

In the Supreme Court of the State of Alaska

**The Estate of Josiah Wheeler,
pursuant to the assignment of rights of
insured Deborah Overly and Terry
Summers; Keith Wheeler; Rhetta
Wheeler, individually and as
representatives of the Estate of Josiah
Wheeler,**

Plaintiffs-Appellants,

v.

**Garrison Property and Casualty
Insurance Company, a subsidiary of
USAA Insurance Company,
Defendant-Appellee.**

Supreme Court No. **S-18849**

Order

Certified Question

Date of Order: **9/20/2023**

Trial Court Case No. 22-35484, 4:20-cv-00041-SLG

Before: Maassen, Chief Justice, and Carney, Borghesan, Henderson,
and Pate, Justices.

On consideration of the certified question filed by the United States Court
of Appeals for the Ninth Circuit on **9/6/2023**,

IT IS ORDERED:

1. The certified question is **ACCEPTED**.
2. Formal briefs conforming to Alaska Appellate Rule 212 and excerpts conforming to Alaska Appellate Rule 210 shall be filed. Briefing and excerpting shall proceed on the schedule prescribed in Appellate Rule 212(a)(1). The parties may include in their excerpts copies of any materials from the record on appeal before the Ninth Circuit they deem indispensable. Unless otherwise ordered by this court, the excerpts and the certified question of the Ninth Circuit will serve as this court's record for purposes of answering the certified question.

Wheeler v. Garrison Property and Casualty Insurance Co.
Supreme Court No. S-18849
Order of 9/20/2023
Page 3

3. The Plaintiff/Appellant's initial opening brief is due on or before **10/20/2023**. A PDF version should be filed electronically at pleadings@akcourts.gov. No hard copies need to be filed with the court until the clerk issues a notice of printed briefs. The brief, including any text and any footnotes, must comply with the requirements of Appellate Rules 212 and 513.5, including typeface size and typeface certificate requirements. The excerpt must comply with the requirements of Appellate Rule 210(c) and the Clerk's Instructions for Preparation of Excerpts (an Appendix to the Appellate Rules). The brief and excerpt will be checked for compliance with these rules, and you will be informed whether corrections must be made prior to printing.

4. Either party may request oral argument within the time allowed by Appellate Rule 505.

Entered at the direction of the court.

Clerk of the Appellate Courts



Meredith Montgomery

cc: Clerk of the United States Court of Appeals for the Ninth Circuit
United States District Court Judge Sharon L. Gleason

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