

IN THE
Supreme Court of the United States

JAMES EDWARD BARBER,
Petitioner,

V.

GOVERNOR OF ALA., ET AL.,
Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit**

PETITION APPENDIX VOLUME III OF III

******EXECUTION SCHEDULED FOR JULY 20,
2023 AT 6:00 P.M.******

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

| | | |
|----------------------------------|---|----------------------------|
| JAMES EDWARD BARBER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:23-cv-00342-ECM |
| |) | |
| KAY IVEY, Governor of the State |) | |
| of Alabama, JOHN Q. Hamm, |) | |
| Commissioner of the Alabama |) | |
| Department of Corrections, |) | |
| TERRY RAYBON, Warden, |) | |
| Holman Correctional Facility, |) | |
| STEVE MARSHALL, Attorney |) | |
| General of the State of Alabama, |) | |
| and JOHN DOES 1–3, |) | |
| |) | |
| Defendants. |) | |

**Defendants' Response in Opposition to
Plaintiff's Motion for a Preliminary Injunction**

Defendants oppose Plaintiff Barber's request for a preliminary injunction (Doc. 25). Defendants' opposition is based on two grounds: (1) Barber has not, and cannot, establish a likelihood of success on the merits, and (2) granting the requested relief would be contrary to the public interest.

I. The requested injunction should be denied.

Barber's 42 U.S.C. § 1983 lawsuit is predicated on a single core allegation: that the State of Alabama's lethal injection protocol ("the protocol") will subject him

to cruel and unusual punishment because the personnel entrusted in the protocol with obtaining the necessary intravenous access lack “sufficient relevant medical expertise” to successfully carry out that stage of the protocol. (Doc. 1 ¶ 35.) A district court may grant injunctive relief only if the moving party shows that (1) it has a substantial likelihood of success on the merits, (2) irreparable injury will be suffered unless the injunction issues, (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party, and (4) if issued, the injunction would not be adverse to the public interest. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000). As shown below, Barber is not likely to succeed on the merits of this claim, and granting his request for an injunction would be adverse to the public interest.

II. Barber has not shown and cannot show that he is likely to succeed on the merits.

A. Barber’s claim is time-barred.

i. Barber fails to identify a relevant change to the protocol within the twenty-four months prior to the filing of his complaint.

First, Barber’s claim is time-barred pursuant to the applicable statute of limitation. Alabama inmates like Barber who challenge the method of judicial execution to be used to carry out their sentence must file suit within two years of either the date their direct review is completed by denial of certiorari or “the date on

which the capital litigant becomes subject to a new or substantially changed execution protocol.” *McNair v. Allen*, 515 F.3d 1168, 1173 (11th Cir. 2008); *see also Gissendaner v. Comm'r, Ga. Dep't of Corr.*, 779 F.3d 1275, 1280–81 (11th Cir. 2015). A claim that accrues by virtue of an alleged “substantial change” in a state’s execution protocol is limited to the particular aspect of the protocol that the plaintiff alleges has changed, but “a substantial change to one aspect of a state’s execution protocol does not allow a prisoner whose complaint would otherwise be time-barred to make a ‘wholesale challenge’ to the State’s protocol.” *Gissendaner*, 779 F.3d at 1280–81. Where a plaintiff’s claims “rely on factual conditions that have not changed in the past twenty-four months,” they are time-barred. *Id.* at 1281.

Barber’s action alleges that execution of his sentence through the protocol will violate his Eighth Amendment right to be free from cruel and unusual punishment. His claim incorporates the first ninety-eight paragraphs of his complaint as support. (Doc. 1 ¶ 99.) A review of those factual averments, even accepting them as true, establishes that Defendants are entitled to dismissal of this claim under the governing two-year statute of limitations.

Importantly, Barber does not allege that his speculative injuries would arise out of any substantive changes to the protocol. Instead, to establish the required Eighth Amendment element of a substantial risk that ADOC will cause him harm or

severe pain, Barber pleads his view of the alleged facts¹ regarding the execution of Joe Nathan James and the preparations for the executions of Alan Miller and Kenneth Smith to support his arguments that the personnel employed to obtain IV access to the condemned displayed insufficient expertise and took too long to obtain the two points of IV access required by the protocol. (*Id.* ¶¶ 65–88.) Barber alleges that “competent and trained” medical professionals can obtain IV access in “minutes,” and “certainly [in] no more than 30 minutes.” (*Id.* ¶¶ 54–55.) Of course, this argument both ignores the obvious differences between obtaining IV access in a normal medical setting—with a presumably compliant patient—and obtaining IV access in the context of an execution, and also conflates the total time required for preparing for or carrying out an execution with the amount of time actually spent obtaining IV access. (*See, e.g., id.* ¶¶ 65–70.)

But while flawed in other ways, Barber’s complaint is crystal clear in its core allegation—which the Defendants dispute—that the “IV Team members...have not been adequately trained or appropriately credentialed” and “lack[] the training and skill necessary to [obtain IV access] without imposing severe pain and suffering,” and that “the Eighth Amendment does prohibit...a method of execution [Defendants] are not competent to carry out[.]” (*Id.* ¶¶ 97, 103.) This claim is

¹ Notably, Barber does not cite to any judicially tested fact regarding these executions. Rather, he relies solely on the “factual allegations” in the complaints filed by Smith and Miller. (*See, e.g., Doc. 25 at 6.*)

untimely because it relies “on factual conditions that have not changed in the past twenty-four months.” *Gissendaner*, 779 F.3d at 1281.

Barber’s claim is comparable to that of Gissendaner, who alleged that “Georgia does not have adequate training and procedures to establish intravenous access[.]” *Id.* But Gissendaner’s claim failed as untimely because she, like Barber, “[did] not identify any change in the past twenty-four months that Georgia has made either to the prescribed method for establishing intravenous access or to the requisite qualifications of the individuals on the IV Team.” *Id.* To be sure, Barber does describe *improvements* to the protocol in order to criticize them as insufficient (Doc. 1 ¶¶ 95–96), but for the purposes of his complaint, the underlying problem is the same: the IV team’s allegedly insufficient training and experience.² Indeed, in his motion for a preliminary injunction, Barber alleges that the protocol is “largely unchanged.” (Doc. 25 at 16.) But a claim that the protocol does not require sufficient training or expertise has been available to Barber for many years, and he pleads no facts that would show why he could not have raised it in a timely fashion.

Indeed, Alabama death row inmates have previously raised such claims, even before the protocol was made public in 2019. *See, e.g., Boyd v. Myers*, No. 2:14-CV-

² Moreover, Barber’s complaint makes clear that his claims arise out of the original protocol and not any changes to it. According to Barber, “no meaningful effort has been made to fix the blatant issues plaguing the ADOC’s lethal injection protocol.” (Doc. 1 ¶ 6.)

01017, 2015 WL 5852948, at *1 (M.D. Ala. Oct. 7, 2015), *aff'd sub nom. Boyd v. Warden, Holman Corr. Facility*, 856 F.3d 853 (11th Cir. 2017) (Boyd raised “Eighth Amendment claim based on a substantial risk of ‘maladministration’ of Boyd’s execution resulting from the inadequate training and qualifications of the execution squad”); *Boyd v. Warden, Holman Corr. Facility*, 856 F.3d 853, 874 (11th Cir. 2017) (“Boyd alleges that the ADOC’s lethal injection protocol subjects him to a substantial risk of serious harm in violation of the Eighth Amendment because the officers who will carry out his execution are inadequately trained.”).

Taking as true Barber’s allegations that the protocol allows for insufficient training and experience, Barber has been able to act on his view of the protocol’s supposed deficiencies since April 2019, when it was first released to the public, placing his May 25, 2023, complaint well outside of the applicable two-year limitations period. *See* (Doc. 1, Ex. K, n.1.) There has been no substantial change as to this aspect of Alabama’s policies or procedures in the twenty-four months preceding the filing of Barber’s lawsuit, and Barber pleads no facts that would suggest otherwise. Though the protocol now specifies that the IV team personnel must be certified, Barber pleads no facts that would explain how that specification would subject him to superadded pain and suffering in a way that he could not have challenged previously.

The Eleventh Circuit has held that claims alleging insufficient training of ADOC personnel tasked with carrying out lethal injections are time-barred where a plaintiff alleges that the alleged likelihood of harm is due to “deficiencies” in the protocol that have been in place longer than the limitations period. *Boyd*, 856 F.3d at 874. Merely using new or added (or indeed, “certified”) personnel is not a sufficient change to support a new cause of action. As noted in *Boyd*, “To allow each instance of employee turnover in a state’s execution team to create a new Eighth Amendment violation would render the “significant change” requirement meaningless.” *Id.* at 875. But Barber’s motion for preliminary injunction makes it clear that in his view, “Defendants have not made any meaningful changes to their defective LI Protocol.” (Doc. 25 at 12.) Thus, while Barber’s complaint does not plead facts that would explain how the new “certification” requirement gives rise to a claim he could not have raised before, even a liberal reading of his factual pleadings to encompass such a claim would not prevent the application of the statute of limitations.

ii. Barber’s argument regarding the time available for executions fails because Alabama has *never* limited the time available for obtaining IV access.

Barber also bases his Eighth Amendment claim on allegations that “there is no time limit” in the protocol limiting the amount of time the IV team has available to obtain IV access. (Doc. 1 ¶ 111.) Once again, Barber is basing his allegations on

factual conditions that have existed for more than two years. He repeatedly claims that prior executions or execution preparations have lasted for up to “three-and-a-half hours.” (*Id.* ¶¶ 65–66, 69, 77, 81, 86, 111.) Indeed, Barber alleges that “[t]he current LI Protocol allows this practice to continue[.]” (*Id.* ¶ 112.) Given that Alabama’s protocol has *never* stated any time limit for obtaining IV access, Barber does not allege any facts that would explain why he could not have brought this claim in a timely fashion, *i.e.*, within “two years” of the date on which he became subject to lethal injection. *McNair*, 515 F.3d at 1173. Consequently, Barber’s claim is untimely.

iii. Barber could have raised his claim concerning nitrogen hypoxia as early as April 2019.

The facts pleaded in support of Barber’s “alternate method” of nitrogen hypoxia—another required element of an Eighth Amendment claim—also reveal his claim is time-barred. Barber appears to base his assertion that nitrogen hypoxia is a readily available method of execution on the Eleventh Circuit’s decision in *Price v. Commissioner, Department of Corrections*, 920 F.3d 1317 (11th Cir. 2019). Defendants assert that *Price*’s statements about the availability of nitrogen are dicta, and that if they are a holding, *Price* is inconsistent with clear Supreme Court precedent. *See Hamm v. Smith*, 143 S. Ct. 1188 (2023) (Thomas, J., dissenting from denial of certiorari). But assuming that Barber is correct in his reliance on *Price*, then he was aware or should have been aware of the alleged availability of nitrogen

hypoxia back when the decision was issued on April 10, 2019. Thus, his May 25, 2023, complaint was filed far outside of a two-year period after the alleged availability of the alternate method of execution that he relies upon.

In conclusion, because Barber’s challenge to the protocol is time-barred, he is unlikely to succeed on the merits of his claim, and the preliminary injunction he seeks should not issue.

B. Barber’s claim is impermissibly speculative.

The second flaw in Barber’s motion for preliminary injunction is the fundamentally speculative nature of the claims that underlie it. From the outset, it is insufficient for a plaintiff raising a method-of-execution challenge to lethal injection to simply allege that he will be “repeatedly” stuck with a needle during the preparations for his execution. Indeed, the Eleventh Circuit recently affirmed the rejection of a similar claim, holding:

Nance did not plausibly allege that a futile attempt to locate a vein would give rise to a constitutionally intolerable level of pain. After all, “the Eighth Amendment does not guarantee a prisoner a painless death,” but rather it forbids the use of “long disused (unusual) forms of punishment that intensified the sentence of death with a (cruel) superaddition of terror, pain, or disgrace.” *Bucklew*, 139 S. Ct. at 1124 (alteration adopted) (citation and internal quotation marks omitted).

Nance v. Comm’r, Ga. Dep’t of Corr., 59 F.4th 1149, 1157 (11th Cir. 2023).

But Nance at least alleged some factual basis for his claim. *Id.* at 1156 (“Nance also alleged that the lethal drugs could not be administered through a standard

intravenous catheter due to his weak veins.”) Barber does not even go that far. Instead, his action is based on his speculation that if the State of Alabama attempts to execute him by lethal injection, his execution will follow the allegedly flawed course of Joe Nathan James’s execution and the unsuccessful preparations for two subsequent executions. But Barber’s complaint does not allege any facts that would show he is similarly situated to any of those three men. Unlike Kenneth Smith, he alleges no history of difficult venous access, nor does he allege that, like Alan Eugene Miller, he is obese. *Cf. Smith v. Comm’r, Ala. Dep’t of Corr.*, No. 22-13781, 2022 WL 17069492, at *5 (11th Cir. Nov. 17, 2022), *cert. denied sub nom. Hamm v. Smith*, 143 S. Ct. 1188 (2023) (mem.) (Based on medical history and weight, Smith “alleged that there will be extreme difficulty in accessing his veins.”); (Doc. 1 ¶¶ 76–78); Second Amended Complaint ¶¶ 98–99, *Miller v. Hamm*, No. 2:22-CV-00506 (M.D. Ala. Oct. 12, 2022), ECF No. 85 (referencing Miller’s allegations that he weighed “351 pounds” and “doctors have long struggled to access Mr. Miller’s veins”). Beyond his general allegations about the protocol, Barber alleges nothing that would explain why *his* execution would be like that of James, or why the preparations for his execution would be unsuccessful, as in the cases of Miller and Smith. Instead, Barber just argues generally that the protocol will subject him to a “botched” execution that will be cruel and unusual. But the history of lethal injection did not begin in the summer of 2022, and Barber’s complaint presents nothing more

than sheer speculation to explain why his execution will not simply follow the course of the *forty-five* successful lethal injection executions that preceded James's successful execution.

Barber's motion for a preliminary injunction does nothing to remedy this deficiency. Instead, it simply repeats the baseless conclusion that Alabama's supposed "inability to carry out lethal injections" is "well-established"—presumably, he means by his account of the James execution and the unsuccessful preparations for the Miller and Smith executions. (Doc. 25 at 16.) But again, Barber's reliance on this limited number of scheduled executions merely demonstrates the tenuous and speculative nature of his claims.

The Supreme Court has long recognized that district courts should protect state-court judgments from claims that "are pursued in a 'dilatory' fashion or based on 'speculative' theories." *Bucklew v. Precythe*, 139 S. Ct. 1112, 1134 (2019). As the Eleventh Circuit has recognized, this principle extends to method-of-execution cases. *See also Ferguson v. Warden, Fla. State Prison*, 493 F. App'x 22, 25 (11th Cir. 2012) ("Ferguson's speculation as to the parade of horribles that could *possibly* occur during his execution does not meet the burden of proof required by the Eighth Amendment."); *Pardo v. Palmer*, 500 F. App'x 901, 904 (11th Cir. 2012) ("mere speculation" was insufficient to warrant preliminary injunction in method-of-execution case).

Barber's failure to make any allegations at all about the forty-five successful lethal injections that preceded the James execution can perhaps be attributed to a fruitless attempt to avoid the limitations period on his action, but history demonstrates that Alabama's protocol works. Barber does not allege *anything* that would explain why it will be difficult to obtain venous access in his case—beyond, that is, his time-barred assertion that the protocol does not require sufficient expertise on the part of the IV team. Thus, Barber's allegations about what happened during previous efforts to obtain venous access—which Defendants dispute—show at most that the preparations for Barber's execution could *possibly* encounter similar difficulties. But when it comes to method-of-execution challenges, possibly is not good enough. As the Supreme Court explained in *Baze v. Rees*, that “an execution method may result in pain...by accident...does not establish the sort of ‘objectively intolerable risk of harm’ that qualifies as cruel and unusual.” 553 U.S. 35, 50 (2008). Similarly, the Third Circuit has held that “speculating about what [] officials might do” is not sufficient to establish that a particular method of execution poses an “intolerable” risk of cruel and unusual punishment. *Jackson v. Danberg*, 594 F.3d 210, 227 (3d Cir. 2010); *see also Wackerly v. Jones*, 398 F. App'x 360, 363 (10th Cir. 2010) (court addressing a method-of-execution claim “need not address [a] hypothetical scenario” put forward by plaintiff). At bottom, Barber's complaint gives this Court nothing more than a “hypothetical scenario” in which the process of

obtaining intravenous access goes wrong or takes “too long.” Because Barber’s speculation is insufficient to state a claim upon which relief may be granted, he is unlikely to succeed on the merits of his claim.

Further, even Barber’s claims that the protocol is prone to errors rests on a shaky factual foundation. While Barber points to a series of supposed errors, beginning with the execution of Joe Nathan James, he fails to acknowledge that his claims regarding James’s execution are sharply denied by the pathologist who *actually performed* the autopsy of James on which Barber relies. Dr. Boris Datnow completed his autopsy report on or about August 15, 2022. *See* Attach. A, Affidavit of Dr. Boris Datnow. As the pathologist who conducted the James autopsy, Dr. Datnow speaks authoritatively on the results of that autopsy, and he strongly contests Dr. Zivot’s account of the autopsy and its findings. *Id.* at 2–3. Moreover, as shown by Dr. Datnow’s affidavit and the autopsy report attached thereto, the autopsy itself revealed “*no evidence* that a cutdown procedure was performed or attempted on Mr. James.” *Id.* at 2 (emphasis added).

Astonishingly, despite basing his complaint on “Mr. James’s autopsy,” Barber never once mentions Dr. Datnow’s findings. (*See* Doc. 1 ¶ 71.) Instead, to support his claim that a “cutdown” was performed on James, he relies on a *magazine article* by an author who never even provided Dr. Datnow the opportunity to comment prior to publication. (*Id.* ¶ 71 & n.12; Attach. A.) Had the author done so, Dr. Datnow

would have made clear that, as his autopsy report (Exhibit B to Attach. A) shows, no “cutdown” was performed on James at all. Indeed, as Dr. Datnow’s autopsy shows, the “very superficial linear abrasions” identified “immediately adjacent” to Mr. James’s “antecubital fossa” showed that “no vascular or subcutaneous tissue structures [were] exposed[.]” *Id.*

Dr. Datnow’s affidavit demonstrates the extraordinarily speculative nature of Barber’s pleadings, in turn underscoring the inevitable conclusion that Barber would fail to show “a substantial likelihood of success on the merits,” *Siegel*, 234 F.3d at 1176.

III. The requested injunction would be contrary to the public interest.

The final consideration is whether preventing the State from carrying out Barber’s lawfully imposed sentence would be adverse to the public interest. It would. “Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Glossip v. Gross*, 576 U.S. 863 (2015) (inmates failed to establish unconstitutional risk of harm from three-drug protocol with midazolam). Barber has been on death row since 2004 because he robbed and murdered Dorothy Epps, brutally beating her to death with his fists and a claw hammer. Barber’s actions are monstrous and worthy of his sentence.

As the Eleventh Circuit has explained:

[W]hile “neither [the State] nor the public has any interest in carrying out an execution” based on a defective conviction or sentence, *see Ray v. Comm’r, Ala. Dep’t of Corr.*, 915 F.3d 689, 702 (11th Cir. 2019), “[b]oth the State and the victims of crime have an important interest in the timely enforcement of a [valid] sentence,” *Hill [v. McDonough*, 547 U.S. 573, 584 (2006)]. Stays of executions where the conviction and sentence are valid impose a cost on the State and the family and friends of the murder victim. As we have stated many times, “[e]ach delay, for its span, is a commutation of a death sentence to one of imprisonment.” *Thompson v. Wainwright*, 714 F.2d 1495, 1506 (11th Cir. 1983); *see McNair v. Allen*, 515 F.3d 1168, 1176 (11th Cir. 2008) (same); *Jones v. Allen*, 485 F.3d 635, 641 (11th Cir. 2007) (same); *Williams v. Allen*, 496 F.3d 1210, 1214 (11th Cir. 2007) (same); *Schwab v. Sec’y, Dep’t of Corr.*, 507 F.3d 1297, 1301 (11th Cir. 2007) (per curiam) (same); *Rutherford v. McDonough*, 466 F.3d 970, 978 (11th Cir. 2006) (same); *Lawrence v. Florida*, 421 F.3d 1221, 1224 n.1 (11th Cir. 2005) (same).

Bowles v. Desantis, 934 F.3d 1230, 1248 (11th Cir. 2019).

Barber murdered Mrs. Epps over twenty years ago. His conventional appeals were fully litigated as of March 2022, and he has been represented by competent counsel at every stage of the proceedings. Barber’s present challenge is meritless, and further delay to the execution of his just sentence would not serve the public interest. Therefore, the Court should deny Barber’s motion for a preliminary injunction.

CONCLUSION

Defendants oppose the injunctive relief requested by Barber, and for the above-mentioned reasons, preliminary injunctive relief should be denied.

In the event the Court determines that preliminary injunctive relief is warranted, any injunction should be “narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.” 18 U.S.C. § 3626(a)(2). In this case, such an injunction should be limited in scope so as to permit Barber’s July 20, 2023, execution to be conducted by nitrogen hypoxia.

Respectfully submitted,

Steve Marshall
Attorney General
BY—

s/ Richard D. Anderson
Richard D. Anderson
Assistant Attorney General

/s Henry Johnson
Henry Johnson
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which shall cause the same to be transmitted to all counsel of record.

Respectfully submitted,

Steve Marshall
Attorney General
BY—

s/ Richard D. Anderson
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES EDWARD BARBER,

Plaintiff,

v.

KAY IVEY, Governor of the State of
Alabama, *et al.*,

Defendants.

Case No. 2:23-cv-00342-ECM

**CAPITAL CASE – EXECUTION “TIME
FRAME” BEGINS 12:00 A.M. ON JULY
20, 2023**

**EVIDENTIARY HEARING SCHEDULED
FOR JULY 5, 2023 AT 1:00 PM**

CHIEF JUDGE EMILY C. MARKS

**PLAINTIFF JAMES BARBER’S MOTION TO COMPEL PRODUCTION OF
DOCUMENTS AND ANSWERS TO INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 37, Plaintiff James Edward Barber, through undersigned counsel, respectfully requests that this Court order Defendants Ivey, Hamm, Raybon, and John Does 1–3 (collectively, “Defendants”) produce responses to Plaintiff’s First Set of Interrogatories (“Plaintiff’s Interrogatories”), and to produce documents responsive to Plaintiff’s First Set of Requests for Production (“Plaintiff’s RFPs,” and collectively, “Plaintiff’s Written Discovery”).

BACKGROUND

Mr. Barber first made discovery requests on the State of Alabama on February 28, 2023, shortly after Defendant Marshall moved to set an execution date for Mr. Barber in the Alabama Supreme Court. *See* Dkt. 1-19 at 4-5. Counsel for Defendants largely denied the requests, stating that “there will be no substantive response to your request[s].” *Id.* at 3.

On June 5, 2023, Mr. Barber filed his motion for preliminary injunction in this action. Dkt. 25. The next day, on June 7, 2023, Mr. Barber served requests for production and interrogatories on Defendants. Defendants agreed to respond on an expedited basis, and on June 23, 2023, Defendants served responses and objections to Mr. Barber's Written Discovery.¹ In response to Plaintiff's nineteen RFPs, which seek, among other things, documents related to the State's recent internal "review" of execution procedures, Defendants lodged several inapplicable objections and produced only 64 documents, some of which are already public, including:

- Other States' execution procedures (22 documents)
- Letters from concerned citizens (13 documents)
- Internal state emails concerning non-substantive administrative matters (25)
- Copies of Alabama's lethal injection protocol (3 documents)
- Documents containing redacted licenses and certifications (1 document)

Defendants refused to produce an additional 180 documents on the basis of privilege, and an unspecified number of other documents on the basis of confidentiality concerns. Defendants also refused to provide substantive responses to Plaintiff's Interrogatories No. 4, 5, 6, and 8 on the grounds of privilege and confidentiality.

Soon after Defendants provided their deficient responses, counsel for Mr. Barber emailed counsel for Defendants on June 25th inquiring into when a privilege log would be produced. On June 27, 2023, counsel for Defendants responded, stating that Defendants were "working on" their privilege log. Counsel for Mr. Barber responded the next day asking again for an update.

¹ Attached hereto as Exhibits A-D are Plaintiff's First Set of Interrogatories; Plaintiffs First Set of Requests for Production; Defendants Responses to Plaintiff James Barber's First Set of Interrogatories by Defendants Ivey, Hamm, Raybon, and Does 1-3; and Response to Plaintiff James Barber's First Set of Requests for Production by Defendants Ivey, Hamm, Raybon, and John Does 1-3, respectively.

Counsel for Plaintiff and Defendants conferred by phone on Friday, June 29, 2023 regarding Defendants' deficient document production and interrogatory responses. During this call, Defendants stated that they would not produce any documents withheld on the basis of privilege or confidentiality unless ordered to do so by this Court. The Defendants then served what appears to be a preliminary privilege log on June 30, 2023 at 4:15 pm CST.²

ARGUMENT

I. Defendants' Overbroad Privilege Claims Are Facially Meritless, Impossible to Evaluate, or Both.

It is well established that the party invoking a privilege has the burden of proving its existence. *See, e.g., In re Grand Jury Investigation*, 842 F.2d 1223, 1225 (11th Cir. 1987). Moreover, because privilege claims act as an impediment to truth-finding, such claims must be tailored to the particular purposes for which they are created. *See Univ. of Pennsylvania v. E.E.O.C.*, 493 U.S. 182, 189 (1990) (because “privileges contravene the fundamental principle that ‘the public . . . has a right to every man’s evidence, any such privilege must ‘be strictly construed’” (quoting *Trammel v. United States*, 445 U.S. 40, 50 (1980)); *United States v. Nixon*, 418 U.S. 683, 709-10 (1974) (noting “exceptions to the demand for every man’s evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth”); *United States v. Singleton*, 260 F.3d 1295, 1299 (11th Cir. 2001) (explaining “privileges are disfavored because they impede the search for truth”) (per curiam);

Contrary to these bedrock principles, Defendants make boilerplate privilege assertions purporting to cover entire categories of information. And perhaps unsurprisingly, the categories of information Defendants seek to cloak with privilege are precisely those at the core of this case, namely: (1) the “top-to-bottom” review of Alabama’s execution procedures conducted following

² See Defendants’ Privilege Log, attached hereto as Exhibit E.

three consecutively botched executions, and (2) the steps taken, if any, to correct the practices and procedures that led to Alabama botching these executions.

The tables below specify the privilege assertions Defendants have made in response to Plaintiff's Written Discovery:³⁴

| Request No. | Request | Privileges Asserted |
|-------------|--|---|
| 1 | All documents relating to the State of Alabama's investigation into its execution process from November 18, 2022 through the present. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |
| 4 | All documents relating to Defendants' vetting process for any person responsible for establishing IV access during lethal injection executions in Alabama. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |
| 5 | All documents relating to the vetting process and/or background checks for "new outside medical professionals" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |
| 7 | All documents and communications exchanged between Defendants and "corrections personnel responsible for conducting executions in several other states," as referenced in Defendant Hamm's letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |
| 13 | All documents and communications relating to the "order[ing] and obtain[ing] [of] new equipment that is now available for use in future executions" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |
| 14 | All documents and communications relating to the "multiple rehearsals of our execution process" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Official information; Attorney-client; Work product; Chief executive communications |

³ Defendants also object on identical privilege grounds to Interrogatories No. 7, and No. 9, but have nonetheless provided substantive answers to those interrogatories.

⁴ See Ex. C; Ex. D.

| Interrogatory No. | Interrogatory | Privileges Asserted |
|-------------------|--|--|
| 4 | Identify and describe the vetting process that Defendants employ in hiring or retaining any person responsible for establishing IV access during a lethal injection execution in the State of Alabama. | Deliberative process; Executive privilege; Official information; Attorney-client; Work-product; Chief executive communications |
| 5 | Identify the names of the “corrections personnel responsible for conducting executions in other states” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Executive privilege; Chief executive communications Official information; Attorney-client; Work-product |
| 6 | Identify the “execution procedures from multiple states” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Executive privilege; Chief executive communications; Official information; Attorney-client; Work-product |
| 8 | Identify the results of the “multiple rehearsals of our execution process” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | Deliberative process; Executive privilege; Chief executive communications Official information; Attorney-client; Work-product |

Defendants’ assertions of privilege are nearly identical for each of the interrogatories for which a claim of privilege has been raised, and nearly identical for each document request for which a claim of privilege has been raised. In other words, Defendants appear to have, in essence, copied and pasted the same boilerplate privilege assertions for each of their privilege-based objections to Plaintiff’s RFPs and Interrogatories.

To make matters worse, Defendants fail to explain how any of the identified privileges might justify their failure to provide a meaningful response to four of Plaintiff’s Interrogatories.

A. *Defendant raise baseless privilege assertions in response to Plaintiff’s Interrogatories.*

Defendants provide no substantive responses to Plaintiff's Interrogatories No. 4, 5, 6, and 8, on the basis of six different privileges. Defendants thereby implicitly contend—by providing no response whatsoever—that *any* substantive answer to *any* of these interrogatories would violate some privilege or another. To the contrary, there is nothing about any of Plaintiff's Interrogatories that could have prevented Defendants from providing meaningful responses without impinging on a legitimate privilege. Plaintiff's interrogatories seek *facts*, and *facts are not privileged*. *See, e.g.*, *Upjohn Co. v. United States*, 449 U.S. 383, 395 (1981) (noting the attorney-client privilege “does not protect disclosure of the underlying facts by those who communicated with the attorney”).

None of Defendants' asserted privileges begin to excuse their failure to provide meaningful responses to Plaintiff's interrogatories:

1. “Chief executive communications privilege”.

The purported “chief executive communications privilege” Defendants assert in response to Plaintiff's Interrogatories does not appear to be a privilege recognized by federal courts.⁵ Counsel for Mr. Barber has not been able to locate a single case evidencing the existence of a federally recognized “chief executive communications privilege.” Indeed, a search of Westlaw covering all Eleventh Circuit appellate and district court opinions for the phrase “chief executive communications privilege” returns precisely zero cases.

Defendants cannot refuse to provide responses on the basis of this purported privilege.

2. Work-product privilege.

⁵ The federal common law of privilege unquestionably applies in federal question cases such as this. *See Meyer v. Gwinnett Cnty. Police Dep't*, No. 21-12851, 2022 WL 2439590, at *7 (11th Cir. July 5, 2022) (“[W]here the court's jurisdiction is premised upon a federal question,' the federal law of privilege 'provides the rule of decision.'”) (per curiam); *see also* Fed. R. Evid. 501.

The work-product privilege protects “documents and tangible things that are prepared in anticipation of litigation.”⁶ Fed. R. Civ. P. 26(b)(3). Work-product privilege cannot be used to shield factual information from discovery. *See Doe v. Autauga Cnty. Bd. of Educ.*, No. 2:04-CV-1155-F, 2006 WL 1223831, at *2 (M.D. Ala. May 5, 2006) (“[T]he underlying facts learned by the party or its representative are not protected by the work product privilege just because they are reflected in a document subject to Rule 26(b)(3), and these facts remain discoverable.”). Indeed, courts have consistently held that “the work product concept furnishe[s] no shield against discovery, by interrogatories or by deposition, of the facts that the adverse party’s lawyer has learned, or the persons from whom he or she had learned such facts … even though the documents themselves may not be subject to discovery.” Wright, Miller & Marcus, *Federal Practice and Procedure: Civil* 2d § 2023.

Defendants cannot refuse to provide responses on the basis of this privilege.

3. Attorney-client privilege.

The attorney-client privilege protects communications “made in confidence for the purpose of obtaining legal advice from [a] lawyer.” *Meade v. Gen. Motors, LLC*, 250 F. Supp. 3d 1387, 1391 (N.D. Ga. 2017). None of Plaintiff’s interrogatories request the content of any such communication. *See* Ex. A; Ex. B.

Defendants cannot refuse to provide responses on the basis of this privilege.

4. Official information privilege.

The Eleventh Circuit does not recognize this privilege. Indeed, the *only* circuit that recognizes this qualified privilege is the Ninth Circuit. *Kerr v. U.S. Dist. Ct. for N. Dist. of Cal.*,

⁶ Yet-to-be-written interrogatory responses are quite obviously not themselves a “tangible thing” subject to work-product protection, and the work-product doctrine is, for that reason, generally not a valid objection to an interrogatory.

511 F.2d 192, 197 (9th Cir. 1975), *aff'd*, 426 U.S. 394 (1976). Other circuits do not distinguish between the official information-privilege and the deliberative-process privilege. *See, e.g., First E. Corp. v. Mainwaring*, 21 F.3d 465, 468 (D.C. Cir. 1994) (referencing the privilege “[v]ariously known as the official information privilege, intragovernmental opinion privilege, and administration deliberation privilege . . .”)

Even if such a privilege was recognized in the Eleventh Circuit, Defendants have not established that it applies in this case. To assert the “official information” privilege in the Ninth Circuit, the government official within an agency who has personal knowledge regarding the disputed material must:

[S]ubmit a declaration that: (1) affirms that the agency has collected the material and held it in confidence; (2) affirms that he or she has reviewed the material; (3) specifically asserts the governmental or privacy interest which would be threatened by disclosure of the material; (4) specifically explains the substantial risk of harm to those interests which would result from disclosure; and (5) estimates the amount of harm which would result from disclosure.

Denison v. Oregon, 211 F.R.D. 408, 410 (D. Or. 2002). Defendants have not complied with these procedural requirements. In any event, this privilege—which does not exist in the Eleventh Circuit—is only a qualified privilege, contingent upon the competing interests of the requesting litigant and subject to disclosure especially where protective measures are taken.” *Kerr*, 511 F.2d at 198. In this case, as further discussed in Section II, *infra*, Plaintiff is willing to agree to sufficiently protective measures to safeguard the confidentiality interests identified by Defendants.

Defendants cannot refuse to provide responses on the basis of this privilege.

5. Deliberative-process privilege.

The deliberative-process privilege covers “documents reflecting advisory opinions, recommendations and deliberations.” *Dep’t of Interior v. Klamath Water Users Protective Ass’n*,

532 U.S. 1, 8 (2001). It protects only “deliberative” materials—that is, materials that are “a direct part of the deliberative process in that [they make] recommendations or express[] opinions on legal or policy matters.” *Broward Bulldog, Inc. v. U.S. DOJ*, 939 F.3d 1164, 1195 (11th Cir. 2019).

Plaintiff’s Interrogatories request facts, not recommendations or policy opinions. The deliberative-process privilege does not protect facts. *See Fed. Home Loan Mortg. Corp. v. Deloitte & Touche, LLP*, No. 15-22754-MC, 2015 WL 12766397, at *3 (S.D. Fla. Sept. 3, 2015) (ordering production of factual materials following *in camera* review).

Defendants cannot refuse to provide responses on the basis of this privilege.

6. Executive privilege.

Defendants also repeatedly assert what they term “executive privilege” with no further description. *See Ex. C.* It is not clear what privilege Defendants are claiming, what this privilege protects, or whether and how this privilege differs from Defendants’ chief executive communications privilege or deliberative process privilege assertions.

Defendants cannot refuse to provide responses on the basis of this purported privilege.

B. Defendants raise baseless privilege assertions in response to Plaintiff’s RFPs.

Defendants’ assertion of the “chief executive communications privilege” and the “official information” privilege in connection with Plaintiff’s RFPs are baseless for the same reasons discussed in Section I.A. Moreover, incredibly, despite raising the chief executive communications privilege and the official information privilege in response to seven of Plaintiff’s RFPs, Defendants’ privilege log identifies only **one** document withheld on the basis of the chief executive communications privilege, and **zero** documents withheld on the basis of the official information privilege.

Defendants’ assertion of work-product privilege in connection with Plaintiff’s RFPs fails because no document requested by Plaintiff’s RFPs was created in anticipation of litigation.

Plaintiff's RFPs seek documents related to the Alabama Department of Corrections' ("ADOC") investigation into its lethal injection processes and procedures. This investigation occurred because the Governor of Alabama ordered that it be undertaken. The Governor's stated purpose in ordering the investigation was "to get this right" for "the victims and their families." *See* Dkt. 1-3, Ex. C to Compl. at 2. A document is created in anticipation of litigation if it was created "because of" litigation.⁷ In other words, the document would not have been created if not for concerns related to litigation. The documents at issue in this case would have been created regardless of the prospect of litigation, because the Governor's order was a sufficient condition for their creation. Thus, no document called for by Plaintiff's RFPs can be said to have been created "because of" the prospect of litigation, and work-product privilege is inapplicable.

Defendants assert the deliberative process privilege in connection with 138 documents. *See* Ex. E. Defendants have not met their burden of establishing the existence of the deliberative process privilege for any of these documents because the descriptions Defendants provide in their privilege log do not permit meaningful evaluation of these privilege claims. Specifically, the descriptions do not provide insight into whether these documents provide recommendations or express opinions on legal or policy matters. *See Broward*, 939 F.3d at 1195. Additionally, these assertions will likely require significant time to evaluate because evaluating deliberative process privilege claims typically warrants *in camera* review to accomplish the balancing of equities required. *See, e.g., Fed. Home Loan Mortg. Corp. v. Deloitte & Touche, LLP*, No. 15-22754, 2015 WL 12766397, at *2 (S.D. Fla. Sept. 3, 2015) ("Even when the deliberative process privilege

⁷ District courts in the Eleventh Circuit are split as to the proper test for determining whether a document was created "in anticipation of litigation," with some courts following the "because of" test, and some courts following the "primary motivating purpose" test. *See BMO Harris Bank, N.A. v. Richert Funding, LLC*, No. 15-cv-3886, 2016 WL 11531461, at *4-5 (N.D. Ga. Dec. 27, 2016) (discussing the question of which test is applied by the district courts in this circuit and collecting cases), *aff'd*, 2017 WL 11627485 (N.D. Ga. July 3, 2017). We need only address the "because of" test here, because it is the broader test. In other words, if Defendants' privilege claims fail the "because of" test, they would also fail the "primary motivating purpose" test.

applies, it is qualified, not absolute. For this reason, an *in camera* examination of the withheld documents is necessary to weigh the government's interest in nondisclosure against the interests of the litigants and the public in disclosure.”) (citation omitted).

C. Defendants have waived privilege over at least some of the documents and information withheld.

Several of Plaintiff's Interrogatories and RFPs request documents related to Defendants' communications with agencies from other states. Defendants have asserted privilege over these communications. Although privilege may often be maintained in discussions between agencies within the same state, foreign states constitute third parties for the purposes of privilege analysis. Privilege does not attach to Defendants' communications with foreign states.

II. Confidentiality Concerns Do Not Warrant Withholding Key Information in This Case

Defendants also assert confidentiality concerns as a basis for withholding some quantity of unspecified documents, and as a basis for refusing to answer Plaintiff's Interrogatories. Defendants raise these concerns in connection with information about Alabama's execution procedures, and the identity of individuals involved in conducting executions.

Each of Plaintiff's RFPs and Interrogatories for which Defendants have asserted a confidentiality objection is set forth in the tables below:

| Request No. | Request | Number of documents produced ⁸ |
|-------------|--|---|
| 2 | All documents concerning any preparation and/or training for Plaintiff's execution from July 28, 2022 through the present. | 0 |
| 3 | All training manuals or other training-related documents that the Alabama Department of Corrections developed | 0 |

⁸ See Defendant's Document Production Index, attached hereto as Exhibit F.

| | | |
|----|--|---|
| | or relies upon to implement its current lethal injection protocol. | |
| 4 | All documents relating to Defendants' vetting process for any person responsible for establishing IV access during lethal injection executions in Alabama. | 0 |
| 5 | All documents relating to the vetting process and/or background checks for "new outside medical professionals" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | 0 |
| 6 | All documents showing the current medical licenses, certifications, or degrees of the individuals responsible for setting the two IV lines required for a lethal injection execution in Alabama. | 0 |
| 7 | All documents and communications exchanged between Defendants and "corrections personnel responsible for conducting executions in several other states," as referenced in Defendant Hamm's letter to Defendant Ivey dated February 24, 2023. | 0 |
| 9 | The State of Alabama's current unredacted set of protocols, procedures, and training manuals regarding executions by lethal injection. | 0 |
| 13 | All documents and communications relating to the "order[ing] and obtain[ing] [of] new equipment that is now available for use in future executions" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. | 0 |
| 17 | All documents, policies, procedures, or other materials provided by any Defendant to any person responsible for establishing IV access during a lethal injection execution, and any agreements those persons provided to any Defendant. | 0 |

| Interrogatory No. | Interrogatory |
|-------------------|---|
| 5 | Identify the names of the "corrections personnel responsible for conducting executions in other states" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. |
| 6 | Identify the "execution procedures from multiple states" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. |

| | |
|---|--|
| 7 | Identify the “new equipment that is now available for use” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023. |
|---|--|

Defendants’ purported confidentiality concerns are without merit. “It should go without saying that it is well settled that *confidentiality does not act as a bar to discovery* and is generally not grounds to withhold documents from discovery.” *WNE Cap. Holdings Corp. v. Rockwell Automation, Inc.*, No. CA 09-0733, 2011 WL 13254691, at *5 (S.D. Ala. Aug. 4, 2011) (emphasis added).

As Mr. Barber’s counsel has repeatedly told Defendants (including on June 30, 2023 at a meet-and-confer), Mr. Barber will agree to sufficiently protective measures to safeguard the confidentiality interests identified by Defendants, including entry of a protective order providing for such things as: (1) confidential designation of materials, (2) designation of materials as “attorneys eyes only,” (3) filing of materials under seal, and (4) signing of confidentiality agreements by persons in receipt of such materials. Defendants refuse to produce any of these documents notwithstanding Plaintiff’s agreement to these robust protections.

The documents and information that Defendants refuse to produce on the basis of confidentiality are critical to Mr. Barber’s claim. The crux of this case is that ADOC is incapable of carrying out lethal injection executions in a constitutional manner, and the information that Defendants have withheld bears directly on that issue.

Additionally, the IV Team’s competence, and in particular, Defendants’ vetting of the IV Team, is more relevant than ever given recent developments. Namely, Mr. Barber’s counsel have identified one of the individuals on the IV Team,⁹ and a preliminary criminal and civil background check shows that this IV Team member has been arrested multiple times for incidents involving

⁹ Counsel for Mr. Barber have agreed not to include identifying information related to this individual in public court filings.

fraud, has various other criminal citations on their record, and has civil judgments against them for debts owed. These facts bear strongly upon the judgment of this IV Team member.

CONCLUSION

Defendants have not produced any meaningful information in response to Plaintiffs' Written Discovery. By raising spurious and overbroad privilege and confidentiality assertions, Defendants are withholding key documents and information in this case until after this Court's consideration of Plaintiff's Motion for Preliminary Injunction.

Mr. Barber respectfully requests that this Court order Defendants to produce adequate responses to Plaintiff's Written Discovery.

Dated: June 30, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I served a copy of the foregoing via the Court's CM/ECF system, which shall cause the same to be electronically transmitted to all counsel of record.

/s/ *Christopher Batdorf-Barnes*

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Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES EDWARD BARBER,

Plaintiff,

v.

KAY IVEY, Governor of the State of
Alabama, *et al.*,

Defendants.

Case No. 2:23-cv-00342

**CAPITAL CASE – EXECUTION TIME
FRAME BEGINS 12:00 A.M. ON JULY 20,
2023**

CHIEF JUDGE EMILY C. MARKS

PLAINTIFF'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff James Edward Barber (“Plaintiff”) propounds the following interrogatories on Defendants Kay Ivey (“Defendant Ivey”), John Q. Hamm, (“Defendant Hamm”), Terry Raybon (“Defendant Raybon”) Steve Marshall (“Defendant Marshall”), and John Does 1-3 (“Defendant Does”). Plaintiff requests that Defendants respond by June 21, 2023.

DEFINITIONS AND INSTRUCTIONS

1. “ADOC” shall refer to the Alabama Department of Corrections, its divisions, departments, and operating units, and all other Persons and entities working on ADOC’s behalf.
2. “Communication” or “communications” shall mean any oral, written or otherwise non-verbal, or electronic expression of information, opinion, words or data and evidence thereof, no matter how those pieces of information, opinion, words, or data and evidence thereof is stored, memorialized, or fixed; including text messages, instant messages, voice messages, and the like. These terms are further intended to include, without limitation, any summaries, reviews,

reports, notes, logs, journals, minutes, or outlines concerning or memorializing the transmittal of information, opinion, words, or data.

3. "Complaint" shall mean the pleading that Mr. Barber filed on May 25, 2023, and all its associated exhibits.

4. "Defendant Ivey" shall mean Kay Ivey, Governor of Alabama, and any agent, employee, or person acting on her behalf.

5. "Defendant Hamm" shall mean John Q. Hamm, Commissioner of the Alabama Department of Corrections, and any agent, employee, or person acting on his behalf.

6. "Defendant Raybon" shall mean Terry Raybon, Warden of Holman Correctional Facility, and any agent, employee, or person acting on his behalf.

7. "Defendant Marshall" shall mean Steve Marshall, Attorney General of the State of Alabama, and any agent, employee, or person acting on his behalf.

8. "John Does 1-3" shall mean members of the team involved in the execution of Plaintiff and who are responsible for setting the two IV (intravenous) lines required for a lethal injection execution in Alabama.

9. "Defendants" shall mean Kay Ivey, John Q. Hamm, Terry Raybon, Steve Marshall, John Does 1-3, and any representatives, agents, employees, or any other person or entity acting on or working in concert with Defendants.

10. "Document" or "documents" is used in its broadest sense and is meant to include all items encompassed by Rule 34 of the Federal Rules of Civil Procedure, including every original (or identical copy if an original is unavailable), and every draft or copy that differs in any way from the original, or every writing, communication, recording (e.g., photograph, videotape, audiotape) or other tangible expression, whether handwritten, typed, drawn, sketched, printed, or

recorded by any physical, mechanical, electronic, or electrical means whatsoever, including email, text message, and other electronically stored information, and shall be construed to the fullest extent. The term “document” or “documents” shall be construed to include “communication” or “communications” as defined above

11. “Each” shall mean each and every; “every” means each and every.
12. “Including” shall mean including but not limited to.
13. “Investigation” shall mean any effort taken by Defendants in connection with Defendant Ivey’s request of the Alabama Department of Corrections to undertake a “top-to-bottom” review of the State of Alabama’s execution process.
14. “Letter to Defendant Ivey” shall mean the letter signed by Defendant Hamm dated February 24, 2023 concerning Defendants’ execution procedures.
15. “Litigation” shall mean the above-captioned action.
16. “Plaintiff” shall mean Plaintiff, James Edward Barber, and any agent or other person acting on his behalf.
17. “Policy” or “Policies” shall refer to all formal and informal protocols, policies, practices, procedures, rules, and guidelines.
18. “Person” shall mean any natural person, living or deceased, or any other entity of any kind.
19. “Relating to” and “concerning” shall mean relating to, regarding, referring to, pertaining to, describing, evidencing, constituting, demonstrating, or concerning.
20. “Request for Preliminary Injunction” shall mean the motion for preliminary injunction that Plaintiff filed on June 5, 2023.

21. “Standard procedure” shall mean the procedure referenced in Annex C § c of the State of Alabama’s redacted execution procedures dated March 2023 available at docket entry 1-2 in this Litigation.

22. The words “and” and “or,” where circumstances so permit, shall be construed either conjunctively or disjunctively to bring within the scope of these Requests any documents that might otherwise be considered outside that scope.

23. Each paragraph and subparagraph of these Interrogatories shall be construed independently, and no other paragraph or subparagraph shall be referred to or relied on for the purpose of limiting the scope. Defendants shall promptly supplement their response to these Interrogatories whenever any responsive information not previously produced becomes known.

24. If in answering these Interrogatories Defendants claim any ambiguity in interpreting either an individual request or a definition or instruction applicable thereto, Defendants shall not use such claims as a basis for refusing to respond but shall state them as part of the response to the language deemed to be ambiguous and identify the interpretation chosen or used as a basis for the response provided.

25. Each Interrogatory is addressed to the personal knowledge of each Defendant, as well as to the knowledge or information of Defendants’ attorneys, representatives, and agents. When a question is directed to Defendants, the question is also directed to the aforementioned Persons.

26. Defendants may elect to produce Documents and business records in response to any of the Interrogatories. If Defendants elect to do so, Defendants must provide information in sufficient detail that would allow Plaintiff to readily locate and identify each page of the Documents or business records from which the answer may be ascertained. Defendants may

identify documents by Bates numbering them and providing the Bates number for each specific page.

27. If Defendants assert privilege as a ground for failing to answer any Interrogatory, Defendants should respond to that part of such Interrogatory that, in Defendants' view, does not allegedly seek privileged information or communications. For each Interrogatory, or portion thereof, for which Defendants claim privilege, Defendants should describe the factual basis for the privilege claim in sufficient detail to permit adjudication of the validity of that claim.

28. Each paragraph of these Interrogatories shall be construed independently, and no other paragraph shall be referred to or relied on for the purpose of limiting the scope.

29. These Interrogatories shall be construed as continuing. Defendants shall promptly supplement their response whenever any responsive information not previously produced becomes known.

PLAINTIFF'S FIRST SET OF INTERROGATORIES

1. Identify the deficiencies found during the investigation into the State of Alabama's execution procedures.

2. Identify the current medical licenses, certifications, or degrees of the individuals responsible for setting the two IV lines required for a lethal injection execution in Alabama.

3. Identify whether Defendants John Does 1-3 were involved in setting the IV lines during the executions or execution attempts of any of the following individuals: Joe Nathan James, Jr., Alan Eugene Miller, and Kenneth Smith.

4. Identify and describe the vetting process that Defendants employ in hiring or retaining any person responsible for establishing IV access during a lethal injection execution in the State of Alabama.

5. Identify the names of the “corrections personnel responsible for conducting executions in other states” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
6. Identify the “execution procedures from multiple states” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
7. Identify the “new equipment that is now available for use” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
8. Identify the results of the “multiple rehearsals of our execution process” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
9. Identify what the “standard procedure” entails for setting IV access, as referenced in Annex C of the State of Alabama’s lethal injection protocol.
10. Identify the person or persons at ADOC who oversaw the investigation of the State of Alabama’s execution process.

11. Identify the circumstances during which attempts to carry out an inmate’s sentence of death within the “time frame” set by Defendant Ivey would be called off, and identify the individual or individuals responsible for making the decision to call off the execution in those circumstances.

Dated: June 7, 2023

Respectfully submitted,

/s/ Paula W. Hinton

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Attorneys for Plaintiff James Barber

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2023, I served a copy of the foregoing via email to all counsel of record.

/s/ Paula W. Hinton

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Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES EDWARD BARBER,

Plaintiff,

v.

KAY IVEY, Governor of the State of
Alabama, *et al.*,

Defendants.

Case No. 2:23-cv-00342

**CAPITAL CASE – EXECUTION TIME
FRAME BEGINS 12:00 A.M. ON JULY 20,
2023**

CHIEF JUDGE EMILY C. MARKS

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff James Edward Barber (“Plaintiff”) requests that Defendants Kay Ivey (“Defendant Ivey”), John Q. Hamm, (“Defendant Hamm”), Terry Raybon (“Defendant Raybon”), Steve Marshall (“Defendant Marshall”), and John Does 1-3 (“Defendant Does”) produce the documents listed below in the manner set by Rule 34 no later than June 21 2023.

The definitions, instructions, and rules of construction set forth in Rule 34 of the Federal Rules of Civil Procedure are hereby incorporated by reference into, and expressly made part of, each and every Request contained herein.

DEFINITIONS

Each word or term used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. Furthermore, these Requests shall be interpreted by reference to the definitions set forth below.

1. "Communication" or "communications" shall mean any oral, written or otherwise non-verbal, or electronic expression of information, opinion, words or data and evidence thereof, no matter how those pieces of information, opinion, words, or data and evidence thereof is stored, memorialized, or fixed; including text messages, instant messages, voice messages, and the like. These terms are further intended to include, without limitation, any summaries, reviews, reports, notes, logs, journals, minutes, or outlines concerning or memorializing the transmittal of information, opinion, words, or data.

2. "Complaint" shall mean the pleading that Mr. Barber filed in this litigation on May 25, 2023, and all its associated exhibits.

3. "Document" or "documents" is used in its broadest sense and is meant to include all items encompassed by Rule 34 of the Federal Rules of Civil Procedure, including every original (or identical copy if an original is unavailable), and every draft or copy that differs in any way from the original, or every writing, communication, recording (e.g., photograph, videotape, audiotape) or other tangible expression, whether handwritten, typed, drawn, sketched, printed, or recorded by any physical, mechanical, electronic, or electrical means whatsoever, including e-mail, text message, and other electronically stored information, and shall be construed to the fullest extent. The term "document" or "documents" shall be construed to include "communication" or "communications" as defined above.

4. "Defendant Ivey" shall mean Kay Ivey, Governor of Alabama, and any agent, employee, or person acting on her behalf.

5. "Defendant Hamm" shall mean John Q. Hamm, Commissioner of the Alabama Department of Corrections, and any agent, employee, or person acting on his behalf.

6. "Defendant Raybon" shall mean Terry Raybon, Warden of Holman Correctional Facility, and any agent, employee, or person acting on his behalf.

7. "Defendant Marshall" shall mean Steve Marshall, Attorney General of the State of Alabama, and any agent, employee, or person acting on his behalf.

8. "Defendants John Does 1-3" shall mean members of the team responsible for setting the two IV (intravenous) lines required for a lethal injection execution in Alabama.

9. "Defendants" shall mean Kay Ivey, John Q. Hamm, Terry Raybon, Steve Marshall, John Does 1-3, and any representatives, employees, agents, or any other person or entity acting on or working in concert with Defendants.

10. "Each" shall mean each and every; "every" means each and every.

11. "Including" shall mean including but not limited to.

12. "Investigation" shall mean any effort taken by Defendants in connection with Defendant Ivey's request of the Alabama Department of Corrections to undertake a "top-to-bottom" review of the State of Alabama's execution process.

13. "Letter to Defendant Ivey" shall mean the letter signed by Defendant Hamm dated February 24, 2023 concerning Defendants' execution procedures.

14. "Litigation" shall mean the above-captioned action.

15. "Plaintiff" shall mean Plaintiff, James Edward Barber, and any agent or other person acting on his behalf.

16. "Person" shall mean any natural person, living or deceased, or any other entity of any kind.

17. "Policy" or "Policies" shall refer to all formal and informal protocols, policies, practices, procedures, rules, and guidelines.

18. “Request for Preliminary Injunction” shall mean the motion for preliminary injunction that Plaintiff filed in this litigation on June 5, 2023.

19. “Relating to” and “concerning” shall mean relating to, regarding, referring to, pertaining to, describing, evidencing, constituting, demonstrating, or concerning.

20. “Standard procedure” shall mean the procedure referenced in Annex C § c of the State of Alabama’s current, redacted execution procedures dated March 2023 available at Docket Entry No. 1-2 in this litigation.

INSTRUCTIONS

1. These Requests should be construed in the broadest possible manner consistent with, and the responses thereto are governed by, the Federal Rules of Civil Procedure.

2. These Requests call for the production of all documents requested below that are in the possession, custody, or control of any Defendant, or anyone else acting on their behalf, regardless of location.

3. The Requests call for the production of all documents, communications, and information requested below that were created, transmitted, used, edited, or amended between July 28, 2022 through the present.

4. Identify, by number, the document request or requests pursuant to which you are producing each document.

5. The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

6. The words “and” and “or,” where circumstances so permit, shall be construed either conjunctively or disjunctively to bring within the scope of these Requests any documents that might otherwise be considered outside that scope.

7. The fact that a document is produced by another party does not relieve the Defendants of their obligation to produce their copy of the same document, even if the two documents are identical.

8. If the responding party perceives any ambiguities in a Request, instruction, or definition, set forth the matter deemed ambiguous and the construction used in answering.

9. If the responding party objects to any part of a Request, answer all parts of such Request to which no objection is made and, as to each part to which an objection is made, set forth the basis for the objection with specificity.

10. Documents shall be produced as they are kept in the usual course of business or organized and labeled to correspond with each numbered Request in response to which such documents are produced.

11. To the extent Defendants learn in the course of their search and production of documents in response to these Requests that a specific, non-duplicative document that was in its possession, custody or control but no longer exists, Defendants shall make reasonable, good faith efforts to advise Plaintiff's counsel of the nature of the document and its disposition.

12. Whenever e-mails are responsive to these Requests, any attachments to such messages should be produced in sequence together with the email to which they were attached.

13. Electronically stored information shall be produced in the format and manner to be agreed upon by the parties.

14. For each document or electronically stored information, if any, called for by a Request and withheld on grounds of privilege or on some other basis, Defendants shall provide, consistent with applicable federal and local rules of procedure and evidence, a privilege log that lists and describes the document or electronically stored information not produced and explains

the grounds for asserting why Defendants believe the document or electronically stored information is privileged, consistent with the Fed. R. Civ. P. 26(b).

15. Where a claim of privilege is asserted in objecting to any document demand, or subpart thereof, produce all requested documents that are not privileged. As to each document which you claim is privileged, provide a privilege log clearly identifying each such document, including the following information:

- a. Whether the attorney-client communication privilege, the work product doctrine, or another form of privilege provides the basis for withholding the document;
- b. The type of document being withheld (letter, memo, etc.), the number of pages in the document, the specific request to which the document is responsive, and the general subject matter;
- c. The purpose for the creation of the document;
- d. The date of the document;
- e. The name of the author and the author's capacity;
- f. The names of all recipients (including copy recipients) and the recipients' capacities; and
- g. A detailed and specific explanation of all of the reasons why you contend that the document is privileged or immune from discovery, including a clear statement of all factual grounds and legal analyses in a non-conclusory fashion.

16. These Requests are continuing in nature. If Defendants identify and/or obtain further responsive documents before trial, they are requested to supplement their answers promptly consistent with Fed. R. Civ. P. 26(e).

REQUESTS FOR PRODUCTION

1. All documents relating to the State of Alabama's investigation into its execution process from November 18, 2022 through the present.

2. All documents concerning any preparation and/or training for Plaintiff's execution from July 28, 2022 through the present.
3. All training manuals or other training-related documents that the Alabama Department of Corrections developed or relies upon to implement its current lethal injection protocol.
4. All documents relating to Defendants' vetting process for any person responsible for establishing IV access during lethal injection executions in Alabama.
5. All documents relating to the vetting process and/or background checks for "new outside medical professionals" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
6. All documents showing the current medical licenses, certifications, or degrees of the individuals responsible for setting the two IV lines required for a lethal injection execution in Alabama.
7. All documents and communications exchanged between Defendants and "corrections personnel responsible for conducting executions in several other states," as referenced in Defendant Hamm's letter to Defendant Ivey dated February 24, 2023.
8. All documents relating to the "reviews of execution procedures from multiple states" that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
9. The State of Alabama's current unredacted set of protocols, procedures, and training manuals regarding executions by lethal injection.
10. All documents relating to the "standard procedure" for establishing IV access, as referenced in the current lethal injection protocol.

11. All documents relating to the “central line” procedure for establishing IV access, as referenced in the current lethal injection protocol.
12. All documents related to Defendants’ policy or policies for handling lethal injection executions when attempts to establish two IV lines on a condemned inmate lasts 60 minutes or longer.
13. All documents and communications relating to the “order[ing] and obtain[ing] [of] new equipment that is now available for use in future executions” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
14. All documents and communications relating to the “multiple rehearsals of our execution process” that Defendant Hamm referenced in his letter to Defendant Ivey dated February 24, 2023.
15. All documents, procedures, policies, protocols, and communications that reflect when efforts to establish IV access will begin during Plaintiff’s 30-hour execution “time frame”.
16. All documents, procedures, policies, protocols, and communications that reflect the maximum amount of time during Plaintiff’s 30-hour execution “time frame” in which attempts are allowed to be made to establish IV access.
17. All documents, policies, procedures or other materials provided by any Defendant to any person responsible for establishing IV access during a lethal injection execution, and any agreements those persons provided to any Defendant.
18. To the extent not otherwise produced in response to these Requests, all documents on which Defendants intend to rely to defend against the claims and allegations Plaintiff makes in the Complaint.

19. To the extent not otherwise produced in response to these Requests, all documents on which Defendants intend to rely to defend against the claims and allegations Plaintiff makes in the Request for Preliminary Injunction filed in the Action on June 5, 2023.

Dated: June 7, 2023

Respectfully submitted,

/s/ Paula W. Hinton

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Email: jfougere@sidley.com

Attorneys for Plaintiff James Barber

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2023, I served a copy of the foregoing via email to all counsel of record.

/s/ Paula W. Hinton

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PX 37

Montgomery Advertiser

NEWS

Department of Corrections denies request for Joe Nathan James Jr. execution records



Brian Lyman

Montgomery Advertiser

Published 6:00 a.m. CT Aug. 16, 2022 | Updated 3:28 p.m. CT Aug. 17, 2022

The Alabama Department of Corrections has rejected a Montgomery Advertiser request for documents about the July 28 execution of Joe Nathan James Jr., writing it considers documents about executions to be exempt from public disclosure.

The Advertiser's request, mailed Aug. 2, sought communications between the ADOC and the Alabama Attorney General's Office the evening James was executed, along with a copy of the protocol followed. A similar request was mailed to the Alabama Attorney General's Office.

The news organization sought the records to answer questions about the execution, specifically what occurred during a nearly three-hour delay the night James was put to death. When media witnesses were seated in the death chamber, James had his eyes closed; he didn't move and didn't respond when asked for his last words. ADOC officials later said James was not sedated but that they could not say whether he was "fully conscious" before the lethal drugs began to flow.

Joe Nathan James, Jr. execution: What we know, don't know about 3-hour delay

In an Aug. 11 letter the Advertiser received on Monday, Rosie Shingles of ADOC's Research and Planning Division wrote that the Advertiser was seeking "protected and confidential, security sensitive information that does not reasonably need to be viewed by the public and would be detrimental to the public's best interest."

The letter also said the news organization's request could result in the release of "records concerning security plans, procedures, assessments, measures, or systems having an impact upon the security or safety of ADOC facilities and individuals."

EXHIBIT
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"Furthermore, the Alabama Department of Corrections considers execution-related information and documents confidential and exempt from public disclosure under Alabama law," the letter stated. "Therefore, your request is denied."

James was sentenced to death for the 1994 murder of his former girlfriend, Faith Hall of Birmingham. Prosecutors said James terrorized Hall for months before shooting her in her home.

Related: *James' death 'lengthy and painful,' says reporter who witnessed private autopsy*

Dig deeper: *ADOC 'cannot confirm' if Joe Nathan James Jr. was fully conscious before his execution*

ADOC staff took media witnesses, including an Advertiser reporter, to the entrance of the death chamber at 6:33 p.m. on July 28. But reporters were not allowed into the chamber until 8:57 p.m. In a statement later that night, Alabama Attorney General Steve Marshall said he "cleared the execution to commence" at 9:04 p.m.

ADOC has said staff had issues setting an IV line but has not provided additional details. In a report published in The Atlantic on Sunday, writer Elizabeth Bruenig, who witnessed an independent autopsy of James, saw jagged incisions on James' left arm that suggested staff tried to cut into his arm to expose a vein. Bruenig also reported multiple puncture wounds on James' body.

"James, it appeared, had suffered a long death," Bruenig wrote. "The state seems to have attempted to insert IV catheters into each of his hands just above the knuckles, resulting in broad smears of violet bruising."

Another expert in the story said incisions on James' arm could have been caused by James tearing his own arm against the gurney.

In 2018, the state called off the execution of Doyle Lee Hamm after puncturing his legs and groin 11 times in a failed attempt to create an IV line, leading Hamm to bleed over the gurney. The state agreed to not make further attempts to execute Hamm, who died of cancer late last year.

Sister of Joe Nathan James: *Circumstances surrounding execution warrant an investigation*

Previous coverage: *Joe Nathan James Jr. executed despite calls from victim's family to spare him*

Condemned inmates are usually conscious and given an opportunity to say last words before the execution. Media witnesses in the chamber said that James' eyes were closed prior to the start of the execution and that he appeared unresponsive at the start of the execution.

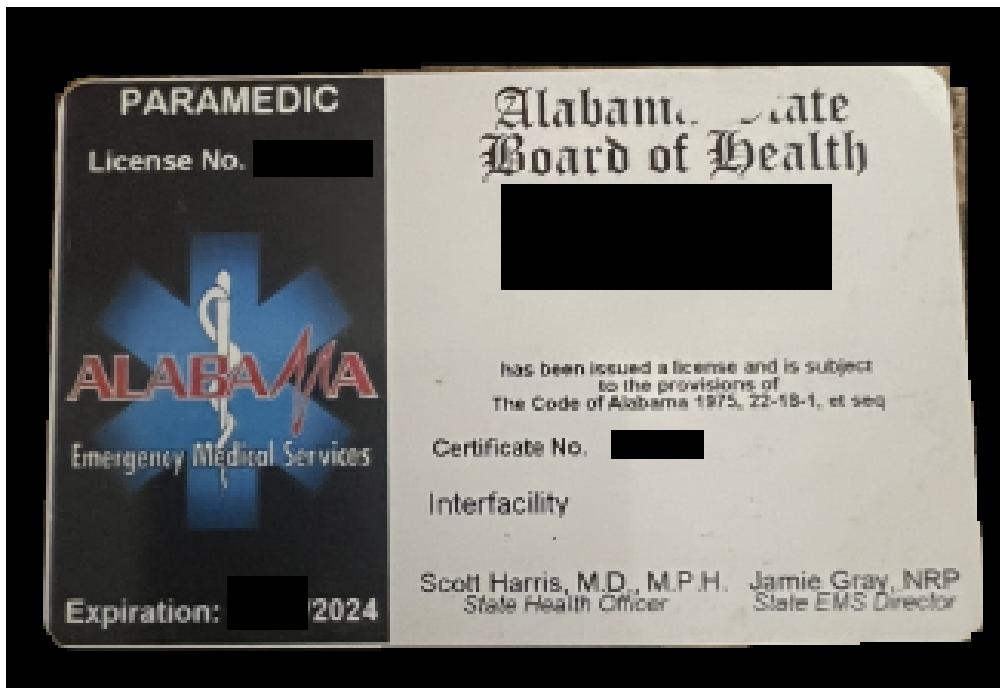
ADOC Commissioner John Hamm told reporters that evening that James was not sedated before the execution. But ADOC has since said it "cannot confirm" that James was fully conscious before the execution.

Alabama uses three drugs in conducting executions. Staff first inject the condemned individual with midazolam, a sedative. Experts say midazolam, used by the state since 2016, cannot reliably maintain unconsciousness in high-stress events, such as a person's execution. In 2016, Ronald Bert Smith gasped and choked for 13 of the 34 minutes of his execution. In 2017, Torrey McNabb raised his right arm about 20 minutes into the execution and rolled his head in a grimace before falling back onto the gurney.

Hall's family opposed James' execution.

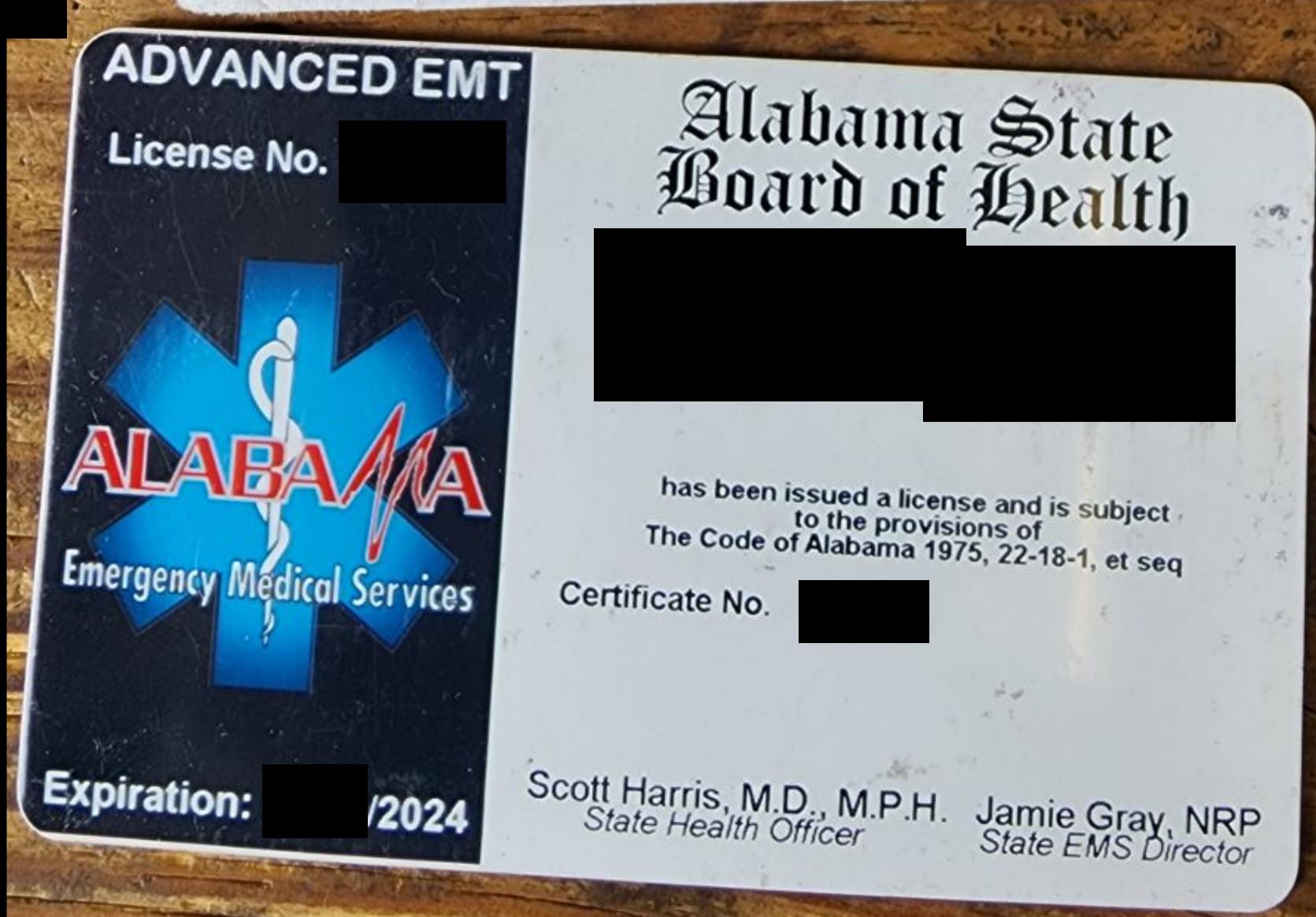
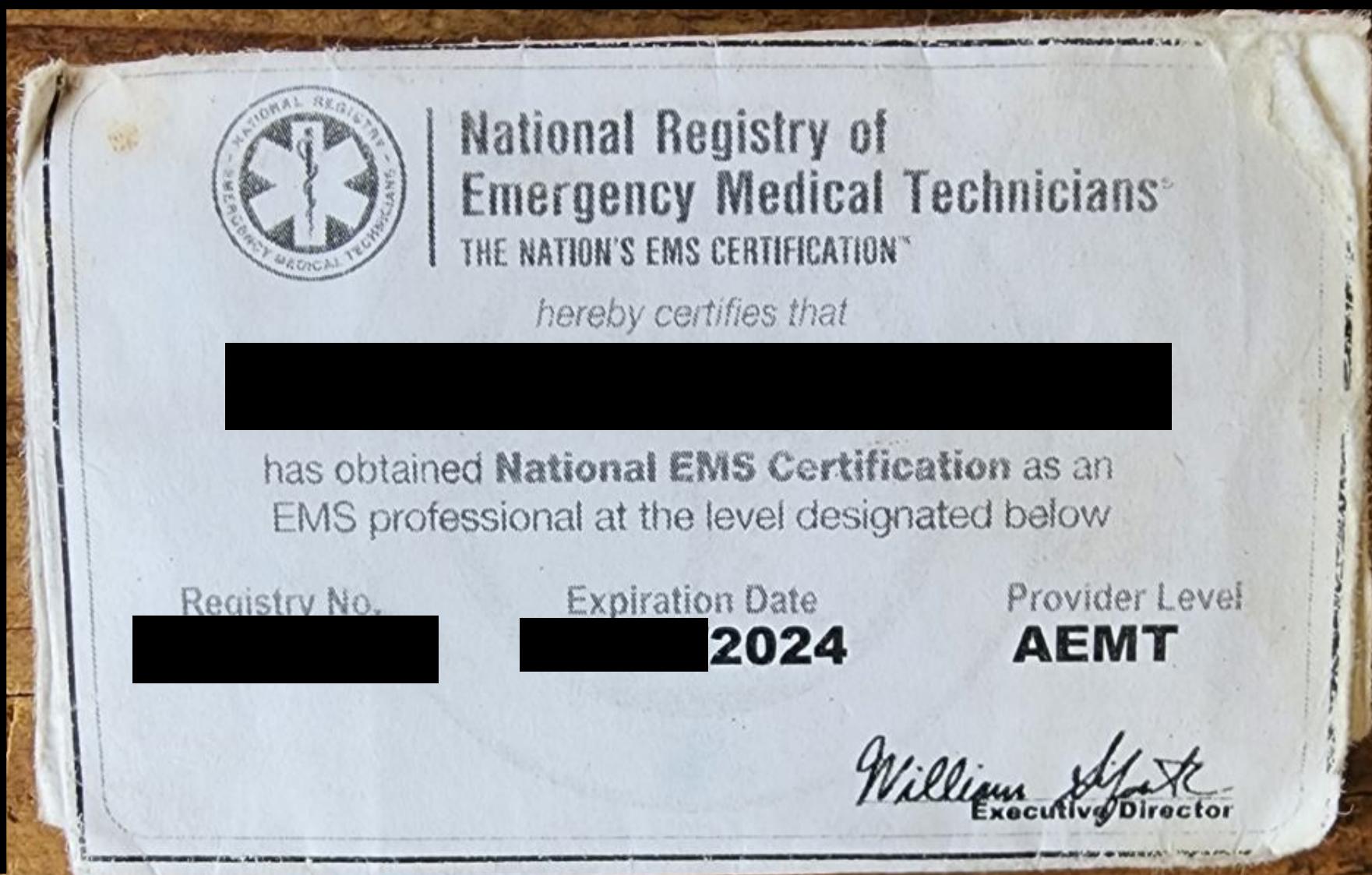
Contact Montgomery Advertiser reporter Brian Lyman at 334-240-0185 or blyman@gannett.com.

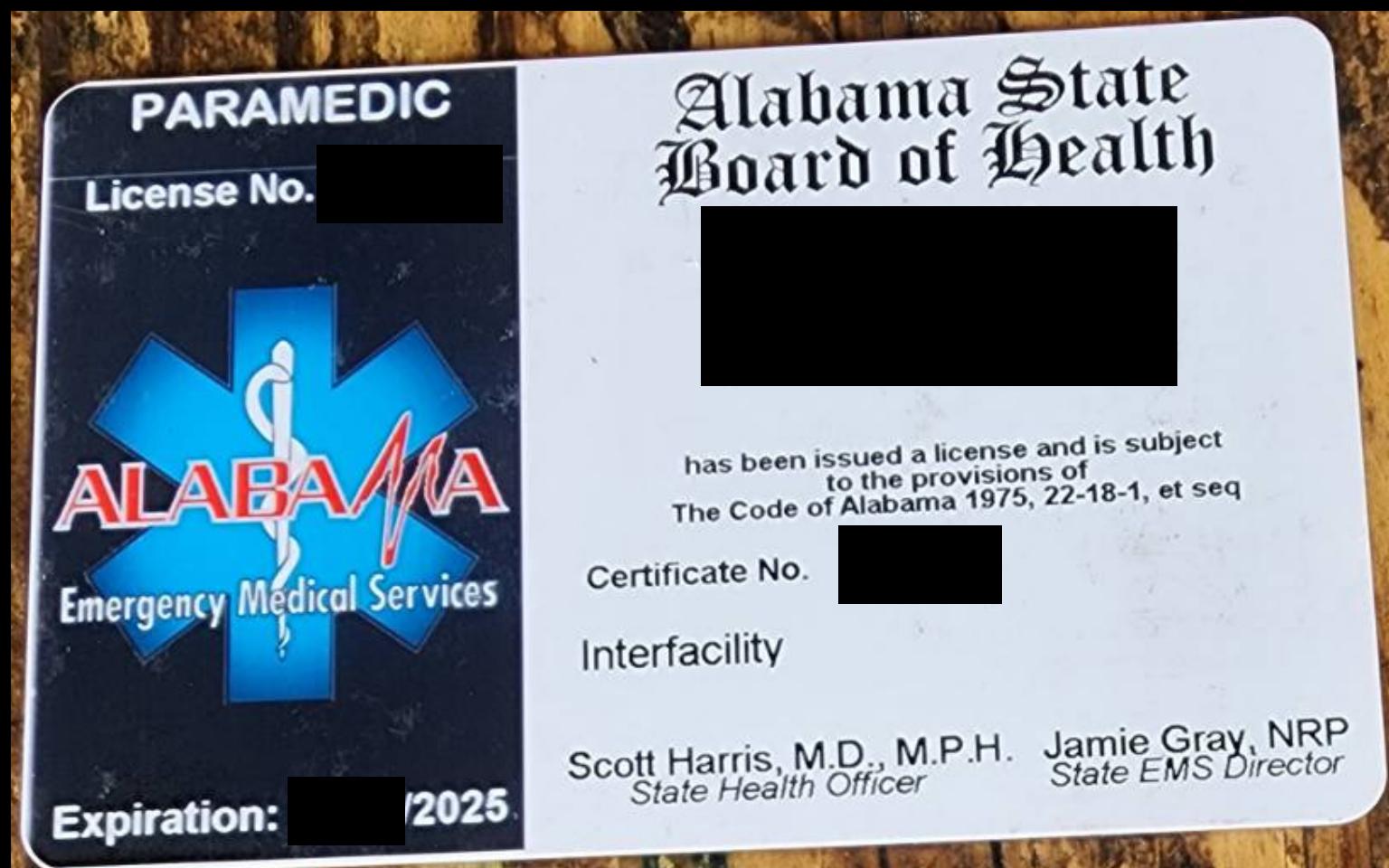
PX 54



EXHIBIT

54







**National Registry of
Emergency Medical Technicians®**
THE NATION'S EMS CERTIFICATION™

hereby certifies that

has obtained **National EMS Certification** as an
EMS professional at the level designated below

Registry No.

Expiration Date

[REDACTED] /2024

Provider Level
Paramedic

William J. Stark
Executive Director

ADVANCED CARDIOVASCULAR LIFE SUPPORT

ACLS Provider



[REDACTED]
has successfully completed the cognitive and skills evaluations
in accordance with the curriculum of the American Heart Association
Advanced Cardiovascular Life Support (ACLS) Program.

Issue Date

[REDACTED] /2023

Training Center Name

[REDACTED]

Training Center ID

[REDACTED]

Training Center City, State

[REDACTED]

Training Center Phone Number

[REDACTED]

Training Site Name**Renew By**

[REDACTED] 2025

Instructor Name

[REDACTED]

Instructor ID

[REDACTED]

eCard Code

[REDACTED]

QR Code

[REDACTED]

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BASIC LIFE SUPPORT

BLS Provider



American
Heart
Association.

[REDACTED]
has successfully completed the cognitive and skills evaluations
in accordance with the curriculum of the American Heart Association
Basic Life Support (CPR and AED) Program.

Issue Date

[REDACTED] 2023

Training Center Name

[REDACTED]

Training Center ID

[REDACTED]

Training Center City, State

[REDACTED]

**Training Center Phone
Number**

[REDACTED]

Training Site Name

Renew By

[REDACTED] 2025

Instructor Name

[REDACTED]

Instructor ID

[REDACTED]

eCard Code

[REDACTED]

QR Code

[REDACTED]

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PEDIATRIC ADVANCED LIFE SUPPORT

PALS Provider



American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN®

has successfully completed the cognitive and skills evaluations in accordance with the curriculum of the American Heart Association Pediatric Advanced Life Support (PALS) Program.

Issue Date

2023

Training Center Name

Renew By

2025

Training Center ID

111

Training Center City, State

1000 J. Neurosci., November 1, 2006 • 26(44):9992–10000

Training Center Phone Number

Training Site Name

Instructor Name

Page 10

Instructor ID

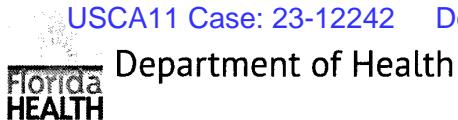
10 of 10

eCard Code

QR Code

10

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License Number: [REDACTED]

Data As Of 6/21/2023

| | |
|------------------------------------|-----------------------------|
| Profession | Registered Nurse |
| License | [REDACTED] |
| License Status | CLEAR/ACTIVE |
| Qualifications | Multistate Registered Nurse |
| License Expiration Date | [REDACTED] 2025 |
| License Original Issue Date | [REDACTED] 2019 |
| Address of Record | [REDACTED] |
| Discipline on File | No |
| Public Complaint | No |

The information on this page is a secure, primary source for license verification provided by the Florida Department of Health, Division of Medical Quality Assurance. This website is maintained by Division staff and is updated immediately upon a change to our licensing and enforcement database.

BASIC LIFE SUPPORT

BLS
Provider



American
Heart
Association.

[REDACTED]
has successfully completed the cognitive and skills evaluations
in accordance with the curriculum of the American Heart Association
Basic Life Support (CPR and AED) Program.

Issue Date

[REDACTED]/2022

Training Center Name

[REDACTED]

Training Center ID

[REDACTED]

Training Center City, State

[REDACTED]

Training Center Phone
Number

[REDACTED]

Renew By

[REDACTED]/2024

Instructor Name

[REDACTED]

Instructor ID

[REDACTED]

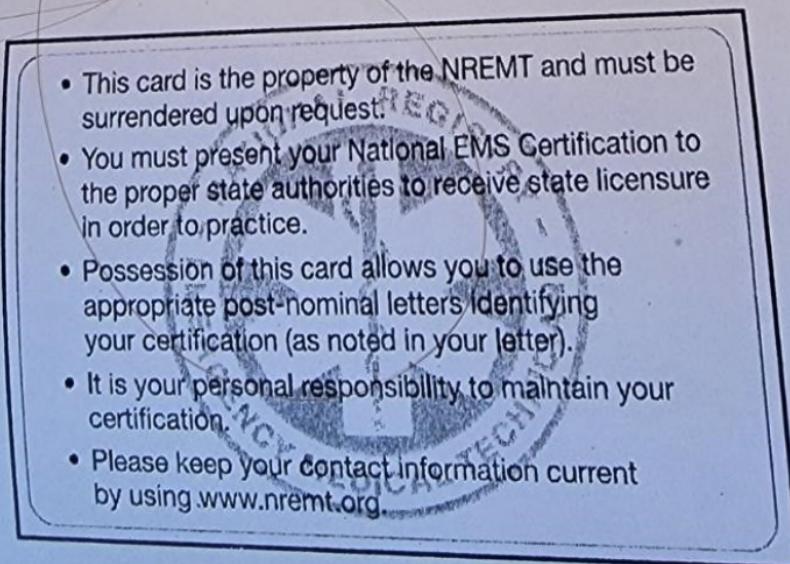
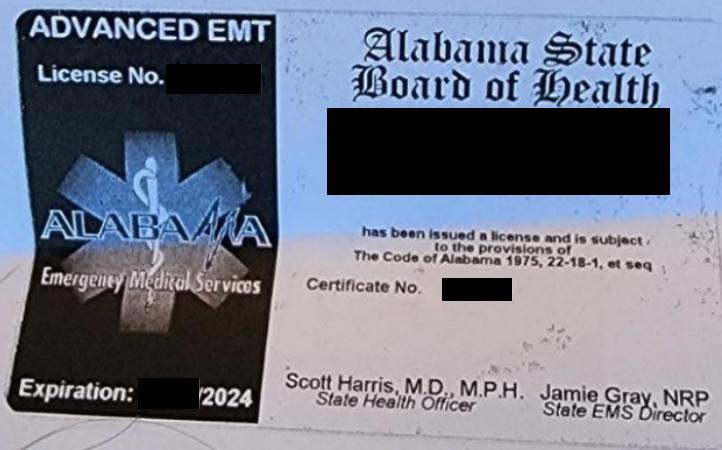
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DOC_000316

ADVANCED CARDIOVASCULAR LIFE SUPPORT

**ACLS
Provider**



The above individual has successfully completed the cognitive and skills evaluations in accordance with the curriculum of the American Heart Association Advanced Cardiovascular Life Support (ACLS) Program.

Issue Date Recommended Renewal Date
[REDACTED] /2022 [REDACTED] /2024

To view or verify authenticity, students and employers should scan the QR code with their mobile device or go to www.heart.org/cpr/mycards.

Directions

1. Cut along dotted lines
2. Fold both halves together
3. Use adhesive to combine halves

ADVANCED CARDIOVASCULAR L

Training
Center Name
[REDACTED]

Training
Center ID
[REDACTED]

TC Address
[REDACTED]

TC Phone
[REDACTED]

Instructor
Name
[REDACTED]

Instructor ID
[REDACTED]

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DOC_000317

PEDIATRIC ADVANCED LIFE SUPPORT

**PALS
Provider**



American
Heart
Association

American Academy
of Pediatrics



The above individual has successfully completed the cognitive and skills evaluations in accordance with the curriculum of the American Heart Association Pediatric Advanced Life Support (PALS) Program.

Issue Date Recommended Renewal Date

12/2022

12/2024

To view or verify authenticity, students and employers should scan this QR code with their mobile device or go to www.heart.org/cpr/mycards.

Directions

1. Cut along dotted lines
2. Fold both halves together
3. Use adhesive to combine halves

PEDIATRIC ADVANCED LIFE S

Training
Center Name

Training
Center ID

TC Address

TC Phone

Instructor
Name

Instructor ID

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DOC_000318

