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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MICHAEL ANGELO MORALES,)	Case No. C 06 0219 (JF)
)	C 06 926 (JF)
Plaintiff,)	
)	
v.)	[PROPOSED] COMPLIANCE ORDER
)	
RODERICK Q. HICKMAN, Secretary of the California Department of Corrections; STEVEN ORNOSKI, Warden, San Quentin State Prison, San Quentin, CA; and DOES 1-50,)	
)	
Defendants.)	

This Court, having considered the ex parte application of Plaintiff, hereby GRANTS his application for a compliance order.

Defendants shall provide the following:

1. All equipment necessary and that is accepted by the medical community as required to assure adequate sedation throughout the administration of the lethal injection procedure in the manner described in the Court's previous orders;
2. A licensed anesthesiologist who will determine, with the necessary monitoring

1 equipment as described by Dr. Dershwitz in his February 2, 2006 declaration to this Court,
2 whether or not Mr. Morales is breathing at any time after the administration of the sodium
3 thiopental;

4 3. So as to avoid the situation wherein Mr. Morales begins to manifest signs of
5 consciousness upon the administration of the pancuronium bromide but cannot be re-sedated
6 quickly enough, a back-up syringe or syringes of at least 5 grams of sodium thiopental that a
7 licensed anaesthesiologist in the chamber will administer as necessary and immediately upon
8 determining that Mr. Morales is manifesting signs of consciousness after administration of the
9 initial dose of sodium thiopental;

10 4. A method to allow the anesthesiologist who is in the chamber with Mr. Morales to
11 communicate orally with the lethal injection team administering the drugs;

12 5. A procedure by which the licensed anesthesiologist who is in the chamber is
13 informed at the time each dose of drug is injected;

14 6. A procedure by which the licensed anesthesiologist will be able to stop the
15 execution immediately at any point that it is determined that Mr. Morales is manifesting signs of
16 consciousness and that he either needs to be properly sedated, or cannot be properly sedated.

17 7. Both anesthesiologists shall record the execution in a manner consistent with
18 standard medical practice for an anesthetized procedure in a hospital setting, and shall preserve
19 all notes, information stored in monitoring devices, printouts or other records. That information
20 shall be forwarded under seal to this Court by the doctors who will verify under oath that it
21 represents all records of any kind of Mr. Morales' execution from them and all monitoring
22 devices they used. They will also provide the Court with a complete list of all equipment each
23 requested be allowed, and all equipment that was provided. The parties shall be provided with
24 this list as well.

25 IT IS SO ORDERED.

26 Dated: _____

Jeremy Fogel
United States District Court Judge

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