

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

In re: OHIO EXECUTION  
PROTOCOL LITIGATION,

: Case No. 2:11-cv-1016

Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Michael R. Merz

This Order relates to Plaintiffs  
Otte, Tibbetts, Campbell, and Van Hook

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**MODIFICATIONS TO ORDER REGARDING TESTING OF  
PHILLIPS' EXECUTION MATERIALS**

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This capital case is before the Court on Plaintiffs' Corrected Emergency Objections and Motion for Reconsideration of Order Regarding of Testing of Phillips's [sic] Execution Materials (ECF No. 1156).

An emergency hearing was held by telephone at 3:30 p.m. on Thursday, August 17, 2017. At the conclusion of the hearing, the Court promised the parties a decision before the close of business this date on possible modifications to the Order. This document modifies the Order, but a more complete decision will be filed when the hearing has been transcribed.

In lieu of the option for testing provided in paragraph 4, it is now ordered that Defendants choose a testing laboratory and have one-half of the medications vials tested for the quantity of drugs remaining in them.

The Court finds that no other changes to the Order are warranted.

August 17, 2017.

s/ *Michael R. Merz*  
United States Magistrate Judge