

**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
Alva Campbell and Raymond Tibbetts

Executions Scheduled 02/13/2018
And 06/05/2019

NOTICE TO COUNSEL

On November 21, 2017, Plaintiffs Campbell and Tibbetts appealed from this Court's November 3, 2017, Decision and Order denying these Plaintiffs' motions for preliminary injunctive relief (ECF No. 1362). The Notice of Appeal was of course filed in this Court (ECF No. 1380). The appeal has been docketed in the Sixth Circuit as Case No. 17-4221.

As of November 24, 2017 at 1:30 p.m. there have been eight filings by counsel in the appellate case. However, none of those documents has been filed in this case, despite the continuing applicability of Standing Order No. 2. On November 15, 2017, the Court, at the request of Mr. Campbell's counsel, stood by on the record and with a court reporter present during the attempted execution of Mr. Campbell so as to be immediately available in the event of need. The very least counsel can do to reciprocate the Court's attention to the case is to obey the Standing Order so that the Court is currently advised of activity in the appellate courts about the case.

This litigation is of the highest importance and time is almost always of the essence/
Therefore, further failures to comply with Standing Order No. 2 will merit appropriate
sanctions.¹

November 24, 2017.

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

¹ The Court notes that Messrs. Murphy, Hendershott, and Reed, representing the appellees, are not counsel of record in this case in the District Court. The Standing Order, however, applies to any attorney representing any party in a capital case referred to the undersigned.