

James B. Gottstein, Esq., attorney for
 Law Project for Psychiatric Rights, Inc.
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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF ALASKA

UNITED STATES OF AMERICA)	
<i>Ex rel.</i> Law Project for Psychiatric)	CIVIL ACTION NO.
Rights, an Alaskan non-profit)	<u>3:09-CV-00080-TMB</u>
corporation,)	
)	FILED UNDER SEAL
Plaintiff,)	
)	
vs.)	FALSE CLAIMS ACT
)	MEDICAID FRAUD
OSAMU H. MATSUTANI, MD, <i>et al.</i> ,)	
)	DEMAND FOR JURY TRIAL
Defendants.)	
_____)	

**DECLARATION OF JAMES B. GOTTSTEIN
 IN SUPPORT OF MOTION TO UNSEAL COMPLAINT (IF
 NECESSARY) AND SERVE AMENDED COMPLAINT ON
 DEFENDANTS**

The undersigned JAMES B. GOTTSTEIN, ESQ., declares:

1. In response to an e-mail I sent to the US Attorney's Office in Alaska, Evan Zoldman, who I understood to be the Department of Justice Attorney assigned to this matter, called and we had a telephone conversation on June 2, 2009.
2. Mr. Zoldman advised me that he preferred to meet in person and was scheduled to be in Alaska in late July, 2009, and would like to meet with me then.

3. I told Mr. Zoldman that was fine and I would like that, but for the reasons stated in my April 27, 2009, letter to the Department of Justice, I was concerned about lengthy sealing of the Complaint beyond the 60 days provided under 31 U.S.C. § 3730(b).

4. Mr. Zoldan conveyed that it was going to take longer than that for the Government to decide, giving me the impression that no serious review would commence before the in person conversation Mr. Zoldan contemplated would take place in late July, 2009, and it would likely be a considerable time thereafter before the Government would make a decision.

5. I suggested there wasn't much, if any, investigation required because there was no dispute as to what was happening, with the only real question being whether the Government was going to make the policy decision to intervene.

6. I said I would like to reach an agreement on the length of sealing in order to avoid litigation over the continued sealing.

7. Mr. Zoldan stated there would not be any litigation over continued sealing.

8. It seemed disadvantageous to respond so I did not.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection and belief and that this declaration is made and executed by me in Anchorage, Alaska on this 28th day of June, 2009.

By: **James B. Gottstein, Esq.**
James B. Gottstein.

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: 2009.06.28 10:47:11 -08'00'

Certificate of Service

The undersigned hereby certifies that a copy hereof has been mailed this date to:

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

Dated: June 28, 2009.

James B. Gottstein, Esq.
James B. Gottstein

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: 2009.06.28 10:47:29 -08'00'