

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1.) The Oklahoma Observer, (2.)
Arnold Hamilton, (3.) Guardian US, (4.)
Katie Fretland,

Plaintiffs,

-v-

(1.) Robert Patton in his capacity as
Director, Oklahoma Department of
Corrections; (2.) Anita Trammell, in her
capacity as Warden of the Oklahoma
State Penitentiary,

Defendants.

Civil Case No. CIV-14-905-HE

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs file this Motion for a Preliminary Injunction to enjoin Defendants pending the outcome of this litigation, as follows:

- Enjoin Defendants from implementing the State's revised execution protocol, adopted on September 30, 2014, to the extent it reduces the number of press witnesses and permits the withdrawal of visual and auditory access during the execution proceeding;
- Enjoin the Defendants from curtailing, censoring, limiting, or hindering the ability of lawful witnesses and media representatives to witness the entire judicial execution process in Oklahoma without visual or auditory obstruction,

from the moment the condemned enters the execution chamber until after the condemned has been declared dead, or, in the event of legal or medical complications, the State calls off the execution and begins to provide life-saving medical care to the condemned;

- Order Defendants to offer full visual access to the execution chamber from the moment the condemned enters the execution chamber until the time the execution concludes, by raising the viewing shade to permit witnesses to view the condemned being escorted into the execution chamber and having IV lines placed in his body;
- Order Defendants to offer full audio access to the execution chamber from the moment the condemned enters the execution chamber until the time the execution concludes, and enjoin them from placing a microphone on the condemned's body that only provides audio monitoring abilities to the execution team in lieu of audio feed to the witness room.

Grounds for this Motion are set forth in the accompanying Memorandum, which also serves as a memorandum in opposition to Defendants' Motion to Dismiss [Docket No. 14]. The grounds, in short, are that Plaintiffs and others similarly situated will be irreparably harmed by the Act, that Plaintiffs are likely to succeed in their constitutional claims against the Act, and that the public interest in upholding constitutional rights favors the issuance of an injunction. This Motion is based on the pleadings on file in the case, the attached Memorandum, the Declarations on file in support of Plaintiffs' Motion, and any such other evidence that the Court should hear in this case.

Respectfully submitted,

____/s/ *Lee Rowland*_____

Lee Rowland*
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2606

____/s/ *Brady Henderson*_____

Brady Henderson, OBA #21212
Ryan Kiesel, OBA #21254
ACLU of Oklahoma Foundation
3000 Paseo Drive
Oklahoma City, OK 73103
(405) 524-8511

Counsel for Plaintiffs

*Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2014, I did serve the above Motion for Preliminary Injunction through the Court's ECF filing system pursuant to Fed. R. Civ. Proc. 5(b)(2)(E) to the following counsel for all Defendants:

Aaron J Stewart

313 NE 21st St
Oklahoma City, OK 73105
(405) 521-3921
Fax: (405) 521-4518
Email: aaron.stewart@oag.ok.gov

M Daniel Weitman

313 NE 21st St
Oklahoma City, OK 73105
(405) 521-3921
Fax: (405) 521-4518
Email: dan.weitman@oag.ok.gov

Dated this 7th of October, 2014,

_____/s/ Lee Rowland_____
Lee Rowland, *Pro Hac Vice*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2606
Attorney for Plaintiffs