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12 AMERICAN CIVIL LIBERTIES UNION OF
13 NORTHERN CALIFORNIA and
14 SAN FRANCISCO BAY GUARDIAN

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 AMERICAN CIVIL LIBERTIES UNION
19 OF NORTHERN CALIFORNIA; SAN
20 FRANCISCO BAY GUARDIAN,

21 Plaintiffs,

22 v.

23 DRUG ENFORCEMENT
24 ADMINISTRATION,

25 Defendant.

CASE NO.: CV-11-1997-RS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: May 12, 2011

Time: 1:30 pm

Dept.: Courtroom 3, 17th Floor

1 This matter came on for hearing before the Court on Plaintiffs' Motion for Preliminary
2 Injunction. Having given full consideration to all of the Plaintiffs' papers, evidence, and the
3 relevant authorities, all of Defendant's responses thereto, and the oral presentation of counsel, for
4 good cause appearing and in accordance with Fed. R. Civ. P. 65(b), it is **HEREBY ORDERED**
5 that Plaintiffs' Motion for Preliminary Injunction is **GRANTED** and Defendant is **ORDERED** as
6 follows:

- 7 1. Defendant shall immediately cease and desist from wrongfully withholding records
8 pertaining to Plaintiffs' January 4, 2011 Freedom of Information Act requests.
- 9 2. Defendant shall complete the processing of Plaintiffs January 4, 2011 Freedom of
10 Information Act requests as they bear on the Arizona execution, whether or not DEA is
11 the "originating entity" of such records, and issue its final release of all such requested
12 records no later than May 16, 2011. This includes (a) all records explicitly referencing
13 Arizona; (b) all records pertaining to Dream Pharma, including records relating to DEA's
14 seizure of sodium thiopental from other states, such as Georgia, Kentucky, Tennessee, and
15 South Carolina, that had been obtained from Dream Pharma; and (c) all records relating to
16 any DEA policy or lack of policy regarding the importation of controlled substances to be
17 used in executions.
- 18 3. Defendant shall complete the processing of the remainder of Plaintiffs' January 4, 2011
19 Freedom of Information Act requests and issue its final release of all such requested
20 records no later than June 7, 2011.
- 21 4. Defendant shall produce an affidavit attesting to compliance and setting forth basis for
22 withholding any responsive documents no later than June 7, 2011.
- 23 5. The Court finds that no bond is necessary in this case because DEA's compliance with this
24 preliminary injunction would not create a risk of monetary loss. Moreover, Plaintiffs have
25 a strong likelihood of success on the merits, *see Scherr v. Volpe*, 466 F.2d 1027, 1035 (7th
26 Cir. 1972); there is no realistic likelihood of harm to Defendant resulting from issuance of
27 the injunction, *see Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 1997); and the
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“equities of potential hardships to the parties” weighs in favor of Plaintiffs, *see Temple Univ. v. White*, 941 F.2d 201, 220 (3d Cir. 1991).

IT IS SO ORDERED

Dated: _____

HONORABLE RICHARD SEEBORG