

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

Pursuant to Supreme Court Rule 9.01(c), the Court has conducted a preliminary review of the Petition for Writ of Mandamus, which seeks an order directing the respondents to quash certain subpoenas issued to the petitioners in the grand jury proceedings below. Further, the Court has considered the Motion for Immediate Emergency Stay of Duty to Comply with Grand Jury Subpoenas. Whereupon, the Court enters the following orders:

1. The Petition raises significant issues including questions regarding the extent and scope of a judge's role in grand jury proceedings, a grand jury's authority to issue subpoenas duces tecum, and privacy protections to be afforded medical patients' records.

Accordingly, the enforcement of the subpoenas directed to the petitioners is hereby stayed until further order of the court.

2. The court is aware that the term of the grand jury can be extended under the provisions of K.S.A. 22-3013(1). Nevertheless, because of the time constraints involved, the respondents are directed to file any objection to the immediate stay of enforcement of the subpoenas on or before 5:00 P.M. on February 11, 2008, and to file their answer(s) to the Petition for Writ of Mandamus on or before 5:00 P.M. on February 25, 2008. Any objection and the answer(s) should include any information and legal authority which respondents deem necessary. See Supreme Court Rule 9.01(c).

BY ORDER OF THE COURT this 5th day of February, 2008.

KAY McFARLAND
Chief Justice