

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

LAW PROJECT FOR PSYCHIATRIC )  
RIGHTS, Inc., an Alaskan non-profit )  
corporation, )  
    Plaintiff, )  
vs. )  
STATE OF ALASKA, *et al.*, )  
    Defendants, )  
Case No. 3AN 08-10115CI

**MEMORANDUM IN SUPPORT OF  
MOTION TO AMEND PARAGRAPH 22  
OF AMENDED COMPLAINT**

Plaintiff has moved to amend paragraph 22 of its amended complaint to read as follows:

22. It is unlawful to for the State to use Medicaid to pay for outpatient drug prescriptions except when medically necessary and for indications approved by the Food and Drug Administration (FDA) or included in the following compendia:

- (a) American Hospital Formulary Service Drug Information,
- (b) United States Pharmacopeia-Drug Information (or its successor publications), or
- (c) DRUGDEX Information System.

The amendment inserts "when medically necessary and" in the second line.

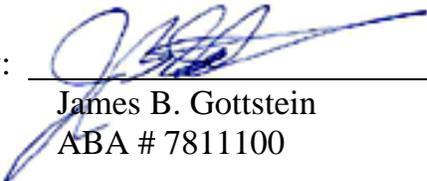
Pursuant to the October 23, 2008, Amended Routine Pretrial Order in this case, which provides that Saturday, November 22, 2008 was the deadline to amend pleadings without motion, Plaintiff filed an Amendment to Paragraph 22 on November 24, 2008, the

following Monday.<sup>1</sup> On November 25, 2008, however, the Clerk rejected the filing saying it needed either a notice of errata or a motion to amend.<sup>2</sup> Therefore, Plaintiff filed a motion to amend.

For the foregoing reasons, Plaintiff respectfully requests the Court to grant his motion to amend paragraph 22 of its Amended Complaint.

DATED: December 5, 2008.

Law Project for Psychiatric Rights

By:   
James B. Gottstein  
ABA # 7811100

---

<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B.

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

LAW PROJECT FOR PSYCHIATRIC )  
RIGHTS, Inc., an Alaskan non-profit )  
corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
STATE OF ALASKA, *et al.*, )  
 )  
Defendants, )  
 )

**COPY**  
Original Received

NOV 24 2008

Clerk of the Trial Courts

Case No. 3AN 08-10115CI

**AMENDMENT TO PARAGRAPH 22 OF AMENDED COMPLAINT**

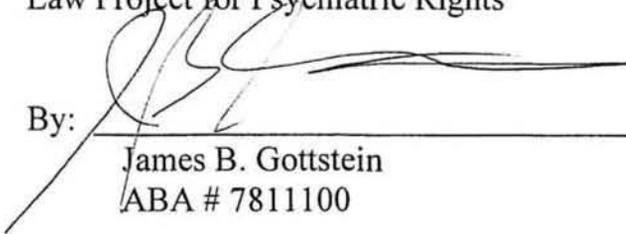
COMES NOW, Plaintiff in the above captioned action, and hereby amends paragraph 22 of its amended complaint to read as follows:

22. It is unlawful to for the State to use Medicaid to pay for outpatient drug prescriptions except when medically necessary and for indications approved by the Food and Drug Administration (FDA) or included in the following compendia:

- (a) American Hospital Formulary Service Drug Information,
- (b) United States Pharmacopeia-Drug Information (or its successor publications), or
- (c) DRUGDEX Information System.

DATED: November 24, 2008.

Law Project for Psychiatric Rights

By: 

James B. Gottstein  
ABA # 7811100

RECEIVED

NOV 28 2008

**NOTICE OF DEFICIENT FILING(S)**

**FROM:**

Alaska Court System  
Nesbett Courthouse  
825 W 4th Ave  
Anchorage, AK 99501

DATE: November 25, 2008

CASE NO: 3AN-08-10115CI

CASE NAME: Law Project for Psychiatric Rights  
vs. State of Alaska et al

CLERK: SSugden

PHONE: 264-0441

**TO:**

JAMES B. GOTTSTEIN  
406 'G' STREET, SUITE 206  
ANCHORAGE, AK 99501

Your documents are being returned to you.

The document(s) you submitted to the court is/are deficient. Please provide the following:

- Other: The Amendment to Paragraph 22 of Amended Complaint filed on 11-24-2008 needs either a notice of errata or a motion to amend.**

Deficiencies must be corrected within 20 calendar days from the date of this notice.