

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THE ASSOCIATED PRESS, a New York )  
corporation; IDAHO STATESMAN )  
PUBLISHING, LLC, a Delaware limited )  
liability company d/b/a The Idaho )  
Statesman; LEE ENTERPRISES, )  
INCORPORATED, a Delaware corporation )  
d/b/a The Times-News; THE IDAHO )  
PRESS CLUB, INC., an Idaho corporation; )  
PIONEER NEWSPAPERS, INC., a Nevada )  
corporation d/b/a Idaho Press-Tribune, )  
Idaho State Journal, Standard Journal, )  
Teton Valley News, The News-Examiner, )  
The Preston Citizen, and Messenger Index; )  
TPC HOLDINGS, INC., an Idaho )  
corporation, d/b/a Lewiston Tribune and )  
Moscow-Pullman Daily News; BAR BAR )  
INC., an Idaho corporation d/b/a Boise )  
Weekly; COWLES PUBLISHING )  
COMPANY, a Washington corporation, )  
d/b/a The Spokesman Review; and )  
IDAHOANS FOR OPENNESS IN )  
GOVERNMENT, INC., an Idaho )  
non-profit corporation; )

Plaintiffs, )

v. )

C.L. (BUTCH) OTTER, in his official )  
capacity as the Governor of the State of )  
Idaho; ROBIN SANDY, HOWARD G. )  
“J.R.” VAN TASSEL, and JAY L. )  
NIELSEN in their official capacity as the )  
Idaho Board of Correction; BRENT D. )  
REINKE, in his official capacity as the )  
Director of the Idaho Department of )  
Correction; and KEVIN KEMPF in his )  
official capacity as Division Chief of )  
Operations of the Idaho Department of )  
Correction, )

Defendants. )

Case No. 1:12-cv-00255-EJL

PERMANENT INJUNCTION

The Plaintiffs having filed its verified complaint for declaratory judgment and injunctive relief (Dkt. 1), and the Plaintiffs' Expedited Motion for Preliminary Injunction having been duly noticed and heard by this Court which was further heard by the Ninth Circuit Court of Appeals (opinion and mandate issued on June 8, 2012, (Dkts. 23 and 25), and Plaintiffs' Motion for Preliminary Injunction now having been granted [Order (Dkt. 28)]. The parties hereto have entered into a Stipulation which requests that a permanent injunction be entered by this Court (Dkt. 31).

NOW, THEREFORE, this Court ADOPTS AND APPROVES the Stipulation of the parties (Dkt. 31) enters the following permanent injunction:

The Idaho Department of Corrections, and responsible parties associated therewith, are hereby ordered to modify their procedures to allow the witnesses to the execution of a condemned inmate to observe the entire execution from the moment the inmate enters the execution chamber through, to and including, the time the inmate is declared dead.

So Ordered and this case will be deemed closed.



DATED: **July 10, 2012**

A handwritten signature in black ink, appearing to read "Edward J. Lodge".

Honorable Edward J. Lodge  
U. S. District Judge