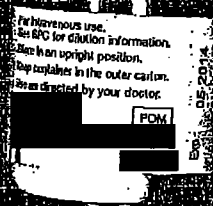


**Thiopental  
Injection BP**

Each vial contains  
Thiopental sodium BP  
50mg

Do not store above 25°C

For intravenous  
See SPC for  
Shake to mix  
Keep container  
Use as directed



For intravenous use.  
See RFG for dilution information.  
Store in an upright position.  
Keep capsules in the outer carton.  
Use as directed by your doctor.

PCM

**Thiopental Injection BP** 25 x 500mg vials

Each 20ml vial of powder for solution for injection contains: Thiopental sodium BP 500mg.

Contains no preservative.

For intravenous use.

The contents of this 500mg vial should be reconstituted with 20ml of Water for injections for a 2.5% (w/v) solution or 10ml of Water for injections for a 5.0% (w/v) solution and administered by intravenous injection.

Store reconstituted solution between 2°C and 8°C in an upright position and use within 7 hours. Use once following reconstitution and discard any residue.

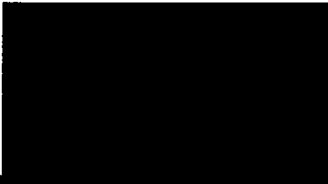
KEEP OUT OF REACH AND  
SIGHT OF CHILDREN

Do not store above 25°C

Keep container in outer carton.

Administration and dosage: see SPC.

To be used as directed by your doctor.



Exp.: 05 2014  
Lot: [redacted]



**From:** [Kernan.Scott@CDCR](mailto:Kernan.Scott@CDCR)  
**To:** [McAuliffe.John@CDCR](mailto:McAuliffe.John@CDCR)  
**Cc:** [Duffy.Brian@CDCR](mailto:Duffy.Brian@CDCR)  
**Subject:** FW: DEA Registered Importers of Thiopental  
**Date:** Monday, October 04, 2010 2:51:07 PM  
**Attachments:** [Importers of Thiopental.xml](#)

---

John,

Here is what DEA gave me. They are unwilling to provide a waiver. I would think we need to engage off this list and see if any are willing to help. Would you like Brian to help? I would like to document who we talked to and if necessary I will engage Matt or Gov Office to assist. Let me know what you think.

By the way, I called the head guy this morning and that is how we got a hold of [REDACTED]

Scott

---

**From:** [REDACTED]  
**Sent:** Monday, October 04, 2010 1:19 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** DEA Registered Importers of Thiopental

Attached is a spreadsheet containing companies who are specifically registered with DEA to import Thiopental. We are looking to send you an expanded list of companies as Thiopental belongs to a larger class of barbiturates. I'll send additional information if the additional importers are pertinent to your issue.

<<Importers of Thiopental.xml>>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Thursday, September 30, 2010 5:38:15 PM

---

-----  
**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 5:38:13 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:  
**Auto forwarded by a Rule**

Scott,  
My second team just picked up the package north of the Grapevine. ETA to SQ is around 2230 hrs.  
SQ has been updated. I will let you know when they arrive.  
Tony

---

**From:** Kernan, Scott@CDCR  
**To:** Cullen, Vincent@CDCR; Chaus, Anthony@CDCR  
**Cc:** McAuliffe, John@CDCR  
**Sent:** Thu Sep 30 13:38:00 2010  
**Subject:** RE:

Great. Thanks Vince.

Scott

---

**From:** Cullen, Vincent@CDCR  
**Sent:** Thursday, September 30, 2010 1:35 PM  
**To:** Kernan, Scott@CDCR; Chaus, Anthony@CDCR  
**Cc:** McAuliffe, John@CDCR  
**Subject:** RE:

Scott/Tony,  
I personally called the agent while he was at Florence and provided the information. His point of contact is the Team Administrator, [REDACTED]. It will be [REDACTED] and the Team Leader [REDACTED] who will meet the agent at the East Gate. [REDACTED] has multiple numbers to call.

**VINCENT S. CULLEN**  
**Warden (A)**  
**San Quentin State Prison**  
[REDACTED]

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 1:33 PM  
**To:** Chaus, Anthony@CDCR  
**Cc:** Cullen, Vincent@CDCR; McAuliffe, John@CDCR  
**Subject:** RE:

Vince,

Can you provide information to Tony on who will be at prison to receive and store drug?

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 12:58 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:

Scott,  
Who will be the contact at SQ for my people to turn over the goods (probably around 2300 hrs or midnight)?  
Tony

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 9:49 AM  
**To:** Chaus, Anthony@CDCR  
**Subject:** RE:

Thanks.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 9:40 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:

Scott,  
My people have made the pick-up and are headed back now. We will change teams in Bakersfield. I will keep you updated.  
Tony

ANTHONY CHAUS  
Assistant Secretary  
Office of Correctional Safety

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 8:26 AM  
**To:** McAuliffe, John@CDCR  
**Cc:** Chaus, Anthony@CDCR  
**Subject:** FW:

Fyi

Thanks Tony. John is trying to get a hold of them now. Sure appreciate your assistance on this.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 8:25 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:

Scott,

Another callback number for [REDACTED] if the first one doesn't work is [REDACTED]

Tony

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 7:56 AM  
**To:** Chaus, Anthony@CDCR  
**Cc:** McAuliffe, John@CDCR  
**Subject:** RE:

Great. As soon as we get a hold of warden I will have John contact agents with instructions. I would like confirmation when they get the drugs in hand and hit the road. Thanks.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 7:42 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:

Scott,

They are about 15 minutes from the prison. The direct number to them is [REDACTED]. Telephone reception is not very good and e-mails don't work. [REDACTED] is the supervisor on site. They are ready and waiting for instructions.

Tony

---

**From:** Kernan, Scott@CDCR  
**To:** Chaus, Anthony@CDCR  
**Sent:** Thu Sep 30 07:05:50 2010  
**Subject:**

Tony,

What time can your guys be at prison once we get green light? May need a phone number to talk directly so we can give them instructions on documenting chain of custody.

Scott

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Duffy, Brian@CDCR  
**Subject:** FW: Thiopental Injection  
**Date:** Thursday, September 30, 2010 1:59:17 PM

---

-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Thursday, September 30, 2010 1:59:14 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re: Thiopental Injection  
**Auto forwarded by a Rule**

No, DEA tracks drugs by Dr.'s DEA #. Since we can no longer use pharmacy at SQ (which would answer your question as yes) the importer would be [REDACTED] with final shipment into the USA identified as SQ. Dr,s can not import/export scheduled drugs unless DEA approves. That is why we asked the Dr's to to get an additional DEA # with SQ address so that we could request DEA to approve the Dr's DEA # for import to SQ thus eliminating the need for [REDACTED] I finally talked to DEA, [REDACTED] who is in charge of [REDACTED] and he acknowledged receiving our letter. Unfortunately he said all import approvals are above him? [REDACTED] is approving authority). [REDACTED] did say he would talk to his bosses and get back to me. That was 3 hours ago.  
John

---

**From:** Kernan, Scott@CDCR  
**To:** McAuliffe, John@CDCR  
**Sent:** Thu Sep 30 13:33:57 2010  
**Subject:** RE: Thiopental Injection

Does this mean that we can be identified as the importer using our doc's DEA number?

---

**From:** McAuliffe, John@CDCR  
**Sent:** Thursday, September 30, 2010 12:56 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** FW: Thiopental Injection

Scott  
Please look at and advise and I will complete.....  
John

---

**From:** [REDACTED]  
**Sent:** Thursday, September 30, 2010 12:50 PM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Thiopental Injection

I need to know the entity that will serve as the actual importer...

- Name of entity (California Department of Corrections)
- Address of entity
- DEA Registration #



Quantity of Thiopental Sodium you will be ordering

FORM 236 will be used for this transaction. Once we have all the data, the product will be ordered and this will be submitted with the order. A summary of the different Parts of Form 236 are included below. [REDACTED] will coordinate the shipment and importation of the drug to its warehouse for clearance. Once released by customs and FDA, [REDACTED] will ship to you when requested. Part of 5 would be [REDACTED] address and DEA registration.

**Part** "IMPORTER" means the authorized DEA registrant who receives the controlled substance;

1. "EXPORTER" means the authorized DEA registrant who ships the controlled substance.

**Part**

2. Typical entries might read

Strength: 10 mg tablets

Size or 1,000 tablets/bottle

Weight (Bulk): 100 kilo/drum

Quantity: 100 bottles, 2 drums

If needed, use additional forms and distribute in the prescribed manner after the required documents are attached to each copy.

**Part** Self-explanatory.

3.

**Part** Insert name of vessel or airline and flight number, together with all intermediate carriers.

4. Furnish all information concerning the transportation of the goods known at the time of preparing form DEA-236.

**Part** Enter DEA registration number, if known, for "Import Declaration", or foreign registration

5. number, if applicable, for "Export Declaration".

If this form is prepared as a **Controlled Substance Import Declaration**, distribute as follows:

**Copies 1, 2, and 3** must be forwarded to the foreign shipper. These copies will accompany the shipment to certain points.

Upon receipt of **Copies 1, 2, and 3**, the foreign shipper will present **Copy 1** to the proper foreign government agency or authority, if required, as a prerequisite to export authorization. **Copy 1** shall then accompany the shipment to its final destination and shall be retained in the files of the importer for a period of at least two years.

**Copy 2** shall be detached by the customs official at the foreign port.

**Copy 3** shall be removed by an official of the United States Customs and Border Protection at the port of entry, certified and signed by the customs official (after noting any discrepancies), and forwarded to the Drug Enforcement Administration, Office of Diversion Control, Import / Export (ODGI) 8701 Morrisette Drive, Springfield, VA 22152.

**Copy 4** must be forwarded at least 15 days prior to importation to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit.

**Copy 5** must be retained by the importer until receipt of **Copy 1**.

If this form is prepared as a **Controlled Substance Export Declaration**, distribute as follows:

**Copies 1, 2, and 3** shall accompany the shipment to certain points.

**Copy 1** shall remain with the shipment to its final destination.

**Copy 2** shall remain with the shipment, to be detached and retained by the customs official of the foreign port of importation.

**Copy 3** shall be removed by an official of the United States Customs Service at the domestic port of exportation, certified and signed by the customs official (after noting any discrepancies), and forwarded to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit (ODGI), 8701 Morrisette Drive, Springfield, VA 22152

**Copy 4** shall be forwarded at least 15 days prior to exportation to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit (ODGI), 8701 Morrisette Drive, Springfield, VA 22152. In cases where the 15 day notice cannot be given, a special waiver may be requested from the Administration.

**Copy 5** shall be retained by the exporter as part of his records for a period of at least two years.

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, September 30, 2010 12:05 PM  
**To:** [REDACTED]  
**Subject:** FW: Thiopental Injection  
**Importance:** High

[REDACTED]  
Thank you again here is the information and email.  
John McAuliffe

---

**From:** [REDACTED]  
**Sent:** Thursday, September 30, 2010 5:27 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** Thiopental Injection  
**Importance:** High

30-09-10

Dear Mr. McAuliffe,

Thank you for your call and thank you for your interest in [REDACTED]

I would be happy to supply you:

Thiopental Injection , powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's £196.75 (pounds sterling)  
The current expiry date is February 2014.

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 £15.55  
Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's  
£58.73  
Expiry date: 11/11

If you could supply me with the following information, I can produce a proforma invoice:

Invoice address

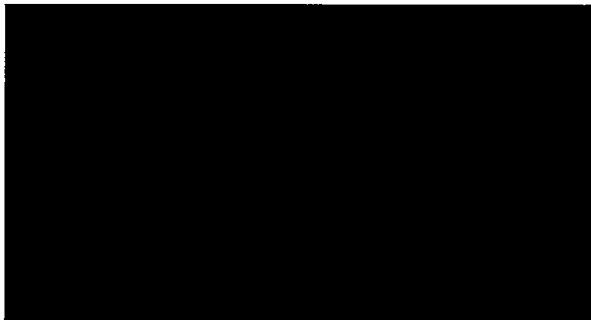
Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,  
FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a goods idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.  
Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,  
Kind regards



**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Thursday, September 30, 2010 9:40:14 AM

---

-----  
**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 9:40:11 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:  
**Auto forwarded by a Rule**

Scott,  
My people have made the pick-up and are headed back now. We will change teams in Bakersfield. I will keep you updated.  
Tony

ANTHONY CHAUS  
Assistant Secretary  
Office of Correctional Safety

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 8:26 AM  
**To:** McAuliffe, John@CDCR  
**Cc:** Chaus, Anthony@CDCR  
**Subject:** FW:

Fyi

Thanks Tony. John is trying to get a hold of them now. Sure appreciate your assistance on this.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 8:25 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:

Scott,  
Another callback number for [REDACTED] if the first one doesn't work is [REDACTED]  
Tony

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 7:56 AM  
**To:** Chaus, Anthony@CDCR  
**Cc:** McAuliffe, John@CDCR  
**Subject:** RE:

Great. As soon as we get a hold of warden I will have John contact agents with instructions. I would like confirmation when they get the drugs in hand and hit the road. Thanks.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 7:42 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:

Scott,  
They are about 15 minutes from the prison. The direct number to them is [REDACTED] Telephone reception is not very good and e-mails don't work. [REDACTED] is the supervisor on site. They are ready and waiting for instructions.  
Tony

---

**From:** Kernan, Scott@CDCR  
**To:** Chaus, Anthony@CDCR  
**Sent:** Thu Sep 30 07:05:50 2010  
**Subject:**

Tony,

What time can your guys be at prison once we get green light? May need a phone number to talk directly so we can give them instructions on documenting chain of custody.

Scott

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]; Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Thursday, September 30, 2010 8:25:01 AM

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-----  
**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 8:24:59 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE:  
**Auto forwarded by a Rule**

Scott,  
Another callback number for [REDACTED] if the first one doesn't work is [REDACTED]  
Tony

---

**From:** Kernan, Scott@CDCR  
**Sent:** Thursday, September 30, 2010 7:56 AM  
**To:** Chaus, Anthony@CDCR  
**Cc:** McAuliffe, John@CDCR  
**Subject:** RE:

Great. As soon as we get a hold of warden I will have John contact agents with instructions. I would like confirmation when they get the drugs in hand and hit the road. Thanks.

Scott

---

**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 7:42 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:

Scott,  
They are about 15 minutes from the prison. The direct number to them is [REDACTED] Telephone reception is not very good and e-mails don't work. [REDACTED] is the supervisor on site. They are ready and waiting for instructions.  
Tony

---

**From:** Kernan, Scott@CDCR  
**To:** Chaus, Anthony@CDCR  
**Sent:** Thu Sep 30 07:05:50 2010  
**Subject:**

Tony,

What time can your guys be at prison once we get green light? May need a phone number to talk directly so we can give them instructions on documenting chain of custody.

[REDACTED]

[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Thursday, September 30, 2010 7:06:53 AM

---

-----  
**From:** Chaus, Anthony@CDCR  
**Sent:** Thursday, September 30, 2010 7:06:50 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:  
**Auto forwarded by a Rule**

I'll find out and get back to you shortly.

---

**From:** Kernan, Scott@CDCR  
**To:** Chaus, Anthony@CDCR  
**Sent:** Thu Sep 30 07:05:50 2010  
**Subject:**

Tony,

What time can your guys be at prison once we get green light? May need a phone number to talk directly so we can give them instructions on documenting chain of custody.

Scott



**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Execution Protocol Drugs  
**Date:** Wednesday, September 29, 2010 5:35:37 PM

---

-----  
From: CHARLES FLANAGAN [REDACTED]  
Sent: Wednesday, September 29, 2010 5:35:03 PM  
To: Kernan, Scott@CDCR  
Subject: RE: FW: Execution Protocol Drugs  
Auto forwarded by a Rule

no need...happy to help...

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 4:57 PM >>>  
Charles,

Just confirming I received this email. Staff will be contacting Warden first thing in the morning. You guys in AZ are life savers. By you a beer next time I get that way.

Scott

-----Original Message-----

From: CHARLES FLANAGAN [REDACTED]  
Sent: Wednesday, September 29, 2010 4:40 PM  
To: Kernan, Scott@CDCR  
Cc: CARSON McWILLIAMS; ROBERT PATTON  
Subject: Re: FW: Execution Protocol Drugs

Scott:

To confirm our verbal conversation, Director Ryan has authorized the Arizona Department of Corrections (ADC) to provide you with 12 grams of the Thiopental Sodium we have just acquired. You also have our thanks for the Pancuronium Bromide your agency has provided to ADC. Please let us know when your employees would like to arrive at the Arizona State Prison Complex-Florence, located at Florence, Arizona, in order to pick up the drugs, as you indicated this is your preferred method of delivery and transportation.

Warden Carson McWilliams will facilitate the transfer to your staff. His contact information is:

[REDACTED]

I understand from you that your staff will contact him tomorrow morning to arrange a time to meet the Warden and take possession of the drug.

Charles

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 11:04 AM >>>  
Mr. Flanagan,

Sorry for delay in getting this information. Just wanted to make sure. Appears that we would need 12 grams minimum. We are going to start working now on procuring via the method you so kindly described. Thanks again for your help. Please let me know what your Director thinks and am sure either the Secretary or even the Governor could make a call if necessary. Look forward to hearing from

you.

Scott

-----Original Message-----

From: McAuliffe, John@CDCR

Sent: Wednesday, September 29, 2010 10:14 AM

To: Kernan, Scott@CDCR

Subject: Re: Execution Protocol Drugs

Scott

21 grams would cover backup trays and training. Our minimum would be 12 grams.(2 trays for execution 2 for backup) We can use the 7 grams that expires on 1 Oct for training.

John

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Wednesday, September 29, 2010 3:45:57 PM

---

-----  
**From:** Cate, Matt@CDCR  
**Sent:** Wednesday, September 29, 2010 3:45:47 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:  
**Auto forwarded by a Rule**

I don't understand why they didn't reach out when we mentioned those avenues specifically. Perhaps [REDACTED] called [REDACTED]? I have a call into [REDACTED] now.

---

**From:** Kernan, Scott@CDCR  
**To:** Cate, Matt@CDCR  
**Sent:** Wed Sep 29 15:40:43 2010  
**Subject:** FW:

Fyi Not sure if you want to go back now and ask?

Still have not heard from AZ. Trying not to press too hard. As soon as I hear from them I'll call you

Scott

---

**From:** McAuliffe, John@CDCR  
**Sent:** Wednesday, September 29, 2010 3:37 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:

I called approximately 100 Hospitals and local general surgery centers.

---

**From:** Kernan, Scott@CDCR  
**To:** McAuliffe, John@CDCR  
**Sent:** Wed Sep 29 15:32:23 2010  
**Subject:** RE:

Didn't we also canvass local hospitals?

---

**From:** McAuliffe, John@CDCR  
**Sent:** Wednesday, September 29, 2010 3:17 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re:

Scott

No we did not. With [REDACTED] and the Receiver changing their positions on helping then not helping the National shortage had come in play. We did ask [REDACTED]

John



**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Execution Protocol Drugs  
**Date:** Wednesday, September 29, 2010 12:03:43 PM

---

-----  
From: McAuliffe, John@CDCR  
Sent: Wednesday, September 29, 2010 12:03:42 PM  
To: Kernan, Scott@CDCR  
Subject: Re: Execution Protocol Drugs  
Auto forwarded by a Rule

Scott  
Just got off the phone with DEA. No problem with going to AZ and picking up drugs. I have names and details on what to do.  
John

----- Original Message -----  
From: Kernan, Scott@CDCR  
To: McAuliffe, John@CDCR  
Sent: Wed Sep 29 10:05:16 2010  
Subject: RE: Execution Protocol Drugs

John,

Need to know exact quantity we will need for one execution if AZ loans it to us. Need asap.

You and I also have to talk today about FDA and Customs.

Scott

-----Original Message-----  
From: McAuliffe, John@CDCR  
Sent: Tuesday, September 28, 2010 6:21 PM  
To: Kernan, Scott@CDCR  
Subject: Fw: Execution Protocol Drugs

Fyi


----- Original Message -----  
From: CHARLES FLANAGAN [REDACTED]  
To: McAuliffe, John@CDCR  
Cc: THERESE SCHROEDER [REDACTED]  
Sent: Tue Sep 28 17:38:36 2010  
Subject: Execution Protocol Drugs

John:

As we discussed on the phone today, we have followed the lead of [REDACTED] and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:

[REDACTED]



We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothol as Thiopental Sodium (could not acquire in U.S.)  
Pancuronium Bromide (could not acquire enough in the U.S.)  
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that [REDACTED] has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.
- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.
- We called and explained to the [REDACTED] Customs what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.
- We called and spoke with the [REDACTED] FDA official [REDACTED], explaining the same issues and background as we did with Customs (and Customs had already communicated their promise of expeditious handling and why to the FDA). He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.
- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.
- We are sending our [REDACTED] along with the Deputy Warden of Operations for the Florence prison (where executions are performed and the drugs are stored) to meet with the FDA official. The FDA will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan

[REDACTED]  
Arizona Department of C [REDACTED]  
1601 West Jefferson Street  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Kathy@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Execution Protocol Drugs  
**Date:** Tuesday, September 28, 2010 6:21:25 PM

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-----  
From: McAuliffe, John@CDCR  
Sent: Tuesday, September 28, 2010 6:21:20 PM  
To: Kernan, Scott@CDCR  
Subject: Fw: Execution Protocol Drugs  
Auto forwarded by a Rule

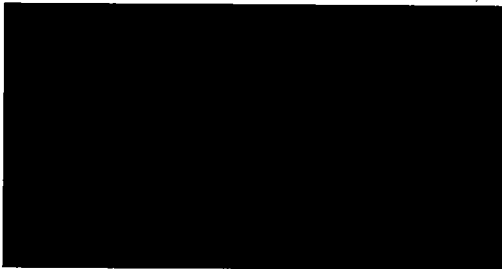
Fyi

----- Original Message -----  
From: CHARLES FLANAGAN [REDACTED]  
To: McAuliffe, John@CDCR  
Cc: THERESE SCHROEDER [REDACTED]  
Sent: Tue Sep 28 17:38:36 2010  
Subject: Execution Protocol Drugs

John:

As we discussed on the phone today, we have followed the lead of [REDACTED] and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:



We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothol as Thiopental Sodium (could not acquire in U.S.)  
Pancuronium Bromide (could not acquire enough in the U.S.)  
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that [REDACTED] has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.

- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.



- We called and explained to the [REDACTED] what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.

- We called and spoke with the [REDACTED], explaining the same issues and background as we did with [REDACTED]. He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.

- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.

- We are sending our [REDACTED] along with [REDACTED] Florence prison (where executions are performed and the drugs are stored) to meet with the [REDACTED] official. The [REDACTED] will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan  
Deputy Director  
Arizona Department of Corrections  
1601 West Jefferson Street  
Phoenix, AZ 85007

[REDACTED]

**From:** [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)  
**To:** [REDACTED] [Duffy, Brian@CDCR](mailto:Duffy,Brian@CDCR)  
**Subject:** FW: Hospira Sodium Thiopental  
**Date:** Tuesday, September 28, 2010 8:02:25 AM

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-----  
From: McAuliffe, John@CDCR  
Sent: Tuesday, September 28, 2010 8:02:22 AM  
To: Kernan, Scott@CDCR  
Cc: Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR;  
Cullen, Vincent@CDCR  
Subject: Hospira Sodium Thiopental  
Auto forwarded by a Rule

Scott

Hospira the manufacturer of Sodium Thiopental yesterday announced that they are going to send out letters to all 35 states that have lethal injection stating "they do not want their drug (Sodium Thiopental) used for executions.". Not sure how this will effect our current and/or future orders? I will call Hospira directly after this execution.

John

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED] Duffy, Brian@CDCR  
**Subject:** FW: Drugs  
**Date:** Thursday, September 09, 2010 1:01:38 PM  
**Attachments:** Hospira Backorder Report wk of 090610.xlsx

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-----  
**From:** [REDACTED]  
**Sent:** Thursday, September 09, 2010 1:00:43 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re: Drugs  
**Auto forwarded by a Rule**

Scott:

You have heard correct that the production date for the sodium pentothal has been pushed back to 1st Qtr 2011. Attached is the latest Hospira backorder report.

We continue to search for other supplies that may be available and will ship as soon as they are found.

Will keep you informed.

[REDACTED]  
----- Original Message -----

**From:** Kernan, Scott@CDCR  
[REDACTED]  
**Sent:** Wednesday, September 08, 2010 5:38 PM

[REDACTED]  
We are getting some press inquiries on the Lethal Injection drugs. Hearing that availability may be pushed deep into 2011. Have you heard anything like that? Any luck on finding us anything or date certain when manufacturing will start back up and be available. Sorry to bother you and as always, thanks for your help.

Scott

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: [REDACTED]  
**Date:** Tuesday, August 24, 2010 12:55:22 PM

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-----  
**From:** Duffy, Brian@CDCR  
**Sent:** Tuesday, August 24, 2010 12:55:21 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** FW: [REDACTED]  
**Auto forwarded by a Rule**

Also, first scheduled execution is on Sept. 29. 2 days before it expires.

-----  
**From:** Kernan, Scott@CDCR  
**Sent:** Tuesday, August 24, 2010 12:53 PM  
**To:** [REDACTED] Kathy@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: [REDACTED]

-----  
**From:** Duffy, Brian@CDCR  
**Sent:** Tuesday, August 24, 2010 12:53:24 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** RE: [REDACTED]  
**Auto forwarded by a Rule**

Just looked it up. Need 21 grams per event. Only receiving 8 grams in this shipment.

-----  
**From:** Kernan, Scott@CDCR  
**Sent:** Tuesday, August 24, 2010 12:45 PM  
**To:** [REDACTED] Kathy@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]

-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Tuesday, August 24, 2010 12:45:01 PM  
**To:** [REDACTED]  
**Cc:** Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Cullen, Vincent@CDCR;  
[REDACTED]  
**Subject:** RE: [REDACTED]  
**Auto forwarded by a Rule**

[REDACTED]  
Please go ahead and ship the 8 grams of Thiopental.....Thank you...

John McAuliffe

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 12:19 PM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received 8 grams of Thiopental Sodium. It expires Oct 1, 2010.

Is this ok?

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Tuesday, August 24, 2010 12:09 PM  
**To:** [REDACTED]  
**Subject:** RE: Purchase Order # [REDACTED]

[REDACTED]

Great news! Hope some of the product is Sodium Thiopental.....Ship to;

[REDACTED]

Thanks  
John McAuliffe

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 9:27 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order [REDACTED]

[REDACTED]

Just would like to follow up on the status of the order. Mainly I would like to know if you have any

[REDACTED] as to a possible date the order can be filled. Thanks  
in advance  
John McAuliffe

[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order [REDACTED]  
**Date:** Tuesday, August 24, 2010 12:23:24 PM

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-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Tuesday, August 24, 2010 12:23:21 PM  
**To:** Kernan, Scott@CDCR; Rice, Benjamin@CDCR  
**Cc:** Cullen, Vincent@CDCR; [REDACTED]  
**Subject:** FW: Purchase Order [REDACTED]  
**Auto forwarded by a Rule**

Scott  
Good news....  
John

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 11:52 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order [REDACTED]

We have received all of the Pancuronium today. This product needs to be kept refrigerated. I will ship this today for delivery tomorrow. I will include plenty of ice packs but it needs to be placed in a refrigerator tomorrow.

We are expecting a small amount of the Thiopental Sodium today also-I will let you know later today when it has been received so you will know how much to expect.

We are expecting all of the Potassium Chloride Wednesday or Thursday this week.

We will still be short, therefore, on the Thiopental Sodium until the shortage is resolved later this year or we find other sources.

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Tuesday, August 24, 2010 12:09 PM  
**To:** [REDACTED]  
**Subject:** RE: Purchase Order # [REDACTED]

[REDACTED]  
Great news! Hope some of the product is Sodium Thiopental.....Ship to;

[REDACTED]  
Thanks

John McAuliffe

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 9:27 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order # [REDACTED]

[REDACTED]  
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAuliffe  
[REDACTED]



**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]  
**Date:** Friday, August 20, 2010 11:07:40 AM

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-----  
**From:** Duffy, Brian@CDCR  
**Sent:** Friday, August 20, 2010 11:07:39 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

FYI

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**From:** McAuliffe, John@CDCR  
**Sent:** Friday, August 20, 2010 11:04 AM  
**To:** Duffy, Brian@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

Going down the list.....Same response so far with 23 called....Who are you? Why are you asking?  
And we do not give out that information to the public!  
John

---

**From:** Duffy, Brian@CDCR [mailto:Brian.Duffy@cdcr.ca.gov]  
**Sent:** Friday, August 20, 2010 10:43 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

Any luck with calling hospitals? Anything I can do to help?

Brian

---

**From:** Kernan, Scott@CDCR  
**Sent:** Friday, August 20, 2010 9:47 AM  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]

-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Friday, August 20, 2010 9:46:50 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Fw: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

Scott

See email. I called yesterday and said we needed a date. Also told [REDACTED] if he got a hold of any ship it to us immediately.

John

---

**From:** [REDACTED]  
**To:** McAuliffe, John@CDCR  
**Sent:** Fri Aug 20 06:19:22 2010  
**Subject:** RE: Purchase Order [REDACTED]

John, I received an update on your order this morning...

-Pentothal is expected to be available again sometime in the 4<sup>th</sup> quarter 2010(Oct-Dec 2010). This will ship when it is available.

-Pancuronium is expected to be available again by the end of August 2010. This will ship when it is available also.

-Potassium Chloride is on 'Allocation'. I am not sure what this means for us, I am waiting for a clearer answer on this. In the meantime, I am trying to pursue a different source for this product. I could have this as early as next week. I will let you know if/when I do get it.

I'll forward any information as I get it. Also, I will let you know at least weekly even if there are no new updates.

Thanks,

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order # [REDACTED]

[REDACTED]  
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAuliffe  
[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Import/Export Permit Application  
**Date:** Tuesday, August 17, 2010 6:41:21 PM

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-----  
**From:** Rice, Benjamin@CDCR  
**Sent:** Tuesday, August 17, 2010 6:41:20 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Re: Import/Export Permit Application  
**Auto forwarded by a Rule**

Are we having a phone call on this tomorrow?  
Sent using blackberry

---

**From:** Kernan, Scott@CDCR  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Sent:** Tue Aug 17 13:58:17 2010  
**Subject:** FW: Import/Export Permit Application

FYI  
Scott

---

**From:** McAuliffe, John@CDCR  
**Sent:** Tuesday, August 17, 2010 12:44 PM  
**To:** Kernan, Scott@CDCR  
**Cc:** Gaddi, Kathy@CDCR  
**Subject:** Import/Export Permit Application

Scott  
For your review....  
John

[REDACTED]  
Office of Diversion Control  
Drug Enforcement Administration  
United States Department of Justice

Dear Sir;

First let me thank you again for taking the time to talk and assist us in finding a solution in procuring thioental. As you are well aware, Title 21 United States Code (USC) Controlled Substances Act; Section 952; Importation of Controlled Substances; outlines exceptions for importation of Scheduled III controlled substances. Specifically,

Such amounts of any controlled substance in Schedule III the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States

- During an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate.
- In any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 823 of this title.
- In any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical or research uses; may be so imported under such regulations as the Attorney General shall prescribe.

California Department of Corrections and Rehabilitation (CDCR) finds itself unfortunately meeting all of the above bullets. As we have discussed, I have had John McAuliffe ([John.McAuliffe@cdcr.ca.gov](mailto:John.McAuliffe@cdcr.ca.gov)) contact the Diversion Control Units in San Francisco [REDACTED]; Sacramento [REDACTED] Oakland (Helpline) and Washington D.C. to get assistance in the procurement of Thiopental, a scheduled III controlled substance.

Thiopental is one of three chemicals that is authorized by the State of California for capital punishment by lethal injection. In May 2010, it was reported by the American Society of Health-System Pharmacists (ASHP) that there was a shortage of thiopental. This shortage was sparked by a manufacturing problem of thiopental as well as a shortage of propofol (a popular anesthetic used by anesthesiologist) which forced anesthesiologist to further deplete supplies of thiopental as a substitute. Additionally, CDCR had contact with numerous Compounding Pharmacies around the San Francisco Bay area with the same result and answer; **"Thiopental is getting very hard to find and the manufacturer (Hospira) has the drug on back order with no predicted new date for or when it might be available."**

CDCR has located a supply of sodium thiopental in Pakistan, specifically;

[REDACTED]

I am requesting help from your office to assist CDCR with the process of procuring the thiopental through the Import/Export Permit Application. We are requesting for the Warden of San Quentin State Prison be permitted to directly order the thiopental from Pakistan for delivery to San Quentin State Prison;

[REDACTED]

CDCR would be ordering 210 grams. The state of California's Lethal Injection Regulation, CDCR, Title 15; 3349; calls for a 500 mg/2.5% Kit (25 mg/mL) combination package with contents of 500 mg of Thiopental powder and 20mL flip top vial of sterile water to be mixed by appropriate execution team members. CDCR will be ordering from Pakistan 210 grams or 420 individual package kits of thiopental.

I look forward to talking to you and discussing this matter.

Scott Kernan  
Undersecretary, Operations  
California Department of Corrections and Rehabilitation  
[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Drug shortage putting hold on lethal injections  
**Date:** Monday, August 02, 2010 12:46:25 PM

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-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Monday, August 02, 2010 12:46:24 PM  
**To:** [REDACTED]  
**Cc:** Kernan, Scott@CDCR  
**Subject:** FW: Drug shortage putting hold on lethal injections  
**Auto forwarded by a Rule**

Warden  
Here is the article. Nice talking to you and thanks.

---

**From:** [REDACTED]  
**Sent:** Monday, August 02, 2010 11:49 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** Drug shortage putting hold on lethal injections

[REDACTED]

**You have received a link to azcentral.com content from**

[REDACTED]  
(The email address of the sender has not been verified.)

**Here's the article that we talked about. Let me know when this week you w**

To access the content, click the link below or copy and paste the full address into your Web browser:

**Drug shortage putting hold on lethal injections**

<http://www.azcentral.com/php-bin/clicktrack/email.php/9387167>

**From:** Kernan, Scott@CDJR  
**To:** [REDACTED]@CDJR; Duffy, Brian@CDJR  
**Subject:** FW: Lethal Injection/Sodium Thiopental  
**Date:** Monday, August 02, 2010 4:20:11 PM

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-----  
**From:** Rice, Benjamin@CDJR  
**Sent:** Monday, August 02, 2010 4:20:12 PM  
**To:** Kernan, Scott@CDJR  
**Cc:** Cate, Matt@CDJR  
**Subject:** FW: Lethal Injection/Sodium Thiopental  
**Auto forwarded by a Rule**

FYI.

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**From:** [REDACTED]  
**Sent:** Monday, August 02, 2010 6:15 AM  
**To:** [REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Lethal Injection/Sodium Thiopental

In [REDACTED] the law provides that an execution must be inflicted by an ultra short-acting barbiturate, as well as other drugs. As many of you are aware, sodium thiopental is in short supply. At this point, [REDACTED] has an execution scheduled for [REDACTED] and we have not been successful in finding any sodium thiopental to carry out the execution. I understand that other states have run into this problem.

Can you please advise me of the course of action that has been taken in this situation? Or, if anyone has any information on how to obtain this drug or any other ultra short-acting barbiturate, that would be extremely helpful.

Thank you.

**From:** [McAuliffe, John@CDCR](mailto:McAuliffe.John@CDCR)  
**To:** [Duffy, Brian@CDCR](mailto:Duffy.Brian@CDCR)  
**Subject:** FW: Import/Export Permit Application  
**Date:** Tuesday, August 17, 2010 1:38:16 PM

---

FYI  
John

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**From:** McAuliffe, John@CDCR  
**Sent:** Tuesday, August 17, 2010 12:44 PM  
**To:** Kernan, Scott@CDCR  
**Cc:** [REDACTED]@CDCR  
**Subject:** Import/Export Permit Application

Scott  
For your review....  
John

[REDACTED]  
Office of Diversion Control  
Drug Enforcement Administration  
United States Department of Justice

Dear Sir;

First let me thank you again for taking the time to talk and assist us in finding a solution in procuring thiopental. As you are well aware, Title 21 United States Code (USC) Controlled Substances Act; Section 952; Importation of Controlled Substances; outlines exceptions for importation of Scheduled III controlled substances. Specifically,

- Such amounts of any controlled substance in Schedule III the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States
- During an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate.
- In any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 823 of this title.
- In any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical or research uses; may be so imported under such regulations as the Attorney General shall prescribe.

California Department of Corrections and Rehabilitation (CDCR) finds itself unfortunately meeting all of the above bullets. As we have discussed, I have had John McAuliffe ([John.McAuliffe@cdcr.ca.gov](mailto:John.McAuliffe@cdcr.ca.gov)) contact the Diversion Control Units in San Francisco [REDACTED]; Sacramento [REDACTED] [REDACTED] Oakland (Helpline) and Washington D.C. to get assistance in the procurement of Thiopental, a scheduled III controlled substance.

Thiopental is one of three chemicals that is authorized by the State of California for capital punishment by lethal injection. In May 2010, it was reported by the American Society of Health-System Pharmacists (ASHP) that there was a shortage of thiopental. This shortage was sparked by a manufacturing problem of thiopental as well as a shortage of propofol (a popular anesthetic used by anesthesiologist) which forced anesthesiologist to further deplete supplies of thiopental as a substitute.



Additionally, CDCR had contact with numerous Compounding Pharmacies around the San Francisco Bay area with the same result and answer; *"Thiopental is getting very hard to find and the manufacturer (Hospira) has the drug on back order with no predicted new date for or when it might be available."*

CDCR has located a supply of sodium thiopental in Pakistan, specifically;



I am requesting help from your office to assist CDCR with the process of procuring the thiopental through the Import/Export Permit Application. We are requesting for the Warden of San Quentin State Prison be permitted to directly order the thiopental from Pakistan for delivery to San Quentin State Prison;



CDCR would be ordering 210 grams. The state of California's Lethal Injection Regulation, CDCR, Title 15; 3349; calls for a 500 mg/2.5% Kit (25 mg/mL) combination package with contents of 500 mg of Thiopental powder and 20mL flip top vial of sterile water to be mixed by appropriate execution team members. CDCR will be ordering from Pakistan 210 grams or 420 individual package kits of thiopental.

I look forward to talking to you and discussing this matter.

Scott Kernan  
Undersecretary, Operations  
California Department of Corrections and Rehabilitation



**From:** [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)  
**To:** [REDACTED]@CDCR; [Duffy, Brian@CDCR](mailto:Duffy, Brian@CDCR)  
**Subject:** FW: Matt Conversation  
**Date:** Wednesday, August 18, 2010 5:28:31 PM

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**From:** Duffy, Brian@CDCR  
**Sent:** Wednesday, August 18, 2010 5:28:30 PM  
**To:** Kernan, Scott@CDCR  
**Subject:** Matt Conversation  
**Auto forwarded by a Rule**

Matt asked if it was worth talking to [REDACTED] and seeing if they have the necessary drugs as they have health care facilities. Also, he talked to [REDACTED] about how they obtained the drugs. Apparently, [REDACTED] called every community hospital in the state and found one that had some they could borrow. Matt thought we should contact [REDACTED] [REDACTED] to see if we can find any in stock.

Brian

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]  
**Date:** Friday, August 20, 2010 9:46:52 AM

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-----  
**From:** McAuliffe, John@CDCR  
**Sent:** Friday, August 20, 2010 9:46:50 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Fw: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

Scott  
See email. I called yesterday and said we needed a date. Also told [REDACTED] if he got a hold of any ship it to us immediately.  
John

---

**From:** [REDACTED]  
**To:** McAuliffe, John@CDCR  
**Sent:** Fri Aug 20 06:19:22 2010  
**Subject:** RE: Purchase Order # [REDACTED]

John, I received an update on your order this morning...

-Pentothal is expected to be available again sometime in the 4<sup>th</sup> quarter 2010(Oct-Dec 2010). This will ship when it is available.

-Pancuronium is expected to be available again by the end of August 2010. This will ship when it is available also.

-Potassium Chloride is on 'Allocation'. I am not sure what this means for us, I am waiting for a clearer answer on this. In the meantime, I am trying to pursue a different source for this product. I could have this as early as next week. I will let you know if/when I do get it.

I'll forward any information as I get it. Also, I will let you know at least weekly even if there are no new updates.

Thanks,

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdc.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order # [REDACTED]

[REDACTED]  
Just would like to follow up on the status of the order. Mainly I would like to know if you have any

[REDACTED] as to a possible date the order can be filled. Thanks  
in advance  
John McAuliffe

[REDACTED]

**From:** McAuliffe, John@CDCR  
**To:** Duffy, Brian@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]  
**Date:** Friday, August 20, 2010 11:04:31 AM

---

Going down the list..... Same response so far with 23 called....Who are you? Why are you asking?  
And we do not give out that information to the public!  
John

---

**From:** Duffy, Brian@CDCR [mailto:Brian.Duffy@cdcr.ca.gov]  
**Sent:** Friday, August 20, 2010 10:43 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

Any luck with calling hospitals? Anything I can do to help?

Brian

---

**From:** Kernan, Scott@CDCR  
**Sent:** Friday, August 20, 2010 9:47 AM  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]

---

**From:** McAuliffe, John@CDCR  
**Sent:** Friday, August 20, 2010 9:46:50 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Fw: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

Scott

See email. I called yesterday and said we needed a date. Also told [REDACTED] if he got a hold of any ship it to us immediately.

John

---

**From:** [REDACTED]  
**To:** McAuliffe, John@CDCR  
**Sent:** Fri Aug 20 06:19:22 2010  
**Subject:** RE: Purchase Order # [REDACTED]

John, I received an update on your order this morning...

-Pentothal is expected to be available again sometime in the 4<sup>th</sup> quarter 2010(Oct-Dec 2010). This will ship when it is available.

-Pancuronium is expected to be available again by the end of August 2010. This will ship when it is

available also.

-Potassium Chloride is on 'Allocation'. I am not sure what this means for us, I am waiting for a clearer answer on this. In the meantime, I am trying to pursue a different source for this product. I could have this as early as next week. I will let you know if/when I do get it.

I'll forward any information as I get it. Also, I will let you know at least weekly even if there are no new updates.

Thanks,

[REDACTED]

---

**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]

**Sent:** Thursday, August 19, 2010 4:16 PM

**To:** [REDACTED]

**Subject:** Purchase Order # [REDACTED]

[REDACTED]  
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAuliffe  
[REDACTED]

**From:** Kernan, Scott@CDCR  
**To:** [REDACTED]@CDCR; Duffy, Brian@CDCR  
**Subject:** FW:  
**Date:** Monday, August 23, 2010 9:27:09 AM

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-----  
From: Rice, Benjamin@CDCR  
Sent: Monday, August 23, 2010 9:27:07 AM  
To: Kernan, Scott@CDCR; Cate, Matt@CDCR  
Subject: Re:  
Auto forwarded by a Rule

That is great news! Thanks- [REDACTED]  
Sent using blackberry

----- Original Message -----  
From: Kernan, Scott@CDCR  
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR  
Sent: Mon Aug 23 09:23:27 2010  
Subject:

I just got great news. [REDACTED] advised that he has got and is shipping the lethal injection drugs to SQ pharmacy. Its enough to do one execution. Bad news is the drug expires in Oct. But at least we would be ready. He is still looking for more. Matt, would be nice for you to call and thank them.  
Scott

**From:** [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)  
**To:** [Duffy, Brian@CDCR](mailto:Duffy,Brian@CDCR)  
**Subject:** Fw:  
**Date:** Monday, August 23, 2010 9:53:36 AM

---

Please send this to john and vince, fyi. Thx

----- Original Message -----

**From:** Rice, Benjamin@CDCR  
**To:** Kernan, Scott@CDCR; Cate, Matt@CDCR  
**Sent:** Mon Aug 23 09:27:07 2010  
**Subject:** Re:

That is great news! Thanks- [REDACTED]  
Sent using blackberry

----- Original Message -----

**From:** Kernan, Scott@CDCR  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Sent:** Mon Aug 23 09:23:27 2010  
**Subject:**

I just got great news [REDACTED] advised that he has got and is shipping the lethal injection drugs to SQ pharmacy. Its enough to do one execution. Bad news is the drug expires in Oct. But at least we would be ready. He is still looking for more. Matt, would be nice for you to call and thank them.  
Scott