

2. This Court dismissed the Petition stating that the matter was not properly filed in the probate case, but should be the subject of a separate civil action.

3. Subsequently, Michael Schiavo re-filed the above Petition in the general civil division. The case number of such action is No. 03-008212-CI-20.

4. A hearing was held on October 21, 2003 at 8:30 p.m. before Judge W. Douglas Baird, at the conclusion of which Michael Schiavo's request for temporary injunction was denied. However, Judge Baird stated that the constitutional issues raised were of such moment that they should be fully briefed on an expedited basis. He thereupon ordered a brief submitted by the Plaintiff (Michael Schiavo) in five (5) days, with a responsive brief to be filed by the Respondent (the Governor and the Attorney General of the state of Florida) five (5) days thereafter, after which time he would make his decision.

5. The Schindlers' request for a guardian ad litem should not be granted until the constitutionality of the underlying Act is determined.

6. If the Act requiring appointment of a guardian ad litem is deemed unconstitutional, there will be no requirement for the chief judge to appoint a guardian ad litem pursuant to it.

7. In the alternative, the appointment of the guardian ad litem should be conditional, pending determination of the Act's

constitutionality. This Court's Order dated October 22, 2003 is entered, "In accordance with said Act". The appointment of a guardian ad litem would no longer be mandated if the Act is found to be unconstitutional.

8. Without waiver of any claim regarding the constitutionality of the Act, Michael Schiavo submits that, since the appointment of the guardian ad litem is made pursuant to the mandate of the Act and the Act deals only with one issue, granting the Governor "the authority to issue a one-time stay to prevent the withholding of nutrition and hydration from a patient" under specified circumstances, the responsibilities of the guardian ad litem after issuance of such stay should be limited to the determination of whether the removal of the ward's nutrition and hydration tube in this case was lawfully ordered by this Court in accordance with the laws of the state of Florida.

9. Since this Court ordered that the ward's feeding be removed, pursuant to the ward's expressed wishes, on October 15, 2003, each day that the ward receives nutrition and hydration is a violation of, not only her expressed wishes, but her constitutional rights under the laws of the state of Florida and the United States. Therefore, the report of the guardian ad litem to the Governor and the court should be expedited and issued as soon as possible. The time period for issuance of the report should not exceed thirty (30) days without an order of this Court extending

such time period, upon the request of the guardian ad litem, for good cause shown.

10. Without waiver of any claim regarding the constitutionality of the Act, Michael Schiavo submits that any guardian ad litem appointed pursuant to this Act should not be suggested by or associated in any way to either of the parties hereto, but should be independently chosen by the Court.

11. Michael Schiavo has no objection to the appointment of Dr. Jay Wolfson as guardian ad litem for the ward, as suggested by the Court in its October 22, 2003 Order.

WHEREFORE, Michael Schiavo requests that this Court:

1. Reconsider its Order Regarding the Appointment of a Guardian Ad Litem in that such Guardian Ad Litem be appointed only after Judge Baird's determination of the constitutionality of the Act or,

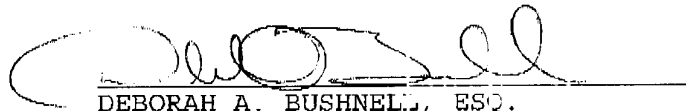
2. In the alternative, that such appointment be conditioned upon the Act being determined by Judge Baird to be constitutional; and

3. If a guardian ad litem is appointed, such person should be independently chosen by the Court.

4. The responsibilities of the guardian ad litem after issuance of the Governor's stay should be limited to the determination of whether the removal of the ward's nutrition and hydration tube in this case was lawfully ordered by the courts in

accordance with the laws of the state of Florida; and

5. The report of the guardian ad litem to the Governor and the court should be expedited and submitted within thirty (30) days, unless extended by this Court upon request by the guardian ad litem for good cause shown.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by U.S. Mail and facsimile transmission to Patricia F. Anderson, Esq., 447 Third Avenue North, Suite 405, St. Petersburg, FL, 33701, (727) 898-4903; and George J. Felos, Esq., 595 Main Street, Dunedin, FL, 34698, (727) 736-5050, on October 29, 2003.



Deborah A. Bushnell, Esq.