

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT KENAI

DAVID HAEG,)	
)	
Applicant,)	
)	
vs.)	
)	CASE NO 3KN-10-1295 CI
STATE OF ALASKA,)	
)	
Respondent.)	
)	

**DECISION ON HAEG MOTION TO DISQUALIFY ATTORNEY MAASSEN
AND ON JUDGE MURPHY MOTION TO QUASH HER DEPOSITION**

Post-conviction relief ("PCR") applicant David Haeg ("Haeg") moved in August 2010 to disqualify attorney Maassen from representing Judge Margaret Murphy or anyone else in this case. The basis asserted is that Maassen has a conflict because his law partner Kevin Fitzgerald represented Tony Zellers, a codefendant of Haeg, in the underlying criminal charges. The court takes judicial notice that the public on-line CourtView records do not show any PCR case was filed by Zellers. The motion to disqualify Maassen is denied.

The motion to quash the deposition of Judge Murphy is granted in part and denied in part. The court has considered the Haeg opposition to the motion to quash as well as the reply today on behalf of Judge Murphy. The court is not convinced that Haeg has shown good cause for an in-person deposition of Judge Murphy at this time. The court is also not convinced by the argument on behalf of Judge Murphy that obtaining information from Trooper Gibbons is sufficient.

The current in-person deposition of Judge Murphy is quashed, without prejudice. Haeg is permitted, similar to the court ruling on the Greenstein deposition, to first pursue a deposition of Judge Murphy pursuant to Civil Rule 31 – deposition on written questions. Judge Murphy will have the standard time in which to respond to those questions by answer or appropriate objection. Haeg may then respond to any objections. After a court ruling on any such objections, Haeg may renew his request for an in-person deposition by a showing of good cause which may turn on the answers or lack thereof.

Dated at Kenai, Alaska, this 8th day of July, 2011.


 Carl Bauman
 SUPERIOR COURT JUDGE

CERTIFICATION OF DISTRIBUTION
 I certify that a copy of the foregoing was mailed to the following at their addresses of record: *faxed*
Haeg, Peterson, Maassen
 Date 7-8-11 Clerk *Roberts*