

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

Hodes & Nauser, MDs, P.A.,  
*et al.*,

Plaintiffs,

v.

Case No. 2011-CV-1298  
Division No. 7

Susan Mosier, M.D., in her official  
Capacity as Secretary of the Kansas  
Department of Health and Environment,  
*et al.*,

Defendants.

Pursuant to K.S.A. Chapter 60

**DEFENDANTS' PRELIMINARY WITNESS & EXHIBIT LIST**

WITNESSES

1. Plaintiff Herbert Hodes.
2. Plaintiff Traci Nauser.
3. One or more present or former employees of Hodes & Nauser, MDs, P.A.
4. One or more representatives of Comprehensive Health Center, Overland

Park, Kansas.

5. One or more representatives of South Wind Women's Center, Wichita,  
Kansas.
6. One or more Health Facility Surveyor, Kansas Department of Health and  
Environment (KDHE).
7. One or more representative from KDHE to discuss the hospital and  
ambulatory surgical center licensure process.
8. One or more medical experts, to be disclosed in accordance with the  
Court's previously entered Amended Case Management Order.

9. Any witness listed by plaintiffs.
10. Any witness necessary for the introduction of any exhibit into evidence.
11. Any other witnesses identified and disclosed during the course of discovery in accordance with the Court's Case Management Order.

#### EXHIBITS

1. The Act, K.S.A. 65-4a01 – K.S.A. 65-4a12.
2. The Final Regulations, K.A.R. 28-34-126 – K.A.R. 28-34-144.
3. Correspondence between the parties surrounding the adoption of the Final Regulations.
4. *Kansas Register*, Vol. 30, No. 43, at 1471-78 (Oct. 27, 2011).
5. Excerpts from Administrative Record (to be designated upon receiving clarification of the particular statutes and regulations challenged by plaintiffs), Court File.
6. Video recording of public hearing on proposed Permanent Regulations, Court File.
7. Legislative history of H. Sub. S.B. 36 (Kan. 2011).
8. Legislative history of S.B. 54 (Kan. 2014).
9. Legislative history of S. Sub. H.B. 2228 (Kan. 2015).
10. Abortions in Kansas, KDHE Annual Reports (Years 2010 – 2014).
11. News articles documenting health concerns at various abortion facilities throughout the country.
12. Medical articles concerning the risks associated with performing medical and surgical abortions, as well as recommended precautions and clinic practices.

13. Manual of Medical Standards and Guidelines, Section VII-A-1, Planned Parenthood Federation of America (Jan. 2000).
14. Condensed Abortion Protocol, Planned Parenthood of Central and Northern Arizona.
15. Guidelines for Design and Construction of Health Care Facilities, The Facility Guidelines Institute (2010).
16. South Carolina Standards for Licensing Abortion Clinics, 1996.
17. 2010 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care Science.
18. National Abortion Federation, Clinical Policy Guidelines (2011).
19. National Abortion Federation, Clinical Policy Guidelines (2015).
20. ACOG Practice Bulletin No. 143, *Medical Management of First-Trimester Abortion* (March 2014).
21. FDA, Mifepristone U.S. Postmarketing Adverse Events Summary through 04/30/2011, *available at*  
<http://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/UCM263353.pdf>.
22. FDA, Mifeprex Questions and Answers (Updated 2/24/2010), *available at*  
<http://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm111328.htm>.
23. FDA, Mifeprex (mifepristone) Information, *available at*  
<http://www.fda.gov/drugs/drugsafety/postmarketdrugsafetyinformationforpatientsandproviders/ucm111323.htm>.

24. Mifeprex FPL. FDA, Mifeprex Label (July 19, 2005), *available at* [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2005/020687s013lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2005/020687s013lbl.pdf).
25. Other states' regulations relating to abortion facilities.
26. Other organizations' recommendations regarding abortion facility protocol.
27. Any expert's disclosure, curriculum vitae, or report.
28. Any exhibit listed by plaintiffs.
29. Other relevant exhibits identified and disclosed during the course of discovery in accordance with the Court's Amended Case Management Order.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent via electronic mail on

March 7, 2016, addressed to:

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