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Attorney for Defendants

**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

**AFFIDAVIT OF DEITRA ENNIS**

STATE OF ALASKA )  
 ) ss.  
 THIRD JUDICIAL DISTRICT )

Deitra Ennis, being first duly sworn, deposes and states as follows:

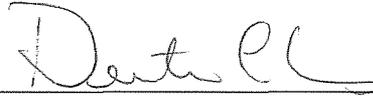
1. I am the Deputy Municipal Attorney for the Municipality of Anchorage.

2. Plaintiff and Defendants have engaged in several settlement discussions regarding this case, from September 20, 2018, through October 12, 2018.
3. On October 10, 2018, Defendants emailed Plaintiff a proposed draft settlement agreement to fully resolve this case.
4. On October 11, 2018, Plaintiff emailed Defendants a revised draft settlement proposal, and the parties discussed the proposal via telephone later the same day.
5. On October 12, 2018, Plaintiff emailed Defendants additional settlement proposals, and Defendants responded via email later the same day.
6. Based upon these settlement discussions, and the lack of indication to the contrary by Plaintiff, Defendants expected Plaintiff to continue engaging in good faith settlement discussions beyond October 12, 2018.
7. Defendants filed a Motion for Extension of Time to File Answer on October 12, 2018, based upon the parties' ongoing settlement discussions at that time (Docket 24).
8. Instead of continuing settlement discussions, Plaintiff filed its Motion for Preliminary Injunction on November 1, 2018 (Docket 29).
9. Defendants also engaged in separate settlement discussions with separate counsel for Downtown Hope Center regarding the second complaint (No. 18-167) from the Anchorage Equal Rights Commission (AERC), beginning on September 5, 2018. Plaintiff refers to this second complaint in several filings with this Court.

10. Defendants resolved the second complaint (No. 18-167) from the AERC via written settlement agreement with separate counsel on or around October 2, 2018, but Plaintiff continues to refer to this second complaint even after Defendants notified Plaintiff that the second complaint is settled.
11. In addition to engaging in ongoing settlements efforts, the Municipality worked with its clients, including Defendant Anchorage Equal Rights Commission. The commission comprises volunteer citizens who meet irregularly. In meeting with the commission, the Municipality is required to comply with public notice requirements under local and state law, a much longer process than picking up the telephone to work through an analysis of the case.
12. Both parties worked in good faith to attempt settlement at an early juncture to avoid the time-consuming and expensive litigation ahead. Plaintiff did not oppose any of Defendants' Motions for Extension of Time filed to-date.
13. On November 19, 2018, counsel for Defendants emailed Plaintiff's counsel and advised them of Defendants' intention to file a motion for federal abstention. Defense counsel also requested a telephone call with Plaintiff's counsel to discuss whether Plaintiff would stipulate to a stay of briefing on Plaintiff's pending motion for preliminary injunction, or whether Defendants would need to move the Court for a stay on shortened time. The parties did discuss these issues by telephone on November 20, 2018, with the result that Plaintiff did not agree to the stay of briefing or consideration of the motion to stay on shortened time.

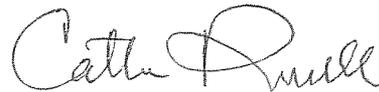
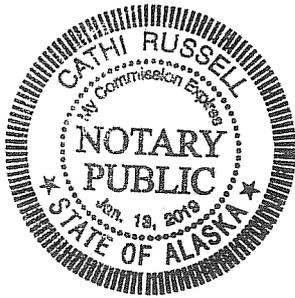
14. Defendants have not requested any time extensions in this case for any improper purpose or to gain any "tactical" advantage, contrary to Plaintiff's Opposition to Defendants' Motion for Shortened Time (Docket 47).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Deitra L. Ennis  
Alaska Bar No. 8510124

SUBSCRIBED and SWORN to before me this 27<sup>th</sup> day of November, 2018.



Notary Public in and for Alaska  
My commission expires: 1/13/19

**CERTIFICATE OF SERVICE**

I certify that on 11/27/2018, a copy of the foregoing document was served on the following:

Jonathan A. Scruggs  
Ryan J. Tucker  
Sonja Redmond  
Kevin G. Clarkson  
David Cortman  
Katherine Anderson

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

/s/ Cathi Russell  
Legal Secretary