No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

RODNEY S. PEDERSON — PETITIONER

vs.

ARCTIC SLOPE REGIONAL CORP. ("ASRC") - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF ALASKA

PETITION FOR WRIT OF CERTIORARI

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IN THE

SUPREME COURT OF THE UNITED

STATES PETITION FOR WRIT OF

CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[**XX**] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix **A** to the petition and

has been designated for publication but is not yet reported;

The opinion of the Alaska Superior Court appears at Appendix **C** to the petition and is unpublished.

JURISDICTION

[X] For cases from **state courts**:

The date on which the highest state court decided my case was April 13, 2018. A copy of that decision appears at Appendix **A**.

[X] A timely petition for rehearing was thereafter denied on the following date: **May 21, 2018**, and a copy of the order denying rehearing appears at Appendix **B**.

The Petitioner argued during the trial court stage of the litigation in a motion for disqualification of the trial judge that the court was racially biased against the Petitioner, an Alaska Native of Inupiat (commonly referred to as "Eskimo") heritage, and again during the state court appeal stage, to no avail. Here, Petitioner invokes the Equal Protection Clause of the U.S. Constitution which the Alaska Supreme Court opinion violates by blatantly and overtly ignoring recognized and established corporate inspection law and the clearly articulated intent of the Alaska legislature as set forth in the legislative history of AS 10.06.430, Alaska's corporate inspection statute to reach this ill conceived decision, which intentionally or otherwise, treats Petitioner differently than similarly situated stockholders in other states would have been treated.

AS 10.06.430 (d) preserves the power of "a court" to compel the production of the record of shareholders, the shareholder voting list requested by the Petitioner, under the common law. This clearly evidences an intent to preserve the common law right of inspection when creating the statutory right. Moreover, it is an established rule of construction recognized by this Court that repudiation of the common law must be clear. As the Alaska statute is written, this Court can and should invoke its authority under the common law, as enunciated in the seminal case of *Guthrie v. Harkness,* 199 US 148, (1905), to review the opinions of the Alaska courts *de novo.*

The Alaska Native Claims Settlement Act "ANCSA", a federal statute, designates where the requirements for elections of ANCSA corporation directors shall be set forth. 43 USC 1606 (f). This federal law applicable to Respondent corporation ASRC also provides that in the event of a conflict with Alaska law, the provisions of the federal law section "shall prevail". 43 USC 1606 (p). Therefore, although Alaska Native corporations are state chartered, they are still substantially governed by federal statutes, including federal provisions for how the directors are to be elected. State statutes and state court decisions interpreting them should not impede access to the shareholder voting list as the state court decision at issue here clearly allows.

Moreover, the Alaska Court opinion so far diverges from the accepted and recognized standards and rules of law for stockholder access to the shareholder records/voting lists that is generally made freely available to candidates for director

seats of corporations in virtually every other state in the U.S. that review and intervention by this Court is the only available and appropriate remedy. Alaska corporate stockholders have been isolated on a veritable island outpost, by themselves, with lesser rights than all other stockholders of corporations in every other state. Unwitting Americans who purchase Alaska company stock or incorporate in Alaska may be in for a cruel surprise when they discover they have substantially inferior shareholder inspection rights as enunciated by the Alaska Court in this case.

Finally, the opinion of the Alaska Supreme Court, if accepted for review, will likely be the most extreme example of "legislating from the bench" that this Court will review this year. Nothing in the language of the statute indicates an intent to authorize corporate executives to demand a confidentiality agreement from a shareholder in exchange for allowing inspection of the shareholder list. The protective limitation on access chosen by the legislature is that the shareholder must have a proper purpose and in the case of the list a statement that the list is needed to solicit proxies is all that is required. See, *Legislative History AS 10.06.430,* at 8 below. The Alaska court's revision allowing executives to also demand a confidentiality agreement or legally deny access will be a teaching tool for decades to come for hundreds of future lawyers and judges as an example for how jurisprudence in the United States should not to be conducted.

There is no way that Petitioner could have reasonable expected that the Alaska court would conduct itself in this manner and so blatantly and overtly deny Petitioner the equal protection of the law guaranteed by the U.S. Constitution. Nor is it reasonable to expect petitioner to predict that Alaska's highest court would be willing to so blatantly rewrite a validly adopted statute to accomplish its goal of ruling against an Alaska Native appellant (or ruling **for** the company's executives) that he would reasonably foresee the need to argue against such an occurrence below prior to the decision being handed down.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U. S. Constitution

United States Constitution Amendment XIV
Section 1. ("Equal Protection Clause")

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Federal Statutes

43 USC 1606...

(g) stock
(1) Issuance of Settlement Common Stock

(A) The Regional Corporation shall be authorized to issue such number of shares of Settlement Common Stock (divided into such classes as may be specified in the articles of incorporation to reflect the provisions of this chapter) as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 1604 of this title.

(h) Settlement Common Stock
(1) Rights and restrictions
(B) Except as otherwise expressly provided in this chapter, Settlement Common Stock of a Regional Corporation shall—
(i) carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to shareholders;
(ii) permit the holder to receive dividends or other distributions from the corporation; and

(iii) vest in the holder all rights of a shareholder in a business corporation organized under the laws of the State.

43 USC sec. 1606 (f) **Board of Directors; Management; Stockholders; Provisions in Articles or Bylaws for Number, Term, and Method of Election**
The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms, and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

43 USC sec. 1606 (p) **Federal-State conflict of laws** In the event of any conflict between the provisions of this section and the laws of the State of Alaska, the provisions of this section shall prevail.

State Statutes (Alaska)

AS 10.06.413. Voting list; liability, sections (a), (b) and (c) provide:

"(a) At least 20 days before each meeting of shareholders, the officer or agent having charge of the stock transfer books for shares of a corporation shall make a list of the shareholders entitled to vote at the meeting or an adjournment of the meeting arranged in alphabetical order, with the address of and the number of shares held by each shareholder. The list shall be kept on file at the registered office of the corporation and is subject to inspection by a shareholder or the agent or attorney of a shareholder at any time during usual business hours for a period of 20 days before the meeting. The list shall also be produced and be kept open at the time and place of the meeting and shall be subject to inspection of a shareholder during the meeting. The original stock transfer books are prima facie evidence as to the shareholders who are entitled to examine the list or transfer books or to vote at the meeting of shareholders.

(b) Failure to comply with the requirements of this section does not affect the validity of the action taken at the meeting.

(c) An officer or agent having charge of the stock transfer books who fails to prepare the list of shareholders, keep it on file for a period of 20 days, or produce and keep it open for inspection at the meeting, as provided in this section, is liable for a penalty of $5,000 and shall

pay this sum to a shareholder who makes a written request for performance of the duties imposed by this section."

AS 10.06.430. Books and Records, sections (a), (b), (c) and (d) provide:

"(a) a Corporation organized under this chapter shall keep correct and complete books and records of account, minutes of proceedings of its shareholders, board, and committees of the board, and a record of its shareholders, containing the names and addresses of all shareholders and the number and class of the shares held by each. The books and records of account, minutes, and the record of shareholders may be in written form or in any other form capable of being converted into written form within a reasonable time.

(b) A corporation organized under this chapter shall make its books and records of account, or certified copies of them, reasonably available for inspection and copying at the registered office or principal place of business in the state by a shareholder of the corporation. Shareholder inspection shall be upon written demand stating with reasonable particularity the purpose of the inspection. The inspection may be in person or by agent or attorney, at a reasonable time and for a proper purpose. Only books and records of account, minutes, and the record of shareholders directly connected to the stated purpose of the inspection may be inspected and copied.

(c) An officer or agent who, or a corporation that, refuses to allow a shareholder, or the agent or attorney of the shareholder, to examine and make copies from its books and records of account, minutes, and the record of shareholders, for a proper purpose, is liable to the shareholder for a penalty in the amount of 10 percent of the value of the shares owned by the shareholder or $5,000, whichever is greater, in addition to other damages or remedy given the shareholder by law. It is a defense to an action for penalties under this section that the person suing has within two years sold or offered for sale a list of shareholders of the corporation or any other corporation or has aided or abetted a person in procuring a list of shareholders for this purpose, or has improperly used information secured through a prior examination of the books and records of account, minutes, or record of shareholders of the corporation or any other corporation, or was not acting in good faith or for a proper purpose in making the person's demand.

(d) Nothing in this chapter impairs the power of a court, upon

proof of a demand properly made and for a proper purpose, to compel the production for examination by the shareholder of the books and records of account, minutes, and record of shareholders of the corporation."

LEGISLATIVE HISTORY

Official Comment to ACC Section 10.06.430.

BOOKS AND RECORDS.

SCOPE: ACC sec. 430 addresses the problematic question of access by shareholders and some others to the books and records of the corporation. The questions presented include: who shall have a "right" of access; under what circumstances may the right be asserted (time, place, and frequency) ; and to which books and records (shareholder lists, minutes of board, board committee and shareholder meetings, financials, etc.) does it extend. Subsidiary issues surround the consequences of a "wrongful" denial of access and the availability of judicial process to enforce the "rights" created or recognized.

The friction between the demands by shareholders and the attitude of incumbent management has led to considerable litigation. Indeed, the question of inspection now governed by sec. 430 was first addressed at common law. The classical problems involve the shareholder who desires to learn the identity of other shareholders so that he might launch a "take over bid" or a move to oust incumbent management. Less frequently encountered is the shareholder who desires to gain a list of clients to whom he can peddle insurance, etc. Looking beyond the shareholder list to books and records the tension is between the right of a shareholder to gain access to proof of mismanagement or other wrongdoing and the possibility that a shareholder could use this right to vex or harass incumbent management in the hope that he would be "bought off." Another problem surrounds the corporate fear that the information gained through an exercise of a right of inspection will be used to harm or compete with the corporation. The real presence of these dangers accounts for the "proper purpose" limitation found in ACC sec. 430 (b) and reflected in the defense by an officer or agent who has refused the right of inspection to the liability created by ACC section 430 (c).

Sec. 430 (a) creates a basic obligation of any corporation organized under this Chapter to keep specified books and records of account, minutes of proceedings, and the record of its shareholders, containing

the names and addresses of all shareholders and the number and class of the shares held by each. A provision has now been made to facilitate the data collecting and keeping via electronic processing so long as such data can be reduced to writing. Sec. 430 (b) creates the right of inspection as to the data described in sec. 430 (a) and vests that right in the Department of Commerce and Economic Development and any shareholder. The shareholder inspection shall be upon a written demand which must state the purpose or purposes for which inspection is demanded. The inspection, which may be carried on in person, by agent, or attorney must be made at a reasonable time and for a proper purpose. By way of further limitation, the scope of the enforceable demand shall extend only to such section 430 (a) data as is relevant to the stated purpose(s). Copies of any data to which the right of inspection attaches may be made.

In adopting section 430 (b) the legislature intends to approve several distinctions and interpretations of the proper purpose doctrine as enunciated in the following cases. With respect to the shareholder lists: a statement that the shareholder list is desired for the purpose of communicating with shareholders on matters of mutual interest to shareholders and for the purpose of soliciting proxies is sufficient to gain the right of inspection. Credit Bureau Reports, Inc. v. Credit Bureau of St. Paul Inc., 290 A.2d 691 (Sup. Ct. Del. 1972). A willingness of the Corporation to mail the shareholder's material is not a valid reason to deny the right to inspect and copy the shareholder list. Kerkorian v. Western Airlines, Inc., 253 A.2d 221 (Del. Ch. 1969). The fact that a shareholder is frankly hostile to management or desires to gain control of the Corporation does not constitute an improper purpose. State ex rel. Pillsbury v. Honeywell, Inc., 291 Minn. 322, 191 N.W.2d 406 (1971).

With respect to all other 430 (a) data (books and records): a shareholder has every right to inspect books and records to protect his interest as a shareholder so long as he has an honest motive and is not proceeding for vexatious or speculative reasons. Briskin v. Briskin Mfg. Co., 6 Ill. App. 3d 740, 286 N.E. 2d 571, 574 (1972); Acceptance Corp. v. Nally, 222 Ga. 534, 150 S.E.2d 653 (1966); Keenland Ass"n. v. Pessin, 484 S.W.2d 849 (Sup. Ct. Ky. 1972), and Campbell v. Ford Industries, Inc., 274 Or. 243, 546 P.2d 141 (1976). Prior to acceding to the demands, the corporation has a right to demand and receive assurances that the information disclosed is not used for the purpose of injuring corporate business or building up a rival concern. State ex rel. Armour and Co. v. Gulf Sulfur Corp., 233 A.2d 457 (Sup. Ct. Del. 1967). If the shareholder proposes to conduct the inspection or extracting other than in person the corporation is entitled to receive

adequate proof of the agent's authority. Henshaw v. American Cement Corp., 252 A.2d 125 (Del. Ch. 1969).

Sec 430 (c) creates personal liability in any officer or agent who denies the right of inspection which the shareholder can establish was properly demanded under section 430 (b). It is an affirmative defense to this liability that the demanding shareholder has within the previous two years offered the shareholder list for sale, aided or abetted another in such an offer, or made improper use of information secured through prior examination of the books and records of account, or minutes, or record of shareholders of the corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demands. Although there would appear to be no direct common-law precedent, it is the intention of the legislature in framing section 430 (c) that a history of negligent or deliberate dissemination of confidential materials by the demanding shareholder would constitute "improper use of information" justifying a refusal of the demand and immunizing the corporate officer so refusing from liability.

Sec. 430 (d) makes clear that nothing in this section shall preclude or inhibit the power of a competent court to enforce the right of inspection which the shareholder can establish as properly demanded under section 430 (b).

Sec. 430 (e) goes beyond any other requirements to give a shareholder a right to receive, upon written request, a copy of the Corporation's most recent financial statement.

CHANGE IN FORMER ALASKA LAW: ACC sec 430 is based upon section 52 of the Model Act and the former AS 10.05.237-249. Sec. 430 (a) continues the former content of AS 10.05.237 with added provisions for the minutes of meeting of board committees and the permission that the data may be recorded in a written form or in any other form capable of being converted into written form within a reasonable time.

Sec. 430 (b) continues the policy of recognizing a right of inspection in the department of commerce and economic development (as in former AS 10.05.237 (b)) but has eliminated durational and numerical qualifications which obtained in former AS 10.05.240. Language has been added which restricts the right of inspection to data relevant to the proper purpose.

Sec. 430 (c) continues the policies of former AS 10.05.243 respecting the liabilities of the defenses available to one officer or agent who

refused the demand for inspection properly under sec. 430 (b).

Sec. 430 (d) had modified former .246 in view of the standing requirements eliminated under sec. 430 (b). Sec. 430 (e) adopts without change the content of former .249 on the right of the shareholder to demand a copy of the most recent corporate financial statements.

STATEMENT OF THE CASE

As in most cases, the facts as recited by an opinion are not exactly the "facts" that actually occurred. Petitioner, who was not an experienced litigator before filing suit against respondent to obtain inspection of the corporation's books and records in 2009 did not know the prevailing party lawyer actually wrote the findings of "fact" and conclusions of law that the trial court adopted.

The appellate court then adopts those facts or modifies them somewhat to fit the "law" that it will apply to the case. As law students, are we taught that the "facts" we read in the case books are not really the facts? Respondent was not.

This is what sort of happened in this case. Many relevant facts were not discussed in the Alaska Supreme Court opinion. But Respondent does not believe they are what are most important to the Court's decision whether to accept this case for review. The important considerations are the legal rulings that were in error.

Legal Errors

It was after all the legal errors that led to Petitioner being deprived of the equal protection of the law. The Alaska court's blatant refusal to comply with established law and its own precedent when interpreting Alaska's inspection statute to reach it's desired result deprived the Petitioner of his legal rights which if properly applied, prior established law should have allowed him to prevail in this case.

As the Petitioner pointed out in his petition for rehearing, the Alaska court misconceived, or more accurately, failed to address the main issue in this case; whether a corporation is allowed to also demand a confidentiality agreement when the legislature's chosen protective limitations are A) the purpose must be "proper"; and B) only records related to the purpose can be inspected. The legislative history, which the Alaska court refused to consider, perhaps recognizing the history did not support its holding, makes clear that additional limitations are not allowed. The statute also provides remedies if shareholders abuse inspection; denial of future demands and liability relief, as opposed to further protective measures that hinder inspection. AS 10.06.430 (c).

In addition basic and well know cannons of construction make clear the Alaska court misinterpreted the statute. When a legislature prescribes exceptions or as here, limitations in a statute, the exclusion of others is implied. *Reading Law,* Antonin Scalia & Bryan A. Garner, 107 (2012). The Alaska Court has adopted and applied the same principal to statutory construction. *Sprague vs. State,* 590 P.2d 410, 415 (AK 1979). Alaska statutory interpretation law is: "To interpret a statute we must 'consider its language, its purpose and its legislative history, in an attempt to give effect to the legislature's intent, with due regard for the meaning the statutory language conveys to others.' 'In order to interpret a statute contrary to its plain meaning, 'the plainer the language, the more convincing

contrary legislative history must be.'" *Alaska National Ins. Co. vs. Northwest Cedar Structures, Inc.,* 153 P.3d 336, 339 (AK 2007).

The legislative history makes perfectly clear this Court's ruling that "there is no indication that AS 10.06.430 prohibits such a demand" is incorrect. *[Appen. A],* 22. Not only does the language of the statute provide no right to demand additional impediments to inspection, but the legislative history makes clear which **limitations** the legislature intended. The demand A) must state the purpose; "The real presence of these dangers accounts for the 'proper purpose' limitation", and B) "By way of further limitation" the scope of the inspection is limited. See, *Legislative History,* 8. Further, "a statement that the shareholder list is desired for...the purpose of soliciting proxies is sufficient to gain the right of inspection." *Id.* The history also clarifies the legislatures chosen protection against lack of a proper purpose (misuse of records) was by the defense against liability for an officer, rather than further restricting access by allowing additional limitations. *Id.*

It is clear that the legislature knew what "limitations" were, and which it chose to apply when striking its chosen balance; they certainly were aware of the case law they approved and none authorized a confidentiality agreement. The Alaska Court rewrote the statute and ignored the legislative intent by allowing for additional limitations; whatever is not specifically prohibited, which is the opposite of espressio unius est exclusio alterius. *Sprague,* 415. Pursuant to the Alaska court's ruling, corporate management can now develop other "protective" measures to restrict access to the shareholder list, whatever is "not prohibited" by the statute. This clearly was not the intent of the legislature. The language of the statute, its purpose and the legislative history make that perfectly clear. *Alaska Nat. Ins.,* 153.

Whether these errors were intentional or not, the result of reducing the rights of Alaska stockholders versus the rights of corporate executives has damaged thousands of Alaska stockholders both Alaska Native and non-Native alike. Only this Court can address and fix this miscarriage of justice. It appears the Alaska Supreme Court believes it is immune from oversight or further review for its actions. Why else would the court so blatantly and openly ignore the legislative history and established precedent to rule for its preferred litigant?

REASONS FOR GRANTING THE PETITION

The Nightmare Has Come to Fruition

For Alaska Natives like Petitioner, with knowledge of Federal Indian Law, who understands the benefits that tribes in other states enjoy with their freedom from state jurisdiction over their lands and people, the wait until the time that the State of Alaska fully exerted its not yet fully known legal authority in a negative or abusive manner against Alaska Native shareholders of the Native corporations created by ANCSA either through the state courts or the executive agencies has now arrived. The opinion of the Alaska Supreme Court the Petitioner asks this Court to review certainly rises to the level of an abuse of power by that court. The refusal of the Alaska court to apply its own precedent in interpreting the language of the Alaska corporate shareholder inspection statute; and the open and blatant refusal of the court to even consider the legislative history because the history so clearly evidences an intent by the legislature contrary to the court's ruling amounts to an abuse of power by Alaska's highest court which denied the Petitioner the equal protection guaranteed to him by the U.S. Constitution.

To properly apply the law would have resulted in the Alaska court having to rule for who it considered the "wrong" party; an Alaska Native shareholder. Since the passage of ANCSA in 1972, the Alaska courts have a perfect record; they have never issued a judgment in favor of a Native corporation shareholder against a Native corporation's executives (at least not in a reported case). Petitioner has researched the reported case law of Alaska Court cases and has not found a case where an Alaska court granted judgment for a shareholder against a Native corporation in a stockholder rights case. The reality is the Alaska courts, at the urging of the corporation's lawyers, have instead turned statutes and regulations designed to protect Native stockholders into weapons for the executives. The statutes or regulations are now used against Native shareholders rather than to protect their interests as stockholders.

For example, the statute initially adopted to deter the distribution of false or misleading proxy statements and annual reports to shareholders, because of regulations written by the Alaska's Division of Banking and Securities, which is supposed to oversee Native corporations which are exempt from federal SEC oversight, now almost exclusively prevents Native shareholders from posting or advertising anything negative about corporate management pursuant to regulations recommended by the corporations. Virtually all of the reported Alaska case law interpreting the statute and regulations are suits brought by corporations against Native shareholders. See, *Brown v. Ward,* 593 P.2d 247, (AK 1979), *Meidinger v. Koniag, Inc.*, 31 P.3d 77, (AK 2001), *Skaflestad v. Huna Totem Corp.*, 76 P.3d 391, (AK 2003), *Rude v. Cook Inlet Region, Inc.,* 294 P.3d 78, (AK 2012). Petitioner found no reported cases successfully brought against Native corporations for violating the statute or regulations.

This case also is the result of Native corporation lawyers convincing the Alaska courts to turn an Alaska statute intended to benefit and protect the interests of corporate shareholders into a weapon for corporate executives. AS 10.06.430, the Alaska shareholder inspection statute, because the Alaska court in 2014 decided the statute allows corporate executives to demand that shareholders agree to a confidentiality agreement prior to allowing them to inspect books and records. *Pederson v. Arctic Slope Regional Corp.,* 331 P.3d 384, 387 (AK 2014). And now in this case, executives can not only demand an agreement prior to allowing access to the shareholder voters list, they can also sue shareholders for violating the "agreements" they are now allowed to demand "in exchange" for allowing inspection of the list. This action by the Alaska court has again allowed the weaponizing by executives of a protective statute designed to provide rights for shareholders. The Alaska court has again turned a statute adopted to provide rights to Alaska stockholders on its head, instead allowing the statute to become a weapon for executives to use **against** stockholders.

No other state or jurisdiction has interpreted their inspection statutes in a way that allows corporate executives to put up similar impediments to access to the shareholder voting list for director candidates soliciting proxies. The legislative history of the Alaska statute makes clear that the legislature did not intend for any additional limitations to be placed on access to the shareholder list when it is requested to solicit proxies. The Alaska court acknowledged that it recognized the legislature's intent but "did not rely" on the legislative history for its opinion; the court's way of saying they were ignoring the legislatures clearly stated intent. [Appen. A, 22]. Instead, the court established or adopted a new rule of interpretation for this opinion; that since the statute did not explicitly prohibit additional limitations, a confidentiality agreement, that corporate executives were allowed to demand them in exchange for "allowing" the statutory right to inspection. Id.

To achieve it's goal of ruling for the "correct" party the Alaska court blatantly trampled on the rights of not only the Petitioner, but every other Native corporation shareholder; demonstrating the court's willingness to wield its legal authority in an abusive and negative manner against Alaska's Native citizens. Not to mention trampling on the clear intent of the legislators who worked diligently to strike the balance of rights set forth in the inspection statute. As will be discussed next below, the Alaska court opinion also harmed the interests of an unknown number of stockholders of Alaska corporations who are all subject to the terms of the Alaska inspection statute that applies to **all** Alaska corporations. According to the State of Alaska, Dept. of Labor, Alaska had 738 thousand residents in 2016. About 15% of that number were Alaska Native or American Indian living in Alaska. The vast majority of Alaska Natives are stockholders of the Alaska Native 13 regional or nearly 200 village corporations. This is the number of Alaska Native stockholders impacted by the Alaska court's opinion.

Thousands of Alaska Stockholders are Collateral Damage

The court, intentionally or otherwise, also to achieve its goal of "ruling for the correct party"; the corporate executives in this case involving a Native corporation and Native stockholder, also negatively impacted the rights of an untold number of non-Native corporate stockholders of an untold number of large and small Alaska corporations. These stockholders, who do not even know their rights of access to the shareholder voting list have been impacted by the Alaska court's opinion, are collateral damage to what can only be described as the Alaska court's zeal to limit Alaska Native stockholder's rights relative to the rights of the executives who control their corporations.

If this Court is not compelled to act on behalf of the Native stockholders negatively impacted by the Alaska court ruling, then perhaps the negative impact to the thousands of minority and other stockholders that can now be taken advantage of by controlling stockholders in Alaska corporations will spur the Court to take this case up for review.

CONCLUSION

For the reasons set forth above, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: August 19, 2018