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IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

CHRISTA GAIL PIKE,	)	
	)	
Plaintiff,	)	**CAPITAL CASE**
	)	
v.	)	
	)	
JONATHAN SKRMETTI, *et al.*	)	**No. 26-0027-III**
	)	
	)	**Chancellor Myles**
Defendants.	)	
	)	

EMERGENCY MOTION TO PRESERVE RELEVANT EVIDENCE

The Plaintiff Christa Gail Pike, through undersigned counsel, moves for an order requiring the Tennessee Department of Correction (TDOC) to protect and preserve any and all evidence related to TDOC's botched attempted execution of Ms. Pike on September 30, 2026.

Introduction

Two days ago, the State of Tennessee attempted to execute Ms. Pike. Many facts from that botched execution have been publicly reported: the TDOC IV team attempted to gain IV access by using at least seven needles; at one point, Ms. Pike herself offered guidance on where the IV team could attempt access; one needle was bent in a 90-degree angle when it was removed; Ms. Pike was administered both Set A and Set B syringes—two lethal doses of pentobarbital; she could be heard crying,

whimpering, and breathing loudly throughout the procedure; at one point Ms. Pike stated "my arm feels like it's about to burst open" and at another asked "does this happen like that?"

As of last night, October 1, 2026, Ms. Pike remains critically ill and is being treated at a Nashville-area hospital. She is intubated, on a ventilator, and remains unconscious. Upon arrival, both of her arms were swollen, burned, and blistered. Ms. Pike's experts have compared pentobarbital to "bleach" or "Drano." It is caustic and highly alkaline and burns upon contact, including skin, tissue, and veins. Hospital staff are working to save Ms. Pike's life and to clear the pentobarbital from her system.

Background

Nine months ago, Christa Pike came before this Court warning that her execution would result in cruel and unusual punishment in violation of the Tennessee and United States Constitutions. (*See* Compl., attached as **Exhibit 1**). Specifically, she warned that her individual physical characteristics, including thrombocytosis, post traumatic stress disorder, and small veins "make it sure or very likely that there is a substantial risk that she will experience unnecessary and superadded pain and suffering, terror, and disgrace." (Ex. 1 at ¶ 55). She alleged that her conditions would make it "significantly more difficult to achieve and/or maintain the peripheral IV access . . . needed to ensure proper delivery of the pentobarbital." (Ex. 1 at ¶ 58). She also alleged that she had a "history of difficulty with blood draws and needle insertion." (Ex. 1 at ¶ 76). When the Defendants were unable to maintain peripheral

IV access, she alleged, her "individual physical characteristics will interfere with the proper delivery of the pentobarbital." (Ex. 1 at ¶ 59). "Improper delivery of the pentobarbital including, but not limited to, vein damage and leakage, presents a risk that is sure or very likely to cause serious illness, needless suffering, and/or prolonged or lingering death." (Ex. 1 at ¶ 60).

That is not all. **Count II** of that Complaint alleged that the Defendants' lethal injection protocol was unconstitutional "because it does not provide for the provision of medical care, or the resuscitation of a prisoner in the event of a failed execution in violation of the Eighth Amendment to the United States Constitution and Article I of the Tennessee Constitution." (Ex. 1 at p.22). Ms. Pike stated that a resuscitation team "should include a physician 'not in the employ of TDOC' with 'unrestricted access to the technique of execution to plan all the necessary countermeasures for the best chance at reviving the prisoner.' She also stated that "an 'ICU ambulance must be on hand to deliver the full measure of necessary resuscitative measures.'" (Ex. 1 at ¶ 96).

Her concerns were called "speculation"; they were laughed off, scoffed at, and dismissed. In the words of one media witness: we have a lot of questions and the Department of Correction has a lot of answers that it needs to provide to the public about what happened here. We agree.

Reasons for Granting this Relief

If TDOC followed the lethal injection protocol as it claims to have, then a

member of the execution team prepared two syringes of pentobarbital at 8:00 a.m. CDT the morning of Ms. Pike's execution. (*See* Lethal Injection Protocol, attached as **Exhibit 2** at 17-18). Due to a stay of execution issued by the Sixth Circuit Court of Appeals at approximately 9:15 a.m. EDT, the prepared pentobarbital syringes would have sat unused for approximately 12 hours until the execution was attempted later that night.

If TDOC followed the lethal injection protocol as it claims to have, when the execution was re-started, the IV Team was "responsible for establishing properly functioning IV lines for administration" of pentobarbital and for placing two IV catheters, one primary and one backup. (Ex. 2 at 8, 20). The Special Operations Team Leader would then have administered a syringe of saline solution, followed by two syringes of pentobarbital, followed by another syringe of saline solution. (Ex. 2 at 21).

Apparently at no point did any member of the execution team realize that the IV lines were not correctly placed or that the veins had blown and that the pentobarbital was, in whole or in part, entering Ms. Pike's body. Instead of remedying this failure, TDOC elected to prepare a backup set of syringes (if they were not also prepared earlier that day) and then administered another lethal dose of pentobarbital. (Ex. 2 at 21). Pentobarbital is a highly caustic alkaline substance, and the IV extravasation (leakage of the caustic fluid into her surrounding tissue) was superadded terror, pain, and disgrace. The botched execution of Ms. Pike makes it abundantly clear that TDOC failed to correctly place or maintain IV lines—as she alleged—and then failed to recognize that the IV lines were improperly placed leading

to extravasation and the improper delivery of pentobarbital—as she alleged. Then, TDOC administered another dose anyway.

In light of the manifest violation of Ms. Pike's constitutional rights, the actionable nature of that violation, and the reasonable foreseeability of litigation, the Defendants have an affirmative duty to preserve all relevant physical, written, and electronic evidence.

Accordingly, Ms. Pike moves this Court for emergency relief to ensure the preservation of evidence of TDOC inflicting a cruel and unusual punishment on Ms. Pike through its deliberate indifference to her basic medical needs and reckless disregard of basic medical practices and their own lethal injection protocol. Ms. Pike seeks to preserve evidence of TDOC's incompetent and reckless actions by preserving the information, documents, and items in the attached **Exhibit 3**.

This court is authorized to issue this relief under Tenn. R. Civ. P. 34A.01[1], and Local Rules §§ 19 and 22. *See Tatham v. Bridgestone Americas Holding*, Inc., 473 S.W.3d 734, 747 (Tenn. 2015). Additionally, this court has issued a similar order in *Burns v. Strada, et al.*, Case No. 25-0414-IV (Davidson Cnty. Ch. Ct. Jul. 2, 2026),

[1] *Accord.* Tenn. R. Civ. P. 34A.01 ("Before a party or an agent of a party, including experts hired by a party or counsel, conducts a test materially altering the condition of tangible things that relate to a claim or defense in a civil action, the party shall move the court for an order so permitting and specifying the conditions. Rule 37 sanctions may be imposed on an offending party."); Tenn. R. Civ. P. 34A.02 ("Rule 37 sanctions may be imposed upon a party or an agent of a party who discards, destroys, mutilates, alters, or conceals evidence.").

and a federal court in this district has issued a similar order in *Middlebrooks v. Helton, et al.*, Case No. 3:19-cv-01139, Doc. 77 (M.D. Tenn. Jan. 27, 2023). *See also Miller v. Hamm*, C. A. No. 2:22-cv-005060RAH, Dkt. 76 (M.D. Ala. Sept. 23, 2022) (granting emergency relief immediately following a failed execution attempt by lethal injection).

Counsel for Ms. Pike first alerted counsel for the Defendants of its duty to preserve evidence at 1:09 a.m. EDT the morning after Ms. Pike's botched execution. (*See* Email to Counsel, attached as **Exhibit 4**). *See also John B. v. Goetz*, 531 F.3d 448, 459 (6th Cir. 2009). Counsel for Ms. Pike also sent counsel for the Defendants a copy of Exhibit 3 to this motion yesterday afternoon at 5:10 p.m. EDT. Counsel for the Defendants have not responded to any of counsel's communications.

A proposed order is attached.

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

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CERTIFICATE OF SERVICE

I, Luke P. Ihnen, certify that on October 2, 2026, a true and correct copy of the foregoing was served via the Court's electronic filing system to opposing counsel, Will Ayers, Asst. Attorney General.

/s/ Luke P. Ihnen