

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

MCKENNA WEST,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
A.B., C.D., VICTORIA FERRARA,	)	
THE FERRARA LAW GROUP, P.C.,	)	
WORLDWIDE SURROGACY	)	
SPECIALISTS, LLC, LORI COLBERT,	)	
and COLBERT FAMILY LAW, LLC,	)	
	)	
Defendants.	)	Case No. 3AN-26-07180 CI

DEFENDANTS A.B. AND C.D.'S NOTICE OF OBJECTION AND MOTION TO STRIKE THE STATE OF ALASKA'S STATEMENT OF INTEREST¹

Plaintiff McKenna West and her drove of out-of-state special-interest-driven attorneys have taken the bullying and intimidation in this case to a new level: using the power of the State of Alaska to intervene in a legally irrelevant manner and to ignore the constitutional rights of Defendants A.B. and C.D. as parents, their rights of privacy to make decisions regarding the health and medical care for their son, and the best interests of their unborn child. A.B. and C.D. object to and move to strike the State of Alaska's

¹ A.B. and C.D. anticipate filing a Motion for Sanctions against Mr. Syren, Jenna Lorence, all eight of West's special interest lawyers, as well as asking this Court to revoke the *pro hoc vice* status of these lawyers. Asking the state to intervene in a case where it has no standing and ius not a party is a blatant violation of Alaska Rules of Professional Conduct 4.4(a) and 3.5(a). Furthermore, this is the third time that Plaintiff has engaged in improper and legally irrelevant pleadings in violation of Civil Rule 11.

“Statement of Interest” filed July 27, 2026. The filing should be stricken, or alternatively disregarded, because the State is not a party, has not intervened, does not identify any justiciable sovereign interest affected by the pending motion, and offers argument on issues not properly before the Court in a manner that is legally irrelevant to the relief requested by Defendants. Accordingly, Defendants request an order striking the State’s Statement of Interest in its entirety or alternatively, declining to consider it in resolving the pending motion for declaratory and injunctive relief. This confirms that the dispositive issues remain the parties’ contractual rights, the intended parents’ adjudicated and asserted parental rights, the constitutional rights of parents to direct the care and custody of their child, and the child’s best interests at birth and immediately thereafter.

I. OBJECTION AND MOTION TO STRIKE AS LEGALLY IRRELEVANT AND IMPROPER.

1. The State lacks standing and is not properly before the Court.

The State expressly states that it is “not seeking to intervene” and instead submitted its filing “as an amicus.” But this is not appellate briefing and no order appears authorizing amicus participation, intervention, or any other nonparty merits submission by the State in this private contract and parentage dispute. Because the State disclaims party status while still asking the Court to adopt merits positions affecting the parties’ rights, the filing should be stricken as procedurally improper.

The Statement also does not identify a concrete sovereign interest unique to the State that is threatened by adjudication of the pending motion. Instead, it advances one side’s theory of the case concerning medical autonomy while expressly refusing to

address the corresponding issues of parentage, custody, and newborn medical decision-making that are central to the actual dispute before the Court.

A nonparty submission that addresses only one sliver of the controversy, while ignoring the adjudicated and asserted rights of the intended parents and the child-related consequences of birthplace, is not legally relevant assistance to the Court; it is partisan argument from a stranger to the case.²

2. The Statement is legally irrelevant because it addresses a question Defendants do not ask the Court to decide in the absolute form framed by the State.

The State frames the issue as whether a court may compel a woman to undergo pregnancy-related care with a provider she would not otherwise choose. That framing is incomplete and misleading. Defendants' pending motion, as reflected in their reply, presents a narrower and materially different question: once Alaska is no longer a feasible birthplace, who determines the substitute birth forum and delivery plan where the child is critically ill, the parties entered a surrogacy agreement governed by Alaska law, and

² This Court should be very concerned, as are A.B. and C.D., that Plaintiff and her counsel are asking for the state to intervene in a private controversy between parties when there is no path under Alaska law for West to seek parentage or custody of A.B. and C.D.'s child, when West had admitted that she is not the biological parent of the child, where she has attempted to strong-arm and intimidate A.B. and C.D. into giving up their constitutional rights to parent their child, and where she has offered to go to California for the delivery if A.B. and C.D. will accede to her demands for control. She frames it as "committing to life-saving care," but that is not true. A.B. and C.D. have done just that. They have repeatedly asserted that they intend to follow the recommendations of all of the medical providers with whom they have spoken. Unfortunately, there is no way to know if their child will be eligible for the surgeries he needs because West refuses to submit to an amniocentesis because she is afraid she will not get paid for it. She has provided no reason connected to her health or the health of the child.

intended parents assert parental rights and continuity-of-care interests tied to the child's birth and immediate treatment.

The State's filing never meaningfully engages that question. It does not analyze the contractual provisions that Defendants contend require cooperation in delivery planning and parental participation. It does not address Defendants' position that the intended parents' post-birth rights are made meaningless if the gestational carrier may unilaterally select a third-state forum and thereby control parentage, discharge authority, and neonatal decision-making at the moment of birth. And it expressly declines to take a position on the baby's care after birth, even though the practical consequences of birthplace turn precisely on who will exercise authority over the child at birth and how continuity of care will be maintained.

Because the Statement addresses a different and abstract question, it does not assist the Court in resolving the pending controversy and should be disregarded. At issue is what is going to occur at the moment of birth for an infant with medical needs that must urgently be addressed. Despite two courts in two different states (Alaska and California) deciding parentage and custody, Plaintiff and her attorneys are refusing to concede that West has no legal right or claim to the child she carries and that she has no parental rights or legal rights to make medical decisions or choose his caregivers or medical providers. In fact, as provided to the Court in the exhibits supporting the Objection to the Surreply, Plaintiff is attempting to circumvent A.B. and C.D.'s authority and convince the hospital to allow her to make those decisions. She is refusing to acknowledge that she has no claim

to A.B. and C.D.'s biological child and continues to cause confusion and stress at a time when the only interests being considered should be the child's. The hospital is in a position where they have advised that even after domesticating the birth order in Texas, A.B. and C.D. should apply for a restraining order to prevent Plaintiff and her attorneys from attempting to intervene in the child's healthcare decisions.³

3. The State ignores the intended parents' parental and constitutional rights.

The Statement speaks at length about the surrogate's privacy and bodily autonomy, but it does not grapple with the intended parents' constitutional rights as parents to direct the care, custody, and medical decisions of their child once born, or with Defendants' position that pre-birth delivery planning is what makes those post-birth rights effective immediately at birth.

A.B. and C.D. are the biological parents. California parentage judgment exists and has been recognized by this Court, and the contract was structured to ensure that the intended parents would assume immediate custody and decision-making at birth. The California court has denied Plaintiff's request for a stay, finding as a matter of fact and law that A.B. and C.D. would suffer irreparable harm should Plaintiff be able to interfere with their parental rights and keep their child from them. Plaintiff has requested a stay from the California appellate court but there is virtually no chance it will be granted.

Defendants further argued that allowing Plaintiff to impose Texas unilaterally would inject uncertainty into parentage, discharge, consent, and continuity of care for a

³ This information was provided to defense counsel on July 27.

medically fragile child. What has happened today confirms that: even with a domesticated birth order, the Texas hospital is requesting that A.B. and C.D. obtain an emergency restraining order against Plaintiff and her attorneys. By virtue of the fact that the hospital is in Texas means that a Texas court will be the necessary jurisdiction, requiring A.B. and C.D. to ask this Court's permission to make that request. As previously argued, Plaintiff has injected yet another jurisdictional forum into these proceedings, causing additional confusion, and in spite of their lip-service to the forum selection cause of the Gestational Agreement.

The State does not answer those points. Instead, it assumes away the parental-rights problem by isolating maternal medical choice from the child's entry into the legal custody of parents who claim both contractual and constitutional authority to direct the child's care.

That omission is fatal. Alaska law does not treat child-related disputes as if only one adult's interests matter. Defendants have already argued that Alaska authority gives primacy to the child's welfare and recognizes judicial authority to evaluate private arrangements affecting children through the lens of best interests, stability, and continuity. A filing that ignores the constitutional dimension of parental rights and the child-centered dimension of the dispute is not relevant to the Court's analysis.

4. The State ignores Alaska privacy principles running in favor of family autonomy and parental decision-making.

Even if the Alaska Constitution protects profound privacy interests in bodily integrity and personal medical decision-making, which does not end the analysis here.

Alaska privacy doctrine also protects family autonomy and highly personal decisions concerning parent-child relationships, family formation, and control over intimate family life, all of which are implicated in a surrogacy arrangement designed to create legal parentage in the intended parents rather than the gestational carrier.

The State's argument improperly treats the surrogate's autonomy interest as absolute and exclusive. But the disputed issues here involve overlapping constitutional and equitable interests: the surrogate's autonomy in her own body, the intended parents' parental rights and family autonomy interests, and the child's welfare at birth.

The Court is not required to accept the State's invitation to constitutionalize only one side of that balance. Indeed, Defendants' position is not that a contract can authorize forced surgery or bedside compelled treatment in the abstract. Their position is that the Court may adjudicate where birth should occur and what legal framework governs that birth when those issues determine whether the intended parents' parental rights will be recognized and whether the child's immediate medical care can proceed under a stable and legally recognized plan.

The State does not confront that narrower, more accurate formulation.

5. The Statement disregards controlling contract principles applicable to surrogacy agreements.

The State acknowledges that the surrogacy agreement contains an Alaska choice-of-law clause and forum-selection clause, yet it uses that premise only to elevate one party's constitutional defenses while ignoring the agreement's allocation of rights, obligations, and expectations regarding parentage, delivery planning, and immediate

transfer of custody. Defendants have argued that, in Alaska, surrogacy agreements are analyzed under ordinary contract principles absent contrary statute, and that the delivery provisions were material terms designed to secure a legally effective transition of custody and decision-making at birth.

Those contract principles matter. The parties did not bargain for unilateral forum-shopping by the gestational carrier once conflict arose. They bargained for Alaska law, Alaska proceedings, coordinated delivery planning, and an arrangement under which the intended parents would become the child's custodial decision-makers at birth. Even if some contractual provisions may ultimately have been limited by constitutional constraints, which does not render the entire contractual structure irrelevant, nor does it allow a nonparty to erase the intended parents' contract-based expectations from the analysis.

The State's filing also ignores settled contract principles that courts should, where possible, construe and enforce agreements in a way that preserves lawful core purposes rather than allowing one party unilaterally to defeat them. Here, once Alaska allegedly became medically impracticable as a birth location, the legal question became what substitute plan best honors the agreement's lawful objectives, the intended parents' rights, and the child's welfare. The Statement does not engage that question.

6. The Statement fails to address the best interests of the child, which remain central to the Court's equitable analysis.

The State expressly disclaims taking any position on the baby's care after birth.

But birthplace cannot be separated from the child's immediate post-birth interests in stabilization, lawful custody, continuity of care, and the presence of legally recognized decision-makers. Defendants' pending briefing places those considerations at the center of the dispute, arguing that Alaska law treats the child's welfare as paramount when courts are asked to enforce or disregard private arrangements affecting children.

The State's filing therefore omits the very issue that gives the present controversy urgency and equitable significance. Whether or not one accepts Defendants' ultimate merits position, the Court cannot be aided by a filing that discusses only the surrogate's interests while refusing to address the newborn's best interests in a case about the child's place of birth, legal custody at birth, and emergent medical planning.

Moreover, Plaintiff's own amended complaint pleads that best interests and life-saving care are central issues, seeks interim medical decision-making authority, and asks the Court to decide parentage and custody by reference to the child's welfare. The State's refusal to engage the child's interests while advancing Plaintiff-aligned autonomy arguments makes the filing even less relevant to any balanced adjudication of the pending motion and makes it clear that this is driven by special interests rather than legal analysis or constitutional law.

7. The Statement improperly invites the Court to decide constitutional issues unnecessarily.

The State asks the Court to resolve broad constitutional questions about privacy, reproductive autonomy, and compelled medical care even though the pending dispute can

and should be resolved on narrower grounds, including procedure, standing, parentage, contract construction, equitable tailoring, and best-interests analysis.

Alaska courts generally avoid unnecessary constitutional adjudication where narrower grounds are available. The State's filing cuts the other direction by urging the broadest possible constitutional framing while ignoring narrower pathways already presented by the parties. That is another reason to strike or disregard the filing. A nonparty should not be permitted to inject sweeping constitutional theory into a private dispute where the parties themselves have presented more concrete, case-specific grounds for decision.

III. SUBSTANTIVE RESPONSE

A. Privacy rights do not nullify intended parents' parental rights.
Defendants do not dispute that the gestational carrier retains constitutional protection against unwanted bodily invasion and against compelled bedside medical procedures. But Plaintiff and now the State attempt to transform that principle into a unilateral power to control the legal circumstances of birth in a way that defeats the intended parents' parental rights and the child's best interests.

That does not follow. A court can respect bodily autonomy while still adjudicating the lawful birth forum, parentage consequences, and delivery planning issues necessary to protect the child and the intended parents' rights.

B. Recognition of parental rights is consistent with Alaska constitutional values.

The Alaska Constitution's protection of liberty and privacy does not belong only to one adult in the surrogacy relationship. Family autonomy and the right of parents to make decisions for their child are also fundamental values implicated by this dispute.

The State's one-sided treatment of privacy is therefore incomplete and should not be adopted.

Contract principles remain relevant even where constitutional limits exist.

Even if the Court concludes certain forms of specific performance are unavailable, that does not make the agreement legally irrelevant. The contract still informs the parties' expectations, the allocation of decision-making, the forum and law chosen by the parties, and the intended transition of custody and parental authority at birth. The State's attempt to remove the contract from the analysis should be rejected.

D. Best interests of the child cannot be ignored.

Any analysis that refuses to address the child's interests in lawful custody, continuity of care, and immediate medical decision-making is incomplete. Because the State expressly declines to address those interests, its filing cannot supply a sound basis for ruling on the pending motion.

IV. CONCLUSION

For these reasons, Defendants respectfully request that the Court strike the State of Alaska's Statement of Interest or alternatively decline to consider it. The filing is procedurally improper, advanced by a nonparty with no standing, legally irrelevant to the

actual issues before the Court, and analytically incomplete because it ignores the intended parents' parental and constitutional rights, the governing contract principles, and the best interests of the child.

DATED this 27th day of July 2026, at Anchorage, Alaska.

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2026, a copy of the foregoing document was served electronically through the TrueFiling system on Lester Syren, Erik Baptist, Allison Pope, James Compton, Lincoln Davis Wilson, Robert J. Bucknam, Megan N. Sandone, Courtney A. Kuhlmann, Chester D. Gilmore, Samuel G. Gottstein.

/s/ Julia D. Moudy

USE FOR DISCOVERY PLEADINGS

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that on
July 27, 2026, a true and correct copy of
the foregoing document was served by:

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