

MICHAEL K. JEANES
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----- CASE# CV2013-013531 -----
CIVIL NEW COMPLAINT 319.00

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Daniel J. Pochoda (SBA 021979)
Kelly J. Flood (SBA 019772)
Darrell L. Hill (SBA 030424)
ACLU FOUNDATION OF ARIZONA
3707 North 7th Street, Suite 235
Phoenix, AZ 85014
Telephone: (602) 650-1854
dpochoda@acluaz.org
kflood@acluaz.org
dhill@acluaz.org

Attorneys for Plaintiff

**ARIZONA SUPERIOR COURT
MARICOPA COUNTY**

ACLU OF ARIZONA, a non-profit, civil
rights organization,

Plaintiff,

v.

ARIZONA DEPARTMENT OF
CORRECTIONS, a state agency,

Defendants.

NO. CV2013-013531

**COMPLAINT FOR SPECIAL
ACTION AND TEMPORARY
RESTRAINING ORDER WITH
NOTICE AND ORDER TO SHOW
CAUSE**

Parties and Jurisdiction

1. The ACLU of Arizona is a non-profit, civil rights organization operating within Arizona that performs public education and litigation in defense of civil liberties.
2. The Arizona Department of Corrections (the "ADC") is a state agency and public body as defined in A.R.S. § 39-121.01(A)(2)
3. The ACLU of Arizona brings this action and invokes the jurisdiction of this Court pursuant to A.R.S. § 39-121.02 and Rules 1 and 4 of the Arizona Rules of

1 Procedures for Special Actions.

- 2 4. Venue is proper pursuant to A.R.S. § 12-401 and Rule 4(b), Arizona Rules of
3 Procedure for Special Actions.

4 **General Factual Allegations**

- 5 5. On September 17, 2013, Kelly Flood, a Staff Attorney for the ACLU of Arizona,
6 sent a public records request via email and hand delivery to ADC General Counsel
7 Dawn Northrup and ADC Director Charles Ryan requesting certain records in the
8 possession of ADC, under Arizona Public Records Law. A.R.S. §§ 39-121-
9 39.121.03. [Exhibit A] The public records request [Exhibit B] concerned the nature
10 and source of the lethal injection drugs to be used in the executions of Edward
11 Harold Schad, Jr., #070566 (scheduled for execution by lethal injection October 9,
12 2013) and Robert Glen Jones, Jr., #040496, (scheduled for execution by lethal
13 injection October 23, 2013), including:

- 14 a. the names of the drug(s);
15 b. the distributor, source, importer, pharmacy, and manufacturer of the drug(s);
16 c. the lot numbers and expiration dates of the drug(s);
17 d. whether the drug(s) were approved by the United States Food and Drug
18 Administration (FDA);
19 e. the country of origin of the active pharmaceutical ingredients;
20 f. licensing information for any compounding pharmacy responsible for the
21 creation of the drugs;
22 g. for any controlled substances ADC planned to use, the registration
23 information issued by the Drug Enforcement Administration (DEA) that
24 permits each person involved in administering the drug the legal right to
25 possess, handle, and administer controlled substances;
26 h. any correspondence between a federal agency and ADC concerning the
27 drugs to be used in the executions; and,
28

- i. any correspondence between a manufacturer, distributor, or pharmacy responsible for providing ADC with the drugs.
6. Courts have found such public records relevant to the determination of whether proposed execution procedures violate the Eighth Amendment prohibition against cruel and unusual punishment. *See Lightbourne v. McCollum*, 969 So.2d 326, 332-334 (finding that memoranda relating to lethal injection procedures were non-exempt public records and would be used “in consideration of the Eight Amendment claim.”).
7. On September 23, 2013, ADC General Counsel Dawn Northup responded. [Exhibit C] In ADC’s response, Attorney Northup states “records responsive to your request are attached. The remaining information you seek, to the extent ADC has such records, is confidential and not subject to disclosure pursuant to A.R.S. § 13-757(C).” [Exhibit D] ADC attached five items with their September 20 letter, including:
 - a. A September 5, 2013 letter from Director Charles Ryan to Inmate Edward Harold Schad, Jr. explaining some of the execution procedures that would be utilized by the Arizona Department of Corrections and notifying Mr. Schad that “the one-drug protocol using Pentobarbital will be used to carry out the execution scheduled for Wednesday, October 9, 2013.”
 - b. An August 16, 2013 letter from Director Ryan to Dale Biach, Supervisor, Capital Habeas Unit, Office of the Federal Public Defender stating the names of “the manufacturer and source of the drug the Arizona Department of Corrections (“ADC”) intends to use for the executions of inmates Robert Jones (#070566) and Edward Schad (#040496)... is confidential and not subject to disclosure under A.R.S. § 13-757(C).”
 - c. A July 30, 2013 letter from Director Ryan to Dale Biach stating that ADC “intends to use for these executions [Jones, #070566 and Schad #040496]...

1 the one-drug protocol set forth in Department Order 710... The ADC
2 intends to use unexpired, domestically obtained Pentobarbital for these
3 executions.”

- 4
- 5 8. On September 24, 2013, Atty. Flood sent an email to Atty. Northup seeking to
6 clarify any confusion concerning the September 17 public records request. [Exhibit
7 E] Atty. Flood reiterated that the ACLU of Arizona sought information concerning
8 the source of the lethal injection drugs to be used in the executions of Edward
9 Schad and Robert Jones, including information about the drugs: manufacturer(s),
10 distributor(s), lot number(s) and expiration date(s). Ms. Flood noted that “the
11 names of manufacturers and the source of these drugs are not protected by A.R.S §
12 13-757(C).”
- 13 9. On September 25, Atty. Northup responded with another disclosure of documents
14 [Exhibit F] but made clear that ADC believes the names of manufacturer(s),
15 distributor(s), lot number(s), and expiration date(s) of the lethal injection drugs to
16 be used in the October 9 and October 23 executions are confidential under A.R.S. §
17 13-757(C), stating “the information that has been redacted is confidential pursuant
18 to A.R.S. § 13-757(C). The attached record, together with the records previously
19 sent on September 20, 2013, are the complete records in ADC’s possession that are
20 responsive to your public records request.”
- 21 10. On September 26, Attorney Flood again requested public records necessary to
22 satisfy the September 17, 2013 request. [Exhibit G] Specifically, Ms. Flood noted
23 that ADC’s response to the ACLU of Arizona public records request improperly
24 redacted information in the following areas:
- 25 a. The name of the distributors and manufacturers of the lethal injection drugs
26 to be used in the executions of Edward Harold Schad, Jr., #070566,
27 scheduled for execution on October 9, 2013, and to Robert Glen Jones, Jr.,
28 #040496, scheduled for execution on October 23, 2013.

- i. Requests 1(a)(ii) and 2(a)(ii) of the September 17, 2013 request.
 - b. The lot number and expiration dates of the lethal injection drugs.
 - i. Requests 1(a)(iii) and 2(a)(iii) of the September 17, 2013 request.
 - c. The National Drug Code (NDC) directly associated with the particular manufacturer and lot number of the drug.
 - i. Requests 1(a)(iv) and 2(a)(iv) of the September 17, 2013 request.
 - d. The DEA classification and reference numbers on the package insert and invoices.

11. ADC also failed to disclose relevant public records, in the following areas:

- a. The DEA Registration information demonstrating each person who will handle the controlled substances is authorized to do so. (We noted that personal, identifying information could be redacted).
 - i. Requests 1(d)(iv) and 2(d)(iv) of the September 17, 2013 request.
- b. All correspondence, forms, and documents shared between the Arizona Department of Corrections and any manufacturer, distributor, or pharmacy responsible for supplying the Arizona Department of Corrections with the lethal injection drugs.
 - i. Request 4 of the September 17, 2013 request.
- c. All invoice, order, and procuring information concerning the lethal injection drugs.
 - i. Request 5 of the September 17, 2013 request.

12. As of this filing, ADC has not provided requested documents to satisfy the ACLU of Arizona's September 17, 2013 public records request. ADC maintains the requested documents are confidential pursuant to A.R.S. § 13-757 (C).

Legal Argument

13. Arizona's Public Records Law requires public officers and public bodies to maintain all records necessary or appropriate to maintain an accurate account of

1 their official activities and activities supported by public money. A.R.S. § 39-
2 121.01(B).

- 3 14. Any person has the right to examine or be furnished with copies of any public
4 record. A.R.S. § 39-121.01(D).
- 5 15. “The core purpose of the public records law is to allow the public access to
6 official records and other government information so that the public may monitor
7 the performance of government officials and their employees.” *Phoenix News,*
8 *Inc. v. Keegan*, 201 Ariz. 344, 35135 P.3d 105, 112 (App. 2001) (citations
9 omitted).
- 10 16. Pursuant to A.R.S. § 39-121.01(E), access to public record is deemed denied if
11 the custodian fails to promptly respond to a request for production of a public
12 record.
- 13 17. The records requested by the ACLU of Arizona in Exhibit B are necessary to
14 ensure the public has accurate knowledge of the official activities of ADC and are
15 not deemed confidential by any statute. *See* A.R.S. § 39-121.01(B); ADC
16 Department Order 201.01, 1.1, (“As a public agency, all Department records are
17 public and subject to disclosure.”) [Exhibit H].
- 18 18. ADC’s refusal to provide the ACLU of Arizona with copies of public records
19 violates Arizona law, including, without limitation, A.R.S. § 39-121 and § 39-
20 121.02, and thereby constitutes a failure by a public body and public official to
21 perform a duty required by law for which they have no discretion.
- 22 19. The requested documents are not confidential under Arizona law. A.R.S. § 13-
23 757(C) only protects the “identity of executioners and other persons who
24 participate or perform ancillary functions in an execution.” A.R.S. § 13-757(C)
25 does not protect the identity of companies that supply, distribute, or manufacture
26 lethal injection drugs ADC plans to use in the October 9 and October 23
27 executions. Nor does it protect the lot numbers or expiration dates of the lethal
28

1 injection drug(s), the National Drug Code associated with the manufacturer and
2 lot number of the lethal injection drug(s), the DEA classification and reference
3 numbers on the packages and invoices for the lethal injection drug(s), the DEA
4 registration information that demonstrates each person who handles the drug(s) is
5 authorized to do so, any correspondence between the ADC and any federal
6 agency responsible for regulating the drug, or any correspondence between ADC
7 and the companies that manufactured, distributed, or compounded the lethal
8 injection drug.

9 20. ADC's refusal to produce the requested public records exceeds its jurisdiction
10 and legal authority to do so, and has been done in an arbitrary and capricious
11 manner and in bad faith.

12 21. The ACLU of Arizona has no equally plain, speedy, or adequate legal remedy
13 from the actions taken by the ADOC. The ACLU of Arizona will suffer
14 irreparable harm and damage from ongoing violations of its rights and the public
15 breaches of law, unless the relief requested is granted by means of this Special
16 Action.

17 **APPLICATION FOR ORDER TO SHOW CAUSE**

18 As set forth above, Defendants are plainly prohibited by law from withholding the
19 requested public records. Accordingly, pursuant to Rule 6(d), Ariz. R. Civ. P., and Rule
20 4(c), Arizona Rules of Procedure for Special Actions., it is appropriate and proper for this
21 Court to issue an Order to Show Cause why the requested relief should not be granted.


22
23 **WHEREFORE**, Plaintiff ACLU of Arizona respectfully requests that this Court
24 award the following relief:

- 25 1. Issue an order directing ADC to immediately comply with A.R.S. §§ 39-121-
26 39.121.03. and provide copies of the public records requested by the ACLU of
27 Arizona;
28

2. Issue a preliminary and permanent injunction enjoining ADC from withholding the requested records;
3. Hold that A.R.S. § 13-757(C) does not prohibit the disclosure of the public records requested by the ACLU of Arizona;
4. Award the ACLU of Arizona its taxable costs in this action and reasonable attorneys' fees pursuant to A.R.S. § 39-121.02(B) and Rule 4(g) of the Arizona Rules of Procedure for Special Actions; and,
5. Grant the ACLU of Arizona such other and further relief as may be just and proper in these circumstances.

Respectfully submitted this 3rd day of October, 2013.

ACLU FOUNDATION OF ARIZONA

By 
Daniel J. Pochoda
Kelly J. Flood
Darrell L. Hill
Attorneys for Plaintiff

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Verification

Pursuant to Rule 80(i), Ariz. R. Civ. P., Darrell L. Hill verifies under penalty of perjury that the foregoing is true and correct:

1. I am a full-time employee of Plaintiff/Petitioner ACLU of Arizona.
2. I have read the foregoing Complaint and know the contents thereof.
3. The statements and matters alleged are true of my own personal knowledge, except as to those matters stated upon information and belief, and as to such matters, I reasonably believe them to be true.

Dated this 3rd day of October, 2013.



Darrell L. Hill

1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that on October 3, 2013 I caused the foregoing original document to be
4 filed with the Clerk's Office.

5 COPIES hand delivered this 3rd day of October, 2013 to:

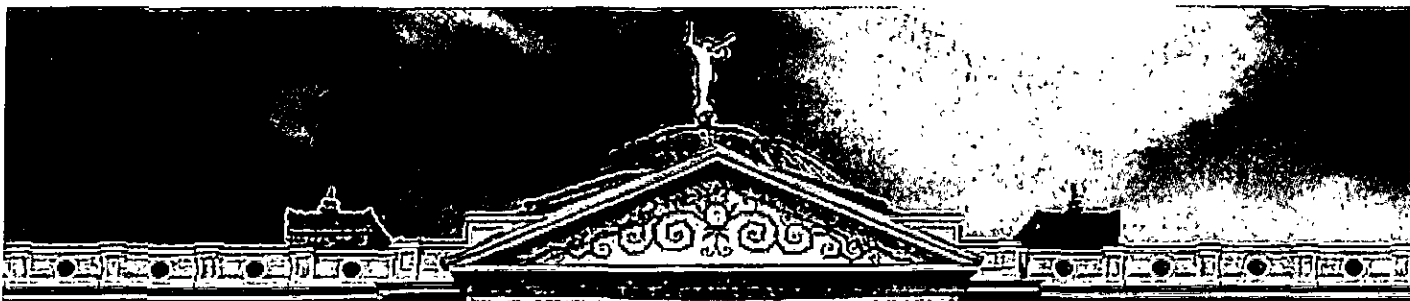
6 Dawn Northup
7 General Counsel
8 Arizona Department of Corrections
9 1601 West Jefferson
Phoenix, AZ 85007

10 Charles A. Grube
11 Jeffrey Zick
12 Office of the Attorney General
13 1275 West Washington Street
Phoenix, AZ 85007

14 /s/Gloria A. Torres
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EXHIBIT A

Arizona State Legislature

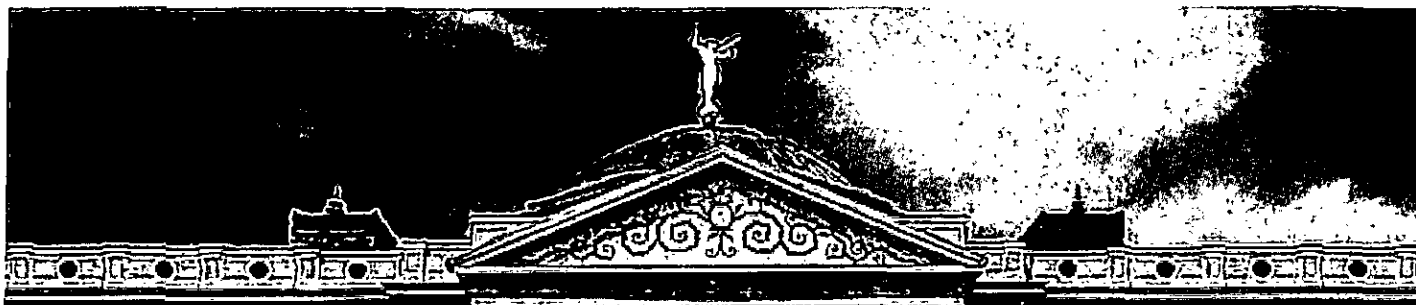
Bill Number Search: 

Fifty-first Legislature - First Regular Session

[Email a Member](#) | [Email Webmaster](#)[change session](#) | [printer friendly version](#)[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)**39-121. Inspection of public records**

Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.

Arizona State Legislature

Bill Number Search: 

Fifty-first Legislature - First Regular Session

[change session](#) | [printer friendly version](#)[Email a Member](#) | [Email Webmaster](#)
[Senate](#) [House](#) [Legislative Council](#) [JLBC](#) [More Agencies](#) [Bills](#) [Committees](#) [Calendars/News](#)
[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

39-121.01. Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.
2. "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.

B. All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state.

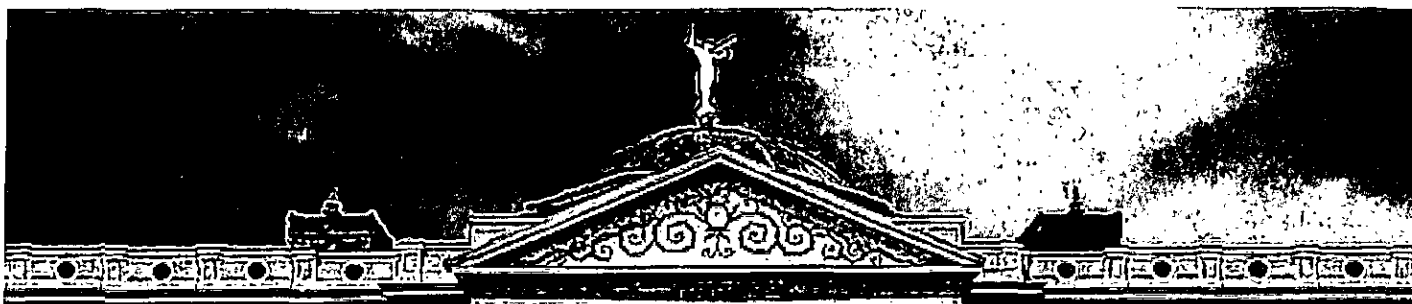

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-151.15 and 41-151.19.

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.
2. If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person. The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order. This paragraph shall not be construed by an administrative tribunal or a court of competent jurisdiction to prevent or require an order compelling a public body other than an agency to furnish an index. For the purposes of this paragraph, "agency" has the same meaning prescribed in section 41-1001, but does not include the department of public safety, the department of transportation motor vehicle division, the department of juvenile corrections and the state department of corrections.
3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

E. Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record or fails to provide to the requesting person an index of any record or categories of records that are withheld from production pursuant to subsection D, paragraph 2 of this section.

Arizona State Legislature

Bill Number Search: 

Fifty-first Legislature - First Regular Session

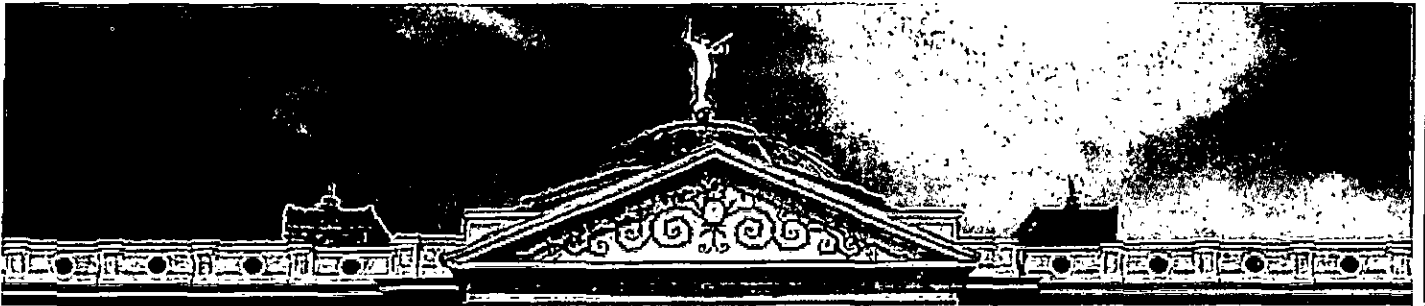
[change session](#) | [printer friendly version](#)[Email a Member](#) | [Email Webmaster](#)[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)**39-121.02. Action on denial of access; costs and attorney fees; damages**

A. Any person who has requested to examine or copy public records pursuant to this article, and who has been denied access to or the right to copy such records, may appeal the denial through a special action in the superior court, pursuant to the rules of procedure for special actions against the officer or public body.

B. The court may award attorney fees and other legal costs that are reasonably incurred in any action under this article if the person seeking public records has substantially prevailed. Nothing in this subsection shall limit the rights of any party to recover attorney fees, expenses and double damages pursuant to section 12-349.

C. Any person who is wrongfully denied access to public records pursuant to this article has a cause of action against the officer or public body for any damages resulting from the denial.

Arizona State Legislature

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39-121.03. Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition

A. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market as best determined by the public body.

B. If the custodian of a public record determines that the commercial purpose stated in the statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public record shall not be provided for such commercial purpose the governor shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A.

C. A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

D. For the purposes of this section, "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

EXHIBIT B

ALESSANDRA SOLER
EXECUTIVE DIRECTOR

ZENAI DO QUINTANA
PRESIDENT



September 17, 2013

Charles Ryan, Director
Arizona Department of Corrections
1601 West Jefferson
Phoenix, AZ 85007
cryan@azcorrections.gov

Re: **Urgent Public Records Request**

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF ARIZONA
P.O. BOX 17148
PHOENIX, AZ 85011
P/602.650.1854
F/602.650.1376
WWW.ACLUAZ.ORG

Dear Mr. Ryan,

Pursuant to Arizona's Public Records Law, A.R.S. § 39-121 *et seq.*, the ACLU of Arizona ("ACLU-AZ") hereby requests to be furnished with copies, or the right to examine and copy, certain public records in the possession of the Arizona Department of Corrections ("ADC"). We seek records concerning the lethal-injection drugs ADC plans to administer to Edward Harold Schad, Jr., #070566, scheduled for execution on October 9, 2013, and to Robert Glen Jones, Jr., #040496, scheduled for execution on October 23, 2013.

These records are not sought for any commercial purpose. The ACLU-AZ is a non-profit civil rights organization and this information will assist in our organization's understanding the process by which the death penalty is administered by the Arizona Department of Corrections. Nevertheless, we agree to reimburse you for reasonable costs associated with producing the requested information. If that amount will exceed \$50, please let me know what it will be before you incur the costs. If your agency does not maintain the records below, please advise who does and include the proper custodian's name and address when possible.

We seek the following records (including in written, electronic, photographic, audio, video, CD, or other format) in the possession of ADC:

1. We seek all documents containing the following information about the drugs to be used in the execution of Edward Harold Schad, Jr., #070566:
 - a. For all drugs approved by the federal Food and Drug Administration (FDA)
 - i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;

- iii. The lot number and the expiration date of each drug to be used in the execution;
 - iv. The National Drug Code (NDC) number that is directly associated with the particular manufacturer and lot number of the drug;
 - v. Any other documents in your possession that demonstrate the drug was approved by the FDA.
- b. For all pre-manufactured (i.e. non-compounded) drugs not approved by the FDA
- i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;
 - iii. The lot number and the expiration date of the drug;
 - iv. The source of the drug, including, if known, the importer, pharmacy name, and distributor of the drug.
- c. For compounded drugs
- i. The name of the drug that ADC intends to be used in the execution;
 - ii. The country of origin of the API (Active Pharmaceutical Ingredient);
 - iii. The country of origin of any other ingredients used in the compounding of the drug;
 - iv. The source(s) of the API and all other ingredients used, including but not limited to, the pharmacy name, chemical supply company or distributor from where it was obtained;
 - v. Licensure information for the compounding pharmacy, including, but not limited to: the pharmacy's manufacturer license information, the pharmacy's wholesaler license, the pharmacy's importer/exporter license, pharmacy re-packer license, and pharmacy retailer license.
- d. For all controlled substances (e.g. pentobarbital)
- i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;
 - iii. The lot number and the expiration date of each drug to be used in the execution;
 - iv. The registration information issued by the Drug Enforcement Administration (DEA) that permits each person involved in administering the drug the legal right to possess, handle, and administer the controlled substance. (We do not seek information that would provide the identity of persons involved in the execution. We seek only redacted copies of DEA license and registration information).

2. We seek all documents containing the following information about the drugs to be used in the execution of Robert Glen Jones, Jr., #040496:

- a. For all drugs approved by the federal Food and Drug Administration (FDA)
 - i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;
 - iii. The lot number and the expiration date of each drug to be used in the execution;
 - iv. The National Drug Code (NDC) number that is directly associated with the particular manufacturer and lot number of the drug;
 - v. Any other documents in your possession that demonstrate the drug was approved by the FDA.

- b. For all pre-manufactured (i.e. non-compounded) drugs not approved by the FDA

- i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;
 - iii. The lot number and the expiration date of the drug;
 - iv. The source of the drug, including, if known, the importer, pharmacy name, and distributor of the drug.

- c. For compounded drugs

- i. The name of the drug that ADC intends to be used in the execution;
 - ii. The country of origin of the API (Active Pharmaceutical Ingredient);
 - iii. The country of origin of any other ingredients used in the compounding of the drug;
 - iv. The source(s) of the API and all other ingredients used, including but not limited to, the pharmacy name, chemical supply company or distributor from where it was obtained;
 - v. Licensure information for the compounding pharmacy, including, but not limited to: the pharmacy's manufacturer license information, the pharmacy's wholesaler license, the pharmacy's importer/exporter license, pharmacy re-packer license, and pharmacy retailer license.

- d. For all controlled substances (e.g. pentobarbital)

- i. The name of all drugs to be used in the execution;
 - ii. The name of the manufacturer and distributor of each drug to be used in the execution;
 - iii. The lot number and the expiration date of each drug to be used in the execution;
 - iv. The registration information issued by the Drug Enforcement Administration (DEA) that permits each person involved in administering the drug the legal right to possess, handle, and

administer the controlled substance. (We do not seek information that would provide the identity of persons involved in the execution. We seek only redacted copies of DEA license and registration information).

3. All correspondence, forms, and documents shared between the Arizona Department of Corrections and any federal body, including but not limited to, the Drug Enforcement Administration, U.S. Food and Drug Administration, and United States Customs, concerning the drugs to be used in the scheduled executions of Edward Harold Schad, Jr., #070566 and Robert Glen Jones, Jr., #040496.
4. All correspondence, forms, and documents shared between the Arizona Department of Corrections and any manufacturer, distributor, or pharmacy responsible for supplying the Arizona Department of Corrections with the drugs to be used in the scheduled executions of Edward Harold Schad, Jr., #070566 and Robert Glen Jones, Jr., #040496.
5. All invoice, order, and procuring information concerning the drugs to be used in the scheduled executions of Edward Harold Schad, Jr., #070566 and Robert Glen Jones, Jr., #040496.

Arizona Public Records Law carries with it a presumption that all records are "open to the public for inspection as public records." *Carlson v. Pima County*, 141 Ariz. 487, 490, 687 P.2d 1242 (1984). In *Landrigan v. Brewer*, the district court made clear that the Arizona Department of Corrections must provide the identity of manufacturers, pharmacies, and distributors from whom ADC procured lethal injection drugs. The Court in *Landrigan* stated A.R.S. 13-757(C) does not prohibit "the disclosure of either the manufacturer of the drug or packaging information such as a lot number or expiration date." *Landrigan v. Brewer*, F.Supp.2d, 2010 WL 4269557 D.Ariz., 2010. Only the identities of persons are protected under A.R.S. 13-757(C). *Id.*

We seek information the Arizona Department of Corrections has previously released regarding lethal injection drugs and procedures, without court order, in response to past discovery requests (see *West v. Brewer*) and in response to a previous public records request (see *Arizona Department Corrections July 21, 2011 answer to complaint no. LC 2011-000344-001 DT, Office of the Federal Public Defender for Arizona v. Arizona Department of Corrections*). Specifically, in *Office of the Federal Public Defender for Arizona v. ADC*, in response to the submitted complaint, and to satisfy a previously submitted public records request, ADC's answer provided information similar to the information we've requested, including: the names of the manufacturers of the lethal injection drugs used, the drugs country of origin, correspondence between ADC and various government agencies concerning lethal injection drugs, photographs of

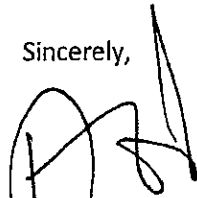
vials, the lot number and expiration date of the lethal injection drugs to be used, and invoice and order details.

If this request is denied in part or in whole, please justify any redactions or withholdings by referencing the specific grounds on which the information is withheld under the Public Records Law. All segregable portions of otherwise exempt material must be produced. We reserve the right to appeal your decision to withhold any information.

Given the short time period between the date of this request and the scheduled executions of Robert Jones and Edward Schad, we ask that you expedite processing of this records request and send the responsive materials to us by **September 20, 2013**. If only some of the responsive materials are available, please send that information immediately and send the additional responsive materials as soon as they are available. See A.R.S. § 39-121(D)(1) and (E) (public records must be furnished "promptly"). Thank you for your attention to this matter. Should you have any questions, you may contact me by phone at 602-773-6018 or by email at kflood@acluaz.org.

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION
OF ARIZONA

Sincerely,



Kelly Flood
Staff Attorney
ACLU of Arizona

CC: Dawn Northup, General Counsel, Arizona Department of Corrections

EXHIBIT C



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 20, 2013

Kelly Flood
Staff Attorney
ACLU of Arizona
P.O. Box 17148
Phoenix, AZ 85011

Re: Public Records Request

Dear Ms. Flood:

This letter is in response to your letter of September 17, 2013, addressed to Director Ryan and copied to me, requesting records under Arizona's public records law "concerning the lethal-injection drugs ADC plans to administer to Edward Harold Schad, Jr., #070566, . . . and Robert Glen Jones, Jr., #040496" Records responsive to your request are attached. The remaining information you seek, to the extent ADC has such records, is confidential and not subject to disclosure pursuant to A.R.S. § 13-757(C).

Your contention that the Federal District Court's opinion in *Landrigan v. Brewer*, 2010 WL 4269559, D. Ariz. (2010), compels the disclosure of the "identity of manufacturers, pharmacies, and distributors from whom ADC procured lethal injection drugs" is misplaced. The United States Supreme Court vacated that decision in *Brewer v. Landrigan* ___ U.S. ___, 131 S. Ct. 445 (2010). Thus, it is not controlling here.

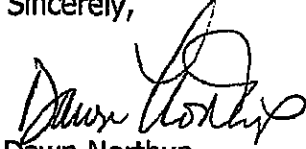
With regard to your request that the Arizona Department of Corrections ("ADC") reproduce documents provided to the Office of the Public Defender during the discovery process in *West v. Brewer*, the ADC is not required to reproduce documents provided through the formal discovery process in response to a public records request. As stated in your letter, the Office of the Federal Public Defender received the documents produced by the ADC's counsel in *West v. Brewer*, and presumably the Office of the Federal Public Defender, which currently represents inmates Schad and Jones, has those documents and must comply with any restrictions relating to their dissemination. The public records statute is not an appropriate means by which to seek information produced in prior litigation under the federal discovery rules.

Finally, the ADC is under no obligation to reproduce documents already provided in response to a prior public records request. If you could provide the 2011 public records

Kelly Flood
September 20, 2013
Page Two

request you reference, it would facilitate our review of that request, as well as the response provided. Based on the general nature of your request, it is virtually impossible to comply with, and certainly not within your 3-day deadline.

Sincerely,



Dawn Northup
General Counsel

cc: Director Charles Ryan
Jeff Hood, Deputy Director
Robert Patton, Division Director, Prison Operations
Jeff Zick, Assistant Attorney General
Jon Anderson, Assistant Attorney General



Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



JANICE K. BREWER
GOVERNOR

CHARLES L. RYAN
DIRECTOR

September 5, 2013

Inmate Edward Harold Schad, Jr.
ADC #040496
ASPC-Eyman/Browning Unit
P.O. Box 3500
Florence, AZ 85132-3500

Mr. Schad:

The purpose of this correspondence is to notify you that the one-drug protocol using Pentobarbital will be used to carry out the execution scheduled for Wednesday, October 9, 2013. The one-drug protocol is outlined in Department Order 710 Attachment D, Chemical Chart A.

I also want to confirm that in accordance with your attorney's request, visitation with your pastor may occur on the morning of the execution between 8:00 a.m. and 9:00 a.m., and you have waived your visitation privileges with your attorneys of record on the morning of the execution.

Additionally, you may choose to make a final statement that is reasonable in length and does not contain vulgar language or intentionally offensive statements directed at the witnesses. The microphone will remain on during your statement. It will be turned off, however, in the event you use vulgarity or make intentionally offensive statements.

As a final matter, I want to inform you that closed-circuit monitors in the designated witness room will allow witnesses to observe the IV team's assessment of the IV sites and the insertion of the primary and the secondary IV catheters. A microphone will also be turned on during this process. After the IV catheters have been inserted, the microphone will be turned off. When the execution is ordered to proceed, the microphone will be turned on, the curtain will be opened, and the closed-circuit monitors will be turned off. The Warden will read the Warrant of Execution and you will have an opportunity to make a final statement before the execution is completed.

Regards,



Charles L. Ryan
Director

CLR/dn/hp

Inmate Edward Harold Schad, Jr., ADC #040496
September 5, 2013
Page Two

cc: Denise Young, Attorney for Inmate Edward Harold Schad, Jr.
Kelley J. Henry, Federal Public Defender's Office, Capital Habeas
Jeff Zick, Division Chief, Capital Appeals, Attorney General's Office
Jon Anderson, Assistant Attorney General, Capital Appeals, Attorney General's Office
Matthew Binford, Assistant Attorney General
Joe Sciarrotta, General Counsel, Office of the Governor
Jeff Hood, Deputy Director
Dawn Northup, General Counsel
Robert Patton, Division Director, Offender Operations
Ron Credio, Warden, ASPC-Eyman
Lance Hetmer, Warden, ASPC-Florence
Donna Hallam, Arizona Supreme Court
Kristine Fox, Capital Case Staff Attorney, U.S. District Court



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 822-8407
www.azcd.org/01010101



CHARLES L. RYAN
DIRECTOR


August 16, 2013

Dale Baich, Supervisor
Capital Habeas Unit
Office of the Federal Public Defender
850 W. Adams Street, Suite 201
Phoenix, AZ 85007

Dear Mr. Baich:

In response to your letter of August 6, 2013, requesting the name of the manufacturer and the source of the drug the Arizona Department of Corrections ("ADC") intends to use for the executions of inmates Robert Jones (#070566) and Edward Schad (#040496), that information is confidential and is not subject to disclosure under A.R.S. § 13-757(C). As I reiterated in my letter of July 30, 2013, ADC intends to use the one-drug protocol set forth in Chart A, Attachment D of Department Order ("DO") 710. The protocol to be used for the anticipated executions of inmates Jones and Schad has not changed since ADC published changes to DO 710 in September, 2012. As you know, these changes ultimately led to the Plaintiffs in *Towery v. Brewer*, CV-00245-NVW entering a stipulated dismissal of their Complaint, challenging the constitutionality of Arizona's execution protocol. Similarly, the credentials of the IV team remain the same and are clearly stated in DO 710, Section 1.2.5.

Sincerely,


Charles L. Ryan
Director

CLR/DN/kp

cc: Jeff Hood, Deputy Director
Robert Patton, Division Director, Prison Operations
Dawn Northup, General Counsel
Jeff Zick, Division Chief, Capital Appeals, Attorney General's Office
CLR83336473

PRICE, HEATHER

From: PRICE, HEATHER
Sent: Friday, August 16, 2013 10:36 AM
To: HOOD, JEFF; PATTON, ROBERT; NORTHUP, DAWN; 'jeffrey.zick@azag.gov'
Cc: RYAN, CHARLES
Subject: Letter to Dale Baich 08/16/2013
Attachments: .DOC081613.pdf

All:

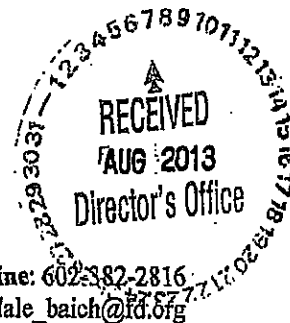
Please see attached letter to Dale Baich which will go out in this afternoon's US Mail. Thank you.

Heather Price
Executive Assistant to Director Charles L. Ryan Arizona Department of Corrections
Office: 602.542.5225
Email: hprice@azcorrections.gov

Office of the
FEDERAL PUBLIC DEFENDER
for the District of Arizona
Capital Habeas Unit

Jon M. Sands
Federal Public Defender

direct line: 602-382-2816
email: dale_baich@fd.org



August 6, 2013

Mr. Charles Ryan, Director
Arizona Department of Corrections
1601 West Jefferson
Phoenix, AZ 85007

Dear Director Ryan:

Thank you for your recent response to my letter regarding the name of the drug that the Arizona Department of Corrections (ADC) intends to use for Robert Glen Jones Jr.'s and Edward Schad's potential executions. I am writing to follow up on some of the unresolved issues from my original letter.

You stated in your response that "ADC intends to use unexpired, domestically obtained Pentobarbital" for the executions of Messrs. Jones and Schad. However, you did not provide me with the name of the manufacturer, the source of the pentobarbital, and the expiration date of the drug. For instance, if Hospira was the manufacturer for Lundbeck, and the brand name of the drug was Nembutal,¹ Messrs. Jones and Schad would know that the pentobarbital was FDA-approved.²

If ADC intends to use a substance that is not FDA-approved, please provide the source of that drug, the manufacturer, and the expiration date. In addition, if ADC intends to use a compounded substance, please identify the name of the pharmacist or other personnel

¹ On August 1, 2013, the State of Florida disclosed that it acquired Nembutal manufactured by Hospira for Lundbeck on June 9 and 15, 2011, that has expiration dates of September 30 and November 30, 2013. See Dep't of Corr. Answer to Interrogatory, *Ferguson v. Palmer*, No. 3:12-cv-0136-UAMH-JBT (M.D. Fla., Aug. 1, 2013) (ECF No. 52).

² You stated that FDA approval of the drugs used to carry out execution makes a difference. "If it was not FDA approved, then we may not [] acquire [] that." See Dep. of Charles Ryan, at 208:15-21, Oct. 14, 2011, *West v. Brewer*, No. 2:11-cv-01409-NVW (D. Ariz.).

CLR83336473


Director Charles Ryan
August 6, 2013
Page 2

who will provide the compounded substance, as well as the source(s) of the ingredients that the compounder uses.

As you know, pentobarbital is a Schedule II drug. Accordingly, please provide me with the credentials of each IV Team member with respect to any Drug Enforcement Agency (DEA) registrations that authorize IV Team members to handle controlled substances.

Again, I appreciate your attention to these questions. Your prompt response will be greatly appreciated.

Sincerely,



Dale A. Baich
Supervisor
Capital Habeas Unit

DAB/clh

cc: Tim Gabrielsen
Denise I. Young
Kelley J. Henry
Jeff Hood, Deputy Director
Robert Patton, Division Director, Prison Operations
Dawn Northup, General Counsel
Jeff Zick, Division Chief, Capital Appeals, Attorney General's Office



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

July 30, 2013

Dale Baich, Supervisor
Capital Habeas Unit
Office of the Federal Public Defender
850 W. Adams St., Suite 201
Phoenix, AZ 85007

Re: Warrants of Execution for:
Robert Jones, ADC #070566 and Edward Schad, ADC #040496

Dear Mr. Baich:

In response to your letter of July 19, 2013, inquiring about the name and source of the drug the Arizona Department of Corrections ("ADC") intends to use for these executions, the ADC will follow the one-drug protocol set forth in Department Order 710 (Chart A, Attachment D). The ADC intends to use unexpired, domestically obtained Pentobarbital for these executions.

Sincerely,



Charles L. Ryan
Director

CLR/dn/kp

cc: Jeff Hood, Deputy Director
Robert Patton, Division Director, Prison Operations
Dawn Northup, General Counsel
Jeff Zick, Division Chief, Capital Appeals, Attorney General's Office

Office of the
FEDERAL PUBLIC DEFENDER
for the District of Arizona
Capital Habeas Unit

Jon M. Sands
Federal Public Defender

direct line: 602-382-2816
email: dale_baich@fd.org

July 19, 2013

Mr. Charles Ryan, Director
Arizona Department of Corrections
1601 West Jefferson
Phoenix, AZ 85007

Dear Director Ryan:

I am writing to you on behalf of Robert Jones and Ed Schad, for whom the State has filed motions for warrants of execution.¹ In order for me to properly advise Messrs. Jones and Schad about their potential executions, I request that you provide me with the following information pertaining to the lethal substance that Arizona Department of Corrections (ADC) intends to use in his execution and ADC's authorization to use controlled substances in executions.

1. ADC Department Order 710 lists pentobarbital and sodium thiopental as the two default lethal substances used for executions in the one-drug protocol.² Because I believe that ADC does not have a current supply of pentobarbital³ or

¹ Mot. for Warrant of Execution, *State v. Jones*, No. CR-98-0537-AP June 25, 2013; Mot. for Warrant of Execution, *State v. Schad*, No. CR-13-0058-PC June 25, 2013.

² See ADC Dep't Order 710, Attachment D section C, effective date Sept. 21, 2012.

³ On September 27, 2010, ADC purchased a supply of Nembutal. See Defendant's Disclosures, Bates No. 01985 DFS' 26(a)(1) Disclosures and Responses to RFP's, (Nembutal Purchase Order), *West v. Brewer*, No. 2:11-cv-01409-NVW (D. Ariz.), August 19, 2011.

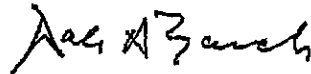
That supply expired in March 2013. See Defendant's Disclosures, Bates No. 01973-01978 DFS' 26(a)(1) Disclosures and Responses to RFP's, (Photographs of Nembutal Supply), *West v. Brewer*, No. 2:11-cv-01409-NVW (D. Ariz.), August 1, 2011.

Additionally, Nembutal has not been available to prisons in states that have capital punishment since July 1, 2011. See Lundbeck statement, *Lundbeck overhauls pentobarbital distribution program to restrict misuse*, <http://investor.lundbeck.com/releasedetail.ofm?ReleaseID=605775> (last visited May 25, 2012).

Director Charles Ryan
July 19, 2013
Page 3

The information requested is critical in advising the clients regarding their pending executions. Your prompt response will be greatly appreciated.

Sincerely,



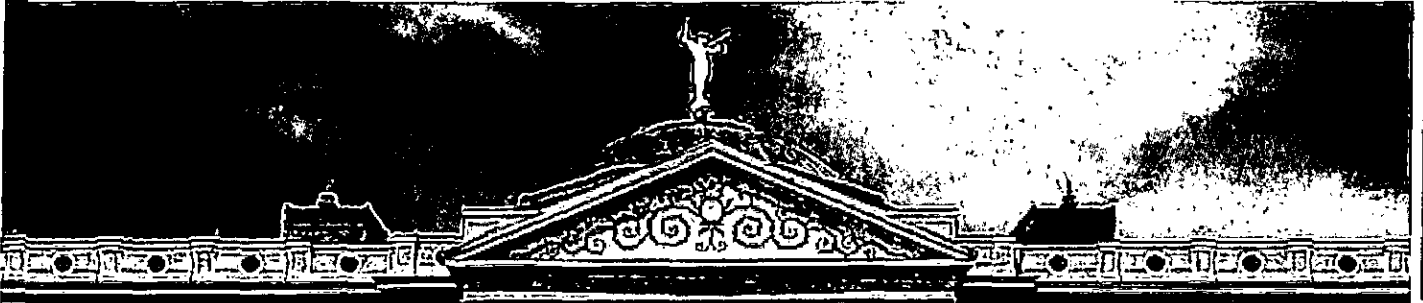
Dale A. Baich
Supervisor
Capital Habeas Unit

DAB/clh

cc: Tim Gabrielsen
Denise I. Young
Kelley J. Henry

EXHIBIT D

Arizona State Legislature

Bill Number Search: 

Fifty-first Legislature - First Regular Session

[change session](#) | [printer friendly version](#)[Email a Member](#) | [Email Webmaster](#)[Senate](#) [House](#) [Legislative Council](#) [JLBC](#) [More Agencies](#) [Bills](#) [Committees](#) [Calendars/News](#)[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)**13-757. Method of infliction of sentence of death; identity of executioners; license suspension**

A. The penalty of death shall be inflicted by an intravenous injection of a substance or substances in a lethal quantity sufficient to cause death, under the supervision of the state department of corrections.

B. A defendant who is sentenced to death for an offense committed before November 23, 1992 shall choose either lethal injection or lethal gas at least twenty days before the execution date. If the defendant fails to choose either lethal injection or lethal gas, the penalty of death shall be inflicted by lethal injection.

C. The identity of executioners and other persons who participate or perform ancillary functions in an execution and any information contained in records that would identify those persons is confidential and is not subject to disclosure pursuant to title 39, chapter 1, article 2.

D. If a person who participates or performs ancillary functions in an execution is licensed by a board, the licensing board shall not suspend or revoke the person's license as a result of the person's participation in an execution.

EXHIBIT E

Darrell. Hill

From: Kelly Flood
Sent: Tuesday, September 24, 2013 1:38 PM
To: NORTHUP, DAWN; Darrell. Hill
Cc: RYAN, CHARLES; Jeffrey.Zick@azag.gov
Subject: Urgent Public Records Request
Attachments: FPD v. ADC - State's Answer.pdf.pdf; FPD v. ADC - Excerpt from State's Ex. A to Answer (Dream Pharma with Lot....pdf; FPD v. ADC - Excerpt from State's Exh. B to Answer (Memo-Lot Numbers, Dr....pdf

Dear Ms. Northrup,

Thank you for your response. This message is reply to your September 20, 2013 letter responding to the ACLU of Arizona's September 17 records request. It appears there may be a misunderstanding. The ACLU of Arizona is not seeking records that you've provided in the past to other parties, nor are we making a general request. The ACLU of Arizona seeks documents concerning the specific lethal injection drugs to be used in the executions of Edward Schad, #070566 and Robert Jones, #040496.

In our September 17 request, we included information concerning the Federal Public Defenders lawsuit against the Arizona Department of Corrections simply to demonstrate ADC has released similar records in response to a public records request in the past. In FPD v. ADC, after the complaint was filed, the Arizona Department of Corrections released the following documents, pursuant to Arizona Public Records Law, in their answer to FPD's complaint: ADC's document inventory, information about the company that supplied the drugs (Dream Pharma), the lot numbers and expiration dates of the drugs, and drug package inserts containing manufacturer names. Please see attached "FDP v. ADC State's Answer" specifically, paragraphs 4 thru 8; "Excerpts from State's Ex. A to Answer;" and, "Excerpts from State's Ex. B to Answer." These records were released pursuant to Arizona Public Records law, § 39-121 ET. seq., without the need for a court order.

We are seeking the same type of information concerning the lethal injection drugs to be used in the executions of Edward Schad and Robert Jones. There is a strong presumption favoring disclosure under the Arizona records law. Contrary to your assertion, while the Supreme Court vacated the Brewer v. Landrigan, 131 S. Ct. 445 (2010) decision, it did not touch the district court's ruling that the names of manufacturers and the source of these drugs are not protected by A.R.S § 13-757(C).

If the requested records are not disclosed, we may be forced to pursue other means to compel disclosure. Please supply the records requested in the September 17, 2013 records request by the close of business, tomorrow, 9/25/13. Thank you for your time.

Sincerely,

Kelly Flood

Kelly J. Flood
Senior Staff Attorney
American Civil Liberties Union (ACLU) of Arizona P.O. Box 17148 Phoenix, AZ 85011-0148
Phone: 602-650-1854 ext. 118

MICHAEL K. JEANES, CLERK
RECEIVED CCS #4
JUL 21 2011

11 JUL 21 PM 6:52

THOMAS C. HORNE
ATTORNEY GENERAL
(FIRM STATE BAR NO. 14000)

FILED
BY *Klee*, DEP

KENT E. CATTANI (STATE BAR NUMBER 010806)
CHIEF COUNSEL
JEFFREY A. ZICK (STATE BAR NUMBER 018712)
ASSISTANT ATTORNEY GENERAL
CRIMINAL APPEALS/CAPITAL LITIGATION DIVISION
1275 W. WASHINGTON
PHOENIX, ARIZONA 85007-2997
TELEPHONE: (602) 542-4686
KENT.CATTANI@AZAG.GOV
JEFFREY.ZICK@AZAG.GOV

ATTORNEYS FOR PLAINTIFF

ARIZONA SUPERIOR COURT
COUNTY OF MARICOPA

Office of the Federal Public Defender for
the District of Arizona, a Federal
Defender Organization,

PLAINTIFF,

-VS-

Arizona Department of Corrections, a
state agency,

RESPONDENT.

No. LC 2011 - 000344 - 001 DT

ANSWER TO COMPLAINT FOR
SPECIAL ACTION

1. Upon information and belief, Respondent, the Arizona Department of Corrections ("ADC"), admits that Plaintiff is an organization that operates under the authority of the Criminal Justice Act of 1964, 18 U.S.C. § 3006A.

2. Respondent admits the information contained in ¶ 2 of Plaintiff's complaint.

3. This action was brought by Plaintiff under Rules 1 and 4 of the Arizona Rules of Procedure for Special Actions and this Court has jurisdiction pursuant to A.R.S. § 39-121.02.

4. On February 3, 2011, Plaintiff requested under the Arizona Public Records Law, A.R.S. § 39-121 *et seq.*, pertaining to ADC's procurement of chemicals for use in executions. Specifically, the records requested are listed in ¶ 4 of Plaintiff's complaint.

5. On March 25, 2011, ADC provided responsive records to Plaintiff's request and sent those documents to Dale Baich of the Federal Defender's Office. *See Exhibit A.* ADC did not receive a response from Plaintiff subsequent to the release of these records.

6. On May 19, 2011, rather than clarifying whether additional records would be provided, Plaintiff filed the instant Complaint for Special Action.

7. After receiving a copy of the complaint, the Arizona Attorney General's Office contacted ADC's General Counsel, Karyn Klausner, who indicated that documents containing information similar to what had already been provided, but that also contained confidential information relating to the identity of individuals and entities involved in carrying out executions and ancillary functions, could be released after necessary redactions.

8. The Arizona Attorney General's Office advised counsel for Plaintiff that Respondent would ascertain whether additional documents could be provided and after receiving redacted documents (Exhibit B) from ADC, forwarded them to Plaintiff's counsel on July 14, 2011.

9. A.R.S. § 13-757(C) provides that information identifying individuals who participate or perform ancillary functions in an execution is confidential.

10. The additional documents contained in Exhibit B as well as the documents contained in Exhibit A are the complete records in ADC's possession that are responsive to Plaintiff's request.

WHEREFORE, Respondent requests that this Court enter an order:

A. Finding that Respondent has complied with A.R.S. § 39-121 *et seq.* by releasing all responsive documents in its possession.

B. Dismissing with prejudice Plaintiff's complaint.

Respectfully Submitted this 21st day of July, 2011.

THOMAS C. HORNE
ATTORNEY GENERAL


/s/ _____
KENT E. CATTANI
CHIEF COUNSEL

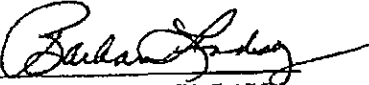
JEFFREY A. ZICK
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2011, I electronically filed the foregoing with the Clerk of the Maricopa County Superior Court by using the Court's eFiling Online system.

Copies of the foregoing were deposited for mailing this date to:

DANIEL C. BARR
JERICA L. PETERS
PERKINS COIE, LLP
2901 N. Central Avenue, Suite 2000
Phoenix, AZ 85012-2788
Attorneys for Appellant

/s/ 
BARBARA LINDSAY
Legal Secretary
Criminal Appeals/
Capital Litigation Division
1275 West Washington
Phoenix, Arizona 85007-2997
Telephone: (602) 542-4686

2175142

EXHIBIT A

Execution Document Inventory

1. U.S. Food and Drug Administration – Form 701 Inquiry 3 Pages
Inquiry Date: December 8, 2010
2. Letter to U.S. Customs 3 Pages
Letter Dated: September 23, 2010
Attachment: Controlled Substance Registration Certificate (2 pages)
3. Letter to David Thomas, FDA 3 Pages
Letter Dated: September 24, 2010
Attachment: Controlled Substance Registration Certificate (2 pages)
4. Letter to Drug Enforcement Administration 2 Pages
Date Issued: September 24, 2010
Attachment: Controlled Substance Registration Certificate
5. Letter to Deborah Autor, FDA 2 Pages
Letter Dated: November 10, 2010
Attachment: Letter to David Thomas, FDA
6. Letter to Deborah Autor, FDA 1 Page
Letter Dated: January 6, 2011
7. Request for Purchase 2 Pages
Dated: May 14, 2007
Vendor: Physician Sales
8. Request for Purchase 1 Page
Dated: May 16, 2007
Vendor: Cardinal Health
10. Fax to Matt Alavi, Dream Pharma, Ltd 2 Pages
Dated: September 23, 2010
Attachment: Request for Purchase
12. Dream Pharma, Ltd. Invoice 2 Pages
Dated: September 28, 2010
Attachment: Expanded Service International Air Waybill

Execution Document Inventory

13. Fax to Robert Hornyan, Arizona Custom Brokers 6 Pages
Dated: September 29, 2010
Attachment: Email from Charles Flanagan to Matt Alavi regarding Shipment
Attachment: Dream Pharma, Ltd., Invoice Detail
Attachment: FedEx Expanded Service International Air Waybill
Attachment: Copy of Box Label
Attachment: Fax Transmittal
14. U.S. FDA, Notice of FDA Action – Release Statement 1 Page
Dated: September 29, 2010
15. FDA Transmittal 2 Pages
Dated: September 29, 2010
Attachment: U.S. FDA, Notice of FDA Action – Release Statement
16. U.S. Department of Homeland Security – Customs Bond 4 Pages
Dated: September 29, 2010
17. Dream Pharma Ltd., Invoice Details 4 Pages
Dated: October 22, 2010
18. Arizona Custom Brokers – Cargo Release Processing 1 Page
Dated: October 26, 2010
19. Arizona Custom Brokers – Cargo Release Processing 1 Page
Dated: January 7, 2010
20. Thiopental Injection BP 2 Pages
21. Pancuronium Bromide 4 Pages
22. Sterile Potassium Chloride Concentrate 2 Pages

Procurement Services
1601 W. Jefferson, M/C 55302
Phoenix, AZ 85007
(602) 642-1172
Fax: (602) 364-3760

**AZ Department of
Corrections**

Fax

To:	Matt Alavi	From:	Karen Ingram, Contracts Manager
Company/ Institution:	Dream Pharma, Ltd 170 Horn Lane Acton, London W3 6PJ	Pages:	1
Fax:	44 208-992-7001	Date:	9/23/10
Phone:	44-208-992-7000	Re:	Urgent Order USA

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

*** Comment:** THIS ORDER MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN OCTOBER 1, 2010.

Based on previous conversations between the Arizona Department of Corrections, we are placing the following order:

- 1. THIOPENTAL INJECTION** (powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's)
Item Cost: £196.76 (pounds Sterling)
Quantity: 6 packs
- 2. PANCURONIUM INJECTION** (pancuronium bromide 2 mg/ml, 2-ml amp)
Item Cost: Awaiting cost from Vendor - please confirm the price once obtained
Quantity: 450 amp
- 3. POTASSIUM CHLORIDE** (1.5gm, 10ml, Injection packs of 10)
Item Cost: £15.55
Quantity: 18 packs

Payment for this order will be by credit card, to be provided via telephone. Please contact me for additional information.

Karen Ingram
p: 602-364-3741

Invoice Details

Number: 2678INV

Date: 28-09-2010

Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
Tel: 602-384-3791

Delivery Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
602-384-3791

VAT no:

Purchase Order:

Currency: GBP - Pounds sterling

Heading: PHARMACEUTICALS NOT RESTRICTED

Order Details

Name/Description	Quantity	Price	Total
Thiopental Injection, powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's Batch No: AW6022 EXP: 06/14	6	198.75	1180.6
POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 Batch No: 002067 EXP: 01/13	18	15.55	279.9
Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's Batch No: 949064 EXP: 11/11	45	58.73	2642.85
Special delivery charges	1	150	150

Statement Details

Goods Total: 4253.25	Subtotal: 4528.25
Discount (%): 0	VAT (World Zero): 0.00
Delivery: 275	Previous Balance: 0
Insurance: 0	Total: 4528.25 GBP - Pounds sterling
	Payment Method: Prepayment Thank You

Shipping Details

Packing: ONE BOX	Gross Weight (Kg): 25 Net Weight (Kg): 21.25
Tariff: 30049089	Carrier: FEDEX
Declarations: We certify that this invoice is true and correct.	Matt Alavi, for Dream Pharma Ltd 176 Horn Lane Acton, London W3 8PJ Tel: 020-8892-7000 Fax: 020-8892-7001

Damage, shortage or leakage must be notified in writing to ourselves within 3 days. Non-Delivery within 14 days. Goods remain the property of Dream Pharma Ltd. Until full payment has been received. Subject to our standard conditions of sale. E&OE

Company Registration Number: 4637884 VAT No. GB605-854

Director: M. Alavi

receipt of all items
dated 9/29/10
Leslie P. Boothby
9/29/10 1520

Deputy Director
Copy PB

9/29/10 1610

EXHIBIT B

ARIZONA DEPARTMENT OF CORRECTIONS

DEPUTY DIRECTOR'S OFFICE

MEMORANDUM

TO: Charles L. Ryan, Director

FROM: Charles Flanagan, Deputy Director

DATE: March 25, 2011

SUBJECT: *Execution Pharmaceutical Process*

Below are the relevant dates and activities related to the order, shipment and receipt of the pharmaceuticals related to the execution process:

- 08-25-2010: Issue date from DEA of the upgraded "Controlled Substance Registration Certificate" for activities related to Schedule 2, 2N, 3, 3N, 4 and 5 drugs.
- 09-23-2010: Begin ordering process with [REDACTED]. Formally advise Customs and FDA of order and shipment, as well as purpose.
- 09-24-2010: FDA acknowledgement of shipment and intent to not detain shipment.
- 09-27-2010: FDA notice (internal) regarding shipment and processing. Drugs shipped from [REDACTED]
- 09-28-2010: All U.S. manufactured drugs received (9-28-10 through 9-30-10).
- 09-29-2010: Customs and FDA inspect and release drug shipment from [REDACTED] to ADC.
- 10-26-2010: Receipt into ADC possession of second shipment of drugs from [REDACTED], with release by customs and "hold" by FDA. Innate Landrigan executed.
- 01-07-2011: Final formal release by FDA of second shipment of drugs from [REDACTED] (which were in our possession since 10-26-10).

Included in our shipment were Patient Information Leaflets which provide instructions for each of the pharmaceuticals. [REDACTED] reviewed these documents and confirmed that these leaflets indicate that the product received is for use by medical and healthcare professionals only and is intended for use by human beings. Attachments include:

- Patient Information Leaflet - Thiopental Injection BP (September 2003)
Thiopental Sodium Inj. 500mg vials-Powder for Reconstitution
Exp: 5/14 Lot/Batch# AW6022
NDC/Alternative 5027229000166
Purchase Dates: 9-23-10, 75g, and 10-27-10, 50g.
- Package Leaflet: Information for the Use - Pancuronium Bromide 2mg/ml Injection (October 2008)
Pancuronium Bromide Inj. 4mg/2ml; 2mg/ml; 2ml amps
Exp: 11/11 Lot/Batch# 949064
NDC/Alternative 5015997897101
Purchase Dates: 9-29-10, 1800mg
- Patient Information Leaflet - Sterile Potassium Chloride Concentrate 15% (November 2008)

You will note the date on the FDA "Form 701 Inquiry" is 12-8-2010, which bears no relation to any of our order, shipment, and shipment release for our overseas orders.

PATIENT INFORMATION LEAFLET

THIOPENTAL INJECTION BP

The active ingredient in thiopental injection, thiopental sodium, is also known as thiopentone sodium.

Please read this leaflet carefully before you receive your medicine. Do not throw it away as you may want to read it again. This leaflet provides a summary of the information available on your medicine. If you have any questions, or are not sure about anything, ask your doctor, nurse or pharmacist.

WHAT IS IN MY MEDICINE?

Each vial of this product contains 500 milligrams of thiopental sodium as a powder for injection by injection, and is presented in packs of 25 vials. It is a dry powder which needs to be dissolved in water for injection.

WHAT IS THIOPENTAL?

Thiopental sodium is an anaesthetic agent which is usually given by intravenous injection.

MARKETING AUTHORISATION HOLDER AND MANUFACTURER

The Marketing Authorisation Holder is Link Pharmaceuticals Limited, Elthorne Wedd House, Albion Way, Harrogate, West Yorkshire, HG12 1AH, UK.

Thiopental Injection is manufactured by Sandoz GmbH, A-6330 Kundl in Schottland, Tyrol, Austria.

WHAT IS THIOPENTAL USED FOR?

Thiopental may be used for any of the following reasons:

- to give general anaesthesia, or to make you sleepy before using another anaesthetic agent, or before using agents to prevent pain or to relax muscles.
- to control fit.

IS THIOPENTAL SAFE FOR EVERYBODY?

You should not normally receive thiopental if any of the following apply to you:

- You have an obstruction in your lungs or in the tubes leading to them.
- You are having an acute asthma attack.
- You are in severe shock.
- You have the condition known as myotonic dystrophy.
- You have the condition known as porphyria.

People with these last two conditions will know if they have them.

You should tell your doctor, nurse or pharmacist if any of these apply to you. They will usually decide to use another medicine instead.

PRECAUTIONS

Although you can still receive thiopental, your doctor may decide to use another medicine in the following circumstances:

- If you have diseases of the heart or circulation or these can suddenly become more severe by thiopental injection.
- If you have cerebral hypertension (high pressure inside your head) or cerebrovascular insufficiency, low blood pressure, severe bleeding, burns, muscle weakness or degeneration (associated with conditions such as myotonic dystrophy or muscular dystrophies), tuberculosis or wasting. Your doctor will need to take extra precautions while treating you with thiopental injection.
- If thiopental is accidentally injected into an artery instead of a vein, it can cause damage to your tissues but your doctor may be able to treat this effect (a similar problem can occur if thiopental leaks from the vein into surrounding tissue). If you feel severe pain near where the drug was injected tell your doctor immediately so that treatment can be started quickly.
- Thiopental injection has been used safely during pregnancy but if you are pregnant, or think you could be, you should make sure that your doctor knows about this. They can discuss any possible risks with you before treatment starts. If you intend breastfeeding a baby after having thiopental injection you should discuss the safety of doing so with your doctor.
- You may not be fit to drive (or operate other machinery) after receiving thiopental injection. Although this effect will wear off quite quickly, you must be certain that you are able to drive safely before you try. During this time, even a small amount of alcohol can have a very strong effect on you, making driving very dangerous. Other medicines that cause drowsiness can have a similar effect. Make sure you read the label of any medicines carefully.

THIOPENTAL INJECTION BP

PRECAUTIONS (Contd.)

- Other medicines which can interact with thiopental injection include medicines called beta blockers or calcium antagonists which are used to decrease your blood pressure, or any medicines prescribed to you for epilepsy, or which are used to play your heart (called anti-arrhythmics).
- If you are in doubt about the kind of medicine you are taking please contact your doctor or pharmacist.

Read your doctor's notes may be needed if you have any of the following:

- Liver disease (including jaundice), shock, dehydration, severe anaemia, high blood level of potassium, infection in your blood. Elderly patients and people who suffer from metabolic disorders may also need smaller doses. An example of this type of disorder is myxoedema (a condition caused by an underactive thyroid gland).
- People who have received morphine or similar medicines before they are given thiopental injection often need smaller doses. If you have received a medicine called curare or similar please tell your doctor. He or she may need to give you smaller doses of thiopental and give these more frequently than usual.

Increased doses if you are a heavy and frequent drinker of alcohol, or if you regularly take non-prescribed drugs, the dose of thiopental may need to be increased or given with another medicine to increase its effect.

You should tell your doctor, nurse or pharmacist if any of these apply to you.

HOW IS THIOPENTAL GIVEN?

Thiopental injection is first made into a solution usually containing 25mg in 1ml. Sometimes a higher strength may be used.

A needle will have been placed into a vein in advance. Thiopental injection can be injected directly through this needle or it may be put into a drip which runs through it.

Dosages used for convulsions (fitting) are 75mg to 125mg given as soon as possible after the convulsion begins. Further doses may be required and your doctor will decide the best dose to give you.

The normal anaesthetic dose for adults is 100mg (up to 150mg) injected over 10 to 15 seconds, although smaller doses may be used for elderly patients. The dose for a child depends on their weight (usually between 2mg to 7mg for every kg of body-weight). You will normally feel the effects within 30 seconds and be asleep within one minute. Further small doses will be given to you as necessary (you will normally be asleep during this process).

ARE THERE ANY SIDE EFFECTS?

The effects which have been seen with thiopental injection are listed below.

Thiopental injection can cause coughing, sneezing or spasm of the airways in your throat when it is injected. It can cause skin rashes and other allergic reactions, such as itching.

Your body's automatic breathing control may be affected causing spasm of the airways and difficulty breathing, and the pumping action of the heart can be reduced or irregular heartbeats may occur.

Thiopental injection can cause headaches.

When injected thiopental can cause severe pain at the site of injection. If this happens inform your doctor immediately.

If you experience any of the above side effects or any other side effects please tell your doctor, nurse or pharmacist.

MORE INFORMATION ABOUT THIOPENTAL INJECTION

Do not use thiopental after the expiry date printed on the pack and on each vial. The vials should not be stored above 25°C and should be kept in the outer carton.

The injection solution is quite strongly alkaline, to stop the thiopental from 'going off'. Because of this it cannot be mixed with other injections that are acidic. The solution should be kept cool (between 2°C and 8°C) after making it up and normally should be used within seven hours. If the solution is discoloured it should not be used.

This leaflet was written in September 2003.

5102304

220279

PACKAGE LEAFLET: INFORMATION FOR THE USER



Pancuronium Bromide 2 mg/ml Injection

Read all of this leaflet carefully before you start using this medicine.

- Keep this leaflet. You may need to read it again.
- If you have any further questions, ask your doctor or pharmacist.
- If any of the side effects gets serious, or if you notice any side effects not listed in this leaflet, please tell your doctor.

In this leaflet:

1. What Pancuronium Bromide Injection is and what it is used for
2. Before you use Pancuronium Bromide Injection
3. How to use Pancuronium Bromide Injection
4. Possible side effects
5. How to store Pancuronium Bromide Injection
6. Further information

1. WHAT PANCURONIUM BROMIDE INJECTION IS AND WHAT IT IS USED FOR

Pancuronium bromide is one of a group of medicines called 'non-depolarising' muscle relaxants.

Pancuronium Bromide Injection is used to relax muscles during surgery, including caesarean section and in intensive care.

2. BEFORE YOU USE PANCURONIUM BROMIDE INJECTION

Do not use Pancuronium Bromide Injection

- If you have shown signs of hypersensitivity (severe allergy) to pancuronium or bromide in the past

Tell your doctor if the above applies to you before this medicine is used.

Take special care with Pancuronium Bromide Injection

- If you have kidney, liver, lung or heart disease
- If you have high blood pressure
- If you have cancer, particularly lung cancer
- If you suffer from any of the following conditions: myasthenia gravis, myasthenic syndrome (other neuromuscular diseases) or polymyositis
- If you have fluid retention (you may have swelling around the ankles)
- If you have jaundice

Tell your doctor if any of the above applies to you before this medicine is used.

Special care will also be taken in the elderly, newborn babies, patients who are dehydrated or in general poor health and patients who have blood abnormalities, such as altered calcium, magnesium, potassium and protein levels (the doctor may do blood tests to check for such abnormalities).

Taking/using other medicines

Pancuronium bromide must not be administered along with a "depolarising" muscle relaxant, e.g. succinylcholine.

Other medicines used/taken at the same time as pancuronium bromide may interact, hence, special care may be needed, for example:

- other muscle relaxants of the 'non-depolarising' type (e.g. mivacurium)
- some anaesthetic agents (e.g. halothane, ether, enflurane, isoflurane, methoxyflurane, cyclopropane, thiopentone, methohexilone, ketamine, fentanyl, gammahydroxybutyrate, etomidate)
- anticancer medicines belonging to a group called 'alkylating agents' (including medicines known as 'nitrogen mustards')
- some antibiotics (e.g. aminoglycosides, metronidazole) and antifungal medicines (e.g. imidazoles)
- medicines affecting the heart or blood pressure (glyceryl trinitrate, propranolol, adrenaline, noradrenaline, alpha blockers, beta blockers, quinidine)
- water tablets (diuretics)
- medicines used to control anxiety (diazepam)
- antidepressants (e.g. tricyclic antidepressants, monoamine oxidase inhibitors)
- strong pain-killers (e.g. narcotics)
- steroid medicines
- medicines used to treat a disease affecting the muscles called 'myasthenia gravis' (neostigmine, pyridostigmine, edrophonium)
- phenytoin (antiepilepsy medicine)
- heparin and protamine (medicines used to control the ease with which the blood will clot)
- azathioprine (a medicine used to prevent transplant rejection)
- theophylline (a medicine used to treat some breathing disorders)
- medicines used to increase the level of some salts in the blood (potassium chloride, sodium chloride, calcium chloride)
- vitamin B₁ (thiamine) if taken in high doses
- magnesium sulphate (used in the treatment of constipation, pre-eclampsia, abnormal heart rhythms)

Please tell your doctor if you are taking or have recently taken any other medicines, including medicines obtained without a prescription.

Pancuronium Bromide 2 mg/ml Injection

The following information is intended for medical or healthcare professionals only

Further to the information included in section 3, practical information on the preparation/handling of the medicinal product is provided here.

Incompatibilities

Do not mix other solutions in the same syringe as a change in pH can cause precipitation.

Instructions for use and handling

For single use only

Any unused solution should be discarded.

It is not recommended to give this product by infusion.

463027

Pregnancy and breast-feeding

Tell your doctor if you are pregnant, trying to become pregnant or breast-feeding. Your doctor will only use this medicine if the expected benefits outweigh any potential risk to your baby.

Ask your doctor or pharmacist for advice before taking any medicine.

Driving and using machines

Do not drive or use machines for 24 hours after full recovery from the muscle relaxant effects of pancuronium bromide.

Important information about one of the ingredients of Pancuronium Bromide Injection

This medicinal product contains less than 1 mmol (23 mg) sodium per dose, i.e., essentially 'sodium free'.

HOW TO USE PANCURONIUM BROMIDE INJECTION

This medicine will be given to you as an injection into a vein.

Dose

The dose of medicine given to you will depend upon your age, your weight, expected duration of surgery, drugs that have been given to you previously and how well your kidneys and liver are working.

The dose range in adults is typically between 50 and 100 micrograms/kg bodyweight.

If you are given too much or too little Pancuronium Bromide Injection

This medicine will be given to you in a hospital, under the supervision of a doctor. It is unlikely that you will be given too much or too little, however, tell your doctor or nurse if you have any concerns.

POSSIBLE SIDE EFFECTS

Like all medicines, pancuronium bromide can cause side effects, although not everybody gets them.

During use of Pancuronium Bromide Injection your doctor will be observing you for:

- severe allergic reaction - you may experience a sudden itchy rash (hives), swelling of the hands, feet, ankles, face, lips, mouth or throat (which may cause difficulty in swallowing or breathing), and you may feel you are going to faint

If this serious side effect occurs, urgent medical attention will be needed.

After you have come round, if any of the following happen, tell your doctor as soon as possible:

- breathing difficulties
- unusually rapid heart beat, palpitations or irregular heart beat
- pain, itching, local skin reaction or irritation particularly around the injection site
- problems with your vision
- skin rash
- excess production of saliva

Your doctor may monitor for changes in your blood pressure.

If any of the side effects gets serious, or if you notice any side effects not listed in this leaflet, please tell your doctor.

5. HOW TO STORE PANCURONIUM BROMIDE INJECTION

Keep out of the reach and sight of children

Expiry

This medicine must not be used after the expiry date which is stated on the vial ampoule and carton after 'EXP'. Where only a month and year is stated, the expiry date refers to the last day of that month.

Storage

The ampoules should be kept in the outer carton, in order to protect from light, and stored in a refrigerator. They should not be frozen.

6. FURTHER INFORMATION

What Pancuronium Bromide Injection contains

The active substance is pancuronium bromide. Each millilitre (ml) of solution contains 2 milligrams (mg) of pancuronium bromide.

The other ingredients are sodium chloride, sodium acetate, and Water for Injections.

What Pancuronium Bromide Injection looks like and contents of the pack

Pancuronium Bromide Injection is a clear, colourless solution for injection which comes in glass containers called ampoules.

It may be supplied in packs containing:

- 5 x 4 mg/2 ml ampoules
- 10 x 4 mg/2 ml ampoules
- 50 x 4 mg/2 ml ampoules

Not all packs may be marketed.

Marketing authorisation holder and manufacturer

Hospira UK Limited, Queensway, Royal Leamington Spa, Warwickshire, CV31 3RW, UK

This leaflet was last approved in October 2008 (V1471)

45261/23/08

db3027

Patient Information Leaflet

 hameln

Sterile Potassium Chloride Concentrate 15%

- Read all of this leaflet carefully before you start using the medicine. In some circumstances this may not be possible and this leaflet will be kept in a safe place should you wish to read it.
- Keep this leaflet. You may need to read it again.
- If you have any further questions, please ask your doctor or your pharmacist.
- This medicine has been prescribed for you personally and you should not pass it on to others. It may harm them, even if their symptoms are the same as yours.

Where to find information in this leaflet

1. What Sterile Potassium Chloride Concentrate 15% is and what it is used for
2. Before you are given Sterile Potassium Chloride Concentrate 15%
3. How to use Sterile Potassium Chloride Concentrate 15%
4. Possible side effects
5. Storing Sterile Potassium Chloride Concentrate 15%
6. Further information

1. What Sterile Potassium Chloride Concentrate 15% is and what it is used for

Potassium Chloride Concentrate 15% is a concentrated solution of potassium chloride (which occurs naturally in your body). It is used to replace the loss of potassium from your body, if this cannot be achieved when given by mouth or in the diet.

2. Before you are given Potassium Chloride Concentrate 15%

You should NOT be given Potassium Chloride Concentrate 15% if you:

- are sensitive or allergic to Potassium Chloride Concentrate 15% or any of the other ingredients in this injection.
- have high levels of certain chemicals (potassium or chloride) in your blood.
- suffer from impaired kidney function (you may produce little or no urine).
- suffer from Addison's disease (a hormonal disorder where you may feel weak, lose weight and have a darkened skin).
- are very dehydrated.

• suffer from heat cramps.

Please tell your doctor or nurse before being given the injection if you:

• have any heart condition.

Using other medicines:

Please tell your doctor or nurse if you are taking or have recently taken any other medicines, including medicines obtained without a prescription. This is especially important with the following medicines as they may interact with your Potassium Chloride Concentrate 15%:

- diuretics (water tablets)
- medicines known as ACE inhibitors and angiotensin II antagonists (used to treat high blood pressure and certain heart conditions).
- Cyclosporin, used to depress the immune system following transplants, and in severe skin, rheumatoid and bowel disorders.

Pregnancy or breast feeding:

Please tell your doctor or nurse before being given this injection if you are pregnant or

breast feeding. The doctor will then decide if the injection is suitable for you.

Driving and using machines:

You should not drive or use machinery if you are affected by the administration of Potassium Chloride Concentrate 15%.

3. How to use Potassium Chloride Concentrate 15%

Your nurse or doctor will give you the injection.

Your doctor will decide the correct dosage for you and how and where the injection will be given.

The injection must be diluted at least 50 times before it is given to you.

Since the injection will be given to you by a doctor or nurse, it is unlikely that you will be given too much. If you think you have been given too much, you must tell the person giving you the injection.

4. Possible side effects

Like all medicines, Potassium Chloride Concentrate 15% can cause side effects, although not everybody gets them.

- pain at the site of injection
- inflammation of the vein into which the solution is being injected
- raised blood levels of potassium

If you think this injection is causing you any problems, or you are at all worried, talk to your doctor, nurse or pharmacist.

5. Storing Potassium Chloride Concentrate 15%

Your injection will be stored at less than 25°C and protected from light. The nurse or doctor will check that the injection is not past its expiry date before giving you the injection.

6. Further information

What Potassium Chloride Concentrate 15% contains:

This injection contains the active ingredient potassium chloride. Each 1 ml of solution contains 0.15 g potassium chloride in a sterile solution for injection.

This injection contains the following inactive ingredients: hydrochloric acid and water for injections.

What Potassium Chloride Concentrate 15% looks like and contents of the pack:

Potassium Chloride Concentrate 15% is supplied in clear glass ampoules containing 10 ml. 10 ampoules are supplied in each carton. The marketing authorisation number of this medicine is: PL01502/0007H

Marketing Authorisation Holder:

hameln pharmaceuticals ltd
Gloucester
United Kingdom

Manufacturer:

hameln pharmaceuticals gmbh
Langes Feld 13
31789 Hameln
Germany

For any information about this medicine, please contact the Marketing Authorisation Holder

This leaflet was last approved 14.11.08

EXHIBIT F



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

Sent Via E-mail

September 25, 2013

Kelly Flood
Staff Attorney
ACLU of Arizona
P.O. Box 17148
Phoenix, AZ 85011

Re: Public Records Request

Dear Ms. Flood:

Thank you for clarifying your September 17, 2013 public records request. ADC disagrees with your assertion that any portion of the Federal District Court's decision in *Landrigan v. Brewer*, 2010 WL 4269559, D. Ariz. (2010), remains intact following the United States Supreme Court's decision in *Brewer v. Landrigan* ___ U.S. ___, 131 S. Ct. 445 (2010), vacating that decision. Federal law does not compel the ADC to disclose information that is deemed confidential by state statute.

Attached is an additional, redacted record responsive to your request. The information that has been redacted is confidential pursuant to A.R.S. § 13-757(C). The attached record, together with the records previously sent on September 20, 2013, are the complete records in ADC's possession that are responsive to your public records request.

Sincerely,

Dawn Northup
General Counsel

cc: Director Charles Ryan
Jeff Hood, Deputy Director
Robert Patton, Division Director, Prison Operations
Jeff Zick, Assistant Attorney General
Jon Anderson, Assistant Attorney General

DEA [REDACTED] FED ID [REDACTED]
S ARIZONA STATE PRISON - FLORENCE
H WARDEN-CARSON MCWILLIAMS *****
P 1305 BUTTE AVENUE
T FLORENCE, AZ 85232

B ARIZONA STATE PRISON - FLORENCE
L WARDEN-CARSON MCWILLIAMS *****
L 1305 BUTTE AVENUE
T FLORENCE, AZ 85232

CUST. NO.	DATE	ORIGINAL INVOICE
REG. NO.	CUST. DEA NO.	ORDER NO.
EXEMPT	PA2203571	CUSTOMER P.O. NUMBER
DEPT.	ORDER DATE	CONF. NO.
	7/11	

ITEM NUMBER	NDC/UPC	DESCRIPTION	SIZE	REF	UNIT PRICE	EXTENSION
10	10	EA NEMBUPTAL SOD 50MG/ML 50ML C2	1MD 2		900.77	900770
Total RX						
9007.70						

Notes Codes	CT	Contract
T. Transfer	SN	Special Net
G. Generic Sub	SP	Special Pricing
PP. Pharm/Pat Discount		

Unit Codes	4 Not stock	7 Drug recall
1 Mfg. B. O.	5 Mfg. disc.	8 New item/stock initial
2 Whse. out	6 Whse. disc.	9 Replaced item
3 Mfg. out		

Customer is a final dispenser that does not and will not redistribute prescription pharmaceuticals into the secondary market

If this invoice reflects any discounted prices, credits, or rebates or if prices reflect are subsequently earned and paid with respect to the merchandise/services described herein, then federal law may require disclosure on the price reduction on your claim or cost reports for Medicare or Medicaid reimbursement under 42 U.S.C. 1320(g)(7b).

7/11
DUE DATE

900770

There are perforations between each row of labels. Remove perforation at left edge before tearing between rows.

Page 1 Remove this Perforation first

*** TOIE# [REDACTED]
ARIZONA STATE PRISON - [REDACTED]
DATE- [REDACTED] / 2011
RX-711 OTC-711
CUST PO

Container Num [REDACTED]
INV 6134728

[REDACTED] / 11 RX
NEMBUTAL 50.50 MG/ML 50ML C2
10 1 MD
NDC [REDACTED]

NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077
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NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077	NEMBUTAL 11 I# [REDACTED] 1 50 MG 10 90077
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cust#



Letter and policy

[illegible]

THE UNIVERSITY OF CHICAGO

Colony will be placed in a 100 ml beaker and a portion of the small amount of water in the beaker will be removed.

1. The following information is being furnished to you for your information and use only. It is not to be distributed outside your organization. It is not to be used for any purpose other than that for which it was furnished. It is not to be used for any purpose other than that for which it was furnished. It is not to be used for any purpose other than that for which it was furnished.

Page 55 and 56

colleagues, physical assault, substance-related disability from workplace activities. They reported ethnic discrimination that occurred at work in response to their race or ethnicity. They also reported that they were not treated equally in response to their race or ethnicity. They also reported that they were not treated equally in response to their race or ethnicity. They also reported that they were not treated equally in response to their race or ethnicity.

Each of these four categories is further subdivided into two or three subcategories. For example, the "Other" category is subdivided into "Other (non-ferrous)" and "Other (ferrous)".

ADVERTISING COSTS: \$100,000

The authors also observed that the mean scores were significantly higher in the treatment group than in the control group for the total score of the questionnaire and for the subscores of the questionnaire. The authors also observed that the mean scores were significantly higher in the treatment group than in the control group for the total score of the questionnaire and for the subscores of the questionnaire.

[illegible][illegible]

100-443887-1000

10-10-68

Prepared and submitted in accordance with the Federal Criminal Justice Statistics Act of 1964

On the other hand, the fact that the majority of the respondents were male and that the majority of the respondents were from the United States may have influenced the results. The study was conducted in a single country and the respondents were not representative of the general population. The study was also limited by the fact that the respondents were not asked to provide their age, gender, or other demographic information. The study was also limited by the fact that the respondents were not asked to provide their level of education or their level of experience. The study was also limited by the fact that the respondents were not asked to provide their level of interest in the topic. The study was also limited by the fact that the respondents were not asked to provide their level of knowledge about the topic. The study was also limited by the fact that the respondents were not asked to provide their level of confidence in the information they provided. The study was also limited by the fact that the respondents were not asked to provide their level of motivation to participate in the study. The study was also limited by the fact that the respondents were not asked to provide their level of commitment to the study. The study was also limited by the fact that the respondents were not asked to provide their level of satisfaction with the study. The study was also limited by the fact that the respondents were not asked to provide their level of interest in the topic. The study was also limited by the fact that the respondents were not asked to provide their level of knowledge about the topic. The study was also limited by the fact that the respondents were not asked to provide their level of confidence in the information they provided. The study was also limited by the fact that the respondents were not asked to provide their level of motivation to participate in the study. The study was also limited by the fact that the respondents were not asked to provide their level of commitment to the study. The study was also limited by the fact that the respondents were not asked to provide their level of satisfaction with the study.

...to provide information to the public. The program is designed to be a major source of information to the public on the progress of the program. The program is designed to be a major source of information to the public on the progress of the program.

point to match between the two groups and the degree of impairment. 34

6) Intensity of dependence depends on the level of consumption of alcohol. It is possible to be intoxicated and alcohol is a drug, but it is not necessarily proportional to the amount of alcohol in the blood.

The following is a summary of the information received from the above sources:

symptoms may appear 8 to 12 hours after the onset of infection. These symptoms usually include the following: fever, malaise, muscle aches and pains, and fatigue. In some cases, a cough, sore throat, and/or headache may also occur. The illness is usually self-limiting and lasts for 3 to 5 days.

which have been shown to be effective in preventing the spread of the disease. The results of the study are as follows:

[illegible]

The authors are grateful to Dr. J. H. Duerksen for his critical reading of the manuscript.

There is a positive relationship between the number of fish in a school and the number of predators in the school. This relationship can be explained by the fact that the number of fish in a school is a function of the number of predators in the school. The number of fish in a school is a function of the number of predators in the school because the number of fish in a school is a function of the number of predators in the school.

of chondrocytes between 100 to 200 and control chondrocytes in the control chondrocytes. The number of chondrocytes per unit area was determined by a 100x magnification of the control chondrocytes. The number of chondrocytes per unit area was determined by a 100x magnification of the control chondrocytes.

of the present study was a primary treatment of the subjects with regular, steady level 1, depressing the data.

[illegible]

The first case of HIV/AIDS was reported in 1981. At present, it is one of the most serious public health problems in the world. The disease is caused by the Human Immunodeficiency Virus (HIV), which attacks the immune system and can lead to AIDS (Acquired Immune Deficiency Syndrome).

1. The first step is to identify the key components of the system. This includes the hardware, software, and data.

to the fact that the... [text continues]

expansion, the currency must be stabilized. It is critical to the program that the currency be stabilized, and the possibility of further inflation must be avoided. The program is designed to be a long-term program, and the possibility of further inflation must be avoided. The program is designed to be a long-term program, and the possibility of further inflation must be avoided.

Occasionally, as in the case of the 1990s, the market may be volatile, but the overall trend is upward. The market is not likely to be as volatile as in the 1990s, and the overall trend is upward. The market is not likely to be as volatile as in the 1990s, and the overall trend is upward.

Table 1. The change of the ALP activity in the jejunum of rats fed with 0.5% DTPS diet.

10-10-68

Peru	1972	10,100	10,100	10,100	10,100
Guatemala	1972	10,100	10,100	10,100	10,100
El Salvador	1972	10,100	10,100	10,100	10,100

[illegible]

Call 1-800-451-1234 for more information.

... ..

[illegible]

MEMORIAL: SODIUM SOLUTION

EXHIBIT G

ALESSANDRA SOLER
EXECUTIVE DIRECTOR

ZENAIDO QUINTANA
PRESIDENT



SENT VIA EMAIL ONLY

September 26, 2013

Dawn Northup, General Counsel
Arizona Department of Corrections
1601 West Jefferson
Phoenix, AZ 85007
dnorthup@azcorrections.gov

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF ARIZONA
P.O. BOX 17148
PHOENIX, AZ 85011
P/602.650.1854
F/602.650.1376
WWW.ACLUAZ.ORG

Re: **September 17, 2013 Public Records Request**

Dear Ms. Northup,

Thank you for your September 25 letter which contained additional disclosures relevant to the ACLU of Arizona's September 17, 2013 records request. Unfortunately, we seem to have a difference of opinion on what records, documents, and information the Arizona Department of Corrections (ADC) may legally withhold from public view under Arizona Revised Statute § 13-757(C). As of today, ADC has still not provided the ACLU of Arizona with the complete records necessary to satisfy our September 17 public records request. We believe the following materials have been improperly redacted:

1. The name of the distributors and manufacturers of the lethal injection drugs to be used in the executions of Edward Harold Schad, Jr., #070566, scheduled for execution on October 9, 2013, and to Robert Glen Jones, Jr., #040496, scheduled for execution on October 23, 2013.
 - i. Requests 1(a)(ii) and 2(a)(ii) from the September 17, 2013 records request.
2. The lot number and expiration dates of the lethal injection drugs.
 - i. Requests 1(a)(iii) and 2(a)(iii) of the initial request.
3. The National Drug Code (NDC) directly associated with the particular manufacturer and lot number of the drug.
 - i. Requests 1(a)(iv) and 2(a)(iv) of the initial request.
4. The DEA classification and reference numbers on the package insert and invoices.

In addition, we believe the following information has not been provided, as legally required, under Arizona Public Records law A.R.S. § 39-121 *et seq*:

1. The DEA Registration information demonstrating each person who will handle the controlled substances is authorized to do so. (We noted that personal, identifying information could be redacted).
 - i. Requests 1(d)(iv) and 2(d)(iv) of initial request
2. All correspondence, forms, and documents shared between the Arizona Department of Corrections and any manufacturer, distributor, or pharmacy responsible for supplying the Arizona Department of Corrections with the lethal injection drugs.
 - i. Request 4 of initial request
3. All invoice, order, and procuring information concerning the lethal injection drugs.
 - i. Request 5 of initial request

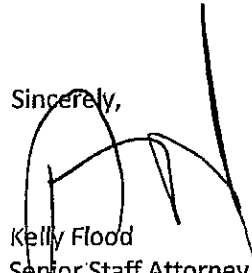
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OF ARIZONA

Thus far ADC's stated justification for not releasing the above information is that the materials are confidential under state law A.R.S. 13-757(C), and not subject to the requirements of A.R.S 39-121 *et seq.* If other legal rationale exists for withholding the above information, please inform us immediately.

I'd like to reiterate that the ACLU of Arizona does not seek "the identity of executioners and other persons who participate or perform ancillary functions in an execution" as prohibited by A.R.S 13-757(C). We only seek information concerning the source, manufacturer, distributor, lot number and expiration dates of the lethal injection drugs to be used in the scheduled October 9 and October 23 executions. Our goal is to ensure that the lethal injection drugs meet the legal requirements for the use of those drugs, conform to the public's understanding of the execution process, and do not violate Mr. Schad's (070566) and Mr. Jones' (040496) right to be free of cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution.

As we currently seem to be at an impasse in resolving our differences in opinion on the scope of A.R.S. 13-757(C), the ACLU of Arizona intends to bring the matter to the attention of the Arizona courts. If you intend to release the remaining information responsive to our September 17, 2013 public records request, please let us know immediately. Otherwise, we will proceed. Thank you for your time. I can be reached via email (kflood@acluaz.org) or by phone (602-773-6018) if you would like to further discuss this matter.

Sincerely,



Kelly Flood
Senior Staff Attorney
ACLU of Arizona

EXHIBIT H


 DEPARTMENT ORDER MANUAL	ARIZONA DEPARTMENT OF CORRECTIONS	CHAPTER: 200 PUBLIC/PUBLIC ACCESS	OPR: DIR
		DEPARTMENT ORDER: 201 <i>LEGAL SERVICES - INFORMATION RELEASE</i>	SUPERSEDES: DO 201 (06/18/08)
			EFFECTIVE DATE: AUGUST 25, 2009
			REPLACEMENT PAGE EFFECTIVE DATE: AUGUST 14, 2013

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PURPOSE

This Department Order establishes guidelines for promptly allowing the public access to information, including procedures for charging for copies, restricted only by the need to conserve resources and protect privacy and confidentiality. Procedures for a coordinated response to news media representatives' inquiries through the Media Relations Office are outlined in Department Order #207, Media Relations. Procedures for providing information to the news media, the Governor's office and members of the Legislature during significant events may also be found in Department Order 207.

SECTION DELETED.

RESPONSIBILITY

Public Access, under the supervision of the General Counsel, shall have the day to day responsibility of responding to all non-media requests for public records. The Public Access Unit shall provide:

- Responses to requests for information pertaining to individual inmates incarcerated in the Department and for information pertaining to offenders under community supervision.
- Responses to requests for information pertaining to inmate programs, including Counseling and Treatment, Religious and Volunteer Services, and information concerning inmate classification, inmate medical and mental health issues and inmate time computations and releases.
- Responses to requests for financial and budgetary information, requests pertaining to construction matters and pertaining to prison population and population projections; aggregate information concerning personnel, training, and staff development; and aggregate information concerning inmates and previous inmates.

Any staff member receiving an official request for public records pursuant to A.R.S. 39-121.01, shall forward the request to the Public Access section of the Legal Services Unit. Should any questions arise regarding the nature of the public records request, including but not limited to, whether the request is to be handled by legal services or instead forwarded to the media division, the employee receiving the request shall contact the General Counsel or designee for clarification.

APPLICABILITY

This Department Order is applicable whenever any staff member, including contract beds employees, acting in an official capacity, makes contact with any member of the public or non-media organization pertaining to Department-related issues through the appropriate Department employee for information related to:

- Access to information pertaining to a specific inmate, see Department Order #901, Inmate Records Information and Court Action.
- Inmate medical records/information, see Department Order #1104, Inmate Medical Records.
- Legislative requests for information, see Department Order #110, Legislative Activities.

- The response to all information regarding legal matters and compliance with subpoenas, see Department Order #107, Legal Assistance.
- Requests for information about employees, see Department Order #507, Employee Record System.
- Inmate hospitalization and death notifications, see Department Order #711, Notification Of Inmate Hospitalization or Death.

PROCEDURES

201.01 CONFIDENTIAL PUBLIC RECORDS

- 1.1 As a public agency, all Department records are public and are subject to disclosure.
- 1.2 Department records that fall into one or more of the following four categories are considered confidential and requests shall be addressed by the Legal Services Unit.
 - 1.2.1 Records that, if disclosed, would create an invasion of privacy, (for example, home addresses and personal telephone numbers of all employees).
 - 1.2.2 Records deemed confidential by statute. (See Attachment A)
 - 1.2.2.1 The Legal Services Unit shall maintain a list of statutory provisions identifying records that are confidential (see Attachment B.) They shall forward revisions to the list to the Policy Unit and to the Media & Public Relations Office and the Information Technologies Bureau.
 - 1.2.2.2 Statutes in Attachment B may contain provisions for limited confidentiality or may contain waiver provisions. If a question regarding confidentiality arises, staff shall contact the Legal Services Unit for assistance.
 - 1.2.2.3 The Information Technologies Bureau shall be responsible for posting the list provided by Legal Services on the Department's Intranet and Internet pages.
 - 1.2.3 Records that are classified as confidential in the Arizona Administrative Code (AAC). AAC R2-5-105 specifies who may have access to official personnel files, and under what circumstances.
 - 1.2.4 Records or information that, if released, in the opinion of the Director, or designee, could jeopardize legitimate penological interests, (for example, access to tape recordings of telephone calls). When any request for records or information is denied, the Director, or designee shall be prepared to state a specific interest that is at stake and the harm that would occur if such information were released.
- 1.3 Employees shall not discard, dispose of, or otherwise destroy, any duplicate copies of records or documents without redacting the information containing an individual's first and last name, or first initial and last name in combination with a complete:
 - 1.3.1 Social Security Number.
 - 1.3.2 Credit card, charge card or debit card number.

- 1.3.3 Retirement account number.
- 1.3.4 Driver License number or non-operating identification license number.
- 1.3.5 Savings, checking or securities entitlement account number.

- 1.4 In some instances, portions of information contained in a requested record may be deemed confidential. In such cases, the record may be released when the confidential portion has been redacted. General Counsel or designee shall approve all decisions regarding record and document redaction. Redacted portions will be clearly designated as such so the person/entity requesting the record or document is aware that information has been redacted.
- 1.5 In circumstances where the confidentiality of a requested record is unclear, the employee who has been requested to provide the information shall obtain clarification through the chain of command from the Legal Services Unit prior to taking any action.
- 1.6 Only the Director or designee may approve the release of confidential information.

201.02 GENERAL PROVISIONS

- 1.1 The release of non-confidential Department records, in whole or in part, shall be limited to those records or portions of records that are specifically requested.
- 1.2 The Department shall maintain a general list of document categories available to the public that does not require review or redaction. The Deputy Director, Division Directors, Regional Operations Directors, Wardens, Deputy Wardens and Bureau Administrators shall ensure that the list is available to the public on bulletin boards or otherwise posted in public areas. Restricted material, including written instructions that are identified as restricted, shall not be made available to anyone who is not an eligible staff member except as provided in the appropriate Department Order.
- 1.3 In some cases, requested public information exists in a format other than the one specifically requested. In such cases, the requestor shall be informed that the requested format is not available. If the requestor chooses, the records may be provided in the format used by the Department, at a cost as outlined in this Department Order.
- 1.4 Where appropriate, individual work areas may keep a supply of commonly requested documents and may provide those documents to requesting individuals at the cost outlined in this Department Order.

201.03 RESPONDING TO REQUESTS FOR INFORMATION/PUBLIC RECORDS

- 1.1 Requests made in person or by mail shall be honored. Requests made by telephone, followed by the request in a writing, or email shall also be honored unless there exists a concern as to the identity of the person/entity making such request.
 - 1.1.1 *The General Counsel may deny a request if the information is unavailable and/or excessive staff time would be required to research the matter and/or compile the information, or the requestor refuses to pay for the information as required. Such denial shall be approved by the Director or designee.*
 - 1.1.2 When appropriate, the requesting individual shall be referred to public information available, at no charge, on the Department's Internet site.

- 1.2 A person requesting copies, printouts or photographs of public records for commercial use shall provide a certified statement describing the commercial purpose for which the copies will be used, pursuant to ARS '39-121.03. A reasonable fee may be charged for the time researching and retrieving materials and the equipment and personnel used in producing such documents or reproductions.
- 1.3 If the information and/or items are available, upon receiving a request for information or copies, printouts or photographs of public records, the person receiving the request shall determine the total cost for the materials, complete a Request For Information/Document, Form 201-3, and advise the requester of the total copying cost. The Public Records Standard Charge List is located on the Request for Information/Document form. The staff member shall complete the request or forward it to the appropriate staff member for completion.
- 1.4 If the information and/or items are available but not in the requested format or in a format that would require an extensive commitment of resources, the person receiving the request shall advise the requester that the request will be forwarded to the General Counsel who shall determine whether the Department will respond to the request. Final approval or denial of these types of requests shall be made by the Director or designee.
- 1.5 Requests for information or public records that require a formal response or appear to not be readily available shall be referred to the General Counsel who shall:
 - 1.5.1 Assign the request to appropriate staff to determine if the information or record(s) is available, not available, or while available require preparation or research by staff, (For example, removal of confidential information, preparation of a letter, preparation of a summary report, preparation of computer programs or a search for the information or public records).
 - 1.5.2 Determine whether or not staff shall respond to the request, based upon the availability of information and/or the time required to research/compile the information.
 - 1.5.3 Designate a staff member to contact the requester, provide the estimated copying cost of the materials and determine if the requester still wants the request filled.
 - 1.5.3.1 If the requester still wants the request filled, designate a staff member to research and compile the requested information and/or documents.
 - 1.5.3.2 If appropriate based on the request, staff shall prepare a draft report of the requested information.
 - 1.5.4 Review the information, documents and/or report and either approve for release or note areas of concern and return to the originator for revision.
 - 1.5.5 Review the materials again, if revisions are necessary, prior to release.
- 1.6 A person requesting copies, printouts or photographs of public records for a non-commercial purpose may be charged a fee for copies of public records, and if appropriate, postage costs, but not for the research. The supervisor or staff who worked on the request shall determine the number of pages copied, calculate the charges, and add the information to the Request for Information/Document - Legal Services, Form 201-1.

- 1.6.1 Copying costs shall be paid in advance unless the supervisor of public access authorizes payment on receipt of copies. In all cases staff shall confirm in writing to the person/entity requesting copies the amount that will be charged and obtain consent to complete copying from the person/entity requesting the copies. The written confirmation can be accomplished by e-mail.
- 1.6.2 Copies requested pursuant to A.R.S. 39-121.01 [D] will be charged at 50 cents per page unless other charges apply pursuant to other statutory and/or Department guidelines are listed on the Public Records Standard Charge List.
- 1.6.3 If necessary, postage shall be calculated at the current rate and added to the total cost of the request.
- 1.7 For documents, information or for medical records requested by a subpoena pursuant to ARS '12-351, the requester shall be charged ten cents per printed side for each page copied and ten dollars per hour for each staff member who worked on the assignment. The supervisor or staff member who worked on the request shall determine the number of hours staff worked to complete the request, calculate the charges and enter the information onto the Request for Information/Document.
- 1.8 Agencies/individuals requesting copies shall be charged the standard rates outlined in the Request for Information/Document - Legal Services, form. There shall be no charge for copies provided to:
 - 1.8.1 The general public for claims against the United States, pursuant to ARS '39-122.
 - 1.8.2 State and/or Federal Correctional agencies.
 - 1.8.3 Immigration and Customs Enforcement Agency.
 - 1.8.4 Attorney General's Office in its capacity as a legal representative of the Department.
 - 1.8.5 Any criminal justice agency engaged in prosecution or defense of a Department inmate pursuant to ARS 31-227.
 - 1.8.6 Claims for a pension allotment, allowance, compensation, insurance or other benefit that are to be presented to the United States or a Bureau or Department thereof.
- 1.9 Payment for information, public records and copy services to the general public shall be made by cash, cashier's check or money order.
- 1.10 ARS '38-413 outlines legal action that may be taken against an employee who overcharges for copying costs.
- 1.11 Only staff authorized by the Deputy Director or Division Directors shall make copies of documents requested by the general public, and they shall collect the copying fee noted on the Request for Information/Document.
- 1.12 When a request for a document is made in person, the person making the request shall render the request in writing. The staff member shall collect the copying fee at the time the documents are delivered.

- 1.13 When a request for a document is made by mail, the fee shall be collected before mailing the documents to the requester. A copy of the completed Request for Information/Document shall be included with the documents in the return mailing.
- 1.14 When responding to a subpoena, relevant documents may be forwarded prior to payment with prior authorization from the General Counsel. A copy of the Request for Information/Document and an itemized bill shall be included with the documents.
- 1.15 A staff member who collects a fee shall prepare an original and two copies of a sequentially numbered receipt for money received.
 - 1.15.1 The staff member shall sign the receipt and enter the date of the transaction, the amount received, the total number of documents or pages copied and the method of payment made by the requester (cash, cashier's check or money order).
 - 1.15.2 The original receipt shall be given or mailed to the requester, one copy shall remain in the receipt book, and the other copy shall be included with the payment and forwarded to the Accounting Manager, Support Services Division, for deposit in the General Fund.
- 1.16 Requests for refunds for overpayment shall be forwarded to the budget unit manager of the unit in which the original transaction occurred. The budget unit manager shall approve refund requests and forward them, with appropriate documentation, to the Chief Financial Officer.
 - 1.16.1 Refund requests approved by the Chief Financial Officer shall be forwarded to the Accounting Unit Manager for processing.
 - 1.16.2 The Financial Services Bureau's Accounting Unit shall mail the refund to the requester.

201.04 PROHIBITIONS - Department employees shall not:

- 1.1 Release confidential information.
- 1.2 Offer personal opinions or interpretations concerning the possible guilt or innocence of a suspect or the credibility of a witness.
- 1.3 Identify crime victims and injured or deceased individuals until the next-of-kin has been notified.
- 1.4 Make comments or express opinions on governmental election issues while on duty, in uniform, at public expense or as a representative of the Department.
- 1.5 Honor requests for information that requires an excessive expenditure of taxpayer funds and/or staff resources. The Department is not required to create documents that do not already exist.

DEFINITIONS

CERTIFIED DOCUMENT - A document(s) that has an affixed notarized statement indicating that the document is a true copy of the official record.

CONFIDENTIAL RECORD - A document(s) that is not accessible to or obtainable by the general public. Confidential files are exempted from the Public Records Law.

MEDIA - For the purpose of this Department Order, Media is channels of communication that serve many diverse functions, such as offering a variety of entertainment with mass or specialized appeal, communicating news and information or displaying advertising messaging.

PUBLIC RECORD - A document(s) made or received by any governmental agency pursuant to law or in connection with the transaction of public business and which may include books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENTS

Attachment A - Records Confidential by Statute

Attachment B - Categories of Public Records

FORMS LISTING

201-1, Request For Information/Document - Legal Services

AUTHORITY

A.A.C. R2-5-105, Personnel Records

A.R.S. 11-593, Reporting of Certain Death, failure to Report; Penalty

A.R.S. 31-221, Master Record File; Information From Other Agencies; Confidentiality of File.

A.R.S. 12-351, Costs of Compliance with Subpoena for Production of Documentary Evidence.

A.R.S. 38-413, Charging Excessive Fees.

A.R.S. 39-121.01, Copies; Printouts or photographs of Public Records

A.R.S. 39-121.03, Request for Copies.

A.R.S. 39-122, Free Searches for Copies of Public Records to be used in Claims against the United States.

A.R.S. 41-1347, Preservation of Public Records.

A.R.S. 41-1350, Definition of Records.

A.R.S. 44-7601, Discarding and disposing of records containing personal identifying information; civil penalty; enforcement; definition.

Records Confidential by Statute

Abandoned property records, documents, information (Department of Revenue)	A.R.S. ' 44-323
Access to and examination of books, accounts, reports, or other records; confidential records exempt from examination	A.R.S. ' 41-735
Accountancy Board records	A.R.S. ' 32-749
Adoption records	A.R.S. ' 8-120, -121
Adult protective services actions	A.R.S. ' 41-1959, 46-454
Adult care homes, investigative records	A.R.S. ' 36-446.10
Agricultural laboratories test results	A.R.S. ' 3-145
Agricultural trade secrets information	A.R.S. ' 3-3121
AHCCCS review committee information	A.R.S. ' 36-2917
AHCCCS records	A.R.S. ' 36-2903
Air pollution control records	A.R.S. ' 49-432
Architecture, assaying, engineering, geology, landscape architecture or land surveying applications	A.R.S. ' 32-129
Arizona Corporation Commission – Information released by Interrogatories	A.R.S. ' 10-1634, 10- 2542
Attorney-client privilege	A.R.S. ' 12-2234
Audit files maintained by Auditor General	A.R.S. ' 41-1279.05
Automobile accident reports	A.R.S. ' 28-675
Banking Department's financial institution records	A.R.S. ' 6-129
Banks and banking, trust and escrow records	A.R.S. ' 6-860
Behavioral health professionals, client communications	A.R.S. ' 32-3283
Behavioral health professionals, credentialing committee	A.R.S. ' 32-3282
Board of Medical Examiners records	A.R.S. ' 32-1451.01
Board of Funeral Directors exam materials	A.R.S. ' 32-1309
Child care group homes, personnel registration information	A.R.S. ' 36-897.03
Child abuse/neglect investigation reports, records	A.R.S. ' 8-546.11

Child fatalities review team records	A.R.S. ' 36-3503
Child Protective Services investigations	A.R.S. ' 41-1959
Child abuse reports/medical records	A.R.S. ' 13-3620
Child immunizations (identifying information)	A.R.S. ' 36-135
Child abuse/neglect records	A.R.S. ' 8-546.07
Chronic disease surveillance system information	A.R.S. ' 36-133
Clearance of records (wrongful arrests, indictment, charges)	A.R.S. ' 13-4051
Clergy privilege	A.R.S. ' 12-2233
Commerce and Economic Development Commission records	A.R.S. ' 41-1505.06
Communicable disease information	A.R.S. ' 36-661 through ' 36-664
Consumer fraud info provided to Attorney General	A.R.S. ' 44-1525
Controlled substances records of registered manufacturers/distributors	A.R.S. ' 36-2523
Corrections Department records	A.R.S. ' 31-221
Crime victim advocate records, juvenile offenses	A.R.S. ' 8-290.19
Criminal history record information	A.R.S. ' 41-1750
Dentists and dentistry complaint investigation	A.R.S. ' 32-1263.02
Dentists and dentistry records	A.R.S. ' 32-1209
Department of Health Service records	A.R.S. ' 36-107, -340, -509, -714 (B)(1)
Department of Environmental Quality pollution prevention records	A.R.S. ' 49-967
Department of Health Service death records used to correct voter registration rolls	A.R.S. ' 16-165
Doctor-patient privilege	A.R.S. ' 12-2235
Doctor-patient privilege waived – unlawful procurement of prescription drugs	A.R.S. ' 13-3412
Domestic relations, conciliation court records	A.R.S. ' 25-381.16
DPS death investigation information	A.R.S. ' 11-593

Drivers license voter registration	A.R.S. ' 16-112
Drug and gang enforcement task force	A.R.S. ' 41-2406
Economic development assistance, application information	A.R.S. ' 41-1505.07
Economic Security Department records	A.R.S. ' 41-1959
Educational records - release governed by federal rules	A.R.S. ' 15-141
Emergency medical services system records	A.R.S. ' 36-2220
Employee access to confidential drug testing records	A.R.S. ' 23-493.09
Employment discrimination charges, informal conciliations	A.R.S. ' 41-1481
Engineer, architect, geologist, or landscape architect registration Applications	A.R.S. ' 32-129
Executive session minutes	A.R.S. ' 38-431.03
Fiduciaries - communications about their misconduct	A.R.S. ' 14-5651
Fingerprint records and other information of deceased persons	A.R.S. ' 11-593 (F)
Geothermal wells data	A.R.S. ' 27-653
Grand jury information disclosure	A.R.S. ' 13-2812
Hazardous waste management records disclosure	A.R.S. ' 49-928
Health care utilization committee proceedings, records, and materials	A.R.S. ' 36-441
Health care institutions records	A.R.S. ' 36-404
Health screening services, records	A.R.S. ' 36-405.01
Health care quality assurance process records	A.R.S. ' 36-2403
Hospital committee review, records of professional practices	A.R.S. ' 36-445.01
Housing discrimination – conciliation agreements to resolve complaints	A.R.S. ' 41-1491.26
Husband-wife privilege	A.R.S. ' 12-2232
Income tax information provided to preparer of return	A.R.S. ' 43-381
Indictment, complaint, and information disclosure	A.R.S. ' 13-2813

Inmate records disclosure	A.R.S. ' 31-221
Insanity defense waiver of physician-patient privilege	A.R.S. ' 13-3993
Insurance administrators, books-records	A.R.S. ' 20-485.03
Insurance administrator records, trade secrets information	A.R.S. ' 20-485.03
Labor and employment information and records of unlawful practices	A.R.S. ' 41-1481, -1482
Library users - records of requests for specific materials or services	A.R.S. ' 41-1354
License plates for law enforcement use, records of issuance	A.R.S. ' 28-317
Life insurance administrators, examination of records	A.R.S. ' 20-485.03
Marketing orders and agreements, fruits and vegetables	A.R.S. ' 3-422
<i>Media witnesses subpoena, protection by lawful privilege</i>	A.R.S. ' 12-2214
Mediation proceedings, exceptions to privilege communication	A.R.S. ' 12-2238
Medical malpractice insurance, reports, claims, and actions	A.R.S. ' 32-1855.02
Medical records and information contained in medical records	A.R.S. ' 12-2292
Mentally ill persons, crimes and offenses	A.R.S. ' 13-3993
Mentally retarded and developmentally disabled persons, financial contribution information	A.R.S. ' 36-562
Midwives, review of names of patients whose records are reviewed during an investigation	A.R.S. ' 36-756.01
Milk handler financial statements	A.R.S. ' 3-609
Mines and minerals, disclosure of trade secret or other confidential information by the Mine Inspector	A.R.S. ' 27-930
Nursing care institutions, records	A.R.S. ' 36-446.10
Occupational therapy complaints	A.R.S. ' 32-3442
Operation game thief program, records	A.R.S. ' 12-2312
Optometry, investigations, grounds for censure, probation or license suspension	A.R.S. ' 32-1744
Optometry, examination records	A.R.S. ' 32-1746

Organ procurement agency records	A.R.S. ' 36-845
Organic food certifications, inspection/investigative information	A.R.S. ' 3-302
Outpatient surgical centers, review of professional practice	A.R.S. ' 36-445.01
Parental rights termination records	A.R.S. ' 8-541, 8-542
Pesticide Board information, reports	A.R.S. ' 3-374
Pharmacists, investigations, records	A.R.S. ' 32-1940
Physical therapy, identity, unprofessional conduct informers	A.R.S. ' 32-2042
Privileged insurance information defined	A.R.S. ' 20-2102
Products liability, product safety analysis or review, reasonable remedial measures	A.R.S. ' 12-687
Professional corporation, professional services, application of law	A.R.S. ' 10-2233
Psychologists and psychiatrists, records, disclosure	A.R.S. ' 12-2291
Psychologists and psychiatrists, investigations	A.R.S. ' 32-2082
Public officers and employees, disclosure or use of information for profit, conflict of interest	A.R.S. ' 38-504
Public service corporation, disclosure	A.R.S. ' 40-204
Racketeering investigations, records of financial institutions	A.R.S. ' 13-2315
Racketeering, records	A.R.S. ' 13-2315
Rental-purchase agreement, collection practices	A.R.S. ' 44-6806
Reporter - informant/source communications are privileged	A.R.S. ' 12-2237
Reports, medical malpractice insurance, claims and actions	A.R.S. ' 32-1855.02
Restraint of trade, investigations reports	A.R.S. ' 44-1406
Revenue Department records relating to tax information	A.R.S. ' 42-108
Sexual offenders registration, fingerprint records, statements, photographs	A.R.S. ' 13-3823
Social services, records	A.R.S. ' 46-135

Superintendent of banks, records	A.R.S. ' 6-129
Tax assessments, property list	A.R.S. ' 42-223
Teacher evaluations	A.R.S. ' 15-537
Technical registration board, records	A.R.S. ' 32-129
Telecommunications, solicitation records	A.R.S. ' 44-1280
Transportation taxes - information obtained in connection with collection procedures	A.R.S. ' 28-1599.31, 28-1599.32 (both Repealed 10/1/97). A.R.S. ' 28-5935, 28-5936 (both effective 10/1/97).
Trust or escrow records; inspection; disclosure; exceptions	A.R.S. ' 6-860
Trustees, trust information, disclosure	A.R.S. ' 6-860
Tuberculosis control records	A.R.S. ' 36-714
Underground storage tanks, records	A.R.S. ' 49-1012
Unemployment insurance tax reports	A.R.S. ' 23-722
Unfair employment practice preliminary reports	A.R.S. ' 41-1482
Uniform reciprocal enforcement of support, testimony of spouse	A.R.S. ' 12-1671
Victims rights to privacy	A.R.S. ' 13-4434
Vital records, disclosure	A.R.S. ' 36-340
Voter registration records of judges, commissioners and peace officers - requests to prohibit public access	A.R.S. ' 16-153
Voter registration records (courts may prohibit public disclosure)	A.R.S. ' 16-153
Water pollution records, reports, etc.	A.R.S. ' 49-205
Wiretapping records	A.R.S. ' 13-3011
Records Involving Privacy Interests:	
Autopsy reports (see Arizona Attorney General Opinion 186-090, 185-097, 188-130)	
Employee addresses and phone numbers (Arizona Attorney General Opinion 191-004)	

CATEGORIES OF PUBLIC RECORDS

The following are categories of records and information available for public dissemination or public inspection as published. Restricted documents and any document, report or record that must be redacted or otherwise reviewed prior to release is not included in this list.

1. Strategic Plans, Goals, and Objectives
2. Annual Reports
3. Governor's Reports
4. Newsletters
5. Budget and Budget Reports
6. Routine Statistical Reports - Corrections at a Glance, 2-Year Population Trends, etc.
7. Recruitment-Related Publications and Brochures
8. Inmate Automated Summary Record
9. General Distribution Written Instructions - Director's Instructions, Department Orders, and Technical Manuals
10. Blank Forms

THIS LIST IS NOT INTENDED TO BE EXHAUSTIVE

EXHIBIT I

MICHAEL K. JEANES
Clerk of the Superior Court
By Carrie Allen, Deputy
Date 05/19/2011 Time 14:03:14
Description Amount
----- CASE# LC2011-00344-001 -----
SP ACT PET RV/ST ADW 301.00
TOTAL AMOUNT 301.00
Receipt# 21381135

1 Daniel C. Barr (Bar No. 010149)
2 Jerica L. Peters (Bar No. 027356)
3 PERKINS COIE LLP
4 2901 N. Central Avenue, Suite 2000
5 Phoenix, AZ 85012-2788
6 Telephone: 602.351.8000
7 Facsimile: 602.648.7000
8 Email: DBarr@perkinscoie.com
9 JPeters@perkinscoie.com
10 DocketPHX@perkinscoie.com

11 *Attorneys for Plaintiff*
12 *Office of the Federal Public Defender for the*
13 *District of Arizona*

14 ARIZONA SUPERIOR COURT

15 MARICOPA COUNTY

16 Office of the Federal Public Defender
17 for the District of Arizona, a Federal
18 Defender Organization,

19 Plaintiff,

20 v.

21 Arizona Department of Corrections, a
22 state agency,

23 Defendant.

No. LC 2011 - 000344 - 001 DT

COMPLAINT FOR SPECIAL ACTION

24 1. The Office of the Federal Public Defender for the District of Arizona is a
25 Federal Defender Organization that operates under the authority of the Criminal Justice
26 Act of 1964, 18 U.S.C. § 3006A.

27 2. The Arizona Department of Corrections (the "ADOC") and the Arizona
28 Department of Administration (the "ADOA") are both state agencies and therefore are
public bodies as defined in A.R.S. § 39-121.01(A)(2).

3. The Office of the Federal Public Defender brings this action and invokes the
jurisdiction of this Court pursuant to A.R.S. § 39-121.02 and Rules 1 and 4 of the Arizona
Rules of Procedure for Special Actions.

1 4. On February 3, 2011, Dale A. Baich, Supervisor of the Capital Habeas Unit
2 of the Office of the Federal Public Defender, made a request to the ADOC under the
3 Arizona Public Records Law, A.R.S. § 39-121 *et seq.* [Exhibit A] Specifically, the letter
4 requested "copies of all communications, correspondence, telephone logs, documents,
5 forms, or other records" pertaining to contacts or communications between:

- 6 a. Arizona Customs Brokers and the ADOC or the ADOA;
- 7 b. The United States Food and Drug Administration and Arizona
8 Customs Brokers in its capacity on behalf of or for the benefit of the
9 ADOC or the ADOA;
- 10 c. The United States Drug Enforcement Administration and Arizona
11 Customs Brokers in its capacity on behalf of or for the benefit of the
12 ADOC or the ADOA;
- 13 d. The United States Customs and Border Protection and Arizona
14 Customs Brokers in its capacity on behalf of or for the benefit of the
15 ADOC or the ADOA;
- 16 e. The United States Food and Drug Administration and the ADOC or
17 the ADOA;
- 18 f. The United States Drug Enforcement Administration and the ADOC
19 or the ADOA; and
- 20 g. The United States Customs and Border Protection and the ADOC or
21 the ADOA.

22 5. On February 15, 2011, Kim Stout in the Office of the Federal Public
23 Defender sent an email to Freda Harris at the ADOC thanking her for following up on the
24 request and providing another copy of the letter as requested. [Exhibit B]

25 6. On February 15, 2011, Ms. Harris emailed Ms. Stout that the request would
26 be handled by Karyn Klausner, the ADOC's legal counsel. [*Id.*]

27 7. On April 19, 2011, Mr. Baich sent an email to Ms. Klausner requesting a
28 response to the public records request. [*Id.*]

1 8. To date, the ADOC has not responded to Mr. Baich's February 3rd public
2 records request.

3 9. Pursuant to A.R.S. § 39-121.01(E), access to a public record is deemed
4 denied if a custodian fails to promptly respond to a request for production of a public
5 record.

6 10. The records requested by the Office of the Federal Public Defender in
7 Exhibit A are necessary to maintain an accurate knowledge of the official activities of the
8 ADOC and are not deemed confidential by any statute. *See* A.R.S. § 39-121.01(B);
9 ADOC Dep't Order 200 Attach. A (listing records that are confidential by statute).
10 Therefore, these records are public records pursuant to A.R.S. § 39-121 *et. seq.* *See*
11 ADOC Dep't Order 200 ("As a public agency, all Department records are public and are
12 subject to disclosure."). [Exhibit C]

13 11. The ADOC's conduct in refusing to provide the Office of the Federal Public
14 Defender with copies of public records violates Arizona law, including, without
15 limitation, A.R.S. § 39-121 and § 39-121.02, and thereby constitutes a failure by a public
16 body and public officials to perform a duty required by law for which they have no
17 discretion.

18 12. The ADOC's refusal to produce these public records exceeds its jurisdiction
19 or legal authority to do so, and has been done in an arbitrary and capricious manner and in
20 bad faith.

21 13. The Office of the Federal Public Defender has no equally plain, speedy, or
22 adequate legal remedy from the actions taken by the ADOC. The Office of the Federal
23 Public Defender will suffer irreparable harm and damage from the ongoing violation of its
24 rights and the public breaches of law, unless the relief requested is granted by means of
25 this Special Action.

26 ...
27
28

1 WHEREFORE, Plaintiff Office of the Federal Public Defender requests that this Court
2 enter an order:

- 3 A. Directing the ADOC to comply with A.R.S. § 39-121 *et seq.* and release the
4 public records requested by the Office of the Federal Public Defender;
5 B. Awarding the Office of the Federal Public Defender its taxable costs in this
6 action and reasonable attorneys' fees pursuant to A.R.S. § 39-121.02(B) and
7 Rule 4(g) of the Arizona Rules of Procedure for Special Actions; and
8 C. Granting the Office of the Federal Public Defender such other and further
9 relief as may be just and proper in these circumstances.

10
11 Dated: May 19, 2011

PERKINS COIE LLP

12
13 By: 

14 Daniel C. Barr
15 Jerica L. Peters
16 2901 N. Central Avenue, Suite 2000
17 Phoenix, AZ 85012-2788
18 Telephone: 602.351.8000
19 Facsimile: 602.648.7000

20 *Attorneys for Plaintiff*
21 *Office of the Federal Public Defender for*
22 *the District of Arizona*
23
24
25
26
27
28

EXHIBIT J

MICHAEL K. JEANES, CLERK
RECEIVED CJD #4
HIGH COURT

11 JUL 21 PM 6:52

THOMAS C. HORNE
ATTORNEY GENERAL
(FIRM STATE BAR NO. 14000)

KENT E. CATTANI (STATE BAR NUMBER 010806)
CHIEF COUNSEL
JEFFREY A. ZICK (STATE BAR NUMBER 018712)
ASSISTANT ATTORNEY GENERAL
CRIMINAL APPEALS/CAPITAL LITIGATION DIVISION
1275 W. WASHINGTON
PHOENIX, ARIZONA 85007-2997
TELEPHONE: (602) 542-4686
KENT.CATTANI@AZAG.GOV
JEFFREY.ZICK@AZAG.GOV

FILED
BY *R. Kie*, DEP

ATTORNEYS FOR PLAINTIFF

ARIZONA SUPERIOR COURT
COUNTY OF MARICOPA

Office of the Federal Public Defender for
the District of Arizona, a Federal
Defender Organization,

PLAINTIFF,
-VS-

Arizona Department of Corrections, a
state agency,

RESPONDENT.

No. LC 2011 – 000344 – 001 DT

ANSWER TO COMPLAINT FOR
SPECIAL ACTION

1. Upon information and belief, Respondent, the Arizona Department of Corrections (“ADC”), admits that Plaintiff is an organization that operates under the authority of the Criminal Justice Act of 1964, 18 U.S.C. § 3006A.

2. Respondent admits the information contained in ¶ 2 of Plaintiff’s complaint.

3. This action was brought by Plaintiff under Rules 1 and 4 of the Arizona Rules of Procedure for Special Actions and this Court has jurisdiction pursuant to A.R.S. § 39-121.02.

4. On February 3, 2011, Plaintiff requested under the Arizona Public Records Law, A.R.S. § 39-121 *et seq.*, pertaining to ADC's procurement of chemicals for use in executions. Specifically, the records requested are listed in ¶ 4 of Plaintiff's complaint.

5. On March 25, 2011, ADC provided responsive records to Plaintiff's request and sent those documents to Dale Baich of the Federal Defender's Office. *See Exhibit A.* ADC did not receive a response from Plaintiff subsequent to the release of these records.

6. On May 19, 2011, rather than clarifying whether additional records would be provided, Plaintiff filed the instant Complaint for Special Action.

7. After receiving a copy of the complaint, the Arizona Attorney General's Office contacted ADC's General Counsel, Karyn Klausner, who indicated that documents containing information similar to what had already been provided, but that also contained confidential information relating to the identity of individuals and entities involved in carrying out executions and ancillary functions, could be released after necessary redactions.

8. The Arizona Attorney General's Office advised counsel for Plaintiff that Respondent would ascertain whether additional documents could be provided and after receiving redacted documents (Exhibit B) from ADC, forwarded them to Plaintiff's counsel on July 14, 2011.

9. A.R.S. § 13-757(C) provides that information identifying individuals who participate or perform ancillary functions in an execution is confidential.

10. The additional documents contained in Exhibit B as well as the documents contained in Exhibit A are the complete records in ADC's possession that are responsive to Plaintiff's request.

WHEREFORE, Respondent requests that this Court enter an order:

A. Finding that Respondent has complied with A.R.S. § 39-121 *et seq.* by releasing all responsive documents in its possession.

B. Dismissing with prejudice Plaintiff's complaint.

Respectfully Submitted this 21st day of July, 2011.

THOMAS C. HORNE
ATTORNEY GENERAL


/s/ Kent E. Cattani
KENT E. CATTANI
CHIEF COUNSEL


JEFFREY A. ZICK
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2011, I electronically filed the foregoing with the Clerk of the Maricopa County Superior Court by using the Court's eFiling Online system.

Copies of the foregoing were deposited for mailing this date to:

DANIEL C. BARR
JERICA L. PETERS
PERKINS COIE, LLP
2901 N. Central Avenue, Suite 2000
Phoenix, AZ 85012-2788
Attorneys for Appellant

/s/ 
BARBARA LINDSAY
Legal Secretary
Criminal Appeals/
Capital Litigation Division
1275 West Washington
Phoenix, Arizona 85007-2997
Telephone: (602) 542-4686

2175142

EXHIBIT A

EXHIBIT 2

From: Kent Cattani
To: Balch, Dale; nancy_rangel@fd.org
Date: 3/25/2011 5:08 PM
Subject: Fwd: Correspondence regarding drug acquisition
Attachments: 20110325160230672.pdf

>>> <cas-ricohmp7500-1@Azaq.gov> 3/25/2011 2:02 PM >>>
This E-mail was sent from "CAS-RicohMP7500-2" (Aficio MP 7500).

Scan Date: 03.25.2011 16:02:30 (-0500)
Queries to: cas-ricohmp7500-1@Azaq.gov

Execution Document Inventory

1. U.S. Food and Drug Administration – Form 701 Inquiry 3 Pages
Inquiry Date: December 8, 2010
2. Letter to U.S. Customs 3 Pages
Letter Dated: September 23, 2010
Attachment: Controlled Substance Registration Certificate (2 pages)
3. Letter to David Thomas, FDA 3 Pages
Letter Dated: September 24, 2010
Attachment: Controlled Substance Registration Certificate (2 pages)
4. Letter to Drug Enforcement Administration 2 Pages
Date Issued: September 24, 2010
Attachment: Controlled Substance Registration Certificate
5. Letter to Deborah Autor, FDA 2 Pages
Letter Dated: November 10, 2010
Attachment: Letter to David Thomas, FDA
6. Letter to Deborah Autor, FDA 1 Page
Letter Dated: January 6, 2011
7. Request for Purchase 2 Pages
Dated: May 14, 2007
Vendor: Physician Sales
8. Request for Purchase 1 Page
Dated: May 16, 2007
Vendor: Cardinal Health
10. Fax to Matt Alavi, Dream Pharma, Ltd 2 Pages
Dated: September 23, 2010
Attachment: Request for Purchase
12. Dream Pharma, Ltd. Invoice 2 Pages
Dated: September 28, 2010
Attachment: Expanded Service International Air Waybill

Execution Document Inventory

13. Fax to Robert Hornyan, Arizona Custom Brokers 6 Pages
Dated: September 29, 2010
Attachment: Email from Charles Flanagan to Matt Alavi regarding Shipment
Attachment: Dream Pharma, Ltd., Invoice Detail
Attachment: FedEx Expanded Service International Air Waybill
Attachment: Copy of Box Label
Attachment: Fax Transmittal
14. U.S. FDA, Notice of FDA Action – Release Statement 1 Page
Dated: September 29, 2010
15. FDA Transmittal 2 Pages
Dated: September 29, 2010
Attachment: U.S. FDA, Notice of FDA Action – Release Statement
16. U.S. Department of Homeland Security – Customs Bond 4 Pages
Dated: September 29, 2010
17. Dream Pharma Ltd., Invoice Details 4 Pages
Dated: October 22, 2010
18. Arizona Custom Brokers – Cargo Release Processing 1 Page
Dated: October 26, 2010
19. Arizona Custom Brokers – Cargo Release Processing 1 Page
Dated: January 7, 2010
20. Thiopental Injection BP 2 Pages
21. Pancuronium Bromide 4 Pages
22. Sterile Potassium Chloride Concentrate 2 Pages

U.S. Food and Drug Administration - Form 701 Inquiry
time: 10:04:51 Sign-on Port: 9900 NATIONAL FINANCE CENTER

date: 12/08/10

ELR/Entry#: (b)(6)(b)(7)(C) USCS line#: 001 FDA line#: 001 Total: 1 D/P: 2605

Entry type: 01 MOT: 40 Arr dt: 101026 (a) HTS: 3004900130 FDA prod cd: 600LK28

Importer of record: (b)(4) Name: ARIZONA DEPARTMENT OF CORRECTIONS

Ultimate consignee: (b)(4) Name: ARIZONA STATE PRISON COMPLEX

FDA Act/Mfr ID: (b)(4) Name: (b)(4)

FDA Act/Shipper: (b)(4) Name: (b)(4)

FDA Product desc: Thiopental Sodium (Anesthetic) National Drug Code: 60000 Rx/

Desc: THIOPEPTAL INJECTION

Affirm. of compliance code/qualifier: /

More? No

Brand name: FDA quantity / UOM

USCS qty/UOM: / USCS o/o : GB (1) (b)(4) BX

USCS value : (b)(4) USCS o/e : (2) / PA

FDA line values: FDA o/prod: GB (3) / MG

Estblshmt ID : Dmns (L): 0 " 0 /16ths (4) 0 /

Storage status: X (W): 0 " 0 /16ths (5) 0 /

ETA PN Confm No: X (H): 0 " 0 /16ths (6) 0 /

U.S. Food and Drug Administration - Form 701 Inquiry
time: 09:58:59 Sign-on Port: 9900 NATIONAL FINANCE CENTER

date: 12/08/10

FLR/Entry#: (b)(6)(b)(7)(C) USCS line#: 001 FDA line#: 001 Total: 3 D/P: 2605

Entry type: 01 MGT: 40 Arr det: 100928 (a) HTS#: 3004909130 FDA prod cd: 600LK28

Importer of record: (b)(4) Name: ARIZONA STATE PRISON COMPLEX

Ultimate consignee: (b)(4) Name: ARIZONA STATE PRISON COMPLEX

FDA Act/Mfg ID: (b)(4) Name: (b)(4)

FDA Act/Shipper: (b)(4) Name: (b)(4)

FDA Product desc: THIOPIENTAL INJECTION Rx/

Desc: THIOPIENTAL INJECTION

Affirm. of compliance code/qualifier: DLS / FA2203571 More? No

Brand name: _____ FDA quantity / UOM

USCS qty/UOM : _____ / _____ USCS c/o : GB (1) (b)(4) / PCS

USCS value : (b)(4) USCS c/e : _____ (2) 0 / _____

FDA line value: _____ FDA c/prod: GB (3) 0 / _____

Establishment ID : _____ Dms (L): 0 " 0 / 16ths (4) 0 / _____

Storage status: _____ X (W): 0 " 0 / 16ths (5) 0 / _____

BTA FN Confm No: _____ X (H): 0 " 0 / 16ths (6) 0 / _____

date: 12/08/10

{U}{?}{E}



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-8487
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 23, 2010

United States Customs
3002 East Old Tower Road, Suite 400
Phoenix, Arizona 85034

Re: Execution by Lethal Injection of Arizona Inmate
Jeffrey Timothy Landrigan #082157

To Whom It May Concern:

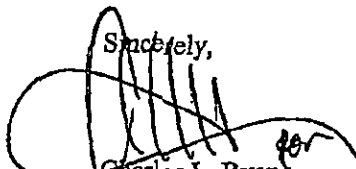
The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from Dream Pharma, Ltd. of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

In order to proceed with the execution we must have the products ordered through Dream Pharma. Our DEA Registration number is: FA2203571 and it expires June 30, 2013. The execution is set by the court for October 26, 2010, and our agency is mandated to advise the court that it possesses the necessary chemicals for the lethal injection protocol as approved, no later than October 1, 2010.

Any steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency in its effort to abide by the court-ordered dates set by the court. Should your agency have any questions, do not hesitate to contact my office directly at (602) 542-5225 or after normal business hours through our command center at (602) 542-1212.

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,


Charles L. Ryan
Director

cc: Charles Planagan, Deputy Director
Robert Patton, Division Director, Offender Operations
Carson McWilliams, Warden, ASPC Florence

ARIZONA STATE PRISON - FLORENCE, CARSON
WARDEN
1305 BUTTE AVE.
P.O. BOX 629
FLORENCE, AZ 85232-0000-000

|||||

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
3,3N,4,5	HOSPITAL/CLINIC	08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 629 FLORENCE, AZ 85232-0000		

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON D.C. 20537

This registration is only for use at Federal or State Institutions.

Sections 304 and 1008 (21 USC 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IT IS NOT VALID AFTER THE EXPIRATION DATE.

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION WASHINGTON D.C. 20537		
DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
3,3N,4,5	HOSPITAL/CLINIC	08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 629 FLORENCE, AZ 85232-0000		

Form DEA-223 (4/87)

This registration is only for use at Federal or State Institutions.

Sections 304 and 1008 (21 USC 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IT IS NOT VALID AFTER THE EXPIRATION DATE.

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	06-30-2013	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
3,3N,4,5	HOSPITAL/CLINIC	08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 629 FLORENCE, AZ 85632-0629		

**CONTROLLED SUBSTANCE/REGULATED CHEMICAL
REGISTRATION CERTIFICATE**
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON D.C. 20537

This registration is only for use at Federal or State institutions.

*Sections 304 and 1008 (21 USC 824 and 858) of the
Controlled Substances Act of 1970, as amended, provide
that the Attorney General may revoke or suspend a
registration to manufacture, distribute, dispense, import or
export a controlled substance.*

**THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF
OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY,
AND IT IS NOT VALID AFTER THE EXPIRATION DATE.**

**REPORT
CHANGES
PROMPTLY**

Form DEA-223 (5-11) (4/07)

**REQUESTING MODIFICATIONS TO YOUR
REGISTRATION CERTIFICATE**

To request a change to your registered name, address, the drug
schedule or the drug codes you handle, please

1. visit our web site at deaindiversion.usdoj.gov - or
2. call our customer Service Center at 1-(800) 882-9539 - or
3. submit your change(s) in writing to:
Drug Enforcement Administration
P.O. Box 28583
Washington, DC 20083

See Title 21 Code of Federal Regulations, Section 1301.51
for complete instructions.

----- You have been registered to handle the following chemical/drug codes: -----



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-6487
www.azcdcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 24, 2010

David Thomas, DCM
FDA Investigations
Food and Drug Administration
Division of Import Operations and Policy
4605 East Elwood Street, Suite 402
Phoenix, Arizona 85040-1948

Re: Execution by Lethal Injection of Arizona Inmate
Jeffrey Timothy Landrigan #082157

Dear Mr. Thomas:


The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from Dream Pharma, Ltd. of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

In order to proceed with the execution we must have the products ordered through Dream Pharma. Our DEA Registration number is: FA2203571 and it expires June 30, 2013. The execution is set by the court for October 26, 2010, and our agency is mandated to advise the court that it possesses the necessary chemicals for the lethal injection protocol as approved, no later than October 1, 2010.

Any steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency in its effort to abide by the court-ordered dates set by the court. Should your agency have any questions, do not hesitate to contact my office directly at (602) 542-5225 or after normal business hours through our command center at (602) 542-1212.

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,


Charles L. Ryan
Director

cc: Charles Flanagan, Deputy Director
Robert Patton, Division Director, Offender Operations
Carson McWilliams, Warden, ASPC Florence

ARIZONA STATE PRISON - FLORENCE, CARSON
WARDEN
1305 BUTTE AVE.
P.O. BOX 829
FLORENCE, AZ 85232-0000-000

|||||

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
3,3N,4,5	HOSPITAL/CLINIC	08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 829 FLORENCE, AZ 85232-0000		

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON D.C. 20537

This registration is only for use at Federal or State Institutions.

Sections 304 and 1008 (21 USC 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IT IS NOT VALID AFTER THE EXPIRATION DATE.

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
3,3N,4,5	HOSPITAL/CLINIC	08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 829 FLORENCE, AZ 85232-0000		

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
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DEA REGISTRATION NUMBER FA2203571	THIS REGISTRATION EXPIRES 05-30-2013	FEE PAID FEE EXEMPT
SCHEDULES 3, 3N, 4, 5	BUSINESS ACTIVITY HOSPITAL/CLINIC	ISSUE DATE 08-25-2010
ARIZONA STATE PRISON - FLORENCE, CARSON WARDEN 1305 BUTTE AVE. P.O. BOX 629 FLORENCE, AZ 85132-0000		

**CONTROLLED SUBSTANCE/REGULATED CHEMICAL
REGISTRATION CERTIFICATE**
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON D.C. 20537

This registration is only for use at Federal or State institutions.

Sections 304 and 1009 (21 USC 824 and 859) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IT IS NOT VALID AFTER THE EXPIRATION DATE.

**REPORT
CHANGES
PROMPTLY**

**REQUESTING MODIFICATIONS TO YOUR
REGISTRATION CERTIFICATE**

To request a change to your registered name, address, the drug schedule or the drug codes you handle, please

1. visit our web site at deaddiversion.usdoj.gov - or
2. call our customer Service Center at 1-(800) 882-2539 - or
3. submit your change(s) in writing to:
Drug Enforcement Administration
P.O. Box 28083
Washington, DC 20083

See Title 21 Code of Federal Regulations, Section 1301.51 for complete instructions.

----- You have been registered to handle the following chemical/drug codes: -----



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 642-5487
www.azadocrections.gov



CHARLES L. RYAN
DIRECTOR

September 24, 2010

Drug Enforcement Administration
Attention: Azelia
3010 North 2nd Street, # 301
Phoenix, Arizona 85012-3055

To Whom It May Concern:

As discussed between my Deputy Director, Charles Flanagan, and Azelia from your Phoenix Office, we are respectfully requesting that you add Schedule 2 drugs to our DEA Registration #FA2203571. The previous request for this certification is under my name and my subordinate employee, Warden Carson McWilliams.

The purpose of this change is to allow the Arizona Department of Corrections to purchase Pentobarbital-Nembutal, which we have been advised is a Schedule 2 drug, in place of Sodium Pentothal (Thiopental-Sodium).

As you are aware this is a time-sensitive and critical request and we greatly appreciate your immediate attention to this issue. We understand that we will receive written confirmation of approval for this request today, with a new registration certificate to follow.

Should you require additional information, please do not hesitate to contact my office:

Robert Patton, Division Director, Operations
1601 West Jefferson Street, MC 410 / Phoenix, Arizona 85007
Direct: (602) 364-3235 / (602) 571-5227 / Fax: (602) 364-0601

Sincerely,

Robert Patton
Division Director, Operations

cc: Charles L. Ryan, Director
Charles Flanagan, Deputy Director
Carson McWilliams, Warden, ASPC-Florence
File

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	Exempt

SCHEDULES	BUSINESS ACTIVITY	DATE ISSUED
2,2N,3 3N,4,5	HOSPITAL/CLINIC	08-25-2010

ARIZONA STATE PRISON - FLORENCE, CARSON A.,
WARDEN
1305 BUTTE AVE.
P.O. BOX 629
FLORENCE, AZ 85232-0000

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON, D.C. 20537

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Form DEA-223 (05/04)

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FA2203571	08-30-2013	Exempt

SCHEDULES	BUSINESS ACTIVITY	DATE ISSUED
2,2N,3 3N,4,5	HOSPITAL/CLINIC	08-25-2010

ARIZONA STATE PRISON - FLORENCE, CARSON A.,
WARDEN
1305 BUTTE AVE.
P.O. BOX 629
FLORENCE, AZ 85232-0000

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON, D.C. 20537

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JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 642-6497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

November 10, 2010

Deborah M. Autor
Director, Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration
10903 New Hampshire Ave, Bldg. 51- Room 5270
Silver Spring, Maryland 20993

Re: Entry #574-0251126-5 Thiopental Sodium

Dear Director Autor:

The Arizona Department of Corrections (ADC) has been awaiting, for over two weeks, the inspection and release of chemicals purchased legally from a company located outside of the United States. We have the shipment in proper storage at our Florence, Arizona facility. Other than a message last week advising us to expect a decision by week's end, and a call on November 9, 2010, from Michael Levey (subsequent to repeated unreturned messages) advising a decision would be made at some undetermined point in the future, my staff have not had success in gaining information regarding the justification of the Food and Drug Administration (FDA) in holding this shipment and preventing the release to ADC. This is contrary to the precedent set by the FDA in releasing a prior shipment.

Given that a much larger shipment of this chemical was successfully entered and released with authorization from the United States Customs Department and the FDA, we respectfully request that you expedite the necessary inspection and release. The delay in this matter is wholly inconsistent with the timely and thorough inspection previously conducted on a much larger shipment of this and other chemicals in September. It is ADC's understanding that the FDA's responsibility in this process extends only to the inspection of the shipment to ensure the labeling and contents are consistent with the information on the bill of lading.

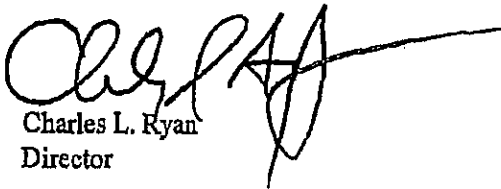
In addition to the previous successful processing through your agency, our legal acquisition of these chemicals was scrutinized extensively in the courts, up to and including the Supreme Court

Deborah M. Autor
Director, Office of Compliance
November 10, 2010
Page 2

of the United States of America. Clearly, our actions were approved and we were allowed to successfully utilize these chemicals as a result.

I look forward to your timely and positive response as well as your agency's release of this shipment.

Sincerely,



Charles L. Ryan
Director

cc: Charles Flanagan, Deputy Director
Robert Patton, Division Director, Operations
Karyn Klausner, General Counsel
Kent Cattani, Assistant Attorney General, Capital Appeals Section
Michael Levy, Division of New Drugs and Labeling Compliance
Daniel Solis, Director, Imports Operations Branch
Evanguel Strickland, Import Supervisor
David Thomas, DCM FDA Investigations, Phoenix Office



JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azdocorrections.gov



CHARLES L. RYAN
DIRECTOR

November 10, 2010

David Thomas, DCM
FDA Investigations
Food and Drug Administration
Division of Import Operations and Policy
4605 East Elwood Street, Suite 402
Phoenix, Arizona 85040-1948

Re: Inspection and Release of Entry #574-0251126-5, Thiopental Sodium

Dear Mr. Thomas:

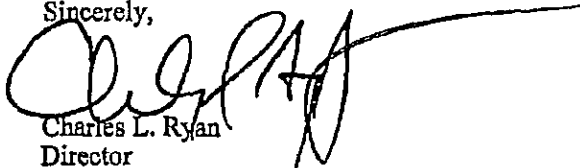
The purpose of this correspondence regards our latest receipt of pharmaceutical products from Dream Pharma, Ltd. of London, England. We placed the order with this company for the purpose of securing the necessary drugs for carrying out prospective execution warrants to be issued by the Arizona Supreme Court.

In order to proceed with the executions we must have the product ordered through Dream Pharma. Our DEA Registration number is: FA2203571 and it expires June 30, 2013. Our agency is mandated to possess the necessary chemicals for the lethal injection protocol as approved. This chemical is not currently available in the United States and will most likely not be available in time for our pending executions.

As you are aware, our prior order was successfully processed following your agency's procedure, and there is a precedent set which we expect will be followed. Any and all steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency. Should your agency have any questions, do not hesitate to contact my office directly at (602) 542-5225 or after normal business hours through our command center at (602) 542-1212.

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,



Charles L. Ryan
Director

cc: Charles Flanagan, Deputy Director
Robert Patton, Division Director, Offender Operations
Carson McWilliams, Warden, ASPC Florence
Deborah M. Autor, Director, Office of Compliance
Michael Levey, Division of New Drugs and Labeling Compliance

Arizona Department of Corrections



JANICE K. BREWER
GOVERNOR

January 6, 2011

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 842-3487
WWW.AZCORRECTIONS.GOV



CHARLES L. RYAN
DIRECTOR

Deborah M. Autor
Director, Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration
10903 New Hampshire Ave, Bldg. 51- Room 5270
Silver Spring, Maryland 20993


Director Autor:

It has been nearly two months since I sent you a letter (November 10, 2010, attached) and two and a half months since your agency failed to "inspect and release" to the Arizona Department of Corrections (ADC) a second shipment of chemicals purchased legally from a company located outside of the United States. As previously communicated to you, this is contrary to the precedent set by the Food and Drug Administration (FDA) in correctly and appropriately releasing a prior shipment to ADC. I have not had any response from you to my letter, nor have I or my staff received any communication from your agency.

It has now been reported in the media that the FDA will exercise "enforcement discretion" and again allow the importation of chemicals for prisoner executions. Further, a quotation attributed to "an FDA spokeswoman" indicated that your agency would "continue to defer to law-enforcement on all matters involving lethal injection". It was also erroneously reported that the previous FDA approval for importation of the first shipment was a local decision. We have evidence that this is not true and followed all rules and regulations, gaining approvals from all appropriate United States Customs and FDA authorities in advance and throughout the process of ordering, shipping and receiving the chemicals.

I reiterate that we have the second shipment of chemicals in proper storage at our Florence, Arizona prison facility. The time is well overdue for a positive response from you authorizing the full release to ADC of the chemicals in our second shipment.

Sincerely,


Charles L. Ryan
Director

cc: Charles Planagan, Deputy Director
Robert Patton, Division Director, Operations
Karyn Klausner, General Counsel
Kent Cattani, Assistant Attorney General, Capital Appeals Section
Michael Levy, Division of New Drugs and Labeling Compliance
Daniel Solis, Director, Imports Operations Branch
Evanguel Strickland, Import Supervisor
David Thomas, DCM FDA Investigations, Phoenix Office

CLR73364107

ARIZONA DEPARTMENT OF CORRECTIONS
REQUEST FOR PURCHASE

Carson McWilliams, Warden

REQUESTED BY: ASPC-Florence TELEPHONE _____

ACTIVITY NAME _____

APPROVAL OF ACTIVITY MANAGER: _____

FINANCIAL SERVICES USE ONLY

☐ PURCHASE ORDER
☐ CLAIM

NO.

ENCUMBRANCE DISTRIBUTION				
ORG. CODE	ACCT. CODE	TASK CODE	OPT. CODE	ACTIVITY CODE

Page 1 of 2

DATE	REQUISITION NO.	AZ. CONTRACT NO.	VENDOR NO.	ORD. CODE	PURCHASING
05/14/07	01529				

SUGGESTED VENDOR - COMPLETE NAME

Physician Sales

SHIP TO

ASPC-Florence
1305 E Butte Ave
P.O. Box 629
Florence, AZ 85232
Attn: Warehouse

LINE NO.	QTY.	UNIT	COMMODITY NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
14	1	bx	556	18 ga 1" Needle	\$4.11	\$4.11
15	4	ea	45025	Kelly 5.5" Straight Clamp	\$19.55	\$78.20
16	1	ea	6110	Antibacterial Soap, 16 oz	\$6.99	\$5.99
17	1	r	8770	1" Paper Adhesive Tape	\$5.20	\$5.20
18	1	r	4431	2" Paper Adhesive Tape	\$5.21	\$5.21
19	1	r	2458	3" Foam Adhesive Tape	\$17.43	\$17.43
20	1	bx		Alcohol Preps	\$1.58	\$1.58
21	8	r		Kling	\$0.47	\$3.76
22	1	bx	31863	Povidone Iodine Swabsticks	\$4.24	\$4.24
23	1	bx	6587	Sterile Gauze 4 x 4	\$5.02	\$5.02
24	1	bx	35546	Non Sterile Gauze	\$2.53	\$2.53
25	8	bx		Sodium Chloride 0.9% 1000cc	\$1.19	\$7.14
25	1	ea	31961	Betadine Soap	\$11.49	\$11.49
26	1	bt	16128	Tincture Of Benzoin	\$6.34	\$6.34
page 1						\$780.84

CAPITAL EXPENDITURE
AUTHORIZATION

DELIVERY
REQUIRED:

TERMS

F.O.B.

SUBTOTAL	\$030.03
TAX	
FREIGHT	\$76.07
TOTAL	\$1,015.15

BUDGET GROUP AUTHORITY

ARIZONA DEPARTMENT OF CORRECTIONS
REQUEST FOR PURCHASE

Carson McWilliams, Warden

REQUESTED BY:

TELEPHONE

ASPC-Florence

ACTIVITY NAME

APPROVAL OF ACTIVITY MANAGER:

FINANCIAL SERVICES USE ONLY

PURCHASE ORDER

CLAIM

NO.

ENCUMBRANCE DISTRIBUTION

ORG. CODE	ACCT. CODE	TASK CODE	OPT. CODE	ACTIVITY CODE

DATE	REQUISITION NO.	AZ. CONTRACT NO.	VENDOR NO.	ORD. CODE	PURCHASING
05/14/07	01529				

SUGGESTED VENDOR - COMPLETE NAME

SHIP TO

Physician Sales

 ASPC-Florence
 1305 E Butte Ave
 P.O. Box 629
 Florence, AZ 85232
 Alpha Warehouse

LINE NO.	QTY.	UNIT	COMMODITY NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	2	ea	8000722	Central Venous Catheters	\$284.53	\$563.06
2	6	ea	1807	IV Admin Line	\$5.13	\$30.78
3	6	ea	8906	IV Admin Line	\$3.03	\$18.18
4	1	bx	88659	Suture 4-0 Nylon	\$53.10	\$53.10
5	1	bx	88667	Suture 3-0 Nylon	\$23.37	\$23.37
6	1	bx	88661	Suture 4-0 Gut Chromic	\$2.38	\$2.38
7	1	bx	40377	Scalpel #10 Blade Disposable	\$4.91	\$4.91
8	1	bx	588	Syringes 5cc Luer-Lok	\$9.35	\$9.35
9	1	bx	4982	Syringes 10cc Luer Lok	\$10.07	\$10.07
10	2	bx	4374	Syringes 60 cc Luer-Lok	\$11.20	\$22.40
11	1	bx	9387	Syringes 3 cc 22 ga Needle	\$8.11	\$8.11
12	1	bx	5155	27 ga 1 1/4" Needle	\$10.03	\$10.03
13	1	bx	568	16 ga 1 1/2" Needle	\$25.10	\$25.10

CAPITAL EXPENDITURE
AUTHORIZATIONDELIVERY
REQUIRED:

TERMS

F.O.B.

SUBTOTAL

TAX

FREIGHT

TOTAL

\$780.84

BUDGET GROUP AUTHORITY

WHITE: ORIGINAL

CANARY: CONFIRMATION

PINK: ACTIVITY

GOLDENROD: REQUESTER

303-2P
12/97

ARIZONA DEPARTMENT OF CORRECTIONS
REQUEST FOR PURCHASE

Carson McWilliams, Warden

REQUESTED BY:

ASPC-Florence

TELEPHONE

ACTIVITY NAME

APPROVAL OF ACTIVITY MANAGER:

FINANCIAL SERVICES USE ONLY

☐ PURCHASE ORDER

☐ CLAIM

NO.

ENCUMBRANCE DISTRIBUTION

ORG. CODE	ALCT. CODE	TASK CODE	OPT. CODE	ACTIVITY CODE

DATE	REQUISITION NO.	AZ. CONTRACT NO.	VENDOR NO.	ORD. CODE	PURCHASING
05/16/07	50106				

SUGGESTED VENDOR - COMPLETE NAME

SHIP TO

Cardinal Health
800 N 83rd Ave
Tolleson, AZ 85353

ASPC-Florence
1305 E Butte Ave
P.O. Box 629
Florence, AZ 85232
Attn: Warehouse

LINE NO.	QTY.	UNIT	COMMODITY NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	1	ct	1510775	Lorazepam, 1MG/5x100ML	\$21.73	\$21.73
2	1	ct	3776358	Lorazepam 2mg/10x1ml	\$8.53	\$8.53
3	1	ct	3682853	Midazolam 1MG/ML 10x1ML	\$4.46	\$4.46
4	2	ct	1246388	Heparin LCK FL 100U/ML 25	\$13.37	\$26.74
5	4	ct	1736933	Pancuronium 1MG/ML 25x1M	\$39.60	\$158.40
6	2	ct	1293844	Potassium CL 2MEQ/ML 26x20	\$8.17	\$16.34
7	1	ct	1165844	Sodium CL 0.9% 25x100ML	\$59.64	\$59.64
8	1	ct	1294206	Water, 25x60ML Strl Inj	\$18.07	\$18.07
9	1	ea	1302678	Xylocaine 1% 20ML	\$1.71	\$1.71
10	1	ea	1302660	Xylocaine 2% 20ML DNTL	\$2.20	\$2.20
11	1	ea	1276971	Xylocaine/EPI 1-0.001% 20ML	\$1.91	\$1.91
12	1	ea	1276963	Xylocaine/EPI 2-0.001% 20ML	\$2.07	\$2.07
13	1	ea	1597509	Ammonia Aromatic 12x0.33M	\$1.54	\$1.54
14	2	ct	3717915	Pentothal 1GM 25VL	\$302.49	\$604.98
						\$928.32

CAPITAL EXPENDITURE
AUTHORIZATION

DELIVERY
REQUIRED:

TERMS

F.O.B.

SUBTOTAL	C	
TAX	C	
FREIGHT	C	\$928.32
TOTAL	C	

NO.

BUDGET GROUP AUTHORITY

WHITE: ORIGINAL

CANARY: CONFIRMATION

PINK: ACTIVITY

GOLDENROD: REQUESTER

202/SP
12/97

Procurement Services
1801 W. Jefferson, M/C 55302
Phoenix, AZ 85007
(802) 542-1172
Fax: (802) 384-3780

**AZ Department of
Corrections**

Fax

To:	Matt Alavi	From:	Karen Ingram, Contracts Manager
Company/ Institution:	Dream Pharma, LTd 178 Horn Lane Acton, London W3 6PJ	Pages:	1
Fax:	44 208-992-7001	Date:	9/23/10
Phone:	44-208-992-7000	Re:	Urgent Order USA

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:** THIS ORDER MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN OCTOBER 1, 2010.

Based on previous conversations between the Arizona Department of Corrections, we are placing the following order:

- THIOPENTAL INJECTION** (powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's)
Item Cost: £196.76 (pounds Sterling)
Quantity: 6 packs
- PANCURONIUM INJECTION** (pancuronium bromide 2 mg/ml, 2-ml amp)
Item Cost: Awaiting cost from Vendor - please confirm the price once obtained
Quantity: 450 amp
- POTASSIUM CHLORIDE** (1.5gm, 10ml, Injection packs of 10)
Item Cost: £15.55
Quantity: 18 packs

Payment for this order will be by credit card, to be provided via telephone. Please contact me for additional information.

Karen Ingram
p: 602-364-3741

ARIZONA DEPARTMENT OF CORRECTIONS

Request for Purchase / Purchase Order

Purchase Order Number

E1L50058

RFP Number 80089	Activity Manager and Date* <i>D. Clat</i> 10/13/10	AZ Contract Number
Budget Unit ASPC-F WARDEN	Budget Group Authority and Date* <i>C. M.</i> 10/13/10	Purchasing and Date*
Date Prepared 10/13/2010	Index 06004	PCA
Requestor and Phone* CARSON MCWILLIAMS 620-868-4011	Compt Obj 7861	Vendor Number and Mail Code
Vendor DREAM PHARMA LTD. 176 HORN LANE ACTON, LONDON, W3 6PJ Phone Number 44-208-922-7000 FX:44-208-992-7001	Ship To ASPC-FLORENCE 1305 E BUTTE AVE FLORENCE, AZ 85132 Attn and M/C CARSON MCWILLIAMS, WARDEI	Bill To ASPC-FLORENCE P.O. BOX 829 FLORENCE, AZ 85132 Customer Number

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	11	PK		THIOPENTAL INJECTION, POWDER FOR RECONSTITUTION, THIOPENTAL SODIUM, 500-mg VIAL PACKS OF 25'S		
Delivery Required Terms** FOB					Subtotal	
Received and Date* - I certify this order received except as noted above.					Tax	
					Freight	
					Total	

* Requires signature
 - Signature must be on Co with Financial Services Bureau as authorized to sign RFP
 - Signature must be on Co with the Financial Services Bureau as authorized to sign amendments/purchase orders
 - See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date**

Distribution: Original - Vendor

Copy - Accounting

Copy - Budget Group Authority

Copy - Receiver

Copy - Purchasing

322-2P
1/24/02

Invoice Details

Number: 2678INV

Date: 28-09-2010

Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
Tel: 602-364-3791

Delivery Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
602-364-3791

VAT no:

Purchase Order:

Currency: GBP - Pounds sterling

Heading: PHARMACEUTICALS NOT RESTRICTED

Order Details

Name/Description	Quantity	Price	Total
Thiopental Injection, powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's Batch No: AW6022 EXP: 05/14	8	198.75	1180.6
POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 Batch No: 002067 EXP: 01/13	16	15.55	279.9
Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's Batch No: 949064 EXP: 11/11	45	58.73	2642.85
Special delivery charges	1	150	150

Statement Details

Goods Total: 4253.25	Subtotal: 4528.25
Discount (%): 0	VAT (World Zero): 0.00
Delivery: 275	Previous Balance: 0
Insurance: 0	Total: 4528.25 GBP - Pounds sterling
	Payment Method: Prepayment Thank You

Shipping Details

Packing: ONE BOX	Gross Weight (Kg): 25 Net Weight (Kg): 21.25
Tariff: 30049099	Carrier: FEDEX
Declarations: We certify that this invoice is true and correct.	Matt Alavi, for Dream Pharma Ltd. 176 Horn Lane Acton, London W3 6PJ Tel: 020-8992-7000 Fax: 020-8992-7001

Damage, shortage or leakage must be notified in writing to ourselves within 3 days. Non-Delivery within 14 days. Goods remain the property of Dream Pharma Ltd. Until full payment has been received. Subject to our standard conditions of sale. E&OE

Company Registration Number: 4637884 VAT No. GB805-554

Director: M. Alavi

receipt of all items
listed 9/29/10
Leslie P. Boothby
9/29/10 1520

Deputy Director
Copy PB
9/29/10 1610

Expanded Service International Air Waybill

For addresses originating in Europe, the Middle East, Africa, and the Indian Subcontinent with services including express freight service, dangerous goods, broker select, and letter of credit.

PORT OF ENTRY: PHOENIX,
ARIZONA

PORT OF UNLADEN: MEMPHIS, TN

The World On Time.

Not all services and policies are available in all jurisdictions.

4a Express Package Service <input checked="" type="checkbox"/> FedEx Int. Priority <input type="checkbox"/> _____		Packages up to 250 lbs. / 221 kg <input checked="" type="checkbox"/> FedEx Int. First <small>Available to select locations. Higher rates apply.</small> <input type="checkbox"/> FedEx Int. Economy <small>Not available for over 100 pounds.</small>	<input type="checkbox"/> FEDEX FedEx Europe First <small>option for FedEx Int. Priority Next-day peak-season delivery to select European locations. Not for options.</small>
4b Express Freight Service <input type="checkbox"/> FedEx Int. Priority Freight <input type="checkbox"/> FedEx Int. Economy Freight		Packages over 250 lbs. / 221 kg Handling Charges Please call our local FedEx office to learn details.	

5 Packaging *Use Pallets Not Priority and FedEx Express Plus only

☐ FedEx Envelope ☐ FedEx Pak ☐ FedEx Box ☐ FedEx Tube

☒ Other _____ ☐ FedEx Pkg Box® ☐ FedEx Sling Box®

6a Special Handling

SHIELD in Location
 Available for FedEx Int. Priority and FedEx Int. Economy only
 Where this additional service is designated (specify):
 (See last sheet for the international district)

☒ No ☐ Yes ☐ Yes Receiver's Signature and Signature Confirmation

SATURDAY Delivery
 Available by contract agreement for FedEx Int. Priority and FedEx Int. Economy freight only

☐ Dry Ice _____ to _____
 Dry Ice, 2, 000 lbs. _____ to _____

☐ Cargo Aircraft Only

Emergency Salesperson
Not available with Product Key, Near or Fully Exhausted Plan.

☒ **Full-Service Salesperson**
To qualify, a salesperson must have Public

Arizona Systems Brokers

City/State/Zip/Phone: **PHOENIX, ARIZONA U.S.A.**

227/Phone No: **9564011** **(602) 273-0912**

7. Payment of transportation charges to:
☒ Sender (I will be paid) ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash
 City/State/Zip: 267-253-8773 Folio Due Day

☐ Sender: Add fee to account and bill later.
☒ Recipient: Bill me.
☐ Third Party: Bill someone else.

All shipments must be subject to Customs clearance. Please allow 4-6 weeks and postpone prior to shipment.

Your Internal Billing Reference

Required Signature

Use of this AB World assumes your agreement to the FedEx Conditions of Carriage for CMAA, as set forth of which is reproduced on the back of this AB World. Certain international treaties, including the Warsaw Convention, may apply to this Agreement and limit our liability for damage, loss, or delay, as described in our Conditions of Carriage for CMAA.

Sender's
Signature: Mr. Kim
Do not hesitate to follow the signed witness's signature.
Filer
Filing Date: 28/09/12

Ship and track packages at ledex.com

8721 3648 1249 0461

533

PORT FINEST (EMCA) • Port, Cuts 400
0128-222 Poles • PRINTED IN U.S.A.

K to Port. Leslie P. BOOTH

0251 01/29/10

1 From Please print and print legibly
Date 09/27/10 Sender's Facility 267-255-873
Address 176 Horn Lane
City ACTON State Province LONDON
Country LONDON, UK. Postal Code W3 6PS
Sender's VATTUW Number
REQUIRED for international shipments.

To

(WARDEN)

Recipient's Name CARSON MCWILLIAMS (602-364-3791)

Company ARIZONA STATE PRISON COMPLEX

Address 1305 BUTTE AVE. FLORENCE

Address P.O. Box 629

FLORENCE

State Province ARIZONA

Country U.S.A.

Zip Postal Code 85232

Recipient's Tax ID Number for Customs Purposes
e.g., B2C9NXXGKJLHXXXXX or other valid

3. **Supplemental Information** ☐ For US Ship Only: Have 8 goods on US in free circulation and provide I.C.I.

Export Packages: 1 13.90 ☐ 48.48 ☒ 48.48
Total Value and Count: 1 13.90 ☐ 48.48 ☒ 48.48

Commodity Classification BECOM SPECIFIED	Harmonized Code	Country of Manufacture	Value for Customs DUTY/FREE
<p>PHARMACEUTICALS RESTRICTED</p> <p>Example: 1 man's built-up pants, no parts, synthetic</p> <p>COPIES IN 250000</p> <p>Tara R. Diaz Deputy warden of Operations</p>	30014017	USA	4532.25
<p>Total Special Value for Carriage</p> <p>± 4253.25</p>	<p>Special Customs Currency for Value for Carriage and Value for Customs used for the same.</p> <p>± 60P</p>		4532.25

For Completion Instructions, see back of fifth page.

Questions?
Go to our Web site at Fedex.com
or
Call your local FedEx office.

For a full overview of our Conditions of Carriage, please go to our Web site at fag.az.com.
Non-Stop/Intercontinental Air Freight • ©1994-2001 FedEx

8721 3648 1249 0461

533

POST 120000 EMEA - Reg. Date 4/98
 01 000-0000 0000 - 000000 00 00 00

OK to Pay. Leslie P. Boothroy
8/29/10 1520



ARIZONA DEPARTMENT OF CORRECTIONS

DIRECTOR'S OFFICE

1601 West Jefferson Street / MC 445
Phoenix, Arizona 85004

FACSIMILE TRANSMITTAL

TO	Robert Hornyan	FROM	Charles Flanagan
COMPANY	Arizona Customs Brokers	COMPANY	ADC
TELEPHONE	602-273-0912	TELEPHONE	602-542-3611
FAX	602-273-1842	FAX	602-364-0604
DATE	September 29, 2010	# OF PAGES	4

COMMENTS:

Attached is the correspondence which Deputy Director Charles Flanagan has attempted to send you via email.

Thank you!

If you do not receive this facsimile in its entirety, please contact (602) 542-2318.

Thank you.

From: CHARLES FLANAGAN
To: CHARLES FLANAGAN
Date: 9/28/2010 8:33 AM
Subject: Fwd: Invoice along with FedEx document
Attachments: 2679inv.pdf

>>> "Alavi(gmail)" <alavi60@gmail.com> 9/28/2010 3:05 AM >>>
28-09-10

Dear Mr. Flanagan,
Attached please find a copy of your invoice along with FedEx document for the products you had requested.

The goods have been given to FedEx.

Your FedEx tracking number 8721 3648 1249

Academically you should receive the parcel, if nothing goes wrong, tomorrow by 4:00PM

>>> "Alavi(gmail)" <alavi60@gmail.com> 9/27/2010 10:18 AM >>>

Dear Mr. Flanagan,

Tomorrow I will send you a copy of FedEx AWB document.

I have communicated with FedEx regarding your instruction (i.e Port of Entry shall be Phoenix, Arizona, and Memphis, Tennessee as port of Unladen)

I have also requested the parcel to take top priority, which is extra cost.

What I cannot provide is FedEx's departure time. I think the flight leaves UK to France, then to Memphis.

The parcel can be tracked online at any given time.

I think your agent "Arizona Customs Brokers" will be able to communicate with FedEx the flight status as soon as it lands in Memphis or prior to landing.

I have now received:

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10

as well as

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp, please note "Pancuronium" is a refrigerated item. I will pack them in a polystyrene box, with gel ice. I will also mark the box as cool item. Deliver ASAP. Refrigerated immediately upon arrival.

Regards,
Matt

Matt:

Yes, thank you. To confirm, everything will be in a single shipment. Please confirm the tracking number, but also the following:

- Air Way Bill number and carrier (assume Fed Ex)
- Departure time.
- Destination (assume Memphis as port of unladen and Phoenix,

Arizona

as final destination port of entry)

Thanks much.

Charles

Dream Pharma Ltd.

176 Horn Lane, Acton, London, W3 6PJ
Tel: 020 8892 7000 Fax: 020 8892 7001
E-Mail: info@dreampharma.com

Invoice Details

Number: 2679INV

Date: 28-09-2010

Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
Tel: 602-364-3791

Delivery Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
602-364-3791

VAT no:

Purchase Order:

Currency: GBP - Pounds sterling

Heading: PHARMACEUTICALS NOT RESTRICTED

Order Details

Name/Description	Quantity	Price	Total
Thiopental Injection, powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's Batch No: AW6022 EXP: 05/14	6	196.75	1180.5
POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 Batch No: 002087 EXP: 01/13	18	15.55	279.9
Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's Batch No: 948084 EXP: 11/11	45	58.73	2642.85
Special delivery charges	1	160	160

Statement Details

Goods Total: 4253.25	Subtotal: 4528.25
Discount (%): 0	VAT (World Zero): 0.00
Delivery: 275	Previous Balance: 0
Insurance: 0	Total: 4528.25 GBP - Pounds sterling
	Payment Method: Prepayment Thank You

Shipping Details

Packing: ONE BOX	Gross Weight (Kg): 25 Net Weight (Kg): 21.25
Tariff: 30048098	Carrier: FEDEX
Declarations: We certify that this invoice is true and correct.	Matt Alavi, for Dream Pharma Ltd. 176 Horn Lane Acton, London W3 6PJ Tel: 020-8892-7000 Fax: 020-8892-7001

Damage, shortage or leakage must be notified in writing to ourselves within 3 days. Non-Delivery within 14 days. Goods remain the property of Dream Pharma Ltd. Until full payment has been received. Subject to our standard conditions of sale. E&OE

Company Registration Number: 4637884 VAT No. GB805-5541-41
Director: M. Alavi

**Expanded Service
International Air Waybill**

For shipments originating in Europe, the Middle East, Africa, and the Indian Subcontinent with services including express freight services, dangerous goods, broker select, and letter of credit.

PORT OF ENTRY: PHOENIX,
ARIZONA

POINT OF UNLOADING: MEMPHIS, TN

The World On Time.

Not all services and options are available to all destinations.

1 From Acco. info not provided
Date 09/07/10 Sender's FedEx Account Number 267-253-873
Sender's Name DAE MATT ALAVE Phone 0208.992-7000
Company DREAM PHARMA LTD.
Address 176 HORN LANE
Address
City ACTON State/Province LONDON
Country LONDON, UK. Postal Code W3 6PJ
Sender's VAYTURN Number
Actual Date of Delivery 09/07/10

2 To (WARDEN)
 Recipient's Name CARSON MCWILLIAMS (602-364-3791)
 Company ARIZONA STATE PRISON COMPLEX
 Address 1305 BUTTE AVE. (FLORENCE)
 Address P.O. Box 629
 City FLORENCE State ARIZONA
 Country U.S.A. Zip Postal Code 85232
 Recipient's Tax ID Number for Customs Purposes
 no. 00000000000000000000000000000000

3 Shipment information ☐ For EU Only: Do not use this area to define destination and provide a...

Total Pounds as
Carriers total and converted 1 Total Weight 13.80 ☒ lb. ☐ kg 4814/49 ☐ oz. ☒ g

Commodity Description DETAIL REQUIRED	Harmonized Code	Country of Manufacture	Value for Customs REQUIRED
PHARMACEUTICALS Example: 1 - men's knitted shirt 100 percent cotton	30064099	USA	4538.4
RESTRICTED			
COMPLETE IN ENTRY 1311.			
Net Weight Value for Duties	Specify Country Origin for Value for Duties and Value for Customs entry for each item.		Total Value for Customs
\$4253.25	\$GBP		4538.4

For Completion Instructions, see back of fifth page.

Questions?
Go to our Web site at fedex.com
or
Call your local FedEx office.

For a full version of our Conditions of Carriage, please go to our Web site at edg.com.
Also available by air mail or Air Mail® CD 194-2000 FedEx

[illegible]

b Payment Bill dates and costs for All payments may be subject to Company charges.
which would not amount prior to an arrival.


☐ Sender Account Section 6031104 ☒ Recipient ☐ Third Party

(over) From And To Address

Your Internal Billing Reference **Franklin & Marshall College**

Required Signature

Use of this Air Waybill constitutes your agreement to the FedEx Conditions of Carriage for EMEA, an exhibit of which is reproduced on the back of this Air Waybill. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in our Conditions of Carriage for EMEA.

Signature: 

We warrant that the person who signed this document is authorized to sign for this shipment.

FedEx
Courier Receipt

Date: 28/09/10

For terms of service, please refer to the back of this document.

 Ship and track packages at fedex.com

8721 3648 1249 0461

1533

FAST 13347 ENCL - Rev. Date 4/78
0134-228 FILE - PRINTED 4/78

COPY OF BOX LABEL

Delivery Address:

Arizona State Prison Complex - Florence
Attention: Carson McWilliams, Warden
1305 Butte Avenue
Post Office Box 629
Florence, Arizona
85232
602-364-3791

ATT: Arizona Customs Brokers

2153 E. Jones Ave.
Phoenix, Arizona 85040, USA
Robert Hornyman, President/Broker
(602) 273-0912

**Port of Entry shall be Phoenix, Arizona,
without fail**

Port of Unladen Memphis, Tennessee

MEMORY TRANSMISSION REPORT

TIME : 09-28-'10 09:00
 FAX NO.1 : 602-364-0601
 NAME : ADC Directors Office

FILE NO. : 565
 DATE : 09.28 08:59
 TO : 92731842
 DOCUMENT PAGES : 5
 START TIME : 09.28 08:59
 END TIME : 09.28 09:00
 PAGES SENT : 5
 STATUS : OK

*** SUCCESSFUL TX NOTICE ***



ARIZONA DEPARTMENT OF CORRECTIONS
 DIRECTOR'S OFFICE
 1601 West Jefferson Street / MC 443
 Phoenix, Arizona 85004

FACSIMILE TRANSMITTAL

TO	Robert Hornyan	FROM	Charles Flanagan
COMPANY	Arizona Customs Brokers	COMPANY	ADC
TELEPHONE	602-273-0912	TELEPHONE	602-542-3611
FAX	602-273-1842	FAX	602-364-0604
DATE	September 29, 2010	# OF PAGES	4

COMMENTS:

Attached is the correspondence which Deputy Director Charles Flanagan has attempted to send you via email.
 Thank you!

If you do not receive this facsimile in its entirety, please contact (602) 542-2318.
 Thank you.

RECEIVED

United States Food and Drug Administration

Los Angeles District Office

Notice of FDA Action

OCT 29 2010

DEPUTY DIRECTOR'S OFFICE

Entry Number: 574-0250322-1

Notice Number: 1
September 29, 2010

Consignee:
Arizona State Prison Complex
1305 Butte Ave
Florence, AZ 85232

Port of Entry: 2605, Phoenix, AZ
Carrier: FEDERAL EXPRESS;
Date Received: September 29, 2010
Arrival Date: September 28, 2010

Filer of Record: Arizona Customs Brokers, Phoenix, AZ 85040
Importer of Record: Arizona Department Of Correction, Phoenix, AZ 85007-3002

COMMERCIAL ENTRY CLOSED

Summary of Current Status of Individual Lines

Line ACS/FDA	Product Description	Quantity	Current Status
001/001	THIOPENTAL SODIUM 500 MG	6 BX	Released 09-29-2010
002/001	PANCURONIUM INJECTION	450 PC	Line Split
002/001A	PANCURONIUM BROMIDE	45 BX	Released 09-29-2010
002/001B	POTASSIUM CHLORIDE INJECTIBLE	18 BX	Released 09-29-2010

* = Status change since the previous notice. Read carefully the sections which follow for important information regarding these lines.

@ = Consignee ID

This is the final notice concerning entry 574-0250322-1. Any status changes are reflected in the Line summary and line detail sections.

David C. Thomas, Investigator
U.S. Food & Drug Administration
51 W. 3rd Street, Suite E-265
Tempe, AZ 85281

(480) 628-7398 ext. 12
(480) 628-7677 (FAX)
DAVID.THOMAS@FDA.HHS.GOV

Notice Prepared For: The District Director, U.S. Food and Drug Administration
Notice Prepared By: DCT



U.S. Food and Drug Administration
Import Operations, Phoenix Office
51 Third Street, Suite B-265
Tempe, AZ 85281

FACSIMILE TRANSMISSION RECORD

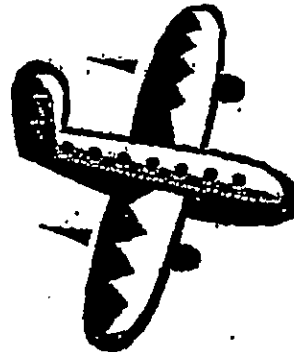
DATE: 9-29-2010
TO: CHARLES FLANNERY
FAX: 602-364-0601
FROM: Dave Thomas, Imports Investigator
Email: david.thomas@fda.hhs.gov
OFFICE: (480) 829-7396 x 12 FAX: (480) 829-7677

NUMBER OF PAGES INCLUDING COVER: 2

COMMENTS:

RECORDS DEPT

IMPORT OPERATIONS



LOS ANGELES DISTRICT, PHOENIX OFFICE
SEA/AIRPORTS

Note: Use of this Facsimile is for OFFICIAL BUSINESS ONLY. The transmission of the facsimile is intended to be for the person whom it is directed. Anyone handling this facsimile message should treat it as privileged information. Furthermore, non-government officers should not use the facsimile numbers listed above to transmit unsolicited information.

United States Food and Drug Administration

Los Angeles District Office

Notice of FDA Action

Entry Number: 574-0250322-1

Notice Number: 1
September 29, 2010

Importer:

Arizona Department Of Correction
1601 W Jefferson St
Phoenix, AZ 85007-3002Port of Entry: 2605, Phoenix, AZ
Carrier: FEDERAL EXPRESS;
Date Received: September 29, 2010
Arrival Date: September 28, 2010Filer of Record: Arizona Customs Brokers, Phoenix, AZ 85040
Consignee: Arizona State Prison Complex, Florence, AZ 85232**COMMERCIAL ENTRY CLOSED**Summary of Current Status of Individual Lines

Line ACS/FDA	Product Description	Quantity	Current Status
001/001	THIOPENTAL SODIUM 500 MG	6 BX	Released 09-29-2010
002/001	PANCURONIUM INJECTION	450 PC	Line Split
002/001A	PANCURONIUM BROMIDE	45 BX	Released 09-29-2010
002/001B	POTASSIUM CHLORIDE INJECTIBLE	18 BX	Released 09-29-2010

* = Status change since the previous notice. Read carefully the sections which follow for important information regarding these lines.

@ = Consignee ID

This is the final notice concerning entry 574-0250322-1. Any status changes are reflected in the Line summary and line detail sections.

David C. Thomas, Investigator
U.S. Food & Drug Administration
51 W. 3rd Street, Suite E-265
Tempe, AZ 85281(480) 829-7388 ext. 12
(480) 829-7577 (FAX)
DAVID.THOMAS@FDA.HHS.GOVNotice Prepared For: The District Director, U.S. Food and Drug Administration
Notice Prepared By: DGT

574	4211009	BATHOLICK	CBS HEAD REPORTING BOND
3. SCHSHS SECTION 10 & 11 1. TID 2. WISE 3. AUTO 4. ACCORD 5. FGA		6. SCHSHS SECTION 10 & 11 1. TID 2. WISE 3. AUTO 4. ACCORD 5. FGA 7. CB/OSP 8. OTHER-NOT LISTED ABOVE	
ALL INFORMATION REQUIRED-ONE MUST COMPLETE			

**U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection
CUSTOMS BOND**

CMB No. 1651-0050 Exp. 12-31-2010
BOND NUMBER 1 (Assigned by CBP)

CBP USE ONLY	FILE REFERENCE
--------------------	----------------

18 CFR Part 113

In order to secure payment of any duty, tax or charge and compliance with law or regulation as a result of activity covered by any condition referenced below, we, the below named principal(s) and surety(s), bind ourselves to the United States in the amount or amounts, as set forth below.

Execution Date
09.29.10

SECTION I- Select Single Transaction OR Continuous Bond (not both) and fill in the applicable blank space.

<input checked="" type="checkbox"/> SINGLE TRANSACTION BOND	Identification of transaction, secured by this bond (e.g., entry no., measure no., etc.) 574-0250322-1	Date of transaction 09.29.10	Bond Code 2605
<input type="checkbox"/> CONTINUOUS BOND	Effective date	This bond remains in force for one year beginning with the effective date and for each succeeding annual period, or until terminated. This bond constitutes a separate bond for each period in the amounts listed below for liabilities that accrue in each period. The intention to terminate this bond must be conveyed within the period and manner prescribed in the Customs Regulations.	

SECTION II- This bond includes the following agreements. 2 (Check one box only, except that, 1a may be checked independently or with 1, and 3a may be checked independently or with 3. Line out all other parts of this section that are not used.)

Activity Code	Activity Name and Customs Regulations in which conditions codified	Limit of Liability	Activity Code	Activity Name and Customs Regulations in which conditions codified	Limit of Liability
<input checked="" type="checkbox"/> 1	Importer or broker	113.62	<input type="checkbox"/> 5	Public Danger	N/A
<input type="checkbox"/> 1a	Brewery-Payment-Refunds	113.63	<input type="checkbox"/> 6	Wool & Fur Products-labeling-Auth	N/A
<input type="checkbox"/> 2	Escrower of bonded merchandise (includes bonded carriers, freight forwarders, partners and lightermen, all classes of warehouse, container station operators)	113.63	<input type="checkbox"/> 7	Bill of Lading (Single Entry Only)	N/A
<input type="checkbox"/> 3	International Carrier	113.64	<input type="checkbox"/> 8	Retention of Copyrighted Material (Single Entry Only)	N/A
<input type="checkbox"/> 3a	Instruments of International Trade	113.64	<input type="checkbox"/> 9	Neutrality (Single Entry Only)	N/A
<input type="checkbox"/> 4	Foreign Trade Zone Operator	113.65	<input type="checkbox"/> 10	Quarantine-Quarantined Goods (Single Entry Only)	N/A

SECTION III- List below all trademarks or unincorporated divisions that will be permitted to obligate this bond in the principal's name including their CBP Identification Number(s). 3 (If more space is needed, use section III (Continuation) on back of form.)

Importer Number	Importer Name	Importer Number	Importer Name
N/A	N/A	N/A	N/A
Total number of Importer names listed in Section III: N/A			


Principal and surety agree that any charge against the bond under any of the listed names is not through it was made by the principal(s).

Principal and surety agree that they are bound to the same extent as if they executed a separate bond covering each and all conditions incorporated by reference to the Customs Regulations into this bond.

If the surety fails to appoint an agent under Title 18, United States Code, Section 7, surety consents to service on the Clerk of any United States District Court or the U.S. Court of International Trade, where suit is brought on this bond. That clerk is to send notice of the service to the surety at

Mailing Address Requested by the Surety

WASHINGTON INTERNATIONAL INSURANCE COMPANY
C/O ROANOKE TRADE SERVICES, INC.
1475 E. WOODFIELD ROAD SUITE 500
SCHAUMBURG, IL 60173

PRINCIPAL¹	Name and Address ¹	Importer No. ¹	SEAL
	Arizona Department of Corrections 1601 W. Jefferson St Phoenix, AZ. 85034	86-600479106 SIGNATURE ¹ <i>Leslie P. Boothby</i> Pharmach Program Manager	
PRINCIPAL²	Name and Address ²	Importer No. ²	SEAL
SURETY³	Name and Address ³	Surety No. ³	
	WASHINGTON INTERNATIONAL INSURANCE COMPANY (A NEW HAMPSHIRE CORPORATION) 475 NORTH MARTINGALE ROAD SUITE 500 SCHAUMBURG, IL 60173	891 SIGNATURE ³ <i>AR</i> Attorney-in-Fact	
SURETY⁴	Name and Address ⁴	Surety No. ⁴	SEAL
SURETY AGENTS	Name ⁵	Identification No. ⁵	Identification No. ⁵
	STEVEN P. ANDERSON	335-54-4628	

PART 1-CBP

CBP Form 301 (05/98)

SERIAL 50611722

[illegible]

Other Fee Summary for Block 39	35. Total Entered Value	CBP USE ONLY		TOTALS
	\$	A. LIQ CODE	B. Ascertained Duty	37. Duty
	Total Other Fees	REASON CODE	C. Ascertained Tax	38. Tax
	\$		D. Ascertained Other	39. Other
	E. Ascertained Total		40. Total	
36. DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT				
I declare that I am the <input type="checkbox"/> Importer of record and that the actual owner,				

I declare that I am the ☐ importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as shown above, OR ☐ owner or purchaser or agent thereof. I further declare that the merchandise ☐ was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR ☐ was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed.

I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.

41. DECLARANT NAME	TITLE	SIGNATURE	DATE
42. Broker/Filer Information (Name, address, phone number)	Leslie E. Rothby	Pharmaceutical Importer	
		43. Broker/Importer File No.	

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
ENTRY SUMMARY

1. Filer Code/Entry No.	2. Entry Type	3. Summary Date
4. Surety No.	5. Bond Type	6. Port Code
7. Entry Date		

8. Importing Carrier	9. Mode of Transport	10. Country of Origin	11. Import Date
12. B/L or AWB No.	13. Manufacturer ID	14. Exporting Country	15. Export Date

16. I.T. No.	17. I.T. Date	18. Missing Docs	19. Foreign Port of Lading	20. U.S. Port of Unlading
21. Location of Goods/G.O. No.	22. Consignee No.	23. Importer No.	24. Reference No.	

25. Ultimate Consignee Name and Address	26. Importer of Record Name and Address
---	---

City	State	Zip	City	State	Zip
------	-------	-----	------	-------	-----

27. Line No.	28. Description of Merchandise	29. A. HTSUS No. B. ADA/CVD No.	30. A. Grossweight B. Manifest Qty.	31. Net Quantity in HTSUS Units	32. A. Entered Value B. CHGS C. Relationship	33. A. HTSUS Rate B. ADA/CVD Rate C. IRC Rate D. Visa No.	34. Duty and I.R. Tax Dollars Cents
--------------	--------------------------------	------------------------------------	--	---------------------------------	--	--	--

--	--	--	--	--	--	--	--

Other Fee Summary for Block 39	35. Total Entered Value	CBP USE ONLY		TOTALS
\$		A. LIQ CODE	B. Ascertained Duty	37. Duty
Total Other Fees		REASON CODE	C. Ascertained Tax	38. Tax
			D. Ascertained Other	39. Other
			E. Ascertained Total	40. Total

35. DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT

I declare that I am the ☐ Importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as shown above, OR ☐ owner or purchaser or agent thereof. I further declare that the merchandise ☐ was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR ☐ was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed.

I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.

41. DECLARANT NAME	TITLE	SIGNATURE	DATE
--------------------	-------	-----------	------

42. Broker/Filer Information (Name, address, phone number)	43. Broker/Importer File No.
--	------------------------------

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

Form Approved
OMB No. 1651-0024

ENTRY/IMMEDIATE DELIVERY

ACB IMPORT SERVICES, INC.
DBA ARIZONA CUSTOMS BROKERS
P.O. BOX 20082
PHOENIX, AZ 85036

000 BULK #

19 CFR 142.3, 142.16, 142.22, 142.24

1. ARRIVAL DATE 092810	2. ELECTED ENTRY DATE 092810	3. ENTRY TYPE CODE/NAME 99 SPECIAL	4. ENTRY NUMBER 574-0250322-1
5. PORT 2605	6. SINGLE TRANS. BOND XB91	7. BROKER/IMPORTER FILE NUMBER 001266298	
8. CONSIGNEE NUMBER 86-600479107		9. IMPORTER NUMBER 86-600479108	
10. ULTIMATE CONSIGNEE NAME ARIZONA STATE PRISON COMPLEX 1305 BUTTE AVE FLORENCE, AZ 85232		11. IMPORTER OF RECORD NAME ARIZONA DEPARTMENT OF CORRECTIONS 1601 W. JEFFERSON ST PHOENIX, AZ 85007-5002	
12. CARRIER CODE FX	13. VOYAGE/FLIGHT/TRIP 000	14. LOCATION OF GOODS-CODE(S)/NAME(S) F357 FEDERAL EXPRESS 3002 E OLD TOWER ROAD PHOENIX, AZ 85034	
15. VESSEL CODE/NAME		16. U.S. PORT OF UNLOADING 2095	17. MANIFEST NUMBER
18. G.O. NUMBER		19. TOTAL VALUE 5849	
20. DESCRIPTION OF MERCHANDISE THIOPENTAL, POTASSIUM, PANCURONI			
21. IATA/USPS CODE H	22. IT/BL/AWB NO. 872136481249	23. MANIFEST QUANTITY 1	24. H.S. NUMBER 3004909130
			25. COUNTRY OF ORIGIN GB
			26. MANUFACTURER NO. GBDREPHA1761.0N

27. CERTIFICATION

I hereby make application for entry/Immediate delivery. I certify that the above information is accurate, the bond is sufficient, valid, and current, and that all requirements of 19 CFR Part 142 have been met.

SIGNATURE OF APPLICANT

X ~~XXXXXXXXXXXXXXXXXXXX~~ **Leslie P. Boothby**
PHONE NO. 1-602-273-0912 DATE 09/28/2010
Fax# 1-602-273-1842

29. BROKER OR OTHER GOVT. AGENCY USE

28. CBP USE ONLY

☐ OTHER AGENCY ACTION REQUIRED, NAMELY:

Pharmacy Program Manager

☐ CBP EXAMINATION REQUIRED.

☐ ENTRY REJECTED, BECAUSE:

DELIVERY AUTHORIZED: SIGNATURE DATE

Exam Site: FEDERAL EXPRESS

Paperwork Reduction Act Notice: This information is to determine the admissibility of imports into the United States and to provide the necessary information for the examination of the cargo and to establish the liability for payment of duties and taxes. Your response is necessary. The estimated average burden associated with this collection of information is 15 minutes per respondent depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs and Border Protection, Information Services Branch, Washington, DC 20229, and to the Office of Management and Budget, Paperwork Reduction Project (1651-0024), Washington, DC 20503.

CBP Form 3461 (01/09)

Dream Pharma Ltd.

178 Horn Lane, Acton, London, W3 6PJ
 Tel: 020 8992 7000 Fax: 020 8992 7001
 E-Mail: info@dreampharma.com

Invoice Details

Number: 2701INV

Date: 22-10-2010

Address:

Arizona State Prison Complex - Florence
 Attention: Carson McWilliams, Warden
 1305 Butte Avenue
 Post Office Box 628
 Florence, Arizona
 85232
 Tel: 602-384-3791

Delivery Address:

Arizona State Prison Complex - Florence
 Attention: Carson McWilliams, Warden
 1305 Butte Avenue
 Post Office Box 628
 Florence, Arizona
 85232
 602-384-3791

VAT no:

Purchase Order:

Currency: GBP - Pounds sterling

Heading: PHARMACEUTICALS NOT RESTRICTED
 "This is not for use by the general public"

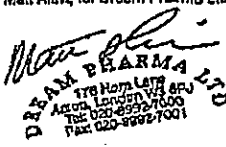
Order Details

Name/Description	Quantity	Price	Total
Thiopental Injection, powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's Batch No: AW8022 EXP: 08/14	4	186.75	787

Statement Details

Goods Total: 787.00	Subtotal: 787.00
Discount (%): 0	VAT (World Zero): 0.00
Delivery: 0	Previous Balance: 0
Insurance: 0	Total: 787.00 GBP - Pounds sterling
	Payment Method: Prepayment Thank You

Shipping Details

Packing: ONE BOX 36X30X27CM	Gross Weight (Kg): 9.76
Tariff: 30049099	Net Weight (Kg): 3.1875
Declarations: We certify that this invoice is true and correct.	Carrier: FREIGHT FORWARDER
	Matt Alavi, for Dream Pharma Ltd.
	 DREAM PHARMA LTD 178 Horn Lane Acton, London W3 6PJ Tel: 020 8992 7000 Fax: 020 8992 7001

Damage, shortage or leakage must be notified in writing to ourselves within 3 days. Non-Delivery within 14 days. Goods remain the property of Dream Pharma Ltd. Until full payment has been received. Subject to our standard conditions of sale. E&OB

Company Registration Number: 4637884 VAT No. GB805-6541-41
 Director: M. Alavi

125 LHR 6214 8505

UIPRE-ENTRY 125 - 6214 8505

Shipper's Name and Address DREAM PHARMA LTD 178 HORN LANE ACTON LONDON W3 6PJ GB		Shipper's account Number		Not negotiable Air Waybill Issued by BRITISH AIRWAYS - DAS BRITISH AIRWAYS LONDON UK GB	
Consignee's Name and Address ARIZONA STATE PRISON COMPLEX-FLORENCE 1305 BUTTE AVENUE, POST OFFICE BOX 628 FLORENCE ARIZONA 85232, USA ATTN: CARSON MCWILLIAMS-WARDEN TEL: 602 384 3791		Consignee's account Number		Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity Received in good order and condition at _____ on _____ Place _____ Signature of Consignee or his Agent _____	
Issuing Office's Name and City FOURDALE EXPORT SERVICES LIMITED LONDON HEATHROW TEL 020 8831 1000 FAX 020 8831 1001		Accounting Information AGENT REFERENCE LHR/HE97539 CSR: DUCR0GB208250878000-HE97539-001 MUCR: A:12652148505			
Agent's IATA Code 91-4 7831/0000		Accounting No.			
Airport of departure (Addr. of first carrier) and requested routing HEATHROW		Reference Number		Optional Shipping Information	
to by first carrier PHX		by BRITISH AIRWAYS - DAS		Declared Value for Carriage NVD Declared Value for Customs NCV	
Airport of destination PHOENIX		Flight/Date BA*280/23		Amount of Insurance XXX	
Handling Instructions ADDRESSED CONSIGNEE INVOICE ATTACHED KNOWN CARGO (X-RAYED). EXPRESS HANDLING PLEASE NOTIFY CONSIGNEE UPON ARRIVAL TEL: 602 384 3791					
No. of Pieces 1		Gross Weight 4		Net Weight 8	
Rate Class K		Commodity Name PHARMACEUTICALS		Total 60.00	
Chargeable Weight 8		Rate MINIMUM		Kilograms and Cubic Meters of Goods (incl. Dimensions or Volume) 1 @ 39 X 30 X 27 CMS	
Permitted 60.00		Weight Charge CHC 18.75		Other Charges ISC 0.38 MYC 1.72	
Valuation Charge 20.83		Total other Charges Due Agent 20.83		Total other Charges Due Carrier 20.83	
Total payable 80.83		Total collected		Signature of Shipper or his Agent FOURDALE EXPORT SERVICES LIMITED	
Country Conversion Rates		Charges in Base Currency		25-OCT-10 LONDON HEATHROW KEN HALLSWORTH	
For Customs Use only at destination		Charges at Destination		Estimated on (Date) at (Place) Signature of Issuing Carrier or its Agent	
		Total collect Charges		UIPRE-ENTRY 125 - 6214 8505	

COPY 4 (DELIVERY RECEIPT)

ABS: ▼

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

Form Approved
OMB No. 1651-0024

ENTRY/IMMEDIATE DELIVERY

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

19 CFR 142.3, 142.16, 142.22, 142.24

ABI Certified

1. ARRIVAL DATE 102610	2. ELECTED ENTRY DATE	3. ENTRY TYPE CODE/NAME 01 11 Informal Formal	4. ENTRY NUMBER 574-0251126-5
5. PORT 2605	6. SINGLE TRANS. BOND XXXX X891	7. BROKER/IMPORTER FILE NUMBER XXXXXXX	9. IMPORTER NUMBER 86-600479106
8. CONSIGNEE NUMBER 86-600479107		11. IMPORTER OF RECORD NAME Arizona Department of Corrections 1601 W. Jefferson St. Phoenix, AZ. 85007-3002	
10. ULTIMATE CONSIGNEE NAME Arizona State Prison Complex 1305 Butte Ave Florence, AZ 85232		14. LOCATION OF GOODS-CODE(S)/NAME(S) V232 British Airways 1251 S. 25th Place Suite C Phoenix, AZ. 85034	
12. CARRIER CODE BA	13. VOYAGE/FLIGHT/TRIP 289	16. U.S. PORT OF UNLADING 2605	17. MANIFEST NUMBER
15. VESSEL CODE/NAME		18. G.O. NUMBER	19. TOTAL VALUE 1246
20. DESCRIPTION OF MERCHANDISE Medical equipment			
21. BULK/COFF M	22. IT/BL/AWB NO. 12562148505	23. MANIFEST QUANTITY 1	24. H.S. NUMBER 3004909130
		25. MANUFACTURER NO. XXXX GBBREPHAL76LON	

27. CERTIFICATION

I hereby make application for entry/immediate delivery. I certify that the above information is accurate, the bond is sufficient, valid, and current, and that all requirements of 19 CFR Part 142 have been met.

SIGNATURE OF APPLICANT *Karen Ingram*
X Karen Ingram, Sr Procurement Specialist

PHONE NO. 602-364-3791 DATE 10.26.10

29. BROKER OR OTHER GOVT. AGENCY USE

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

28. CBP USE ONLY

☐ OTHER AGENCY ACTION REQUIRED, NAMELY:

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

☐ CBP EXAMINATION REQUIRED.

☐ ENTRY REJECTED, BECAUSE:

DELIVERY AUTHORIZED: *G.* SIGNATURE *Karen Ingram* DATE 10/26/10

SHIPMENT IS ON HOLD BY:
FOOD & DRUG ADMINISTRATION

Paperwork Reduction Act Notice: This information is to determine the admissibility of imports into the United States and to provide the necessary information for the examination of the cargo and to establish the liability for payment of duties and taxes. Your response is necessary. The estimated average burden associated with this collection of information is 15 minutes per respondent depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs and Border Protection, Information Services Branch, Washington, DC 20229, and to the Office of Management and Budget, Paperwork Reduction Project (1651-0024), Washington, DC 20503.

CBP Form 3461 (01/09)

MAWB: J25-62148505 AIRLINE DELIVERY SCHEDULE 25 OCTOBER 2010 - 09:45
 MUCR: A:12562148505 FOURDALE EXPORT SERVICES

SHIPPER: DREAM PHARMA LTD CONSIGNEE: ARIZONA STATE PRISON
 176 HORN LANE
 ACTON
 W3 6PJ

ADD: LHR FLT: BA289 REF: HB97539
 ADD: PHX DATE: 26 OCT 2010 HAWBS: 0
 DECLS: 1

CT STATUS: X

MAWB:	ADD: LHR	ADD: PHX	SHIPR: DREAM PHARMA LTD
PCS: 1	DESC: PHARMAS		CNNE: ARIZONA STATE PRISON
GWT: 4.0	DECLARATION UCR:		CHIEF ENTRY REFERENCE:
CT: X	0GB209250878000-HB97539-001		120-B12237M-25/10/2010

Total PCS: 1
 Total GWT: 4.0

Date: 10/26/10 Time: 1:40:35 PM

Page: 0001

ACS IMPORT SERVICES, INC
CARGO RELEASE PROCESSING
Response File: RFI03649324

DIV	SID/File#	Entry#	Importer#	Importer Name	CC	Vessel	VFTH	Arr Date	ET Clerk	Z/S
001	267045	574-0351136-5	86-600479106	ARIZONA DEPARTMENT OF CORRE BA			289	10/26/10	01 ROBERT	2605

In-Bonds SCAC Header Bill# SCAC House Bill# Sub House# Man Qty Units T ISF H
12542149305 00000001 CINS

D/Date D/Time Message

10/26/10 16:43 COND RELEASE SPEC DOCUMENT REVIEW
10/26/10 16:43 AMS ATR CARRIER/CPS NOTIFIED
10/26/10 16:43 RELEASE DATE UPDATE, 10/26/10, BASED ON ESTIMATED DATE OF ARRIVAL , S/DATE 11/03/2010

OGA/QI	Date	Time	Message	DU	LINE	SEQ	OGA	LINE	SEQ	OGA
FDA	10/26/10	16:43	FDA HOLD	03						
FDA	10/26/10	16:43	FDA DOCUMENTS REQUIRED	14	001		001 THRU 001			001

KEY:

'ET'	- Entry Type	'P/E'	- Port of Entry
'RCN'	- Record Control Number	'CC'	- Carrier Code
'DC'	- Disposition/Quota Status Code	'D/Date'	- Disposition Date
'D/Time'	- Disposition Time	'LINE'	- Customs Line Number
'SEQ'	- Tariffs Seq# (Summary Only)	'OGA'	- OGA Line Number
'LIN#'	- Line Number	'OGA/QI'	- OGA/Quota Identifier
'Arr Date'	- Arrival Date	'PI'	- Part/Split Indicator
'T'	- BOL Type	'ISF'	- ISF on File

'S/DATE' - Statement Date (*the date was changed by the system, **the date may exceed pre-defined # of days)
'PFH' - Periodic Payment Month (*the PFH was changed by the system, **the PFH may not be correct)

ACS IMPORT SERVICES, INC
 CARGO RELEASE PROCESSING
 Response File: RF0011010715078

DIV	Slid/File#	Entry#	Importer#	Importer Name	CC	Vessel	VPT#	Arr Date	ET Clerk	P/K
001	207049		871-0251126-8	86-600479106 ARIZONA DEPARTMENT OF CORRE BA			289	10/26/10	01 ROBERT BA	3008

In-Bond#	SCAC Master Bill#	SCAC House Bill#	Sub House#	Man Qty	Units	T	ISF M
	12862140508				00000001	CTNS	

D/Date D/Time Message

01/06/11 19:21 COND RELEASE SPEC DOCUMENT REVIEW

OGA/QI	Date	Time	Message	DC	LINE	REP	OGA	LINE	SEQ	OGA
FDA	01/06/11	19:21	FDA RELEASE	08						
FDA	01/06/11	19:21	FDA RELEASED	08	001		001 THRU 001			001

KEY:

'ET'	- Entry Type	'P/E'	- Part of Entry
'RCH'	- Record Control Number	'CC'	- Carrier Code
'DC'	- Disposition/Quota Status Code	'D/Date'	- Disposition Date
'D/Time'	- Disposition Time	'LINE'	- Customs Line Number
'SEQ'	- Tariff Seq# (Summary Only)	'OGA'	- OGA Line Number
'In#'	- Line Number	'OGA/QI'	- OGA/Quota Identifier
'Arr Date'	- Arrival Date	'SI'	- Part/Split Indicator
'T'	- BOL Type	'ISF'	- ISF on File

'S/DATE' - Statement Date (**the date was changed by the system, **the date may exceed pre-defined # of days)
 'PPH' - Periodic Payment Month (**the PPH was changed by the system, **the PPH may not be correct)

PATIENT INFORMATION LEAFLET

THIOPENTAL INJECTION BP

The active ingredient in thiopental injection, thiopental sodium, is also known as thiopentone sodium.

Please read this leaflet carefully before you receive your medicine. Do not throw it away as you may want to read it again. This leaflet provides a summary of the information available on your medicine. If you have any questions, or are not sure about anything, ask your doctor, nurse or pharmacist.

WHAT IS IN MY MEDICINE?

Each vial of this product contains 300 milligrams of thiopental sodium as a powder for solution for injection, and is presented in packs of 25 vials. It is a dry powder which needs to be dissolved in water for injections.

WHAT IS THIOPENTAL?

Thiopental sodium is an anaesthetic agent which is usually given by intravenous injection.

MARKETING AUTHORISATION HOLDER AND MANUFACTURER

The Marketing Authorisation Holder is Link Pharmaceuticals Limited, Bishops Weald House, Albion Way, Horsham, West Sussex, RH12 1AH, UK.

Thiopental injection is manufactured by Sandoz GmbH, A-6330 Kufstein Schwanau, Tyrol, Austria.

WHAT IS THIOPENTAL USED FOR?

Thiopental may be used for any of the following reasons:

- i) as a general anaesthetic, or to make you sleepy before using another anaesthetic agent, or before using agents to prevent pain or to relax muscles,
- ii) to control fit.

IS THIOPENTAL SAFE FOR EVERYBODY?

You should not normally receive thiopental if any of the following apply to you:

- You have an obstruction in your lungs or in the tubes leading to them.
- You are having an acute asthma attack.
- You are in severe shock.
- You have the condition known as myotonic dystrophy.
- You have the condition known as porphyria.

People with these last two conditions will know if they have them.

You should tell your doctor, nurse or pharmacist if any of these apply to you. They will usually decide to use another medicine instead.

PRECAUTIONS

Although you can still receive thiopental, your doctor may decide to use another medicine in the following circumstances:

- If you have diseases of the heart or circulation as these can suddenly be made more severe by thiopental injection.
- If you have cranial hypertension (high pressure inside your head) or adrenocortical insufficiency, low blood pressure, severe bleeding, burns, muscle weakness or degeneration (associated with conditions such as myasthenia gravis or muscular dystrophies), malnutrition or wasting. Your doctor will need to take extra precautions while treating you with thiopental injection.
- If thiopental is accidentally injected into an artery instead of a vein, it can cause damage to your tissues but your doctor may be able to treat these effects (a similar problem can occur if thiopental leaks from the vein into surrounding tissue). If you feel severe pain near where the drug was injected say so immediately so that treatment can be started quickly.
- Thiopental injection has been used safely during pregnancy but if you are pregnant, or think you could be, you should make sure that your doctors know about this. They can then discuss any possible risks with you before treatment starts. If you intend breastfeeding a baby after having thiopental injection you should discuss the safety of doing so with your doctor.
- You may not be fit to drive (or operate other machinery) after receiving thiopental injection. Although this effect will wear off quite quickly, you must be certain that you are able to drive safely before you try. During this time, even a small amount of alcohol can have a very strong effect on you, making driving very dangerous. Other medicines that cause drowsiness can have a similar effect. Make sure you read the label of any medicines carefully.

THIOPENTAL INJECTION BP

PRECAUTIONS (Contd.)

- Other medicines which can interact with thiopental injection include medicines called beta-blockers or calcium antagonists which are used to decrease your blood pressure, or any medicines prescribed to you for anxiety, or which are used to alter your mood (called antipsychotics).

If you are in doubt about the kind of medicine you are taking please contact your doctor or pharmacist.

Reduced doses may be needed if you have any of the following:

- Liver disease (including jaundice), shock, dehydration, severe anaemia, high blood level of potassium, infection in your blood. Elderly patients and people who suffer from metabolic disorders may also need smaller doses. An example of this type of disease is myxoedema (a condition caused by an underactive thyroid gland).
- People who have received morphine or similar medicines before they are given thiopental injection often need lower doses. If you have received a medicine called sulfamethoxazole please tell your doctor. He or she may need to give you smaller doses of thiopental and give them more frequently than usual.

Increased doses if you are a heavy and frequent drinker of alcohol, or if you regularly take non-prescribed drugs, the dose of thiopental may need to be increased or given with another medicine to increase its effect.

You should tell your doctor, nurse or pharmacist if any of these apply to you.

HOW IS THIOPENTAL GIVEN?

Thiopental injection is first made into a solution usually containing 25mg in 1ml. Sometimes a higher strength may be used.

A needle will have been placed into a vein in advance. Thiopental injection can be injected directly through this needle or it may be put into a drip which runs through it.

Doses used for convulsions (fitting) are 7.5mg to 12.5mg given as soon as possible after the convulsion begins. Further doses may be required and your doctor will decide the best dose to give you.

The normal anaesthetic dose for adults is 100mg to 150mg, injected over 10 to 15 seconds, although smaller doses may be used for elderly patients. The dose for a child depends on their weight (usually between 2mg to 7mg for every kg of bodyweight). You will normally feel the effects within 30 seconds and be asleep within one minute. Further small doses will be given to you as necessary (you will normally be asleep during this process).

ARE THERE ANY SIDE EFFECTS?

The effects which have been seen with thiopental injection are listed below.

Thiopental injection can cause coughing, sneezing or spasm of the airways in your throat when it is injected. It can cause skin rashes and other allergic reactions, such as itching.

Your body's automatic breathing control may be affected causing spasm of the airways and difficulty breathing, and the pumping action of the heart can be reduced or irregular heartbeats may occur.

Thiopental injection can cause headaches.

When injected thiopental can cause severe pain at the site of injection. If this happens inform your doctor immediately.

If you experience any of the above side effects or any other side effects please tell your doctor, nurse or pharmacist.

MORE INFORMATION ABOUT THIOPENTAL INJECTION

Do not use thiopental after the expiry date printed on the pack and on each vial. The vials should not be stored above 25°C and should be kept in the outer carton.

The injection solution is quite strongly alkaline, to stop the thiopental from "going off". Because of this it cannot be mixed with other injections that are acidic. The solution should be kept cool (between 2°C and 8°C) after making it up and normally should be used within seven hours. If the solution is discoloured it should not be used.

This leaflet was written in September 2003.

PL10304

PACKAGE LEAFLET: INFORMATION FOR THE USER



Pancuronium Bromide 2 mg/ml Injection

Read all of this leaflet carefully before you start using this medicine.

- Keep this leaflet. You may need to read it again.
- If you have any further questions, ask your doctor or pharmacist.
- If any of the side effects gets serious, or if you notice any side effects not listed in this leaflet, please tell your doctor.

In this leaflet:

1. What Pancuronium Bromide Injection is and what it is used for
2. Before you use Pancuronium Bromide Injection
3. How to use Pancuronium Bromide Injection
4. Possible side effects
5. How to store Pancuronium Bromide Injection
6. Further information

1. WHAT PANCURONIUM BROMIDE INJECTION IS AND WHAT IT IS USED FOR

Pancuronium bromide is one of a group of medicines called 'non-depolarising' muscle relaxants.

Pancuronium Bromide Injection is used to relax muscles during surgery, including caesarean section and in intensive care.

2. BEFORE YOU USE PANCURONIUM BROMIDE INJECTION

Do not use Pancuronium Bromide Injection

- If you have shown signs of hypersensitivity (severe allergy) to pancuronium or bromide in the past

Tell your doctor if the above applies to you before this medicine is used.

Take special care with Pancuronium Bromide Injection

- If you have kidney, liver, lung or heart disease
- If you have high blood pressure
- If you have cancer, particularly lung cancer
- If you suffer from any of the following conditions: myasthenia gravis, myasthenic syndrome (other neuromuscular diseases) or poliomyelitis
- If you have fluid retention (you may have swelling around the ankles)
- If you have jaundice

Tell your doctor if any of the above applies to you before this medicine is used.

Special care will also be taken in the elderly, newborn babies, patients who are dehydrated or in general poor health and patients who have blood abnormalities, such as altered calcium, magnesium, potassium and protein levels (the doctor may do blood tests to check for such abnormalities).

Taking/using other medicines

Pancuronium bromide must not be administered along with a "depolarising" muscle relaxant, e.g. suxamethonium.

Other medicines used/taken at the same time as pancuronium bromide may interact, hence, special care may be needed, for example:

- other muscle relaxants of the 'non-depolarising' type (e.g. mivacurium)
- some anaesthetic agents (e.g. halothane, ether, enflurane, isoflurane, methoxyflurane, cyclopropane, thiopentone, methohexitone, ketamine, fentanyl, gammahydroxybutyrate, etomidate)
- anticancer medicines belonging to a group called 'alkylating agents' (including medicines known as 'nitrogen mustards')
- some antibiotics (e.g. aminoglycosides, metronidazole) and antifungal medicines (e.g. trilezoles)
- medicines affecting the heart or blood pressure (glyceryl trinitrate, propranolol, adrenaline, noradrenaline, alpha blockers, beta blockers, quinidine)
- water tablets (diuretics)
- medicines used to control anxiety (diazepam)
- antidepressants (e.g. tricyclic antidepressants, monoamine oxidase inhibitors)
- strong pain-killers (e.g. narcotics)
- steroid medicines
- medicines used to treat a disease affecting the muscles called 'myasthenia gravis' (neostigmine, pyridostigmine, edrophonium)
- phenytoin (antiepilepsy medicine)
- heparin and protamine (medicines used to control the ease with which the blood will clot)
- azathioprine (a medicine used to prevent transplant rejection)
- theophylline (a medicine used to treat some breathing disorders)
- medicines used to increase the level of some salts in the blood (potassium chloride, sodium chloride, calcium chloride)
- vitamin B₁ (thiamine) if taken in high doses
- magnesium sulphate (used in the treatment of constipation, pre-eclampsia, abnormal heart rhythms)

Please tell your doctor if you are taking or have recently taken any other medicines, including medicines obtained without a prescription.

Pancuronium Bromide 2 mg/ml Injection

The following information is intended for medical or healthcare professionals only

Further to the information included in section 3, practical information on the preparation/handling of the medicinal product is provided here.

Incompatibilities

Do not mix other solutions in the same syringe as a change in pH can cause precipitation.

Instructions for use and handling

For single use only

Any unused solution should be discarded.

It is not recommended to give this product by infusion.

463027

Pregnancy and breast-feeding

Tell your doctor if you are pregnant, trying to become pregnant or breast-feeding. Your doctor will only use this medicine if the expected benefits outweigh any potential risk to your baby.

Ask your doctor or pharmacist for advice before taking any medicine.

Driving and using machines

Do not drive or use machines for 24 hours after full recovery from the muscle relaxant effects of pancuronium bromide.

Important information about one of the ingredients of Pancuronium Bromide Injection

This medicinal product contains less than 1 mmol (23 mg) sodium per dose, i.e. essentially 'sodium free'.

3. HOW TO USE PANCURONIUM BROMIDE INJECTION

This medicine will be given to you as an injection into a vein.

Dose

The dose of medicine given to you will depend upon your age, your weight, expected duration of surgery, drugs that have been given to you previously and how well your kidneys and liver are working.

The dose range in adults is typically between 50 and 100 micrograms/kg bodyweight.

If you are given too much or too little Pancuronium Bromide Injection

This medicine will be given to you in a hospital, under the supervision of a doctor. It is unlikely that you will be given too much or too little, however, tell your doctor or nurse if you have any concerns.

4. POSSIBLE SIDE EFFECTS

Like all medicines, pancuronium bromide can cause side effects, although not everybody gets them.

During use of Pancuronium Bromide Injection your doctor will be observing you for:

- severe allergic reaction - you may experience a sudden itchy rash (hives), swelling of the hands, feet, ankles, face, lips, mouth or throat (which may cause difficulty in swallowing or breathing), and you may feel you are going to faint

If this serious side effect occurs, urgent medical attention will be needed.

After you have come round, if any of the following happen, tell your doctor as soon as possible:

- breathing difficulties
- unusually rapid heart beat, palpitations or irregular heart beat
- pain, itching, local skin reaction or irritation particularly around the injection site
- problems with your vision
- skin rash
- excess production of saliva

Your doctor may monitor for changes in your blood pressure.

If any of the side effects gets serious, or if you notice any side effects not listed in this leaflet, please tell your doctor.

5. HOW TO STORE PANCURONIUM BROMIDE INJECTION

Keep out of the reach and sight of children

Expiry

This medicine must not be used after the expiry date which is stated on the vial ampoule and carton after 'EXP'. Where only a month and year is stated, the expiry date refers to the last day of that month.

Storage

The ampoules should be kept in the outer carton, in order to protect from light, and stored in a refrigerator. They should not be frozen.

6. FURTHER INFORMATION

What Pancuronium Bromide Injection contains

The active substance is pancuronium bromide. Each millilitre (ml) of solution contains 2 milligrams (mg) of pancuronium bromide.

The other ingredients are sodium chloride, sodium acetate, and Water for Injections.

What Pancuronium Bromide Injection looks like and contents of the pack

Pancuronium Bromide Injection is a clear, colourless solution for injection which comes in glass containers called ampoules.

It may be supplied in packs containing:

- 5 x 4 mg/2 ml ampoules
- 10 x 4 mg/2 ml ampoules
- 50 x 4 mg/2 ml ampoules

Not all packs may be marketed.

Marketing authorisation holder and manufacturer

Hospira UK Limited, Queensway, Royal Leamington Spa, Warwickshire, CV31 3RW, UK

This leaflet was last approved in October 2008 (V1471)

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Sterile Potassium Chloride Concentrate 15%

Important information about your medicine
Your doctor has told you to take this medicine. It is important that you read this leaflet carefully before you start taking it. It contains important information about the medicine. It also contains information about the risks of taking the medicine. Please read this leaflet carefully before you start taking the medicine. It contains important information about the medicine. It also contains information about the risks of taking the medicine. Please read this leaflet carefully before you start taking the medicine.

- Read all of this leaflet carefully before you start using this medicine. In some circumstances this may not be possible and this leaflet will be kept in a safe place should you wish to read it.
- Keep this leaflet. You may need to read it again.
- If you have any further questions, please ask your doctor or your pharmacist.
- This medicine has been prescribed for you personally and you should not pass it on to others. It may harm them, even if their symptoms are the same as yours.

Where to find information in this leaflet

1. What Sterile Potassium Chloride Concentrate 15% is and what it is used for
2. Before you are given Sterile Potassium Chloride Concentrate 15%
3. How to use Sterile Potassium Chloride Concentrate 15%
4. Possible side effects
5. Storing Sterile Potassium Chloride Concentrate 15%
6. Further information

1. What Sterile Potassium Chloride Concentrate 15% is and what it is used for

Potassium Chloride Concentrate 15% is a concentrated solution of potassium chloride (which occurs naturally in your body). It is used to replace the loss of potassium from your body, if this cannot be achieved when given by mouth or in the diet.

2. Before you are given Potassium Chloride Concentrate 15%

You should NOT be given Potassium Chloride Concentrate 15% if you:

- are sensitive or allergic to Potassium Chloride Concentrate 15% or any of the other ingredients in this injection.
- have high levels of certain chemicals (potassium or chloride) in your blood.
- suffer from impaired kidney function (you may produce little or no urine).
- suffer from Addison's disease (a hormonal disorder where you may feel weak, lose weight and have a darkened skin).
- are very dehydrated.

- suffer from heat cramps.

Please tell your doctor or nurse before being given the injection if you:

- have any heart condition.

Using other medicines:

Please tell your doctor or nurse if you are taking or have recently taken any other medicines, including medicines obtained without a prescription. This is especially important with the following medicines as they may interact with your Potassium Chloride Concentrate 15%:

- diuretics (water tablets)
- medicines known as ACE inhibitors and angiotensin II antagonists (used to treat high blood pressure and certain heart conditions).
- Cyclosporin, used to depress the immune system following transplants, and in severe skin, rheumatic and bowel disorders.

Pregnancy or breast feeding:

Please tell your doctor or nurse before being given this injection if you are pregnant or

breast feeding. The doctor will then decide if the injection is suitable for you.

Driving and using machines:

You should not drive or use machinery if you are affected by the administration of Potassium Chloride Concentrate 15%.

3. How to use Potassium Chloride Concentrate 15%

Your nurse or doctor will give you the injection.

Your doctor will decide the correct dosage for you and how and when the injection will be given.

The injection must be diluted at least 50 times before it is given to you.

Since the injection will be given to you by a doctor or nurse, it is unlikely that you will be given too much. If you think you have been given too much, you must tell the person giving you the injection.

4. Possible side effects

Like all medicines, Potassium Chloride Concentrate 15% can cause side effects, although not everybody gets them.

- pain at the site of injection
- inflammation of the vein into which the solution is being injected
- raised blood levels of potassium

If you think this injection is causing you any problems, or you are at all worried, talk to your doctor, nurse or pharmacist.

5. Storing Potassium Chloride Concentrate 15%

Your injection will be stored at less than 25°C and protected from light. The nurse or doctor will check that the injection is not past its expiry date before giving you the injection.

6. Further information

What Potassium Chloride Concentrate 15% contains:

This injection contains the active ingredient potassium chloride. Each 1 ml of solution contains 0.15 g potassium chloride in a sterile solution for injection.

This injection contains the following inactive ingredients: hydrochloric acid and water for injections.

What Potassium Chloride Concentrate 15% looks like and contents of the pack:

Potassium Chloride Concentrate 15% is supplied in clear glass ampoules containing 10 ml. 10 ampoules are supplied in each carton.

The marketing authorisation number of this medicine is: PL01502/0007R

Marketing Authorisation Holder:

hameln pharmaceuticals ltd
Gloucester
United Kingdom

Manufacturer:

hameln pharmaceuticals gmbh
Langes Feld 13
31789 Hameln
Germany

For any information about this medicine, please contact the Marketing Authorisation Holder

This leaflet was last approved 14.11.08

EXHIBIT B