

SUBPOENA

In The Eighteenth Judicial District
District Court, Criminal Department
Sedgwick County, Kansas

IN RE GRAND JURY INVESTIGATION

**COPY
RECEIVED**
JAN 23 2008

3:25 pm.

by Dan Mennert

THE STATE OF KANSAS TO:

CASE NO. 07MR535

RECORDS CUSTODIAN FOR WOMEN'S HEALTH CARE SERVICES, INC.

DUCES TECUM:

Copies of all health care records of each patient who consulted a physician or physicians at Women's Health Care Services, Inc. or Women's Health Care Services, P.A. from July 1, 2003, through January 18, 2008, when the gestational age of each patient's fetus was determined to be 22 weeks or more but the patient did not receive an abortion because there was not a determination that a continuation of the patient's pregnancy would cause a substantial and irreversible impairment of a major bodily function by two physicians who were not legally and financially affiliated.*

*Counsel for Women's Health Care Services, Inc. may redact all personal identity indicators from the copies of the records for each patient including patient name; the day and month of the patient's birth; patient's social security number; photocopies of any patient identity documents; any insurance policy information; identification of any individuals accompanying the patient to Women's Health Care Services; patient's residential address; patient's telephone number(s); patient's occupation; and patient's emergency contact information.

ON THE 1ST DAY OF FEBRUARY, 2008, at 9:00 O'CLOCK A.M. REPORT TO THE CASE COORDINATION DIVISION, DISTRICT ATTORNEY'S OFFICE, 2ND FLOOR, SEDGWICK COUNTY COURTHOUSE.

YOU ARE COMMANDED to be and appear in your own proper person and to produce the records, instruments or things as may be herein-named, before the District Court of Sedgwick County at the County Courthouse, 525 N. Main, in the City of Wichita, County of Sedgwick to testify on behalf of plaintiff in the above-captioned action now pending between the State of Kansas, plaintiff and defendant. Reasonable accommodations will be provided in accordance with the Americans with Disabilities Act. Failure to comply with this subpoena may be deemed contempt of the court.

You may make written objection to the production of any or all of the records listed above by serving such written objection under this case number upon District Attorney Nola Tedesco Foulston at 535 North Main, Wichita, Kansas 67203 within 14 days after service of this subpoena, or at or before the date of compliance if the time is less than 14 days after service. If such objection is made, the records need not be produced except upon order of the court.

The personal attendance of a custodian of business records and the production of original records is required by this subpoena. The procedure for delivering copies of the records to the clerk of the court shall not be deemed sufficient compliance with this subpoena and should be disregarded. A custodian of the records must personally appear with the original records.

Instructions

1. When you received this subpoena please call the Case Coordination Office weekdays between 8:30am and 5:00pm at 660-3640. We are closed weekends and holidays. Long distance callers may dial 1-800-432-6878.
2. Before coming to Case Coordination, on the day before the bold date listed above, please call 660-3640 between 4:00pm and 5:00pm for further instructions.
3. The parking garage is located on the corner of Main & Elm, north of the Courthouse. Parking tickets are validated in the Case Coordination Division.

ANN SWEGLE
ATTORNEY FOR PLAINTIFF

/s/ Judge Michael Corrigan 1/23/08
JUDGE OF THE DISTRICT COURT

SHERIFF'S RETURN

Received this writ _____, 2008. Served the same by delivering a certified copy to each person named personally, at the times following to-wit:

SHERIFF _____

DEPUTY _____

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Protection of Persons Subject to Subpoenas: Kansas Statutes Annotated Rules of Civil Procedure, KSA 60-245 Subsection(c) as amended July of 1997:

(c) Protection of persons subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subsection (d)(2), a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) Fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person or requires a nonresident who is not a party or an officer of a party to travel to a place more than 100 miles from the place where the nonresident was served with the subpoena, is employed or regularly transacts business, except that, subject to the provisions of subsection (c)(3)(B)(iii), such a nonparty may in order to attend trial be commanded to travel to the place of trial;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) Requires disclosure of a trade secret or other confidential research, development or commercial information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(4) A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

(d) *Duties in responding to subpoena.* (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that such information is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced that is sufficient to enable the demanding party to contest the claim.

(e) *Contempt.* Failure by any person without adequate excuse to obey a subpoena served upon the person may be considered a contempt of the court in which the action is pending or the court of the county in which the deposition is to be taken. Punishment for contempt shall be in accordance with K.S.A. 20-1204 and amendments thereto. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by subsection (c)(3)(A)(iii).

SUBPOENA

In The Eighteenth Judicial District
District Court, Criminal Department
Sedgwick County, Kansas

RECEIVED
JAN 22 2008

by Laura M. Hargrett

IN RE GRAND JURY INVESTIGATION

THE STATE OF KANSAS TO:

CASE NO. 07MR536

RECORDS CUSTODIAN FOR WOMEN'S HEALTH CARE SERVICES, INC.

DUCES TECUM:

Copies of all health care records of each patient who received an abortion at Women's Health Care Services, Inc., or Women's Health Care Services, P.A., from July 1, 2003, through January 18, 2008, when the gestational age of each patient's fetus was determined to be 22 weeks or more, specifically including all records required to be made or maintained pursuant to K.S.A. 65-6703.*

*Counsel for Women's Health Care Services, Inc., may redact all personal identity indicators from the copies of the records for each patient including patient name; the day and month of the patient's birth; patient's social security number; photocopies of any patient identity documents; any insurance policy information; identification of any individuals accompanying the patient to Women's Health Care Services; patient's residential address; patient's telephone number(s); patient's occupation; and patient's emergency contact information.

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181 Michael Corrigan
JUDGE OF THE DISTRICT COURT

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DEPUTY _____

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subsection (d)(2), a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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