

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
PROBATE DIVISION

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

File N. 90-2908GD-003

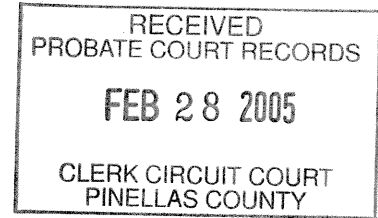
MICHAEL SCHIAVO

Petitioner,

v.

ROBERT SCHINDLER and
MARY SCHINDLER,

Respondents.



EMERGENCY EXPEDITED MOTION
FOR PERMISSION TO PROVIDE THERESA SCHIAVO
WITH FOOD AND WATER BY NATURAL MEANS

ROBERT and MARY SCHINDLER, Respondents herein, by and through their undersigned counsel, hereby plead with this Court to give them permission to attempt to provide the Ward, THERESA SCHIAVO ("Terri"), with food and water by natural means. In support thereof, Respondents show unto the Court as follows:

1. On February 11, 2000, this Court's Order authorized Petitioner to "proceed with the discontinuance of said artificial life support for Theresa Marie Schiavo." (Order, February 11, 2000).

2. On February 25, 2005, this Court ordered the guardian, Michael Schiavo, to “cause the removal of nutrition and hydration from the Ward, THERESA SCHIAVO, at 1:00 p.m. on Friday, March 18, 2005.” (Order, February 25, 2005).

3. Members of Terri’s nuclear family, as well as at least one registered nurse, are willing to provide Terri with food and water by natural means—by mouth—when her assisted nutrition and hydration are discontinued.

4. Terri already does swallow her saliva as well as the water used when her teeth are brushed by her caregivers without aspiration or other negative consequence.

5. Permitting Terri to ingest in food and water in the natural manner will not violate this Court’s 2000 Order that “artificial life support” be discontinued.

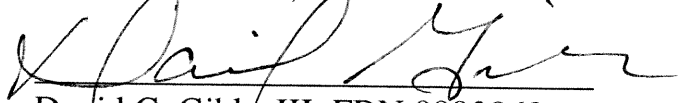
6. Denying Terri the opportunity to be given food and water by natural means would make this Court’s Orders of February 11, 2000, and February 25, 2005, penal in nature rather than an “entirely executory” order in equity (*In re Guardianship of Schiavo*, 792 So.2d 551, 559 (Fla. 2d DCA 2001) (“*Schiavo II*”).

7. This Court determined only that Terri would not wish to live on artificial life support. Discontinuing her “artificial life support” in the form of assisted feeding should not also automatically sentence her to death. Instead, Terri should be permitted to attempt to eat and drink by natural means. Ill people very often get well, or at least get better. The opportunity to attempt to feed Terri by natural means may demonstrate that Terri is able to swallow and to eat and drink naturally. If she is not able to do so, this Court’s order will have been executed and Terri will die.

WHEREFORE, Respondents respectfully plead that this Court grant them permission to attempt to give food and water to the Ward, THERESA SCHIAVO, by natural means after her “artificial life support” in the form of assisted feeding has been discontinued by Petitioner upon the order of this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

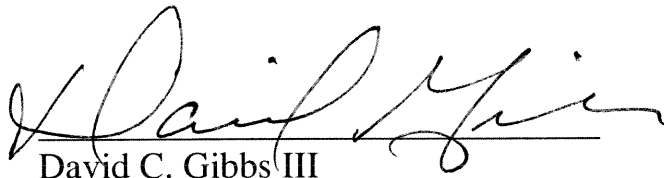
I HEREBY CERTIFY that a true copy hereof has been mailed on this
twenty-seventh day of February 2005 to the following addressees:

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