

2. The irreparable harm to the moving party would be worse than any harm the proposed temporary restraining order would cause the other party.

There is no direct harm to the City of Seward (City). There are no no negative financial implications from suspending or terminating the demolition contract which has a four month window for completion. The City's funding doesn't need to be expended until June 2021, and the funder has already offered them an extension.

3. The temporary restraining order would not be against the public interest.

The Alaska State Legislature unanimously passed House Bill 96 - Acquiring the Jesse Lee Home. The sponsor statement affirms the Jesse Lee Home holds a uniquely important place in Alaska's cultural history. The Legislature and Dunleavy Administration have attempted to stop the destruction of the Jesse Lee Home.

It would be against public interest to allow the City to demolish an irreplaceable cultural and historical landmark without allowing any opportunity for stakeholders to save the structurally sound building, and allow the public to see a return on the significant amount of public funds that have been invested in the project.

4. There is a substantial likelihood that the moving party will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further litigation.

Both parties agree that the City of Seward does not have clear title to the building, the Jesse Lee Home's title is held by the Friends of Jesse Lee Home (Friends).

The title is clouded only because the City is trying to invoke the reversion clause in the Purchase and Sale Agreement by suggesting that the Friends failed to perform agreed upon work, when the City actively obstructed the Friends from doing so. The City has not demonstrated good faith and fair dealing with the Friends.

Additionally, the Friends have invested \$2.5 million into the Jesse Lee Home which has an agreed upon value \$470,000. The terms of the Purchase and Sale Agreement give the Friends credit for their investment against the value of the property, that was the intent insomuch as the final use would be for the public good. The final use has not changed.

The City as taken the Jesse Lee Home from the Friends through inverse condemnation, and has threatened to arrest them for trespassing on their own property. Meanwhile, the City has trespassed on the property themselves, caused great harm to the reputation and progress of the project and the Friends, and now intends to demolish the property in total disregard of Friends rights of ownership.

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