

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION )  
OF AMERICA, INC., et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
CENTER FOR MEDICAL PROGRESS, )  
et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

CASE NO. 3:16-cv-00236  
(WHO)

C O N F I D E N T I A L  
VIDEO RECORDED DEPOSITION OF  
DEBORAH NUCATOLA, M.D.  
IRVINE, CALIFORNIA  
APRIL 4, 2019

Reported by:  
DEBBIE STRICKLAND  
CSR 9036  
No. 19-76852

CONFIDENTIAL ATTORNEYS' EYES ONLY

1 Q Okay. "I'm going to try to get Planned  
2 Parenthood de-funded," is that a threat?

3 A That's a threat.

4 Q And I am going to -- thank you.

5 \*\*\*

6 FURTHER EXAMINATION

7 BY MR. JONNA:

8 Q Do you remember testifying before the Select  
9 Investigative Panel and saying that you have had a  
06:45 10 patient deliver in the operating room a nonviable  
11 fetus?

12 A I don't recall.

13 Q Is that true that you have had a patient  
14 deliver in the operating room a nonviable fetus?

06:46 15 A I'm sure I have.

16 Q What do you mean by a nonviable fetus?

17 A A fetus that's not capable of survival.

18 Q How do you define that?

19 A I don't define that. Viability is -- well, I  
06:46 20 do define that sometimes.

21 Q Okay. So --

22 A There's many criteria you can use to  
23 determine viability.

24 Q And what are those criteria?

06:46 25 A Depends on where you work.

CONFIDENTIAL ATTORNEYS' EYES ONLY

1 Q Okay. Where you work. What are those  
2 criteria where you work?

3 A Viability is determined on a case-by-case  
4 basis.

06:46 5 Q Okay. And what are the criteria you use to  
6 evaluate viability?

7 A You can use different things, estimated fetal  
8 weight, gestational age, the health of the fetus, the  
9 availability of, you know, interventions.

06:47 10 Q And based on those criteria, you make the  
11 determination as to whether the fetus is viable or  
12 non-viable?

13 A On a case-by-case basis, the physician  
14 determines if a fetus is viable, yes.

06:47 15 Q And these fetuses that are delivered that you  
16 believe are nonviable, have you ever noticed any  
17 indication of breathing?

18 A Not that I can recall.

19 Q How about of any movement?

06:47 20 A Not that I can recall.

21 Q How about of a beating heart?

22 A Not that I can recall.

23 Q Pulsation of the umbilical cord?

06:47 24 A No. As I told you, I -- I would palpate the  
25 cord to see if there was pulsations.