

STEPHEN J. COX
ATTORNEY GENERAL

Margaret Paton Walsh (ABA No. 0411074)
Assistant Attorney General
Department of Law
1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
Telephone: (907) 269-5725
Email: margaret.paton-walsh@alaska.gov

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RORY VAIL, JIM ADAMS, CHRISTO-)
PHER NICKALASKEY, CLARENCE)
SHIRLEY, STEPHANIE OLRUN, NICK)
EPHAMKA, JR., ANTHONY)
GILLIAM, GAVIN CHRISTIANSEN,)
JEREMY WHITLOW, AND NAOMI)
HOLT, ON BEHALF OF THEM-)
SELVES AND ALL OTHERS SIMI-)
LARLY SITUATED,)

Plaintiffs,)

v.)

MICHAEL DUNLEAVY, GOVERNOR)
OF ALASKA; JENNIFER WINKEL-)
MAN, COMMISSIONER OF THE)
ALASKA DEPARTMENT OF COR-)
RECTIONS; AND TRAVIS WELCH,)
DEPARTMENT OF CORRECTIONS)
DIRECTOR OF HEALTH AND REHA-)
BILITATION SERVICES, IN THEIR)
OFFICIAL CAPACITIES,)

Defendants.)

Case No.: 3:25-cv-00086-SAB)

NOTICE OF APPEAL

Please take notice that Defendant Michael Dunleavy, Governor of Alaska, appeals to the U.S. Court of Appeals for the Ninth Circuit this Court's December 30, 2025 Order Denying Motion to Dismiss [ECF No. 83]. Governor Dunleavy appeals the denial of his Eleventh Amendment immunity from suit. The Defendants' representation statement under Federal Rule of Appellate Procedure 12(b) and Ninth Circuit rules 3-2(b) and 12-2 is attached to this notice.

DATED: this 28th day of January, 2026.

STEPHEN J. COX
ATTORNEY GENERAL

/s/ Margaret Paton Walsh
Margaret Paton Walsh (ABA No. 0411074)
Assistant Attorney General
Department of Law
1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
Telephone: (907) 269-5725
Email: margaret.paton-walsh@alaska.gov

Attorney for Defendants

Representation Statement

Counsel for Plaintiffs

Alejandra Uria
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington D.C., DC 20001
202-942-5377
Email: alejandra.uria@arnoldporter.com

Alexander J. Potcovaru
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710
212-836-7974
Email: alex.potcovaru@arnoldporter.com

Alyssa Kiara Gordon
American Civil Liberties Union Foundation
915 15th St., N.W. Ste 7th Floor
Washington, DC 20005
202-393-4930
Email: akgordon@aclu.org

Corene Thaedra Kendrick
American Civil Liberties Union Foundation
915 15th St., N.W. Ste 7th Floor
Washington, DC 20005
202-393-4930
Email: ckendrick@aclu.org

David C Fathi
American Civil Liberties Union
National Prison Project
915 15th St. N.W., 7th Floor
Washington, DC 20005
202-548-6603
Email: dfathi@aclu.org

Doron Levine
American Civil Liberties Union
1057 Fireweed Ln., Suite 207
Anchorage, AK 99503
201-995-3244
Email: dlevine@acluak.org

Jeffrey Miller
Arnold & Porter Kaye Scholer LLP
3000 El Camino Real
Five Palo Alto Square Suite 500
Palo Alto, CA 94306-3807
650-319-4538
Email: jeffrey.miller@arnoldporter.com

John A. Freedman
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue, NW
Washington, DC 20001-3743
202-942-5316
Email: john.freedman@arnoldporter.com

Joseph Longley
American Civil Liberties Union Foundation
915 15th St., N.W. Ste 7th Floor
Washington, DC 20005
202-548-6602
Email: jlongley1@aclu.org

Katherine Schlusser
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington D.C., DC 20001
202-942-6661
Email: katherine.schlusser@arnoldporter.com

Luke Westerman
Arnold & Porter Kaye Scholer LLP
1144 Fifteenth St Suite 3100
Denver, CO 80202
303-863-2320
Email: lucas.westerman@arnoldporter.com

Marisol Dominguez-Ruiz
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
202-393-4930
Email: mdominguez-ruiz@aclu.org

Nancy Rosenbloom
American Civil Liberties Union Foundation
915 15th St., N.W. Ste 7th Floor
Washington, DC 20005
202-393-4930
Email: nrosenbloom@aclu.org

Robert Stout
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710
212-836-7724
Email: robert.stout@arnoldporter.com

Susan C. Orlansky
Reeves Amodio LLC.
500 L Street, Suite 300
Anchorage, AK 99501
907-222-7117
Fax: 907-222-7199
Email: susano@reevesamodio.com

Counsel for Defendants

Jenna Lorence
Solicitor General, Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99507
907-269-5100
Email: jenna.lorence@alaska.gov
Margaret Paton Walsh
Assistant Attorney General
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99507
907-269-5100
Email: margaret.paton-walsh@alaska.gov

Certificate of Service

I certify that on January 28, 2026, the foregoing **Notice of Appeal** was served electrically on:

Doron Levine
Susan Orlansky
ACLU of Alaska Foundation
dlevine@acluak.org
sorlansky@acluak.org

Alejandra Uria
Jeffrey Miller
John A. Freedman
Katherine Schlusser
Luke Westerman
Robert Stout
Arnold & Porter Kaye Scholer LLP
alejandra.uria@arnoldporter.com
jeffrey.miller@arnoldporter.com
katherine.schlusser@arnoldporter.com
lucas.westerman@arnoldporter.com
robert.stout@arnoldporter.com

Alyssa K. Gordon
Corene T. Kendrick
David C. Fathi
Joseph Longley
Marisol Dominguez-Ruiz
Nancy Rosenbloom
American Civil Liberties Union Foundation, Inc. (New York)
akgordon@aclu.org
ckendrick@aclu.org
dfathi@aclu.org
jlongley1@aclu.org
mdominguez-ruiz@aclu.org
nrosenbloom@aclu.org

/s/ Margaret Paton Walsh
Margaret Paton Walsh, Assistant Attorney General

Vail, et al. v. Dunleavy, et al.
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