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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2011-CV-001298

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS **DIVISION 7**

HODES & NAUSER, MDs, P.A.;)	
HERBERT C. HODES, M.D.; and)	
TRACI LYNN NAUSER, M.D.,)	
Plaintiffs, v.)))	Case No. 11-C-1298
SUSAN MOSIER, M.D., in her official)	
capacity as Secretary of the Kansas)	
Department of Health and Environment;)	
STEPHEN HOWE, in his official capacity)	
as District Attorney for Johnson County,)	
Kansas; and DEREK SCHMIDT, in his)	
official capacity as Attorney General for)	
the State of Kansas,)	
)	
Defendants.)	

PLAINTIFFS' PRELIMINARY LIST OF PROPOSED WITNESSES

Plaintiffs Hodes & Nauser, M.D.s, P.A., Herbert C. Hodes, M.D., and Traci Lynn Nauser,

M.D., submits this preliminary list of proposed witnesses as follows:

Witness	Subject Matter
Traci Nauser, M.D.	Dr. Nauser will testify about the office-based
4840 College Blvd.	procedures provided at her practice, including
Overland Park, KS 66211	abortion; the impact of the regulations on her
	practice; and the lack of medical justification
	for the regulations.
James Mirabile, M.D.	Dr. Mirabile will testify about the office-
4550 W. 109th Street, Suite 130	based procedures he provides, including those
Overland Park, KS 66211	that are comparable to abortion; that he makes
	referrals to Drs. Hodes & Nauser for
	pregnancy terminations; and that there is no
	medical reason to impose the regulations on
	Dr. Hodes & Nauser, which are not imposed

	on other obstetrician-gynecology practices, including his, or other facilities that perform office-based procedures.
Tracy Cowles, M.D. 12200 W 106th Street, Suite 110 Overland Park, KS 66215	Dr. Cowles will testify about the office-based procedures she provides, including those that are comparable to abortion and that she makes referrals to Drs. Hodes & Nauser for pregnancy terminations. Dr. Cowles will also testify that there is no medical reason to impose the regulations on Dr. Hodes & Nauser, which are not imposed on other obstetrician-gynecology practices, like hers, or other facilities that perform office-based procedures, and the impact such regulations would have on her practice.
Elizabeth Raymond, M.D., M.P.H. Gynuity Health Projects 15 East 26th Street New York, NY 10010	Dr. Raymond will testify about the safety of legal abortion—including both medication and surgical abortion—including the safety of legal abortion as compared to other pregnancy outcomes and as compared to other outpatient medical procedures. Dr. Raymond will also testify that diminished access to legal abortion is a threat to public health.
Joshua Freeman, M.D. The University of Kansas Physicians Medical Office Building	Dr. Freeman will testify about the status of abortion in Kansas, and the climate in which women access and providers perform
3901 Rainbow Blvd MS 4010 Kansas City, KS 66160	abortions in the state.
Jane Doe[s]	Patients will testify regarding the effect and potential effect of the regulations on their ability to access abortions.
Any Witnesses Identified by Defendants	

Dated: March 7, 2016

Respectfully submitted,

By: /s/ Teresa A. Woody Teresa A. Woody, #16949 The Woody Law Firm, P.C. 1621 Baltimore Avenue Kansas City, MO 64108 (816) 421-4246 (816) 471-4883 Fax teresa@woodylawfirm.com

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*Admitted Pro Hac Vice

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing was filed with the Clerk of the Court and served on the following by email, on March 7, 2016.

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ATTORNEYS FOR DEFENDANTS

/s/ Teresa A. Woody
ATTORNEY FOR PLAINTIFFS

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HODES & NAUSER, M.D.s, P.A.;)
HERBERT C. HODES, M.D.; and)
TRACI LYNN NAUSER, M.D.,)
Plaintiffs,)
v.) Case No. 11-C-1298
)
SUSAN MOSIER, M.D., in her official)
capacity as Secretary of the Kansas)
Department of Health and Environment;)
STEPHEN HOWE, in his official capacity)
as District Attorney for Johnson County,)
Kansas; and DEREK SCHMIDT, in his)
official capacity as Attorney General for)
the State of Kansas,)
Defendants.)

PLAINTIFFS' PRELIMINARY LIST OF PROPOSED EXHIBITS

Plaintiffs Hodes & Nauser, M.D.s, P.A., Herbert C. Hodes, M.D., and Traci Lynn Nauser,

M.D., submit this preliminary list of proposed exhibits as follows:

1	V. C. A. (5. A-01. (5. A-12.
1.	K.S.A. 65-4a01 – 65-4a12
2.	Permanent Administrative Regulations, K.A.R. 28-34-126 – 28-34-144
3.	Kansas Department of Health and Environment Administrative Record on
	Permanent Administrative Regulations
4.	Affidavit of Traci Lynn Nauser, M.D., in Support of Plaintiffs' Motion for a
	Restraining Order and/or Temporary Injunction
5.	Affidavit of James Mirabile, M.D., in Support of Plaintiffs' Motion for a
	Restraining Order and/or Temporary Injunction
6.	Affidavit of Paul Blumenthal, M.D., in Support of Plaintiffs' Motion for a
	Restraining Order and/or Temporary Injunction
7.	Affidavit of Tracy Cowles, M.D., in Support of Plaintiffs' Motion for a
	Restraining Order and/or Temporary Injunction
8.	Affidavit of Jane Doe in Support of Plaintiffs' Motion for a Restraining Order
	and/or Temporary Injunction
9.	Declaration of Traci Lynn Nauser, M.D., in Opposition to Defendants' Motion

	for Summary Judgment on Plaintiffs' Claims under the Kansas Equal
	Protection Clause
10.	Declaration of James Mirable, M.D., in Opposition to Defendants' Motion for
	Summary Judgment on Plaintiffs' Claims under the Kansas Equal Protection
	Clause
11.	Declaration of Elizabeth Gray Raymond, M.D., M.P.H., in Opposition to
	Defendants' Motion for Summary Judgment on Plaintiffs' Claims under the
	Kansas Equal Protection Clause
12.	Curriculum Vitae of Tracy Cowles, M.D.
13.	Curriculum Vitae of Elizabeth Gray Raymond, M.D., M.P.H.
14.	Curriculum Vitae of James Mirable, M.D.
15.	Curriculum Vitae of Traci Lynn Nauser, M.D.
16.	Curriculum Vitae of Joshua Freeman, M.D.
17.	All deposition transcripts in any deposition in this case
18.	All exhibits used in any deposition in this case
19.	Kansas Department of Health and Environment November 2, 2011 letter to
	Teresa Woody, Esq.
20.	All Exhibits Created by or Referred to by Any Witness
21.	All Demonstrative Exhibits
22.	All Exhibits Identified or Introduced by Defendants

Dated: March 7, 2016

Respectfully submitted,

By: /s/ Teresa A. Woody
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COUNSEL FOR PLAINTIFFS

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The undersigned hereby certifies that the above and foregoing was filed with the Clerk of the Court and served on the following by email, on March 7, 2016.

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