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Matanuska-Susitna Borough

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ANDREA RICHEY, et al.,

Plaintiffs,

v.

MATANUSKA-SUSITNA BOROUGH,

Defendant.

Case No. 3:14-cv-00170-JWS

**DEFENDANT'S ANSWER TO AMENDED COMPLAINT**

The defendant, in answer to the amended complaint filed in the above-styled matter, hereby answers as follows:

1. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 1 of the amended complaint and therefore denies the same.
2. Defendant admits the allegations contained in paragraph 2 of the amended complaint.

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3. Defendant admits that Andrea Richey is currently employed by the Defendant. Defendant is unable to admit or deny the remainder of paragraph 3 of the amended complaint because it is unclear which employees are described.

4. Defendant is unable to admit or deny paragraph 4 of the amended complaint because it is unclear which employees are described. Therefore Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 4 of the amended complaint and therefore denies the same.

5. Defendant is unable to admit or deny paragraph 5 of the amended complaint because it is unclear which employees are described. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 5 of the amended complaint and therefore denies the same.

6. Defendant is unable to admit or deny paragraph 6 of the amended complaint because it is unclear which employees are described. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 6 of the amended complaint and therefore denies the same.

7. Defendant is unable to admit or deny paragraph 7 of the amended complaint because it is unclear which employees are described. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 7 of the amended complaint and therefore denies the same.

8. Defendant admits that effective January 1, 1968, it entered into a participation agreement with the State of Alaska whereby it agreed to participate in the Alaska Public Employees' Retirement System ("PERS") through a contractual agreement. Defendant denies the remaining allegations in paragraph 8 of the amended complaint.

9. Defendant denies the allegations contained in paragraph 9 of the amended

complaint.

10. Defendant denies the allegations contained in paragraph 10 of the amended complaint.

11. Defendant denies the allegations contained in paragraph 11 of the amended complaint.

12. Defendant denies the allegations contained in paragraph 12 of the amended complaint.

13. Defendant denies the allegations contained in paragraph 13 of the amended complaint.

14. Defendant denies the allegations contained in paragraph 14 of the amended complaint.

15. Defendant denies the allegations contained in paragraph 15 of the amended complaint.

16. Defendant denies the allegations contained in paragraph 16 of the amended complaint.

17. Defendant denies the allegations contained in paragraph 17 of the amended complaint.

18. Defendant denies the allegations contained in paragraph 18 of the amended complaint.

19. Defendant reasserts and realleges its responses to paragraphs 1-18 of the amended complaint.

20. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 7 of the amended complaint and therefore denies the same.

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21. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 21 of the amended complaint and therefore denies the same.

22. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 22 of the amended complaint and therefore denies the same.

23. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 23 of the amended complaint and therefore denies the same.

24. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 24 of the amended complaint and therefore denies the same.

25. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 25 of the amended complaint and therefore denies the same.

26. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 26 of the amended complaint and therefore denies the same.

27. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 27 of the amended complaint and therefore denies the same.

28. Paragraph 28 requests only that the court grant class certification and therefore no response is required. To the extent the paragraph includes allegations, Defendant denies those allegations.

29. Defendant reasserts and realleges its responses to paragraphs 1-28 of the amended complaint.

30. Paragraph 30 states allegations of law to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 30 of the amended complaint.

31. Paragraph 31 states allegations of law to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 31 of the amended complaint.

32. Paragraph 32 states allegations of law to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 32 of the amended complaint.

33. Paragraph 33 states allegations of law to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 33 of the amended complaint.

34. Defendant denies the allegations contained in paragraph 34 of the amended complaint.

35. Defendant denies the allegations contained in paragraph 35 of the amended complaint.

36. Defendant reasserts and realleges its responses to paragraphs 1-35 of the amended complaint.

37. Defendant denies the allegations contained in paragraph 37 of the amended complaint.

38. Defendant denies the allegations contained in paragraph 38 of the amended complaint.

39. Defendant reasserts and realleges its responses to paragraphs 1-38 of the amended complaint.

40. Paragraph 40 states allegations of law to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 40 of the amended complaint.

41. Defendant denies the allegations contained in paragraph 41 of the amended complaint.

42. Defendant reasserts and realleges its responses to paragraphs 1-41 of the amended complaint.

43. Defendant denies the allegations contained in paragraph 43 of the amended complaint.

44. Defendant reasserts and realleges its responses to paragraphs 1-43 of the amended complaint. Plaintiffs have incorrectly numbered paragraphs 44-50. Defendants respond to these remaining allegations by reference to the correct paragraph number.

45. Defendant denies the allegations contained in paragraph 45 of the amended complaint.

46. Defendant denies the allegations contained in paragraph 46 of the amended complaint.

47. Defendant reasserts and realleges its responses to paragraphs 1-46 of the amended complaint.

48. Defendant admits that effective January 1, 1968, it entered into a participation agreement with the State of Alaska whereby it agreed to participate in the Alaska Public Employees' Retirement System ("PERS") through a contractual agreement. Defendant denies the remaining allegations in paragraph 48 of the amended complaint.

49. Defendant denies the allegations contained in paragraph 49 of the amended complaint.

50. Defendant denies the allegations contained in paragraph 50 of the amended complaint.

### **Defenses**

1. The complaint fails to state a claim upon which relief can be granted.
2. Plaintiff or Plaintiffs have failed to join necessary or indispensable parties.
3. Plaintiff or Plaintiffs have failed to satisfy the requirements for the maintenance of a class action set forth in Alaska Rule of Civil Procedure 23.
4. The named Plaintiffs lack standing to assert, in whole or in part, the claims set forth in the complaint.
5. Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations.
6. Plaintiffs' claims are barred, in whole or in part, by the equitable doctrine of laches.
7. Plaintiffs' claims are barred, in whole or in part, by the doctrine of waiver.
8. Plaintiffs' damages are barred, in whole or in part, by their failure to mitigate damages and the doctrine of avoidable consequences.
9. Plaintiffs' claims are barred because they failed to exhaust administrative remedies.
10. Plaintiffs' claims are barred by discretionary function immunity.
11. Defendant reserves the right to raise additional defenses and other defenses as may be established by discovery and the evidence in this case.

DATED: September 9, 2014.

**PERKINS COIE LLP**  
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This is to certify that a true copy of the foregoing  
was sent this 9th day of September, 2014,  
via CM/ECF to:

Ronald A. Offret

s/Thomas M. Daniel

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