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Planned Parenthood-linked judge sets trial for undercover video makers

137-page motions ruling lashes out at pro-life team that exposed baby body-parts sales



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Judge William Orrick

A federal judge in San Francisco with links to Planned Parenthood has issued a 137-page ruling against David Daleiden, the Center for Medical Progress and others involved in the 2015 uncovering of the abortion industry's sale of baby body parts.

Judge William Orrick has scheduled a trial for Oct. 2 in a ruling that addressed a long list of motions.

The lawsuit by Planned Parenthood and others stems from an undercover investigation that produced a series of videos showing Planned Parenthood executives violating state and federal laws that prohibit the sale of aborted baby tissues and organs for profit.

Orrick has served on the board of an organization, Good Samaritan Family Resource Center, that works directly with Planned Parenthood and houses an abortionists' office. And he allowed his wife to publicly condemn the undercover investigation.

Orrick also has imposed a fine of nearly \$200,000 on Daleiden and his lawyers for releasing to the public some of the evidence cited in charges against the undercover video maker in a separate criminal action brought by the state of California.

The judge had claimed that the videos don't show wrongdoing, but two congressional investigations have resulted in referrals to the Justice Department for possible prosecution.

Also, two bioscience companies cited in released videos reached a \$7.7 million settlement with the Orange County District Attorney's Office for allegedly selling fetal tissue for profit.

There were motions earlier to remove Orrick from the case, but he refused.

At the time, Charles LiMandri, the chief counsel for the Freedom of Conscience Defense Fund, said Orrick "is an ardent supporter of abortion and Planned Parenthood, and he and his spouse have shown open hostility to David."

"Allowing a biased judge to preside over this case is a grave injustice," he said.

In Orrick's order dropping a few of the Planned Parenthood claims against Daleiden and others but leaving others intact, the judge lashed out at the defendants.

The judge said the anti-abortion activists "surreptitiously recorded conversations with abortion industry insiders and set out "to damage Planned Parenthood with a scheme that involved creating a phony corporation and false identities, infiltrating conferences and facilities, ignoring confidentiality agreements, and trading on relationships established under false pretenses for the purpose of secretly videotaping individuals without their consent in the hopes of getting them to make damaging statements."

Orrick has ruled that the videos were deceptively edited, flatly contradicting a federal appeals court ruling that said they were not.

Orrick claimed it is "beyond dispute" that Planned Parenthood spent hundreds of thousands of dollars to protect staff and enhance security," but he fears it can never recover "for reputational damages."

The defendants include the Center for Medical Progress; Biomax, a fake organ procurement company used by CMP journalists; Troy Newman, one of three founding board members for CMP who is also president of Operation Rescue; Albin Rhomberg, a founding CMP board member, David Daleiden, project lead and a founding CMP board member; Sandra Merritt, an undercover journalist working with CMP; and Geraldo Adrian Lopez, who also worked as an undercover journalist for CMP.

Plaintiffs include Planned Parenthood Federation of America (PPFA), Planned Parenthood of the Rocky Mountains (Colorado), Planned Parenthood Gulf Coast (Texas) and Planned Parenthood Center for Choice (Florida).

Operation Rescue said the most serious of the 15 counts alleged by the Planned Parenthood suit is the Racketeer Influenced Corrupt Organization, or RICO, charge.

OR said the pro-life defendants could be liable for millions in direct and punitive damages, and millions more in Planned Parenthood's legal fees, should they lose.

"We are praying for the best but preparing for the worst," said Newman. "This is the most serious legal case I have ever faced – and I have faced many for my pro-

life work over the years. I am grateful for my attorneys with the American Center for Law and Justice for their hard work on my behalf, and also for everyone who has supported and prayed for us."

Liberty Counsel, which has represented Merritt, said the judge's ruling undermined Planned Parenthood's case by finding that the First Amendment bars Planned Parenthood's claims for damages alleged to arise from the publication of the videos.

Liberty Counsel, which represents Merritt, has presented evidence that Planned Parenthood has no standing, no damages and no legal basis for the suit.

"Planned Parenthood's lawsuit is nothing but an attempt to bully and silence the truth about its grisly abortion practice. The Supreme Court has ruled that RICO cannot be used to silence free speech and that is precisely what Planned Parenthood is seeking to accomplish. Planned Parenthood will not succeed," said Liberty Counsel founder Mat Staver.

The judge additionally stated that it was irrelevant that some parties were involved in illegal or unethical conduct or violations of the laws regarding abortions.

"That the videos have led to multiple government investigations (and indeed some criminal pleas from entities who are not parties in this case) does nothing to bring defendants' allegations regarding plaintiffs' illegal or unethical conduct

(which, again, have not been substantiated against these plaintiffs) into the sort of 'direct relation' to the causes of actions plaintiffs' assert in this case."

One of the videos concealed by Orrick, which was available for only a short time, included comments from abortionists.

In it, Lisa Harris, medical director for Planned Parenthood of Michigan, says: "Our stories don't really have a place in a lot of pro-choice discourse and rhetoric, right? The heads that get stuck that we can't get out. The hemorrhages that we manage."

Susan Robinson of Planned Parenthood of Mar Monte in San Jose, California: "The fetus is a tough little object and taking it apart, I mean taking it apart, on day one is very difficult."

Talcott Camp, deputy director of the American Civil Liberties Union's Reproductive Health Freedom Project: "I'm like oh my god! I get it! When the skull is broken, that's really sharp. I get it, I understand why people are talking about getting that skull out, that calvarium."

Deborah Nucatola, senior director of medical services at Planned Parenthood Federation of America: "You know, sometimes she'll tell me she wants brain, and we'll, you know, leave the calvarium in 'til last, and then try to basically take it, or actually, you know, catch everything, and even keep it separate from the rest of the tissue so it doesn't get lost."

Uta Landy, founder of the Consortium of Abortion providers for Planned Parenthood: "An eyeball just fell down into my lap, and that is gross."

Her comment was followed by raucous laughter from the abortionists at the meeting of the National Abortion Federation, where the undercover video was taken.

Stacy De-Lin of Planned Parenthood of New York City was among others in the video. She says: "But we certainly do intact D&Es (dilation and extraction)."

Ann Schutt-Aine of Planned Parenthood of the Gulf Coast: "If I'm doing a procedure, and I'm seeing that I'm in fear that it's about to come to the umbilicus, I might ask for a second set of forceps to hold the body at the cervix, and pull off a leg, or two, so it's not PBA (partial birth abortion)."

Harris again: "Given that we actually see the fetus the same, and given that we might actually both agree that there's violence in here, ask me why I come to work every day. Let's just give them all the violence, it's a person, it's killing, let's just give them all that."

Susan Robinson of Planned Parenthood Mar Monte: "You go in there, and you go, 'am I getting the uterus, or the fetus? Oh good fetus. What have I got. Nothing. Let's try again.'"

Leslie Drummond of Planned Parenthood Mar Monte: "I get a lot of 'oohs' and 'aahs' from Stemex(press) you know, they're wanting livers. Last week I was in

Sacramento and she said, 'I need four intact limbs' and I said 'you want what?'"

Paul Blumenthal, Planned Parenthood of Maryland: "I know Planned Parenthood sells a lot of stuff (fetal organs) to people."

Deb Vanderhei of the Consortium of Abortion Providers: "But the truth is that some might want to do it for, to increase their revenues. And we can't 'stop them."

Here are two of the videos released by CMP: