

James B. Gottstein, Esq.
406 G Street, Suite 206
Anchorage, AK 99501
Phone: (907) 274-7686
Fax: (907) 274-9493
e-mail: jim.gottstein@psychrights.org

Attorney for Relator, Law Project for Psychiatric Rights

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

United States Of America, <i>ex rel.</i> , Law)	
Project for Psychiatric Rights)	Case No. 3:09-cv-00080 TMB
)	
Plaintiffs,)	
)	
vs.)	<i>UNDER SEAL</i>
)	
OSAMU H. MATSUTANI, MD, <i>et al.</i> ,)	
)	
Defendants.)	

**RESPONSE TO THE GOVERNMENT'S NOTICE OF ELECTION
TO DECLINE INTERVENTION**

In response to The Government's Notice of Election to Decline Intervention (Declination), *relator*, Law Project for Psychiatric Rights (PsychRights®), first notes:

- (1) the caption of the proposed order does not reflect the correction of Defendant Osamu H. Matsutani's first name, as ordered by this Court through Docket No. 13, and
- (2) "defendant" should be "defendants" in both places it appears in Paragraph 2.

Second, while the Government's Declination states it "reserves its right . . . to intervene in this action, for good cause, at a later date," 31 USC §3730(c)(3) states the court "may nevertheless permit" such intervention after the Government declines intervention, as it has here. However, it may well be in the circumstances here, where the

action is brought on behalf of the Government, that it has such a right. This issue is not presented now, but PsychRights is reserving its right to object to the Government's later intervention in the unlikely event (i) the Government changes its mind and moves to intervene at a later date, and (ii) PsychRights opposes such intervention.

DATED: January 5, 2010.

Law Project for Psychiatric Rights

James B.
Gottstein, Esq.

Digitally signed by James B. Gottstein, Esq.
DN: cn=James B. Gottstein, Esq., o=Law
Project for Psychiatric Rights, Inc., ou,
email=jim.gottstein@psychrights.org,
c=US
Date: 2010.01.05 12:02:52 -09'00'

By:

James B. Gottstein, Esq.
Attorney for *Relator*, Law Project for
Psychiatric Rights
406 G Street, Suite 206
Anchorage, AK 99501
Phone: (907) 274-7686
Fax: (907) 274-9493
e-mail: jim.gottstein@psychrights.org

Certificate of Service

The undersigned hereby certifies that a copy hereof has been:

mailed to:

Eric Holder, U.S. Attorney General
Attn: Evan Zoldan
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Hand Delivered to:

Richard Pomeroy
Assistant U.S. Attorney
Federal Building & U.S.
Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567

Dated: January 5, 2009.

James B.
Gottstein, Esq.

Digitally signed by James B. Gottstein, Esq.
DN: cn=James B. Gottstein, Esq., o=Law
Project for Psychiatric Rights, Inc., ou,
email=jim.gottstein@psychrights.org, c=US
Date: 2010.01.05 12:02:15 -09'00'

James B. Gottstein, Esq.