

## Exceptions at page 152

the February 27 hearing, and was primarily drafted by Mr. Pryor and Mr. Rucker.

405. The Motion at issue in this matter and referenced in ¶150 of the Formal Complaint is styled "*State's Motion to Enforce . . .*", and begins: "COMES NOW *the State of Kansas* by and through District Attorney Phill Kline . . ." Mr. Kline presents the motion on behalf of the public body he represents in Johnson County, not on behalf of the Grand Jury. The interest of the public in enforcement of the subpoena arises from the citizen petition that brought the Grand Jury into existence. K.S.A. §22-3001; Exhibit 93.

406. These pleadings contrast with Mr. Kline's earlier filing in opposition to Planned Parenthood's motion to quash the subpoena. At that time, the Grand Jury requested Mr. Kline to file a pleading in opposition to the Motion to Quash. That filing began: "COMES NOW THE STATE *at the request of the grand jury . . .*" Exhibit Q8, at 299. Mr. Kline's office identified the same purpose in the accompanying brief. "COMES NOW THE STATE and in support of its and the Grand Jury's opposition to Respondent's Motion to Quash and in support of the State's motion to extend the Grand Jury . . ." Exhibit 115, at 1.

407. Judge Moriarty never ruled on the Motion to Quash. The original subpoena to Planned Parenthood was never enforced. At the time the motions were filed, the Grand Jury subpoenas were still in force and had not been rescinded. Mr. Kline's motions to enforce the original subpoena were not prejudicial. Judge Moriarty summarily denied them. The Panel does not identify any evidence of prejudice.