

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

STATE OF ALASKA,

Plaintiff,

vs.

ELI LILLY AND COMPANY,

Defendant.

RECEIVED

AUG 25 2008

Case No. 3AN-06-5630 CI

ORDER

The Court has received the attached letter from Mr. James Gottstein requesting access pursuant to Administrative Rule 37.7(b) to certain documents that remain sealed following this Court's Order of June 13, 2008. Any party wishing to file a response to this request shall do so by September 2, 2008. No reply is allowed unless requested by the Court.

DATED at Anchorage, Alaska, this 22nd day of August 2008.



MARK RINDNER
Superior Court Judge

*I certify that on august 22, 2008 a copy
was mailed to:*

E. Sanders
J. Dawson

B. Jamieson
J. Gottstein

Administrative Assistant



PsychRights[®]

Law Project for
Psychiatric Rights, Inc.

August 20, 2008

Judge Mark Rindner
Room 403, Nesbitt Courthouse
825 W. 4th Avenue
Anchorage, Alaska 99501-2004

Re: Administration Rule 37.7 Request For Access to Sealed
Records in *Alaska v. Eli Lilly & Co.*, 3AN 06-5630 CI.

Dear Judge Rindner:

With respect to the above referenced case, the Supreme Court Clerk's Office informs me the following documents remain sealed after your June 13, 2008, Order Granting Bloomberg's Motion to Unseal Records (Unsealing Order) and the Supreme Court's temporary stay vacated:

1. R. 8349: Notice of Filing Pleadings and Exhibits Under Seal, dated May 25, 2007, by Eric Sanders: Plaintiff's Reply to Eli Lilly's Response to Plaintiff's Motion Concerning Claims and Proofs" and a pleading titled "Plaintiff's Zyprexa Backgrounder."
2. R. 8352: Notice of Filing Pleadings and Exhibits Under Seal, dated May 25, 2007, by Eric T. Sanders; "Plaintiff's Reply to Eli Lilly's Response to Plaintiff's Motion Concerning Claims and Proofs" and a pleading titled "Plaintiff's Zyprexa Backgrounder."
3. R. 8346: Notice of Filing Under Seal, dated February 5, 2008, by Brewster Jamieson; Supplemental Brief Seeking Dismissal of the State's Claims Pursuant to the UTCPA Exemption and Federal Preemption and Exhibits A through E.
4. R. 8348: Defendant's Notice of Filing Objections to Plaintiff's Trial Depositions Under Seal, dated February 4, 2008, by Brewster Jamieson.

I am therefore requesting access to the above documents, pursuant to Administration Rule 37.7.¹

It appears that 1 & 2 are the documents referred to in footnote 51 of the Unsealing Order in which this Court held that since the confidentiality of these pleadings have not

¹ Administration Rule 37.7(b) provides "Any request to allow access must be made in writing to the court and served on all parties to the case." I believe I have complied with this, but will be happy to provide additional service if advised to whom such service should be directed.

been challenged, this Court would not unseal them at that time. I am requesting they be unsealed at this time.

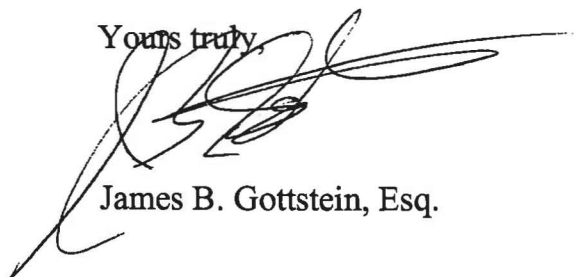
With respect to 3 & 4, I didn't find where they were addressed in the Unsealing Order, which I believe is why they remain sealed. I am therefore requesting they be unsealed at this time as well.

By way of background, PsychRights' mission is to mount a strategic litigation campaign against forced psychiatric drugging and electroshock around the country.² One of the reasons judges order so much forced psychiatric drugging is they are not told the truth about the drugs. Therefore, PsychRights endeavors to acquire and make publicly accessible through the Internet, information about these drugs for people to present to judges around the country in resisting forced drugging orders.³

Without having seen the documents in question it is not possible to specifically address the reasons why they should be unsealed under Administrative Rule 37.7. However, since it seems they were left sealed because Bloomberg did not request them to be unsealed, this Court's analysis in the Unsealing Order can likely also be applied to these documents as well. Any other issues may be fleshed out by Lilly's response to this request.

Finally, I discovered to my surprise when I read this Court's July 18, 2008 Order on Remand that my Second Circuit appeal was raised as a reason for denying access. In the Order on Remand, this Court recited Judge Weinstein's characterization of the documents I obtained pursuant to a subpoena as stolen and having been obtained unlawfully. This is not the forum to argue the issue, but I feel it is important to note I vehemently dispute the documents were either stolen or obtained unlawfully. As you know, Judge Weinstein's February 13, 2007 Decision is currently on appeal in the Second Circuit. This appeal may or may not ultimately be decided.

Yours truly,



James B. Gottstein, Esq.

cc: Brewster Jamieson
Jon Dawson
Eric Sanders
Lori A. Wade

² There is no forced electroshock in Alaska as far as I am aware.

³ See, e.g., Scientific Research By Topic at <http://psychrights.org/Research/Digest/Researchbytopic.htm>.