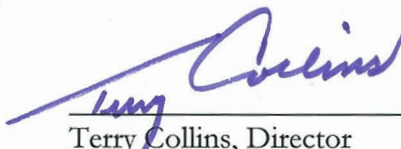


In re: Richard Cooley v. Robert Taft, Case No. 2:04-cv-1156 (S.D. Ohio) (Frost, D.J.)

- 8.1 If the team believes it is not feasible to establish an IV injection site, or if the team attempts and fails to establish or maintain a site after reasonable efforts, the team shall consult with the warden who will in turn consult with the director.
- 8.2 Upon the approval of the warden and the director, the team may use the IM injection method described below.
- 8.2 A team member shall prepare 10 mg of midazolam with 5mg/mL concentration and 40 mg of hydromorphone prepared with 10 mg/mL concentration. The 10 mg of midazolam and 40 mg of hydromorphone shall be combined in a syringe for IM injection.
- 8.3 This combination shall be injected into a large muscle of the inmate, such as the deltoid, the thigh or the buttocks.
- 8.4 After five minutes, a team member will examine the offender to confirm unconsciousness and a lack of respiration. An additional syringe of midazolam and hydromorphone identical to the first may be administered if necessary.
- 8.5 After an additional five minutes, a team member will examine the offender to confirm unconsciousness and a lack of respiration. An additional syringe of 60 mg hydromorphone only will be administered if necessary.

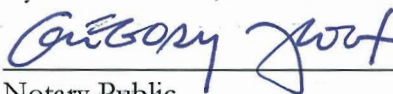
9. The changes presented above will become effective no later than November 30, 2009. The changes will be implemented in sufficient time to conduct the execution of Kenneth Biros, scheduled for December 8, 2009.

Further affiant testifies naught.



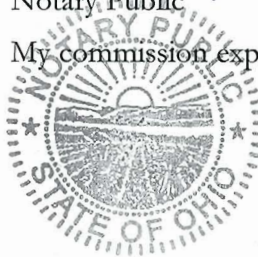
Terry Collins, Director
Ohio Department of Rehabilitation and Correction

Signed and sworn before me this 12 day of November, 2009.



Notary Public

My commission expires:



GREGORY C. TROUT
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.