

**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  
Phillips, Tibbetts, and Otte

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**DECISION AND ORDER ON ALABAMA SUBPOENAS**

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This capital § 1983 case is before the Court on Plaintiff's Motion for an Order that Fourteen Calendar Days is a Reasonable Time within which to Comply with Rule 45 Subpoena (ECF No. 821). Defendants have no objections (ECF No. 826) and the Motion is therefore GRANTED. This is necessarily without barring any objections which may be made by the person or entity subpoenaed.

In examining the form of subpoenas attached to the Motion, the Court notes that they do not comply with Fed. R. Civ. P. 45(a)(1)(A)(iv). Use of the subpoenas in their present form risks a motion to quash on that basis.

December 16, 2016.

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