

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

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

Plaintiff,

v.

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

**DECLARATION OF
RYAN TUCKER**

I, Ryan Tucker, declare as follows:

1. I am a citizen of the United States and a resident of the State of Arizona. I am competent to make this declaration and the facts stated herein are within my personal knowledge.

2. I am an attorney of record for The Downtown Soup Kitchen d/b/a The Hope Center (the "Hope Center") in Case No. 3:18-cv-00190-SLG; *The Downtown Soup Kitchen v. Municipality of Anchorage, et al*, pending in the United States District Court for the District of Alaska and AERC Case No. 18-041, *Complainant v. Downtown Hope Center*, pending before the Anchorage Equal Rights Commission (AERC Case No. 18-041).¹ Before its dismissal, I was also an attorney of record for the Hope Center in AERC Case No. 18-167;

¹ The name of the complainant is not included in the style of the complaint or exhibits attached to this declaration for privacy reasons.

Pamela Basler v. Downtown Hope Center, et al, pending before the Anchorage Equal Rights Commission (“AERC Case No. 18-167”).

3. Exhibit A is a true and correct copy of a letter dated March 6, 2018, from Kevin Clarkson to the Anchorage Equal Rights Commission (“Commission”) regarding the complaint filed in AERC Case No. 18-041.

4. On April 23, 2018, Hope Center filed a motion to dismiss in AERC Case No. 18-041. To date, that motion has not been ruled upon, nor has the Commission issued a determination in that case. The complaint in AERC Case No. 18-041 was filed over 270 days ago. Exhibit B is a true and correct copy of the Memorandum in Support of Motion to Dismiss filed in AERC Case No. 18-041.

5. On June 21, 2018, my Notice of Appearance was filed in AERC Case No. 18-167. That notice designated me as the “contact person” for the Hope Center. Exhibit C is a true and correct copy of my Notice of Appearance of Counsel.

6. On June 29, 2018, I informed the Commission that counsel had a conflict with the fact finding conference scheduled in AERC Case No. 18-167 and concerns over the procedures to be used at that conference. Exhibit D is a true and correct copy of an e-mail dated June 29, 2018, from me to the Commission, along with the letter that accompanied that e-mail.

7. On July 5, 2018, I sent an e-mail to the Commission in AERC Case No. 18-167 with attachments (“July 5 E-mail”). The first attachment was a cover letter that in part reiterated my role as the “contact person.” The other attachments to the July 5 E-mail included Hope Center’s Motion for Lack of Jurisdiction in AERC Case No. 18-167 and accompanying

exhibits. In this motion, Hope Center pointed out that the Commission did not properly plead a claim against Hope Center and that homeless shelters were specifically excluded from the Anchorage Municipal Code. Exhibit E is a true and correct copy of my July 5 E-mail, the letter that accompanied the e-mail, and the Motion for Lack of Jurisdiction.

8. On August 3, 2018, the Commission accused Hope Center of not supplementing its discovery responses, even though it had previously attempted to do so and its counsel had been specifically instructed by the Commission that no more documents need be exchanged.

9. Exhibit F is a true and correct copy of an e-mail dated August 9, 2018, from me to the Commission, along with Respondent's Amended Answers to the Anchorage Equal Rights Commission's First Set of Interrogatories and Respondent's Amended Objections to the Anchorage Equal Rights Commission's First Set of Interrogatories included with the e-mail.

10. Exhibit G is a true and correct copy of an *Anchorage Daily News* article dated March 14, 2018, written by Devin Kelly.

11. Exhibit H is a true and correct copy of the complaint filed in AERC Case No. 18-041.

12. Exhibit I is a true and correct copy of the complaint filed in AERC Case No. 18-167.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing facts are true and correct to the best of my knowledge.

Executed on the 31st day of October, 2018.



Ryan Tucker