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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDALL KOWALKE,)	
)	
Plaintiff,)	
vs.)	Case No. 3AN-22-07404 CI
)	
DAVID EASTMAN,)	
STATE OF ALASKA DIVISION OF)	
ELECTIONS, and)	
GAIL FENUMIAI,)	
Defendants.)	

**DEFENDANT DAVID EASTMAN’S
NOTICE OF SUPPLEMENTAL AUTHORITY**

In his supplemental brief filed with the Court on December 20, 2022, Plaintiff referenced a federal district court decision denying a motion brought by U.S. House Representative Marjorie Taylor Greene to enjoin state administrative proceedings filed to challenge her eligibility for office under Section 3 of the Fourteenth Amendment to the U.S. Constitution. While Plaintiff correctly asserts that the district court denied Greene’s motion based on its assessment that she failed to demonstrate a likelihood of success on the merits, Plaintiff failed to acknowledge subsequent proceedings in that case as well as in the parallel state administrative proceedings. Greene appealed the district court’s denial of her preliminary injunction, and while the appeal was pending, she succeeded on the merits in the state administrative proceeding, in which the state administrative law judge “held that the Challengers had not presented sufficient evidence to support their claim, finding Rep. Greene “did not ‘engage’ in the Invasion [of the U.S. Capitol]”—whether or

not those events constituted “insurrection” under § 3 of the Fourteenth Amendment—and was therefore qualified to appear on the ballot.” *Greene v. Sec’y of State for Georgia*, 52 F.4th 907, 909 (11th Cir. 2022); *David Rowan, et al. v. Marjorie Taylor Greene*, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (Ofc. Of State Admin. Hearings, State of Georgia, May 6, 2022)¹. The ALJ’s decision was adopted by Secretary of State Raffensperger and affirmed by the Fulton County Superior Court, following which the Georgia Supreme Court denied discretionary review. *Greene*, 52 F.4th at 909. The U.S. Court of Appeals for the Eleventh Circuit then remanded Greene’s appeal to the district court with direction to dismiss the case as moot. *Id.* at 910. One judge of the 3-judge panel wrote a separate concurring opinion, finding that the district court’s denial of the motion for preliminary injunction was erroneous. *Id.* at 911-16 (Branch, J., concurring).

DATED this 21st day of December 2022, at Fairbanks, Alaska.

LAW OFFICES OF JOSEPH MILLER, LLC

By: s/ Joseph Miller – Bar Number 9511067
Attorney for Representative Eastman

¹ Available at <https://www.scribd.com/document/573096054/Greene-Decision#>.