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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Edward Harold Schad, Jr.,
Plaintiff,
vs.
Janice K. Brewer, et al.,
Defendants.

No. CV-13-2001-PHX-ROS
DEATH PENALTY CASE

ORDER

Plaintiff Edward Harold Schad, Jr., and Robert Glen Jones, Jr.,¹ have moved for a temporary restraining order and a preliminary injunction requiring Defendants to disclose information about the drugs they intend to use in Schad and Jones’s executions. (Doc. 11 at 17.) They also seek a preliminary injunction preventing Defendants from carrying out their executions using drugs that are “compromised.” *Id.* In his civil rights complaint, Schad alleges that Defendants have violated his First Amendment right of access to governmental proceedings by concealing information about the manner in which the State will carry out his execution. Schad also alleges that Defendants have violated his right to due process and access to the courts by failing to disclose information about the

¹ Jones’s Motion to Intervene (Doc. 8) has not yet been granted or denied.

1 lethal-injection drugs they intend to use to execute him.

2 Because Schad's execution is scheduled to take place on Wednesday, October 9,
3 2013, the Court finds good cause to order expedited briefing and an evidentiary hearing
4 on his motion. At that hearing, both parties should be prepared to offer the evidence,
5 including testimony, they believe relevant to the issue.
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7 Accordingly,

8 **IT IS ORDERED** Defendants shall file a response to Plaintiff's Motion for
9 Temporary Restraining Order or a Preliminary Injunction no later than 11:00 a.m. on
10 Friday, October 4, 2013. Plaintiff shall file a reply no later than 1:00 p.m. on Friday,
11 October 4, 2013.
12

13 **IT IS FURTHER ORDERED** a hearing on Plaintiff's motion will be held on
14 Friday, October 4, 2013, at 2:30 p.m. in Courtroom 604.
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16 **IT IS FURTHER ORDERED** the parties shall file a list of those witnesses they
17 plan to call at the evidentiary hearing no later than 12:00 p.m. on Friday, October 4,
18 2013.
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20 **IT IS FURTHER ORDERED** Defendants shall file a response to Robert Glen
21 Jones, Jr.'s Motion to Intervene (Doc. 8) no later than 11:00 a.m. on October 4, 2013.
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1 **IT IS FURTHER ORDERED** the Motion to Transfer Case to Judge Wake (Doc.
2 10) is **DENIED**.

3 DATED this 4th day of October, 2013.

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8 Roslyn O. Silver
9 Senior United States District Judge
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