

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

March 16, 2005

CASE NO.: 2D05-1300
L.T. No. : 90-2908GD-003

Department Of Children &
Family Services

v. Michael Schiavo,
In Re: Theresa M. Schiavo

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

On March 14, 2005, the Florida Department of Children and Family Services filed both a notice of appeal and a petition for writ of certiorari seeking review of a circuit court order of March 10, 2005. This court has determined that this order is an appealable order and will proceed as a final appeal pursuant to Florida Rule of Appellate Procedure 9.110(a)(2).

The Department's emergency motion for order expediting review and staying and/or enjoining removal of nutrition and hydration is granted in part and denied in part.

The motion to expedite is granted. This proceeding will be expedited and no formal record will be required from the circuit court clerk. The parties shall provide record with appendices as is undertaken in nonfinal and specified final appeals pursuant to Florida Rule of Appellate Procedure 9.130. Briefing will be expedited and the initial brief shall be filed by March 23, 2005; the answer brief shall be filed by March 28, 2005; and the reply brief shall be filed by March 31, 2005. Service of briefs must be accomplished by hand-delivery or facsimile transmission and must occur before filing with the court.

The Department's motion for order staying and/or enjoining removal of nutrition and hydration is denied.

ALTENBERND, C.J., and FULMER and WALLACE, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Jack Emory Farley, Esq.
David C. Gibbs, III, Esq.
Hon. George W. Greer

Gyneth S. Stanley, Esq.
Hamden H. Baskin, III, Esq.
Ken Burke, Clerk

George J. Felos, Esq.
Deborah A. Bushnell, Esq.

es



James Birkhold
Clerk

