

**MONNAT &  
SPURRIER**  
CHARTERED

ATTORNEYS AT LAW

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CLERK OF DIST. COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KS

BY \_\_\_\_\_

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS

STATE OF KANSAS, )  
Plaintiff, )  
)  
vs. )  
)  
GEORGE R. TILLER, )  
Defendant. )  
\_\_\_\_\_ )

Case No. 07 CR 2112

**AGREED ORDER REGARDING TRIAL STIPULATION**

NOW ON THIS 12<sup>th</sup> day of March, 2009, the above matter comes before the Court on submission by the parties of this Agreed Order. Defendant-Dr. George Tiller appears by and through his attorneys, Daniel E. Monnat of Monnat & Spurrier, Chartered, and Lee Thompson of Thompson Law Firm, LLC; and the State of Kansas appears by and through Assistant Attorney General Barry K. Disney. There are no other appearances.

**Order**

In his Motion to Dismiss or Suppress, Defendant Dr. Tiller moved the Court to dismiss the charges or suppress the content and fruit of the subpoenaed patient files, and the content and fruit of Dr. Neuhaus's inquisition testimony. The Court denied the motion. Although the Court has ruled that the redacted patient files are admissible at trial, both parties

wish to avoid any further intrusion on patient privacy that would accompany the introduction of these files, or any of their contents, at trial. The parties therefore wish to stipulate to the relevant contents of the subpoenaed patient files, with the agreement that Dr. Tiller may nonetheless preserve his objections to these charges and the admission of the contents and fruit of the patient files, and the contents and fruit of Dr. Neuhaus's inquisition testimony, as raised and detailed in Dr. Tiller's Motion to Dismiss or Suppress. This Court therefore orders as follows:

1. The Court hereby grants the defendant a continuing trial objection to these charges and admission of any evidence derived from either the patient files or from Dr. Neuhaus's inquisition testimony. This continuing trial objection makes it unnecessary for Dr. Tiller to renew the objections contained within his Motion to Dismiss or Suppress at any time during trial, including any time when evidence derived from either the patient files or from Dr. Neuhaus's inquisition testimony is presented.
2. The Court hereby specifically advises the defendant that he has adequately preserved the objections contained within his Motion to Dismiss or Suppress, and he is not waiving his right to appeal the ruling on his Motion to Dismiss or Suppress by agreeing to this Order or the below Stipulation.
3. The subpoenaed patient files and their contents shall not be admitted at trial in any form (redacted or otherwise), except as follows:

- a. the below Stipulation shall be admitted, as stated in paragraph 4, below;  
and
- b. the following evidence from the patient files shall be admissible by either party:
  - i. a photocopy of each sticker that appears on the outside of 18 of the 19 patient files identified in the Complaint, and that bears the notation "MHC; Dr. Neuhaus; Dr. Tiller";
  - ii. a photocopy of no more than one referral letter from Dr. Neuhaus that appears in one of the patient files identified in the Complaint, redacted to eliminate all irrelevant and patient-identifying information, including the patient's birth year;
  - iii. a blank version of the "MI Indicators" form that appears in the patient files identified in the Complaint. Defense counsel will provide the state with a blank version of this form before trial, so as to eliminate the need to redact irrelevant and patient-identifying information from the completed forms in the files;  
and
  - iv. a photocopy of no more than one GAF form and one DTREE form that appear in one of the patient files identified in the Complaint, redacted to eliminate all irrelevant and patient-identifying information, including the patient's birth year.

4. The Court admits the following Stipulation, in the form of PIK 52.05, to be read by the Court at the conclusion of opening statements and before the state's presentation of evidence, and to be submitted to the jury along with the Court's other jury instructions.

### **Stipulation**

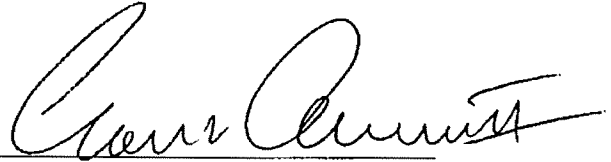
The following facts have been agreed to by the parties and are to be considered by you as true:

1. The abortions referred to in Counts 1-19 of the Complaint were performed in Sedgwick County, Kansas, on the dates set forth in each count of the Complaint.
2. The patients who sought the abortions referred to in Counts 1-19 of the Complaint were, at the time of their respective abortions, from the following states or countries:
  - a. New York (4 patients)
  - b. Kansas (3 patients)
  - c. California (2 patients)
  - d. Illinois (2 patients)
  - e. New Jersey (2 patients)
  - f. Arkansas (1 patient)
  - g. Minnesota (1 patient)
  - h. Missouri (1 patient)

- i. North Carolina (1 patient)
  - j. Tennessee (1 patient)
  - k. Canada (1 patient)
3. The defendant, Dr. George R. Tiller, is the physician who performed each of the abortions referred to in Counts 1-19 of the Complaint.
  4. Before each of the abortions referred to in Counts 1-19 of the Complaint, Dr. Tiller determined that each patient's fetus was viable, and that determination is not in dispute.
  5. Dr. Kristin Neuhaus is a Kansas physician who provided a documented referral to Dr. Tiller for each of the abortions referred to in Counts 1-19 of the Complaint.
  6. Before each of the abortions referred to in Counts 1-19 of the Complaint, Dr. Tiller determined that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, and that determination is not in dispute.
  7. Before each of the abortions referred to in Counts 1-19 of the Complaint, Dr. Neuhaus determined that a continuation of the pregnancy would cause a

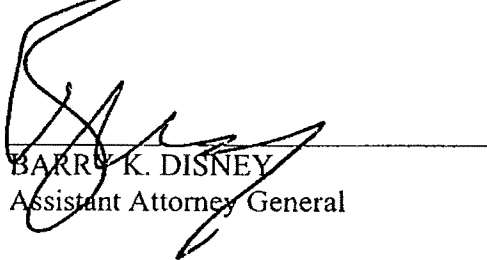
substantial and irreversible impairment of a major bodily function of the pregnant woman, and that determination is not in dispute.

IT IS SO ORDERED.

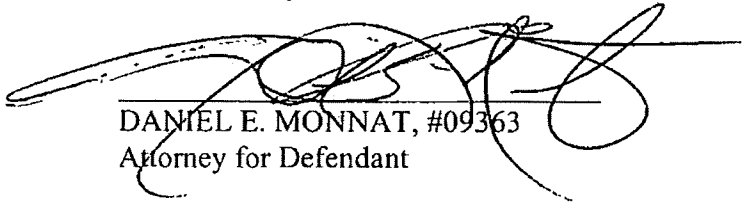


CLARK V. OWENS, II  
District Court Judge

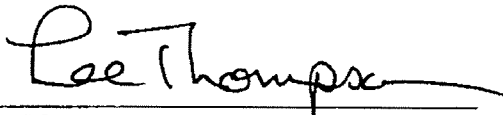
APPROVED AND CONSENTED TO:



BARRY K. DISNEY  
Assistant Attorney General



DANIEL E. MONNAT, #09363  
Attorney for Defendant



LEE THOMPSON, #08361  
Attorney for Defendant



Dr. George R. Tiller  
Defendant