

Law Project for Psychiatric Rights
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Attorney for Appellant

IN THE SUPREME COURT FOR THE STATE OF ALASKA

WILLIAM BIGLEY,)
Appellant,) Supreme Court No. S-13116
)
vs.)
)
ALASKA PSYCHIATRIC INSTITUTE)
Appellee.)
_____) Trial Court Case No. 3AN 08-493 P/R

RESPONSE TO MAY 22, 2008 ORDER
Re: EMERGENCY MOTION FOR STAY PENDING APPEAL

Appellant submits the following in response to this Court's May 22, 2008 Order.

The May 20, 2008, affidavit from Grace E. Jackson, MD, does contain new evidence that was not proffered to the Superior Court. This new evidence was not proffered to the Superior Court in support of the motion for stay pending appeal because there was no mechanism by which to do so under the Superior Court's May 19, 2008, Findings and Order Concerning Court-Ordered Administration of Medication (Forced Drugging Order).

Provided the Forced Drugging Order is stayed pending consideration by the Superior Court on remand, and if the stay is denied by the Superior Court, the stay is continued in effect pending consideration of a motion to stay before this Court, there is no reason why the stay issue should not be remanded to the Superior Court for

consideration of the May 20 affidavit. Absent that, however, if the Forced Drugging Order is not stayed pending determination of the motion to stay on remand, the effect will be to deny Appellant the opportunity to obtain such a stay before he suffers the irreparable harm identified by Appellant in his Emergency Motion for Stay Pending Appeal.

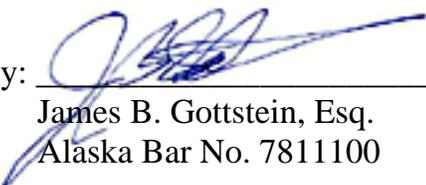
Therefore, should this Court remand the issue to the Superior Court, Appellant requests that it also stay the Forced Drugging Order pending such determination, and if the motion for stay is denied by the Superior Court on remand, the stay continue in effect until this Court has ruled on it.

Appellant also requests a week to file a renewed motion for a stay in this Court should the Superior Court deny the motion for stay on remand.

Finally, counsel for Appellant has been scheduled for some time to speak at two meetings in Toronto during the week of June 1, 2008, and is not scheduled to arrive back to Anchorage until Sunday, June 8, 2008. Appellant therefore also requests that the week of June 1, 2008, be excluded in calculating the time when a motion for stay before this Court would be due in the event the Superior Court denies the motion for stay on remand.

Dated this 22nd day of May, 2008, at Anchorage, Alaska.

LAW PROJECT FOR PSYCHIATRIC RIGHTS

By: 
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