

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1581

Adding Notes to Civil Rules 4, 7,
8, 38, 40, 65, 72, and 77
concerning indirect court rule
amendments referenced in
Chapter 54 SLA 2005 (HB 95)

IT IS ORDERED:

1. The following note is added to the end of Alaska Rule of Civil Procedure 4:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(a) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 4 by adding special proceedings, timing, and pleading requirements for matters involving public health.

2. The following note is added to the end of Alaska Rule of Civil Procedure 7:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(a) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 7 by adding special

proceedings, timing, and pleading requirements for matters involving public health.

3. The following note is added to the end of Alaska Rule of Civil Procedure 8:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(a) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 8 by adding special proceedings, timing, and pleading requirements for matters involving public health.

4. The following note is added to the end of Alaska Rule of Civil Procedure 38:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(b) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 38 by requiring a court trial in matters involving public health.

5. The following note is added to the end of Alaska Rule of Civil Procedure 40:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(c) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 40 by requiring expedited hearings and specific standards for and timing of granting of continuances in matters involving public health.

6. The following note is added to the end of Alaska Rule of Civil Procedure 65:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(d) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 65 by allowing temporary and ex parte injunctions to be issued and by expediting the procedures related to injunctive relief in matters involving public health.

7. The following note is added to the end of Alaska Rule of Civil Procedure 72:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(e) of the Act, AS 18.15.390, enacted in Section 8, has the effect of amending Civil Rule 72 by authorizing the Department of Health and Social Services to take immediate control over certain businesses and property in cases of public health disasters.

8. The following note is added to the end of Alaska Rule of Civil Procedure 77:

Note: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(a) of the Act, AS 18.15.375(c)(3), (d), and (e), and 18.15.385(d) – (k), enacted in Section 8, have the effect of amending Civil Rule 77 by adding special proceedings, timing, and pleading requirements for matters involving public health.

DATED: July 7, 2005

EFFECTIVE DATE: October 15, 2005

Chief Justice Bryner

Justice Matthews

Justice Eastaugh

Justice Fabe

Justice Carpeneti