

## MEMORANDUM

**TO:** MAYOR AND CITY COUNCIL MEMBERS  
ACTING CITY MANAGER WILDE  
CITY CLERK CARLSON

**FROM:** HOLLY C. WELLS  
JESSICA J. SPUHLER

**RE:** THIRD QUARTER CITY ATTORNEY REPORT

**CLIENT:** CITY OF WHITTIER

**FILE NO.:** 507456.60

**MEETING DATE:** NOVEMBER 18, 2025

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The purpose of this Third Quarter City Attorney Report is to provide the City of Whittier with a summary of all legal work performed from July 1, 2025, through September 30, 2025. It will highlight any updates to the Council on pending projects and our team's priority projects as we move into the fourth quarter of 2025.

This report will provide a breakdown of the number of hours worked in general legal services and those worked on specific projects and matters. To assist the Firm in doing this in a cost-effective manner, additional files have been created to allow Council and Administration to carefully review the legal work required for each given project or specific matter. Furthermore, this report is broken into three primary sections: I) Summary of Hours Worked by Topic; II) Summary of Legal Work by Month; and III) Brief summary of recommendations regarding 2025 legal projects based on current and outstanding legal work. The Firm's approach to the report can be revised to fit the Council's needs and preferences.

### **I. SUMMARY OF HOURS WORKED BY TOPIC**

This section of the report provides a summary of the hours worked by topic during this quarter.

- General 2024-2025 – 55.80 Hours Worked
- Eric Fleming Injunction – 37.90 Hours Worked
- General Counsel Advice – 6.00 Hours Worked
- Personnel 2024-2026 – 2.10 Hours Worked
- Legislative Land Transfer 2024-2025 – 1.80 Hours Worked
- Whittier Seafood Bankruptcy – 0.70 Hours Worked
- Title 14 – 0.30 Hours Worked

## II. SUMMARY OF LEGAL WORK BY MONTH

The following provides a summary of legal services provided by month. Please be aware that attorney-client matters involving personnel or other confidential or privileged matters are noted only generally. To the extent Council would like an assessment of those matters, a separate attorney-client privileged report can be provided.

### July 2025

Attorney Michael Schwarz corresponded with the Finance Director regarding a dispute involving the Whittier Marina Condo Association's ("WMCA") lease. Attorney Schwarz proceeded to draft and revise the lease, continuing to collaborate with the Finance Director throughout.

Attorney Brian Gerd engaged with the City Manager and Attorneys Wells and Spuhler on the status of litigation and planning next steps moving forward, as well as discussed the status and correspondence related to the defendants' conditional land use permit.

Attorney Holly Wells prepared for and met with the City Manager to discuss outstanding matters related to the ARRC land exchange.

Attorneys Holly Wells and Richard Moses collaborated in drafting and revising a letter of support of visa applicants and researching the underlying laws.

Attorney Arina Filippenko oversaw the response to a sales tax inquiry and corresponded with Attorney Wells to finalize for distribution.

Attorney Jessica Spuhler reviewed, revised, and finalized a waiver and release form for contractors entering onto the Buckner property.

Attorney George Pitts corresponded with the City Manager and Finance Director on offers to purchase claims.

### August 2025

Attorneys Wells, and Moses as well as Paralegal Cherise Chong collaborated to address issues raised by a motion to compel in *SOA v. Peterson*. Attorney Wells spoke with the City on this matter and Attorney Moses analyzed the motion to compel. Paralegal Chong researched filings in the case and submitted records requests for documents filed to the aforementioned case.

Attorney Filippenko produced a timeline of records requests, and gathered documents provided to Attorneys Wells and Moses. Attorney Filippenko also drafted and finalized a letter to the Alaska Department of Public Safety regarding an appeal on the records request.

Attorney Wells and Moses continued working on the letter of support for Whittier voters accused of the violation of voting laws and corresponded with Niel Weare regarding same. Attorney Wells corresponded with the City and Mr. Weare on voting procedure. Attorney Wells met with the City Manager to discuss voting procedures further, as well as voter access. Attorney Wells conducted research regarding same.

Attorney Gerd analyzed the court order in *Whittier v. Fleming, et al.* granting judgment, and corresponded with the City Manager and City Clerk on case status and progression. Attorney Gerd reviewed defendants' Motion to Set Aside judgment, meeting with Attorney Spuhler and the City Manager and City Clerk to discuss the new case status and addressing the motion. Attorney Gerd drafted an opposition and finalized an opposition to the defendants' motion to set aside judgment, after a review by Attorney Spuhler was finalized and filed.

Attorneys Wells discussed potential Council meeting agenda issues with Attorney Jennifer Alexander, and Wells later corresponded with the City regarding same. Attorneys Wells, Alexander, and Moses prepared for and attended the City Council Meeting; Attorneys Wells and Alexander also prepared for and attended different the Executive Session.

Attorney Schwarz communicated with the Finance Director and Attorney Wells about the marina parcels, searched for documents depicting the marina parcels, and continued revising the WMCA lease.

Attorney George Pitts corresponded with the City Manager and Finance Director on the sale of Salacia property.

### **September 2025**

Attorney Schwarz continued working on the survey of the marina. Attorney Schwarz met and corresponded with PND Engineers, Inc., the surveyor's office, the Finance Director, and the Assistant City Manager regarding boundary issues; reviewed materials received from the surveyor's office and drafted the lease; prepared for and met with the Finance Director and surveyor to discuss the survey proposal; and continued revising the lease, exchanging comments with the Finance Director regarding same.

Attorney Wells and Alexander collaborated on addressing City questions on personnel matters and conducted research regarding the same and corresponded with the Assistant Manager on personnel issues.

Attorneys Wells, Alexander, and Spuhler prepared for and attended the City Council Meeting and corresponding executive session. Attorney Alexander later exchanged correspondence with the City on return-to-work policies.

Attorney Gerd analyzed the supplemental filing submitted by defendants in *Whittier v. Fleming, at al.*, discussing arguments brought in the supplemental filing, as well as the case status with the City Manager. Attorney Gerd researched for and drafted the opposition to the defendants' supplemental filing.

Attorney Spuhler reviewed a proposal regarding ARRC and Attorney Wells discussed the negotiations with the City Manager.

Attorney Wells and Moses continued to address the motion to compel concerning City personnel records in *SOA v. Peterson*.

Attorney Wells conducted research on elections, public records requests, and personnel matters and communicated with the City Manager regarding same.

Attorney Wells reviewed the letter of support for visa applications, and conducted research on related law, corresponding with Attorney Moses regarding same.

### **III. PRIORITIES FOR THE THIRD QUARTER OF 2025 (July 1 – September 31, 2025)**

Based upon current projects and newly seated Council members, we recommend Council revisit its local priorities before the new year. Currently, our team is working closely with the City Manager and Administrative team to work through pending priorities and objectives of Council.

### **IV. CONCLUSION**

While we made every attempt to be comprehensive in this report, the legal work performed on Whittier's behalf is extensive, and this report provides only an overview of that work. To the

extent Council members have specific questions that may require additional research, we encourage members to provide City Clerk Carlson with those questions before the Council meeting so we are prepared to provide knowledgeable and thorough responses. Further, we also encourage Council members to review the list of priorities laid out for the third quarter, so that we can work together to amend these priorities as Council sees fit at its August meeting.