

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION**

**JACK HAROLD JONES,  
MARCEL WILLIAMS,  
FRANK WILLIAMS,  
JASON McGEHEE,  
DON DAVIS,  
BRUCE WARD,  
STACEY JOHNSON,  
ALVIN JACKSON,  
KENNETH WILLIAMS, and  
TERRICK NOONER**

FILED 08/29/11 11:56:59  
Larry Crane Pulaski Circuit Clerk  
MC

**PLAINTIFFS**

**v.**

**NO. CV-2010-1118**

**RAY HOBBS, Director, Arkansas  
Department of Correction; and  
ARKANSAS DEPARTMENT OF  
CORRECTION**

**DEFENDANTS**

**FINAL ORDER**

On the 15th day of August, 2011, the Court held a hearing on all pending motions and claims in this action. At the hearing, the Plaintiffs were represented by assistant federal defenders Scott Braden and Josh Lee, and by attorneys Deborah Sallings and Jeff Rosenzweig. The Defendants were represented by chief deputy attorney general Brad Phelps and assistant attorneys general Shawn Johnson and Joe Cordi. From the pleadings and other documents filed herein, the arguments presented to the Court during the hearing, and all other things and matters properly before the Court, the Court makes the following findings:

1. Plaintiffs' Motion to Compel, filed February 2, 2011, should be and hereby is denied as moot;



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2. Defendants' Motion for Protective Order, filed February 7, 2011, should be and hereby is denied as moot;
3. Defendants' Motion for Protective Order Barring the Plaintiffs from Taking the Deposition of John Byus, filed March 4, 2011, should be and hereby is denied as moot;
4. Plaintiffs' Second Motion to Compel Discovery, filed March 9, 2011, should be and hereby is denied as moot;
5. Terrick Nooner's Motion to Intervene, filed March 14, 2011, should be and hereby is granted;
6. Plaintiffs' Motion for Discovery Under the Hague Convention, filed March 8, 2011, should be and hereby is denied as moot;
7. Plaintiffs' Application for Default Judgment on Claim VII, filed March 23, 2011, should be and hereby is denied;
8. Defendants Motion for Protective Order Regarding the Deposition Testimony of Ray Hobbs, Larry Norris, Wendy Kelley, and any Alleged Claim as to Which a Dispositive Motion May be Pending Before the Court, filed March 28, 2011, should be and hereby is denied as moot;
9. Plaintiffs' Motion to Strike Defendants' Answer to Claim VII, filed April 25, 2011, should be and hereby is denied;
10. Plaintiffs' Third Motion to Compel Discovery, filed May 3, 2011, should be and hereby is denied as moot;
11. Defendants' Motion for Summary Judgment, filed May 4, 2011, should be and hereby is granted in part and denied in part. The motion is granted in all respects, except that Arkansas Code Annotated Section 5-4-617(a)(2)(D) is stricken in part. The subsection currently reads: "...any other chemical or chemicals, including but not limited to saline solution." The Court is striking as unconstitutional the portion that reads: "...any other chemical or chemicals, including but not limited to..." leaving only the words, "saline solution.";
12. Plaintiffs' Fourth Motion to Compel Discovery, filed May 18, 2011, should be and hereby is denied as moot;
13. Plaintiffs' Motion to Strike Defendants' Amended Answer to Claim VII, filed May 19, 2011, should be and hereby is denied;
14. Plaintiffs' Cross-Motion for Summary Judgment as to Claim I, filed May

31, 2011, should be and hereby is granted in part and denied in part. The motion is denied in all respects, except that Arkansas Code Annotated Section 5-4-617(a)(2)(D) is stricken in part. The subsection currently reads, "...any other chemical or chemicals, including but not limited to saline solution." The Court is striking as unconstitutional the portion that reads: "...any other chemical or chemicals, including but not limited to....," leaving only the words "saline solution.";


15. Defendants' Motion to Strike, filed June 21, 2011, should be and hereby is denied; and,
16. Defendants' Motion for Summary Judgment on Counts Seven and Nine for Mootness, filed July 21, 2011, should be and hereby is granted in part and denied in part. The motion is granted in all respects, excepting only that the Defendants are enjoined from using any sodium thiopental obtained in violation of any state or federal law.

In addition, on August 16, 2011, the Plaintiffs filed a document titled "Memorandum of Points and Authorities to Objections to Proposed Judgment." The Court has fully considered that filing and finds that the Prisoners' objections should be and hereby are overruled.

And, on August 23, 2011, the Defendants filed a document titled "Defendants' Objections to the Court's Rulings on the Motions for Summary Judgment." The Court has fully considered that filing and finds that the Defendants' objections should be and hereby are overruled.

Accordingly, the Court has ruled on each and every motion and claim in this action.

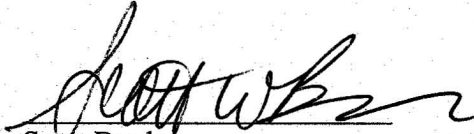
IT IS SO ORDERED.

  
\_\_\_\_\_  
The Honorable Timothy Davis Fox  
Circuit Judge

  
\_\_\_\_\_  
Date

Prepared by:  
C. Joseph Cordi, Jr.  
Assistant Attorney General  
Counsel for the Defendants

Approved as to form by:

A handwritten signature in black ink, appearing to read "Scott Braden", written over a horizontal line.

Scott Braden  
Assistant Federal Defender  
Counsel for the Plaintiffs