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DISTRICT COURT
CLARK COUNTY, NEVADA

17 ALVOGEN, INC.,
 18
 19 Plaintiff,
 20 v.
 21 STATE OF NEVADA;
 22 NEVADA DEPARTMENT OF
 23 CORRECTION;
 24 JAMES DZURENDA, Director of the Nevada
 25 Department of Correction, in his official
 26 capacity;
 27 IHSAN AZZAM, Ph.D, M.D., Chief Medical
 28 Officer of the State of Nevada, in his official
 capacity;
 And JOHN DOE, Attending Physician at
 Planned Execution of Scott Raymond Dozier,
 in his official capacity;
 Defendants.

Case No.: **A-18-777312-B**
Dept. No.: **XXVII**

~~PROPOSED~~ TEMPORARY
RESTRAINING ORDER

Date of Hearing:
Time of Hearing:

07-10-18P03:21 RCVD

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1 This matter having come before the Court on Plaintiff's *Ex Parte* Application for
2 Temporary Restraining Order and Motion for Preliminary Injunction (the "Application") on
3 July 10, 2018. James J. Pisanelli, Esq. and Todd L. Bice, Esq. of the law firm
4 PISANELLI BICE PLLC and Kenneth Schuler, Esq. and Michael Faris, Esq. of the law firm
5 LATHAM & WATKINS LLP (*pro hac vice forthcoming*), appeared on behalf of Alvogen, Inc.
6 ("Alvogen").

7 Having considered the papers filed on behalf of Plaintiff, and good cause appearing
8 therefore, THE COURT HEREBY FINDS THAT:

9 1. Alvogen has met its burden for a Temporary Restraining Order against the State of
10 Nevada, Nevada Department of Corrections ("NDOC"), James Dzurenda ("Dzurenda"), Ihsan
11 Azzam ("Azzam"), and John Doe (collectively the "Defendants").

12 2. Alvogen has met its burden under NRCP 65(b) for issuance of a Temporary
13 Restraining Order against the Defendants pending a hearing on a preliminary injunction as the
14 facts set forth in the Applications demonstrated that a Temporary Restraining Order is necessary
15 to preserve the status quo and prevent irreparable harm that would occur if Defendants misuse
16 Alvogen's product midazolam in the execution of Scott Raymond Dozier ("Dozier"), scheduled
17 for July 11, 2018 at 8:00 p.m.

18 3. Alvogen will suffer irreparable harm to its reputation as a company that produces
19 life-enhancing and life-saving drugs if Defendants are allowed to misuse its product midazolam.

20 THEREFORE, IT IS HEREBY ORDERED THAT:

- 21 A. Alvogen's Application for a Temporary Restraining Order is GRANTED.
- 22 B. The Court further orders that the Defendants are prohibited and enjoined from
23 using Alvogen's product midazolam in capital punishment until further order of this Court.
- 24 C. The Court further orders that security is set at \$ 10,000.

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D. The TRO will remain in effect pending the
E preliminary injunction hearing completion

A hearing on Alvogen's Motion for Preliminary Injunction is scheduled for the
Status check
10 day of Sept, 2018, at the hour of 9 o'clock 9 .m. in Department 1 of the
Eighth Judicial District Court. *related to status of discovery in*

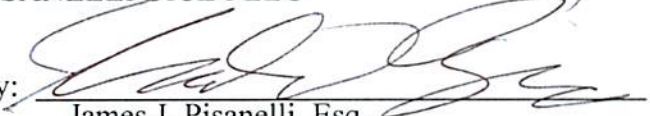
IT IS SO ORDERED.

DATE: 11 July HOUR: 11:50am
hearing


DISTRICT COURT JUDGE

Respectfully submitted:

PISANELLI BICE PLLC

By: 

James J. Pisanelli, Esq.
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