

Exceptions p. 145-46 – Hensel’s Request and subsequent Complaint

384. The Grand Jury repeatedly stated its desire to have the subpoena enforced. and refused to grant Planned Parenthood an extension of time to comply. See e.g., Exhibit 104, 3913-3914; 3241:14-21 (February 27, 2008 transcript); Merker, 2672.

332. In her letter of complaint to Mr. Hazlett, Ms. Hensel writes:

On February 27, 2008, the Grand Jury **specifically directed** Christopher Pryor, of the District Attorney’s Office, the office was **not to file any brief** related to the January 7, 2008 subpoena **without the approval of the Grand Jury**. On March 3, 2008, the District Attorney’s office submitted a brief to the court that had not been approved by their clients, the Grand Jury, as directed.

Exhibit 7, at 4) (emphasis added).

385. Ms. Hensel’s complaint, however, misrepresents the February 27 record.

Ms. Hensel: Second is a **request**, and while we understand that **we don’t have the authority** to issue this, **we are asking the DA’s office *and anyone else*** that might submit any documents to the Court in our name, **that the Grand Jury be advised** of those prior to the filing . . . the Grand Jury would like to review any **documents that are provided to the Court in our name**. For example, if there are to be any more briefs related to the subpoena, we would like to see that information since it’s being submitted in our name prior to that.

The Court: Okay.

Ms. Hensel: **It’s a request.**

Mr. Pryor: In all candor from our office’s standpoint, I don’t have the authority to accept or reject, but I will pass it on. I just wanted to-

Ms. Hensel: We understand that.

Mr. Pryor: Unless you order it.

Ms. Hensel: **That’s just a general request.**

Exhibit 103, 3160:20-3161:17 (February 27, 2008 transcript) (emphasis added).

386. The Grand Jury did not issue a directive specifically to Mr. Kline, and did not claim to be Mr. Kline’s “client.” Ms. Hensel recognized that she “probably” did not have the authority to make the request to Mr. Kline. Furthermore, the request did not relate to “any” filing, but rather only to any filing made in the name of the Grand Jury.

387. The request was made to “anyone,” including Special Counsel. The request came only one week after Special Counsel had signed and entered into the record a Confidentiality Agreement binding the Grand Jury without notice to the Grand Jury or Mr. Kline’s office. The Grand Jury rescinded that agreement.