

IN THE SUPREME COURT FOR THE STATE OF ALASKA

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ORDER NO. 659

Adding Administrative Rule 45
Relating to Mandatory Filing of
Concurrent Jurisdiction Cases In
The District Court

IT IS ORDERED: *Office*

*Administrative Director
System*

Alaska Rule of Administrative Procedure 45 is added as follows:

Rule 45. Concurrent Jurisdiction Cases

(a) Mandatory Filing. A civil action that falls within the concurrent jurisdiction of the superior court and the district court shall be filed in the district court (except for a petition for injunctive relief under AS 25.35.010 or 25.35.020).

(b) Amount in Controversy. The amount in controversy is first determined by reference to the plaintiff's complaint. Jurisdiction is established by the pleading of claims as they appear at the time of filing of the complaint or other claim. Claims must be pled in good faith. Interest due at the time of filing may be included in the claimed amount. Properly joined claims may be aggregated. When a compulsory counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall order referral of the case to the superior court. When a permissive counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall either order referral of the case to the superior court or order severance of the claim to be proceeded with separately.

(c) Transfer by District Court. When it appears from the pleadings that the amount claimed for recovery exceeds \$25,000.00 exclusive of costs, post-filing interest, and attorney fees, then the district court judge shall upon motion or the court's own motion refer the case to the superior court.

(d) Transfer or Retention by Superior Court. When it appears from the pleadings, filed documents, or any pretrial evidence taken in the case that the amount claimed for recovery does not exceed \$25,000.00 exclusive of costs, post-filing interest, and attorney fees, then upon

motion or the court's own motion the superior court judge shall order transfer of the case to the district court or retain the case and sit as a district court judge pro tem. A specific assignment of the judge to the district court is not required under these circumstances.

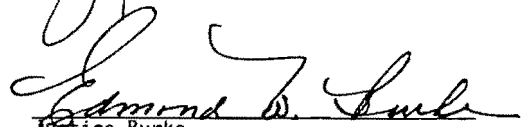
(e) Criminal Cases Unaffected. Neither AS 22.10.020(a) nor the subsections of this rule apply to criminal cases.

DATED: October 31, 1985

EFFECTIVE DATE: March 15, 1986



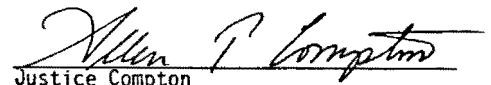
Chief Justice Rabinowitz



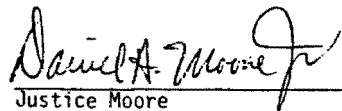
Justice Burke



Justice Matthews



Justice Compton



Justice Moore