

1
2 IN THE SUPREME COURT FOR THE STATE OF ALASKA

3 ALASKA PSYCHIATRIC INSTITUTE,)
4)
5 Cross-Appellant,)
6)
7 vs.)
8 W.S.B.,)
9)
10 Cross-Appellee.)
11)

Supreme Court No. S-13353

Trial Court Case No. 3AN 08-1252 PR

12 MOTION TO DISMISS

13 Cross-Appellant, the State of Alaska, Department of Health and Social
14 Services, Division of Behavioral Health, Alaska Psychiatric Institute (“Department”),
15 through the Office of the Attorney General, hereby moves the court to dismiss this cross-
16 appeal in the above-captioned matter pursuant to Appellate Rule 511(b).

17 Appellate Rule 511(c) provides that a motion to dismiss under Appellate
18 Rule 511(b) include a certification that the settlement information required under
19 AS 09.68.130 and Appellate Rule 511(c) has been submitted to the Alaska Judicial
20 Counsel unless exempted under AS 09.68.130 and Appellate Rule 511(e).

21 Undersigned counsel concurs with the Motion to Dismiss Appeal filed by
22 Mr. Bigley’s counsel on January 16, 2009, in regards to the aforementioned certification
23 requirement not applying. Civil commitment and forced drugging cases under
24 AS 47.30 are the same sorts of cases exempted by both the statute and the rule and it
25 appears the rule and statute overlooked them. Also, the type of information to be
26 provided on the Judicial Counsel form is inapplicable to this type of case.

DATED: 3/25/09

RICHARD A. SVOBODNY
ACTING ATTORNEY GENERAL

By:



Scott Friend
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