

**Subject:** Re: USS ex rel Law Project v. Matsutani et al  
**From:** Jim Gottstein <jim.gottstein@psychrights.org>  
**Date:** Mon, 22 Feb 2010 17:01:12 -0900  
**To:** "Taylor, R Scott (LAW)" <scott.taylor@alaska.gov>  
**CC:** "Kraly, Stacie L (LAW)" <stacie.kraly@alaska.gov>, daniel.sullivan@alaska.gov, Jim Gottstein <jim.gottstein@psychrights.org>

Hi Scott,

Thank you for the courtesy.

Perhaps you should review the controlling case of *Stoner v. Santa Clara County Office of Educ.*, 502 F.3d 1116, 1122-1124 (9th Cir. 2007), in which the Ninth Circuit has already rejected your argument regarding the personal liability of state employees acting within the scope of their official responsibilities and expressed no opinion on the issue of whether the district court was correct in concluding "the individually named defendants could not be sued for damages in their official capacities because such a suit would, in effect, be against the state."

Since this was included in PsychRights' Rule 26(f) Conference Memorandum provided Ms. Kraly this morning and it must not have been transmitted to you, I am (hopefully) attaching it for your consideration.

On 2/22/2010 4:34 PM, Taylor, R Scott (LAW) wrote:

Jim,

Please see the attached letter and enclosure; the State of Alaska would like to give the plaintiff/relator the opportunity to voluntarily dismiss the four state official defendants from this action before incurring the fees and costs of motion practice. Feel free to contact us if you have any questions.

Regards,

-Scott

R. Scott Taylor  
Oil, Gas & Mining Section  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501  
907.375.7775

[scott.taylor@alaska.gov](mailto:scott.taylor@alaska.gov)

**CONFIDENTIALITY NOTICE:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure is prohibited.

--

James B. (Jim) Gottstein, Esq.  
President/CEO

Law Project for Psychiatric Rights  
406 G Street, Suite 206  
Anchorage, Alaska 99501  
USA  
Phone: (907) 274-7686 Fax: (907) 274-9493  
jim.gottstein[at]psychrights.org  
<http://psychrights.org/>

**PsychRights®**  
Law Project for  
Psychiatric Rights

The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of forced psychiatric drugging. We are further dedicated to exposing the truth about these drugs and the courts being misled into ordering people to be drugged and subjected to other brain and body damaging interventions against their will. Extensive information about this is available on our web site, <http://psychrights.org/>. Please donate generously. Our work is fueled with your IRS 501(c) tax deductible donations. Thank you for your ongoing help and support.

**100222PsychRightsRule26(f)Memo.pdf**

**Content-Type:** application/pdf  
**Content-Encoding:** base64