



Food & Drug Administration
12420 Parklawn Drive
Rockville MD 20857
RM 3109

April 6, 2012

Benjamin Rice, General Counsel
Office of Legal Affairs
1515 S. Street, Suite 502 South
Sacramento, CA 95814
Tel: 916-323-6001

Re: Cook v. FDA (formerly Beaty v. FDA), CA No. 1:11-cv-00289 (RJL)

Dear Mr. Rice:

On March 27, 2012, the District Court for the District of Columbia entered its decision and order in Cook v. FDA in favor of plaintiffs, death row inmates, and against the U.S. Food and Drug Administration (FDA). As part of the relief provided to the plaintiffs, the Court ordered FDA to "immediately notify any and all state correctional departments which it has reason to believe are still in possession of any foreign manufactured thiopental that the use of such drug is prohibited by law and that, that thiopental must be returned immediately to the FDA." See attached Order.

Subsequent to receiving the Court's order, FDA contacted your office and was informed that the California Department of Corrections and Rehabilitation is in possession of foreign-manufactured thiopental.

In light of the foregoing, FDA asks that you contact me at your earliest convenience to make arrangements for the return to FDA of any foreign-manufactured thiopental in your possession.

I can be contacted at (301) 796-6673 or by e-mail at Domenic.Veneziano@fda.hhs.gov.

Sincerely,

Domenic J. Veneziano,
Director, Division of Import Operations and Policy

Enclosure: Order, Cook v. FDA, CA No. 1:11-cv-00289 (RJL) (D.D.C. Mar. 27, 2012)
cc: Kamala D. Harris, Attorney General