

**COPY**  
FILED

**IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CIVIL DEPARTMENT**

2011 FEB 11 P 3:30

CLERK OF DIST. COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KS

BY \_\_\_\_\_

FOLIAGE DEVELOPMENT, INC., )  
A Kansas corporation, )  
Plaintiff, )  
)  
)  
vs. )  
)  
)  
DR. MILA MEANS, )  
d/b/a/ DR. MILA MEANS MEDICAL OFFICE, )  
Defendant. )

Case No. 11CV0410

Pursuant to Chapter 60 of Kansas Statutes Annotated

**JOURNAL ENTRY AND AGREED ORDER**

**ON THIS \_\_\_ DAY OF FEBRUARY, 2011** the above captioned matter comes before the Court by way of this Journal Entry and Order agreed to by all parties appearing.

**WEREUPON**, the parties hereto show the court that an action seeking a temporary restraining order, preliminary injunction and permanent injunction was filed on January 28, 2011; thereafter the Court issued a Temporary Restraining Order and Order to Show Cause and set the matter for hearing on the request for Preliminary Injunction on February 15, 2011; and

**WHEREUPON**, the parties by agreement and stipulation do hereby inform the court of the following facts and representations:

1. That the defendant is not presently performing abortions at the premises she current leases from the plaintiff and has no present intent of performing

abortions at the premises she leases from the plaintiff at 9916 E. Harry, Suite 104, Wichita, Kansas (the "Subject Premises");

2. That the defendant is actively seeking alternative space for her medical practice and intends to vacate the Subject Premises when such space is located;
3. That the defendant will inform the plaintiff in writing at least thirty (30) days prior to any plan to perform abortions at the Subject Premises or, alternatively, thirty(30) days prior to the time within which she intends to vacate the Subject Premises;
4. In the event defendant provides plaintiff with the 30-day written notice of defendant's intent to vacate the Subject Premises required by paragraph 3 above, and thereafter vacates the Subject Premises, she may do so as though and under such conditions as would apply at the end of the term of the lease, with the end of the term being the later of 30-days after such written notice or the date plaintiff actually vacates the Subject Premises;
5. In the event defendant provides plaintiff with the 30-day written notice required by paragraph 3 above of any plan to perform abortions at the Subject Premises, then plaintiff and defendant agree to set a mutually agreeable date for a hearing on plaintiff's application for a temporary injunction; in the meantime, defendant agrees not to commence any plan to perform abortions at the Subject Premises until the conclusion of such hearing and then only if plaintiff's application for a temporary injunction is denied.

6. In the event defendant performs abortions on the Subject Premises prior to vacating the Subject Premises or prior to the date of any preliminary injunction hearing set following the notice provided for in paragraph 3 above, such action shall be grounds for immediate termination of defendant's lease of the Subject Premises.
7. That pending such move by the defendant or further order of this Court, the parties further agree that the Temporary Restraining Order and Order to Show Cause issued herein should be dissolved;
8. That the action for a Preliminary Injunction and Permanent Injunction should remain on file pending resolution as a result of further proceedings by way of hearing on the request for preliminary injunction and subsequent trial, if required, or alternatively at the time defendant vacates the Subject Premises the action will be dismissed with prejudice, all parties bearing their own fees and expenses; and
9. That this action and further proceedings therein are requested to be and should be stayed for a period not to exceed six months, subject to further order of the Court.

**WHEREUPON**, the Court being advised in the premises, having reviewed the agreement of the parties as stated in this order does order and find as follows:

- A. The findings and representations stated herein are adopted by the Court as the order of the Court;

B. The Temporary Restraining Order and Order to Show Cause entered herein are hereby dissolved;

C. That further proceedings are stayed for a period not to exceed six months pending further hearing or final resolution upon the defendant vacating the Subject Premises as set forth above.

IT IS SO ORDERED THIS \_\_\_ DAY OF FEBRUARY, 2011.

**DOUGLAS R. ROTH**

District Judge

**APPROVED:**

**THE LAW OFFICES OF HARKER E. RUSSELL**

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