CASE DESCRIPTION – SUPERIOR COURT Case Number:_____

Type of Action		For Court Use Only	
Check the box that best describes the case. Mark **one** box only. For district court cases, use form CIV-125D.		Case Type	Action Code
Domestic Relations			
	Divorce With Children (or Pregnant)	Div or Cust w/Children	CISDVC
	Divorce Without Children	Divorce Without Children	CISDIV
	Uncontested Divorce With Children (or Pregnant)	Div or Cust w/Children	CISUDVC
	Uncontested Divorce Without Children	Divorce Without Children	CISUDIV
	Custody (Unmarried Parents)	Div or Cust w/Children	CISCUS
	Uncontested Custody (Unmarried Parents)	Div or Cust w/Children	CISUCUS
	Visitation by Person Other than Parent	Domestic Relations Other	CIVIS
	Property Division – Unmarried Partners	Domestic Relations Other	CISPROP
	Legal Separation With Children (or Pregnant)	Legal Separation	CICLS
	Legal Separation Without Children	Legal Separation	CISLS
	Uncontested Legal Separation with Children (or Pregnant)	Legal Separation	CIUCLS
	Uncontested Legal Separation Without Children	Legal Separation	CIUSLS
	Annulment	Domestic Relations Other	CIANNUL
	Paternity - Establishment	Domestic Relations Other	CISPAT
	Paternity - Disestablishment	Domestic Relations Other	CIDPAT
	Genetic Testing - Failure to Comply with Order for Testing	Domestic Relations Other	CIOSCP
	Administrative Child Support Order – Modification or Enforcement	Domestic Relations Other	CIPCS
	PFD or Native Dividend Case	Domestic Relations Other	CIPND
	Foreign Support Order - Registration, Modification or Enforcement under AS 25.25	Domestic Relations Other	CIUIFSA
	Foreign Custody Order – Registration, Modification or Enforcement under AS 25.30	Domestic Relations Other	DR483
	Both Foreign Custody & Support Order – Registration, Modification or Enforcement under AS 25.30 and AS 25.25	Domestic Relations Other	CIFCS
	Foreign Domestic Relations Order (Not Custody or Support) – Registration, Modification or Enforcement	Domestic Relations Other	CIDRFJ
Landlord/Tenant			
	Eviction (May Include Rent or Damages)	Eviction-Superior Court	CISFED
	Other Landlord/Tenant (No Eviction)	Civil Superior Court	CISLT
Debt/Contract			
	Debt Collection	Civil Superior Court	CISDEB
	Claim by Buyer Against Seller of Goods/Services	Civil Superior Court	CISCLAIM
	Employment – Discrimination	Civil Superior Court	CISEMPD
	Employment – Other Than Discrimination	Civil Superior Court	CISEMP
	Other Contract	Civil Superior Court	CISOCT
Real Property Actions			
	Condemnation	Civil Superior Court	CISCNDM
	Foreclosure	Civil Superior Court	CISFOR
	Quiet Title	Civil Superior Court	CISQIT
	Real Property Tax Foreclosure	Superior Court Misc Petition	CISTAX
	Other Real Estate Matter	Civil Superior Court	CISREM
Foreign Judgment			
	Registration of Foreign Judgment – SEE DOMESTIC RELATIONS FOR FOREIGN **SUPPORT/CUSTODY** ORDERS	Foreign Judgment Superior Ct	CISFOJ
Malpractice			
	Legal Malpractice	Civil Superior Court	CISLMP
	Medical Malpractice	Civil Superior Court	CISMMP
	Other Malpractice	Civil Superior Court	CISOMP

CASE DESCRIPTION – SUPERIOR COURT Case Number:_____

Type of Action		For Court Use Only	
Check the box that best describes the case. Mark **one** box only. For district court cases, use form CIV-125D.		Case Type	Action Code
Tort			
	Wrongful Death	Civil Superior Court	CISPID
	Automobile Tort (But Not Wrongful Death)	Civil Superior Court	CISIDA
	Claim Against Owner of Real Property for Personal Injury	Civil Superior Court	CISPIO
	Product Liability	Civil Superior Court	CISPL
	Intentional Tort (e.g., assault, battery, vandalism)	Civil Superior Court	CISIT
	Slander/Libel/Defamation	Civil Superior Court	CISSLD
	Other Tort	Civil Superior Court	CISIDO
	Approval of Minor Settlement – Civil Petition *May also be filed as probate case.*	Superior Court Misc Petition	CISPET
Other Civil			
	Election Contest or Recount Appeal	Civil Superior Court	CISELE
	Change of Name - Adult	Change of Name	CICON
	Change of Name - Minor	Change of Name	CICONM
	Confession of Judgment	Civil Superior Court	CISCCONF
	Structured Settlement – AS 09.60.200	Superior Court Misc Petition	CISSS
	Administrative Agency Proceeding – Request for Court Assistance	Superior Court Misc Petition	CISWRNT
	Arbitration - Action Under Uniform Arbitration Act	Civil Superior Court	CISAP
X	Fraud	Civil Superior Court	CISFRAUD
	Unfair Trade Practice and Consumer Protection	Civil Superior Court Clerk: Issue form CIV-128	CISUTP
	Writ of Habeas Corpus	Civil Superior Court	CIWHC
	Fish & Game - Abatement & Forfeiture of Equipment	Superior Court Misc Petition	CISAF
	Appointment of Trustee Counsel	Superior Court Misc Petition	CISTC
	Action Under Alaska Securities Act	Civil Superior Court	CISASA
	Quarantine and Isolation	Superior Court Misc Petition	CISQI
	Other Superior Court Complaint	Civil Superior Court	CISOCI
	Other Superior Court Petition	Superior Court Misc Petition	CISPET
Post-Conviction Relief to Superior Court			
	Post-Conviction Relief	Post-Conviction Relief-Sup Ct	CISPCR
Appeal to Superior Court - From Administrative Agency			
	Election Contest or Recount Appeal – SEE OTHER CIVIL		
	DMV Appeal	Appeal from Admin Agency	CIADDMV
	Employment Security Appeal	Appeal from Admin Agency	CIADRESA
	Administrative Agency Appeal - Other	Appeal from Admin Agency	CIADR
	CSSD License Review Action	Petition for Review or Relief	CICSED
	Petition for Review from Administrative Agency	Petition for Review or Relief	CIPRA
	Petition for Relief from Administrative Agency – AS 44.62.305	Petition for Review or Relief	CIPRLF
Appeal to Superior Court - From District Court			
	Civil Appeal	Appeal from District Court	CIACI2
	Criminal Appeal	Appeal from District Court	CIACRM
	Minor Offense Appeal	Appeal from District Court	CIAMO
	Small Claims Appeal	Appeal from District Court	CIASC
	Petition for Review from Civil, Criminal, or Minor Offense Case	Petition for Review or Relief	CIPRD2
	Petition for Review from Small Claims	Petition for Review or Relief	CIPRSC

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

State of Alaska, Department of Military and Veterans Affairs
Plaintiff(s),
vs.
Joe Gerace
Defendant(s).

CASE NO. 3AN-

SUMMONS AND NOTICE TO BOTH PARTIES OF JUDICIAL ASSIGNMENT

To Defendant: Joe Gerace

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Andy C. Miller, Assistant Attorney General, whose address is: Office of the Attorney General, PO Box 110300, Juneau, AK 99811-0300.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at https://public.courts.alaska.gov/web/forms/docs/tf-955.pdf to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

TO: Plaintiff and Defendant

You are hereby given notice that:

☐ This case has been assigned to Superior Court Judge _____. and to a magistrate judge.

☐ This case has been assigned to District Court Judge _____.

CLERK OF COURT

_____ By: _____
Date Deputy Clerk

I certify that on _____ a copy of this Summons was ☐ mailed ☐ given to ☐ plaintiff ☐ plaintiff's counsel along with a copy of the ☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order to serve on the defendant with the summons.
Deputy Clerk _____

* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

jnu.law.ecf@alaska.gov

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

STATE OF ALASKA, DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, Plaintiff, v. JOE GERACE, Defendant.	)	Case No. 3AN-22-_____ CI

COMPLAINT

Plaintiff State of Alaska, Department of Military and Veterans Affairs ("DMVA"), by and through the Office of the Attorney General, alleges as follows:

NATURE OF THE CASE

1. The Alaska State Defense Force ("ASDF") is an agency of DMVA, and it is considered part of Alaska's Organized Militia.

2. ASDF is a volunteer organization, but its members are paid by DMVA when they are activated by the Governor to respond to emergencies.

3. Compensation for activated ASDF members is based on the member's rank, which initially is either the highest rank the member previously held as a federally commissioned officer, or, if the member had no prior military experience, is based on professional accreditation, education, and other experience.

4. Defendant Joseph Gerace fraudulently misrepresented to ASDF that he had achieved the rank of Lieutenant Colonel with over 24 years of service in the

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JUNEAU BRANCH
P.O. BOX 110300
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U.S. Army. As a result, he was awarded the ASDF rank of Lieutenant Colonel, which was a much higher rank than he deserved with a much higher rate of compensation than deserved. This suit seeks to recoup the funds DMVA lost from overpayments as a result of Defendant's fraudulent misrepresentations.

JURISDICTION AND VENUE

5. Jurisdiction is proper pursuant to AS 22.10.020.

6. Venue is proper pursuant to Alaska Civil Rule 3(c), because this is the district in which the claim arose and the district in which the defendant was served.

PARTIES

7. Plaintiff DMVA is an office of the Governor of the State of Alaska. One of DMVA's duties is to oversee and provide compensation for ASDF members pursuant to AS 26.05.010-342.

8. Defendant Gerace is an individual residing in the 3rd Judicial District, either in Anchorage, Alaska, or in Whittier, Alaska.

FACTS GIVING RISE TO CLAIM

9. Defendant applied for membership in ASDF in March 2020. In his application, Defendant indicated that he had over 24 years of prior military experience, and that he had reached the rank of Lieutenant Colonel.

10. Defendant was formally enlisted in ASDF at the rank of Lieutenant Colonel due to his false claim in the application.

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11. ASDF's duties involve supporting state operations, primarily in response to emergency and disaster. When members of ASDF are called up for service in support of these operations, it is referred to as State Active Duty.

12. Members called up for State Active Duty are compensated by the State of Alaska pursuant to AS 26.05.260.

13. From March 2020-March 2021, Defendant participated in August 2020 election support, the March 2020-May 2020 COVID response, and the October 2020-March 2021 COVID response. This resulted in a total of 203 days of State Active Duty service.

14. Defendant was paid at an O-5 level for this State Active Duty, due to Defendant's fraudulent claim that he was previously a Lieutenant Colonel.

15. Defendant's total compensation received was $94,783.69 for these 203 days. Defendant did not correct his fraudulent misrepresentation and instead continued the misrepresentation.

16. Had Defendant been truthful about his prior military service and prior rank at the time of appointment to the ASDF, he would have been compensated at the E-4 level for the 203 days.

17. This would have resulted in total compensation of $33,207.60, a difference of $61,576.09 from what he was actually paid.

18. On September 7, 2022, DMVA sent a letter to Defendant requesting the difference be repaid to DMVA, but to date Defendant has not made any payments to DMVA.

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COUNT I
(Fraudulent Misrepresentation)

19. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

20. Fraudulent misrepresentation occurs when one party deliberately deceives another party.

21. Defendant represented that he had previously achieved the rank of Lieutenant Colonel.

22. The representation has been proven to be false.

23. Defendant was aware the presentation was false at the time he made it.

24. The fraudulent presentation was made with an intention that Plaintiff believe the claim.

25. Plaintiff did believe the fraudulent presentation and acted in accordance.

26. Plaintiff suffered financial harm from the false presentation because Plaintiff compensated Defendant at a significantly higher rate of pay than he was entitled because of the false presentation.

PRAYER FOR RELIEF

Based on the foregoing, Plaintiff requests the following relief:

1. An award of restitution damages in the amount $61,576.09;

2. An award of costs and reasonable attorney's fees;

3. Leave to amend this Complaint as needed; and

4. For such other relief deemed just and equitable.

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DATED: December 8, 2022, at Juneau, Alaska.

TREG R. TAYLOR
ATTORNEY GENERAL

By: /s/*Andy Miller*
Andy C. Miller
Assistant Attorney General
Alaska Bar No. 1011106

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