

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

In Re:)
Alabama Nitrogen Hypoxia Protocol) CASE NO. 2:24-cv-111-ECM
Litigation)

ORDER

Upon consideration of the parties' joint notice (doc. 113), and for good cause, it is ORDERED that as soon as practicable but **no later than April 1, 2026**, the Defendants shall ship the pulse oximeters used in the ADOC's previous nitrogen hypoxia executions to the manufacturer so that the manufacturer may attempt to retrieve the data on the devices. At this stage, the Defendants shall bear all costs for shipping and any costs charged by the manufacturer; the Court may revisit the issue of the allocation of costs at a later date. To the extent possible, the manufacturer shall conduct the data retrieval in a manner that preserves the devices for further examination. Upon completion, the manufacturer shall return the devices to the Defendants in the same condition as received, reasonable wear and tear excepted. It is further

ORDERED that the portion of the Court's March 19, 2026 Order (doc. 106) enjoining the Defendants from shipping or transferring the pulse oximeters is VACATED.

The Defendants are DIRECTED to provide a copy of this Order to the manufacturer's General Counsel.

DONE this 30th day of March, 2026.

/s/ Emily C. Marks
EMILY C. MARKS
UNITED STATES DISTRICT JUDGE