

Law Project for Psychiatric Rights
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Attorney for Plaintiff

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

KATSUMI KENASTON,)
)
 Plaintiff,)
)
 vs.)
)
STATE OF ALASKA,)
)
 Defendant.)

Case No. 3AN-04-3485 CI

MOTION FOR RECONSIDERATION

COMES NOW, Plaintiff, Katsumi Kenaston, by and through counsel, and pursuant to Civil Rule 77(k), moves for reconsideration of this Court's Order dated July 7, 2004, and distributed July 9, 2004, Dismissing Amended Complaint¹ for failing to meet the case or controversy requirement of the Alaska Declaratory Judgment Act.

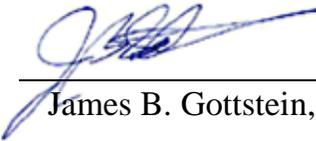
Plaintiff respectfully suggests the Court has overlooked or misconceived the material fact that even though the Defendant has admitted as "self-evident"² that adequate funding and adequate opportunity for the Four Boards to perform and fulfill their Settlement mandated functions and duties are material terms of the Settlement, it has

¹ The complaint was never amended and the body of the Order refers only to "the Complaint" so perhaps it was just a typographical mistake in the title of the Order.

refused to agree to the entry of judgment to that effect. Counsel for the State made this admission in support of the State's contention there is no case or controversy, yet by refusing to agree to the entry of judgment, it demonstrates there is both a case and a controversy.

DATED this 19th day of July, 2004.

Law Project for Psychiatric Rights

By:  _____
James B. Gottstein, ABA # 7811100

² Statement of counsel at oral argument.