

In the Superior Court at Anchorage Alaska

Media No: Courtroom 301 **Judge:** J. Smith

Date: Wednesday, May 27, 2009 **Clerk:** M. Burt

Case No: 3AN-08-10115CI

Case Title: Law Project for Psychiatric Rights vs. State of Alaska et al

Type of Proceeding: Decision on Record

Counsel Present:

Plaintiff: not present
Defendant: not present

Court Orders: Minute Order –

**Motion for Judgment on the pleadings are Granted
This case is Dismissed**

Summary of Proceedings:

11:15:03 AM	On record Court identifies case and parties <u>COURT:</u> Decision on record Defendant motion on judgment on the pleadings COURT'S FINDINGS AND RULINGS Brief summary of facts Plaintiff described as Ak non-profit Mission litigation against forced drugging and electroshock shock treatment Violates constitutional rights Declaratory judgment unless and until been exhausted, outweigh risks Close monitor of effects 2 – injunctive effects Without conformance of para 1 3 – order all children in custody, currently being, be assessed, brought into compliance Critical think RX Training by contractor
11:18:08 AM	Plaintiff filed action Defendant filed motion Oral argument not requested by either party 12C Judgment on pleadings is appropriate, plaintiff failed to meet, under declaratory judgment act
11:18:55 AM	This matter does not meet, lack standing Should dismiss complaint 21p3rd357 2001

850p2nd636 1993

Defendant argues, plaintiff must have interest effected
Plaintiff may not assert another's unless special relationship
139p3rd581 2006

Does not assert, nor claim relationship

Defendant argues plaintiff lacks tax payer standing

Defendant asserts more appropriate to raise such issues

Plaintiff in opposition of motion

736p2nd sub324 1998

This case raises issue of significance

11:22:27 AM

Plaintiff argues State rep by AG would not be proper plaintiff

Plaintiff argues State has ignored and fail to take appropriate action

Plaintiff argues every reason to pursue, not every parent/guardian

Likely will never bring claim

Lack resources to file suit

Because adults in life, children are forced, plaintiff claims has adversary

Judgment on pleadings untimely, 12C to bring in such time to not delay the trial

Will interfere with trial

In reply, lacks tax payer standing

Defendant argues, 13296 04/03/09 Ak Supreme

Supports granting motion in case

Plaintiff who were truly at risk

More directly effected, that does not, on inappropriate plaintiff

Court note following, 12C, if not allegation in pleading that proven

12C motion only utility when all facts, and only question of law remain

11:25:55 AM

85p3rd1030 2004 quoting Jefferson 1969 case

Standing in Ak, not a constructional, rule of restraint

Should not resolve abstract

Requirement for standing, interest injury / tax paying

969p2nd632

Plaintiff complaint raises ques of significant

Defendant indicates, complaint may raise public significant

Plaintiff must be appropriate to bring complaint

3 main facets

11:28:32 AM

Therefore what needs to be determined if plaintiff appropriate

11:29:05 AM

Off record

11:30:09 AM

On record

Con't **COURT'S FINDINGS AND RULINGS**

Based on plaintiff mission statement, would indicate creating as non-profit and issuing a mission statement

Gottstein served on mental health board

plt has no individual or group or custodians had admin against wishes

children are forced to undergo

that's parents/guardian/State are allowing

as plts are assured, plaintiff can identified effectively

being forcefully medicated

raises concerns plaintiff has

last factor in determining whether plaintiff is appropriate party

in trustees court reasoned, whether potential plaintiff to sue in foreseeable future
853p2nd518 1993
This Court finds analyses in case, instructive
Upon review court determine tax payer standing
Remaining employees better position
Have no reason to believe current employees disposed
Court note plaintiffs in this case, establish no on behalf
11:34:17 AM 192p3rd982 2008
Cited by parties
Court finds distinguishable
Recent decision court reviewed case dismissal of public safety commissioner
Opinion 635
Supreme court held, didn't not have standing, fair and just treatment clause
A substantial claim, more directly effected
Court stated among classes of persons, protected under the
Had thought being mistreated, far more appropriate that the Keller
Plaintiff seeks to be placed in discussion role
In lieu of parents or guardians
They are not most appropriate plaintiff

PAUSE

11:37:27 AM Off record

11:38:01 AM On record

Con't **COURT'S FINDINGS AND RULINGS**

As court concluded in Keller

Comparing present case those discussed above

That plaintiff lacks standing

Appears to be more direct effective party than the Law Project

Motion for judgment on the pleadings are granted

This case is dismissed

11:39:04 AM Off record