

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
PROBATE DIVISION  
File N. 90-2908GD-003**

**In re: THE GUARDIANSHIP OF  
THERESA MARIE SCHIAVO,  
Incapacitated.**

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**MICHAEL SCHIAVO  
Petitioner,**

v.

**ROBERT SCHINDLER and  
MARY SCHINDLER,  
Respondents.**

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**RESPONDENTS' MOTION FOR EMERGENCY STAY OF  
EXECUTION OF FEBRUARY 11, 2000, ORDER TO REMOVE THERESA  
SCHIAVO'S NUTRITION AND HYDRATION**

ROBERT and MARY SCHINDLER, Respondents herein, pursuant to Fla.R.Civ.P. 1.550(b) and through their undersigned counsel, hereby move this Court for an emergency stay of execution of its February 11, 2000, or any other, Order authorizing the Guardian to remove Theresa Schiavo's nutrition and hydration so as to cease her "life-prolonging procedures." In support thereof, Respondents show unto the Court as follows:

1. On July 20, 2004, Respondents filed with this Court their Motion for Relief from Judgment and for Reconsideration. This Motion was based upon Pope John Paul's March 20, 2004, official declaration of the doctrine of the Roman Catholic Church with regard to the moral obligation of Catholics to continue artificial nutrition and

hydration of a patient in a “persistent vegetative state” until the patient dies a natural death.

2. On Thursday, September 30, 2004, a hearing was had before this court on the legal sufficiency of the Motion for Relief from Judgment. During that hearing Your Honor verbally stated from the bench that no order permitting the removal of Ward’s nutrition and hydration would be issued during the pendency of the Motion for Relief from Judgment filed in this Court on July 20, 2004.

3. Despite the Court’s statement from the bench, Respondents have received reports that the Guardian may be planning to remove Ward’s nutrition and hydration without further court order as soon as he receives the Florida Supreme Court’s Mandate dismissing Governor Bush’s motion for rehearing of Supreme Court Case No. SC04-925, *Jeb Bush, Governor of Florida v. Michael Schiavo, Guardian: Theresa Schiavo*, in connection with Governor Bush’s Executive Order No. 03-201 staying the withholding of nutrition and hydration from Theresa Schiavo pursuant to “Terri’s Law.”

4. Respondents contend that any and all of the Court’s orders authorizing the Guardian to remove Theresa Schiavo’s nutrition and hydration have been complied with by the Guardian and that he will need further authorization by this Court to again discontinue life-prolonging procedures for Theresa Schiavo. The District Court of Appeal of the Second District clearly contemplates that once an order by this Court to remove nutrition and hydration tube has been complied with, but for some reason the removal did not result in Theresa Shiavo’s death, the guardianship must “schedule another hearing solely for the purpose of entering a new order scheduling the removal of

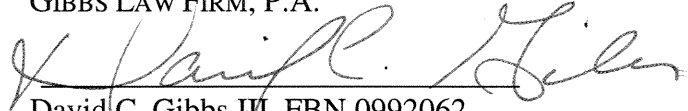
the nutrition and hydration tube.” *In re Guardianship of Schiavo*, 851 So. 2d 182, 187 (Fla. 2d DCA 2003).

5. Substantial issues are raised in Respondents’ Motion for Relief From Judgment about whether Theresa Schiavo would today choose to discontinue life-support in light of Pope John Paul’s March 20, 2004, official statement for the Catholic Church and the moral obligation it imposes on practicing Catholics. Obedience to one’s religion at the time of death carries significant eternal consequences. Respondents believe Theresa Schiavo’s previously adjudicated decision to cease life-prolonging procedures would now be different because of the Pope’s statement.

WHEREFORE, Respondents respectfully request this Court to enter its Order staying enforcement of any order to withdraw nutrition and hydration from Theresa Schiavo pending a final court order on their Motion for Relief from Judgment.

Respectfully submitted,

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I HEREBY CERTIFY that a true copy hereof has been sent via facsimile on this 21<sup>th</sup> day of October 2004 to the following addressees:

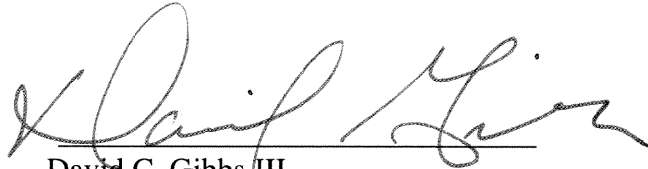
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