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PACIFIC NEWS SERVICE

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

16 PACIFIC NEWS SERVICE,  
17 Plaintiff,  
18 v.  
19 JEANNE WOODFORD, Acting Secretary of  
the California Department of Corrections and  
20 Rehabilitation; STEVEN ORNOSKI, Warden,  
California State Prison at San Quentin, San  
21 Quentin, CA; and Does 1-50,  
22 Defendants.

Case No.  
**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**  
[42 U.S.C. § 1983]

1 **NATURE OF ACTION**

2 1. This action is brought pursuant to 42 U.S.C. § 1983 to vindicate the right of the  
3 press and the public to attend, meaningfully observe, and gather and report on important  
4 information at executions administered by the California Department of Corrections and  
5 Rehabilitation and the California State Prison at San Quentin. This right is guaranteed by the  
6 First and Fourteenth Amendments of the United States Constitution and is primarily effectuated  
7 by members of the press who are actually present at executions and who serve as surrogates for  
8 the press and the public at large. Plaintiff, a media organization that reports on California  
9 executions, seeks temporary, preliminary, and permanent injunctive relief to prevent the  
10 defendants from executing any death row inmates in a manner that conceals important  
11 information to which the public is constitutionally entitled. Defendants' use of pancuronium  
12 bromide, a paralytic agent that acts as a chemical curtain over the lethal injection process, makes  
13 it impossible for witnesses to determine whether death row inmates in California are being  
14 subjected to substantial and unnecessary pain before dying. Pancuronium bromide also conceals  
15 other aspects of the dying process about which the public is entitled to know. This lawsuit is not  
16 a blanket challenge to the death penalty or to all lethal injection executions. Rather, plaintiff  
17 contends that California may not execute death row inmates in a manner that violates the First  
18 Amendment rights of the press and of the public. The public requires information in order to  
19 decide via democratic processes whether and how executions should be conducted. The First  
20 Amendment claim, therefore, vindicates the public's right to gather information related to that  
21 decision-making process.

22 **JURISDICTION AND VENUE**

23 2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question),  
24 § 1343 (civil rights violations), § 2201 (declaratory relief), and § 2202 (further relief). This  
25 action arises under the First and Fourteenth Amendments to the United States Constitution and  
26 under 42 U.S.C. § 1983.

27 3. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the California State  
28 Prison at San Quentin in San Quentin, California, is located in this District. All executions

