

Law Project for Psychiatric Rights
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IN THE SUPREME COURT FOR THE STATE OF ALASKA

LAW PROJECT FOR PSYCHIATRIC)	
RIGHTS, Inc., an Alaskan non-profit)	
corporation,)	Supreme Court No. S- <u>13558</u>
)	
Appellant,)	Trial Court No. 3AN 08-10115CI
vs.)	Honorable Jack W. Smith, presiding
)	
STATE OF ALASKA, <i>et al.</i> ,)	
)	
Appellees.)	
)	

POINTS ON APPEAL

Appellant, Law Project for Psychiatric Rights (PsychRights®), by and through counsel, and in accordance with Appellate Rule 204(b)(3) and (3) hereby submits its points on appeal.

The Superior Court made the following errors in granting Appellees' motion for judgment on the pleadings on the grounds that PsychRights lacked citizen-taxpayer standing because there appears to be a more appropriate plaintiff:

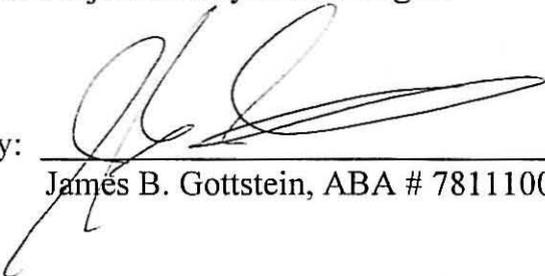
1. The Superior Court erred in concluding PsychRights lacked standing.
2. While the Superior Court found there was a more appropriate plaintiff, it failed to make the requisite finding that there was such a plaintiff that had or was likely to sue.

3. To the extent the Superior Court implicitly made the finding there was a more appropriate plaintiff that had sued or was likely to sue, such finding was in error.

4. The Superior Court erred in granting the State of Alaska's motion to stay discovery pending determination of its motion for judgment on the pleadings necessary for PsychRights to gather facts in order to defend against the motion for judgment on the pleadings.

DATED: June 30, 2009.

Law Project for Psychiatric Rights

By: 

James B. Gottstein, ABA # 7811100