

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 99,951

GEORGE R. TILLER, M.D., and
WOMEN'S HEALTH CARE SERVICES, INC.,
Petitioners,

v.

HONORABLE MICHAEL CORRIGAN, PRESIDING JUDGE, AND
HONORABLE PAUL BUCHANAN, ASSIGNED SENIOR JUDGE, BOTH
OF THE EIGHTEENTH JUDICIAL DISTRICT COURT,
SEDGWICK COUNTY, KANSAS,
Respondents.

ORDER

On February 5, 2008, this court granted petitioners' motion to stay the enforcement of certain grand jury subpoenas issued to the petitioners which included a command to produce the petitioners' patient medical records.

A separate subpoena duces tecum was served on the Office of the Attorney General on January 31, 2008, commanding the production of those patient medical records which the Attorney General acquired in a prior inquisition proceeding. The Attorney General's motion to quash that subpoena was denied by respondents, and the Attorney General filed a separate petition for a writ of mandamus, seeking to quash the subpoena. This court granted the Attorney General's accompanying request for a temporary stay of the enforcement of the subpoena, pending resolution of the issues before this court.

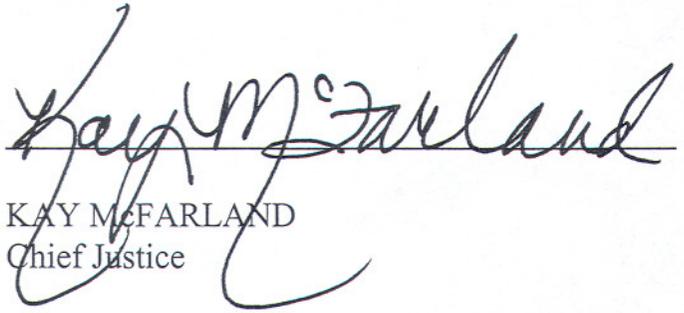
In this action, petitioners have filed a motion for leave to file a supplemental appendix, which contains the Attorney General's motion to quash and the transcript of respondents' hearing on that motion. Respondents have filed no objection or response to that motion, and the court hereby grants petitioners leave to file the supplemental appendix.

Petitioners also filed a Motion to Enlarge Stay in which they requested a stay of the enforcement of the subpoena served on the Attorney General and further requested a stay on any other subpoenas duces tecum for medical records issued by the grand jury. The respondents have filed no objection or response to that motion.

The court finds that the petitioners' request to stay enforcement of the subpoena duces tecum issued to the Attorney General is rendered moot by the stay order entered in the Attorney General's separate mandamus action, Case No. 100,042. Given the purpose of the court's previous stay orders, the court finds that it is appropriate to make the following directives to the respondents:

1. Until further order of this court, the respondents shall stay the enforcement of all subpoenas duces tecum issued to date on behalf of the grand jury which command the production of patient medical records that originated from the petitioners.
2. Until further order of this court, the respondents shall refrain from executing and issuing any further grand jury subpoenas duces tecum which command the production of patient medical records that originated from the petitioners.

BY ORDER OF THE COURT this 29th day of February, 2008.



KAY MCFARLAND
Chief Justice