

Procedural History of Attorney General Kline's Subpoena of Medical Records

- September 21, 2004** At the request of Attorney General Phill Kline, Chief Judge Richard Anderson of the Kansas Third Judicial District issued subpoenas for 90 complete original medical records to Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri in Overland Park and Women's Healthcare Services in Wichita.
- September 22, 2004**
Key date The subpoenas were served directing the clinics to produce the patient files by October 5, 2004. The subpoenas included an order prohibiting disclosure of the existence of the subpoenas or the investigation under which they were sought (gag order).
- October 4 & 5, 2004**
Key date The clinics filed motions to quash the subpoenas. On October 5, the district court heard arguments on those motions. Following the hearing, the district court denied the motions and ordered the clinics to produce the records by October 15, 2004.
- October 8, 2004**
Key date The clinics filed motions with the district court to reconsider its actions; the court stayed the production of records while it considered the motions.
- October 21, 2004** The district court denied the motions for reconsideration and ordered that the patient files be produced by 5:00 p.m. on October 28, 2004.
- October 22, 2004** The clinics filed a joint motion with the district court for a protective order that would allow them to remove sensitive patient information before submitting the records to the court.
- October 26, 2004**
Key date Because enforcement of the subpoenas would violate patients' statutory and constitutional rights, the clinics applied to the Kansas Supreme Court for permission to file a Writ of Mandamus (an order to correct prior actions or to cease illegal acts and follow the law). They also filed an application to proceed under seal to honor the gag order and to protect the integrity of the underlying inquisition process.

The Kansas Supreme Court granted the request to file all pleadings under seal and ordered that they be filed by November 12, 2004.

October 27, 2004 The clinics filed a motion in district court to stay the order to produce the patient records while the Kansas Supreme Court determined whether the case should proceed under seal and to permit the clinics to apply for and obtain its ruling on an application for the stay.

October 28, 2004 Judge Anderson granted the motion for a stay until November 12, 2004.

Key date

The Kansas Supreme Court granted the request to file under seal and stayed the subpoena records until further notice by the court. The Kansas Supreme Court directed that the clinics file an amended joint petition and memorandum of law within 10 days and that Attorney General Kline file an answer and memorandum of law 20 days after the filing by the clinics.

The Attorney General submitted an answer to the clinics' petition for a Writ of Mandamus and order staying the subpoenas. He reiterated that this is a criminal investigation and the subpoenas were issued after finding probable cause by the lower court.

November 12, 2004 The clinics filed a full application for a Writ of Mandamus to the Kansas Supreme Court. They also filed for a stay of the "do not disclose" provisions of the subpoenas, asserting they are without authority in Kansas law, illegal, and a violation of the First Amendment to the United States Constitution because they restrain free speech without compelling need.

November 30, 2004 Judge Anderson filed his response to the Mandamus request ensuring the Kansas Supreme Court has a complete record of past proceedings in this matter and to seek guidance from the court.

December 2, 2004 Kline filed his response to the petition for the Kansas Supreme Court Writ of Mandamus, including a full brief in response to the clinics' claims. Kline requests that the Kansas Supreme Court deny the clinics' petition and responds to specific allegations.

December 15, 2004 The clinics filed a reply brief in response to Kline's December 2 filing, which raises several new matters, including a claim that a filing for Mandamus should not be allowed in this case.

January 31, 2005 The Kansas Supreme Court ordered a formal briefing giving Petitioners until February 22, 2005, to file.

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February 14, 2005	The Kansas Supreme Court ordered that briefs are to be filed as open records; however, the prior court record will remain under seal.
February 18, 2005	The clinics filed a motion to the Kansas Supreme Court seeking to unseal the record.
February 22, 2005	Because of the gag order, the clinics filed a formal briefing as ordered by the Kansas Supreme Court on January 31, under the pseudonyms of Alpha and Beta Medical Clinics.
March 3, 2005	Kline filed his response with the Kansas Supreme Court that was virtually identical to the one filed on December 2, 2004, except for redaction in the attached exhibits, removing names to protect identities. Kline held a news conference to discuss the contents of the brief and the legal arguments involved.
March 9, 2005 Key date	The gag order on the subpoenas was lifted.
March 10, 2005	Planned Parenthood of Kansas and Mid-Missouri publicly confirmed that its Comprehensive Health Clinic was one of two clinics that appealed to the Kansas Supreme Court to block the attempt to obtain private medical records.
March 15, 2005	Planned Parenthood of Kansas and Mid-Missouri held press conferences in Topeka and Wichita denouncing the sweeping invasion of patients' medical privacy by Attorney General Kline.
June 9, 2005	The Kansas Supreme Court scheduled the case for oral arguments on Thursday, September 8, 2005, at 1:30 p.m.
September 8, 2005	This hearing was held in the Supreme Court Courtroom at the Kansas Judicial Center in Topeka, Kansas.
February 3, 2006	The Kansas Supreme Court rules unanimously that three constitutionally guaranteed privacy rights were threatened by the Attorney General's actions. The Court added that all identifying information be removed from the medical records before review by the district court, which will reconsider the merits of Kline's inquisition.