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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA, *ex rel.*  
Law Project for Psychiatric Rights, an  
Alaskan non-profit corporation,

Plaintiff,

v.

OSAMU H. MATSUTANI, MD; *et al.*,

Defendants.

Case No. 3:09-cv-00080-TMB

**PARTIES' SECOND SCHEDULING AND  
PLANNING CONFERENCE REPORT**

1. **Meeting.** In accordance with Fed. R. Civ. P. 26(f) and the Parties' First Scheduling and Planning Conference Report (Docket 62) and this Court's April 8, 2010, Order Re Scheduling (Docket 97), meetings were held during the weeks of June 7, 14, 21, and 28, 2010 that were attended by:

James B. Gottstein, Esq., Counsel for Plaintiff Law Project for Psychiatric Rights; and

Matthew W. Claman, Lane Powell LLC, Counsel for Alternatives Community Mental Health Center, Inc. d/b/a Denali Family Services, on behalf of all defendants for purposes of this Second Report

2. **Discovery.** Under the parties First Scheduling and Planning Conference Report and associated Scheduling Order, the parties were not

(a) required to make their initial disclosures, or

(b) to make any discovery requests

prior to Wednesday, June 30, 2010.

The Scheduling Order required the parties to convene a subsequent meeting no later than Wednesday, June 30, 2010, to determine whether they could reach agreement on other matters identified in Local Civil Form 26(f), Paragraphs 2-7. The parties must report to the Court no later than Friday, July 16, 2010.

Defendants believe the parties should not be subject to any discovery, including initial disclosures, until after the Court rules on the pending motions to dismiss. Plaintiff disagrees. The parties have thus been unable to reach agreement on the matters identified in Local Civil Form 26(f), Paragraphs 2-7.

The undersigned counsel certifies that he has discussed this Report with all counsel of record and all indicate they agree with this Report.

DATED this 2nd day of July, 2010.

LANE POWELL LLC  
Attorneys for Alternative Community Mental  
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By /s/ Matthew W. Claman  
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I certify that on July 2, 2010, a copy of the foregoing Parties' Second Planning and Scheduling Conference Report was served by ECF on:

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