

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
PROBATE DIVISION
File No. 90-2908-GD-003**

**IN RE: THE GUARDIANSHIP OF
THERESA MARIE SCHIAVO,
Incapacitated.**

MICHAEL SCHIAVO,

Petitioner,

vs.

**ROBERT SCHINDLER and MARY
SCHINDLER,**

Respondents.

ORDER


THIS CAUSE came before the Court for hearing on March 7, 2005 on Respondents' Emergency Expedited Motion for Permission to Provide Theresa Schiavo with Food and Water by Natural Means after the assisted nutrition and hydration are discontinued. The Court heard the argument of Daniel C. Gibbs, III, Esq., for the Respondents, and of George J. Felos, Esq., for the Petitioner.

Having also reviewed portions of declarations or affidavits of several doctors, which were submitted to the Court by Respondents, it has become clear that the motion is part and parcel of Respondents' Fla. R. Civ. P Rule 1.540(b)(5) motion on medical evaluations. The same declarations are being used for both motions and the motion appears to be an alternative pleading

to the 1.540(b)(5) motion. Both are asking for an experimental procedure. The Court reasons that if the 1.540(b)(5) motion is granted, there is no need for this motion. If the 1.540(b)(5) motion is denied, the Court should not do indirectly what it has not done directly. It is therefore

ORDERED AND ADJUDGED that Respondents' Emergency Expedited Motion for Permission to Provide Theresa Schiavo with Food and Water by Natural Means is DENIED.

DONE AND ORDERED in Clearwater, Pinellas County, Florida, this 8 day of March, 2005.


GEORGE W. GREER
CIRCUIT JUDGE

TRUE COPY

Copies furnished to:
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