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

In the Matter of the Necessity)
for the Hospitalization of:)
)
WILLIAM BIGLEY,)
)
Respondent.)

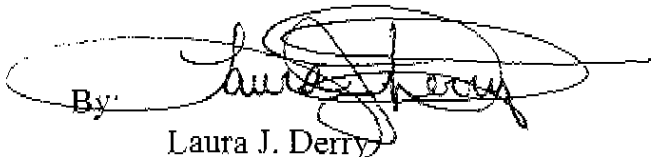
Case No. 3AN-08-1252 PR

MOTION FOR EXPEDITED CONSIDERATION

The Alaska Psychiatric Institute ("API"), through the Office of the Attorney General, moves for an order, pursuant to Civil Rule 77(g), granting expedited consideration of its Motion for Protective Order filed this date. A Petition for Court-Ordered Medication was filed on October 27, 2008. A hearing is scheduled on November 5, 2008, at 9:00 a.m., on the Petition for Court-Ordered Medication. The depositions were noticed on October 30, 2008, and are scheduled to start on November 3, 2008, at 10:00 a.m. API is requesting that the court issue a protective order that (1) discovery not be had, OR if discovery is ordered, that (2) it take place at a mutually convenient time and place AND (3) all contents of this discovery be kept confidential to protect respondent and the deponents. A decision is needed on the principal motion by November 3, 2008, at 9:00 a.m. This Motion for Expedited Consideration is supported by the attached affidavit of counsel.

DATED: 10/31/2008

TALIS J. COLBERG
ATTORNEY GENERAL

By: 

Laura J. Derry
Assistant Attorney General
Alaska Bar No. NA14011

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 2000
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

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

In the Matter of the Necessity)
for the Hospitalization of:)
)
WILLIAM BIGLEY,)
)
Respondent.)

Case No. 3AN-08-1252 PR

AFFIDAVIT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Laura Derry, being first duly sworn upon oath, deposes and says:

1. I am the assistant attorney general assigned to the above-captioned matter.

2. A decision is needed on the principal motion by November 3, 2008, at 9:00 a.m., on the Motion for Protective Order. The depositions are scheduled to begin on November 3, 2008 at 10:00 a.m. The hearing on court-ordered medication is scheduled to being on November 5, 2008, at 9:00 a.m. API is requesting that the court issue a protective order that (1) discovery not be had, OR if discovery is ordered, that (2) it take place at a mutually convenient time and place AND (3) all contents of this discovery be kept confidential to protect respondent and the deponents.

3. Expedited consideration is necessary because petitioner's counsel received notices for multiple depositions on October 30, 2008, setting these depositions for November 3, 2008. As previously stated, expedited consideration is needed because discovery is improper in this case, and because an undue delay in the court proceedings to conduct discovery will cause further harm to respondent, William Bigley. It is also necessary to prevent undue burden, annoyance, and harassment for the deponents, and should discovery proceed, to ensure confidentiality.

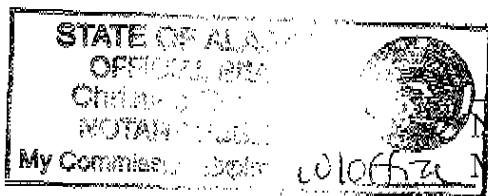
DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

1
 2 4. I contacted Jim Gottstein, attorney for the respondent, via
 3 electronic mail and telephone on October 30, 2008 and October 31, 2008 in an effort to
 4 resolve these issues. These attempts were unsuccessful. Mr. Gottstein has refused to
 5 withdraw his notices, and has not agreed to a time and place that is more convenient to
 6 the deponents.

Further your affiant saith naught.

7
 8 

9 SUBSCRIBED AND SWORN to before me this 31st day of October,
 10 2008.



Amie Asquith
 Notary Public in and for Alaska
 My commission expires: w/office

DEPARTMENT OF LAW
 OFFICE OF THE ATTORNEY GENERAL
 ANCHORAGE BRANCH
 1031 W. FOURTH AVENUE, SUITE 200
 ANCHORAGE, ALASKA 99501
 PHONE: (907) 269-5100

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

ORDER GRANTING EXPEDITED CONSIDERATION

The Court, having received petitioner's Motion for Expedited Consideration and any opposition, and being fully advised in the premises,

IT IS HEREBY ORDERED that Petitioner's Motion is GRANTED. The Court will render a decision on petitioner's Motion for Protective Order on or before November 3, 2008, at 9:00 a.m.

DATED: _____

SUPERIOR COURT JUDGE

Recommended for approval:

Probate Master

Dated: _____

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

1
2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
3 THIRD JUDICIAL DISTRICT AT ANCHORAGE

4 In the Matter of the Necessity)
for the Hospitalization of:)
5)
6 WILLIAM BIGLEY,)
Respondent.)
7)

Case No. 3AN-08-1252 PR

8 **MOTION FOR PROTECTIVE ORDER**

9
10 The Alaska Psychiatric Institute ("API"), through the Office of the
11 Attorney General, pursuant to Alaska Rule of Civil Procedure 26(c) and the Motion to
12 Quash filed contemporaneously herewith, hereby requests the entry of a protective order
in this matter.

13 As explained in the Motion to Quash¹, API believes that discovery in this
14 case is improper and should not be allowed. Should discovery be allowed to proceed,
15 API seeks a protective order to prevent annoyance, harassment, and undue burden on
16 the deponents.

17 The Notices of Deposition ("Notices") in this case were served by
18 respondent William Bigley ("Bigley") on Thursday, October 30, 2008, for discovery to
19 take place on Monday, November 3, 2008.² A hearing on the petition for court-ordered
20 medication is scheduled for Wednesday, November 5, 2008. As an initial matter, more
21 fully explained in the Motion to Quash, API believes that discovery is improper in this
22 case under AS 47.30.839. This statute governs court-ordered administration of
23 medication, and the specific procedures laid out for such a determination do not allow
for discovery. Further, even if discovery were to be allowed in this particular matter,
24 Bigley's notices do not comport with the Alaska Rules of Civil Procedure. Bigley did

25 ¹ Attached at Exhibit 1.

26 ² See attached notices, at Exhibits 2 - 5.

1
2 not attempt to confer with API prior to noticing the depositions. The notices also do not
3 specify a subject matter of the deposition. Finally, if discovery is proper for this type of
4 case, the timing of the depositions leaves little room for API to conduct discovery of its
5 own prior to the hearing date. As such, API requests that a protective order be issued
6 that discovery not be had.

7 Should discovery proceed, API seeks to protect deponents Dr. Kahnaz
8 Khari, M.D., Dr. Dwight Stallman, Officer Wendi Shackelford, and Ronald Adler from
9 annoyance, harassment, and undue burden. First, the notices place a significant burden
10 on the deponents with regard to their work schedules, which is particularly important for
11 Drs. Khari and Stallman, who are busy physicians tasked with caring for the patients.
12 On such short notice, the deponents will be unable to arrange their schedules to allow
13 for attendance. The timing of the proposed depositions—10:00 a.m., 11:00 a.m., 1:00
14 p.m., and 9:00 p.m., on November 3, 2008—should be changed to more reasonable and
15 mutually-agreeable times should discovery proceed. As such, API requests that a
16 protective order be issued that discovery be had at a time and place convenient to the
17 deponents.

18 Given the sensitive nature of the information likely sought by Bigley in
19 this discovery (noting that the notices do not specify the subject matter of the proposed
20 depositions), and the history of respondent's attorney using information obtained in
21 court proceedings to tarnish the reputation of treating physicians via publication on his
22 website³, API requests that a protective order be issued so that the contents of all
23 discovery in this case be confidential, from now and into the indefinite future. Such an
24 order would protect both respondent from the disclosure of sensitive medical
25 information and the deponents from harassment and embarrassment by respondent's
26 attorney.

Accordingly, API seeks a protective order for the following:

1. That discovery not be had; OR

³ See Law Project for Psychiatric Rights, attached at Exhibit 6.

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2. That should discovery be allowed, it be held at a time and place more convenient to the deponents; AND

3. That the contents of the discovery be confidential so as to protect both the respondent and the deponents.

DATED: 10/31/2008

TALIS J. COLBERG
ATTORNEY GENERAL

By: 

Laura J. Derry
Assistant Attorney General
Alaska Bar No. NA14011

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the Necessity)
for the Hospitalization of:)
)
WILLIAM BIGLEY,)
)
Respondent.)

Case No. 3AN-08-1252 PR

MOTION FOR EXPEDITED CONSIDERATION

The Alaska Psychiatric Institute ("API"), through the Office of the Attorney General, moves for an order, pursuant to Civil Rule 77(g), granting expedited consideration of its Motion to Quash filed this date. A Petition for Court-Ordered Medication was filed on October 20, 2008. A hearing is scheduled on November 5, 2008, at 9:00 a.m., on the Petition for Court-Ordered Medication. The depositions were noticed on October 30, 2008, and are scheduled to start on November 3, 2008, at 10:00 a.m. API is requesting that the court quash these deposition notices. A decision is needed on the principal motion by November 3, 2008, at 9:00 a.m. This motion for expedited consideration is supported by the attached affidavit.

DATED: 10/31/2008

TALIS J. COLBERG
ATTORNEY GENERAL

By: 

Laura J. Derry
Assistant Attorney General
Alaska Bar No. NA14011

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

Exhibit 1
Page 1 of 10

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

AFFIDAVIT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Laura Derry, being first duly sworn upon oath, deposes and says:

1. I am the assistant attorney general assigned to the above-captioned matter.
2. A decision is needed on API's Motion to Quash respondent's deposition notices by November 3, 2008, at 9:00 a.m. The depositions are scheduled to begin that day at 10:00 a.m. The hearing on court-ordered medication is scheduled to being on November 5, 2008, at 9:00 a.m.
3. Expedited consideration is necessary because petitioner's counsel received notices for multiple depositions on October 30, 2008, setting these depositions for November 3, 2008. As stated in the underlying motion, API moves to quash these notices because discovery is improper in this case, and an undue delay in the court proceedings to conduct discovery will cause further harm to respondent, William S. Bigley.
4. I contacted Jim Gottstein, attorney for the respondent, via electronic mail and telephone on October 30, 2008 and October 31, 2008 in an effort to resolve these issues. These attempts were unsuccessful; Mr. Gottstein has refused to

DEPARTMENT OF LAW
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PHONE: (907) 269-5100

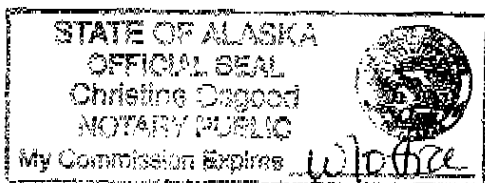
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withdraw his notices. Mr. Gottstein has agreed to argue against the principal motion orally.

Further your affiant saith naught.

SUBSCRIBED AND SWORN to before me this 31st day of October, 2008.



Amia Dagood
Notary Public in and for Alaska
My commission expires: w/office

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
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Exhibit 1
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the Necessity)
for the Hospitalization of:)
)
WILLIAM BIGLEY,)
)
Respondent.)

Case No. 3AN-08-1252 PR

ORDER GRANTING EXPEDITED CONSIDERATION

The Court, having received petitioner's Motion for Expedited Consideration, any opposition, and being fully advised in the premises,

IT IS HEREBY ORDERED that petitioner's Motion for Expedited Consideration is GRANTED and the Court shall render a decision on petitioner's Motion to Quash on or before November 3, 2008, at 9:00 a.m.

DATED: _____

SUPERIOR COURT JUDGE

Recommended for approval:

Probate Master

Dated: _____

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
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ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

Exhibit 1
Page 4 of 10

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

MOTION TO QUASH

The State of Alaska, Alaska Psychiatric Institute ("API"), through its attorney, respectfully requests that the Court quash respondent William Bigley's Notices of Taking Deposition for Dr. Dwight Stallman, Officer Wendy Shackelford, Dr. Kahnaz Khari, and Ron Adler ("notices"). The notices should be quashed because (a) under the relevant statute, AS 47.30.839, specific procedures for this type of hearing do not allow for discovery, (b) the probate rules applicable to this hearing are silent on discovery, and (c) even if discovery is allowable for this hearing, the specific notices proffered by the respondent are improper.

A. The Relevant Statute Sets Out Specific Procedures for this Hearing, Which Does Not Include Discovery.

This case deals with a petition for the court-ordered administration of medication to the respondent, William Bigley ("Bigley"). Such proceedings are governed by AS 47.30.839, which provides that the court shall hold a hearing to determine a patient's capacity to give or withhold consent to medication.¹ The statute lays out detailed requirement for such hearings, including the appointment of a court visitor to assist the court in determining the patient's capacity.² The statute also grants

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

¹ AS 47.30.839(e)

² AS 47.30.839(d)

1
2 the patient due process guarantees; namely, the patient's attorney has a right to cross-
3 examine any witness during the hearing.³

4 Importantly, neither this statute, nor any other statute addressing civil
5 commitment, allows for discovery to be conducted prior to a hearing under this section.
6 Given the specificity of the procedures laid out in the applicable statute, it is clear that
7 discovery is not allowed as a matter of law under this section. Additionally, the subject
8 of the hearing—Bigley's capacity to consent to medication—is to be determined
9 through examination of the court and testimony of the court visitor. It is unclear what
10 purpose the proposed depositions would serve for this specific hearing; should Bigley
11 wish to question any witness on issues of capacity, he may do so during cross-
12 examination at the hearing, as provided for in the statute. As such, Bigley's attempt to
13 conduct discovery prior to this hearing is improper, and the notices should therefore be
14 quashed.

15 **B. Probate Rules, Applicable to Medication Hearings, Are Silent on**
16 **Discovery.**

17 Under the Rules of Probate Procedure, this type of hearing – court-ordered
18 medication – is governed by the Probate Rules.⁴ Notably, the Probate Rules are silent
19 on the issue of discovery in these types of hearing. No allowances for depositions, such
20 as the ones proposed by Bigley, are made. Given that both the statute and the applicable
21 rules of court for this type of hearing do not provide for discovery, the notices should be
22 quashed.

23 **C. Should the Rules of Civil Procedure Apply to these Proceedings,**
24 **Discovery Is Improper.**

25 Where the Probate Rules are silent, a court may "proceed in any lawful
26 manner."⁵ If the Rules of Civil Procedure were to apply in this proceeding, it is
inappropriate to allow discovery given that under the statute, the hearing must take

3 AS 47.30.839(e).

4 Alaska Rule of Probate Procedure 2(b)(2)(C).

5 Alaska Rule of Probate Procedure 1(e).

Exhibit 1
Page 6 of 10

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place within 72 hours of the filing of the petition.⁶ In this time frame, discovery is not practicable and not contemplated by the Rules of Civil Procedure. An attempt to conduct discovery for a hearing under AS 47.30.839 is inconsistent with the statute itself, the Probate Rules, and the Rules of Civil Procedure.

Furthermore, even if discovery were appropriate in this type of hearing, the notices here are deficient under the Rules of Civil Procedure. First, timing is improper. Bigley has not attempted to meet and confer with API to set a discovery schedule prior to serving the notices.⁷ Second, the notices are not specific as to the subject matter of the proposed depositions, requesting only the presence of the deponent and attaching a list of documents to bring to the deposition.⁸ The documents requested are not limited to Bigley's capacity to consent to medication. Given that no scope of the depositions is set, and that the requested documentation is not limited to the issue presented at the hearing, the notices are improper.

Finally, as a matter of fundamental fairness under the Rules of Civil Procedure, if Bigley is allowed to conduct discovery prior to this hearing, API should be allowed to conduct similar discovery. Ample time to notice and prepare for depositions and other discovery would be necessary. It is clear that such discovery would go against the intent of AS 47.30.839, and would significantly expand the mandated 72 hour time frame. This certainly cannot be the intent of the statute—to allow discovery

///
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DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

⁶ AS 47.30.839(e).

⁷ Alaska Rule of Civil Procedure 26(d)(1)

⁸ See notices, attached, at Exhibits 1-4.

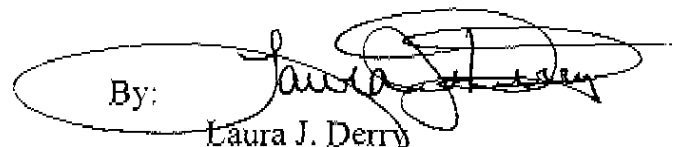
Exhibit 1
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that would delay a hearing for court-ordered administration of medication. As such, the notices should be quashed and the hearing should proceed as scheduled.

DATED: _____

TALIS J. COLBERG
ATTORNEY GENERAL

By: 

Laura J. Derry
Assistant Attorney General
Alaska Bar No. NA14011

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
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ANCHORAGE, ALASKA 99501
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Exhibit 1
10/30/08 8 of 10

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.) Case No. 3AN-08-1252 PR

ORDER GRANTING MOTION TO QUASH

The Court, having considered petitioner's Motion to Quash, respondent's opposition, and being fully advised in the premises,

IT IS HEREBY ORDERED that petitioner's Motion to Quash is GRANTED as follows:

- 1. The Notices of Taking Deposition are quashed, as discovery is improper in petitions for court-ordered medication.
- 2. The hearing for court-ordered medication shall proceed as scheduled on November 5, 2008, at 9:00 a.m.

DATED: _____

SUPERIOR COURT JUDGE

Recommended for approval:

Probate Master

Dated: _____

Exhibit 1
pg. 9 of 10

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

CERTIFICATE OF SERVICE

I hereby certify that on this day, correct copies of the **MOTION FOR EXPEDITED CONSIDERATION, AFFIDAVIT, ORDER GRANTING EXPEDITED CONSIDERATION, MOTION TO QUASH, and the ORDER GRANTING MOTION TO QUASH** in this proceeding were faxed/hand-delivered to:

Public Defender Agency
Fax No. 868-2588

and faxed/mailed to:

Law Project for Psychiatric Rights, Inc.
James B. Gottstein, Esq.
406 G Street, Suite 206
Anchorage, AK 99501
Fax No. 274-9493
[also hand-delivered on October 30, 2008]

Ron Adler
Alaska Psychiatric Institute
2900 Providence Drive
Anchorage, AK 99508
Fax No. 269-7128

Marieann Vassar
3080A Leighton Street
Anchorage, AK 99517
Fax No. 338-0711

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

Anna Osgood
Signature

10/31/08

Date

Exhibit 1

10 of 10

HAND DELIVERED

10/30/08 10:49 A

ATTORNEY GENERAL'S OFFICE THE SUPERIOR COURT FOR THE STATE OF ALASKA
ANCHORAGE CIVIL DIVISION THIRD JUDICIAL DISTRICT, AT ANCHORAGE

In the Matter of the Necessity for the)
Hospitalization of William S. Bigley,) **NOTICE OF TAKING DEPOSITION**
Respondent) **KAHNAZ KHARI, MD**

Case No. 3AN 08-1252PR

TO:

Laura Derry
Attorney General's Office
1031 W. 4th Avenue,
Suite 200
Anchorage, Alaska 99501

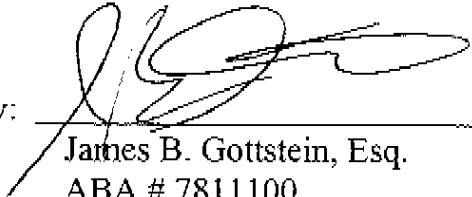
Marieann Vassar
3080 A Leighton Street
Anchorage, Alaska 99517

Elizabeth Brennan
Public Defenders
900 W. 5th Avenue,
Suite 200
Anchorage, AK 99501

PLEASE TAKE NOTICE that on behalf of William S. Bigley, Respondent, James B. Gottstein of the Law Project for Psychiatric Rights, will take the deposition of Kahnaz Khari, MD, on the 3rd day of November, 2008, at the hour of 1:00 PM, at the offices of the Law Project for Psychiatric Rights, 406 G Street, Suite 206, Anchorage, Alaska 99501, before a court reporter. The designation of materials to be produced is attached and you are invited to attend.

DATED: October 30, 2008.

Law Project for Psychiatric Rights Inc.

By: 
James B. Gottstein, Esq.
ABA # 7811100

LAW PROJECT FOR PSYCHIATRIC RIGHTS, INC.
406 G Street, Suite 206
Anchorage, Alaska 99501
(907) 274-7686 Phone ~ (907) 274-9493 Fax

Exhibit 2
to 1 of 2

Kahnaz Khari, M.D.
Attachment to Subpoena Duces Tecum
(Production of Documents)

1. Your curriculum vitae or resume.
2. The Respondent's entire chart, and all other records or other documents pertaining to the Respondent, including any and all records relating to treatment team meetings and decisions, from January 1, 2007 to the time set for the deposition.
3. Your written report prepared and signed by you to be presented at the hearing. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by you in forming your opinions; any exhibits to be used as a summary of or support for the opinions; your qualifications as an expert witness, including a list of all publications authored by you within the preceding ten years; and a listing of any other cases in which you have testified at a civil commitment or court approval of administration of psychotropic medication hearing or by deposition within the preceding four years.
4. All documents you reviewed, considered or relied upon in arriving at your conclusions, or any combination thereof, including without limitation, any and all of the following:
 - Medical, psychiatric or other types of treatises, texts, manuals, studies, or other materials or authorities that you used in arriving at your opinion.
 - Reports prepared by you or others.
 - Results of all tests undertaken by you or others.
 - All of your time records relating to time spent on this matter.
 - All other records and documents pertaining to the Respondent, including without limitation, any notes.
 - All correspondence, communications or other documents generated or prepared by you or received by you pertaining to the Respondent, this matter and your forming an opinion or opinions in this matter.
 - All notes, memoranda, photographs, video tapes or other documents relating to inspections and observations made by you.

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

In the Matter of the Necessity for the)
Hospitalization of William S. Bigley,)
Respondent)

**NOTICE OF TAKING DEPOSITION
DR. DWIGHT STALLMAN**

Case No. 3AN 08-1252PR

TO:

Laura Derry
Attorney General's Office
1031 W. 4th Avenue,
Suite 200
Anchorage, Alaska 99501

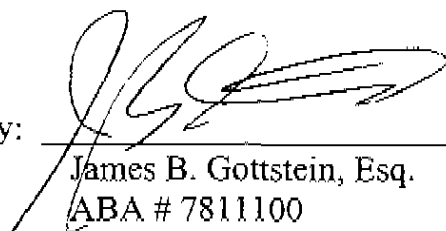
Marieann Vassar
3080 A Leighton Street
Anchorage, Alaska 99517

Elizabeth Brennan
Public Defenders
900 W. 5th Avenue,
Suite 200
Anchorage, AK 99501

PLEASE TAKE NOTICE that on behalf of William S. Bigley, Respondent, James B. Gottstein of the Law Project for Psychiatric Rights, will take the deposition of Dr. Dwight Stallman, on the 3rd day of November, 2008, at the hour of 10:00 AM, at the offices of the Law Project for Psychiatric Rights, 406 G Street, Suite 206, Anchorage, Alaska 99501, before a court reporter. The designation of materials to be produced is attached and you are invited to attend.

DATED: October 30, 2008.

Law Project for Psychiatric Rights Inc.

By: 
James B. Gottstein, Esq.
ABA # 7811100

LAW PROJECT FOR PSYCHIATRIC RIGHTS, INC.
406 G Street, Suite 206
Anchorage, Alaska 99501
(907) 274-7686 Phone ~ (907) 274-9493 Fax

Dr. Dwight Stallman
Attachment to Subpoena Duces Tecum
(Production of Documents)

1. Your curriculum vitae or resume.
2. All of the Alaska Department of Corrections mental health records pertaining to Respondent from January 1, 2006, to date.
3. If you will be providing any expert scientific opinion testimony, your written report prepared and signed by you to be presented at the hearing. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by you in forming your opinions; any exhibits to be used as a summary of or support for the opinions; your qualifications as an expert witness, including a list of all publications authored by you within the preceding ten years; and a listing of any other cases in which you have testified at a civil commitment or court approval of administration of psychotropic medication hearing or by deposition within the preceding four years.
4. All documents you reviewed, considered or relied upon in arriving at your conclusions, or any combination thereof, including without limitation, any and all of the following:
 - Medical, psychiatric or other types of treatises, texts, manuals, studies, or other materials or authorities that you used in arriving at your opinion.
 - Reports prepared by you or others.
 - Results of all tests undertaken by you or others.
 - All of your time records relating to time spent on this matter.
 - All other records and documents pertaining to the Respondent, including without limitation, any notes.
 - All correspondence, communications or other documents generated or prepared by you or received by you pertaining to the Respondent, this matter and your forming an opinion or opinions in this matter.
 - All notes, memoranda, photographs, video tapes or other documents relating to inspections and observations made by you.

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

In the Matter of the Necessity for the)
Hospitalization of William S. Bigley,)
Respondent)

**NOTICE OF TAKING DEPOSITION
OFFICER WENDY SHACKELFORD**

Case No. 3AN 08-1252PR

TO:

Laura Derry
Attorney General's Office
1031 W. 4th Avenue,
Suite 200
Anchorage, Alaska 99501

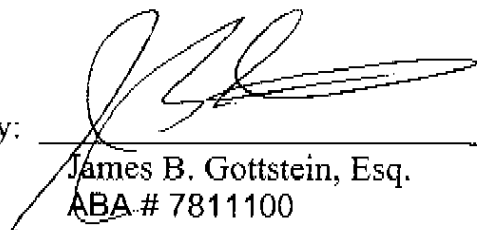
Marieann Vassar
3080 A Leighton Street
Anchorage, Alaska 99517

Elizabeth Brennan
Public Defenders
900 W. 5th Avenue,
Suite 200
Anchorage, AK 99501

PLEASE TAKE NOTICE that on behalf of William S. Bigley, Respondent, James B. Gottstein of the Law Project for Psychiatric Rights, will take the deposition of Officer Wendy Shackelford, on the 3rd day of November, 2008, at the hour of 11:00 AM, at the offices of the Law Project for Psychiatric Rights, 406 G Street, Suite 206, Anchorage, Alaska 99501, before a court reporter. The designation of materials to be produced is attached and you are invited to attend.

DATED: October 30, 2008.

Law Project for Psychiatric Rights Inc.

By: 
James B. Gottstein, Esq.
ABA # 7811100

LAW PROJECT FOR PSYCHIATRIC RIGHTS, INC.
406 G Street, Suite 206
Anchorage, Alaska 99501
(907) 274-7686 Phone ~ (907) 274-9493 Fax

Wendy Shackelford
Attachment to Subpoena Duces Tecum
(Production of Documents)

1. Your curriculum vitae or resume.
2. All of the Anchorage Police Department's records pertaining to Respondent records from January 1, 2006, to date.

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

In the Matter of the Necessity for the)
Hospitalization of William S. Bigley,)
Respondent)

**NOTICE OF TAKING DEPOSITION
RON ADLER**

Case No. 3AN 08-1252PR

TO:

Laura Derry
Attorney General's Office
1031 W. 4th Avenue,
Suite 200
Anchorage, Alaska 99501

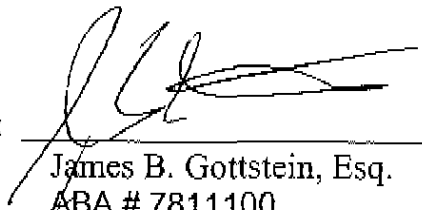
Marieann Vassar
3080 A Leighton Street
Anchorage, Alaska 99517

Elizabeth Brennan
Public Defenders
900 W. 5th Avenue,
Suite 200
Anchorage, AK 99501

PLEASE TAKE NOTICE that on behalf of William S. Bigley, Respondent, James B. Gottstein of the Law Project for Psychiatric Rights, will take the deposition of Ron Adler, on the 3rd day of November, 2008, at the hour of 9:00 PM, at the offices of the Law Project for Psychiatric Rights, 406 G Street, Suite 206, Anchorage, Alaska 99501, before a court reporter. The designation of materials to be produced is attached and you are invited to attend.

DATED: October 30, 2008.

Law Project for Psychiatric Rights Inc.

By: 
James B. Gottstein, Esq.
ABA # 7811100

LAW PROJECT FOR PSYCHIATRIC RIGHTS, INC.
406 G Street, Suite 206
Anchorage, Alaska 99501
(907) 274-7686 Phone ~ (907) 274-9493 Fax

Ron Adler
Attachment to Subpoena Duces Tecum
(Production of Documents)

1. Your curriculum vitae or resume.
2. All policies of the Alaska Psychiatric Institute (API), training material, notices of training, or any other documents pertaining to the administration medication pursuant to AS 47.30.838 from January 1, 2007, to date. It is understood API changed its policy following the September, 2007, proceeding involving Respondent and this subpoena is intended to cover all documents relating to such medication both prior to and after the change in policy.
3. If you will be providing any expert scientific opinion testimony, your written report prepared and signed by you to be presented at the hearing. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by you in forming your opinions; any exhibits to be used as a summary of or support for the opinions; your qualifications as an expert witness, including a list of all publications authored by you within the preceding ten years; and a listing of any other cases in which you have testified at a civil commitment or court approval of administration of psychotropic medication hearing or by deposition within the preceding four years.
4. All documents you reviewed, considered or relied upon in arriving at your conclusions, or any combination thereof, including without limitation, any and all of the following:
 - Medical, psychiatric or other types of treatises, texts, manuals, studies, or other materials or authorities that you used in arriving at your opinion.
 - Reports prepared by you or others.
 - Results of all tests undertaken by you or others.
 - All of your time records relating to time spent on this matter.
 - All other records and documents pertaining to the Respondent, including without limitation, any notes.
 - All correspondence, communications or other documents generated or prepared by you or received by you pertaining to the Respondent, this matter and your forming an opinion or opinions in this matter.
 - All notes, memoranda, photographs, video tapes or other documents relating to inspections and observations made by you.

PsychRights®

Law Project for
Psychiatric Rights

The Law Project for Psychiatric Rights (PsychRights) is a non-profit, tax exempt 501(c)(3) public interest law firm whose mission is to mount a strategic legal campaign against forced psychiatric drugging and electroshock in the United States akin to what Thurgood Marshall and the NAACP mounted in the 40's and 50's on behalf of African American civil rights. The public mental health system is creating a huge class of chronic mental patients through forcing them to take ineffective, yet extremely harmful drugs.

Currently, due to massive growth in psychiatric drugging of children and youth and the current targeting of them for even more psychiatric drugging, PsychRights has made attacking this problem a priority. Children are virtually always forced to take these drugs because it is the adults in their lives who are making the decision. This is an unfolding national tragedy of immense proportions.

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International Center for the Study of Psychiatry and Psychology (ICSPP)

2008 Annual Conference;

Effective Therapeutic Approaches to Emotional Suffering: Recovering the Soul of Psychotherapy
(Tampa, Florida Oct. 10-12)

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Highlighted Items

- Law Project for Psychiatric Rights v. State of Alaska, et al. Case No. 3AN 08-10115
CI
 - PsychRights Sues State of Alaska to Stop Its Massive, Harmful Psychiatric Drugging of Alaskan Children, September 2, 2008.
 - Amended Complaint
 - Questions & Answers
- Forced Drugging Defense Package (4.5 Megabytes)
 - Microsoft Word version of pleadings
- The "clickable" Whitaker Affidavit
- Dr. Grace E. Jackson Affidavit
- Top Psychiatrist Didn't Report Drug Makers' Pay, by Gardiner Harris, *New York Times*, October 4, 2008
- Forced Drugging of Bill Bigley
 - One Drug, Two Faces, *New York Times*, March 25, 2008.
- The Zyprexa Papers Scandal

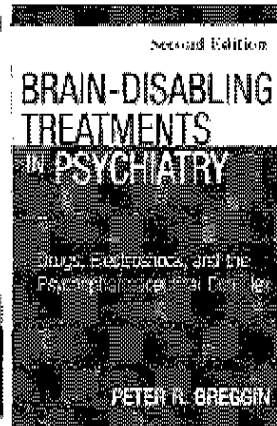
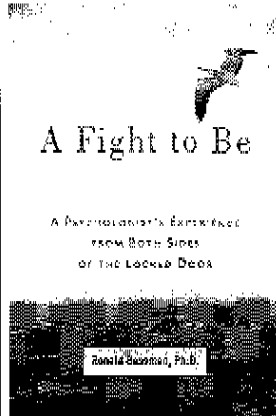
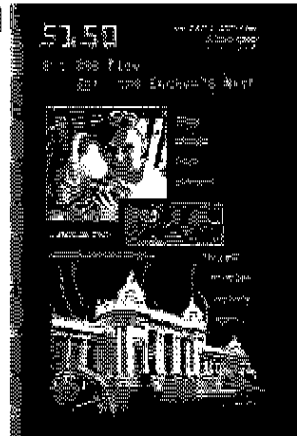
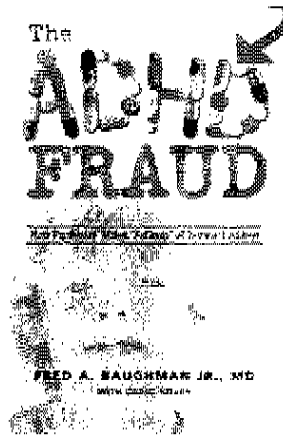
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THE AMERICAN
MAGAZINE

Robert Whitaker

Exhibit 6
Page 1 of 2

- Involuntary Commitment and Forced Psychiatric Drugging in the Trial Courts: Rights Violations as a Matter of Course, by James B. (Jim) Gottstein, *25 Alaska L. Rev.* 51 (2008).
- How the Legal System Can Help Create a Recovery Culture in Mental Health Systems, presented at Alternatives 2005: Leading the Transformation to Recovery, Phoenix, Arizona, October 28, 2005.
- Report on Multi-Faceted Grass-Roots Efforts To Bring About Meaningful Change To Alaska's Mental Health Program
- Wetherhorn v. Alaska Psychiatric Institute, Opinion No. 6091, ruling Alaska's gravely disabled criteria unconstitutional (requiring the state prove the person unable to survive safely in freedom).
- Myers v. Alaska Psychiatric Institute. Opinion No. 6021, June 30, 2006, ruling Alaska's forced psychiatric drugging regime unconstitutional.
- Anatomy of an Epidemic: Psychiatric Drugs and the Astonishing Rise of Mental Illness in America, by Robert Whitaker, *Ethical Human Psychology and Psychiatry*, Volume 7, Number 1: 23-35 Spring 2005.
- Unsealed documents from Alaska v. Lilly, the Alaska Supreme Court allowed to be open to the public on July 29th, in Eli Lilly v. Bloomberg News.
- Jim Gottstein Legal Defense Fund
- MindFreedom Shield Program
- Allen Jones' Full Whistle-Blower Report on Drug Company influence on states' drug purchases.



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Law Project For Psychiatric Rights
 406 G Street, Suite 206
 Anchorage, AK 99501
 (907) 274-7686 -- (fax) 274-9493
 e-mail us

We get a commission if you purchase items from Amazon.com through this link. Also see our [Suggested Reading List](#).

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Exhibit 4
 Page 2 of 2

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

AFFIDAVIT

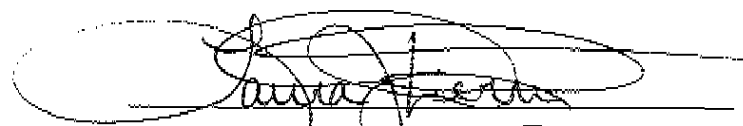
STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

Laura Derry, being first duly sworn upon oath, deposes and says:

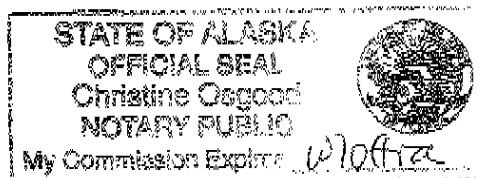
1. I am the assistant attorney general assigned to the above-captioned matter.

2. I have attempted to confer with James B. Gottstein, attorney for respondent, in an effort to resolve these issues. These efforts were unsuccessful. Mr. Gottstein has refused to withdraw his notices, and has not agreed to a time and place that is more convenient to the deponents.

Further your affiant saith naught.



SUBSCRIBED AND SWORN to before me this 31st day of October, 2008.



Christine Osgood
Notary Public in and for Alaska
My commission expires: 1/10/12

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

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

In the Matter of the Necessity)
for the Hospitalization of:)
WILLIAM BIGLEY,)
Respondent.)

Case No. 3AN-08-1252 PR

ORDER

Having considered API's Motion for Protective Order and any responses thereto, IT IS SO ORDERED:

1. Discovery shall not be had in this matter.
2. Should discovery proceed, it shall be had at a time and place mutually agreeable to the parties and with regard to the schedules of the deponents.
3. Should discovery proceed, all discovery in this matter shall be held confidential.

DATED: _____

SUPERIOR COURT JUDGE

Recommended for approval:

Probate Master

Dated: _____

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100