

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1525

Implementing 2003 legislation
affecting court rules as follows:

Adding notes to Civil Rules 4 and 65
and Administrative Rule 9 to
implement Chapter 87 SLA 03 (HB 1);
and

Adding notes to Civil Rules 79 and 82
to implement Chapter __ SLA 03 (HB
151).

IT IS ORDERED:

I. The following note is added at the end of Civil Rule 4:

NOTE: Chapter 87 SLA 03 (HB 1) enacted AS 18.65.865, which addresses service of process of protective orders issued under AS 18.65.850-860 for persons who are victims of stalking not involving domestic violence. According to Section 8(a) of the Act, the new AS 18.65.865 has the effect of amending Civil Rule 4 relating to service of process by requiring that service be made in accordance with AS 18.66.160, which governs service of domestic violence protective orders.

II. The following note is added to the end of Administrative Rule 9:

NOTE: Chapter 87 SLA 03 (HB 1) enacted AS 18.65.865(b), which addresses fees for filing petitions for protective orders under AS 18.65.850-860 for persons who are victims of stalking not involving domestic

violence. According to Section 8(a) of the Act, the new AS 18.65.865 has the effect of amending Administrative Rule 9 by providing that filing fees may not be charged in any action seeking only the relief provided in AS 18.65.850-860.

III. The following note is added at the end of Civil Rule 65:

NOTE: Chapter 87 SLA 03 (HB 1) enacted AS 18.65.850-860, which addresses protective orders for persons who are victims of stalking not involving domestic violence. According to Section 8(b) of the Act, these provisions have the effect of amending Civil Rule 65 relating to temporary restraining orders, the method of obtaining those orders, and the timing of those orders.

IV. The following note is added at the end of Civil Rule 79:

NOTE: Chapter ___SLA 03 (HB 280) amends Chapters 10 and 45 of Title 9 of the Alaska Statutes relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings and limits on when certain court actions may be brought. According to Section 4(2) of the Act, AS 09.45.889(b) has the effect of amending Civil Rule 79 by allowing the court to deny costs to a claimant in the situation described in AS 09.45.889(b), even if the claimant is the prevailing party.

V. The following note is added to the end of Civil Rule 82:

NOTE: Chapter ___SLA 03 (HB 280) amends Chapters 10 and 45 of Title 9 of the Alaska Statutes relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings and limits on when certain court actions may be brought. According to Section 4(1) of the Act, AS 09.45.889(b) has the effect of amending Civil Rule 82 by allowing the court to deny attorney fees to a claimant in the situation described in AS 09.45.889(b), even if the claimant is the prevailing party.

DATED: August 12, 2003

EFFECTIVE DATE: October 15, 2003

Chief Justice Bryner

Justice Matthews

Justice Eastaugh

Justice Fabe

Justice Carpeneti