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**NEWS RELEASE**



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### **State Files Amicus Brief in Bristol Bay Case**

(Juneau, AK) –Attorney General Gregg Renkes filed an “amicus brief” yesterday in the case of *Alakayak v. All Alaska Seafoods, Inc.* challenging the proposed payment of nearly \$12 million in attorneys fees plus \$4.5 million in expenses to lawyers who lost a case last year for Bristol Bay fishermen. The fishermen’s attorneys claimed that several fish processors violated antitrust laws by conspiring to set the price of salmon in Bristol Bay. The case went to trial in February of 2003, and a jury found that no price-fixing occurred.

Prior to trial, the fishermen settled with a few of the processors for a total of about \$40 million. Under Alaska law, the non-settling fish processors who ultimately won the case are entitled payment of their expenses and a portion of their attorneys’ fees from the settlement money. The parties agreed to set the winning processors’ attorneys’ award at approximately \$14 million. Attorneys for the fishermen asked for about \$12 million in fees by taking 30 percent of the entire \$40 million settlement without subtracting the winning defendants’ fees and costs. This calculation leaves only \$9.5 million for the fishermen and their families, which is less than 1/4th of the original fund.

The “amicus,” or “friend of the court,” brief filed by the state argues that the fishermen’s lawyers should not get all the fees they requested. Plaintiffs’ lawyers calculated their \$12 million fee by taking 30 percent of the \$40 million settlement fund.

“By losing this case at trial, the fishermen’s lawyers created an obligation to pay for defendants’ fees and costs,” Renkes explained. “Those amounts should be deducted from the settlement before calculating the losing plaintiff attorneys’ fees.”

The state also argues in the brief that 30 percent of the fund is excessive under the facts of the case considering that the benchmark in this jurisdiction is only 25 percent.

“Considering that the plaintiffs lost this case, the percentage should be even lower,” Renkes added. “Under no circumstance should it be higher.”

The court will hold a hearing to decide this issue next Thursday, February 5th, in Anchorage.

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