15. The district court should decline to exercise supplemental jurisdiction over one or more of Plaintiff's claims because there are other compelling reasons for declining jurisdiction.

16. Plaintiff has failed to mitigate its damages, if any.

17. Municipal Defendants reserve the right to assert such other and additional affirmative defenses as may be discovered during the investigation and defense of this action.

REQUEST FOR RELIEF

WHEREFORE Municipal Defendants respectfully request relief as follows:

- A. For judgment in favor of Municipal Defendants and against Plaintiff dismissing this action with prejudice;
- B. For judgment awarding Municipal Defendants their costs and attorney's fees incurred in this action; and
- C. For such other relief as this court deems just and equitable.

Respectfully submitted this 17th day of October, 2018.

REBECCA A. WINDT PEARSON
Municipal Attorney

By: s/ Meagan Carmichael

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CERTIFICATE OF SERVICE

I certify that on 10/17/2018, a copy of the
Foregoing document was served on the following:

Jonathan A. Scruggs
Ryan J. Tucker
Sonja Redmond
Kevin Clarkson

by electronic means through the ECF system as
indicated on the Notice of Electronic Filing.

/s/ Marie Stafford
Legal Secretary