

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT

3 CHUGACH ELECTRIC,)

4 Plaintiff,)

5 vs.)

6 RAY KREIG, STEPHEN ROUTH)
7 and CHUGACH CONSUMERS)

8 Defendants)

) Case No. 3AN-06-13743 CI

07 MAY 11 PM 1:16
CLERK OF SUPERIOR COURT
JUDICIAL DISTRICT

9
10 PLAN REQUESTED BY COURT

11 At the hearing yesterday, this Court requested a plan from me for proceeding with this
12 case. I am presenting this plan.

13 As a preliminary matter, for the information of this Court, I have attached a complete
14 copy of my email. (Exhibit A) My purpose was to reach a common-sense and economical
15 solution to the situation, and that was the purpose of the email.

16 It is reasonably clear to the undersigned that the new majority on the Chugach Electric
17 Board will reconsider the question of Board member retention of documents. In fact, the subject
18 is on the Agenda for the Board meeting of May 16, 2007. (See Exhibit B, item XI G) In
19 addition, it is clear that the new Board majority is much more interested in protecting the
20 consumer through, among other things, not acting in secret, than was the prior Board which acted
21 in secrecy to protect the I.B.E.W. In fact, the new Board will most likely be hiring an
22 independent counsel to advise it on this matter. See Agenda Item XI F, Exhibit B; Exhibit C,
23 and pages 7 through 10 of the draft minutes of the meeting of the Board of April 18, 2007 (old
24 Board prior to election), Exhibit D.

25
26 Mr. Kreig has started to comply with this Court's order. He did an initial separation of
27 file boxes and drawers into those which were clearly not covered by the order of this Court, and

28 Plan
CEA v. Chugach Consumers, #3AN-06-13743 Civ

KENNETH P. JACOBUS
A PROFESSIONAL CORPORATION
310 K Street, Suite 200
ANCHORAGE AK 99501-2064
TELEPHONE (907) 277-3333

1 those that might be. Those that might be are now in a locked room to which I have the only
2 keys. In this room, there are 10 filing cabinet drawers and 8 large cardboard filing boxes. These
3 drawers and boxes are filled with numerous documents, many if not most of which are single
4 documents and will have to be separately identified. Some of these documents are also
5 confidential to Chugach Consumers, and contain the information identifying supporters which
6 Chugach Consumers is trying to protect from retaliation. Sorting and listing these documents
7 will be a massive undertaking.

8 My proposal is this:

9 (1) Retain the documents in the locked room, and hold this matter in abeyance until May
10 17, 2007, to ascertain what action is taken by the Chugach Electric Board on May 16, 2007.

11 (2) Take whatever action is appropriate based on the action of the Board.

12 (3) If no other action is indicated, then Ray Kreig should continue to sort, identify and
13 return the documents upon his return to Alaska on May 20, 2007.

14 I believe that this best protects the interests of all parties. The documents remain secure
15 and confidential, so Chugach Electric is not harmed. Mr. Kreig's obligations to the elderly
16 members of his family are not disrupted. A large amount of probably unnecessary cost and work
17 is avoided.

18 This Court is requested to hold this matter in abeyance until May 17, 2007.

19 DATED this 10th day of May, 2007.

20 KENNETH P. JACOBUS, P.C.

21 Attorney for Defendants

22 By 

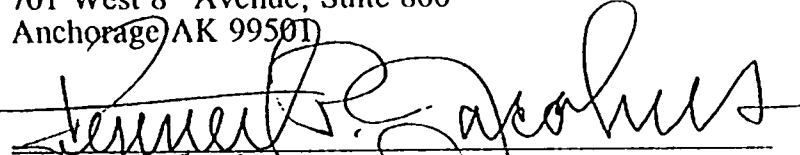
23 Kenneth P. Jacobus
24 ABA No. 6911036

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2007, a true and correct copy of this Plan was faxed and on the 11th day of May, 2007, was delivered to:

Robert K. Stewart, Jr.
Davis Wright Tremain
701 West 8th Avenue, Suite 800
Anchorage AK 99501


Kenneth P. Jacobus

KENNETH P. JACOBUS
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From: Kenneth Jacobus
To: Robert Stewart; Ray Kreig
Date: Monday, May 7, 2007 7:03:59 AM
Subject: Kreig Documents

Dear Bob,

Now that there is a new board majority on the Chugach Board of Directors, my guess is that they would have a different attitude toward the Kreig Document Litigation, especially now since the election is over. I am writing to solicit your suggestions on where we go now.

It has always been impossible to comply with Judge Stowers order requiring the project to be completed by May 8. So, compliance cannot take place on May 8. The best that I can do is take personal control over the documents, lock them in a room accessible only to me, and then work the problem later. I would hope that we would not even need to do this, but could just simply agree to hold the matter in abeyance until we can determine the new board policy, however.

I have been in Fairbanks for the Bar Convention since Tuesday of last week, and am still in Fairbanks getting my daughter from Portland settled in here. She will be working the summer in Fairbanks. I will not be back to the office until Wednesday, May 8, 2007, at the earliest, and may be a day or two later.

I also do not yet have a written order from Judge Stowers which I would think would be necessary in order to appropriately comply with what should be done. Again, however, I would think that the new Board would have a new view toward this case.

I would request that we simply hold this matter in abeyance until the new board determines its policy. This will save time, problems and costs for both of our clients.

You can respond by email, or call me on my cell phone at 250-1589. I am having problems picking up messages left on my office phone. Thank you.

Ken Jacobus

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EXHIBIT A PAGE 1 OF 1 PAGES