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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' FIRST SCHEDULING AND  
PLANNING CONFERENCE REPORT**

1. **Meeting.** In accordance with Fed. R. Civ. P. 26(f), a meeting was held on March 5, 2010, and was attended by:

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

Matthew K. Peterson, Clapp, Peterson, Van Flein, Tiemessen & Thorsness, LLC, Counsel for North Star Hospital and Baisi, Bautista, Dukoff, and Kiele;

Daniel W. Hickey, Gruenstein & Hickey, Counsel for Providence Health and Matsutani;

David B. Robbins, Bennett Bigelow & Leedom, P.S., Counsel for Providence Health and Matsutani;

Jeffrey M. Feldman, Feldman Orlansky & Sanders, and Eric P. Berlin, Jones Day, Counsel for Wal-Mart Stores, Inc.;

Allen Clendaniel, Sedor, Wendlandt. Evans & Filippi, LLC, Counsel for Ozer and Phillips;

John J. Tiemessen, Clapp, Peterson, Van Flein, Tiemessen & Thorsness, LLC, Counsel for Fairbanks Psychiatric and Neuologic Clinic and Martino and Rothrock;

Howard S. Trickey and Cheryl Mandala, Jermain, Dunnagan & Owens, P.C., counsel for Anchorage Community Mental Health;

Margot Knuth, Law Offices of Vance A. Sanders LLC, Counsel for Juneau Youth Services;

James E. Torgerson, Stoel Rives LLP, Counsel for Thomas Reuters (Healthcare) Inc.;

Richard D. Monkman, Sonosky, Chambers, Sachse, Miller & Munson, LLP, Counsel for Lopez-Coonjohn, Schults, Stauffer, and Bartlett Regional Hospital;

Robert C. Bundy, Dorsey & Whitney LLP, Counsel for Fred Meyer, Safeway, Southcentral;

Sanford M. Gibbs, Brown, Waller & Gibbs, PC, Counsel for Curtis and Clark;

Stacie L. Kraly and R. Scott Taylor, Alaska Attorney General's Office, Counsel for Hogan, Streur, Sandoval and McComb; and

Matthew W. Claman, Lane Powell LLC, Counsel for Alternatives Community Mental Health Center, Inc. d/b/a Denali Family Services.

1.1 **Preliminary Motions and Preliminary Limits on Discovery.** Defendants anticipate filing pre-answer motions under Fed. R. Civ. P. 9 and 12 or otherwise. Accordingly, the parties agree that Defendants' responses to the complaint under the Federal Rules of Civil Procedure are due no later than **Monday, April 5, 2010**. The defendants may file other motions pursuant to Fed. R. Civ. P. 12 as allowed by the Federal Rules.

**Plaintiff's responses to the Defendants' responses** are due no later than **Monday, May 10, 2010**.

**Defendants' replies to the Plaintiff's responses** are due no later than **Tuesday, May 25, 2010**.

With respect to preliminary discovery, except as set forth below, the parties further agree that initial disclosures shall not be due, and **the parties shall not make any discovery requests prior to Wednesday, June 30, 2010**. Plaintiff reserves the right to make discovery requests that are limited to matters raised by Defendants' responses to the complaint. Defendants' reserve the right to object to any such discovery requests that allegedly address matters raised by the Defendants' responses to the complaint.

1.2 **Second Meeting.** With regard to other matters identified in Fed. R. Civ. P. 26(f) and Local Civil Form 26(f), the parties agree to convene a subsequent meeting of the parties no later than **Wednesday, June 30, 2010**, to determine whether they can reach agreement on other matters identified in Local Civil Form 26(f), Paragraphs 2-7. The parties agree that they will report to the Court on the Second Meeting of the Parties no later than **Friday, July 16, 2010**.

1.3. **Variation.** Upon motion, for good cause, the parties agree any party may seek variation of the terms hereof.

The undersigned counsel certifies that he has discussed this Report with all counsel of record and all indicate they do not object to the filing of this Report.

DATED this 11th day of March, 2010.

LANE POWELL LLC  
Attorneys for Alternative Community Mental  
Health d/b/a Denali Family Services

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I certify that on March 11, 2010, a copy of the foregoing was served by ECF on:

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