

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

LAW PROJECT FOR PSYCHIATRIC)
RIGHS, an Alaskan non-profit corporation,)

Plaintiff,)

vs.)

REC'D MAR 16 2009

STATE OF ALASKA, SARAH PALIN,)
Governor of the State of Alaska,)

ALASKA DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES, WILLIAM HOGAN,)

Commissioner, Department of Health and)
Social Services, TAMMY SANDOVAL,)

Director of the Office of Children's)
Services, STEVE McCOMB, Director of the)

Division of Juvenile Justice, MELISSA)
WITZLER STONE, Director of the Division of)

Behavioral Health, RON ADLER,)
Director/CEO of the Alaska Psychiatric)

Institute, WILLIAM STREUER, Deputy)
Commissioner and Director of the Division of)

Health Care Services,)
)

Defendants)

Case No. 3AN-08-10115 CI

MOTION FOR EXPEDITED CONSIDERATION

Pursuant to Alaska Rule of Civil Procedure 77(g), the State of Alaska and the remaining above-named defendants (hereinafter "the Department"), hereby move for expedited consideration of the Department's Motion to Stay Discovery, filed contemporaneously herewith. This motion is supported by the attached affidavit of counsel setting forth the facts that justify expedited consideration. A decision on this

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600

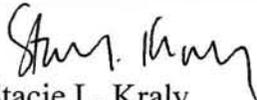
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

motion is requested by **March 19, 2009**, the date presently noticed for the first deposition in this case.

DATED this 12th day of March, 2009.

RICHARD A. SVOBODNY
ACTING ATTORNEY GENERAL

By: 
Elizabeth M. Bakalar
Assistant Attorney General
Alaska Bar No. 0606036

By: 
Stacie L. Kraly
Chief Assistant Attorney General
Alaska Bar No. 9406040

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

LAW PROJECT FOR PSYCHIATRIC)
RIGHS, an Alaskan non-profit corporation,)
)
Plaintiff,)
)
vs.)
)
STATE OF ALASKA, SARAH PALIN,)
Governor of the State of Alaska,)
ALASKA DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES, WILLIAM HOGAN,)
Commissioner, Department of Health and)
Social Services, TAMMY SANDOVAL,)
Director of the Office of Children's)
Services, STEVE McCOMB, Director of the)
Division of Juvenile Justice, MELISSA)
WITZLER STONE, Director of the Division of)
Behavioral Health, RON ADLER,)
Director/CEO of the Alaska Psychiatric)
Institute, WILLIAM STREUER, Deputy)
Commissioner and Director of the Division of)
Health Care Services,)
)
Defendants)

Case No. 3AN-08-10115 CI

**AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION FOR
EXPEDITED CONSIDERATION**

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Elizabeth M. Bakalar, being first duly sworn upon oath, depose and
say:

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600

1
2
3 1. I am one of the Assistant Attorneys General assigned to represent
4 the above-named defendants (“the Department”) in this matter.

5 2. Initially, plaintiff noticed the deposition of David Campana, state
6 pharmacist, for the afternoon of February 26, 2009, and the Department had begun to
7 prepare for that deposition and gather materials responsive to the accompanying
8 *subpoena duces tecum*.

9 3. However, in preparing for Mr. Campana’s deposition, counsel
10 began to review the underlying Complaint more extensively and developed concerns
11 about engaging in further discovery at that time.

12 4. Accordingly, on February 24, 2009, the undersigned contacted
13 plaintiff by e-mail to convey this information and attempted to secure counsel’s
14 stipulation to stay discovery pending resolution of a dispositive motion to be filed by
15 the Department.

16 5. Plaintiff agreed to postpone Mr. Campana’s deposition for a few
17 weeks, but declined to stipulate to a stay of discovery under the aforementioned terms.

18 6. Plaintiff has re-noticed Mr. Campana’s deposition for March 19,
19 2009 at 1:00 p.m.

20 7. Plaintiff also filed its First Requests for Production on March 2,
21 2009, a response to which, absent a stay, is due April 2, 2009.

22 8. Contemporaneous to this Motion for Expedited Consideration and
23 underlying Motion to Stay Discovery, the Department has filed a Motion for Judgment
24 on the Pleadings pursuant to Alaska Rule of Civil Procedure 12(c), in which the
25 Department argues that the plaintiff has failed to present a case or controversy under
26 the Declaratory Judgment Act and lacks standing to bring this lawsuit.

9. The Department therefore would be prejudiced by having to
engage in discovery when there is a pending dispositive motion that would moot the
need for all discovery in the case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

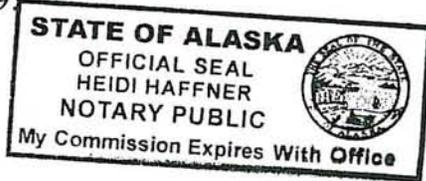
10. Based on the foregoing, and the impending discovery deadlines in this matter, the Department requests the court's expedited consideration of its Motion to Stay Discovery.

DATED: March 12, 2009

E.M.B.
Elizabeth M. Bakalar

SUBSCRIBED AND SWORN to before me this 12th day of March,

2009



Heidi Haffner
Notary Public for the State of Alaska
My commission expires with office

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

LAW PROJECT FOR PSYCHIATRIC)
RIGHS, an Alaskan non-profit corporation,)

Plaintiff,)

vs.)

STATE OF ALASKA, SARAH PALIN,)
Governor of the State of Alaska,)

ALASKA DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES, WILLIAM HOGAN,)

Commissioner, Department of Health and)
Social Services, TAMMY SANDOVAL,)

Director of the Office of Children's)
Services, STEVE McCOMB, Director of the)

Division of Juvenile Justice, MELISSA)
WITZLER STONE, Director of the Division of)

Behavioral Health, RON ADLER,)
Director/CEO of the Alaska Psychiatric)

Institute, WILLIAM STREUER, Deputy)
Commissioner and Director of the Division of)

Health Care Services,)
)

Defendants)

Case No. 3AN-08-10115 CI

**ORDER GRANTING STATE OF ALASKA'S MOTION FOR
EXPEDITED CONSIDERATION**

Having reviewed the State of Alaska's Motion for Expedited
Consideration of its underlying Motion to Stay Discovery, and any responses thereto,
IT IS SO ORDERED:

Expedited consideration of said motion is GRANTED.

DATED this _____ day of _____, 2009.

Superior Court Judge
Jack W. Smith

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600