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JUDGE GEORGE W. GREER

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**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN
AND FOR PINELLAS COUNTY, STATE OF FLORIDA
PROBATE AND GUARDIANSHIP DIVISION**

File No. 90-2908-GD-003

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

MICHAEL SCHIAVO, as Guardian of
the person of THERESA MARIE SCHIAVO,

Petitioner,

vs.

ROBERT SCHINDLER and MARY
SCHINDLER,

Respondents.

ORDER

THIS CAUSE came on to be heard on November 15, 2002 upon the Emergency Motion to Hold Ruling in Abeyance Pending Development of Additional Medical Evidence filed herein by Respondents, Robert and Mary Schindler. Before the court were Patricia Fields Anderson, Esquire, and Lawrence D. Crow, Esquire, attorneys for Respondents; and George J. Felos, Esquire, attorney for Petitioner. The unverified Motion had been received by the court via fax on November 11, 2002 and the court scheduled this hearing in order for evidence to be

presented to determine if there was a sufficient basis to hold a full evidentiary hearing.

The Respondents presented three affidavits in support of their motion, those affidavits being from themselves and from Eleanor Drechsel. Petitioner presented affidavits of James Carnahan, M.D. and Eugene Alcazaren, M.D. The court then heard argument of counsel in support of and in opposition to the Emergency Motion. The court has considered the affidavits, the argument of counsel and the Emergency Motion and accordingly rules as follows.

The thrust of the Emergency Motion centers around a 1991 bone scan report by W. Campbell Walker, M.D. The report indicates that the bone scan was performed at Mediplex Rehab in Bradenton, Florida on Terry Schiavo in March of 1991. The report indicates some fractures which Dr. Campbell felt were caused by trauma, the major one being on the right femur. Dr. Walker concluded, "the patient has a history of trauma". The affidavits in support of the Emergency Motion relating to this bone scan report simply established that affiants did not have actual knowledge of that report, although counsel in argument conceded that the report was available, and was in the possession of Respondents' several attorneys over time. There has been no suggestion that the bone scan report was secreted or the information withheld intentionally from anyone. The affidavits as they relate to room temperature do not remotely suggest an issue for the court to pursue.

In opposition to the Emergency Motion, Petitioner submits affidavits from two physicians at Mediplex Rehab who dispute the conclusions of Dr. Campbell. One of these affiants had actually ordered the subject bone scan.

The court concludes that while it might be interesting to pursue the issue of trauma as it may have occurred almost twelve years ago, that has nothing to do with Theresa Marie Schiavo in 2002 and the Mandate of

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the Second District Court of Appeal in this cause rendered October 17, 2001. Accordingly, it is

ORDERED AND AJDUDGED that the Emergency Motion to Hold Ruling in Abeyance Pending Development of Additional Medical Evidence be and the same is hereby denied.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this 22 day of November 2002.


GEORGE W. GREER
Circuit Judge

Copies furnished via fax to avoid delay to:
George J. Felos, Esquire
Patricia Fields Anderson, Esquire
Lawrence D. Crow, Esquire
Gyneth S. Stanley, Esquire
Pamela A.M. Campbell, Esquire