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## Fwd: William Wiebe - We finally won this case

1 message

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**Chris Hladick** <manager@dillinghamak.us>  
To: Lori Goodell <lori.goodell@dillinghamak.us>

Fri, Nov 5, 2021 at 2:17 PM

For council packet

----- Forwarded message -----

From: **Alice Ruby** <alice.ruby@dillinghamak.us>  
Date: Fri, Nov 5, 2021 at 11:54 AM  
Subject: Re: William Wiebe - We finally won this case  
To: Chris Hladick <manager@dillinghamak.us>

Putting it in the information section of the council packet hits a much wider audience so I'd rather do that. I'd like to make sure the attorney's email is with the document too because he is addressing some things that I tried to emphasize prior to the election. :)

This is very good news. I hope that we don't have to invest resources at the supreme court level but I guess that it wouldn't be the first time.

Alice

On Fri, Nov 5, 2021 at 11:49 AM Chris Hladick <manager@dillinghamak.us> wrote:

**do you want me to send to council**

----- Forwarded message -----

From: **Sam Severin** <SSeverin@bcfaklaw.com>  
Date: Fri, Nov 5, 2021 at 11:09 AM  
Subject: William Wiebe - We finally won this case  
To: Pasquariello, Dan <chiefofpolice@dillinghamak.us>  
Cc: manager@dillinghamak.us <manager@dillinghamak.us>

Good Morning – Mr. Wiebe was cited last summer for not having a travel permit. He filed a lengthy motion to dismiss, alleging the ordinance, EO 2020-07, was unconstitutional for various reasons. He lost on that motion, then lost at trial. He also appealed it to the Superior Court. The attached decision on his appeal is focused on his equal protection argument, which the court pretty easily dealt with in the City's favor. Wiebe was represented by an attorney out of Homer. I can't say he did the best work, but he was creative and really put a lot of energy into this case.

Dillingham really was on the forefront of passing and enforcing strict laws to protect the public. This is one of very few challenges like this in the state that we are aware of. After a year and a half of people alleging that cities are violating people's constitutional rights by passing laws regarding COVID, it feels good to have a court order upholding such a law.

One important lesson from this case that is not apparent in the attached order is the value of the whereas clauses in the ordinance. There were 46 of them in EO 2020-07. Part of any constitutional challenge is some version of showing that the city had a valid reason for the law. When the valid reason is expressed in tremendous detail right in the ordinance, it is considerably easier to argue than having to explain the reasoning after the fact, which can tend to look like just finding a reason in order to win the case.

Wiebe's attorney had previously expressed a real interest in taking this as far as he could go with it. I expect he will lose some of his zeal, but it wouldn't shock me if he tries to get the Supreme Court to hear it. Financially, it makes no sense at all, but it's been about the principle all along – and he apparently pays his attorney with fish.

If you have any questions, please let me know.

Sam

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Chris Hladick  
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***Alice Ruby, Mayor  
City of Dillingham***

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