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

(Small Claims Procedure)

IN THE MATTER OF)	
)	
Mark S. Gietzen)	
Plaintiff,)	
)	Case No. 08SC191
and)	
)	
George R. Tiller)	
5101 East Kellogg Drive)	
Wichita, KS 67218-1625)	
Defendant)	
)	

Pursuant to K.S.A. Chapter 61, Kansas Statutes Annotated

MOTION IN SUPORT OF PETITION FOR PAYMENT OF DAMAGES
RESULTING FROM STINK-BOMB INCIDENT

1. Comes now, the Plaintiff, Mark S. Gietzen, and hereby petitions the Court to order the Defendant, George R. Tiller, to pay \$4000.00 to the Plaintiff, for damage caused by the malicious placement of a stink-bomb that chemically attacked the defendant, other proLife volunteers, and the general public who use the sidewalks at 5101 East Kellogg Drive in Wichita, Kansas.

2. Whereas; the stink-bomb was placed on the edge of the Defendant's property, on September 20, 2007, specifically intending to aggravate, sicken, choke and annoy, and thereby to "remove" proLife sidewalk counselors and other proLife volunteers from the public area near the gate of the Tiller abortion facility. And,



At closing time, Defendant's employee, John Rayburn, caps the rancid smelling stink-bomb, in preparation for closing the gate.

3. Whereas; with no regard for the general public passers-by, the Defendant placed the chemical device in that position with the full knowledge that the intensely offensive foul-smelling odor would contaminate the air being breathed by the general public, the Plaintiff, and other proLife volunteers, all who were legally positioned on public property near the gate of the Tiller abortion facility, or were just passing by, either northbound or southbound on the sidewalk. And,



Holding his nose up-wind in order to be able to breathe, the Defendant's employee, John Rayburn, transports the now-covered and sealed stink-bomb, away from the Defendant's gate in preparation to close the facility at the end of the business day.

4. Whereas, the motive for placement of the stink-bomb was the economic gain of the Defendant, in that the placement of the stink-bomb caused proLife volunteers to leave their normal position at the gate, where they offer helpful advice and abortion alternatives to would-be Defendant clients. And,

5. Whereas, word of this hostile incident caused an unknown number of would-be on-site proLife volunteers who would have otherwise come to the gate, between September 20, 2007 and today, to decline volunteer service, thereby costing the Plaintiff time and expense to advertise for other replacement volunteers, and to spend numerous hours of extra time on-site at the gate, in place of the volunteers who did not want to face the possibility of a hostile environment on-site, stink-bomb or otherwise. And,

6. Whereas, the offensive odor caused the Plaintiff to endure a headache that lasted several hours after the exposure, as well as a tendency to vomit. And,


7. Whereas, it is likely that similar effects were felt by others, although they did not know the source of their discomfort.

Therefore; in compensation for this rude, improper, illegal, and indecent act, the Plaintiff prays that the Court will order the Defendant to pay \$4000.00 in compensation for the damages caused by this incident.

The Plaintiff hereby declares under penalty of perjury under the laws of the State of Kansas that, to the best of the Plaintiff's knowledge and belief that the above claim asserted against the Defendant is a just, true, and correct statement, exclusive of any valid claim or defense which the Defendant may have.

Executed on: February 22, 2008.

Respectfully submitted,



Mark S. Gietzen, Plaintiff (Pro Se)

NOTICE OF HEARING


The above **MOTION IN SUPORT OF PETITION FOR PAYMENT OF DAMAGES RESULTING FROM STINK-BOMB INCIDENT** will be heard on March 20th, 2008 at 11:00 AM in the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2008, a true and correct copy of the foregoing **MOTION IN SUPORT OF PETITION FOR PAYMENT OF DAMAGES RESULTING FROM STINK-BOMB INCIDENT** was faxed and mailed to:

George R. Tiller
5101 East Kellogg Drive
Wichita, KS 67218

FAX: (316) 684-0052



Mark S. Gietzen, Plaintiff
(Pro Se)