

Mark S. Gietzen (Pro Se)
5575 South Mosley Street
Wichita, KS 67216-3631
Phone (316) 522-8866

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

(Small Claims Procedure)

IN THE MATTER OF)
)
Mark S. Gietzen)
 Plaintiff,)
) **Case No. 07SC1015**
 and)
)
George R. Tiller)
 5101 East Kellogg Drive)
 Wichita, KS 67218-1625)
 Defendant)

_____) Pursuant to K.S.A. Chapter 61, Kansas Statutes Annotated

MOTION IN SUPORT OF PETITION FOR
PAYMENT OF DAMAGES; HIT-AND-RUN INCIDENT

1. Comes now, the Plaintiff, Mark S. Gietzen, and hereby petitions the Court to order the Defendant, George R. Tiller, to pay \$4000.00 to the Plaintiff, for damages caused by the hit-and-run incident which occurred on April 5, 2006 at the gate of the Tiller Abortion Facility located at 5101 East Kellogg Drive, in Wichita, Kansas. And,

2. Whereas; at about 5:50 pm, on April 5, 2006, the Plaintiff was standing on Bleckley Street, looking at the approximate one-foot-square block of concrete gutter, positioned at the edge of Tiller Abortion Facility driveway, where some Kansas Coalition for Life (KCFL) volunteers occasionally kneel to pray; and a KCFL volunteer named, Randy Blasi, was standing with the Plaintiff, as depicted in the photo below. And,



3. Whereas; Randy Blasi had started to tell the Plaintiff about what had happened on the previous day, April 4, 2006, but had not yet gotten to the part about what Tiller's Abortion Nurse, Stacey Pack, did to him on April 4th, when this incident occurred. For necessary background information, see KCFL **Incident Report 2006-April-04** submitted to KCFL by Dale C. Weldy. ATTACHMENT-A. And,

4. Whereas, the following text from a KCFL Incident Report details what happened:

2006-April-05, Closing Shift: At about 5:50 pm, Randy Blasi and I (*Mark S. Gietzen*) were standing on Bleckley Street, looking at the approximate 1-foot-square block of concrete gutter, positioned at the edge of Tiller's driveway, where Randy occasionally kneels to pray.

Randy had started to tell me about what had happened yesterday, but he had not yet gotten to the part about what Abortion Nurse, Stacey Pack, did to him yesterday, when this incident occurred.

(To see what happened yesterday, go to: www.kcfl.net, then click on: "Project LPPPA" and then on; "Incident Report 2006-Apr-04, Dale Weldy") ATTACHMENT-A on this Motion in Support of Petition for Payment of Damages.

In any case, I am planning to write a letter to the Wichita City Law Department to get clarification on City Code in regards to the legality of kneeling on a City-of-Wichita gutter, and I was getting information and measurements in preparation for that letter when this incident with Abortionist Tiller happened.

At the time, there was no traffic on Bleckley Street, nor in Tiller's parking lot whatsoever. However, as we were talking, we heard a vehicle in Tiller's parking lot. It was Tiller's vehicle and he was driving his green Jeep.

After backing out of his parking garage, Tiller paused momentarily, facing us, just looking at us. *(Randy and I were standing on Bleckley Street, immediately next to the "center-gutter-block" where Randy occasionally kneels to pray.)*

To our surprise, Tiller floored his accelerator, and aimed his Jeep directly at us!

He was accelerating rapidly, and as he got closer, I could see that he was not smiling. *(At first I had thought that he was just trying to scare us playfully, because Tiller often does odd things as he comes and goes. Sometimes he gives us the stiff "middle finger", or he holds up a framed cut-out of an Eagle Cartoon from December 2005, which he keeps in his Jeep, that depicts me as a crazy reindeer... sometimes he pretends to laugh at it, while pointing at it, or at times, he just gives us a seemingly friendly toot-toot of his horn as he passes dangerously close, with no harm intended ...just to scare us.)*

As he was coming toward us, I thought that he was going to veer to the left, or to the right of us, and simply leave, as this is his normal time to go home for the day.

However, as Tiller got closer to us, he did not veer left or right, as I expected that he would. Rather, he aimed his vehicle directly at us, continuing to accelerate as he got closer!

As he came through the gate, he was going too fast to make a turn without hitting his brakes, and at the very last minute, he hit his brakes to allow a turn and avoid hitting the Truth-truck. The Truth-truck was parked on the west side of Bleckley Street.

We would have jumped out of his way immediately, but we did not know which way he was going to turn, north or south, on Bleckley, and we did not want to step into what would have been his normal path to leave.

In any case, Tiller certainly did scare us, and as he got close, I could see from the expression on his face that he was very mad, and that he was not joking around.

As he came upon us, and a collision was imminent, I dashed to the south, and Randy went north to get out of his way!

However, as I took steps backwards and south, I used my hands, placed on the hood of his vehicle to keep from being hit by it. Tiller responded by intentionally steering toward me, hitting me in both legs with his front bumper, pushing me with his vehicle about three feet. His headlight hit my buttocks and I was hit on my right elbow and my right hand, thumb and index finger by his fender and or his left side mirror.

By the time I was clear of his vehicle, Tiller was already going much faster than normal for departing traffic. He came very close to, but did not hit the Truth-truck. He continued the maximum acceleration, as he sped south on Bleckley.

Randy and I were silent for a minute or two, totally shocked and in disbelief at what had just happened!

Since Tiller had steered toward me, he missed Randy. Randy asked to see how badly I was hurt. Randy had heard the sound of me being hit by Tiller's vehicle, and thought that I was hurt worse than I was.

Randy was mad at Tiller. He said; "If you need a witness, you sure got one!"

I said, "Maybe he is just under a lot of stress due to the Grand Jury Petitions." *(See Incident Report 2005-Jan-13; Judi Weldy)*

Note: Randy had not yet told me about what Stacy Pack had done yesterday, or I would have been more cautious of his potential anger. Tiller gets very angry when he feels that the City authorities or the Police side with us; as he did when we got legal-consent to hold the overhead banner above his driveway, or when we were fighting about placement of the Crosses back in 2004.

Now this one-foot square piece of concrete gutter at the edge of his driveway has become the most recent battleground between KCFL and Tiller. I later realized that Tiller was most likely mad that the Police had not arrested Randy yesterday.

At that moment, I considered calling 911 to report the incident; however, I was not sure if that would pass the WWJD test.

I was in pain, and I decided to wait and think it through before calling the police. Randy offered to call the police for me, but I asked him to just wait while I think about it.

Randy helped me pick up Crosses, and did most of the work. I was moving slowly, feeling bruised and limping. However, I knew that I had no broken bones; only bruises.

When I got back home I called my pastor to chat about the "turn-the-other-cheek-rule". Since my pastor was unavailable with Wednesday night PSR, I called another priest involved in Project LPPPA, Father Norman Weslin.

Father Weslin asked several questions, and then strongly advised me to "both" forgive Tiller completely, and, to seek justice legally in order to protect the other volunteers who are out on-site daily.

Two other trusted Christian friends gave me nearly identical advice.

So, over an hour after the incident, I filed a Police Report at the Edgemoor Substation, and they issued Case Number: 06C024737.

<< UPDATE 2006-Apr-06 >>

As directed by the Case Desk, last evening, I called Officer Shea at (316) 268-4394 at about 8:30 am. He told me that the case was likely not in the computer yet, and he was real surprised to see that it already had been entered.

He said something about it having the potential of being a high profile case, and that is perhaps why it was already entered into the computer system.

Officer Shea told me that the case would definitely be handled as an Aggravated Assault, but that no decision would be made as to whether or not to charge Tiller. Ultimately, that decision would rest with the Police Chief and District Attorney, Nola Foulston.

In any case, nothing would happen until after they viewed the video footage from Tiller's security cameras, which I had urged them to preserve.

Later in the day, we spoke again. Officer Shea said that he did not think that charges would be bought against Tiller, because the video footage showed that Randy and I had time to get out of Tiller's way and did not do so in a timely manner. He added that he did not know when that final decision would be made.

I asked to view the video footage, and he said that the only way I could do that was to get an attorney and subpoena it.

KAKE Channel-10 had a brief segment about this incident on the evening news.

<< UPDATE 2006-Apr-07 >>

An attorney from a ProLife Law Firm in another state is interested in talking to me about this case. He called while I was down at the Courthouse for the submission of the Christin Gilbert Petitions. I called him back, but got only his answering machine. He never called back.

<< UPDATE 2007-Jan-09 >>

I sent Tiller a letter containing a settlement offer.

And,

5. Whereas; the photos displayed at ATTACHMENT-B, and at ATTACHMENT-C, depict two of the most serious bruises caused by this hit-and-run incident. And,

6. Whereas; in an attempt to settle this matter out-of-court, the Plaintiff sent a letter to the Defendant, shown at ATTACHMENT-D. And,

7. Whereas; the Defendant has not voluntarily agreed to pay for the damages caused by him.

8. Therefore; the Plaintiff prays that the Court will order the Defendant to pay \$4000.00 in compensation for the damages caused by this incident.

The Plaintiff hereby declares under penalty of perjury under the laws of the State of Kansas that, to the best of the Plaintiff's knowledge and belief, that the above claim asserted against the Defendant is a just, true, and correct statement, exclusive of any valid claim or defense which the Defendant may have.

Executed on: October 30, 2007.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mark S. Gietzen", is written over a horizontal line.

Mark S. Gietzen, Plaintiff (Pro Se)

ATTACHMENT-A

The KANSAS COALITION FOR LIFE, Project Love, Prayer, and Persistent Political Action

5575 South Mosley Street, Wichita, KS 67216-3631 PHONE: (316) 522-8866 FAX: (316) 522-8833

INCIDENT REPORT: Dale C. Weldy

Tuesday, April 4, 2006

Shift Start: Shift End:

4:30 PM 6:30 PM

While Dale was taking a shift on-site, Randy Blasi, who was not scheduled to be on-site at the time, showed up to say a prayer before going about his construction business.

Randy knelt down on the Bleckley Street gutter, adjacent to the center of Tiller's driveway for about five or ten minutes of prayer. He was facing toward Tiller's gate. (Randy was careful not to touch Tiller's driveway with his knees.)

There was plenty of room for cars to pass in and out of Tiller's parking lot on both the left, and on the right side of Randy simultaneously, without Randy having to move.

While Randy was kneeling there, Abortion Nurse, Stacy Pack, drove out of Tiller's parking lot in her red SUV, directly down the center of Tiller's driveway to challenge Randy. She stopped within a foot or two of Randy, then laid on her horn repeatedly in 30-second-to-full-one-minute blasts, trying to disrupt Randy's prayer. Randy was unaffected by her rude action, and he acted as if he did not know that she was there.

Eventually, Stacy backed up and put her vehicle back in to her usual parking stall without leaving. (She could have left at any time she wanted to as there is 16 feet of space between either side of Randy's kneeling position and the curb.)

As Stacy was returning to her parking stall, Tiller's Security Guard, Carl Sweeny, came out to inform Randy that he had just committed a Federal Offense, i.e., blocking a driveway of an abortion facility; and that he had gotten it all on video tape using the security cameras. He also informed Randy that he had called the Police to come and arrest him for his offense.

Randy waited around for the police for about 10 minutes, then left to take care of business.

The police eventually showed up, and went inside, presumably to view the video footage. After a few minutes, the police left without incident and without saying anything to Dale.

ATTACHMENT-B



Above is the bruise on my right knee on April 7, 2006 and below, the same bruise on April 14, 2006 nine days after the incident when swelling was at its maximum.



ATTACHMENT-C



Both the top and bottom photo of my left arm were taken on May 3, 2006, thirty days after the incident. This bruise, where Tiller's mirror hit my arm, was sore for several months, but was not very visible until the swelling went down; then it turned more yellow than red as shown.



ATTACHMENT-D

Mark S. Gietzen
5575 South Mosley Street
Wichita, KS 67216-3631
(316) 522-8866

Abortionist George R. Tiller
5101 East Kellogg Drive
Wichita, KS 67218-1625

Re: Case Number: 06C024737.

January 9, 2007

Mr. Tiller.

This letter is to inform you that as of today, my injuries sustained when you hit me with your jeep on the evening of April 5, 2006, are completely healed. There are no permanent injuries.

On December 31st, I was able to go skiing with no pain in the injured areas, and my morning runs, since the first of the year, have been nearly pain-free, with regards to the injured areas where your vehicle hit me.

I am requesting \$4000.00 in damages for my injuries, and am willing to close this case without a court hearing.

If you would like to close this case without legal action, please pay the damages within ten (10) days of receiving this letter. If payment is not received within that time, I will pursue legal action to collect the damages.

Sincerely,

Mark S. Gietzen

NOTICE OF HEARING

The above **MOTION IN SUPORT OF PETITION FOR PAYMENT OF DAMAGES; HIT-AND-RUN INCIDENT** will be heard on Wednesday, November 28, 2007 at 9:00 AM in the Sedgwick County Historical Courthouse, 510 North Main, Wichita, Kansas.

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2007, a true and correct copy of the foregoing **MOTION IN SUPORT OF PETITION FOR PAYMENT OF DAMAGES; HIT-AND-RUN INCIDENT** was faxed and mailed to:

George R. Tiller
5101 East Kellogg Drive
Wichita, KS 67218

FAX: (316) 684-0052

Mark S. Gietzen, Plaintiff
(Pro Se)