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**United States Court of Appeals for the Ninth Circuit**  
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No.:	17-73313
D.C. Nos.:	3:15-cv-03522-WHO, 3:16-cv-00236-WHO
Short Title:	Center for Medical Progress, et al v. USDC-CASF

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Dear Petitioners/Counsel

A petition for writ of mandamus and/or prohibition has been received in the Clerk's Office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. Always indicate this docket number when corresponding with this office about your case.

If the U.S. Court of Appeals docket fee has not yet been paid, please make immediate arrangements to do so. If you wish to apply for in forma pauperis status, you must file a motion for permission to proceed in forma pauperis with this court.

Pursuant to FRAP Rule 21(b), no answer to a petition for writ of mandamus and/or prohibition may be filed unless ordered by the Court. If such an order is issued, the answer shall be filed by the respondents within the time fixed by the Court.

Pursuant to Circuit Rule 21-2, an application for writ of mandamus and/or prohibition shall not bear the name of the district court judge concerned. Rather, the appropriate district court shall be named as respondent.

**Docket No. 17-\_\_\_\_\_***In the***United States Court of Appeals Ninth Circuit**

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

PLANNED PARENTHOOD FED. OF AM., PLANNED PARENTHOOD: SHASTA-  
 DIABLO, INC., PLANNED PARENTHOOD MAR MONTE, INC., PLANNED  
 PARENTHOOD OF THE PAC. SW., PLANNED PARENTHOOD LOS ANGELES,  
 PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC.,  
 PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA & SAN LUIS OBISPO  
 COUNTIES, INC., PLANNED PARENTHOOD PASADENA AND SAN GABRIEL  
 VALLEY, INC., PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, PLANNED  
 PARENTHOOD GULF COAST, and PLANNED PARENTHOOD CENTER FOR CHOICE.  
*Plaintiffs-Real Parties in Interest*

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

NATIONAL ABORTION FEDERATION  
*Plaintiff-Real Party in Interest*

*From Decisions of the United States District Court for the Northern District of California,  
 Case Nos. 3:16-cv-236, 3:15-cv-3522 • Honorable James Donato, District Judge*

**CONSOLIDATED PETITIONS FOR WRIT OF MANDAMUS**

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**Docket No.**  
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## **CORPORATE DISCLOSURE STATEMENT**

Defendant-Petitioner the Center for Medical Progress is a nonprofit public benefit corporation organized under the laws of the State of California. It does not have any parent corporation, and no publicly held corporation owns ten percent or more of its stock. Defendant BioMax Procurement Services, LLC, is a privately held limited liability company, wholly owned by the Center for Medical Progress. No publicly held corporation owns ten percent or more of its stock.

## **STATEMENT OF RELATED CASES**

The two Northern District of California cases from which the present petitions are being taken are related. *Planned Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*, Case No. 3:16-cv-236-WHO and *National Abortion Federation v. Center for Medical Progress, et al.*, Case No. 3:15-cv-3522-WHO. (PPFA v. CMP and NAF v. CMP).

An appeal from PPFA v. CMP is pending before this Court in Case No. 16-16997. An appeal from NAF v. CMP has already been adjudicated by this Court in Case No. 16-15360. A petition for certiorari has been taken from that NAF v. CMP appeal in Supreme Court Case No. 17-202. Two more appeals from NAF v. CMP are also pending before this Court in Case Nos. 17-16862 and 17-16622.



**CERTIFICATE OF INTERESTED PARTIES  
IN PETITION FROM *PPFA V. CMP***

The first District Court action from which this consolidated petition arises is entitled, *Planned Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*, pending in the United States District Court for the Northern District of California, District Court No. 3:16-cv-236-WHO, the Honorable William H. Orrick III presiding.

Petitioners

Petitioners are Defendants the Center for Medical Progress and David Daleiden. Petitioner the Center for Medical Progress is represented by:

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#### Respondent

Respondent is the United States District Court for the Northern District of California.

#### Real Parties in Interest

Real Parties in Interest are Planned Parenthood Federation of America, Planned Parenthood: Shasta-Diablo, Inc., dba Planned Parenthood Northern California, Planned Parenthood Mar Monte, Inc., Planned Parenthood of the Pacific Southwest, Planned Parenthood Los Angeles, Planned Parenthood/Orange and San Bernardino Counties, Inc., Planned Parenthood of Santa Barbara, Ventura

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Other Parties before the District Court

Other Parties before the District Court include Defendant BioMax Procurement Services, LLC, Defendant Sandra Susan Merritt, Defendant Gerardo Adrian Lopez, Defendant Troy Newman, Defendant Albin Rhomberg, and Defendant Phillip Cronin. BioMax Procurement Services, LLC is represented by

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**CERTIFICATE OF INTERESTED PARTIES  
IN PETITION FROM *NAF V. CMP***

The second District Court action from which this consolidated petition arises is entitled *National Abortion Federation v. Center for Medical Progress, et al.*, pending in the United States District Court for the Northern District of California, District Court No. 3:15-cv-3522-WHO, the Honorable William H. Orrick III presiding.

Petitioners

Petitioners are Defendants the Center for Medical Progress and David Daleiden. Petitioner the Center for Medical Progress is represented by:

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Tony Biasotti, <i>How the fight over undercover videos is pitting Planned Parenthood against the mainstream media</i> , COLUMBIA JOURNALISM REVIEW (Aug. 5, 2016), <a href="https://www.cjr.org/united_states_project/planned_parenthood_undercover_videos_california_media.php">https://www.cjr.org/united_states_project/planned_parenthood_undercover_videos_california_media.php</a>	15



## PETITION FOR WRIT OF MANDAMUS

Defendants-Petitioners the Center for Medical Progress (CMP) and David Daleiden seek a writ of mandamus regarding Civil Action Nos. 3:16-cv-236-WHO and 3:15-cv-3522-WHO, currently pending in the United States District Court for the Northern District of California, ordering the recusal of the Hon. William H. Orrick III pursuant to 28 U.S.C. §§ 144 and 455.<sup>1</sup>

Judge Orrick must be recused for the following reasons:

1. He has an ongoing and longstanding professional relationship with one of the named Plaintiffs, whose security and property are allegedly at risk here.
2. His image has been used, by his own spouse, to endorse inflammatory public statements about the disputed facts of this case – statements that denigrated the principal Defendant in the harshest terms, while lauding Plaintiffs.
3. He neglected to bring these facts to the attention of the parties early in the case when a motion could otherwise have been brought.
4. Neither he nor the judge to whom he referred the recusal motion properly followed the statutory recusal procedures.

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<sup>1</sup> Hereafter “§144” and “§455.”

This is a high-profile case with national public policy implications. Congress, the media, and the public are all watching. This Court should not permit it to proceed to trial when it is certain that any outcome unfavorable to Defendants will be clouded by the appearance of bias. That cloud can still be prevented at this point, but not later.

Defendants have no other means besides this Writ of Mandamus of ever redressing Judge Orrick's bias, and they will be gravely and irreparably harmed if it is not addressed at this stage in the lawsuit.

### **ISSUES PRESENTED**

Whether the District Court, Hon. James Donato, to whom Defendants' recusal motion was referred, clearly erred by neglecting to accept as true the facts stated in Defendants' §144 affidavit supporting the inference that Judge Orrick is personally biased in favor of Plaintiffs and against Defendants, particularly in light of Judge Orrick's failure to refute them.

Whether the District Court, Hon. James Donato, clearly erred in denying Defendants' §455 request for recusal based on the appearance of impropriety emanating from (i) Judge Orrick's lengthy and continuing public relationship with an entity whose real property and employees are alleged in the Complaint to be at physical risk because of Defendants' acts, and (ii) the repeated association of Judge

Orrick's image and name with strident public comments condemning Defendants and supporting Plaintiffs.

## **INTRODUCTION**

These cases arise in a highly charged context. Defendants' investigative reporting about Plaintiffs' activities has provoked a contentious national debate over whether Planned Parenthood is a praiseworthy healthcare organization deserving continued taxpayer support – or a criminal organization that must be defunded and prosecuted. As a result, Congress and the Executive Branch are weighing various policies that will negatively affect Planned Parenthood. Plaintiffs hope to discredit Defendants' investigative reporting by any possible means, including these lawsuits.

Before these cases came before Judge Orrick, he had already picked a side in the dispute they instantiate. Judge Orrick has had a significant decades-long relationship with an organization whose real property and employees are alleged in the Complaint to be in grave physical danger, due to the allegedly unlawful actions of Defendants. Judge Orrick was a founder and longtime officer and director of the Good Samaritan Family Resource Center (GSFRC), which houses one of Plaintiffs' Planned Parenthood facilities – a relationship established during Judge Orrick's leadership tenure on the board – and is in active joint venture with the associated

Plaintiff.<sup>2</sup> During the pendency of this case, Judge Orrick has been held out to the public as serving as an Emeritus Board Member of GSFRC. Judge Orrick did not disclose that relationship to the parties here, nor did he disclose the full extent or duration of that relationship to the U.S. Senate at the time of his consideration for confirmation.

Judge Orrick's extrajudicial affinity for Plaintiff PPSP is underscored by the use of his image in public support of Planned Parenthood Federation of America (PPFA), another named plaintiff,<sup>3</sup> and denigration of Defendants – applauding Defendant Daleiden's felony indictment in Texas (later dismissed) and describing Defendants' work as "heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services" and "domestic terrorism." His image was not used by a stranger or other unaffiliated third party, but by Judge Orrick's own spouse, and Judge Orrick has indicated his sympathy with those public comments by accusing Defendant Daleiden of "try[ing] to . . . cause real harm to human beings," without any evidence to support that claim. *See* PPFA-Dkt. 164-1, ¶14.

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<sup>2</sup> Specifically, the Planned Parenthood "Wohlford Family Clinic" of Plaintiff Planned Parenthood Shasta-Diablo, dba Planned Parenthood Northern California, formerly Planned Parenthood Shasta Pacific (PPSP).

<sup>3</sup> PPFA is the first named plaintiff in the PPFA v. CMP complaint; PPSP is the second.

Under these circumstances, a reasonable person has good reason to question Judge Orrick's impartiality and to believe he harbors personal bias and prejudice in relation to this case. "If it is a close case, the balance tips in favor of recusal." *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008). But Judge Orrick has not recused himself. Instead, faced with a motion for his recusal, both Judge Orrick and Judge Donato misconstrued and misapplied the law of recusal pursuant to §144 and §455.

Defendants moved for Judge Orrick's recusal on the grounds of both *actual* bias under §144 and the *appearance* of partiality under §455. Judge Orrick erred by referring Defendants' joint §144 and §455 recusal motion to another judge without first addressing the factual allegations in the motion or finding that it was legally sufficient – both statutorily required. Instead, he improperly commented during transfer that, in his view, the affidavit was *not* legally sufficient.<sup>4</sup> Judge Donato, for his part, adopted Judge Orrick's opinion that the recusal motion was not legally sufficient and improperly dismissed (rather than crediting, as required by law) the

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<sup>4</sup> Without elaboration, Judge Orrick in his referring order expressed doubt about the legal sufficiency and timeliness of the Motion and Affidavit. This runs precisely *opposite* to the command of §144 and N.D. Cal. L.R. 3-14 that a judge must first analyze the Motion and Affidavit and only refer *after* finding them timely and sufficient. It also implicates due process concerns because Judge Orrick may have been trying to influence Judge Donato. *See Williams v. Pennsylvania*, 136 S. Ct. 1899, 1909 (2016) (due process concerns arise when biased judge sits on a panel due to possibility "that the judge was successful in persuading most members of the court to accept his or her position.").

undisputed facts presented in the affidavit. Moreover, Judge Donato confused and misapplied the relevant standards for actual bias and appearance of partiality.

Because of clear error on the part of both judges, Defendants never received a reasoned decision based on the factual or legal sufficiency of their motion to recuse Judge Orrick, and instead they have been left to try to vindicate their rights and reputations before a judge who is plainly biased against them.

## **FACTUAL HISTORY**

### **I. THE SUBJECT LITIGATION.**

At the core of both of the instant cases is whether Defendants unlawfully recorded conversations with Planned Parenthood officials, including PPSP staff, in public settings. Defendants maintain, and two Congressional committee investigations agreed, that these recordings evince criminal misconduct by Planned Parenthood and its agents. By comparison, Judge Orrick has found “no evidence of criminal wrongdoing” in the recordings; has impugned Defendants’ motives for investigating wrongdoing; has called Defendants’ videos “misleadingly edited”; and has even attributed the murder of several innocent people to Defendants’ actions. *See, e.g.*, NAF-Dkt 354, at 2, 37, n. 42, 39.

Congressional investigations following from Defendants’ recordings resulted in criminal referrals for the prosecution of nine entities, including Plaintiff PPSP, Plaintiff PPFA, and three other Planned Parenthood plaintiffs. PPFA-Dkt.

164-1 at 187-188.<sup>5</sup> Plaintiffs remain under active federal investigation.<sup>6</sup> DaVinci Biosciences, a longtime partner of Planned Parenthood, recently admitted guilt in a \$7.8 million settlement with the Orange County District Attorney for selling fetal body parts products from Plaintiffs for profit.<sup>7</sup> The OCDA's office credited Defendants' citizen journalism with prompting the case.<sup>8</sup>

## II. JUDGE ORRICK'S RELATIONSHIP WITH GSFRC AND PLAINTIFF PPSP.

GSFRC is a non-profit organization, incorporated by Judge Orrick, that assists Latino immigrant families. PPFA-Dkt. 164-1 at 11; 181-1 at 80.<sup>9</sup> GSFRC provides a family planning clinic operated by Plaintiff PPSP on its premises. PPFA-Dkt. 164-1

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<sup>5</sup> See also *Select Investigative Panel: Criminal and Regulatory Referrals*, ENERGY & COMMERCE COMMITTEE (Dec. 21, 2016), <https://energycommerce.house.gov/news/letter/select-investigative-panel-criminal-and-regulatory-referrals/>.

<sup>6</sup> Laura Jarrett, *Justice Dept. investigating use of fetal tissue*, CNN (Dec. 8, 2017, 4:26 AM), <http://www.cnn.com/2017/12/07/politics/justice-department-fetal-tissue-investigation/index.html>.

<sup>7</sup> Daniel Langhorne, *Firms reach \$7.8-million settlement over allegations of selling fetal tissue*, LOS ANGELES TIMES (Dec. 9, 2017, 9:25 AM), <http://www.latimes.com/local/lanow/la-me-fetal-tissue-20171209-story.html>.

<sup>8</sup> Press Release, Orange Cnty. Dist. Att'y, OCDA Obtains \$7.8 Million Settlement and Admission of Liability in Lawsuit Against Two Companies Who Unlawfully Sold Fetal Tissue and Cells for Profit (Dec. 8, 2017), *available at* <http://orangecountyda.org/civica/press/display.asp?layout=2&Entry=5406>.

<sup>9</sup> Although the Excerpts of Record contain the motions to disqualify from both PPFA v. CMP and NAF v. CMP, for the sake of brevity, Defendants will only cite to the motion in the PPFA v. CMP action because "the grounds raised in th[e] motion[s] are identical[.]" PPFA-Dkt. 186 at 2 (Judge Donato quoting Judge Orrick).

at 13, 104.<sup>10</sup> After incorporating GSFRC, Judge Orrick served as a board member and officer, Secretary of the Board, and then as an Emeritus Board Member through at least September 2015. GSFRC opened the PPSP clinic in 2001, following a needs assessment conducted while Judge Orrick was both Secretary of GSFRC's Board and an attorney for the organization. PPFA-Dkt. 164-1 at 73; 181-1 at 26.

Since its opening, the family planning clinic has been a joint venture between Planned Parenthood and GSFRC. PPFA-Dkt. 181-1 at 29 (Goal is to “[i]ntegrat[e] family planning into the fabric of the agency”); 164-1 at 80 (“In collaboration with Planned Parenthood, an on-site family planning clinic is open one day per week”). Until August 2016, the PPSP clinic operated on GSFRC premises rent-free. PPFA-Dkt. 170-1 at 1:24-26. GSFRC also provides the services of its receptionist, who distributes PPSP promotional material. PPFA-Dkt. 170-1 at 2:3-5; 171-1 at 2, 4. In 2008, GSFRC advertised for an employee to be paid by GSFRC for work in the PPSP clinic. PPFA-Dkt. 171-2 at 1, 4-5. That employee's necessary qualifications included “[k]nowledge of reproductive health and family planning services” and “[e]ducation or training in Family Planning and Reproductive Health or related field[.]” PPFA-Dkt. 171-2 at 5. In the previous year, Judge and Mrs. Orrick together had made a \$5,072 donation to GSFRC. Such gifts from “community

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<sup>10</sup> Plaintiff PPSP operated the clinic from 2001 to 2005, and then from 2010 to the present. It was operated between 2005 and 2010 by another Planned Parenthood affiliate. PPFA-Dkt. 164-1 at 104.



donors,” the CEO of PPSP told local news media, were necessary to maintain and expand PPSP’s partnership with GSFRC. PPFA-Dkt. 164-1 at 3, 104.

As GSFRC’s Secretary during the creation of its partnership with PPSP, Judge Orrick oversaw that partnership and was informed about it.<sup>11</sup> Judge Orrick provided personal, professional, and financial assistance to PPSP by using a nonprofit he oversaw and supported to help open and operate a PPSP facility.

### III. JUDGE ORRICK’S ASSOCIATION WITH PUBLIC SUPPORT FOR PLAINTIFFS AND OPPOSITION TO DEFENDANTS.



In late 2015, Judge Orrick’s image was used in support of a Facebook post<sup>12</sup> stating that Defendants’ work is “domestic terrorism,” consisting of “heavily edited

<sup>11</sup> California law presumes that directors comply with their fiduciary duty to be informed about their organization’s activities. *Potter v. Hughes*, 546 F.3d 1051, 1059, fn. 3 (9th Cir. 2008); *Lee v. Interinsurance Exch.*, 50 Cal.App.4th 694, 715 (1996); *Jones v. Martinez*, 230 Cal.App.4th 1248, 1254 (2014).

<sup>12</sup> The posts were “liked.” “[T]he act of ‘liking’ a Facebook post makes the post attributable to the ‘liker, even if he or she did not author the original post.”

videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.” In early 2016, Judge Orrick’s image was also used in support of a post showing Defendant Daleiden’s image and applauding his felony indictment in Texas, which has since been dismissed. PPFA-Dkt. 164-1, at 161, 166-169.

These posts were not the expression of views about an abstract “issue” or “cause.” They contained: (1) the defense of a Plaintiff against alleged “attacks” which were *the subject of a lawsuit pending before Judge Orrick*; (2) applause for the criminal prosecution of *a party before Judge Orrick for activity that is the subject of that lawsuit*; and (3) accusations that *Defendants appearing before Judge Orrick* were a “sham organization run by extremists” that published “heavily edited videos” that amounted to “domestic terrorism.” These were all disputed positions that later formed the cornerstone of Judge Orrick’s issuance of a preliminary injunction in *NAF v. CMP*. See *Nat’l Abortion Fed’n v. Ctr. for Med. Progress*, No. 15-CV-03522-WHO, 2016 WL 454082, at \*23, fn. 42, 43 (N.D. Cal. Feb. 5, 2016). And it was not a stranger or unconnected third party who deployed Judge Orrick’s image in support of one party to this case and opposition to the other; it was his own spouse.

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*Grutzmacher v. Howard Cty.*, 851 F.3d 332, 340, fn. 3 (4th Cir. 2017); see also *Buker v. Howard Cty.*, No. CIV.A. MJG-13-3046, 2015 WL 3456750, at \*22 (D. Md. May 27, 2015) (same).

## PROCEDURAL HISTORY

In late May 2017, Defendants learned that – despite Judge Orrick stating in his Senate Judiciary Questionnaire that he left the board of GSFRC in 1999 – Judge Orrick had actually been Secretary of the Board of GSFRC in 2001, when GSFRC entered into its “key partnership” with PPSP by establishing a Planned Parenthood clinic inside GSFRC headquarters. Defendants also learned that until at least September 2015 – i.e., *after* Judge Orrick entered the temporary restraining order in *NAF v. CMP* blocking Defendants from publishing further undercover videos of Planned Parenthood officials, including PPSP employees – Judge Orrick was still publicly affiliated with GSFRC. The organization named him as an Emeritus Board Member in materials disseminated to donors and the public. At no time did Judge Orrick disclose to Defendants his relationship with PPSP, an organization Defendants alleged, both in public statements and as part of their defense, was involved in violations of state and federal law. At or around that same time, Defendants also discovered the public use of Judge Orrick’s image in support of strident online posts condemning Defendants.

On June 7, 2017, convinced of Judge Orrick’s actual and apparent bias, Defendants moved in *NAF v. CMP* to disqualify Judge Orrick. NAF-Dkt. 428. On June 8, 2017, instead of ruling on the *NAF v. CMP* motion, Judge Orrick referred it to another judge, and Hon. James Donato was assigned to hear it. NAF-Dkt. 430,

431. On June 26, 2017, four days after hearing argument, Judge Donato denied the motion to disqualify. NAF-Dkt. 452.

Judge Orrick also referred the motion to disqualify in PPFA v. CMP, filed on June 13, 2017, to Judge Donato. PPFA-Dkt. 164, 167. On July 13, 2017, Judge Donato ordered the parties to file supplemental briefs, addressing why his order in NAF v. CMP did not resolve the motion to disqualify in PPFA v. CMP. PPFA-Dkt. 175. On October 17, 2017, Judge Donato, without a hearing, issued a ruling denying the motion. PPFA-Dkt. 186. This consolidated petition for a writ of mandamus followed.

### **ARGUMENT**

When considering whether to grant mandamus relief, this Court looks to five factors: “(1) whether the petitioner has no other means, such as a direct appeal, to obtain the desired relief; (2) whether the petitioner will be damaged or prejudiced in any way not correctable on appeal; (3) whether the district court’s order is clearly erroneous as a matter of law; (4) whether the district court’s order is an oft repeated error or manifests a persistent disregard of the federal rules; and (5) whether the District Court’s order raises new and important problems or issues of first impression.” *Perry v. Schwarzenegger*, 591 F.3d 1126, 1136 (9th Cir. 2009). The “factors serve as guidelines, a point of departure for [the] analysis of the

propriety of mandamus relief. Not every factor need be present at once.” *Id.* at 1156. Here, these factors support granting mandamus relief.

**I. THE FIRST FACTOR: DEFENDANTS HAVE NO OTHER MEANS TO OBTAIN THEIR DESIRED RELIEF.**

“*[Q]uestions under §455(a) may not be raised on appeal from the final decision*” “[b]ecause procedural rulings that do not affect the merits of the case . . . are not good reasons to reverse the final judgment.” “So if the problem is one of the appearance of impropriety . . . , *it is mandamus or nothing, and [we] expressed a strong preference for mandamus over nothing.*” *New York City Dev. Corp. v. Hart*, 796 F.2d 976, 978-79 (7th Cir. 1986) (emphases added); *see also In re Sch. Asbestos Litig.*, 977 F.2d 764, 778 (3d Cir. 1992) (“Interlocutory review of disqualification issues on petitions for mandamus is both necessary and appropriate to ensure that judges do not adjudicate cases that they have no statutory power to hear, and virtually every circuit has so held.”). Similarly, “[i]n the exceptional case, where the issue of disqualification [under §144] appears to be a significant one, the court may consider the motion to disqualify upon a petition for a writ of mandamus.” *United States v. State of Wash.*, 573 F.2d 1121, 1122-23 (9th Cir. 1978).

Defendants have amply demonstrated Judge Orrick’s bias, but without this Court’s intervention, that apparent bias cannot be remedied. Defendants’ only remedy is via the present writ of mandamus.

**II. THE SECOND AND FIFTH FACTORS: DUE TO IMPORTANT PROBLEMS RAISED BY THE ORDER, ABSENT MANDAMUS RELIEF, DEFENDANTS WILL BE DAMAGED AND PREJUDICED IN WAYS THAT CANNOT BE CORRECTED ON DIRECT APPEAL.**

Defendants will be irreparably damaged if their case has to proceed in front of Judge Orrick, and so will the public interest. As noted above, the core of these cases is whether incriminating video footage of Planned Parenthood officials was unlawfully recorded. Two congressional committees have found that the videos are evidence of criminal misconduct by Planned Parenthood and its agents. Two full years after the videos came to light, Congress continues to urge both criminal investigation and defunding of Planned Parenthood, either of which could jeopardize the financial viability of GSFRC's PPSP clinic.

With the stakes for both parties so high, Defendants deserve to have their arguments heard by a judge who was not instrumental in the founding of one of the Plaintiff's clinics. Judge Orrick's bias has already resulted in unjustified judgments (such as the unfounded claim that Defendant Daleiden intends "to cause real harm to human beings," *see* PPFA-Dkt. 164-1, ¶14) and clearly erroneous decisions (such as the decision not to recuse himself despite evidence of partiality), and Defendants stand to suffer much greater harm if they are compelled to continue arguing their case in a hostile court.

Meanwhile, Defendants are under attack in other venues as well. The California Attorney General has charged Defendant Daleiden with criminal

violations of California's unlawful recording statute, but the Editorial Board of the Los Angeles Times stated that "[i]t's disturbingly aggressive for [Attorney General] Becerra to apply this criminal statute to people who were trying to influence a contested issue of public policy, regardless of how sound or popular that policy may be."<sup>13</sup> Meanwhile, the California Legislature reacted to the CMP videos by voting on legislation proposed by Planned Parenthood and former California Attorney General Kamala Harris, aimed at increasing the penalty for unlawful recording of abortion providers. Cal. Pen. Code § 632.01. The ACLU, the Electronic Frontier Foundation, and the California Newspaper Publishers Association all vehemently opposed the legislation – but it became law.<sup>14</sup> At the other end of the spectrum, Congress took an immediate interest in Defendants' videos, subpoenaed them, and launched several investigations based on Defendants' findings. These investigations then led to an ongoing investigation by the federal Department of Justice. *See* Footnotes 5 and 6, *supra*.

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<sup>13</sup> The Times Editorial Board, *Felony charges are a disturbing overreach for the duo behind the Planned Parenthood sting videos*, LOS ANGELES TIMES (Mar. 30, 2017, 5:00 AM), <http://beta.latimes.com/opinion/editorials/la-ed-planned-parenthood-charges-20170330-story.html>.

<sup>14</sup> Tony Biasotti, *How the fight over undercover videos is pitting Planned Parenthood against the mainstream media*, COLUMBIA JOURNALISM REVIEW (Aug. 5, 2016), [https://www.cjr.org/united\\_states\\_project/planned\\_parenthood\\_undercover\\_videos\\_california\\_media.php](https://www.cjr.org/united_states_project/planned_parenthood_undercover_videos_california_media.php).

The diametrically opposed responses of the state and federal legislatures and justice departments should be enough to give any court pause. This is a controversy with societal impact extending beyond the Complaint. The rulings here may influence the debate over defunding Planned Parenthood or the future prosecutions of Defendants and other investigative journalists. Because of these likely effects – including the prosecutions of both Defendants and the subjects of their investigations – there is an especially substantial public interest in assigning a judge to this case who is unmistakably free of bias, whether actual or apparent.

### **III. THE THIRD FACTOR: JUDGE DONATO’S ORDERS ARE CLEARLY ERRONEOUS AS A MATTER OF LAW.**

#### **A. CMP And Daleiden Set Forth Facts In Their Affidavit Requiring Recusal Under 28 U.S.C. § 144.**

“Whenever a party to any proceeding in a district court makes and files a *timely and sufficient* affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.” 28 U.S.C. § 144 (emphasis added).

The indicia of a legally sufficient affidavit under §144 are: (1) the facts are material and stated with particularity; (2) the facts are such that, if true, they would convince a reasonable person that a bias exists; and (3) the facts show that the bias is personal, as opposed to judicial, in nature. *Reiffen v. Microsoft Corp.*, 158



F.Supp.2d 1016, 1022 (N.D. Cal. 2001). When evaluating a §144 affidavit for legal sufficiency, “all facts stated with particularity are to be taken as true.” *United States v. Haldeman*, 559 F.2d 31, 131 (D.C. Cir. 1976); *see also Mims v. Shapp*, 541 F.2d 415, 417 (3d Cir. 1976) (“Neither the truth of the allegations nor the good faith of the pleader may be questioned.”).

The facts stated in Defendants’ affidavit are material and stated with particularity. The affidavit alleges that Judge Orrick: (1) was an Officer of GSFRC as Secretary of the Board at the time GSFRC embarked on a “key partnership” with Planned Parenthood by opening a PPSP clinic; (2) remained in a leadership capacity as a Director at GSFRC while GSFRC maintained the PPSP clinic; (3) served GSFRC, including during this lawsuit, as an Emeritus Board Member while GSFRC continued to host and promote PPSP’s clinic; (4) imputed to Defendant Daleiden, based on *no evidence*, an intent to hurt people; (5) has a personal bias and prejudice against Defendants and in favor of Planned Parenthood and NAF; and (6) has been a key donor together with his spouse to the GSFRC-PPSP partnership. These facts fall into two categories: Judge Orrick’s relationship with Plaintiff PPSP, and Judge Orrick’s apparent public opposition to Defendants and support of Plaintiff PPFA.

***1. Judge Orrick’s Relationship with PPSP and Comments on the Record Show Actual Bias.***

In his rejection of Defendants’ argument regarding Judge Orrick’s

relationship with PPSP, Judge Donato improperly dismissed numerous “facts stated with particularity” that had never been repudiated by Judge Orrick, reducing Defendants’ affidavit to one word: “speculative.” NAF-Dkt. 452 at 8. The cases on which the Court relied involved factual showings that were nowhere near as robust as Defendants’. *See Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993) (the affiant “*pointed to no evidence*” of “invidious motive” “other than [the Judge’s] pursuit of the petition for certiorari itself”) (emphasis added); *Clemens v. U.S. District Court for Cent. Dist. of Cal.*, 428 F.3d 1175, 1180 (9th Cir. 2005) (the affiant “speculate[d] – but *[did]* not tender any evidence – about personal relationships among the judges”) (emphasis added); *see also In re Lebbos*, No. 06 22225 D 7, 2007 WL 1129189, at \*4 (Bankr. E.D. Cal. Apr. 13, 2007) (accusation that the court had acted out of “financial self-interest” was speculation with no evidence whatsoever to support it).

In contrast to these instances of actual “speculation” – i.e., pure conjecture on the basis of *no* evidence – Defendants did not speculate that a relationship exists that would make a reasonable observer believe Judge Orrick is biased. On the contrary, Defendants alleged with particularity and *provided evidence* of bias, including that up to 2009, Judge Orrick had “assisted the [GSFRC] on many legal issues”; that as recently as 2015, after this lawsuit had commenced, he was publicly held out as an Emeritus Board Member on GSFRC mailings; and that he

“was the Secretary of the Board of GSFRC in 2001 when GSFRC entered into its ‘key partnership’ with PPSP to embed a Planned Parenthood clinic inside GSFRC’s premises.” Furthermore, Defendants pointed out that, under California law, Judge Orrick must be presumed to have accessed extra-judicial confidential information about PPSP. PPFA-Dkt. 164-1 at 2-3, 18, 20, 42, 44, 73, 96, 100-101. Far from being “speculative,” these allegations were supported by documentary evidence, and Judge Donato was required to “take[] as true” these well-pled and substantiated facts in the absence of a repudiation by Judge Orrick. *See Haldeman*, 559 F.2d at 131.

Judge Donato singled out only one specific point – that as Secretary of the Board of GSFRC, Judge Orrick would have had access to confidential information – that might affect his recusal decision if Defendants had provided more evidence. For reasons discussed in Section III.B.1, *infra*, Defendants cannot be blamed for being unable to provide more detailed information about Judge Orrick’s activities as an officer of GSFRC. Moreover, the presumption that a small non-profit’s cofounder, corporate officer, and lawyer was intimately informed and involved in a significant joint venture between his organization and a much larger nonprofit is the only reasonable one. The alternative – i.e., that such a key person was *not* so informed – is implausible, at best. Meanwhile, the remainder of Defendants’ evidence is well-documented and stands unrebutted.

A non-profit that Judge Orrick incorporated and governed for over 15 years entered into (under his authority) and has maintained to this day a close relationship with an organization whom plaintiffs in both PPFA v. CMP and NAF v. CMP have alleged that Defendants “demonized” and “smeared” with charges of criminal activity, exposing the organization to investigation and referral for prosecution. PPFA-Dkt. 59, ¶¶1, 12. NAF-Dkt. 131 at ¶¶4, 142. Judge Orrick has a clear personal and professional interest in ensuring that the public does not perceive that he created and then led a non-profit to partner with an entity that Congress has deemed a criminal actor and is now under federal investigation by the Department of Justice. Further, having been involved in the leadership of GSFRC for decades, Judge Orrick also has a personal interest in seeing that the property and employees of GSFRC remain safe from the alleged “threats, harassment, and criminal activities targeting . . . Planned Parenthood health centers,” one of which is housed within the organization’s own headquarters. PPFA-Dkt. 1, ¶139.

If the above were not enough evidence of Judge Orrick’s bias, the affidavit also reports Judge Orrick’s own comments on May 25, 2017, when the Judge accused Defendant Daleiden of intending to hurt people – a charge based on nothing in the record, borne purely of extrajudicial animus, and providing

undeniable evidence of the speaker's personal prejudice. PPFA-Dkt. 164-1 at 4, 183.

Any of the facts alleged in the affidavit would suffice to show that Judge Orrick is partial to Plaintiffs in these actions. Cumulatively, they are indisputable.

**2. *The Public Linking of Judge Orrick's Image with Vicious Statements About Defendants is Evidence of Judge Orrick's Actual Bias.***

Further evidence of Judge Orrick's bias comes from the repeated association of his image with public condemnations of Defendants and the actions at issue in this case. Judge Orrick's image was publicly linked to the claims that Defendants' videos were "heavily edited," that CMP is "run by extremists," and that Defendants "will stop at nothing to deny women legal abortion services." It was also associated with support for Daleiden's now-dismissed felony criminal prosecution in Texas. The placement of Judge Orrick's image, by his own spouse, is indicative of actual bias, particularly when taken together with Judge Orrick's own past activities and his own words, as described above. *See* Section III.A.1, *supra*.

The courts have long regarded the spousal relationship as sufficiently intimate that one spouse can be assumed to be partial to the position of the other. *See, e.g., Nichols v. Thomas*, 788 F.Supp. 570, 572 (N.D. Ga. 1992) ("An average person . . . as the husband of a volunteer worker at the district attorney's office

would be partial to the prosecutor’s case.”); *Mathis v. Huff & Puff Trucking, Inc.*, 787 F.3d 1297, 1313 (10th Cir. 2015) (new trial not ordered because “as soon as the law clerk became aware of her husband’s situation, she informed the judge, who screened her from substantive work on the case”); *United States v. DeTemple*, 162 F.3d 279, 286 (4th Cir. 1998) (After “the marriage of one of the Judge’s law clerks to the prosecutor in this case” was discovered, “the Judge took pains to see [that clerk] did not work on DeTemple’s case”). That assumption is especially warranted in relation to such a controversial issue as abortion. *See, e.g., Planned Parenthood of Wisconsin v. Doyle*, 162 F.3d 463, 465 (7th Cir. 1998) (refusing standing to “two husbands of pregnant women” because husbands had not met burden of showing “that their wives disagree with them about the issue and so might consider undergoing” an abortion). The fact that Judge and Mrs. Orrick have a history of joint charitable and political contributions – including together donating \$5,072 to GSFRC after it opened the clinic – supports that assumption in this case.<sup>15</sup>

Most significant of all is the subject matter of the posts with which Judge Orrick’s image was associated: e.g., the integrity of the videos, Defendants’ history

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<sup>15</sup> Judge and Mrs. Orrick also jointly bundled over \$200,000 of political contributions for President Obama, the first sitting President to make a speech to Planned Parenthood. PPFA-Dkt. 164-1 at 136; 181 at 10. Their support for President Obama is publicly available information that will be interpreted as just more evidence – along with Judge Orrick’s participation in opening a Planned Parenthood clinic and Mrs. Orrick’s social media activism using Judge Orrick’s image, *see supra* at 7-10 – that Judge Orrick and his wife share pro-Planned Parenthood views.

of nonviolence, and Defendants' intentions in undertaking their investigative journalism. Those are disputed factual questions at the heart of both District Court cases. *See King v. U.S. Dist. Court for Cent. Dist. of California*, 16 F.3d 992, 995 (9th Cir. 1994) (Reinhardt, J., concurring) (“[R]ecusal is required . . . not only when a judge feels personal animosity toward a party but . . . even when he has simply formed a strong opinion with respect to how the critical issues of fact should be decided”). When a judge's spouse comments publicly on a subject matter before her spouse, the judge's eventual ruling may be perceived as a response to his spouse's statements. *See, e.g., Tyson v. State*, 622 N.E.2d 457, 459-60 (Ind. 1993) (Supreme Court justice recused himself after his wife expressed support to counsel for one party, observing that however he held, his decision could be interpreted as a response to his wife's conduct, and noting that “[s]ubstantial concerns about fairness arise when a judge who arguably should disqualify remains as a voting participant”).

Whether Judge Orrick approved or merely acquiesced to the use of his image in support of controversial conclusions about the disputed facts of these cases, the fact that his own spouse used his image to convey such sentiments about issues in these cases is ample reason to conclude that his decisions with respect to those issues will be biased.

**B. Disqualification Is Required Under 28 U.S.C. § 455 In Order To Avoid An Appearance Of Partiality.**

(a) Any . . . judge . . . shall disqualify himself in any proceeding *in which his impartiality might reasonably be questioned*.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party. . . .

28 U.S.C. § 455 (emphasis added).

Although Defendants have presented sufficient evidence of *actual bias* to warrant recusal of Judge Orrick under §144, the bar for recusal is actually much lower. In 1974, Congress rewrote 28 U.S.C. § 455 to broaden the grounds for disqualification in the federal courts from “*actual bias*” to “the *appearance of partiality*”:

The goal of section 455(a) is to avoid even the appearance of partiality. If it would appear to a reasonable person that a judge has knowledge of facts that would give him an interest in the litigation then an appearance of partiality is created even though no actual partiality exists[.]

*Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860-61 (1988). “It is the appearance of bias or partiality that matters here, not actual bias.” *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996).

For example, in *Tucker*, prosecutors, relying “primarily on news articles,” sought the recusal of District Court Judge Woods from the trial of Governor Tucker, because of Woods’s close association with Hillary Clinton. Governor Tucker was indicted for financial crimes related to an investigation of President



and Mrs. Clinton. *Id.* at 1315-16. News articles indicated that the Clintons had a close relationship with Judge Woods and had expressed their support of Governor Tucker, including after he was indicted. Based solely on such articles and the appearance of partiality, the court in *Tucker* ordered recusal. *Id.* at 1324-25.

In these high-profile cases, even if Judge Orrick's relationship with PPSP and association with public condemnations of Defendants do not suffice to demonstrate actual bias, they certainly give rise to an appearance of partiality that itself requires recusal.

***1. Judge Orrick's Relationship with Plaintiff PPSP Creates an Appearance of Partiality.***

In addition to the evidence of actual bias above, Judge Orrick's past and ongoing fiduciary duties to GSFRC create an appearance of partiality. As noted above, because Judge Orrick was GSFRC's Counsel/Secretary at the time of the formation of GSFRC's partnership with PPSP, there is an un rebutted presumption that he accessed confidential information of both GSFRC and PPSP to perform his duties. Now, he has the duty to protect and preserve that information, as well as the duty to not injure GSFRC in a way relating to his legal representation of it – which likely includes its partnership with PPSP.

In addition, PPSP seeks recovery for “being forced to expend additional, extensive resources on security” because Defendants’ “conspiracy has cost Plaintiffs millions of dollars and put the safety and security of Planned Parenthood’s personnel

and patients at serious risk[.]” PPFA-Dkt. 59 at ¶¶10, 188. This directly implicates Judge Orrick’s fiduciary duties to GSFRC because the security interests of PPSP are inextricably intertwined with those of GSFRC. If PPSP’s clinic at GSFRC were the subject of vandalism or picketing, GSFRC employees to whom Judge Orrick has fiduciary duties will necessarily be affected. Judge Orrick’s duties to GSFRC create at least an appearance of partiality toward PPSP.

Judge Donato rejected all of Defendants’ arguments as solely “speculative” and “conjecture.” PPFA-Dkt. 186 at 4. But it was not Defendants’ burden to substantiate them. The only reason that these arguments were purportedly speculative is because Judge Orrick wrongly referred the adjudication of his disqualification under §455 to Judge Donato. As explained more fully below, Judge Orrick had an independent duty under §455 to enlighten the parties as to the facts, especially if Defendants’ Affidavit was inaccurate, based on his own superior knowledge of the facts. *United States v. Sibla*, 624 F.2d 864, 867-68 (9th Cir. 1980).

Instead, Judge Orrick transferred both Defendants’ §144 and Defendants’ §455 motions to Judge Donato, and did not provide his own version of the facts to challenge Defendants’ allegations or to otherwise explain why his recusal was not warranted. *Contrast Morris v. Petersen*, No. 12-CV-02480-WHO, 2015 WL 78769 (N.D. Cal. Jan. 5, 2015) (Hon. William Orrick III adjudicating motion to disqualify and discussing each fact alleged as evidence of his bias); *Carolina Cas. Ins. Co. v.*

*Helsley*, No. 1:10-CV-916-LJO-MJS, 2010 WL 4955547, at \*2 (E.D. Cal. Nov. 30, 2010) (“The Court has set forth in detail above the entire relationship between the undersigned and Chris Wanger.”).

Although both GSFRC and PPSP filed declarations, neither rebutted the relevant allegations about Judge Orrick’s involvement with PPSP, GSFRC, and his public association with negative extrajudicial statements about Defendants. PPFA-Dkt. 170-1; NAF-Dkt. 447-2.

**2. *The Public Association of Judge Orrick’s Image with Extrajudicial Statements Create an Appearance of Partiality.***

Similarly, even if the use of Judge Orrick’s image in support of statements condemning Defendants were insufficient evidence of *actual* bias on Judge Orrick’s part, they certainly create the *appearance* of partiality, which requires recusal. *See Smith v. Beckman*, 683 P.2d 1214, 1216 (Colo. App. 1984) (“[A]n appearance of impropriety is created by the close nature of the marriage relationship. Generally, the public views married people as ‘a couple,’ as ‘a partnership,’ and as participants in a relationship more intimate than any other kind of relationship between individuals.”).

It is undisputed that Mrs. Orrick enjoys the “right to speak out on the issues she cares about,” regardless of Judge Orrick’s views. NAF-Dkt. 452 at 6:14-18. Still, her exercise of that right can have ramifications for Judge Orrick. *See In re Boggia*, 203 N.J. 1, 14 (2010) (“[F]or spouses of judges, certain amenities of life,

and perhaps even some legal rights, have to be sacrificed or curtailed for the larger purpose of avoiding the fact or appearance of participation by the judge in the political effort of a spouse.”); *Greenberg v. Kimmelman*, 99 N.J. 552, 575-76 (1985) (“The state interest in preserving the integrity of the judiciary outweighs [a judge’s spouse’s] interest in unrestricted employment opportunities.”).

To find that the comments of judges’ spouses do not create an appearance of partiality, Judge Donato cited Judge Reinhardt’s decision not to recuse himself based on his wife’s political activism in *Perry v. Schwarzenegger*, 630 F.3d 909 (9th Cir. 2011). *Perry* does not determine the outcome here for two reasons. First, Judge Reinhardt’s logic in *Perry* applies to appellate judges, not to trial judges who sit alone, and for whom there are numerous options for substitution. *See id.* at 915, fn. 6 (noting that the Supreme Court’s recusal policy “emphasizes that one unnecessary recusal impairs the functioning of the Court”) (quotation marks omitted); *see also id.* at 916 (“Were I to be recused because of the facts Proponents cite, it would not be merely from serving on the present panel but from voting on whether to rehear the case en banc and taking part in any en banc proceedings held by this court.”). At the district court level, there is no need for a presumption against recusal in close cases. On the contrary, “[t]he United States Court of Appeals for the Ninth Circuit has instructed that when a case is close, the balance should tip in favor of recusal.” *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM,

2009 WL 2132693, at \*15 (D. Ariz. July 15, 2009) (finding recusal appropriate where court's impartiality might reasonably be questioned based on judge's sister's publicly-held positions "highly disparaging of specific Defendants" and "tak[ing] a strong stand on disputed factual matters lying at the heart of the litigation"). This is at the very least a close case, if not a compelling one. Therefore, Judge Orrick should be recused.

The second reason that *Perry* doesn't control the outcome here is that, in *Perry*, Judge Reinhardt's wife's activities were the only reason to doubt his impartiality, and – in his estimation – they did not call his impartiality into question because she "ha[d] no tangible interest in th[e] case's outcome." *Perry*, 630 F.3d at 915. Here, Defendants have shown that Judge Orrick himself has a long personal history of working in support of one of the named Plaintiffs. As an Emeritus Board Member of GSFRC during the pendency of this case, Judge Orrick retains an interest in the success of GSFRC's operations and the security of its property and personnel, clearly a "tangible interest in this case's outcome." *Id.*

Considered alongside Judge Orrick's own personal history, the use of his image to endorse strident public condemnations of Defendants compounds the appearance of partiality and warrants Judge Orrick's recusal.

#### IV. THE FOURTH FACTOR: AN OFT REPEATED ERROR.

The relationship between §144 and §455 is complex. Because §455 includes provisions covering both actual and apparent bias, its *substance* overlaps to an extent with §144's, and thus “a motion properly brought pursuant to section 144 will raise a question concerning recusal under section 455(b)(1) as well as section 144.” *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). However, “[a]lthough the substantive test for bias or prejudice is identical in sections 144 and 455, the procedural requirements of the two sections are different.” *Id.* With respect to section 144:

[i]f the judge to whom a timely motion is directed determines that the accompanying affidavit specifically alleges facts stating grounds for recusal under section 144, the legal sufficiency of the affidavit has been established, and ***the motion must be referred to another judge*** for a determination of its merits.

*Id.* (emphasis added). “[S]ection 455[, by contrast,] includes no provision for referral of the question of recusal to another judge; if the judge sitting on a case is aware of grounds for recusal under section 455, that judge has a duty to recuse himself or herself.” *Id.* at 868. When a motion is brought under both sections 144 and 455, “section 455 modifies section 144 in requiring the [challenged] judge ***to go beyond the section 144 affidavit and consider the merits of the motion pursuant to section 455(a) & (b)(1).***” *Id.*

The net result is that a party submitting a proper motion and affidavit . . . can get two bites of the apple. If, ***after considering all the***

*circumstances*, the judge declines to grant recusal pursuant to section 455(a) & (b)(1), the judge still must determine the legal sufficiency of the affidavit filed pursuant to section 144. If that affidavit is sufficient on its face, the motion must be referred to another judge for a determination of its merits under section 144.

*Id.*

Under these precedents, faced with Defendants' §144 and §455 recusal motion, Judge Orrick should have (a) granted or declined recusal on the basis of his own determination of actual bias or the appearance of partiality under §455, and then (b) determined the sufficiency of Defendants' §144 affidavit. Only after performing both of these steps, and only if he had found the affidavit legally sufficient, should Judge Orrick have transferred the motion to a different judge. Judge Orrick neglected to do either (a) or (b) but transferred anyway.

The failure of the challenged judge to initially adjudicate the motion “will significantly affect the appellate standard of review” because “the reviewing court [can only] determine whether the district court erred in failing *sua sponte* to recognize obvious grounds for recusal.” *Sibla*, 624 F.2d at 868. In other words, Judge Orrick's failure to address Defendants' §455 claims before transferring the motion to Judge Donato left later courts with only Defendants' affidavit and not the more developed record that Judge Orrick should have provided in his order regarding Defendants' §455 claims.

For this reason, this Court has repeatedly held that when a motion for recusal is brought, the challenged judge should rule on the motion in the first instance because:

only the individual judge knows fully his own thoughts and feelings and the complete context of facts alleged. This is a valid consideration, since inquiry into the circumstances surrounding the ***presumptively true allegations*** is often appropriate in determining whether they are such as would prevent a fair decision on the merits.

*United States v. Azhocar*, 581 F.2d 735, 738 (9th Cir. 1978) (emphasis added).

Furthermore, without Judge Orrick’s response to the factual allegations, Judge Donato’s only choice should have been to accept those allegations as true: “[A] judge is generally required to accept the truth of the factual assertions in an Affidavit of Bias filed . . . [unless the] allegation . . . relates to facts that were peculiarly within the judge’s knowledge.” *Ronwin v. State Bar of Arizona*, 686 F.2d 692, 701 (9th Cir. 1981), *rev’d on other grounds sub nom. Hoover v. Ronwin*, 466 U.S. 558 (1984). But Judge Donato did not.

These rules governing transfer of a §144 motion are repeated both in the statute itself and in Northern District of California Local Rule 3-14, which reads:

Whenever an affidavit of bias or prejudice directed at a Judge of this Court is filed pursuant to 28 U.S.C. § 144, ***and the Judge has determined not to recuse*** him or herself ***and found that the affidavit is n[ot] legally insufficient***. . . , the Judge shall refer the request for disqualification to the Clerk for random assignment to another Judge.



(Emphasis added.) But the commentary to that local rule erroneously provides: “This rule does not preclude a Judge from referring matters arising under 28 U.S.C. § 455 to the Clerk so that another Judge can determine disqualification.” As noted above, recusal motions arising under §455 actually require determination by the challenged judge, *before* possible transfer under §144.

The text of Local Rule 3-14 is clear, however, that a challenged judge may transfer a §144 motion only (a) after the Judge has determined not to recuse himself and (b) so long as the judge does *not* find the affidavit legally insufficient. Yet twice in a row, Judge Orrick declined to make any recusal determination and asserted that the affidavits were not legally sufficient, but nevertheless transferred the motions under Local Rule 3-14. NAF-Dkt. 430; PPFA-Dkt. 167. Judge Orrick thus improperly advocated for denial of the motions, while depriving the second court of the record it needed to evaluate them.

In support of Judge Orrick’s decision not to address the recusal motions himself, Judge Donato stated that Defendants “got more, not less than [they] w[ere] entitled to, and [are] therefore in no position to complain.” NAF-Dkt. 452 at 3 (quoting *United States v. Zagari*, 419 F.Supp. 494, 499 (N.D. Cal. 1976)). But Judge Donato fundamentally misunderstood what Defendants were entitled to: not just an impartial judge ruling on the legal sufficiency of the affidavit, *but the challenged judge ruling on the actual merits of the affidavit based on his actual knowledge*. In

*Zagari* the motion was first adjudicated by the challenged judge; after the record was developed, the motion for reconsideration was transferred to another judge. In that instance, the defendants received what they were supposed to receive; Defendants here did not. *See also United States ex rel Hamilton v. Yavapai Cmty. Coll. Dist.*, No. CV-12-08193-PCT-PGR, 2014 WL 12656540, at \*1 (D. Ariz. Dec. 9, 2014) (“Since a disclosure of the relevant facts is required to explain the Court’s decision that recusal is not statutorily mandated, the Court notes the following . . .”).

Judge Orrick’s refusal to address his close association with PPSP under §455 was clear error. Judge Donato compounded that error by not giving Defendants’ undisputed and un rebutted factual allegations the credit to which they were entitled. Judge Donato’s mistakes in handling the §144 affidavit procedure proceeded from Judge Orrick’s clear error, which, given (a) overlapping-but-not-identical statutes with different procedural requirements, (b) confusing case law, and (c) erroneous commentary on Local Rule 3-14, is likely to recur. This Court should grant writ review to ensure that it does not.

### CONCLUSION

These cases are not merely high-profile; they involve one of the most contentious moral and political issues of our time. The public is well aware that abortion is a topic on which many people, including judges, are apt to have very strong feelings they would find difficult to set aside in order to be impartial. In

such a charged context, there is considerably more than the “slightest chance” that Judge Orrick’s relationship with GSFRC and PPSP and the publicly expressed opinions associated with him “could taint the public’s perception of the fairness of the outcome” of these cases. *Melendres*, 2009 WL 2132693, at \*15. Therefore, this Court should grant a writ of mandamus requiring Judge Orrick’s recusal.

Respectfully submitted,

Dated: December 13, 2017

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### **CERTIFICATE OF COMPLIANCE**

This motion complies with the word count limitation of Fed. R. App. P. 21(d)(1) and Ninth Circuit Rule 32-3(2). The motion's type size and type face comply with Fed. R. App. P. 32(a)(5) and (6). This brief is 8,077 words, excluding the portions exempted by Ninth Circuit Rule 27(a)(2)(B) and Fed. R. App. P. 32(a)(7)(B)(iii).

/s/ Charles S. LiMandri

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FREEDOM OF CONSCIENCE DEFENSE FUND

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Charles S. LiMandri

Charles S. LiMandri

FREEDOM OF CONSCIENCE DEFENSE FUND

Docket No. 17-\_\_\_\_\_

*In the***United States Court of Appeals Ninth Circuit**

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

PLANNED PARENTHOOD FED. OF AM., PLANNED PARENTHOOD: SHASTA-  
 DIABLO, INC., PLANNED PARENTHOOD MAR MONTE, INC., PLANNED  
 PARENTHOOD OF THE PAC. SW., PLANNED PARENTHOOD LOS ANGELES,  
 PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC.,  
 PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA & SAN LUIS OBISPO  
 COUNTIES, INC., PLANNED PARENTHOOD PASADENA AND SAN GABRIEL  
 VALLEY, INC., PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, PLANNED  
 PARENTHOOD GULF COAST, and PLANNED PARENTHOOD CENTER FOR CHOICE.  
*Plaintiffs-Real Parties in Interest*

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

NATIONAL ABORTION FEDERATION  
*Plaintiff-Real Party in Interest*

*From Decisions of the United States District Court for the Northern District of California,  
 Case Nos. 3:16-cv-236, 3:15-cv-3522 • Honorable James Donato, District Judge*

**EXCERPTS OF RECORD (VOLUME I OF IV – Pages 1 to 47)**

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**Docket No.**  
**United States Court of Appeals  
for the Ninth Circuit**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JAMES DONATO, JUDGE

NATIONAL ABORTION FEDERATION )  
(NAF), )

Plaintiff, )

VS. )

No. C 15-3522 WHO

THE CENTER FOR MEDICAL )  
PROGRESS; BIOMAX PROCUREMENT )  
SERVICES, LLC; DAVID DALEIDEN )  
(aka "ROBERT SARKIS"); and )  
TROY NEWMAN, )

Defendants. )

San Francisco, California  
Thursday, June 22, 2017

**TRANSCRIPT OF PROCEEDINGS**

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(Appearances continued on next page)

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Thursday - June 22, 2017

10:08 a.m.

P R O C E E D I N G S

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**THE CLERK:** Calling Civil 15-3522 WHO, National Abortion Federation v. Center for Medical Progress.

Counsel, please come forward and state your appearances for the record.

**MR. FORAN:** Good morning, Your Honor. Derek Foran for National Abortion Federation.

**THE COURT:** Plaintiff?

**MR. FORAN:** That's correct, Your Honor.

**THE COURT:** Plaintiffs stand next to the jury.

**MR. FORAN:** Thank you, Your Honor.

**THE COURT:** Switch tables. Otherwise, I won't remember who you are.

**MR. FORAN:** Try again. I'm used to being in Judge Orrick's courtroom.

Derek Foran for National Abortion Federation, the plaintiff, Your Honor.

**MS. MAYO:** Maggie Mayo for plaintiff.

**MS. SHORT:** Catherine Short for defendant David Daleide.

**MR. JONNA:** Paul Jonna for defendant Center for Medical Progress.

**MR. BREJCHA:** Thomas Brejcha, Your Honor, for



1 Mr. Daleide.

2 **THE COURT:** Okay. Who's going to take the lead on the  
3 motion?

4 **MS. SHORT:** I'll be speaking on behalf of the --

5 **THE COURT:** Come on up.

6 **MS. SHORT:** I'm sorry. I didn't know if you had any  
7 questions.

8 **THE COURT:** Is there anything you would like to say?

9 **MS. SHORT:** Your Honor, I just would -- I think our  
10 papers pretty much cover everything we would like to say.

11 I just would emphasize that the motion is timely. It was  
12 brought as timely as -- as could be under the circumstances,  
13 which is that we did not have all the information that we  
14 currently have and did not get that information until very  
15 recently. And --

16 **THE COURT:** Let me ask you about that. So these posts  
17 the judge's spouse liked are 2015 and 2016; right?

18 **MS. SHORT:** That is correct, Your Honor. But we did  
19 not -- there was not a effort to search for other information  
20 until we found that sort of critical piece of the puzzle, which  
21 was that Judge Orrick was on the board of Good Samaritan until  
22 2001, when Good Samaritan invited Planned Parenthood into the  
23 clinic. At that point it sort of reignited a search for other  
24 relevant information. And that's when those posts were  
25 discovered.

1           **THE COURT:** And when did that happen?

2           **MS. SHORT:** The posts were discovered the Sunday  
3 before the motion was filed, which I believe has to be  
4 June 3rd.

5           **THE COURT:** Well, you knew -- you knew that  
6 Judge Orrick was on the board of the Good Samaritan Center.  
7 You just didn't know that it was two years longer, in your  
8 view, than he publicly disclosed; right?

9           **MS. SHORT:** Yes, except it was a critical period  
10 because it was only after -- it was only in 2001, when Planned  
11 Parenthood became a partner of Good Samaritan. Prior to that,  
12 all you could say was in the future sometime they created a  
13 partnership.

14           We simply thought that his association as -- on the board  
15 of directors had ended in 1999. And then we found he was quite  
16 active member, you could tell from the number of hours he  
17 worked per week in 2001, when -- when good -- when Planned  
18 Parenthood became a partner of Good Samaritan.

19           And then to find out that he continued on as a board  
20 member emeritus until through -- I mean, the latest we know is  
21 September of 2015. We don't know beyond that date.

22           **THE COURT:** What do you understand Good Samaritan  
23 does?

24           **MS. SHORT:** I understand Good Samaritan provides  
25 services for low-income families, running a family planning

1 clinic that is actually -- hosting a family planning clinic  
2 that is operated by Planned Parenthood.

3 **THE COURT:** You touched on a good distinction. Good  
4 Samaritan, you believe, did not run a family planning clinic;  
5 right?

6 **MS. SHORT:** It hosts the clinic on its premises. It  
7 provides the rent-free space. It provides some staff  
8 assistance to the clinic.

9 So it's very much -- again, it's -- Good Samaritan refers  
10 to the clinic as a key partner.

11 **THE COURT:** But the clinic was operated by Planned  
12 Parenthood, a totally separate entity; right?

13 **MS. SHORT:** I -- I -- when you say "totally separate  
14 entity," again, it's -- if you look on Planned Parenthood's  
15 website, you see the Mary Wohlford Clinic at the Good Samaritan  
16 premises.

17 **THE COURT:** I know there is a physical location there.  
18 But they're independent entities and organizations; right?

19 **MS. SHORT:** They are independent corporate entities,  
20 that is correct.

21 **THE COURT:** All right. And isn't it also the case  
22 that Good Samaritan hosted, as you said -- or made available  
23 might be a better description, a whole range of services to  
24 immigrant families that have nothing to do with family-planning  
25 issues?

1           **MS. SHORT:** I -- I think -- I'm not sure to the extent  
2 that they ever had the same relationship with other entities  
3 that they did with Planned Parenthood.

4           **THE COURT:** That's not my question. My question was,  
5 you agree -- and tell me if you don't, but you agree that Good  
6 Samaritan hosted, to use your word, a number of services for  
7 immigrant families to avail themselves of, that had nothing to  
8 do with family planning; right?

9           For example, they hosted English language and  
10 parenting-skill services. They hosted services for education.  
11 They hosted services to help parents be successful in raising  
12 their children. Right? A whole panoply of services unrelated  
13 to Planned Parenthood; right?

14           **MS. SHORT:** They provided those services.

15           I was using the word "host" specifically to describe the  
16 relationship with Planned Parenthood, which, as you say, it's  
17 an entity that is being brought in and allowed to operate as --  
18 under the umbrella of Good Samaritan.

19           **THE COURT:** But, in any event, you agree -- we'll just  
20 take your 2001 date here as true. You agree that after 2001,  
21 Judge Orrick was no longer on the board or affiliated with the  
22 board of Good Samaritan; right?

23           **MS. SHORT:** No. I believe his board membership  
24 lasted -- I mean, we know he was on the board in 2002. I think  
25 it ends sometime before 2006, his board membership, yes.

1           **THE COURT:**   So 2006 --

2           **MS. SHORT:**   As a regular board member, not as a board  
3 member emeritus.

4           **THE COURT:**   What is the absolute final date, in your  
5 view, of Judge Orrick's relationship to the Good Samaritan  
6 board?

7           **MS. SHORT:**   For all we know, it's continuing to this  
8 day. We know it went through September 2015, or up to  
9 September 2015, because we have no --

10          **THE COURT:**   Because he was listed on a fundraising  
11 letter?

12          **MS. SHORT:**   Your question, I believe, was about --

13          **THE COURT:**   His service on the board.

14          **MS. SHORT:**   On the board.

15          **THE COURT:**   What is the outer date you believe his  
16 service on the board ended?

17          **MS. SHORT:**   I believe between 2003 and 2006. Again,  
18 we're not quite sure.

19          **THE COURT:**   That's a good 13 years before your case  
20 came to his courtroom.

21          **MS. SHORT:**   Yes, Your Honor.

22          **THE COURT:**   Looking at the law, I'm just not clear --  
23 the way that I believe this has come to me, and you tell me if  
24 you have a different view, is under 144 and 455(a) and (b)(1),  
25 all three?

1           **MS. SHORT:** I'm sorry, Your Honor. I would have to  
2 look at the paper. I'm sure it was 144 and 455(a). And the  
3 (b), I have to admit, I -- I'm not -- I don't think it was (b),  
4 but --

5           **THE COURT:** That's fine. We'll just take 144 and  
6 455(a). What, in your view, is the governing standard that I'm  
7 supposed to apply?

8           **MS. SHORT:** It's whether a reasonable person would  
9 have a -- would question his ability to rule on the case  
10 impartially. A reasonable person aware of all the facts.

11           **THE COURT:** All right. So you're basically using what  
12 the cases would say would be the 455(a) test.

13           **MS. SHORT:** Correct, yes.

14           **THE COURT:** Whether a reasonably -- an objectively  
15 reasonable person would believe there might be an appearance of  
16 bias; right?

17           **MS. SHORT:** Yes, Your Honor.

18           **THE COURT:** Okay. Now, under that standard, just  
19 looking at what the judge's wife did, how does -- how does her  
20 liking two Facebook entries cross that threshold?

21           Why would an objectively reasonable person find the  
22 activities of an independent spouse to be something that should  
23 be attributed to the judge?

24           **MS. SHORT:** Two things, Your Honor. One is that it --  
25 it was a picture of Judge Orrick and his wife which appeared on

1 those posts, which were -- we accept that these were highly  
2 derogatory to the defendant and weighed in on issues of the  
3 case. So we start with those -- those, what those posts were,  
4 how we ascribe those, it was Judge Orrick and his wife's  
5 picture which were next to those likes on the -- on the  
6 Facebook.

7 And they -- the second thing is, when you say his  
8 "independent" wife, the cases cited by the plaintiffs, the  
9 judge himself speaks up and says -- describes the relationship.

10 Judge Orrick did not do that here in his referral of this  
11 case to you. He opined on some other issues about his  
12 relationship -- in referring the case to you, he did not take  
13 the opportunity to say "and my wife's views are her own," as  
14 opposed to Justice Reinhardt and --

15 **THE COURT:** It's 2017. Is that really necessary to  
16 say? Do you really have to say, in this day and age, "My wife  
17 is an independent person"? Isn't that just sort of a given  
18 fact of life?

19 **MS. SHORT:** Except for the fact that you have a  
20 photograph of the two of them together --

21 **THE COURT:** When do we ever assume that a spouse  
22 necessarily has the same view as her husband?

23 **MS. SHORT:** Because, Your Honor, we believe there's a  
24 cumulative effect to these various --

25 **THE COURT:** No, no. Answer my question. You're

1 positing to me that because Judge Orrick did not, as you say,  
2 take the opportunity to clarify that his wife is an independent  
3 person, I should assume that she's not. I'm finding that to be  
4 a very difficult point to accept.

5 Why should -- what does that mean?

6 **MS. SHORT:** It means that Judge Orrick was presented  
7 with papers which had a picture of him and his wife, liking --  
8 on likes to Facebook posts that were highly derogatory to  
9 Mr. Daleide and his efforts, impugning his motives, and that,  
10 you know, if -- he could have taken the opportunity at that  
11 point to say, you know, "Yes, my wife, that was the post. She  
12 makes her own independent decisions about what to put on her  
13 Facebook," and things like that. He did not do that, as  
14 opposed --

15 **THE COURT:** You're telling me -- maybe I  
16 misunderstood. You can help me understand better. But you're  
17 telling me that in the absence of an actual statement, it  
18 should be presumed that the wife's views are reflective of the  
19 husband's. I don't buy that. I think that's completely wrong.

20 I don't need to say in public my wife is a freestanding  
21 person. That's a given. That's a fact of life.

22 **MS. SHORT:** Other judges have found it necessary to  
23 state that.

24 **THE COURT:** No. They have chosen to state it. They  
25 did not find it necessary to state it. That's a major



1 distinction, Counsel.

2 Anyway, let me ask you this. I'm really having trouble  
3 understanding how this adds up to an objectively reasonable  
4 appearance of bias when Judge Orrick's affiliation on the board  
5 had an outer date, in your view, of 2006. I think that might  
6 even be a little generous, but let's just go with that. And  
7 his wife liked two things on Facebook from 2015 and 2016.

8 I just -- what do you think is your best case that says  
9 that is enough to disqualify this judge? Which one is the best  
10 one? Which one do you favor or which two do you favor?

11 **MS. SHORT:** Well, Your Honor, it was pointed out,  
12 he -- again, he continued to do legal work for Good Samaritan  
13 up through 2009. And, yes, we did know that initially after  
14 he -- shortly after he took the case. But, again, it was a  
15 cumulation of factors.

16 And I, frankly, don't think that we have to pick the best  
17 when we are arguing --

18 **THE COURT:** No, no. I'm asking which case law do you  
19 favor? We'll get back to the facts in a moment.

20 All I'm saying -- what I want to hear from you now is,  
21 what do you think is your make-or-break case? In other words,  
22 what case do you cite that says this is the case that says  
23 Judge Orrick should be recused?

24 **MS. SHORT:** It is simply the standard. I mean, it  
25 could be the *Liteky* case. It could be the cases that set out

1 the standard that a reasonable person knowing the facts would  
2 question his impartiality. These are obviously very  
3 fact-driven situations. Each one is different.

4 **THE COURT:** Well, they are. But there are instructive  
5 paradigms in the case law.

6 And what I'm struggling with is the facts, as you have  
7 teed them up, do not fit under any of the cases that I have  
8 read. And I've read a lot more than -- I have read everything  
9 both sides have proffered. And I've read a lot more on top of  
10 that.

11 The paradigms, although not definitive, obviously, for the  
12 reason you state, nevertheless are instructive. And your facts  
13 don't fit into any of the cases that I've seen where recusal  
14 made sense.

15 So I'm asking you, what case -- and if there is none,  
16 there is none. That's fine. But I didn't see it. So I wanted  
17 you to help me out and tell me which case, sort of on the facts  
18 where recusal was ordered or granted, best fits your position  
19 here.

20 **MS. SHORT:** I don't -- I can't point to a case like  
21 that, Your Honor.

22 But what I would say is that what is missing from every  
23 case where recusal is found not to be warranted is the direct  
24 appeal of the non- -- nonmoving party to that connection, to  
25 those beliefs that we have raised here.

1       What you see is, yes, the judge was an alumni of this  
2 school, and he makes an occasional donation. But that's not  
3 what -- the nonmoving party is not -- is not accusing the  
4 moving party of trying to destroy that institution and trying  
5 to drag its name through the mud.

6           **THE COURT:** Let me just jump in.

7       Judge Orrick didn't say that. He did not advocate  
8 destroying any institutions.

9           **MS. SHORT:** No, no, I understand Judge Orrick. I'm  
10 saying the nonmoving party is -- is accusing the moving party  
11 here of trying to destroy this institution that Judge Orrick  
12 was associated with, that obviously thought highly enough of to  
13 bring into this clinic that he was on the board of for a couple  
14 of decades. And he thought highly enough of that -- of the  
15 connection between the two to help foster that connection. And  
16 then -- so then we have the plaintiffs here accusing the  
17 defendants of -- you know, they're appealing exactly to that  
18 area, making the case all about that.

19       Again, if this was a simple breach of contract action or  
20 allowed to be a simple breach of contract action, then it  
21 wouldn't -- it wouldn't be so significant.

22       What we have here, that we don't have in those other  
23 cases, that I'm sure Your Honor has read, is a direct appeal by  
24 the nonmoving party to those connections and trying to fire up,  
25 you might say, that -- that -- that bias or that prejudice.

1           **THE COURT:** Even if your characterization of  
2 Judge Orrick's personal pre-bench history is right -- and I  
3 think it's questionable, but let's assume that it is -- that  
4 all ended years before this case got in front of him. Years  
5 before it got in front of him.

6           And you know the presumption is that judges put that aside  
7 when they take the bench. I just haven't seen anything that  
8 motivates me to see that that presumption should be questioned  
9 here.

10           **MS. SHORT:** As -- as recently as the third instance we  
11 raised was his comments in the May 25th hearing, where he is  
12 ascribing to Mr. Daleide a desire to hurt people by releasing  
13 these videos, as if that is Mr. Daleide's goal, is to harm  
14 people by releasing the videos.

15           And that was very recent. And that -- and that was a --  
16 also a revelation that is not just a matter of taking certain  
17 instances and saying, well, you know, *post hoc ergo propter*  
18 *hoc*, that, you know because you released these videos these bad  
19 things happened; therefore, I'm going to prevent you from  
20 releasing more videos. Now Judge Orrick is expressing the  
21 belief that this was Mr. Daleide's goal, was to cause people to  
22 be killed.

23           **THE COURT:** Those are statements made in the course of  
24 the actual courtroom proceedings; right?

25           **MS. SHORT:** Except that they are based on blatant

1 hearsay.

2 And, yes, Judge Orrick can take into account hearsay, you  
3 know, in ruling on a preliminary injunction because the rules  
4 are laxer. But he seems to have taken that to the next level,  
5 which is looking at a newspaper article, and from that  
6 extrapolating and drawing out motives and consequences.

7 And it's one thing to do that in a preliminary hearing for  
8 the purpose of deciding a -- you know, ruling on the  
9 preliminary injunction, yeah, overrule our objections. But now  
10 we're going further than that, and we're saying, you know,  
11 based on that, based on one newspaper article, I decide -- a  
12 hearsay news paragraph -- I decide that you are a person who  
13 wants -- you want people to be killed by releasing these  
14 videos.

15 **THE COURT:** You're reading an awful lot into a very  
16 short comment on the record.

17 In any event, let me hear from your opponents.

18 **MR. FORAN:** Thank you. Good morning, Your Honor.

19 I don't have much to add, candidly. I think that this is  
20 an open-and-shut case of an abusive motion to disqualify that  
21 was filed two years into the case and four -- four court days  
22 before a contempt proceeding.

23 We think there are serious issues with respect to  
24 timeliness. We don't think that the reasonable person standard  
25 is met.

1           **THE COURT:** Why do you think this is untimely?

2           **MR. FORAN:** Because they admit in their moving papers,  
3 in their declaration, that the main ground, the main ground for  
4 this disqualification motion is Judge Orrick's association with  
5 Good Samaritan. That was disclosed to them in 2015. They knew  
6 about that in 2015.

7           In 2015, they knew that Judge Orrick was a president, a  
8 vice president, an officer, and had provided legal counsel to  
9 this organization through 2009.

10           This new fact that they say -- which, by the way, is based  
11 on a 2001 document -- this new fact that he was the secretary  
12 in 2001 is totally irrelevant.

13           There's some suggestion in their papers that that means he  
14 was a fiduciary. But, as we pointed out and as they agreed in  
15 their reply, he was a fiduciary through 2009.

16           None of this matters. All of the material facts were  
17 known to them. Put aside the May 25th hearing issue. All of  
18 the material facts were known to them in 2015.

19           **THE COURT:** Let me ask you this. So judge Orrick's  
20 name, though, does show up on Good Samaritan letters as  
21 recently as 2015; isn't that right?

22           **MR. FORAN:** That's correct, Your Honor, as an emeritus  
23 board member. "Emeritus" is literally the Latin for "retired."  
24 Judge Orrick will be a retired board member of this  
25 organization throughout, hopefully, his lengthy life. It adds

1 nothing to --

2 **THE COURT:** But that letter came from Good Samaritan?

3 **MR. FORAN:** I believe that's correct, Your Honor.

4 **THE COURT:** And there's no indication that  
5 Judge Orrick had any hand in the preparation of that letter?

6 **MR. FORAN:** That's 100 percent correct, Your Honor.  
7 There's just no "there" there.

8 This is very, very obvious what's going on. David Daleide  
9 refuses to show up, despite a court order, to an emergency  
10 hearing on May 25th. And, instead, he starts going snooping  
11 around for personal information of a federal judge and his  
12 spouse in order to stop a contempt proceeding. It's as plain  
13 as day. As plain as day.

14 And even if the Court were inclined to reach the merits of  
15 this case, it just doesn't -- it just doesn't meet the  
16 standard.

17 No reasonable person, an objectively reasonable person,  
18 thoughtful person, well advised of all the facts of this case,  
19 could reach the conclusion that Judge Orrick was biased or  
20 appeared to be bias.

21 **THE COURT:** Let me ask you this. Under 144,  
22 Judge Orrick, in the first instance, had the opportunity to  
23 find this to be untimely. And yet the matter has been put into  
24 my hands.

25 So is he -- has he effectively found it to be timely, in

1 your view?

2 **MR. FORAN:** Your Honor, his order speaks for itself.  
3 I wouldn't presume to know or state what Judge Orrick's intent  
4 was.

5 **THE COURT:** But you know under 144 the sitting judge  
6 has to first decide that the allegations are timely and  
7 whatever that -- substantial.

8 **MR. FORAN:** Sure. Legally sufficient.

9 **THE COURT:** Sufficient.

10 **MR. FORAN:** Right.

11 **THE COURT:** So, in your view, should I assume that he  
12 did find that it was timely?

13 **MR. FORAN:** No, Your Honor. I don't think that's the  
14 case. To the contrary, he says, "I have serious doubts about  
15 the timeliness."

16 I don't think that he transferred this case under 144. A  
17 transfer under 144 is for all purposes. The Northern  
18 District's local rule allows a judge -- and my understanding,  
19 now that I have learned -- allow judges in the Northern  
20 District to routinely transfer disqualification motions like  
21 this in order to make sure that the moving party gets a fair  
22 day in court. And that's a classic example.

23 They appear to be suggesting that Judge Orrick is deciding  
24 this case on the basis of some bias.

25 He's providing these defendants with, in our view, more



1 process than they are entitled to. He could have denied that  
2 motion outright, that day, and proceeded with the contempt  
3 proceeding. He had the full authority to do that. He did not  
4 do it.

5 He's deciding this case based upon the facts and the law  
6 that have been presented to him. And he's been routinely  
7 upheld in the Ninth Circuit. There's no basis to this motion.

8 Your Honor, the only thing I would ask the Court, we want  
9 to get on with the contempt proceeding. Unless --

10 **THE COURT:** I have accelerated it for that purpose.

11 **MR. FORAN:** Okay.

12 **THE COURT:** Not for the purpose of that, but for the  
13 purpose of just bringing clarity and finality quickly.

14 **MR. FORAN:** I appreciate it.

15 **THE COURT:** You all have a lot to do. It's not my  
16 task to be do it for the purpose of me handling it. But I did  
17 want to make sure that we got this processed as quickly as I  
18 could do it so that it doesn't become a drag on the rest of the  
19 main event.

20 I just -- so what I hear you suggesting is, regardless of  
21 what Judge Orrick may have concluded, in your view he -- he, in  
22 an abundance of caution, asked an outside judge in this case,  
23 me, to take a look at it.

24 **MR. FORAN:** I think that's right, Your Honor.

25 **THE COURT:** Okay. So you would not say that he found

1 it was timely or untimely. He may have expressed some views on  
2 it, but he essentially said, I will let a third-party judge  
3 from outside the case handle it?

4 **MR. FORAN:** That's absolutely right, Your Honor.  
5 That's for you to decide.

6 **THE COURT:** What about this related case?

7 **MR. FORAN:** Planned Parenthood?

8 **THE COURT:** Yeah. Isn't there a same pending recusal  
9 motion in that?

10 **MR. FORAN:** There is, Your Honor.

11 Counsel for Planned Parenthood is present in court, should  
12 the Court wish to hear from that party. I have spoken to  
13 Ms. Bomse, who is the lawyer for Planned Parenthood.

14 And it would be our desire, in terms of procedure, that  
15 the Court proceed with all due haste to get an order out on our  
16 case so that we can proceed with the contempt proceeding.

17 My understanding is Planned Parenthood is perfectly  
18 well-prepared to submit supplemental briefs. And it can be  
19 decided on a fairly quick basis, once the Court decides the  
20 issue in this case, just because of the contempt proceeding,  
21 Your Honor.

22 **THE COURT:** Okay. All right. Thank you.

23 **MR. FORAN:** Thank you, Your Honor.

24 **THE COURT:** Ms. Short, final words?

25 **MS. SHORT:** I just wanted to make one correction that

1 Mr. Foran said, that it was disclosed -- Judge Orrick's  
2 relationship with Good Samaritan, and thus Planned Parenthood,  
3 was disclosed to the defendants.

4 It was not. It was a matter of information coming to us.  
5 Judge Orrick did not disclose that relationship. And the -- we  
6 found the Senate Judiciary Committee questionnaire, which had  
7 the incorrect information about the length of his term.

8 So I wanted to make that correction. This information was  
9 not something disclosed.

10 **THE COURT:** Okay. Now, what about the related case  
11 though?

12 **MS. SHORT:** I'm sorry?

13 **THE COURT:** Do you have -- you're the moving party in  
14 that case as well?

15 **MS. SHORT:** Yes, correct.

16 **THE COURT:** It's the same issue, isn't it?

17 **MS. SHORT:** Yes.

18 **THE COURT:** Same facts, same issue?

19 **MS. SHORT:** Yes, Your Honor.

20 **THE COURT:** Okay. Can we just make this do double  
21 duty? I don't see any reason to have separate proceedings on  
22 identical arguments or facts.

23 **MR. FORAN:** I have no objection to that, Your Honor.

24 **MS. SHORT:** And -- well, Your Honor, I mean, the only  
25 difference is that the relationship being Planned Parenthood --

1 you mentioned, to begin with, that Planned Parenthood wasn't  
2 even a party. Planned Parenthood is a party in the second  
3 case. I don't know if that has any bearing on your decision or  
4 not.

5 **THE COURT:** Do you think it does?

6 **MS. SHORT:** Based on your comments so far?

7 **THE COURT:** From your perspective, do you think it  
8 does?

9 **MS. SHORT:** Obviously, the connection between  
10 Judge Orrick and Good Samaritan and Planned Parenthood and this  
11 NAF proceeding is one less link in the chain if we go to the  
12 related action.

13 **THE COURT:** Just looking at the procedural issue,  
14 whether I can get this done both now or do I need to take  
15 argument separately in the Planned Parenthood case, what would  
16 be the reason to have argument on the Planned Parenthood case?

17 **MS. SHORT:** None, Your Honor, unless you see a  
18 distinction between the two proceedings in terms of one of  
19 them -- the plaintiff being NAF and the other plaintiff being  
20 Planned Parenthood.

21 **THE COURT:** All right. So if I don't see that  
22 distinction, you're comfortable with the same order handling  
23 both motions?

24 **MS. SHORT:** Yes, Your Honor.

25 **THE COURT:** Any last words before it's submitted?

1           **MS. SHORT:** Yes, Your Honor.

2           **THE COURT:** No? No last words? You don't have to  
3 have any. It's okay. You can just say "submitted."

4           **MS. SHORT:** Yes, submitted. Thank you, Your Honor.

5           **THE COURT:** All right. I will have this out promptly,  
6 okay.

7           **MR. FORAN:** Thank you.

8           **THE COURT:** Thank you.

9           (At 10:35 a.m. the proceedings were adjourned.)

10                               - - - -

11

12                               **CERTIFICATE OF REPORTER**

13           I certify that the foregoing is a correct transcript  
14 from the record of proceedings in the above-entitled matter.

15

16   DATE:   Tuesday, June 27, 2017

17

18

19

20

*Katherine Sullivan*

21                               \_\_\_\_\_  
22           Katherine Powell Sullivan, CSR #5812, RMR, CRR  
23                               U.S. Court Reporter

24

25

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
Plaintiff,  
v.  
CENTER FOR MEDICAL PROGRESS, et  
al.,  
Defendants.

Case No. [15-cv-03522-WHO](#) (JD)

**ORDER RE MOTION FOR  
DISQUALIFICATION OF DISTRICT  
JUDGE UNDER 28 U.S.C. §§ 144 AND  
455**

Re: Dkt. No. 428

Defendants David Daleiden and The Center for Medical Progress seek to disqualify United States District Judge William H. Orrick, III from continuing to preside over this case. The motion is denied.

**BACKGROUND**

This case began on July 31, 2015, when plaintiff National Abortion Federation (“NAF”) sued The Center for Medical Progress (“CMP”), BioMax Procurement Services, LLC, David Daleiden and Troy Newman. Dkt. No. 1. Judge Orrick was randomly assigned to the case, and he has presided over it continuously ever since. *See* Dkt. No. 4 (assigning case to Judge Orrick). The case has been actively litigated, to say the least. As of June 8, 2017, the docket contained 430 separate entries. Judge Orrick has issued multiple orders, including a temporary restraining order and a preliminary injunction. Dkt. Nos. 15, 354. The circuit court has been involved as well -- more frequently than is the norm at this stage of a civil case -- and has denied a writ of mandamus for a discovery order and affirmed the preliminary injunction, among other actions. Dkt. Nos. 140, 401.

In the order affirming the preliminary injunction, the circuit court described the individual defendants as “anti-abortion activists” who “misrepresented themselves as representatives of a

company, BioMax Procurement Services LLC, purportedly engaging in fetal tissue research.” Dkt. No. 401 at 2. They did this to gain access to NAF’s annual meetings. NAF is a non-profit professional association of abortion providers whose mission is “ensur[ing] safe, legal, and accessible abortion care.” *Id.* at 1-2 (quotations and alterations in original). At NAF’s 2014 and 2015 annual meetings, the individual defendants and others posing as BioMax representatives surreptitiously recorded several hundred hours of events, including informal conversations with other attendees. The defendants “attempted in those conversations to solicit statements from conference attendees that they were willing to violate federal laws regarding abortion practices and the sale of fetal tissue.” *Id.* at 3. The defendants then made some of the recordings public, and “[a]fter the release of the recordings, incidents of harassment and violence against abortion providers increased, including an armed attack at the clinic of one of the video subjects that resulted in three deaths.” *Id.* On these facts, the circuit court affirmed Judge Orrick’s issuance of the preliminary injunction, which enjoined defendants and related individuals from:

“(1) publishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned, at any NAF annual meetings;

(2) publishing or otherwise disclosing to any third party the dates or locations of any future NAF meetings; and (3) publishing or otherwise disclosing to any third party the names or addresses of any NAF members learned at any NAF annual meetings.” Dkt. No. 354 at 42.

On May 8, 2017, the circuit court granted defendants’ unopposed motion to stay the mandate for the appeal of Judge Orrick’s preliminary injunction order, but emphasized that “[t]he preliminary injunction . . . remains in effect.” Dkt. No. 407. After receiving a letter from plaintiff’s counsel outlining what could be intentional violations of the preliminary injunction (*e.g.*, that Daleiden’s counsel in a separate criminal case had made available on counsel’s website copies of the enjoined recordings), Judge Orrick held a telephonic hearing on May 25, 2017. *See* Dkt. No. 409. Daleiden and his criminal counsel did not appear, in violation of the court’s direction (for Daleiden) and invitation (for counsel) that they participate. *Id.* at 1. In a written order issued the same day, Judge Orrick ordered remedial measures such as taking down from the

website all links to recordings covered by the preliminary injunction, and he set a contempt hearing for June 14, 2017, at 2:00 p.m. *Id.* at 2.

It was not until June 7, 2017, just seven days before the contempt hearing, that defendants Daleiden and CMP filed the present motion to disqualify Judge Orrick on the basis of bias or prejudice, or the appearance of partiality. Dkt. No. 428. The motion, which was brought under 28 U.S.C. §§ 144 and 455, was the first of its kind to be filed in this nearly two-year-old and highly active case. Judge Orrick promptly referred it for random reassignment to another judge. Dkt. No. 430. Strictly speaking, that was not a legal necessity. Under 28 U.S.C. § 144, reassignment is required only if there is a “timely and sufficient affidavit,” as determined by the judge to whom the motion is directed. *See United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). On this point, Judge Orrick said that he did “not think that [the affidavit] is legally sufficient,” and he had “concerns about its timeliness and whether the timing is simply an attempt to delay the resolution of the OSC re Contempt.” Dkt. No. 430 at 2. Similarly, motions under 28 U.S.C. § 455 are determined by the judge to whom the motion is directed. *See* 28 U.S.C. § 455(a) (“judge . . . shall disqualify himself”); *see also Sibla*, 624 F.2d at 867-68 (Section 455 is “directed to the judge,” “is self-enforcing on the part of the judge,” and “includes no provision for referral of the question of recusal to another judge”). Motions under Section 455 must also “be made in a timely fashion.” *Davies v. Commissioner of the Internal Revenue*, 68 F.3d 1129, 1131 (9th Cir. 1995). Judge Orrick would have been well within the law to deny the disqualification motion outright, yet he chose instead to refer the entire motion under both Sections 144 and 455 to another judge to be selected at random. *See* Dkt. No. 430 at 2 (citing to the Commentary to Civil Local Rule 3-14 and noting that there is no bar to a judge “likewise referring a motion under Section 455 to the Clerk so that another Judge can determine disqualification.”).<sup>1</sup>

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<sup>1</sup> Defendants do not argue that this was improper in any way, for good reason. *See, e.g., United States v. Zagari*, 419 F. Supp. 494, 499 (N.D. Cal. 1976) (“Although he did not have to do it, Judge Conti asked that an outside judge be assigned to reconsider” his denial of the recusal motion, and “took action to make it possible that the hearing on the motion be de novo. . . . The defendant here got more, not less, than he was entitled to, and is therefore in no position to complain.”).



Undoubtedly this was done out of an abundance of caution and to maximize the parties' and the public's confidence in the judicial process. The Court shares Judge Orrick's skepticism that the affidavit is timely and sufficient, and a good case could be made that this motion should be terminated on that ground alone. Nevertheless, in the interest of completeness and clarity, the Court addresses the substance of the motion. *See, e.g., Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 WL 2132693, at \*7 (D. Ariz. July 15, 2009) ("Overall, the law supports the denial of defendants' recusal motion as untimely. However, because the Court must abide by an unwavering commitment to the perception of fairness in the judicial process, it will not deny the petition on the basis of timeliness and will instead address the substantive questions raised by the request for recusal."); *United States ex rel. Hamilton v. Yavapai Community College District*, No. CV-12-08193-PCT-PGR, 2014 WL 12656540, at \*2 n.4 (D. Ariz. Dec. 9, 2014) (noting that "for purposes of facilitating the consideration of the merits of the [recusal] motion," court "assumes that the motion was timely filed notwithstanding that this action is now going into its third year of litigation.").

### DISCUSSION

Defendants invoke 28 U.S.C. §§ 144, 455(a) and 455(b)(1) for disqualification. *See* Dkt. No. 428 at 1 nn.1-2. Section 144 provides that "[w]hen a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding." Section 455(a) states that "[a]ny . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." And under Section 455(b)(1), the judge "shall also disqualify himself . . . [w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."

While the procedure for motions under Section 144 and Section 455, respectively, is slightly different, the governing standard is the same. Our circuit has held that "[t]he test for personal bias or prejudice in section 144 is identical to that in section 455(b)(1)," and "section

(b)(1) simply provides a specific example of a situation in which a judge’s ‘impartiality might reasonably be questioned’ pursuant to section 455(a).” *Sibla*, 624 F.2d at 867. Consequently, where, as here, the only question is whether a district judge should be removed from a case for personal bias or prejudice under Sections 144, 455(a) and 455(b)(1), the “same substantive standard will be applied to each section.” *Id.* That standard is an objective one and asks “whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Holland*, 519 F.3d 909, 913-14 (9th Cir. 2008). The “reasonable person” for this inquiry is not “someone who is ‘hypersensitive or unduly suspicious,’ but rather is a ‘well-informed, thoughtful observer.’” *Id.* at 913 (citations omitted).

In evaluating recusal or disqualification, the Court is mindful that a judge has “as strong a duty to sit when there is no legitimate reason to recuse as he does to recuse when the law and facts require.” *Clemens v. U.S. Dist. Court for Central Dist. of Cal.*, 428 F.3d 1175, 1179 (9th Cir. 2005) (quotation omitted). Our circuit also holds that “section 455(a) claims are fact driven, and as a result, the analysis of a particular section 455(a) claim must be guided, not by comparison to similar situations addressed by prior jurisprudence, but rather by an independent examination of the unique facts and circumstances of the particular claim at issue.” *Id.* at 1178.

#### **I. MRS. ORRICK’S FACEBOOK ACTIVITY**

Defendants seek disqualification on the basis of three instances of Facebook activity by Judge Orrick’s wife. In one instance, defendants say she “pinkified” her Facebook page and added “I stand with Planned Parenthood” as a Facebook profile picture overlay sometime in the summer or fall of 2015. Dkt. No. 428 at 3. Mrs. Orrick’s profile picture for this instance featured her alone. *See* Dkt. No. 428-1 (Daleiden Decl.), Exh. 9.

For the two other instances, defendants say she “liked” a Facebook post by “Keep America Pro-Choice” that appears to have linked to an article by the National Abortion Rights Action League (NARAL). Dkt. No. 428 at 3; Daleiden Decl., Exh. 11. The article mentioned, ostensibly in reference to Daleiden and CMP’s work, the “highly publicized release of heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.” *Id.* Mrs. Orrick also “liked” another Facebook post by “Keep America Pro-Choice”

1 that reported Daleiden’s criminal indictment in Texas as a positive development. Dkt. No. 428 at  
2 3; Daleiden Decl., Exh. 12. Both of these “likes” appeared with a profile picture that showed her  
3 together with Judge Orrick.

4 That is the sum total of defendants’ concerns with respect to Mrs. Orrick, and they do not  
5 amount to a reason to disqualify Judge Orrick. This is so because the premise of defendants’  
6 argument is the faulty and anachronistic assumption that a wife’s communicative activity  
7 necessarily represents the views of, or should be attributed to, her husband. Defendants’ counsel  
8 extended this idea even further at the hearing by stating that Mrs. Orrick should not be deemed an  
9 independent speaker and thinker because Judge Orrick had not expressly vouched for that. *See*  
10 *also* Dkt. No. 449 at 7 (contrasting this case with *Perry v. Schwarzenegger*, 630 F.3d 909 (9th Cir.  
11 2011), where Judge Reinhardt declined recusal over his wife’s activities and expressly stated that  
12 “her views regarding issues of public significance are her own”). These are not credible  
13 arguments for disqualification. While marriage imposes some limits on each partner’s personal  
14 autonomy, spouses do not give up their freedom of thought and expression. It is beyond question  
15 that a woman’s right to speak out on the issues she cares about does not end when she says “I do,”  
16 and her status as an independent actor does not depend on her husband’s express declaration of  
17 that fact. No thoughtful or well-informed person would simply assume that one spouse’s views  
18 should always be ascribed or attributed to the other in the absence of an express disclaimer. *See,*  
19 *e.g., Perry*, 630 F.3d at 916 (wife “is an independent person who need not obtain my approval or  
20 agreement to advocate for whatever social causes she chooses. The views are hers, not mine”);  
21 *Akins v. Knight*, No. 2:15-cv-4096-NKL, 2016 WL 127594, at \*3 (W.D. Mo. Jan. 11, 2016)  
22 (husband “is an independent person . . . [whose] views are his own. The average person on the  
23 street would not reasonably believe the undersigned would approach a case in a partial manner due  
24 to Mr. Kelly’s independent views regarding a subject, whether those views are publicly expressed  
25 or not.”).

26 Consequently, defendants bear the burden of showing that there is a particular reason in  
27 this case to believe that Mrs. Orrick’s Facebook posts may in fact express Judge Orrick’s views.  
28 They have not identified a single fact that supports that conclusion. That two of the posts featured

a generic photo of the couple is of no moment. Only Mrs. Orrick's name was stated with her "likes" and her image is clearly visible and identifiable as the female half of the pictured couple. *See, e.g.,* Daleiden Decl., Exh. 12. Even assuming a reasonable observer were to recognize Judge Orrick by sight in the picture, there is no realistic likelihood that the observer might then confuse the "like" as having come from Judge Orrick.

This case is not at all like *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 WL 2132693 (D. Ariz. July 15, 2009), which defendants heavily rely upon. There, Judge Mary Murguia, then on the district court, recused herself because of articles disparaging the parties in the case that were published on a website that prominently pictured her identical twin sister next to each article. "Even though the picture is correctly labeled as belonging to" the twin sister, Judge Murguia sought to "avoid the risk of confusing the Court's picture with that of her sibling," and found it necessary to consider "the possibility that a reasonably well-informed and impartial observer might mistake the Court for her identical twin sister." 2009 WL 2132693, at \*15 n.9. No similar risk of mistake exists here.

## **II. JUDGE ORRICK'S RELATIONSHIP WITH GOOD SAMARITAN FAMILY RESOURCE CENTER**

The moving defendants also point to Judge Orrick's "longstanding relationship" with the Good Samaritan Family Resource Center as grounds for disqualification. Dkt. No. 428 at 1. This matters, they say, because Good Samaritan "has a 'key partnership' with a Planned Parenthood affiliate that is a member of the plaintiff National Abortion Federation." *Id.* It is not disputed that Good Samaritan is a non-profit organization that provides a wide range of assistance to low-income Latino families in San Francisco, including English as a Second Language classes, parenting classes, a domestic violence support group and child development classes. *See* Dkt. No. 447 at 10; Daleiden Decl., Exh. 5 at ECF pp. 75-81. It is also not disputed that Planned Parenthood Shasta Pacific (now Planned Parenthood Northern California) had a clinic onsite at Good Samaritan's facility.

Defendants place particular emphasis on the fact that Judge Orrick was secretary of Good Samaritan's Board of Directors in 2001, "when GSFRC entered into its 'key partnership' with

1 PPSP.” Dkt. No. 428 at 2. Defendants say that because of this timing, Judge Orrick must  
 2 “necessarily” have been involved in the board’s decision to initiate that partnership and he must  
 3 have “had access to confidential, extrajudicial information which will or could bias or affect his  
 4 decision.” Dkt. No. 428 at 7; Dkt. No. 449 at 5. This allegation, however, is purely conclusory  
 5 and speculative. Defendants do not proffer any evidence supporting it, and “Section 455(a) does  
 6 not require recusal based on speculation.” *See Clemens*, 428 F.3d at 1180; *see also Yagman v.*  
 7 *Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (recusal not warranted under § 144 or § 455  
 8 based on mere speculation).

9 Although defendants also take issue with Judge Orrick and Mrs. Orrick’s financial  
 10 donations to Good Samaritan, that is immaterial given that Good Samaritan is, as counsel  
 11 acknowledged at the hearing, a separate legal entity from Planned Parenthood Shasta Pacific.  
 12 Planned Parenthood Shasta Pacific itself is a wholly separate entity from the only plaintiff in this  
 13 case, the National Abortion Federation. *Cf. United States ex rel. Hamilton v. Yavapai Community*  
 14 *College District*, No. CV-12-08193-PCT-PGR, 2014 WL 12656540, at \*1 (D. Ariz. Dec. 9, 2014)  
 15 (in denying recusal motion based on fact that judge and his wife “are financial supporters of the  
 16 College,” noting that judge and his wife donated not to the College but to the Yavapai College  
 17 Foundation, which is “a separate legal entity from the College and is not a named party to this  
 18 action”).

19 As counsel also stated at the hearing, even by defendants’ own potentially overbroad  
 20 measure, Judge Orrick’s service as an active board member of Good Samaritan ended no later than  
 21 2006, almost a decade before this case was filed. That he continued to be listed by Good  
 22 Samaritan as an “emeritus” board member in recognition of his past service would not cause the  
 23 well-informed, thoughtful observer to have doubts about Judge Orrick’s impartiality. The greatly  
 24 attenuated connection that is alleged between Judge Orrick and plaintiff NAF -- through Good  
 25 Samaritan and then again through Planned Parenthood Shasta Pacific -- is miles away from the  
 26 kind of entanglements that would support recusal under the standard that governs this motion.  
 27 Recusal has been denied in circumstances featuring much closer ties. *See, e.g., Datagate, Inc. v.*  
 28

*Hewlett-Packard Co.*, 941 F.2d 864, 870-71 (1991) (affirming district judge’s denial of recusal where judge’s son had been employed by HP, the defendant, “for the past fifteen years”).

### III. JUDGE ORRICK’S COMMENTS AT THE MAY 25 TELEPHONIC HEARING

As a final challenge, the moving defendants contend that Judge Orrick should be disqualified based on his comments on the record at the May 25, 2017 telephonic hearing that Daleiden would be “well advised . . . that he is obligated to follow the Court’s orders [and] not try to skate around them and cause real harm to human beings . . . .” Dkt. No. 428 at 9. Even giving defendants the benefit of the doubt that in-court comments of this sort can be the basis for recusal, *see Liteky v. United States*, 510 U.S. 540, 555 (1994), there is plainly nothing of concern in this on-the-record admonition, which was based on facts contained not only in Judge Orrick’s preliminary injunction order but also in the circuit court’s order affirming it.

Defendants say the comment was improper because “[w]hether there was a violation of the preliminary injunction remains to be determined.” Dkt. No. 449 at 8. But nothing in the comment is inconsistent with that proposition. Judge Orrick made no finding that the preliminary injunction had been violated; he was only advising Daleiden that he had better not violate it. That is well within the bounds of what a trial judge may say and do.

Nor did Judge Orrick ascribe any “intent to harm” to Daleiden, as he and CMP allege. Judge Orrick stated that Daleiden had better not “skate around” his order “*and* cause real harm,” not “*to* cause real harm.” To the extent the statement about causing harm was a reference to the violence that followed the release of the recordings at issue in this case, Judge Orrick carefully explained the basis of his finding that the attacks on abortion clinics were connected to the release of the videos. *See* Dkt. No. 354 at 16-18, 36-38. Far from being an inappropriate comment that might support the appearance of partiality, the statement, to the extent it was a reference to those earlier findings, was an opinion “formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings,” which “do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Liteky*, 510 U.S. at 544. There was nothing improper about the comments.

1     **IV.     CUMULATIVE IMPACT**

2             Defendants say disqualification should also result from the “cumulative effect” of the facts  
3     and circumstances they have identified, Dkt. No. 428 at 9, but the Court finds there is no “effect”  
4     to “cumulate.” Each of defendants’ arguments adds up to a zero, and the whole is not greater than  
5     the sum of these parts.

6                             **CONCLUSION**

7             The motion to disqualify is denied.

8             **IT IS SO ORDERED.**

9     Dated: June 26, 2017



10  
11  
12                             JAMES DONATO  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [16-cv-00236-WHO](#) (JD)

**ORDER DENYING JUDICIAL  
DISQUALIFICATION**

Re: Dkt. No. 164

Defendants have asked to disqualify the Hon. William H. Orrick, III, as the presiding district judge in this case based on arguments that repeat, for the most part, the arguments made for disqualification in the companion case, *National Abortion Federation v. Center for Medical Progress et al.*, Case No. 3:15-cv-3522-WHO (“NAF”). The request is denied for the same reasons as in that case. The Court writes separately here to explain why certain factual differences between the two cases do not lead to a different result.

**BACKGROUND**

This case and *NAF* are related actions. Dkt. No. 10.<sup>1</sup> Defendants here include all four of the defendants from the *NAF* case (namely, The Center for Medical Progress, BioMax Procurement Services, LLC, David Daleiden and Troy Newman). Two of those defendants, David Daleiden and The Center for Medical Progress, filed the motions to disqualify Judge Orrick in both cases.

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<sup>1</sup> Unless otherwise noted, all docket cites are to the docket for this case, the *Planned Parenthood* action, Case No. 16-cv-236.



1           There is no need to repeat here the detailed findings in the order denying disqualification in  
2 *NAF*. See *National Abortion Federation v. Center for Medical Progress*, No. 15-cv-03522-WHO  
3 (JD), 2017 WL 2766173 (N.D. Cal. June 26, 2017). The focus will be on the material similarities  
4 and dissimilarities between the two cases.

5           The National Abortion Federation (“NAF”) is a non-profit professional association of  
6 abortion providers that holds annual meetings. A primary allegation here, as in *NAF*, is that  
7 defendants attended NAF’s annual meetings under false pretenses, and covertly recorded the  
8 proceedings and informal conversations with other attendees. A key difference between the cases  
9 is that in *NAF*, the plaintiff was the National Abortion Federation itself. Here, plaintiffs are eleven  
10 separate Planned Parenthood entities who allege that defendants also had separate meetings with  
11 Planned Parenthood staff, which they again secretly taped. Dkt. No. 59 ¶¶ 75-76, 95-97.  
12 Plaintiffs assert that defendants manipulated the recordings and released them to the public as  
13 purported evidence that Planned Parenthood had acted illegally with respect to the treatment of  
14 fetal tissue. See, e.g., *id.* ¶¶ 126-129, 133-134. After the videos were published, plaintiffs say  
15 there was a dramatic increase in threats, harassment and criminal activities targeting abortion  
16 providers and their supporters, and Planned Parenthood health centers in particular. *Id.* ¶¶ 8, 130.  
17 Plaintiffs state fifteen legal claims against defendants, including claims for violation of the  
18 Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1962(c) and  
19 1962(d), civil conspiracy, breach of contract and trespass. *Id.* ¶¶ 148-253.

20           Defendants Daleiden and The Center for Medical Progress initially filed a motion to  
21 disqualify Judge Orrick in *NAF*. See Dkt. No. 428 in Case No. 15-cv-3522. While Judge Orrick  
22 would have been perfectly within bounds to have decided the motion himself, he promptly  
23 referred it for random reassignment to another judge, see Dkt. No. 430 in Case No. 15-cv-3522,  
24 undoubtedly out of an abundance of caution and to maximize the parties’ and the public’s  
25 confidence in the judicial process. *NAF*, 2017 WL 2766173, at \*2. When defendants  
26 subsequently filed the disqualification motion in this case, Judge Orrick found that “[t]he grounds  
27 raised in this motion are identical to the ones raised in the *NAF* case, although slightly different  
28

facts are alleged here.” Dkt. No. 167. He consequently referred the motion “to the Clerk so that it may be assigned to the Hon. James Donato, who was randomly assigned the prior motion.” *Id.*

This Court held a hearing on the disqualification motion in *NAF*, at which counsel for Daleiden and the CMP in both cases appeared and argued. Dkt. No. 451 in Case No. 15-cv-3522. At the hearing, counsel acknowledged on the record that both motions present the “same facts” and “same issue[s].” Dkt. No. 455 (hearing transcript) in Case No. 15-cv-3522 at 22:10-19; *see also* Dkt. No. 450 in Case No. 15-cv-3522 (letter from defendants filed after hearing acknowledging that “the factual and legal issues in the two motions are similar”). The substantial and material overlap between the motions is not in meaningful dispute. *Compare* Dkt. No. 428 in Case No. 15-cv-3522 *with* Dkt. No. 164 in Case No. 16-cv-236; *see also* Dkt. No. 449 in Case No. 15-cv-3522 at 1 n.1 (statement in defendants’ reply brief acknowledging that “[a]lthough the two motions are not actually ‘identical,’ they are sufficiently similar to warrant adjudicating them at the same time”).

Consequently, after denying disqualification in *NAF*, the Court directed the parties in this case to file briefs addressing whether that order resolves the motion in this case, and if not, what the material differences are. Dkt. No. 175. The parties filed supplemental briefs, Dkt. Nos. 180, 181, in addition to the original briefing on the motion, Dkt. Nos. 164, 170, 171, 174. The Court took the matter under submission without oral argument.

### DISCUSSION

Defendants seek disqualification of Judge Orrick under 28 U.S.C. §§ 144, 455(a) and 455(b)(1) for basically the same reasons as in *NAF*. Dkt. No. 164. The standards set out in the *NAF* order denying disqualification, and the reasons why that motion failed, apply here with equal force to defendants’ duplicative arguments. *See generally NAF*, 2017 WL 2766173. The only issues remaining for discussion are the differences between the cases that defendants say should require disqualification here. Dkt. No. 181.

As discussed in *NAF*, it is true that, before taking the bench, Judge Orrick was a board member for Good Samaritan Family Resource Center, a non-profit organization providing a wide range of assistance to low-income Latino families in San Francisco. It is also true that Planned

1 Parenthood Shasta Pacific (now Planned Parenthood Northern California) had a clinic at Good  
2 Samaritan's facility. *See NAF*, 2017 WL 2766173, at \*4. Defendants bank heavily on those facts  
3 to argue that the presence of Planned Parenthood Shasta Pacific (PPSP) as a named plaintiff here  
4 distinguishes the disqualification posture from the one in *NAF*, in defendants' favor. *See, e.g.*,  
5 Dkt. No. 181 at 1.

6 The party status difference exists but it does not lead to the conclusion defendants urge.  
7 This is so because the connection between Judge Orrick and PPSP remains too attenuated to  
8 warrant recusal. Defendants make frequent reference to Judge Orrick's "actual fiduciary duty to  
9 Plaintiff PPSP," *see, e.g.*, Dkt. No. 181 at 2, but this is a purely conclusory characterization of  
10 Judge Orrick's relationship with PPSP, and defendants do not provide any facts showing that such  
11 a duty ever existed. That is no grounds for disqualification. *Clemens v. U.S. Dist. Court for*  
12 *Central Dist. of Cal.*, 428 F.3d 1175, 1180 (9th Cir. 2005) ("Section 455(a) does not require  
13 recusal based on speculation"); *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993)  
14 (recusal is not warranted under §144 or § 455 based on mere speculation). Defendants suggest  
15 that "as GSFRC's Counsel/Secretary at the time of the formation of GSFRC's partnership with  
16 Plaintiff PPSP, the law presumes that Judge Orrick accessed confidential information of both  
17 GSFRC and Plaintiff PPS to perform his duties." Dkt. No. 181 at 8. But this too is mere  
18 conjecture, which the Court has already considered and turned aside. *See NAF*, 2017 WL  
19 2766173, at \*4 (rejecting as conclusory and speculative defendants' argument that "because of this  
20 timing, Judge Orrick must 'necessarily' have been involved in the board's decision to initiate that  
21 partnership [between GSFRC and PPSP] and he must have 'had access to confidential,  
22 extrajudicial information which will or could bias or affect his decision.'"). It is also undisputed  
23 that Good Samaritan and Planned Parenthood Shasta Pacific are separate legal entities, as counsel  
24 acknowledged at the *NAF* hearing. *Id.*

25 Defendants again exaggerate Judge Orrick's relationship with Good Samaritan.  
26 Defendants conceded at the hearing in *NAF* that, even under their own potentially overbroad  
27 measure, Judge Orrick's involvement on the Good Samaritan board ended no later than 2006, a  
28 decade before this case was even filed. *NAF*, 2017 WL 2766173, at \*5. Defendants have not

1 proffered any facts even remotely indicating, as they now contend, that Judge Orrick presently  
 2 owes fiduciary duties not to harm the security interests of Good Samaritan and its employees.  
 3 Dkt. No. 181 at 8. Good Samaritan is not a plaintiff here in any event.

4 Defendants say that here, unlike in *NAF*, they have “provided non-speculative evidence  
 5 that a relationship exists between Judge Orrick and a named plaintiff that would make a  
 6 reasonable observer question Judge Orrick’s impartiality,” Dkt. No. 181 at 9, but the actual  
 7 grounds are the same ones already found wanting by the Court. *Compare, e.g., id.* (pointing to the  
 8 fact that Judge Orrick was “publicly held out as an ‘emeritus board member’ of GSFRC in  
 9 mailings as recently as September 2015”), *with NAF* 2017 WL 2766173, at \*5 (“That he continued  
 10 to be listed by Good Samaritan as an ‘emeritus’ board member in recognition of his past service  
 11 would not cause the well-informed, thoughtful observer to have doubts about Judge Orrick’s  
 12 impartiality.”). The list of previously rejected arguments goes on, but the Court declines to  
 13 engage in the tedious and unnecessary task of repeating it all again here.

14 Defendants also say that Judge Orrick’s wife publicly promoted Planned Parenthood  
 15 Federation of America, another named plaintiff in this case. *See* Dkt. No. 181 at 2. But as the  
 16 graphic inserted into defendants’ brief shows and as the Court previously pointed out,  
 17 Mrs. Orrick’s profile picture for this instance of her Facebook activity “featured her alone.” *See*  
 18 *NAF*, 2017 WL 2766173, at \*3; Dkt. No. 181 at 4. Defendants’ effort to revisit the imputation of  
 19 viewpoints between spouses is equally unavailing. The Court has explained in detail why “[n]o  
 20 thoughtful or well-informed person would simply assume that one spouse’s views should always  
 21 be ascribed or attributed to the other in the absence of an express disclaimer.” *NAF*, 2017 WL  
 22 2766173, at \*3. Defendants point to a Seventh Circuit opinion for the proposition that “courts  
 23 presume that spouses share the same views on abortion.” Dkt. No. 181 at 9 (citing *Planned*  
 24 *Parenthood of Wisconsin v. Doyle*, 162 F.3d 463, 465 (7th Cir. 1998)). But that mischaracterizes  
 25 the case. *Doyle* was filed by “[t]he Wisconsin branch of Planned Parenthood, plus several  
 26 physicians who perform abortions in Wisconsin” against the enforcement of a Wisconsin statute  
 27 that decreed life imprisonment for anyone who performed a “partial birth adoption.” 162 F.3d  
 28 464-65. The discussion of spouses was limited to the court’s swift rejection of the standing of

1 “the intervening defendants, two husbands of pregnant women.” *Id.* at 465. *Doyle* noted that,  
2 “[a]s these men are passionately opposed to abortion of any kind and do not suggest that their  
3 wives disagree with them about the issue and so might consider undergoing a D&X [a “dilation  
4 and extraction”], they have no significant interest in this litigation other than an ideological one.”  
5 *Id.* The court went on to note that a “purely ideological interest is not an adequate basis for  
6 standing to sue in a federal court.” *Id.* (citing cases). *Doyle* did not determine anything at all  
7 about whether or to what extent one spouse’s views about abortion can or should be imputed to the  
8 other, and the Court finds it worrisome that defendants have suggested otherwise.

9 As a final challenge, defendants point to Judge and Mrs. Orrick’s “political contributions  
10 for President Obama, the first ever sitting President to make a speech to Planned Parenthood.”  
11 Dkt. No. 181 at 9-10. It goes without saying that President Obama did a great many things in his  
12 two terms in office, some of which were also presidential firsts. Trying to build a case for judicial  
13 disqualification on a single presidential action borders on the frivolous.


#### 14 CONCLUSION

15 Defendants have failed to identify any facts or circumstances that would cause a “well-  
16 informed, thoughtful observer” to conclude that Judge Orrick’s impartiality might reasonably be  
17 questioned. *United States v. Holland*, 519 F.3d 909, 913-14 (9th Cir. 2008). The motion to  
18 disqualify Judge Orrick from continuing to preside over this case is DENIED.

19 **IT IS SO ORDERED.**

20 Dated: October 17, 2017

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28



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JAMES DONATO  
United States District Judge

Docket No. 17-\_\_\_\_\_

*In the***United States Court of Appeals Ninth Circuit**

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

PLANNED PARENTHOOD FED. OF AM., PLANNED PARENTHOOD: SHASTA-  
 DIABLO, INC., PLANNED PARENTHOOD MAR MONTE, INC., PLANNED  
 PARENTHOOD OF THE PAC. SW., PLANNED PARENTHOOD LOS ANGELES,  
 PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC.,  
 PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA & SAN LUIS OBISPO  
 COUNTIES, INC., PLANNED PARENTHOOD PASADENA AND SAN GABRIEL  
 VALLEY, INC., PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, PLANNED  
 PARENTHOOD GULF COAST, and PLANNED PARENTHOOD CENTER FOR CHOICE.  
*Plaintiffs-Real Parties in Interest*

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

NATIONAL ABORTION FEDERATION  
*Plaintiff-Real Party in Interest*

*From Decisions of the United States District Court for the Northern District of California,  
 Case Nos. 3:16-cv-236, 3:15-cv-3522 • Honorable James Donato, District Judge*

**EXCERPTS OF RECORD (VOLUME II OF IV – Pages 48 to 325)**

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**United States Court of Appeals  
for the Ninth Circuit**

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,  
 BIOMAX PROCUREMENT SERVICES, LLC,  
 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522-WHO

Judge: Hon. William H. Orrick, III

**FIRST AMENDED COMPLAINT  
 FOR INJUNCTIVE RELIEF AND  
 DAMAGES**

**JURY TRIAL DEMANDED**

Date Action Filed: July 31, 2015  
 Trial Date:

1 National Abortion Federation (“NAF” or “Plaintiff”) brings this action against The Center  
 2 for Medical Progress, Biomax Procurement Services, LLC, David Daleiden (aka “Robert Sarkis”)  
 3 and Troy Newman (collectively, “Defendants”):

#### 4 INTRODUCTION

5 1. This case is about an admitted, outrageous conspiracy to defraud, carried out by  
 6 extremist anti-abortion activists against NAF and its constituent members, and perpetrated for the  
 7 purpose of intimidating and harassing providers of abortion care services to women, and to end  
 8 access to reproductive health services in America. Defendants The Center for Medical Progress  
 9 (“CMP”), David Daleiden, Troy Newman and individuals acting in concert with them, conspired  
 10 to defraud and did defraud NAF by setting up a fake company: Defendant Biomax Procurement  
 11 Services, LLC (“Biomax”), which held itself out as a legitimate fetal tissue procurement  
 12 organization.

13 2. Daleiden and his cohorts, acting at Newman’s behest, pretended to be officers and  
 14 employees of their fake company. They assumed false identities, used fake driver’s licenses and  
 15 approached NAF in order to gain access to its annual meetings. Using their fake names and  
 16 identities, they signed agreements with NAF – agreements designed to protect NAF members  
 17 from exactly the type of anti-abortion harassment that is the subject of this lawsuit – in which  
 18 Defendants promised, among other things, that they: (1) would not make video or audio  
 19 recordings of any meetings or discussions at NAF’s conferences; (2) would only use information  
 20 learned at these meetings to help enhance the quality and safety of services provided by NAF  
 21 members; and (3) would not disclose information learned at NAF’s conferences to any third party  
 22 without first obtaining NAF’s consent. Defendants’ intentional intrusion upon NAF’s privacy,  
 23 and the privacy of its members, is highly offensive to a reasonable person in light of the malice  
 24 and oppression underlying Defendants’ motives and the history of violence, harassment and  
 25 oppression perpetrated by Defendants towards NAF members over time.

26 3. Defendants have now admitted that Biomax was a sham, and have revealed that  
 27 the express written promises Daleiden and his co-conspirators made to NAF were false when  
 28 made. Daleiden and Newman have both publicly admitted in interviews with Fox News and

1 other news outlets that Biomax was a bogus company that misrepresented its identity and purpose  
2 in order to obtain NAF's confidential information, and to gain access to abortion providers and  
3 their facilities, including NAF's confidential annual meetings. They have publicly boasted about  
4 the size and scope of the conspiracy, which they refer to as the "Human Capital Project," and they  
5 have admitted outright that they used fake "actors" to infiltrate providers of abortion care  
6 (including numerous institutional and individual NAF members) for a period of three years. This  
7 elaborate scheme was explicitly designed as an attack on women's reproductive rights.  
8 Defendants' stated goal is to end safe access to reproductive health services in the United States,  
9 and to discredit lawful fetal tissue donation programs.

10 4. To that end, since July 14, 2015, Defendants have repeatedly released highly  
11 misleading videos. Several of these videos contain numerous express references to NAF's annual  
12 meetings and confidential information, and identify numerous individual NAF members and staff  
13 by name. Defendants claim to have hundreds or even thousands of hours of such videotape.  
14 Defendants' stated purpose is to release dozens and dozens of hours of edited video in the days  
15 and months to come, at a rate of one video per week. Their illegal and misleading videotaping  
16 campaign – which they perpetrated by fraudulently infiltrating NAF member organizations and  
17 NAF's annual meetings, among other acts – is a calculated effort by Defendants to demonize and  
18 intimidate NAF members in the national media without any regard for the safety, security and  
19 privacy of NAF members, and to discredit legal fetal tissue donation programs that advance life-  
20 saving medical research.

21 5. Abortion is one of the safest and most commonly provided medical procedures in  
22 the United States. Many women seeking safe, legal abortion care appreciate the opportunity to  
23 further medical research through tissue donation. This research has the potential to help millions  
24 of Americans suffering from diabetes, Parkinson's, Alzheimer's, muscular dystrophy, leukemia  
25 and other serious medical conditions. There is no financial gain for women or health care  
26 providers involved in tissue donation.

27 6. Despite the legality of abortion, abortion providers are relentlessly targeted by  
28 anti-abortion extremists. Many of the physicians and clinic staff at NAF meetings have been

1 stalked, threatened and intimidated. They have been picketed at their homes, churches and their  
2 children's schools. Some attendees have received death threats, and bomb threats or even  
3 bombing attempts have been made against their clinics. NAF members who attend NAF  
4 meetings have had their names, photos and personal information put on threatening "wanted"  
5 posters and websites that are intended to incite violence against them. Given the hostile climate  
6 and the history of violence, many NAF members go to great lengths to preserve their privacy and  
7 identity. Many NAF members have security protocols in place to try and protect the identity of  
8 their physicians. This may entail not having the doctors enter the building wearing scrubs,  
9 driving a different way to the clinic each day, and for some, wearing disguises when entering and  
10 exiting facilities. Some wear bulletproof vests to work every day. A number of NAF members  
11 try to remain under the radar in their communities, and may not speak publicly about their work,  
12 out of fear for their personal safety or the safety of their families.

13 7. The most important part of NAF's business is its responsibility of protecting the  
14 safety and security of NAF members. A critical aspect of this duty is to protect attendees at  
15 NAF's annual meetings and to provide a safe space for them to collaborate and learn the latest  
16 developments in all aspects of abortion care and advance this field of medicine. NAF meetings  
17 provide essential accredited continuing medical education and training, and bring together  
18 approximately 700-850 abortion providers, researchers and advocates. Many of the attendees are  
19 high-profile targets of anti-abortion extremists. NAF's annual meetings are one of the only places  
20 where abortion providers can come together to learn about the latest research in the field and  
21 network without fear of harassment or intimidation. As one recent meeting attendee said, "It is  
22 great to be in a place where I can say 'abortion' out loud and be supported." Defendants' recent  
23 security breaches at NAF's 2014 and 2015 annual meetings have harmed this core part of NAF's  
24 business, to the point where members have reported that they feel unsafe as a result of attending  
25 the NAF meetings. NAF members need to feel and be safe at the meetings and be protected from  
26 those who wish to do them harm. As a membership organization, this is NAF's top priority.

27 8. NAF's fundamental objective of keeping its members safe means that NAF must  
28 work diligently to protect the confidential information that it obtains and uses while operating its

business, and to keep this information from falling into the wrong hands. One way that NAF does this is through the aforementioned confidentiality agreements, which Defendants willingly signed to obtain access to NAF's annual meetings. These agreements broadly define the scope of protected information, and include without limitation: (1) the identities of abortion providers within NAF's member network; (2) all information, discussions, workshops, materials and electronic documents disclosed or otherwise made available at NAF's annual meetings; (3) all conversations with NAF staff, NAF members and NAF meeting attendees and other participants at NAF's annual meetings; (4) passwords to NAF's members-only website; (5) all electronic documents made available on NAF's members-only website; (6) the dates and locations of future NAF meetings; and (7) details about NAF's security procedures and protocols (hereinafter "NAF Confidential Information"). This is exactly the information that Defendants sought to steal from NAF. After they stole it, they shamelessly used it in furtherance of their unlawful conspiracy, calling contacts made at NAF meetings, dropping names and discussing their participation in NAF's meetings in order to bolster their credibility and engender trust among the doctors and administrators whom they defrauded.

9. The federal and state governments have already launched their own investigations into Defendants' conspiracy, investigating whether Defendants illegally and fraudulently recorded individuals without their consent, whether CMP committed tax fraud and made false statements under penalty of perjury, and the extent to which Defendants have selectively released videos to government officials to avoid raising questions regarding Defendants' own illegal conduct. NAF now brings this civil action in order to mitigate the severe and irreparable consequences of Defendants' illegal activities on the safety, security and privacy of NAF, its staff, and its members, and to hold Defendants responsible for their reprehensible, admitted fraud.

## PARTIES

10. **National Abortion Federation:** Founded in 1977, Plaintiff NAF is a 501(c)(3) not-for-profit organization incorporated in Missouri and headquartered in Washington, D.C. It is a professional association of abortion providers. It takes no public funding. It is supported by member dues, meeting and administrative fees, individual contributions, and foundation support.

1 they employ would probably get them fired in most newsrooms.” Moreover, Defendants have  
2 steadfastly refused to stand behind their practices in litigation. Rather, they have thus far refused  
3 to provide NAF with any discovery whatsoever during the course of this litigation, and have  
4 instead raised meritless arguments in attempts to stay discovery, and asserted the Fifth  
5 Amendment privilege against self-incrimination.

6 141. Before CMP went public with Defendants’ fraud, NAF and its members did not  
7 know, and could not have known, that Defendants had fraudulently obtained NAF Confidential  
8 Information and access to NAF’s meetings, or that they had surreptitiously made recordings  
9 during those meetings. NAF was unaware of the fraud until Defendants began releasing the  
10 edited recordings on July 14, 2015. NAF still does not know the identity of all of Defendants’ co-  
11 conspirators, nor does NAF know the full scope of the conspiracy or its own injury.

12 **K. Impact of Defendants’ Fraud on NAF and Its Constituent Members.**

13 142. The impact and injury to NAF are significant and ongoing. While NAF staff are  
14 deeply dedicated to their mission, the fact is that normal operations have been disrupted, and the  
15 entire organization has had to divert resources – resources that would otherwise be employed in  
16 pursuing NAF’s goals of ensuring access to safe, legal abortion care – in order to mitigate the  
17 harm caused by Defendants’ theft of NAF Confidential Information and to combat Defendants’  
18 conspiratorial and fraudulent smear campaign. The resources that NAF has been forced to  
19 expend as a direct result of Defendants’ actions include (but are not limited to): expenses for staff  
20 time, meals, and transportation for working weekends and late nights; a cancelled out-of-state site  
21 visit by NAF’s Medical Director to one of its members, because he was concerned for his safety  
22 and because he was forced to conduct a home security assessment; cell phone and data usage for a  
23 member of senior staff who was out of the country and was contacted by members when the first  
24 video was released; travel costs to support its members as it addresses the harm caused by  
25 Defendants’ theft of NAF Confidential Information and Defendants’ smear campaign; and IT  
26 security consultants to assess the security of NAF’s network and NAF’s protocols against further  
27 breaches or hacks.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,

Plaintiff,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [15-cv-03522-WHO](#)

**ORDER RE CONGRESSIONAL  
SUBPOENA**

Re: Dkt. Nos. 152, 154

Plaintiff National Abortion Federation (NAF) urges me to interfere with defendant Center for Medical Progress's (CMP) response to a Congressional subpoena that seeks documents that CMP has indicated are covered by the Temporary Restraining Order entered by this Court.<sup>1</sup> NAF makes no argument that the subpoena itself is infirm. Congress has the power to investigate, and it is not up to the courts to go beyond the narrow confines of determining that the committee's inquiry is in its province. *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 506 (1975). Nor may courts assume (and I do not assume) that an unworthy purpose prompts a congressional act. *Id.* at 508. And, importantly in our Constitutional system, there are three equal branches of government, and courts should refrain from creating needless friction with a coordinate branch of government. *Exxon Corp. v. Fed. Trade Com.*, 589 F.2d 582, 590 (1978). For these reasons, I

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<sup>1</sup> The subpoena was issued by Congressman Jason Chaffetz, the Chairman of the House Committee on Oversight and Government Issues. It commands defendant Daleiden, as Executive Director of the Center for Medical Progress (CMP), to produce documents, communications and video footage referring or relating to the "acquisition, preparation, and sale of fetal tissue" or "relating to the involvement of Planned Parenthood and its affiliates in the sale of fetal tissue, manipulation of abortion procedures, and/or related conversations." Docket No. 152-1. CMP has already provided responsive documents that are not covered by the TRO, which prevents defendants from disclosing to any third-party any recordings or information learned at any NAF annual meetings, including the dates or locations of any future NAF meetings and the names or addresses of any NAF members. Docket Nos. 15, 27, 64, 84.



1 will not interfere with CMP's response to the subpoena.

2 NAF argues that (i) responding to the Congressional subpoena would violate the Court's  
3 TRO, (ii) Daleiden need not comply with the subpoena because the subpoena was issued to CMP  
4 (and not Daleiden), (iii) the subpoena cannot be enforced absent full House authorization, and (iv)  
5 the appropriate recourse for the House Committee is to move to intervene in this action to seek  
6 amendment of the TRO. Docket No. 154. But NAF does not argue that the information sought by  
7 the subpoena falls outside the "sphere of legitimate legislative activity" of the House Committee.  
8 *Eastland v. United States Servicemen's Fund*, 421 U.S. at 501. Absent an attempt to exceed that  
9 sphere, the Speech and Debate Clause provides immunity to allow Congress to independently  
10 perform its legislative duties through its subpoena powers. *Id.* at 502, 505. As explained by the  
11 Supreme Court, it is not the Court's role to determine the legitimacy of the Congressional  
12 investigation by looking to the Committee's motives. *Id.* at 508.

13 I issued the TRO because defendants, after entering into nondisclosure agreements with  
14 NAF under false pretenses, clearly breached the agreements not to disclose information learned at  
15 NAF's annual meetings. I remain concerned about the threat of irreparable injury to the privacy  
16 rights of NAF's members, shown by NAF through the history of violence against providers of  
17 abortion care and the specific acts of intimidation against NAF members, including death threats,  
18 harassment and reputational harm, apparently caused by the release of defendants' videos prior to  
19 the TRO. But as defendant points out, disclosure to a Congressional committee is not "public  
20 disclosure." *Exxon Corp. v. Fed. Trade Com.*, 589 F.2d 582, 589 (1978). And courts "must  
21 presume that the committees of Congress will exercise their powers responsibly and with due  
22 regard for the rights of affected parties." *Id.* Likewise, the "court cannot assume that Congress  
23 will act irresponsibly in regulating or disclosing" the information at issue. *Id.* at 590. While case  
24 law allows courts to modify or quash Congressional subpoenas in order to protect constitutional  
25 rights from infringement by Congress, *id.*, there is no evidence on this record that the subpoena at  
26 issue will result in that type of infringement, and NAF does not argue it would.

27 NAF's arguments that Daleidin need not comply with the subpoena do not require my  
28 intervention to prevent him from voluntarily doing so. Daleidin, as executive director of CMP,

has been directed to comply with the subpoena. This is not an issue of the House Committee taking legal action “to enforce” a subpoena – thereby requiring full House authorization – but the question of whether a recipient may voluntarily comply with a subpoena. Similarly, this is not a case where Congress is asking a Court to modify a protective order to provide it access to information only received by a party through discovery sanctioned by the Court. *But see In re Beef Indus. Antitrust Litig.*, 457 F. Supp. 210, 211 (N.D. Tex. 1978); *In re Beef Indus. Antitrust Litig.*, 589 F.2d 786, 789 (5th Cir. 1979).

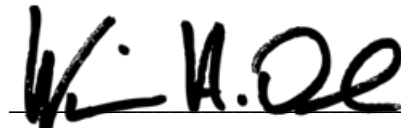
All that said, it is not lost on me that defendants seek expeditiously to provide information to Congress that they have tried in a variety of ways not to provide to NAF. Prior to responding to the Congressional subpoena, defendant CMP shall deliver to counsel for NAF and to the Court a true and correct copy of everything defendant will provide to Congress, including all video footage, documents and communications described in the subpoena. Further, CMP shall not provide to Congress any footage, documents or communications that have not been specifically requested by the subpoena. *See Exxon Corp v. Fed. Trade Com.*, 589 F. 2d at 592 (limiting FTC’s response to properly issued Congressional subpoena so that it only reveals statutorily protected trade secrets).

I interpret the subpoena as being directed to Daleiden in his capacity as Executive Director of CMP, as it says on the first page of the subpoena. That is consistent with my understanding from the proceedings in this case to date; the documents, video footage and communications covered by the TRO are CMP’s and do not belong to any individual defendant. But if any defendant, such as Daleiden, intends to assert a privilege to producing a document in this case but plans to produce the document to Congress pursuant to the subpoena, he shall first file the document *in camera* with the Court, accompanied by an explanation of how he or she has the right to assert the privilege with respect to the document, and delay providing such document to Congress until I rule on the privilege and propriety of withholding production from NAF. I will not countenance a game of hide the ball with respect to these documents, video footage and

communications, that interferes directly with these proceedings.

**IT IS SO ORDERED.**

Dated: October 6, 2015

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

WILLIAM H. ORRICK  
United States District Judge

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [15-cv-03522-WHO](#)

**ORDER PRESERVING STATUS QUO  
AND SETTING TELEPHONIC  
CONFERENCE**

Re: Dkt. No. 385

Plaintiffs have informed the Court by letter that a Congressional subpoena was issued on November 2, 2016, seeking production of materials from defendants covered by the Court's Preliminary Injunction or the Protective Order governing this case. Dkt. No. 385. The return date on the subpoena appears to be November 16, 2016, but according to plaintiffs' counsel, defendants intend to respond to the subpoena by 12:00 p.m. PST Monday November 7, 2016.

In defendants' responsive letter, defendants do not indicate when they intend to respond to the subpoena, other than "promptly." Dkt. No. 386. Defendants also indicate that their response to the subpoena will include not only materials covered by the Court's Preliminary Injunction, which Congress already has, but also materials defendants obtained through discovery in this case. *Id.*

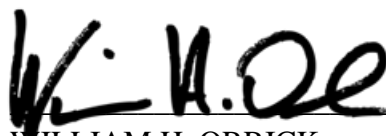
A telephonic conference is set for **Wednesday, November 9, 2016 at 4:00 p.m.** to discuss the subpoena and defendants' planned response thereto. If they wish to, defendants and plaintiffs may file a two page brief by **5:00 p.m. on Tuesday November 8, 2016**, focused on defendants' intention to produce to Congress discovery covered by the Protective Order in this case.

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Pending that telephonic conference, the parties shall preserve the status quo and defendants shall not release or otherwise produce any materials covered by this Court's Preliminary Injunction or Protective Order.

**IT IS SO ORDERED.**

Dated: November 4, 2016



WILLIAM H. ORRICK  
United States District Judge

United States District Court  
Northern District of California

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**CIVIL MINUTES**

<b>Date:</b> November 9, 2016	<b>Time:</b> 24 minutes 4:01 p.m. and 4:25 p.m.	<b>Judge:</b> WILLIAM H. ORRICK
<b>Case No.:</b> <a href="#">15-cv-03522-WHO</a>	<b>Case Name:</b> National Abortion Federation v. Center for Medical Progress	

**Attorney for Plaintiff:** Derek Foran

**Attorney for Defendant:** Katherine Short, Edward L. White, and Steven Wood

**Deputy Clerk:** Jean Davis

**Court Reporter:** FTR Recording

**PROCEEDINGS**

Telephone conference conducted regarding subpoena served on the Center for Medical Progress by the Select Investigative Panel of the Congressional Committee on Energy and Commerce.

The Court expresses concerns regarding the over-breadth of the subpoena; this may be resolved by the offer of the committee to agree to limit itself to the materials submitted previously to the House Committee on Oversight.

The Court also expresses concerns regarding the privacy and safety interests of the persons shown on the videos. Presumably the Committee has in place stringent safeguards to prevent leaking of information (which occurred with materials furnished in response to the Committee on Oversight's subpoena last year).

Argument of counsel heard.

Counsel Foran advises, among other things, that minority members of the House of Representatives have asked to address the Court on the subpoena, including concerning possible breaches of committee rules in the issuance of the subpoena and prior breaches of privacy interests by the Committee. In response to a question by the Court, counsel Short indicates that she is unaware of the protocol in place to protect the confidentiality of the materials sought by the Committee. The Court requests that the minority members provide any information to the Court by Monday, November 14, 2016.

The stay issued by the Court on November 4, 2016 (Dkt. No. 390) remains in place until a further written order of the Court.

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Procurement Services, LLC*

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL ABORTION FEDERATION  
(NAF),

Plaintiff,

vs.

THE CENTER FOR MEDICAL  
PROGRESS; BIOMAX PROCUREMENT  
SERVICES, LLC; DAVID DALEIDEN (aka  
"ROBERT SARKIS"); and TROY  
NEWMAN,

Defendants.

)  
) Case No. 3:15-CV-3522 (WHO)  
)  
) Judge William H. Orrick, III  
)  
) Motion for Disqualification of the  
) Honorable William H. Orrick III,  
) Pursuant to 28 U.S.C. §§ 144 and 455;  
) Affidavit of Prejudice by David Daleiden,  
) Certificate of Good Faith by Counsel of  
) record.  
)  
) Hearing Date: July 12, 2017, 2:00 p.m.  
)  
) Courtroom 2, 17th Floor  
)

**NOTICE OF MOTION**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on July 12, 2017, at 2:00 p.m. in Courtroom 2 of the Honorable William H. Orrick III at the United States District Court for the Northern District of California, 17th Floor, 450 Golden Gate Ave., San Francisco, CA 94102, defendants David Daleiden (Daleiden) and The Center for Medical Progress (CMP) will, and hereby do, move for the Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. Sections 144 and 455, on the grounds that there is evidence of bias in favor of the plaintiff and prejudice against the defendants. This motion will be based upon the attached points and authorities, the affidavit of David Daleiden and the exhibits attached thereto, the Certificate of Counsel, and all pleadings and records on file in this action.



## INTRODUCTION

Defendants David Daleiden (Daleiden) and The Center for Medical Progress (CMP) hereby move to disqualify the Honorable William H. Orrick III as the sitting judge in the present case on the grounds of 28 USC Sections 144<sup>1</sup> and 455.<sup>2</sup> As set forth in more detail below, this motion is based on evidence contained in the supporting Affidavit of Daleiden. This includes Judge Orrick's longstanding relationship as a past board member, and more recently as an emeritus board member, of an organization that has a "key partnership" with a Planned Parenthood affiliate that is a member of the plaintiff National Abortion Federation (NAF). Judge Orrick's wife has also posted public comments, pictured with her husband, that are supportive of Planned Parenthood and critical of these moving defendants. For this reasons, and the others set forth below, Daleiden and CMP respectfully request that Judge Orrick be recused from this case and that a stay be granted on all proceedings in this case until this motion is heard.

## STATEMENT OF FACTS

The Honorable William Orrick was assigned to this matter on Friday, July 31, 2015. On that day, he issued a temporary restraining order prohibiting the defendants from releasing any recordings obtained, or information learned, at two NAF meetings. (Dkt. 15). The following Monday, August 3, 2015, Judge Orrick extended the temporary restraining order to remain in force pending the hearing on the preliminary injunction. (Dkt. 26). At the heart of this litigation are video recordings of comments made by numerous Planned Parenthood officials at a National Abortion

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<sup>1</sup> In relevant part, section 144 states: "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time."

<sup>2</sup> In relevant part, section 455 states: "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."

1 Federation conference that defendants have maintained evidence criminal misconduct by Planned  
2 Parenthood and its agents.

3 Judge Orrick has a longstanding relationship with Good Samaritan Family Resource Center  
4 (GSFRC) in San Francisco. (Ex. 1). GSFRC has had for many years a Planned Parenthood clinic on  
5 its premises, in what it describes as a “key partnership” with the clinic. (Ex. 3).

6 In August 2015, Mr. Daleiden obtained a copy of Judge Orrick’s Senate Judiciary  
7 Committee questionnaire. In that questionnaire, Judge Orrick indicated that he had ceased being a  
8 board member of GSFRC in 1999. He also stated that, from 1986 to 2009, he “assisted the Good  
9 Samaritan Family Resource Center on many legal issues.”

10 Mr. Daleiden was concerned about Judge Orrick’s association with PPSP-partnered  
11 GSFRC. However, a motion to disqualify did not appear appropriate, as Judge Orrick’s  
12 questionnaire stated that he had ceased being a board member, and thus ceased his fiduciary  
13 relationship with a partner of Planned Parenthood, in 1999, many years earlier, and, of particular  
14 significance, before GSFRC had been in partnership with Planned Parenthood.

15 In January 2016, Planned Parenthood Federation of America and several Planned  
16 Parenthood affiliates, including PPSP/PPNC, the affiliate that is currently in a “key partnership”  
17 with GSFRC, sued Mr. Daleiden and CMP. That matter also was assigned to Judge Orrick as it was  
18 related to this case. PPSP/PPNC has membership in NAF as evidenced by the attendance of its staff  
19 members at NAF Annual Meetings. NAF has asserted throughout this lawsuit that it is seeking to  
20 protect its members and the staff of its members. The video recordings that are the subject of this  
21 case include recordings of PPSP/PPNC staff members. Again, Judge Orrick’s past relationship with  
22 GSFRC, which was hosting PPSP, concerned Mr. Daleiden, but, again, the fact that Judge Orrick’s  
23 relationship with GSFRC has ended in 1999 indicated a motion to disqualify would not be justified.

24 In late May 2017, when this case was once again in the news, Mr. Daleiden learned that  
25 Judge Orrick had not only been on the board of GSFRC (which he had learned earlier), but also  
26 discovered that Judge Orrick was secretary of the Board of GSFRC in 2001, when GSFRC entered  
27 into its “key partnership” with PPSP. That partnership included allowing PPSP to embed a Planned  
28 Parenthood clinic inside GSFRC’s premises. Pursuant to that partnership, GSFRC donates the

1 space for PPSP's Planned Parenthood clinic and a receptionist. Further, according to the 2006 IRS  
2 Form 990 of GSFRC, Judge Orrick and his wife, Caroline, are represented as being among those  
3 donors supporting GSFRC (and thus its partnership with PPSP) with donations to GSFRC totaling  
4 \$5,072. (Ex. 8).

5 Mr. Daleiden also learned, through documents that were not available before January 2017,  
6 that, in September 2015, shortly after Judge Orrick entered and then continued the temporary  
7 restraining order in this case, Judge Orrick continued to be publicly associated with GSFRC, with  
8 GSFRC listing him as a board member emeritus for GSFRC in materials it disseminated to donors.  
9 (Ex. 6).

10 At no time did Judge Orrick disclose to Defendants that he sat on the board of an  
11 organization that had as a "key partner" an organization Defendants alleged, both in public  
12 statements and as part of their defense, was involved in violations of state and federal law. Judge  
13 Orrick did not disclose his close and long-standing relationship with an organization that houses a  
14 facility and hosts Planned Parenthood staff, whom NAF claims are in physical danger from "anti-  
15 abortion extremists" incited by Defendants.

16 Sometime in the summer or fall of 2015, Mrs. Orrick "pinkified" her Facebook page and  
17 added "I stand with Planned Parenthood" as a Facebook profile picture overlay. Planned  
18 Parenthood urged its supporters to add these elements to their Facebook pages as part of a  
19 campaign orchestrated specifically in response to the release of videos by Mr. Daleiden and CMP.  
20 "Pinkifying" showed one's support for Planned Parenthood and one's belief that the videos were  
21 fraudulent.

22 Just days ago, Mr. Daleiden discovered that Mrs. Orrick also "liked" a Facebook post by the  
23 National Abortion Rights Action League (NARAL) that described Mr. Daleiden and CMP's work  
24 as "heavily edited videos by a sham organization run by extremists who will stop at nothing to  
25 deny women legal abortion services." Mrs. Orrick also liked a Facebook Post by "Keep America  
26 Pro-Choice" that applauded Mr. Daleiden being indicted in Texas. Both "likes" were juxtaposed  
27 with a profile photo featuring Judge Orrick and Mrs. Orrick.

28 ///

## ARGUMENT

### **I. THE AFFIDAVIT OF THE CENTER FOR MEDICAL PROGRESS AND DAVID DALEIDEN IS TIMELY FILED UNDER 28 U.S.C. § 144**

Since the United States District Court for the Northern District of California does not sit in specific sessions or terms, but is deemed to be in continuous session, there is no specific “timely” period for filing an Affidavit pursuant to 28 U.S.C. § 144. By extension from the fact that there is no “term,” there is no ten-day period. Accordingly, even where there can be no good cause shown for delay, an affidavit will be considered timely filed, and timeliness will be dealt with as a matter of weight rather than admissibility. *Tenants & Owners in Opposition to Redevelopment (TOOR) v. HUD*, 338 F.Supp.29, 32 (N.D. Cal. 1972).

“[A] litigant’s duty to investigate the facts of his case does not include a mandate for investigations into a judge’s impartiality.” *American Textile Mfrs. Institute, Inc. v. The Limited, Inc.*, 190 F.3d 729, 742 (6th Cir. 1999). In this case, Mr. Daleiden *did* undertake a preliminary investigation of Judge Orrick’s impartiality. However, the statement in Judge Orrick’s Senate Judiciary Committee questionnaire that his membership on the board of GSFRC ended in 1999 indicated too tenuous a relationship with PPSP, a “victim” in this litigation, to justify filing an affidavit under 28 U.S.C. § 144. It was not until the most recent discoveries, i.e., (1) Judge Orrick was an officer and director of GSFRC beyond 1999, and was serving as Secretary of the Board at the time GSFRC entered into its “key partnership” with PPSP (Daleiden Affidavit at ¶7); (2) Judge Orrick had an ongoing public association with GSFRC even after he began presiding over this case (*id.* at ¶8); and 3) Judge Orrick’s wife publicly denigrated Daleiden and supported Planned Parenthood against “false accusations” from “heavily edited videos” (*id.* at ¶13), that an affidavit and motion to disqualify appeared justified. Thus, Daleiden and CMP “could not well have acted more promptly” in submitting this affidavit and moving to disqualify. *Morris v. U.S.*, 26 F.2d 444, 449 (8th Cir. 1928) (affidavit was timely filed immediately before trial where “on several occasions defendant requested his attorneys to prepare and file application to disqualify the trial judge,” but attorneys disagreed with him until he obtained new information which was imparted to his attorneys). At no time did Judge Orrick disclose his continuing association with GSFRC and PPSP

1 even though PPSP is one of the plaintiffs in the related action of *PPFA v. CMP*.

2       Only in light of these more recent discoveries did a motion to disqualify appear fully  
3 justified and appropriate. “Counsel for a party who believes a judge’s impartiality is reasonably  
4 subject to question has not only a professional duty to the client to raise the matter, but an  
5 independent responsibility as an officer of the court . . . A lawyer who reasonably believes that the  
6 judge before whom he is appearing should not sit must raise the issue so it may be confronted and  
7 put to rest. Any other course would risk undermining public confidence in our judicial system.”  
8 *Bernard v. Coyne (In re Bernard)*, 31 F.3d 842, 847 (9th Cir. 1994).

9       In view of the foregoing, this affidavit and motion are timely.

10 **II. CMP AND DALEIDEN SET FORTH FACTS IN THEIR AFFADAVIT REQUIRING**  
11 **RECUSAL.**

12       A legally sufficient declaration under 28 U.S.C. § 144 must meet the following  
13 requirements: (1) the facts are material and stated with particularity; (2) the facts are such that, if  
14 true they would convince a reasonable person that a bias exists; and (3) the facts show that the bias  
15 is personal, as opposed to judicial, in nature. *Reiffen v. Microsoft Corp.*, 158 F.Supp.2d 1016, 1022  
16 (N.D. Cal. 2001).

17       Section 144 requires a district judge to accept the moving party’s affidavit as true. *In re*  
18 *Martinez-Catala*, 129 F.3d 213, 218 (1st Cir. 1997). While a trial judge may not pass upon the truth  
19 of the matters asserted in the moving party’s affidavit, a trial judge is not required to recuse himself  
20 immediately, because the “judge must pass upon the legal sufficiency of the affidavit.” *United*  
21 *States v. Kelley*, 712 F.2d 884, 889 (1st Cir. 1983). Furthermore, “[s]ince sections 144 and 455 of  
22 28 U.S.C. use similar language, and are intended to govern the same area of conduct, they have  
23 been construed *in pari materia*, and the test of the legal sufficiency of a motion for disqualification  
24 is the same under both statutes.” *Id.*

25       If an affidavit of bias or prejudice complies with the statutory standards set forth in this  
26 section concerning timeliness and legal sufficiency, then the judge against whom it is directed is  
27 obligated to recuse himself. A judge is required to recuse himself even if the judge believes (or  
28 knows with certainty) that the allegations of bias and prejudice made against him are false. *United*

1 *States v. Partin*, 312 F.Supp. 1355, 1359 (D. La. 1970).

2       The facts stated in Mr. Daleiden’s affidavit are material and are stated with particularity. As  
3 to their sufficiency to show bias for or against a party, Judge Orrick’s (previously undisclosed)  
4 participation on the board and as an officer of GSFRC when it embarked upon its partnership with  
5 PPSP, including donating space and staff resources to PPSP to run a Planned Parenthood clinic on  
6 GSFRC’s premises, shows support for Planned Parenthood as an institution and PPSP specifically.  
7 PPSP and/or its staff has membership in the National Abortion Federation. The gravamen of  
8 NAF’S Complaint is that the work of Daleiden and CMP poses a grave danger to NAF members  
9 and meeting attendees, including threats to the physical safety of NAF member personnel and  
10 facilities. Judge Orrick did not disclose his relationship with PPSP, a putative NAF “victim,”  
11 before ruling on a temporary restraining order in the NAF case. Judge Orrick remained publicly  
12 associated with PPSP-partnered GSFRC, even after he began presiding over this case and entering  
13 a restraining order in favor of NAF and its members, including PPSP.

14 **III. DISQUALIFICATION IS ALSO REQUIRED UNDER 28 U.S.C. § 455(a) IN ORDER**  
15 **TO AVOID AN APPEARANCE OF BIAS OR PARTIALITY.**

16       In 1974, Congress rewrote 28 U.S.C. § 455 to correct perceived problems in the  
17 disqualification statutes. Prior to 1974, both the technical and legal sufficiency requirements of  
18 section 144 had been construed strictly in favor of judges. Courts also operated under the so-called  
19 “duty to sit” doctrine which required a judge to hear a case unless a clear demonstration of extra-  
20 judicial bias or prejudice was made. Consequently, disqualification of a judge was difficult under  
21 section 144. In passing the amended 28 U.S.C. § 455, Congress broadened the grounds and  
22 loosened the procedure for disqualification in the federal courts.

23       Section 455 “is directed to the judge, rather than the parties, and is self-enforcing on the  
24 part of the judge.” *U.S. v. Sibla*, 624 F.2d 864, 867-68 (9th Cir. 1980). It “modifies section 144 in  
25 requiring the judge to go beyond the section 144 affidavit and consider the merits of the motion  
26 pursuant to section 455(a) & (b)(1).” *Id.* at 868.

27       In *Liljeberg v. Health Services Acquisition Corp.* 486 U.S. 847, 860-61 (1988), the Supreme  
28 Court, quoting the lower court’s decision, stated:



The goal of section 455(a) is to avoid even the appearance of partiality. If it would appear to a reasonable person that a judge has knowledge of facts that would give him an interest in the litigation then an appearance of partiality is created even though no actual partiality exists because the judge does not recall the facts, because the judge actually has no interest in the case or because the judge is pure in heart and incorruptible. Under section 455(a), therefore, recusal is required even when a judge lacks actual knowledge of the facts indicating his interest or bias in the case if a reasonable person, knowing all the circumstances, would expect that the judge would have actual knowledge.

In sum, under section 455, “it is the appearance of bias or partiality that matters here, not actual bias.” *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996). In *Tucker*, prosecutors, relying “primarily on news articles,” sought the recusal of District Court Judge Woods from the trial of Governor Tucker, because of Woods’s close association with Hillary Clinton, wife of then-President Bill Clinton. Governor Tucker was indicted for financial crimes related to an investigation of President and Mrs. Clinton. *Id.* at 1315, 1316. The news articles indicated that not only did the Clintons have a close relationship with Judge Woods, but also they had expressed their support of Governor Tucker, including after he was indicted.

The *Tucker* court held:

The Independent Counsel argues that, because of the “unmistakable appearance” of bias or partiality here, “reassignment is necessary to preserve the appearance and reality of justice.” [] We agree. Based on the information before us in this case, we conclude that the risk of a perception of judicial bias or partiality is sufficiently great so that our proper course is to order reassignment on remand. As we have discussed, Judge Woods’s link with the Clintons and the Clintons’ connection to Tucker have been widely reported in the press. Moreover, as the Independent Counsel has noted, “this case will, as a matter of law, involve matters related to the investigation of the President and Hillary Rodham Clinton.” [] Given the high profile of the Independent Counsel’s work and of this case in particular, and the reported connections among Judge Woods, the Clintons, and Tucker, assignment to a different judge on remand is required to insure the perception of impartiality.

*Id.* at 1324-1325 (citations omitted).

In the instant case, Judge Orrick has a longstanding and close relationship with an entity deeply intertwined and housing one of the plaintiffs in the related case, which NAF in the instant litigation claims as one of the “victims” of Defendants’ “conspiracy” alleged in its Complaint. Indeed, the timing of Judge Orrick’s board membership with GSFRC, timing not disclosed in his Senate Judiciary Committee questionnaire, would necessarily require him to be involved in the board’s decision to initiate the partnership between GSFRC and PPSP. And GSFRC has continued

1 to publicly hold out Judge Orrick as an Emeritus Board Member on its letterhead during at least  
2 some of the pendency of this case. A reasonable person would well question the ability of Judge  
3 Orrick to be impartial in deciding whether Daleiden and CMP should be held liable for harms to  
4 NAF members, including to the GSFRC-PPSP clinic and PPSP staff at that clinic, occurring in the  
5 wake of the Daleiden and CMP's video releases.

6 Moreover, "this case will, as a matter of law, involve matters related to the investigation of"  
7 PPSP's compliance with federal and state laws related to fetal tissue donation and other abortion-  
8 related laws. Again, a reasonable person would easily question whether Judge Orrick is able to  
9 impartially assess the evidence that Defendants assert shows that PPSP, a key partner of GSFRC,  
10 was for years violating state and federal laws, evidence that has led to referrals for prosecution of  
11 PPSP/PPNC from two congressional committees. These referrals relate to PPSP/PPNC's  
12 contractual arrangements, dating back to 2012, with StemExpress, LLC, a tissue procurement  
13 company, also referred for prosecution by the U.S. Senate and House committees. One of the  
14 congressional committees uncovered evidence that, up until immediately prior to the CMP videos  
15 being released, NAF had been negotiating with StemExpress to promote the latter's business model  
16 to its members as part of its "group purchasing program."

17 In addition, Judge Orrick's impartiality can reasonably be questioned on the basis of  
18 publicly-stated positions on matters directly at issue in this case, the expression of which was in at  
19 least two instances on Facebook, accompanied by a photo of Judge and Mrs. Orrick. By  
20 "pinkifying" her public Facebook page, Mrs. Orrick publicly expressed her support for Planned  
21 Parenthood in the face of "false accusations" from "anti-women's health extremists." She also  
22 stated her position that the videos were "heavily edited," that CMP is "run by extremists," and Mr.  
23 Daleiden and CMP "will stop at nothing to deny women legal abortion services." The integrity of  
24 the videos, the Defendants' alleged history of violence, and their intentions in launching the Human  
25 Capital Project are all issues at the heart of both the instant litigation and the related case. Mrs.  
26 Orrick also publicly expressed her support for Mr. Daleiden's criminal prosecution in Texas. *Cf.*  
27 *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 WL 2132693, at \*15, 2009 U.S. Dist.  
28 LEXIS 65069, at \*52-53 (D. Ariz. July 15, 2009) (recusal appropriate where court's impartiality



1 might reasonably be questioned based on judge's sister's publicly-held positions "highly  
2 disparaging of specific Defendants" and "tak[ing] a strong stand on disputed factual matters lying  
3 at the heart of the litigation").

4 Moreover, judicial remarks during the course of litigation may also support a bias or  
5 partiality challenge "if they reveal an opinion that derives from an extrajudicial source. *Liteky v.*  
6 *U.S.*, 510 U.S. 540, 555 (1994). At the telephonic hearing on May 25, 2017, Judge Orrick stated  
7 that Mr. Daleiden would be "well advised . . . that he is obligated to follow the Court's orders not  
8 try to skate around them and cause real harm to human beings . . ." By implying that Mr. Daleiden  
9 is seeking to "cause real harm to human beings" by releasing videos, Judge Orrick revealed his  
10 prejudice against Mr. Daleiden and a belief that he is an evil person who intentionally seeks to  
11 harm others.

12 Courts have also noted, in the context of recusal motions, that "the whole is sometimes  
13 greater than the sum of the parts. The cumulative effect of a judge's individual actions, comments  
14 and past associations could raise some question about impartiality, even though none (taken alone)  
15 would require recusal. *In re Martinez-Catala*, *supra*, 129 F.3d at 221.

16 "[A] judge may *not* sit in cases in which his impartiality might reasonably be questioned."  
17 *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008) (original emphasis) (internal quotation marks  
18 omitted). "If it is a close case, the balance tips in favor of recusal." *Id.* For that reason, the court in  
19 *Melendres* decided that recusal was appropriate: "No Court should tolerate even the slightest  
20 chance that its continued participation in a high profile lawsuit could taint the public's perception  
21 of the fairness of the outcome. Certainly, this Court is unwilling to take such a risk." *Melendres*,  
22 2009 WL 2132693, at \*15, 2009 U.S. Dist. LEXIS 65069, at \*52-53.

#### 23 **IV. CONCLUSION.**

24 The instant case is not only high profile but involves one of the most persistently debated  
25 moral and political issues of our times. The public is well aware that abortion is a topic on which  
26 many people, including judges, are apt to have very strong feelings they would find difficult to set  
27 aside in order to be impartial. Against that backdrop, there is considerably more than the "slightest  
28 chance" that Judge Orrick's associations and the publicly-held opinions of his wife, expressed

1 together with a profile photo featuring not only Mrs. Orrick but also Judge Orrick, “could taint the  
2 public’s perception of the fairness of the outcome.” For these reasons, Judge Orrick should recuse  
3 himself.

4 Respectfully submitted,

5 June 7, 2017,

6   
7

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*Attorneys for Defendants CMP & BioMax*

**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
Counsel for Defendant CMP

**CERTIFICATE OF SERVICE**

*National Abortion Federation v. The Center for Medical Progress, et al.*  
Case No.: 3:15-cv-3522

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- **Notice of Motion and Motion for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455, Affidavit of Prejudice by David Daleiden, Certificate of Good Faith by Counsel of Record;**
- **Affidavit of David Daleiden in Support of Motion for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455; and**
- **Certificate of Counsel in Support of Motion for disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455.**

I certify that one true and correct copy of the foregoing was served on each of the interested parties in this action, addressed as follows:


\_\_\_\_ (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on this date following our ordinary practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

\_\_\_\_ (BY ELECTRONIC MAIL) I served a true copy, electronically on designated recipients via electronic transmission of said documents.

  X   (BY ELECTRONIC FILING/SERVICE) I caused such document(s) to be Electronically Filed and/or Service using the ECF/CM System for filing and transmittal of the above documents to the above-referenced ECF/CM registrants.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on June 7, 2017, at Rancho Santa Fe, California.

  
Kathy Denworth

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Procurement Services, LLC*

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL ABORTION FEDERATION  
(NAF),

Plaintiff,

vs.

THE CENTER FOR MEDICAL  
PROGRESS; BIOMAX PROCUREMENT  
SERVICES, LLC; DAVID DALEIDEN (aka  
"ROBERT SARKIS"); and TROY  
NEWMAN,

Defendants.

)  
) Case No. 3:15-CV-3522 (WHO)  
)  
) Judge William H. Orrick, III  
)  
) Affidavit of David Daleiden in Support of  
) Motion for disqualification of the  
) Honorable William H. Orrick III,  
) pursuant to 28 U.S.C. §§ 144 and 455  
)  
) Hearing Date: July 12, 2017, 2:00 p.m.  
)  
) Courtroom 2, 17th Floor  
)  
)

**AFFIDAVIT OF DAVID DALEIDEN IN SUPPORT OF JUDICIAL DISQUALIFICATION**

1       1.       I, David Daleiden, am a defendant in this action. I am the Chief Executive Officer of  
2  
3 the Center for Medical Progress (CMP), which is also a defendant in this action. I submit this  
4 affidavit on my own behalf and on behalf of the Center for Medical Progress.  
5

6       2.       In August 2015, I learned that Judge Orrick had been a board member of the Good  
7 Samaritan Family Resource Center (GSFRC) in San Francisco (Exhibit 1). Since 2001, GSFRC has  
8 embedded a Planned Parenthood clinic inside its premises, and lists among its “Key Partnerships”  
9 the Planned Parenthood affiliate that operates the clinic, Planned Parenthood Shasta Pacific (PPSP),  
10 dba Planned Parenthood Northern California (Exhibit 2).

11       3.       I also obtained a copy of Judge Orrick’s Senate Judiciary Committee questionnaire.  
12 In that questionnaire, Judge Orrick indicated that he had ceased being a board member of GSFRC  
13 in 1999. He also stated that, from 1986 to 2009, he “assisted the Good Samaritan Family Resource  
14 Center on many legal issues” (Exhibit 3).

15       4.       PPSP has membership in the National Abortion Federation (NAF). NAF has  
16 asserted throughout this lawsuit that it is seeking to protect its members and the staff of its  
17 members. The video recordings that are the subject of the Preliminary Injunction, and are a core  
18 subject of this lawsuit, include recordings of PPSP staff representatives.

19       5.       I was concerned about Judge Orrick’s association with PPSP-partnered GSFRC.  
20 However, a motion to disqualify did not appear appropriate, as Judge Orrick’s questionnaire stated  
21 that he had ceased being a board member, and thus ceased his fiduciary relationship with a partner  
22 of Planned Parenthood, in 1999, many years earlier, and, of particular significance, before GSFRC  
23 had been in partnership with Planned Parenthood.

24       6.       In January 2016, Planned Parenthood Federation of America and several Planned  
25 Parenthood affiliates, including PPSP, the affiliate that is currently in a “key partnership” with  
26 GSFRC as GSFRC hosts its clinic (Exhibit 4), sued me and CMP. That matter also was assigned to  
27 Judge Orrick as it was related to the instant case. Again, based on the information in the Senate  
28

1 questionnaire, Judge Orrick’s relationship with PPSP seemed too attenuated to justify bringing a  
2 motion to disqualify.

3         7.       In late May 2017, when this case was once again in the news, I learned that Judge  
4 Orrick had in fact continued on the board of GSFRC from 2001 to 2003 (Exhibit 5). Judge Orrick  
5 was the Secretary of the Board of GSFRC in 2001 when GSFRC entered into its “key partnership”  
6 with PPSP to embed a Planned Parenthood clinic inside GSFRC’s premises.

7         8.       I also learned, through an official GSFRC public meeting notice scanned by the San  
8 Francisco Public Library, which was not available online before January 2017, that as recently as  
9 September 2015 – after this lawsuit was filed and after Judge Orrick had already entered a  
10 Temporary Restraining Order against me and CMP in favor of NAF and its members, including  
11 PPSP – Judge Orrick continued to serve as an Emeritus Board Member on the board of the GSFRC  
12 (Exhibit 6).

13         9.       At no time did Judge Orrick disclose to the Defendants that he sat on the board and  
14 continued to serve as Emeritus Board Member of an organization that has as a “key partner” a  
15 Planned Parenthood affiliate that Defendants contend, both in public statements and as part of their  
16 defense, was involved, with NAF and with other Plaintiffs in the related lawsuit, in violations of  
17 state and federal law.

18         10.      The CEO of PPSP/PPNC, Heather Saunders Estes, told local news media in 2015  
19 about Planned Parenthood’s “key partnership” with GSFRC: “It’s been an excellent partnership. . .  
20 . The Center donates the space and a receptionist and Planned Parenthood is there to provide  
21 services. Neither of us could do our part without the support of the Mary Wohlford Foundation and  
22 donors.” Saunders Estes also said, “There’s no question we need support from community donors.  
23 Both organizations are supported through a patchwork of funding” (Exhibit 7).

24         11.      I also learned that Judge Orrick and his wife had been among those donors. In the  
25 2006-2007 fiscal year, Judge Orrick and his wife, Caroline Orrick, donated \$5,072 to GSFRC  
26 (Exhibit 8).

27         12.      In other research, I learned that, no later than the fall of 2015 Mrs. Orrick,  
28 “pinkified” her Facebook page and added the “I stand with Planned Parenthood” overlay across her

1 profile picture (Exhibit 9). Planned Parenthood urged its supporters to add these elements to their  
2 Facebook pages as part of a social media campaign orchestrated specifically in response to the  
3 release of videos by myself and CMP. “Pinkifying” showed one’s support for Planned Parenthood  
4 and one’s belief that the videos were fraudulent (Exhibit 10).

5 13. Just days ago, I further discovered that Mrs. Orrick “liked” a Facebook post by the  
6 National Abortion Rights Action League (NARAL) that described my and CMP’s work as “heavily  
7 edited videos by a sham organization run by extremists who will stop at nothing to deny women  
8 legal abortion services.” The Facebook post also appeared to describe our videos as “domestic  
9 terrorism” against abortion providers. (Exhibit 11). Mrs. Orrick also liked a Facebook Post by  
10 “Keep America Pro-Choice” that applauded my indictment in Harris County, Texas (Exhibit 12),  
11 which was ultimately dismissed as invalid by two different judges. Both “likes” were accompanied  
12 by a profile picture featuring Judge and Mrs. Orrick (Exhibit 13).

13 14. I reviewed the transcript of a May 25, 2017 teleconference with Judge Orrick and  
14 saw that he commented that I “try to skate around them [Judge Orrick’s orders] and *cause real*  
15 *harm to human beings*” (emphasis added) (Exhibit 14). I strongly believe in non-violent  
16 approaches to solving conflicts and I do not support, have never supported, and will never support  
17 vigilante violence against abortion providers. I do not believe instilling fear for personal safety is  
18 an acceptable tactic in public discourse about controversial issues. CMP’s videos communicate a  
19 strong message of non-violence and respect for human dignity, and it is impossible to derive from  
20 them any logical or moral justification for causing real harm to human beings. My work and my  
21 videos are directly motivated by trying to stop real harm to human beings and I am unaware of any  
22 evidence that has been presented to Judge Orrick that I “try to . . . cause real harm to human  
23 beings.”

24 15. Judge Orrick has a personal bias and prejudice in favor of Planned Parenthood and  
25 the National Abortion Federation and against the Center for Medical Progress and me. CMP and I  
26 feel unable to receive fair consideration of our arguments before Judge Orrick because we do not  
27 enjoy the close personal and professional relationship with him, forged over many years, that  
28 Planned Parenthood does.



1           16. Attached hereto as Exhibit 1 is a true and correct copy of a research summary by the  
2 Judicial Action Group, which outlines Judge Orrick's relationship with the GSFRC.

3           17. Attached hereto as Exhibit 2 is a true and correct copy of the "About Us" page and  
4 the Planned Parenthood clinic page from the GSFRC website.

5           18. Attached hereto as Exhibit 3 is a true and correct copy of Judge Orrick's Senate  
6 Judiciary Committee questionnaire, submitted June 6, 2012.

7           19. Attached hereto as Exhibit 4 is a true and correct copy from the Planned Parenthood  
8 Federation of America website of the page for PPSP's abortion referral clinic at GSFRC.

9           20. Attached hereto as Exhibit 5 are true and correct copies of the IRS Forms 990 of  
10 GSFRC for 2001 and 2002-2003, which list Judge Orrick as a board member.

11           21. Attached hereto as Exhibit 6 is a true and correct copy of a September 2015 public  
12 meeting notice for GSFRC, scanned by the San Francisco Public Library, and a true and correct  
13 copy of GSFRC letterhead from March 2012.

14           22. Attached hereto as Exhibit 7 is a true and correct copy of an article from the Potrero  
15 View containing statements of PPSP CEO Heather Saunders Estes about Planned Parenthood's  
16 relationship with GSFRC.

17           23. Attached hereto as Exhibit 8 is a true and correct copy of the IRS Form 990 of  
18 GSFRC for 2006-2007.

19           24. Attached hereto as Exhibit 9 is a true and correct copy of the "pinkified" Facebook  
20 profile photo of Mrs. Orrick, Judge Orrick's wife, in support of Planned Parenthood in response to  
21 my and CMP's videos.

22           25. Attached hereto as Exhibit 10 is a true and correct copy of archived versions of  
23 Planned Parenthood's IStandWithPP.org campaign website and of Planned Parenthood's Facebook  
24 "pinkify" campaign microsite from August 2015, explaining the significance of these campaigns in  
25 opposition to my and CMP's videos.

26           26. Attached hereto as Exhibit 11 is a true and correct copy of a Facebook post of a  
27 NARAL campaign that appeared to describe my and CMP's videos as "domestic terrorism," which  
28

1 post was “liked” on Facebook by Mrs. Orrick, and a true and correct copy of a screenshot of Mrs.  
2 Orrick “like” of the Facebook post.

3 27. Attached hereto as Exhibit 12 is a true and correct copy of a Facebook post about  
4 my since-dismissed indictment in Harris County, Texas, which post was “liked” on Facebook by  
5 Mrs. Orrick, and a true and correct copy of a screenshot of Mrs. Orrick’s “like” of the Facebook  
6 post.

7 28. Attached hereto as Exhibit 13 is a true and correct copy of a screenshot of Mrs.  
8 Orrick’s Facebook profile, which shows her profile picture with her husband Judge Orrick, which  
9 appears next to her “likes” of posts attacking me and CMP on Facebook.

10 29. Attached hereto as Exhibit 14 is a true and correct copy of the transcript of the May  
11 25, 2017 teleconference with Judge Orrick.

12 I declare until penalty of perjury under the laws of the United States and the State of  
13 California that the foregoing is true and correct and that this Affidavit was executed in Orange  
14 County, California on June 7, 2017.

15 

16 \_\_\_\_\_  
David Daleiden

**EXHIBIT 1**



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## THE ISSUES

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## Planned Parenthood Linked to Judge Who Blocked Videos

August 5, 2015

This week, Mollie Hemingway at The Federalist published a powerful article titled "Wife of Judge Blocking Pro-Life Videos Is a Proud Abortion Supporter." [1] The judge, William H. Orrick, III, was confirmed to be a federal judge by the U.S. Senate two years ago. We researched Orrick's record back in 2012 and 2013, so after reading Hemingway's article we decided to look back through our research. What we found is disturbing.

Orrick spent twenty-three (23) years working with and for the Good Samaritan Family Resource Center whose website boasts that they run a "family planning clinic" "in partnership with Planned Parenthood." [2] The clinic is "[s]taffed in partnership with Planned Parenthood." [3] Not surprisingly, Planned Parenthood also touts their relationship with Orrick's clinic and lists "The Wohlford Family Clinic at the Good Samaritan Family Resource Center" on the Planned Parenthood website. Moreover, Planned Parenthood states that the clinic provides "abortion referral[s]." [4]

Orrick's relationship with the so-called "Good Samaritan Family Resource Center" began in 1986 when he took over as President of the Board and worked in that capacity until 1988. [5] Thereafter, for eleven years (1988 to 1999) Orrick worked as their "Vice-President / Officer" [6] acting in various roles, including as a fundraiser [7] and promoter. [8] After 1999, Orrick continued to work for the Center "on many legal issues," for at least ten years. [9] When asked by the U.S. Senate to name the "most significant legal activities you have pursued," [10] Orrick listed Planned Parenthood's partner: the "Good Samaritan Family Resource Center," among others. [11]

Our research into this matter is ongoing and there is still more to this story. But for now, based upon what we already know, one is left to wonder why Orrick is sitting in judgment in this case. Moreover, given Orrick's twenty-three year "significant" role at the Clinic which partners with, and is staffed by, Planned Parenthood, one wonders whether he has any personal knowledge about their operations.

[1] Mollie Hemingway, *Wife of Judge Blocking Pro-Life Videos Is a Proud Abortion Supporter*, The Federalist (Aug. 3, 2015), available at <http://thefederalist.com/2015/08/03/wife-of-judge-blocking-pro-life-videos-is-a-proud-abortion-supporter/> (last visited August 5, 2015).

[2] The Good Samaritan Family Resource Center, Inc., <http://goodsamfrc.org/wohlford-family-clinic/> (last visited August 5, 2015). The Wohlford Family Clinic "opened its doors in 2001" which was after Orrick was President and Vice-President of the Center, but was still during the last eight (8) years that Orrick remained involved with the Center.

[3] The Good Samaritan Family Resource Center, Inc., <http://goodsamfrc.org/wohlford-family-clinic/> (last visited August 5, 2015).

[4] Planned Parenthood, <http://plannedparenthood.org/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/> (last visited Aug. 5, 2015).

[5] William Horsley Orrick, III answers to "United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees," (hereafter "SJC Questionnaire"), pages 3, 5, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[6] SJC Questionnaire, pages 3, 5, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[7] SJC Questionnaire, page 13, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015), referring to article by: "Suzanne Solis, 'Good Samaritan Fosters Immigrants' Self-Reliance,' The San Francisco Chronicle, Nov. 28, 1995," an article on the same date by the same author is titled "Know Someone Who's Making a Difference?" and is available at <http://www.sfgate.com/news/article/Know-Someone-Who-s-Making-A-Difference-3019198.php> (last visited Aug. 5, 2015). The article states: "Many who have lived in the Mission District have 'at one time or another come to the center,' said Bill Orrick, secretary of the center's board of directors. 'We would like people who used the center at some point to give money.'" (Emphasis added.)

[8] SJC Questionnaire, page 11, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015). Orrick states: "April 18, 1997: [Orrick] Speech at grand opening of Good Samaritan Family Resource Center and Apartments."

[9] SJC Questionnaire, page 29, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[10] SJC Questionnaire, page 26, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[11] SJC Questionnaire, page 27, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

Phillip Jauregui

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**EXHIBIT 2**



**GOOD SAMARITAN**  
FAMILY RESOURCE CENTER, INC.  
*The Power To Grow* 1294 Potrero Ave. | San Francisco | CA 94110

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## About Good Samaritan Family Resource Center



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Good Samaritan Family Resource Center believes that strong families are vital to raising children who are happy, healthy, and productive. Good Samaritan comprehensively addresses the needs of low-income Latino immigrant families through a [Two-Generation Strategy](#) that involves children and their parents/caregivers. Our services ensure that children have access to the educational and development opportunities they deserve to succeed in life, and equip parents with the confidence, knowledge, and tools to support their children's success. We foster community connections, help participants to develop English language and parenting skills, and build a foundation for creating resilient and self-sufficient families.

### Early Childhood Development

Since 1996, Good Samaritan has operated a successful licensed [Child Development Center](#), a year-round program that delivers bilingual childcare services to 36 children ages 2½ to 5 years. Designed to develop social, emotional, physical, and cognitive skills, our CDC prepares children for a confident and smooth transition to Kindergarten. The CDC utilizes the Creative Curriculum for Preschool and Teaching Pyramid, and offers activities in eleven areas of development for children. Our program has been recognized as a model provider by the Mimi and Peter Haas Fund, the Children's Council, the San Francisco Department of Children Youth and Their Families, and First Five San Francisco.

### Youth Development Services

Good Samaritan provides vulnerable newcomer youth growing up in inner city environments with the tools to significantly increase their engagement in school, and involves these young people in out-of-school settings that broaden their horizons enormously. Immigrant and first-generation youth practice life skills, learn healthy activities and behaviors, and promote these practices among their peers. Offered in partnership with families, schools, and other providers, services include [afterschool activities](#) and [school-based services](#), and [summer programs](#). Together, this programming supports the social, physical and emotional development of youth while promoting academic success.

### Adult Education and Family Strengthening

A full array of support services helps families build parenting and life skills within a new cultural framework. Services include parenting groups, prenatal wellness support, maternal depression groups, and case management. One of our most popular services, Good Samaritan's two levels of English as a Second Language (ESL) instruction build the self-sufficiency of adults and their ability to participate in their children's education. Also, working in partnership with Planned Parenthood, Good Samaritan's on-site clinic provides family planning services to medically uninsured adults and teens, receiving more than 1,200 visits per year.

## How are we making a Difference Today?

Good Samaritan is committed to using evidence-based tools and metrics to measure program outcomes and ensure that services effectively address the needs of clients. Given the varied nature of our work and services, different data tracking strategies and evaluative tools are utilized by each program. For example:

- Child Development programs track attendance and support services accessed by parents, and also administers and analyzes a parent survey at the end of each semester to document and evaluate changes in children's behavior. In addition, staff are trained to administer screenings, such as the Ages and Stages Questionnaire, the Parental Stress Index, and the Edinburgh Depression Scale, to identify children with developmental concerns and parents at risk of depression and high levels of stress. Results of parent surveys are analyzed at the end of each series of classes or workshops to assess their usefulness and effectiveness.
- ESL participants complete pre-tests and post-tests at the beginning and end of each semester, including the standardized CASAS test and an internally designed performance-based assessment approved by the California Department of Education. Student-teacher conferences at the end of each semester provide students with individualized information about their performance and help them understand the educational process. Good Samaritan also surveys students to determine the qualitative ways in which literacy adds to their lives and to obtain information about their future plans for adult education and civic engagement.
- Our Family Strengthening Services rely on tools such as the Parenting Scale (pre- and post-test tool used to measure parental behavioral change as related to child abuse or neglect); Eyberg Child Behavioral Inventory (parent rating scale to assess child behavior); and Key to Interactive Parenting Scale (observational tool to assess the quality of parenting behavior).

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco CA, 94110  
**Tel: (415) 401-4253**





**GOOD SAMARITAN**  
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## Wohlford Family Clinic

It is with a heavy heart that we announce that on June 1, 2016, long time Good Samaritan donor Sheana Butler passed away. Sheana's support was crucial to opening and sustaining the Mary Wolford clinic in partnership with Planned Parenthood. Since the year 2000, Sheana's generous support allowed the clinic to provide family planning and women's health medical services to thousands of families and youth. She will be greatly missed and her memory will live on through our work. Our thoughts and prayers go out to Sheana's husband, children, and extended network of family and close friends. [Click here to learn more about Sheana Butler's life of generosity and service.](#) (last sentence would be linked to obituary)

In partnership with Planned Parenthood Shasta Pacific the clinic offers confidential planning services including birth control, pregnancy testing, screening and treatment of sexually transmitted infections, HIV testing, Pap smears, counseling, education and much more.

### History



Mary Wohlford was passionate about the world around her. As a trained nurse, she grew particularly concerned about reproductive health and rights, and responsible population growth. Shortly after her death in 1999, and honoring Mary's memory, the Mary Wohlford Foundation was formed and commits its resources to these priorities.

Sheana Butler, Mary's sister and former Good Samaritan Family Resource Center Board Member, approached the Foundation trustees about creating a family planning clinic at Good Samaritan. The foundation gave seed funding for a community assessment, and it was determined that indeed, a clinic at Good Sam serving an immigrant population and beyond was needed. The Clinic opened its doors in 2001.

Staffed in partnership with Planned Parenthood Shasta Pacific, the clinic continues to increase its impact. What started out as a four hour a week clinic has grown to three days a week with dedicated teen hours and client visits of over 1,200 a year.

The Trustees of the Foundation and the family of Mary Wohlford are deeply proud to have the Clinic named in her honor.

### About the Clinic

These videos, created by youth for youth, are a project of the Teen Health Worker program (Promotores) at Good Samaritan Family Resource Center. The Teen Promotores Program trains youth to provide peer education about healthy sexual decision making, and to conduct outreach for the Wohlford Family Clinic at Good Samaritan.

[Click here](#) to call or make an appointment online.

Mire este video en español [aquí](#).



It is with a heavy heart that we announce that on June 1, 2016, long time Good Samaritan donor Sheana Butler passed away. Sheana's support was crucial to opening and sustaining the Mary Wolford clinic in partnership with Planned Parenthood. Since the year 2000, Sheana's generous support allowed the clinic to provide family planning and women's health medical services to thousands of families and youth. She will be greatly missed and her memory will live on through our work. Our thoughts and prayers go out to Sheana's husband, children, and extended network of family and close friends. [Click here to learn more about Sheana Butler's life of generosity and service.](#)

**DONATE NOW**

Good Samaritan Family Resource Center is a 501(c)(3) organization incorporated in California. All contributions are tax-deductible to the fullest extent allowed by law.

Learn more about how we manage our funds.

### Key Partnerships:

MEDA  
Mission Beacon  
Mission Promise Neighborhood  
[Planned Parenthood Shasta-Pacific](#)  
Refugee Transitions  
Vision Academy

### Subscribe to Our E-Newsletter

**Email Address:**

**First Name:**

**Last Name:**

[Join Now](#)

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco CA, 94110  
**Tel: (415) 401-4253**



**EXHIBIT 3**

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

William Horsley Orrick, III

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of California

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Department of Justice  
Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

4. **Birthplace**: State year and place of birth.

1953; San Francisco, California

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, Boston College School of Law; J.D. (*cum laude*), 1979

1971 – 1972, 1973 – 1976, Yale University; B.A. (*cum laude*), 1976

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – Present  
United States Department of Justice, Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Deputy Assistant Attorney General (2010 – Present)  
Counselor (2009 – 2010)

1984 – 2009  
Coblentz, Patch, Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, California 94111  
Partner (1988 – 2009)  
Associate (1984 – 1987)

1979 – 1984  
Georgia Legal Services Program  
Savannah Regional Office  
6602 Abercorn Street, Suite 203  
Savannah, Georgia 31405  
Supervising Attorney (1982 – 1984)  
Acting Managing Attorney (1981 – 1982)  
Attorney (1979 – 1981)

1977 – 1979  
Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453  
Student Attorney

1977  
Massachusetts Advocacy Center  
(no longer in operation)  
Summer Intern

Other Affiliations (uncompensated unless otherwise indicated):

1992 – 2009  
Episcopal Diocese of California  
1055 Taylor Street  
San Francisco, California 94108  
Chancellor (1998 – 2009)  
Co-Chancellor (1996 – 1997)  
Vice Chancellor (1992 – 1995)  
(compensated)

2005 – 2009  
Historical Society, U.S. District Court for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 36060  
Board member

2006 – 2009

OneCalifornia (now OnePacific) Bank  
1438 Webster Street  
Oakland, California 94612  
Board member

2004 – 2008

Groton School  
282 Farmers Row  
Groton, Massachusetts 01450  
Board member

1991 – 1997, 2006 – 2008

North Fork Association  
P.O. Box 909  
Soda Springs, California 95728  
President of Board (1995 – 1997, 2006 – 2008)  
Secretary (1993 – 1995)  
Board member (1991 – 1993)

1995 – 2003

Katherine Delmar Burke School  
7070 California Street  
San Francisco, California 94121  
President of Board (2001 – 2003)  
Board member (1995 – 2003)

1986 – 1999

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco, California 94110  
President of Board (1986 – 1988)  
Vice-President/Officer (1989 – 1999)

1986 – 1992

Ellicott Machine Corporation  
1611 Bush Street  
Baltimore, Maryland 21230  
(declared bankruptcy in 2002)  
Board member (compensated)

1978 – 1979

Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453

President, Board of Directors (1978 – 1979)  
(compensated, Summer 1978)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I did register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Named in *Super Lawyers (San Francisco Bay Area)* (2004 and 2006 – 2009)  
Co-honoree, Episcopal Charity Awards, San Francisco (1997)  
Outstanding Lawyer in Public Service, Bar Association of San Francisco (1989)  
Susan Grant Desmarais award for distinguished public service, Boston College Law School (1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1982 – present)  
Bar Association of San Francisco (1984 – present)  
California State Bar Association (1984 – present)  
Georgia State Bar Association (1980 – 1994)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Georgia, 1980. I resigned in 1994 because I no longer practiced in Georgia.

California, 1984. There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 1988  
United States Court of Appeals for the Ninth Circuit, 1987  
United States Court of Appeals for the Tenth Circuit, 1986

United States District Court for the Northern District of California, 1984  
 United States District Court for the District of Kansas, 1987  
 United States District Court for the Eastern District of California, 1997  
 United States District Court for the Central District of California, 2000  
 United States District Court for the District of Colorado, 2004  
 United States District Court for the Southern District of Georgia, 1980  
 Georgia Supreme Court and all the courts of the State of Georgia, 1980  
 California Supreme Court and all the courts of the State of California, 1984

I resigned from the Georgia bar in 1994. There have been no other lapses in membership.

#### 11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Ellicott Machine Corporation

Board member (1986 – 1992)

Episcopal Diocese of California (1992 – 2009)

Chancellor (1998 – 2009)

Co-Chancellor (1996 – 1997)

Vice Chancellor (1992 – 1995)

Good Samaritan Family Resource Center (1986 – 1999)

President of Board (1986 – 1988)

Vice-President/Officer (1989 – 1999)

Groton School

Board member (2004 – 2008)

Chair of Audit and Chapel/Community Service committees (2004 – 2008)

Historical Society, U.S. District Court for the Northern District of California

Board member (2005 – 2009)

Katherine Delmar Burke School (1995 – 2003)

President of Board (2001 – 2003)

Chair, Strategic Planning Committee (1999 – 2001)

Board member (1995 – 2003)

North Fork Association

President of Board (1995 – 1997, 2006 – 2008)

Secretary (1993 – 1995)

Board member (1991 – 1993)

Proprietary member (1991 – present)

Associate member (1988 – 1990)



OneCalifornia (now OnePacific) Bank  
 Board member (2006 - 2009)  
 Chair, Compensation and Governance Committees (2006 - 2009)  
 Rafael Racquet Club (1990 - 1996)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

## 12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Letters to the School Community: January 3, 2003; November 5, 2002; April 23, 2002; December, 2001; and October 8, 2001. Katherine Delmar Burke School Tuesday Notes and Kay Dee Bee (school magazine). Copies supplied.

Letter to the Editor, "Let Terrorism Inspire Renewed Commitment to Fighting Racism," The Recorder, December, 1989. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

### Episcopal Diocese of California

Governance – Constitution Article III, Committee on Canons Report to the 160th Convention of the Diocese of California. Copy supplied.

Governance, Committee on Canons Report to the 159th Convention of the Diocese of California, October 17 and 18, 2008. Copy supplied.

Report of the Committee on Canons and Corporation Sole Fact Sheet, Guide to the Special Convention of the Diocese of California, May 10, 2008. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2006. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 22, 2005. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 19, 2002. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2000. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 18, 1997. Copy supplied.

Expansion of Child Abuse and Neglect Reporting Requirements Memo, November 1, 1996. Copy supplied.

#### Other Reports

Letters to the School Community, Katherine Delmar Burke School Annual Reports, 2001-2002 and 2002-2003. Copies supplied.

Report of the Boston College Legal Assistance Bureau, Spring 1979. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I do not believe I issued or provided any such communications.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 26, 2011: Speech to the U.S. Immigration and Customs Enforcement Office of the Principal Legal Advisors conference, Chicago, Illinois. Remarks supplied.

September 30, 2010: Presentation on "Hot Topics in Immigration Law" at Office of Immigration Litigation conference. I discussed the case *U.S. v. Arizona*. Columbia, South Carolina. Outline supplied.

June 2009: Introduction of Kamala Harris at a fundraiser for her campaign to become Attorney General of California. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Kamala Harris for Attorney General, does not have a physical address.

January 10, 2009: Presentation during the orientation of the newly constituted Executive Council of the Episcopal Diocese of California on their duties and responsibilities. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 2008: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2008: Remarks at a gathering of Obama supporters at a park in Tiburon, California. San Francisco, California. I have no notes, transcript or recording. San Francisco, California. The sponsoring organization, Obama for America, does not have a physical address.

May 16, 2008: Talk at the retirement dinner of Ann and Charlie Alexander from Groton School. Groton, Massachusetts. Remarks supplied.

April 24, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Alameda Deanery. Piedmont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 19, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Marin Deanery. Novato, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 17, 2008: Speech, with question and answer period, on the structure and liability of Episcopal social service organizations, Episcopal Diocese of California. San Francisco, California. Remarks supplied.

April 13, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the South Alameda Deanery. Fremont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 2008: Participant in a debate as a Senator Barack Obama surrogate against surrogates for Senator Hillary Clinton and Senator John McCain at the Fromm Institute for Lifelong Learning, University of San Francisco. I have no notes, transcript or recording. The address of the Fromm Institute is 2130 Fulton Street, San Francisco, California 94117.

February 2007: Introduction of Senator Barack Obama at a fundraiser for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Obama for America, does not have a physical address.

December 11, 2006: Presentation on property ownership rights of parishes in the Episcopal Diocese during consideration of amended Articles of Incorporation at St. Clement's Episcopal Church. Berkeley, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 26, 2006: Presentation on jury selection to the Association of Business Trial Lawyers for a program entitled, "The Use and Abuse of Peremptory Challenges." San Francisco, California. Remarks supplied.

October 22, 2005: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention are supplied, and the report is supplied in response to 12(b).

October 2005: Talk on the importance of pro bono litigation and introduction of San Francisco Bar Association's "Champion of Justice" award recipient at the San Francisco Bar Association Gala. San Francisco, California. I have no notes, transcript or recording. The address of the San Francisco Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

June 13, 2005: Co-presenter for employment law training, with emphasis on sexual harassment, to employees of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the

Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 2004: Introduction of Governor Elliot Spitzer at a fundraising event for the Presidential campaign of Senator John Kerry, and then moderator of a question and answer session with him. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

August 2004: Remarks on behalf of Senator Kerry at a house party. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

June 2004: Remarks on panel on behalf of Senator Kerry at a gathering at a senior citizen housing complex. Walnut Creek, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

April 23, 2004: Chapel Talk on "Being Kind." Groton School, Groton, Massachusetts. Remarks supplied.

June 2003: Introduction of Susan Leal at a fundraiser for her campaign for Mayor of San Francisco. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Susan Leal for Mayor, does not have a physical address.

May 2003: Introduction of Senator Kerry at a fundraising event for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

October 2002: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2000: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 16, 1999: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

December 1, 1998: Presentation on sexual harassment to employees at Farallon Capital Management. San Francisco, California. I have no notes, transcript or recording. The address of Farallon Capital is 1 Maritime Plaza, Suite 2100, San Francisco, California 94111.

January 15, 1998: Presentation to the lawyers in the Guild of St. Yves on the role of the Chancellor of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 1997: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention supplied, and the report is supplied in response to 12(b).

April 18, 1997: Speech at grand opening of Good Samaritan Family Resource Center and Apartments. San Francisco, California. Remarks supplied.

January 16, 1997: Speech at the Episcopal Charities Dinner. San Francisco, California. Remarks supplied.

October 19, 1996: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 21, 1995: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 20, 1995: Presentation on the new Disciplinary Canons in the Episcopal Church of America to the clergy of the Episcopal Diocese of California. Healdsburg, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 1995: Speech at retirement dinner honoring Richard J. Congleton. Groton School faculty member. Boston, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

January 22, 1994: Training of the newly constituted "support team" to implement the new misconduct policy in the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 1983: Training on recent Supreme Court cases for Georgia Legal Services Program lawyers. Atlanta, Georgia. I have no notes, transcript or recording. The address of GLSP is 104 Marietta Street, Suite 250, Atlanta, Georgia 30303.

September 7, 1978: Speech at the 10th anniversary of the Boston College Legal Assistance Bureau dinner. Boston, Massachusetts. Remarks supplied.

Winter 1972: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

May 1971: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Marisa McQuilken. "Familiar Place," The National Law Journal, June 29, 2009. Copy supplied.

Petra Pasternak, "Another Coblenz Partner Joins DOJ," The Recorder, June 23, 2009. Copy supplied.

Press release, "Obama Administration Recruits Partner William H. Orrick for DOJ Post," Coblenz Patch Duffy & Bass LLP, June 22, 2009. Copy supplied.

Claire Cooper, "Campaign Lawyers—May the Best Candidate Win," San Francisco Attorney Magazine, Fall 2008. Copy supplied.

Sue Cox. "Bar Association of San Francisco Foundation Announces Gala Co-Chairs," BASF Newsletter, Summer 2008. Copy supplied.

Bob Egelko, "Downey Orrick—SF Lawyer," The San Francisco Chronicle, Feb. 2, 2008. Copy supplied.

Justin Scheck, "Marin Mediator Looks Beneath the Economics," The Recorder, Apr. 17, 2007. Copy supplied.



Anna Palmer, "Trial Bar Turns from Edwards," The Recorder, Apr. 9, 2007 (reprinted in multiple outlets). Copy supplied.

Susan Kostal, "The 1% Solution—BASF's Charitable Giving Task Force Sets Bar for Law Firm Philanthropy," San Francisco Attorney Magazine, Spring 2007. Copy supplied.

Mary Anne Ostrum, "Bay Area's Election Exodus: Thousands Heading Out to Help in Swing States," San Jose Mercury News, Oct. 27, 2004. Copy supplied.

Brenda Sandburg, "Personal Politics," The Recorder, July 21, 2004. Copy supplied.

Susan Kostal, "Adventures in Politics," San Francisco Attorney Magazine, Summer 2004. Copy supplied.

Curtiss, Swisher and Lewin, *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, University of Chicago Press, 2000. A copy of the section of a chapter for which I was interviewed is provided.

Suzanne Solis, "Good Samaritan Fosters Immigrants' Self-Reliance," The San Francisco Chronicle, Nov. 28, 1995. Copy supplied.

David J. Jefferson, "This Anthropologist Has A Style That Is Bone of Contention," Wall Street Journal, Jan. 31, 1995. Copy supplied.

"Saturday Celebrity," The Boston Herald, Sept. 10, 1994. Copy supplied.

Associated Press, "Man Tied To Marin S&L Failure Paid Little," Marin Independent Journal, Feb. 25, 1993. Copy supplied.

Richard Keil, "S&L Plea Bargains a Steal for Defendants," San Jose Mercury News, Feb. 25, 1993. Copy supplied.

Carrie Dolan, "Talking Baysball: The A's and Giants Have Scores To Settle," Wall Street Journal, Oct. 13, 1989. Copy supplied.

Frederick C. Klein, "Another Season of Baseball by the Numbers," Wall Street Journal, Feb. 24, 1983. Copy supplied.

I was interviewed on television in approximately 1981 about the services which Georgia Legal Services Program provided in Savannah, Georgia. I do not have any transcript or recording.



Ben Birnbaum, "After Ten Years of Service, Legal Assistance Bureau a 'Rite of Passage' for Many Law Students," Boston College Colleague, Feb. 1979. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I was appointed by the California Superior Court for the City and County of San Francisco to be a member of the Civil Investigative Grand Jury for the City and County of San Francisco from 1989 - 1990. Otherwise, I have not held any public offices nor run for any.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I was a precinct captain for San Francisco Mayor Art Agnos in his unsuccessful campaign for reelection in 1991.

I raised money for Senator Bill Bradley for a fundraiser in San Francisco during his campaign for president in 1999.

I held a house party/fundraiser for the unsuccessful campaign to elect Susan Leal for mayor in San Francisco in June 2003.

I was co-chair of the Bay Area Lawyers Committee to Elect John Kerry in 2003-2004. The committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked.

I was a member of a group of lawyers who supported Phil Angelides for Governor in 2005 to 2006. I was on the host committee for a fundraiser for which I raised and gave money.

I was co-chair of the Bay Area Lawyers Committee to Elect Barack Obama from 2006 to 2008, and was a member of the National Finance Committee from 2007 to 2008. The lawyers committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked. I spoke at several events.

I raised money and sponsored an event for the campaign of Kamala Harris for Attorney General in 2009, before I joined the Department of Justice.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1979 – 1984  
 Georgia Legal Services Program  
 Savannah Regional Office  
 P.O. Box 8667  
 Savannah, Georgia 31412  
 Supervising Attorney (1982 – 1984)  
 Acting Managing Attorney (1981 – 1982)  
 Attorney (1979 – 1981)

1984 – 2009  
 Coblenz, Patch, Duffy & Bass, LLP  
 One Ferry Building, Suite 200  
 San Francisco, California 94111  
 Partner (1988 – 2009)  
 Associate (1984 – 1987)

2009 – Present  
 United States Department of Justice, Civil Division  
 950 Pennsylvania Avenue, NW  
 Washington, DC 20530  
 Deputy Assistant Attorney General (2010 – Present)  
 Counselor (2009 – 2010)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

As a lawyer with the Georgia Legal Services Program in Savannah, Georgia from 1979 to 1984, I brought litigation in United States District Court and handled a general legal services caseload, circuit riding weekly to a rural county for hearings and appointments. I was in court frequently.

I then worked with Coblenz, Patch, Duffy & Bass, LLP, where I had a broad-based, complex commercial litigation practice from 1984 to 2009. I became a partner in 1988 and headed the firm's employment litigation practice. I also served as Vice Chancellor, Co-Chancellor and Chancellor to the Episcopal Bishop of California from 1992 to 2009, essentially

performing the work of an outside general counsel. My clients ran the gamut from individuals to small companies to much bigger ones. An example of my varied practice is seen from matters handled in my last six months with the firm: I settled a wage and hour class action for Boudin Bakeries and related companies; tried (and won) a two-week jury trial involving fraud, construction and real estate causes of actions for Albertson's, LLC and Save Mart, Inc.; tried (and won) a will reformation case for St. Jude Children's Research Hospital; was lead counsel for a family in two complex partition actions involving hundreds of parcels of real property in California; won summary judgment on a multimillion dollar breach of contract matter; and settled a partnership dispute involving players in the financial services industry.

I started government service in June 2009, and through May 2010, I was Counselor to the Assistant Attorney General for the Civil Division at the Department of Justice. I spearheaded or participated in a wide range of projects, including matters related to the Freedom of Information Act, tobacco litigation, increasing the affirmative consumer litigation brought by the Civil Division, analysis of amendments to the False Claims Act, litigation reports concerning the Civil Division's national security cases, and efforts to increase access to justice, including expansion of the Civil Division's pro bono efforts. In addition, I began supervising immigration litigation in September 2009.

I was appointed Deputy Assistant Attorney General in the Civil Division in June 2010. I oversee the Office of Immigration Litigation ("OIL"), which includes two sections (District Court and Appellate) with more than 300 lawyers that handle all of the federal civil appellate litigation arising from petitions for review from the immigration courts and roughly 50% of the civil United States District Court immigration matters, primarily class actions, habeas and mandamus petitions, and certain *Bivens* actions. I participate in various interdepartmental task forces concerning immigration and national security, including the applicability of terrorism bars to various groups and individuals. I led an interagency task force against immigration services fraud. I also strategize regarding some non-immigration cases of interest and importance to the Civil Division.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

With Georgia Legal Services, I represented low income persons on a variety of issues impacting people living at or below the poverty line.

In private practice, my clients ranged from individuals to large corporations. I emphasized employment issues over the course of my career, but had a broad-based, complex commercial practice.

As Counselor and Deputy Assistant Attorney General in the Civil Division of the United States Department of Justice, my sole client is and has been the United States government. My primary area of responsibility is immigration matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

With Georgia Legal Services, my practice was 100% in litigation, and I appeared in court frequently, usually more than once a week.

With Coblenz, Patch, Duffy & Bass, LLP, my practice was at least 90% in litigation, and I appeared in court frequently (at least three times a month, and often more frequently).

As a Deputy Assistant Attorney General in the Civil Division, my responsibilities primarily involve decisions about litigation, but I do not typically handle the litigation myself. I have argued five cases in the Courts of Appeals and one in federal district court.

- i. Indicate the percentage of your practice in:

1. federal courts: 40%
2. state courts of record: 60%
3. other courts:
4. administrative agencies:

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 97%
2. criminal proceedings: 3%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried at least 16 cases to verdict in courts of record as sole or lead counsel. I did not try any as an associate counsel. Fifteen cases were civil and one was criminal. (These numbers do not include numerous short cause custody cases I tried to the court in Georgia.)

- i. What percentage of these trials were:

1. jury: 56%
2. non-jury: 44%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Berkeley Geochronology Center v. Institute of Human Origins, No. 736234-9 (Cal. Super. Ct., Alameda County); Judge James Lambden: May 1994 – May 1995

I was lead counsel for Berkeley Geochronology Center, a non-profit whose board was led by Gordon Getty, and successfully prosecuted this breach of charitable trust action on behalf of a world renowned laboratory for dating geological sites against Donald Johanson's rival organization, the Institute of Human Origins. The case ultimately settled after Hon. James Lambden granted a preliminary injunction to my client in the summer of 1994. The lawsuit and my involvement in it is described in *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, written by Carl C. Swisher III, Garniss H. Curtiss and Roger Lewin, and published by The University of Chicago Press in 2000.

Opposing counsel:

James Carter  
Carter, Carter, Fries & Grunschlag  
44 Montgomery Street, Suite 2405  
San Francisco, CA 94104  
(415) 989-4800

2. Fowler v. The Regents of The University of California, No. 527662 (Cal. Super. Ct., Sacramento County); Hon. Eugene Gualco; approximately May 1991 – September 1993



I was lead counsel for The Regents and Aramark Corporation and won a three-week jury trial in the first same-sex sexual harassment and wrongful termination in violation of public policy case tried in California. The case involved a cafeteria employee's claims that his supervisor engaged in quid pro quo sexual harassment.

Opposing counsel:  
Jill P. Telfer  
331 J Street, Suite 200  
Sacramento, CA 95814  
(916) 446-1916

3. Genzano v. Coastal International and Green, No. CGC-02-405121 (Cal. Super. Ct., San Francisco); Hon Read Ambler, ret.: approximately June 2002 – January 2004

I was lead counsel for Coastal International and its CEO and majority shareholder, Green, and successfully defended them in a wrongful termination and partnership dispute in a several weeks-long, bet-the-company arbitration. Genzano had alleged that Green and his law firm (Squire Sanders) had breached their fiduciary duties to him and that Green had pushed them out of their lucrative partnership despite Genzano's outsized contribution to it.

Opposing Counsel:  
Richard E. Levine  
Levine and Baker  
535 Pacific, Suite 201  
San Francisco, CA 94133  
(415) 391-8177

4. Gregory v. Albertson's, 104 Cal. App. 4th 845 (Cal. Ct. App. 2002); Judge James Richman (Alameda Superior Court), Judges Swager, Stein and Margulies (First District Court of Appeals); April 2001 – December 2002

I was lead counsel and demurred successfully to an Unfair Business Practices Act case under California Business and Professions Code 17200. Plaintiff alleged that a grocery store chain committed an unfair act or practice by creating blight in a neighborhood when it ceased operations in a particular location and did not sublet the premises. I then briefed, argued and won the case in the California Court of Appeals. The opinion in this matter helped develop the definition of unfair practices under California law.

Opposing counsel:  
Cary L. Dictor (deceased)

5. Leonardo v. Crawford, 644 F. 3d 905 (9th Cir. 2011), amended by 646 F.3d 1157 (9th Cir. 2011); Singh v. Chertoff, 433 Fed. Appx. 549 (9th Cir. 2011); and Singh



v. Holder, 638 F.3d 1196 (9th Cir. 2011); Judges Fisher, Bybee, and Hall (with Judge Graber substituting for Judge Hall after her death); September – October, 2010

I argued three cases which had been briefed by others but consolidated for hearing in the United States Court of Appeals for the Ninth Circuit on October 4, 2010, concerning the procedures to be employed in bond hearings held for aliens in detention pursuant to INA Section 236(a). We prevailed in requiring administrative exhaustion through the BIA as a prerequisite to challenge a bond hearing determination in *Leonardo v. Crawford*, but lost in the *Singh v. Holder* case where the court ruled that the burden of proof on the government should be clear and convincing evidence and that bond hearings should be recorded or transcribed. *Singh v. Chertoff* was remanded for the trial court to apply the rulings in the other two cases.

Lead counsel for appellants and amici:  
 Ahilan T. Arulanantham  
 ACLU Foundation of Southern California  
 1313 West Eighth Street  
 Los Angeles, CA 90012  
 (213) 977-5211

*Leonardo v. Crawford* opposing counsel:  
 J. Ryan Moore  
 Assistant Public Defender  
 407 West Congress Street  
 Tucson, AZ 85701  
 (520) 879-7500

*Singh v. Chertoff* opposing counsel:  
 James Fife  
 Public Defenders Office  
 225 Broadway  
 San Diego, CA 92101  
 (619) 234-8467

*Singh v. Holder* opposing counsel:  
 Holly S. Cooper  
 UC Davis Immigration Law Clinic  
 One Shields Avenue, Building TB-30  
 Davis, CA 95616  
 (530) 754-4833

6. McKinney-Griff Inc. v. Albertson's, et al., No. RG-06-0250071 (Cal. Super. Ct., Alameda County); Judge Stephen Dombrink: approximately June 2006 – June 2009

I was lead counsel for Albertson's LLC and Save Mart, Inc. in a matter arising from the construction and operation of a large grocery store in the Lake Merritt Shopping Center in Oakland, California. A local business sued for fraud, interference with contract, construction defect, an accounting and injunctive relief because of alleged interference. After the other defendants settled or were dismissed, I tried the case and obtained a defense verdict in a two-week jury trial in 2009.

Opposing counsel:  
Leodis Matthews and Dick Sindicich  
Matthews Wilson Hunter LLP  
4322 Wilshire Boulevard, Suite 200  
Los Angeles, CA 90010  
(323) 938-8300

Counsel for defendant Dawson Trust:  
Martin Sproul  
Sproul Law Offices  
3675 Mt. Diablo Boulevard, Suite 250  
Lafayette, CA 94549  
(925) 962-1616

Michelle Trausch  
Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105  
(415) 781-7900

Counsel for defendant Tilton Pacific Construction:  
Robert Lockhart  
LaMore, Brazier, Riddle & Giampaoli  
1570 The Alameda, Suite 150  
San Jose, CA 95126  
(408) 280-6800

7. Miniace v. Pacific Maritime Association, 2007 U.S. Dist. LEXIS 34420, 41 Employee Benefits Cas. (BNA) 1057 (N.D. Cal.); Hon. Susan Illston; approximately March 2004 – November 2007

I was lead counsel for plaintiff Miniace, the former president of Pacific Maritime Association (PMA), who was terminated for breach of fiduciary duty for conduct related to helping his CFO's widow obtain substantial life insurance benefits. We sued PMA for wrongful termination, and PMA cross-complained against Miniace and the CFO's widow for breach of fiduciary duty under ERISA and for recovery of the insurance proceeds. Judge Illston bifurcated the case and held a two-week bench

trial on the cross-complaint. Susan Harriman, counsel for the widow, and I successfully defended the cross-complaint. Mr. Miniace then settled after the trial court's decision.

Counsel for defendant and cross-complainant Pacific Maritime Association:  
Michael Baker  
Arnold and Porter (formerly Howard, Rice)  
3 Embarcadero Center, 7th Floor  
San Francisco, CA 94111  
(415) 434-1600

Counsel for cross-defendant McMahon:  
Susan Harriman  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111  
(415) 676-2213

8. Pebble Beach Fire Litigation [consolidated], No. M19160 (Cal. Super. Ct., Monterey County); Judge Richard Silver; June 1987 – September 1990

I co-defended the Pebble Beach Company before Hon. Richard Silver in actions filed by 32 homeowners and their insurance companies arising out of a fire on May 31, 1987 that started in part of the Monterey forest controlled by my clients. The allegations were in part that the company had not maintained the open space in a reasonable manner to protect the homeowners from fire and had interfered with the ability to fight the fire by blocking vehicular access to the open space. This case settled on the eve of trial in the fall of 1990.

Lead opposing counsel:  
Stephen N. Cole  
The Cole Law Firm  
3410 Industrial Boulevard, Suite 100  
West Sacramento, CA 95691  
(916) 376-0478

Frank L. Crist (deceased)

Co-counsel for Pebble Beach Company:  
Richard K. Harray  
Kennedy Archer and Harray  
24591 Silver Cloud Court, Suite 200  
Monterey, CA 93940  
(831) 373-7500

Other insurance defense counsel:  
Stephen W. Jones

Sedgwick, Detert, Moran & Arnold  
 One Market Street, Steuart Tower  
 San Francisco, CA 94105  
 (415) 781-7900

9. State Conference of Branches of NAACP v. State of Georgia, 570 F. Supp. 314 (S.D. Ga. 1983), 775 F.2d 1403 (11th Cir. 1985); Judge B. Avant Edenfield; approximately October 1981 – January 1984

I was the most junior of three primary trial counsel in a class action against 13 school districts and the State of Georgia for denial of equal educational opportunities by use of tracking policies which placed African American children in the slowest classes, and by the intentional misclassification of African American students as educable mentally retarded when their testing revealed that they should not have been placed in special education classes. After a two-month bench trial, Judge Edenfield found substantially for the defendants because he did not find intentional discrimination. I did not participate in the appeal, which affirmed Judge Edenfield's decision.

Co-counsel for plaintiffs:  
 Rose Firestein  
 New York State Department of Law-Consumer Fraud  
 120 Broadway, 3rd Floor  
 New York, NY 10271  
 (212) 417-4393

Jonathan Zimring  
 Zimring Law Firm  
 114 New Street, Suite K-1  
 Decatur, GA 30030  
 (404) 607-1600

Lead opposing counsel (13 counties separately represented):  
 Franklin Edenfield  
 Spivey, Carlton and Edenfield  
 P.O. Box 309  
 Swainsboro, GA 30401  
 (478) 237-6424

10. United States v. Alabama, 2011 U.S. Dist. LEXIS 112362 (N.D. Ala. 2011); Judge Sharon Blackburn; July 2011 – present

I helped supervise the district court preemption litigation brought by the United States against the states of Arizona, Alabama, South Carolina and Utah concerning statutes passed by those states in 2010 and 2011 that related to immigration. I argued the United States' motion for a preliminary injunction in *United States v. Alabama*, which was granted in part and denied in part. The Eleventh Circuit has

since granted additional parts of our requested injunction, and the matter is pending. Id., 443 Fed. Appx. 411 (Oct. 14, 2011) and Order (March 8, 2012).

Co-counsel:

Beth Brinkmann  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 353-8679

Joyce White Vance  
U.S. Attorney  
U.S. Attorney's Office for the Northern District of Alabama  
1801 Fourth Avenue North  
Birmingham, AL 35203  
(205) 244-2209

Counsel for the State of Alabama and Governor Bentley:  
John C. Neiman, Jr.  
Solicitor General, State of Alabama  
Office of the Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36130  
(334) 242-7300

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While I was in private practice, in my role as Chancellor of the Episcopal Diocese of California (and previously as Vice Chancellor and Co-Chancellor), I advised the Diocese on a host of matters, including interpretation of the Canons of the Episcopal Church, the property and other rights of parishes to "break away" from the Diocese, the duties of priests to report sexual abuse matters, personnel matters and their intersection with First Amendment rights, real property and construction issues, and other matters typical for a general counsel of a complicated organization. Additionally, I advised many clients on how to avoid litigation and successfully participated in many mediations, including one disputed trust/estate matter which involved dividing ownership of many lots comprising a substantial part of the downtown of one California city. In another matter designated as complex in San Mateo Superior Court involving five family groups that disputed the ownership and disposition of approximately 250 parcels of real property in numerous

counties in California before Hon. Carol Mittelstaedt, I helped negotiate the settlement prior to trial of the first of two consolidated lawsuits before starting my job with the Justice Department.

As a board member of a number of organizations, I participated in significant negotiations and decisions, though outside lawyers did the legal work. With Ellicott Machine Corporation, I was involved in the decision to split the corporation and sell each part in 1992. I negotiated with the Forest Service on behalf of the North Fork Association to help preserve thousands of acres in the Sierra Nevada as a research area. I helped settle in mediation allegations of child abuse and retaliation for Groton School. I advised Good Samaritan Family Resource Center when it was unionized. I negotiated with neighbors of the Katherine Delmar Burke School so that the school could rebuild its facility.

I have not performed any lobbying activities on behalf of any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any deferred income or future benefits.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Matters in which Coblenz, Patch, Duffy & Bass LLP is counsel of record would present a potential conflict of interest, since the firm currently represents me in estate matters. Any immigration case served during my tenure as Deputy Assistant Attorney General would also present a potential conflict. I also own stock in various companies. Matters relating to my immediate family and sibling, if any were to arise (none are pending) would also present a conflict of interest. I would recuse myself from all such matters consistent with applicable rules.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions, e.g., 28 U.S.C. § 455.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During the summer after my first year in law school, I represented clients in special education hearings as an intern with the Massachusetts Advocacy Center. In my second and third years in law school, I worked at the Boston College Legal Assistance Bureau, which provided free legal services for low-income residents in Waltham, Massachusetts. I represented a number of clients under the Massachusetts student practice rule in divorce, custody, landlord tenant and other matters, and argued a case before the Supreme Judicial Court of Massachusetts. I was elected president of the Legal Assistance Bureau by my peers.

After graduation from law school in 1979 through the beginning of January 1984, I represented indigent persons as a staff attorney, acting managing attorney and supervising attorney with Georgia Legal Services Program in Savannah, Georgia. I brought cases in



the United States District Court for the Southern District of Georgia, and circuit rode to Liberty County, Georgia each week for hearings and interviews involving all manner of legal services matters, from domestic relations to public benefits to contract to housing cases.

After returning to San Francisco in 1984 to practice with Coblenz, Patch, Duffy and Bass, LLP, I assisted the Good Samaritan Family Resource Center on many legal issues from 1986 to 2009. I represented the charities and schools of the Episcopal Diocese of California on an as-needed basis from 1992 to 2009 (my work advising the Bishop was partially compensated, but my work for the non-profits and schools as a general rule was not).

In addition, I was active in our pro bono program at the firm. I was honored by the Bar Association of San Francisco for my work in a pro bono case, *Akao v. Shimoda*, 832 F.2d 119 (9th Cir. 1987), in which I prevailed on appeal for inmates from Hawaii whose pro se complaint alleging deliberate indifference to serious medical needs had been dismissed for failure to state a claim. I was co-chair of my firm's Pro Bono Committee from approximately 1994 to 2009. During that time, I supervised most of our firm's pro bono litigation. I helped lead and staff the Tuesday night clinics for the Lawyers Committee for Civil Rights in which our firm participated from 2006 to 2008, taking primarily debt collection and landlord-tenant matters. I handled several cases myself, including two prisoner matters to which U.S. District Judges Vaughn Walker and James Ware appointed me.

When I began work with the Civil Division, access to justice issues were part of my portfolio. In the last three years, we doubled our sponsorships of the Advocacy and Referral Clinic offered by the DC Bar Association. I participated in one of those sessions. We also created an award for pro bono representation by Civil Division attorneys to encourage attorneys to fulfill their obligations under Canon 2.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted a Questionnaire to the Chair of the Judicial Screening Panel for Senator Barbara Boxer in December 2010. In September 2011, I was interviewed by Senator Boxer's committee. Since March 13, 2012, I have been in contact with officials in the Office of Legal Policy at the Department of Justice. On April



10, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 11, 2012, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, William H. Orrick, III, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

June 6, 2012

(DATE)

W. H. Orrick

(NAME)

Eddie Rivera

(NOTARY)



EDDIE RIVERA  
Notary Public of District of Columbia  
My Commission Expires May 14, 2017

COBLENTZ,  
PATCH, DUFFY  
& BASS LLP ATTORNEYS  
AT LAW

One Ferry Building, Suite 200 main: 415.391.4800  
San Francisco, California fax: 415.989.1663  
94111-4213 web: www.coblentzlaw.com

William H. Orrick, III  
Direct Dial: (415) 772-5713  
worrick@coblentzlaw.com

January 3, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on June 12, 2012 to be United States District Judge for the Northern District of California. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- My current office address is:

Coblentz, Patch, Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111  
(Questions 3, 6 and 16.a)

- I resigned my position with the United States Department of Justice on August 14, 2012 and returned to Coblentz, Patch, Duffy & Bass LLP on August 20, 2012 as Special Counsel. I have resumed work on complex commercial litigation matters. (Question 16.b.)

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



William H. Orrick, III

Enclosure

cc: The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

**EXHIBIT 4**

# Wohlford Family Clinic at the Good Samaritan Family Resource Center of San Francisco, CA (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200)

Operated by: [Planned Parenthood Northern California \(/planned-parenthood-northern-california\)](#)

We accept many insurance plans. If you don't have insurance, affordable coverage options may be available.

[View Accepted Health Insurance \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200#health-insurance\)](#)

## Contact Info

### Visit Us

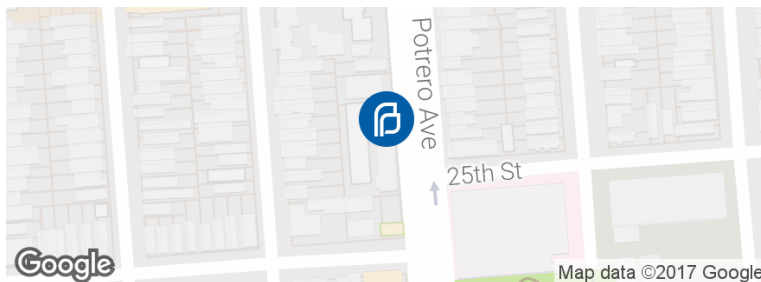
1294 Potrero Ave.

San Francisco, CA 94110

(<http://maps.google.com/?>

daddr=1294+Potrero+Ave.,+San+Francisco,+CA+94110,+USA+

[Get Directions](#) (Wohlford+Family+Clinic+at+the+Good+Samaritan+Family+Resource+Center))



### Call Us

Phone: [415-401-8737](tel:415.401.8737) (tel:415.401.8737)

**CALL NOW(TEL:415.401.8737)**

### Schedule Online

**BOOK APPOINTMENT**

([HTTPS://DOCASAP.COM/WHITE-](https://docasap.com/white-)

/1/HIDE\_FOOTER/1/HIDE\_OTHER\_PROVIDER/1/KEY\_PARTNER\_CODE/PPFA/EXTERNAL\_SRC/1/HIDE\_PRC

### Language

English; Spanish; Interpretation by telephone available for other languages.

## Book an appointment.

Conveniently book your appointment online. Depending on the service you're looking for, appointment times vary. Be sure to select your reason for visit first, and then select an appointment time.

To make an appointment by phone, call [415-401-8737 \(tel:415.401.8737\)](tel:415.401.8737)

## SERVICES OFFERED

Abortion Referral (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/abortion-referral)

Birth Control (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/birth-control)

HIV Testing (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/hiv-testing)

LGBT Services (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/lgbt)

Men's Health Care (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/mens-health)

Morning-After Pill (Emergency Contraception) (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/emergency-contraception)

Pregnancy Testing & Services (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/pregnancy-testing-options)

STD Testing, Treatment & Vaccines (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/std-testing-treatment)

Women's Health Care (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/womens-health)

## Hours & Holidays

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day

- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Notes

Hours of Operation		
Day	Open	Close
MON	-	-
TUES	-	-
WED	9:30 AM	6:00 PM
THURS	-	-
FRI	9:30 AM	6:00 PM
SAT	-	-
SUN	-	-



Affordable Plans & Accepted Insurance

Most birth control and annual well-woman exams will be covered for free, with no copay. If you don't have insurance, affordable coverage options may be available for you - check out what you may qualify for. With or without insurance, you can always come to us for your health care. We cover the following insurance plans:

- Anthem Blue Cross
- Blue Shield of California

- Contra Costa Health Plan
- Partnership Health Plan of Ca

## Additional Information

### Appointment Information

### Payment Information

If you are uninsured, you may qualify for a state-funded program or a lower fee scale.

Fees for services are based on your household income.

We accept the following forms of payment:

- Cash
- Major Credit/Debit Cards

### Insurance Information

Please see the provided list of insurance plans to find out which ones include Planned Parenthood as an in-network provider.

Most health insurance plans now cover prescription birth control, annual wellness exams, and HIV and STI screenings with no copay, and many other services with some copay required. You should contact your health insurance company directly to confirm that the services you are interested in are covered, and what, if any, out-of-pocket costs you are required to pay.

Please be sure to bring your insurance card to your visit.

If you do not have health insurance, visit [PlannedParenthoodHealthInsuranceFacts.org](http://PlannedParenthoodHealthInsuranceFacts.org) (<http://www.plannedparenthood.org>) to find out how to get more affordable coverage and what to consider when choosing a plan.

Donations are welcome at the time of your visit to [help support](https://secure.ppaction.org/site/SPageServer?pagename=pp_ppol_Directed_DonationFormOneTimeGift&s_src=ppol_banner_directed) ([https://secure.ppaction.org/site/SPageServer?pagename=pp\\_ppol\\_Directed\\_DonationFormOneTimeGift&s\\_src=ppol\\_banner\\_directed](https://secure.ppaction.org/site/SPageServer?pagename=pp_ppol_Directed_DonationFormOneTimeGift&s_src=ppol_banner_directed)) our mission and continue the important work we do.

All information presented, including pricing and/or insurance information, is subject to change at any time. This information is presented for informational purposes only and is not intended to and does not constitute medical or legal advice. For further information, please refer to our [Terms of Use](/planned-parenthood-northern-california/terms-use) (</planned-parenthood-northern-california/terms-use>).

Our health center supports and welcomes clients regardless of sexual orientation, gender identity, or biological sex, including but not limited to lesbian, gay, bisexual, transgender, queer, questioning, and intersex clients. All services are provided in a respectful and professional manner.



■

**EXHIBIT 5**

Form **990**  
Department of the Treasury  
Internal Revenue Service

Return of Organization Exempt From Income Tax

**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)**

► The organization may have to use a copy of this return to satisfy state reporting requirements

2001

**Open to Public  
Inspection:**

**A** For the 2001 calendar year, or tax year period beginning \_\_\_\_\_ and ending \_\_\_\_\_

**B** Check if applicable

Please  
use IRS  
label or  
print or  
type  
See  
Specific  
Instruc-  
tions

C Name of organization

GOOD SAMARITAN FAMILY RESOURCE

CENTER OF SAN FRANCISCO

1294 POTRERO AVE

1 SAN FRANCISCO CA 94110-3570

11. *Chrysomelidae* (100%)

D Employer identification number

94-3154078

E Telephone number

415-824-9475

**F** Accounting method: ☐ Cash ☒ Accrual  
☐ Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ)**

**H and I are not applicable to section 527 organizations**

H(a) Is this a group return for affiliates? ☐ Yes ☒ No

H(b) If "Yes," enter number of affiliates ►

H(c) Are all affiliates included? N/A ☐ Yes ☐ No  
(If "No," attach a list )

**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

1 Enter 4-digit GEN ►

**M** Check ☐ if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF).

**G Web site ► [www.goodsamfrc.org](http://www.goodsamfrc.org)**

**J Organization type** (check only one) ☒ 501(c) ( 3 ) (Insert no ) ☐ 4947(a)(1) or ☐ 527

**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

**L. Gross receipts.** Add lines 6b, 8b, 9b and 10b to line 12 **1,028,744.**

Part I	Revenue, Expenses, and Changes in Net Assets or Fund Balances
--------	---

Revenue		Expenses	
1	Contributions, gifts, grants, and similar amounts received	13	Program services (from line 44, column (B))
a	Direct public support	14	Management and general (from line 44, column (C))
b	Indirect public support	15	Fundraising (from line 44, column (D))
c	Government contributions (grants)	16	Payments to affiliates (attach schedule)
d	Total (add lines 1a through 1c)	17	Total expenses (add lines 16 and 44, column (A))
	(cash \$ 889,694. noncash \$ 14,243.)	18	Excess or (deficit) for the year (subtract line 17 from line 12)
2	Program service revenue including government fees and contracts (from Part VII, line 93)	19	Net assets or fund balances at beginning of year (from line 73, column (A))
3	Membership dues and assessments	20	Other changes in net assets or fund balances (attach explanation)
4	Interest on savings and temporary cash investments	21	Net assets or fund balances at end of year (combine lines 18, 19, and 20)
5	Dividends and interest from securities		
6a	Gross rents		
b	Less: rental expenses		
c	Net rental income or (loss) (subtract line 6b from line 6a)		
7	Other investment income (describe )		
8a	Gross amount from sale of assets other than inventory		
b	Less: cost or other basis and sales expenses		
c	Gain or (loss) (attach schedule)		
d	Net gain or (loss) (combine line 8c, columns (A) and (B))		
9	Special events and activities (attach schedule)		
a	Gross revenue (not including \$ of contributions reported on line 1a)		
b	Less: direct expenses other than fundraising expenses		
c	Net income or (loss) from special events (subtract line 9b from line 9a)		
10a	Gross sales of inventory less returns and allowances		
b	Less: cost of goods sold		
c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)		
11	Other revenue (from Part VII, line 103)		
12	Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)		

**LHA** For Paperwork Reduction Act Notice, see the separate instructions.

Form 980 (2001)

[133]

**Part II Statement of Functional Expenses**

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule)				
cash \$ _____ noncash \$ _____	22			
23 Specific assistance to individuals (attach schedule)	23 2,385.	2,385.	Statement 4	
24 Benefits paid to or for members (attach schedule)	24			
25 Compensation of officers, directors, etc	25 73,969.	56,088.	14,143.	3,738.
26 Other salaries and wages	26 471,112.	357,226.	90,075.	23,811.
27 Pension plan contributions	27			
28 Other employee benefits	28 65,293.	48,818.	11,833.	4,642.
29 Payroll taxes	29 44,894.	33,567.	8,136.	3,191.
30 Professional fundraising fees	30			
31 Accounting fees	31 40,657.	3,650.	37,007.	
32 Legal fees	32			
33 Supplies	33 21,701.	17,940.	3,701.	60.
34 Telephone	34 18,474.	14,609.	3,395.	470.
35 Postage and shipping	35 1,646.	748.	668.	230.
36 Occupancy	36 22,845.	21,406.	1,439.	
37 Equipment rental and maintenance	37 17,487.	16,419.	1,068.	
38 Printing and publications	38 9,536.	6,935.	1,110.	1,491.
39 Travel	39			
40 Conferences, conventions, and meetings	40 265.	265.		
41 Interest	41			
42 Depreciation, depletion, etc (attach schedule)	42 113,212.	91,512.	14,830.	6,870.
43 Other expenses not covered above (itemize)				
a _____	43a			
b _____	43b			
c _____	43c			
d _____	43d			
e See Statement 3	43e 164,616.	147,495.	13,324.	3,797.
44 Total functional expenses (add lines 22 through 43) Organizations completing columns (B)-(D) carry these totals to lines 13-15	44 1,068,092.	819,063.	200,729.	48,300.

Joint Costs Check ☐ if you are following SOP 98-2

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services?

☐ Yes ☒ No

If "Yes" enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_ (ii) the amount allocated to Program services \$ \_\_\_\_\_.

(iii) the amount allocated to Management and general \$ \_\_\_\_\_, and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_.

**Part III Statement of Program Service Accomplishments**What is the organization's primary exempt purpose? ☐

Help to immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses  
(Required for 501(c)(3) and (4) orgs. and 4947(a)(1) trusts but optional for others.)

a Child Development Center (statement attached)				
(Grants and allocations \$ _____)				296,222.
b Family Support Advocacy (statement attached)				
(Grants and allocations \$ _____)				522,841.
c _____				
(Grants and allocations \$ _____)				
d _____				
(Grants and allocations \$ _____)				
e Other program services (attach schedule)				
(Grants and allocations \$ _____)				
f Total of Program Service Expenses (should equal line 44 column (B), Program services)				819,063.

**Part IV Balance Sheets**

**Note** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

		(A) Beginning of year	(B) End of year	
<b>Assets</b>	45 Cash - non-interest-bearing	39,876.	37,022.	
	46 Savings and temporary cash investments	438,287.	344,705.	
	47 a Accounts receivable	114,635.		
	b Less allowance for doubtful accounts	3,000.		
		103,560.	111,635.	
	48 a Pledges receivable			
	b Less allowance for doubtful accounts			
	49 Grants receivable	120,775.	88,542.	
	50 Receivables from officers, directors, trustees, and key employees			
	51 a Other notes and loans receivable			
	b Less allowance for doubtful accounts			
	52 Inventories for sale or use			
	53 Prepaid expenses and deferred charges	8,128.	13,938.	
	54 Investments - securities Stmt 5 <input checked="" type="checkbox"/> Cost <input type="checkbox"/> FMV	3,775.	10,398.	
		55 a Investments - land buildings and equipment basis		
b Less accumulated depreciation				
56 Investments - other		0.	0.	
57 a Land buildings, and equipment basis		3,694,485.		
b Less accumulated depreciation		464,541.		
57c		3,188,316.	3,229,944.	
58 Other assets (describe )				
59 <b>Total assets</b> (add lines 45 through 58) (must equal line 74)		3,902,717.	3,836,184.	
<b>Liabilities</b>		60 Accounts payable and accrued expenses	111,005.	91,439.
		61 Grants payable		
	62 Deferred revenue			
	63 Loans from officers, directors, trustees, and key employees			
	64 a Tax-exempt bond liabilities			
	b Mortgages and other notes payable			
	65 Other liabilities (describe )			
66 <b>Total liabilities</b> (add lines 60 through 65)	111,005.	91,439.		
<b>Net Assets or Fund Balances</b>	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74			
	67 Unrestricted	3,491,042.	3,427,272.	
	68 Temporarily restricted	272,322.	289,125.	
	69 Permanently restricted	28,348.	28,348.	
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74			
	70 Capital stock, trust principal, or current funds			
	71 Paid-in or capital surplus or land, building, and equipment fund			
	72 Retained earnings endowment, accumulated income or other funds			
	73 <b>Total net assets or fund balances</b> (add lines 67 through 69 OR lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)	3,791,712.	3,744,745.	
	74 <b>Total liabilities and net assets / fund balances</b> (add lines 66 and 73)	3,902,717.	3,836,184.	

Form 990 is available for public inspection and for some people serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III the organization's programs and accomplishments.



<b>Part VI</b>	<b>Other Information</b>
----------------	--------------------------

	Yes	No
--	-----	----

<b>76</b>	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	<b>76</b>		X
<b>77</b>	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes	<b>77</b>		X
<b>78 a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?	<b>78a</b>		X
<b>b</b>	If "Yes," has it filed a tax return on Form 990-T for this year?	<b>78b</b>		
<b>79</b>	Was there a liquidation, dissolution, termination or substantial contraction during the year? If "Yes," attach a statement	<b>79</b>		X
<b>80 a</b>	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc. to any other exempt or nonexempt organization?	<b>80a</b>		X
<b>b</b>	If "Yes," enter the name of the organization _____ and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt			
<b>81 a</b>	Enter direct or indirect political expenditures See line 81 instructions	<b>81a</b>	0.	
<b>b</b>	Did the organization file Form 1120-POL for this year?	<b>81b</b>		X
<b>82 a</b>	Did the organization receive donated services or the use of materials, equipment or facilities at no charge or at substantially less than fair rental value?	<b>82a</b>	X	
<b>b</b>	If "Yes," you may indicate the value of these items here Do not include this amount as revenue in Part I or as an expense in Part II (See instructions in Part III)	<b>82b</b>		
<b>83 a</b>	Did the organization comply with the public inspection requirements for returns and exemption applications?	<b>83a</b>	X	
<b>b</b>	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	<b>83b</b>	X	
<b>84 a</b>	Did the organization solicit any contributions or gifts that were not tax deductible?	<b>84a</b>		
<b>b</b>	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	<b>84b</b>		
<b>85 501(c)(4), (5), or (6) organizations</b>	<b>a</b> Were substantially all dues nondeductible by members?	<b>85a</b>	N/A	
<b>b</b>	Did the organization make only in-house lobbying expenditures of \$2,000 or less? If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year	<b>85b</b>	N/A	
<b>c</b>	Dues, assessments, and similar amounts from members	<b>85c</b>	N/A	
<b>d</b>	Section 162(e) lobbying and political expenditures	<b>85d</b>	N/A	
<b>e</b>	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	<b>85e</b>	N/A	
<b>f</b>	Taxable amount of lobbying and political expenditures (line 85d less 85e)	<b>85f</b>	N/A	
<b>g</b>	Does the organization elect to pay the section 6033(e) tax on the amount in 85f?	<b>85g</b>	N/A	
<b>h</b>	If section 6033(e)(1)(A) dues notices were sent does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	<b>85h</b>	N/A	
<b>86 501(c)(7) organizations</b>	<b>a</b> Initiation fees and capital contributions included on line 12	<b>86a</b>	N/A	
<b>b</b>	Gross receipts, included on line 12 for public use of club facilities	<b>86b</b>	N/A	
<b>87 501(c)(12) organizations</b>	<b>a</b> Gross income from members or shareholders	<b>87a</b>	N/A	
<b>b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them)	<b>87b</b>	N/A	
<b>88</b>	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes" complete Part IX	<b>88</b>		X
<b>89 a 501(c)(3) organizations</b>	Enter Amount of tax imposed on the organization during the year under section 4911 <u>0.</u> , section 4912 <u>0.</u> , section 4955 <u>0.</u>			
<b>b 501(c)(3) and 501(c)(4) organizations</b>	Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	<b>89b</b>		X
<b>c</b>	Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912 4955 and 4958 <u>0.</u>			
<b>d</b>	Enter Amount of tax on line 89c, above, reimbursed by the organization <u>0.</u>			
<b>90 a</b>	List the states with which a copy of this return is filed <u>California</u>			
<b>b</b>	Number of employees employed in the pay period that includes March 12, 2001	<b>90b</b>		21

91 The books are in care of ► Hector Melendez, ED Telephone no ► 415-401-4242

Located at ► 1294 Potrero Ave, San Francisco, CA ZIP + 4 ► 94110-3570

**92** Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here  
and enter the amount of tax-exempt interest received or accrued during the tax year

N/A

**Part VII Analysis of Income-Producing Activities** (See Specific Instructions on page 32.)

Note Enter gross amounts unless otherwise indicated

	Unrelated business income		Excluded by section 512 513 or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
<b>93</b> Program service revenue					
<b>a</b> <u>Preschool</u>					67,023.
<b>b</b> <u>Sports program</u>					2,570.
<b>c</b> <u>Other program fees</u>					8,291.
<b>d</b> _____					
<b>e</b> _____					
<b>f</b> Medicare/Medicaid payments					
<b>g</b> Fees and contracts from government agencies					27,403.
<b>94</b> Membership dues and assessments					
<b>95</b> Interest on savings and temporary cash investments			14	13,127.	
<b>96</b> Dividends and interest from securities					
<b>97</b> Net rental income or (loss) from real estate					
<b>a</b> debt-financed property					
<b>b</b> not debt-financed property					
<b>98</b> Net rental income or (loss) from personal property					
<b>99</b> Other investment income					
<b>100</b> Gain or (loss) from sales of assets other than inventory			18	<1,226.>	
<b>101</b> Net income or (loss) from special events					
<b>102</b> Gross profit or (loss) from sales of inventory					
<b>103</b> Other revenue					
<b>a</b> _____					
<b>b</b> _____					
<b>c</b> _____					
<b>d</b> _____					
<b>e</b> _____					
<b>104</b> Subtotal (add columns (B), (D), and (E))		0.		11,901.	105,287.
<b>105</b> Total (add line 104, columns (B), (D), and (E))					117,188.

Note Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See Specific Instructions on page 32.)

Line No	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes)
93a	Fees from Child Development Center bilingual preschool program
93b	Fees from child/youth sports program
93c	Fees from other family services
93g	Preschool subsidies

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See Specific Instructions on page 33.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See Specific Instructions on page 33.)

(a) Did the organization, during the year, receive any funds directly or indirectly, to pay premiums on a personal benefit contract?

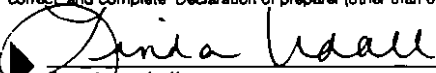
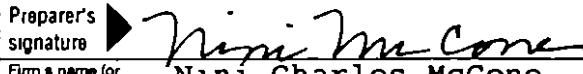
☐ Yes ☒ No

(b) Did the organization during the year, pay premiums, directly or indirectly, on a personal benefit contract?

☐ Yes ☒ No

Note If "Yes" to (b), file Form 8870 and Form 4720 (see instructions)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here		Date	11/5/02	Type or print name and title	LINDA UDALL Treasurer
Paid Preparer's Use Only	Preparer's signature 	Date	10/31/02	Check if self-employed <input checked="" type="checkbox"/>	Preparer's SSN or PTIN
	Firm's name (or yours if self-employed), address and ZIP + 4	EIN			
	Nini Charles McCone 61 Fifth Avenue San Francisco, CA 94118	Phone no (415) 751-8556			



**SCHEDULE A**  
(Form 990 or 990-EZ)**Organization Exempt Under Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust**2001**Department of the Treasury  
Internal Revenue Service**Supplementary Information-(See separate instructions.)**▶ **MUST** be completed by the above organizations and attached to their Form 990 or 990-EZName of the organization **Good Samaritan Family Resource  
Center, Inc.**Employer identification number  
**94 3154078****Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See page 1 of the instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
Teresa Carias ----- 1294 Potrero Avenue, SF CA 94110	Program Dir. 40	51,186.		
Pedro Menendez ----- 1294 Potrero Avenue, SF CA 94110	Tech. Dir. 40	51,154.		
-----				
-----				
-----				
-----				
-----				
Total number of other employees paid over \$50,000 ▶	0			

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None -----		
-----		
-----		
-----		
-----		
-----		
-----		
Total number of others receiving over \$50,000 for professional services ▶	0	

**Part III Statements About Activities** (See page 2 of the instructions)

	Yes	No
--	-----	----

- 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities **\$** \_\_\_\_\_ **\$** \_\_\_\_\_ (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B)

1		X
---	--	---

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.

- 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)

a Sale, exchange, or leasing of property?

2a		X
----	--	---

b Lending of money or other extension of credit?

2b		X
----	--	---

c Furnishing of goods, services, or facilities?

2c		X
----	--	---

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

2d		X
----	--	---

e Transfer of any part of its income or assets?

2e		X
----	--	---

- 3 Does the organization make grants for scholarships, fellowships, student loans, etc.? (See Note below.)

3	X	
---	---	--

- 4 Do you have a section 403(b) annuity plan for your employees?

4		X
---	--	---

Note: Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs "qualify" to receive payments.

See Statement 9

**Part IV Reason for Non-Private Foundation Status** (See pages 3 through 6 of the instructions)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)

- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations. (See page 5 of the instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 6 of the instructions.)

Schedule A (Form 990 or 990-EZ) 2001

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12) **Use cash method of accounting**  
**Note** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting

Calendar year (or fiscal year beginning in)	(a) 2000	(b) 1999	(c) 1998	(d) 1997	(e) Total
<b>15</b> Gifts, grants, and contributions received (Do not include unusual grants. See line 28.)	848,069.	600,086.	727,830.	1,456,998.	3,632,983.
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	130,231.	294,466.	200,533.	182,315.	807,545.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	19,272.	20,130.	23,780.	4,361.	67,543.
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets.					
<b>23</b> Total of lines 15 through 22	997,572.	914,682.	952,143.	1,643,674.	4,508,071.
<b>24</b> Line 23 minus line 17	867,341.	620,216.	751,610.	1,461,359.	3,700,526.
<b>25</b> Enter 1% of line 23	9,976.	9,147.	9,521.	16,437.	

<b>26</b> Organizations described on lines 10 or 11	a Enter 2% of amount in column (e), line 24	<b>26a</b>	74,011.
b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1997 through 2000 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts		<b>26b</b>	1,700,269.
c Total support for section 509(a)(1) test. Enter line 24 column (e)		<b>26c</b>	3,700,526.
d Add: Amounts from column (a) for lines 18 <u>67,543.</u> 19 <u>1,700,269.</u> 22 <u>1,700,269.</u>		<b>26d</b>	1,767,812.
e Public support (line 26c minus line 26d total)		<b>26e</b>	1,932,714.
f Public support percentage (line 26e (numerator) divided by line 26c (denominator))		<b>26f</b>	52.2281%

**27** Organizations described on line 12 a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of and total amounts received in each year from, each "disqualified person." Do not file this list with your return. Enter the sum of such amounts for each year **N/A**

(2000) (1999) (1998) (1997)

b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11 as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2) enter the sum of these differences (the excess amounts) for each year **N/A**

(2000) (1999) (1998) (1997)

c Add: Amounts from column (a) for lines 15 <u>                    </u> 16 <u>                    </u> 17 <u>                    </u> 20 <u>                    </u> 21 <u>                    </u>	<b>27c</b>	N/A
d Add: Line 27a total <u>                    </u> and line 27b total <u>                    </u>	<b>27d</b>	N/A
e Public support (line 27c total minus line 27d total)	<b>27e</b>	N/A
f Total support for section 509(a)(2) test. Enter amount on line 23 column (e) <b>27f</b> <u>N/A</u>	<b>27g</b>	N/A %
g Public support percentage (line 27e (numerator) divided by line 27f (denominator))	<b>27h</b>	N/A %
h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))		

**28 Unusual Grants** For an organization described in line 10, 11, or 12 that received any unusual grants during 1997 through 2000 prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15 **None**

**Part V Private School Questionnaire** (See page 7 of the instructions)

N/A

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

	Yes	No
<b>29</b> Does the organization have a racially nondiscriminatory policy toward students by statement in its charter bylaws, other governing instrument, or in a resolution of its governing body?		
<b>30</b> Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures catalogues and other written communications with the public dealing with student admissions, programs, and scholarships?		
<b>31</b> Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe, if "No," please explain (If you need more space, attach a separate statement )		
<b>32</b> Does the organization maintain the following		
<b>a</b> Records indicating the racial composition of the student body, faculty and administrative staff?		
<b>b</b> Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?		
<b>c</b> Copies of all catalogues brochures, announcements, and other written communications to the public dealing with student admissions programs, and scholarships?		
<b>d</b> Copies of all material used by the organization or on its behalf to solicit contributions? If you answered "No" to any of the above please explain (If you need more space attach a separate statement )		
<b>33</b> Does the organization discriminate by race in any way with respect to		
<b>a</b> Students rights or privileges?		
<b>b</b> Admissions policies?		
<b>c</b> Employment of faculty or administrative staff?		
<b>d</b> Scholarships or other financial assistance?		
<b>e</b> Educational policies?		
<b>f</b> Use of facilities?		
<b>g</b> Athletic programs?		
<b>h</b> Other extracurricular activities? If you answered "Yes" to any of the above, please explain (If you need more space attach a separate statement )		
<b>34 a</b> Does the organization receive any financial aid or assistance from a governmental agency?		
<b>b</b> Has the organization's right to such aid ever been revoked or suspended? If you answered "Yes" to either 34a or b, please explain using an attached statement		
<b>35</b> Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev Proc 75-50 1975-2 C B 587, covering racial nondiscrimination? If "No," attach an explanation		

Schedule A (Form 990 or 990-EZ) 2001

**Part VI-A Lobbying Expenditures by Electing Public Charities** (See page 9 of the instructions )

N/A

(To be completed ONLY by an eligible organization that filed Form 5768)

Check ☐ a ☐ if the organization belongs to an affiliated groupCheck ☐ b ☐ if you checked "a" and "limited control" provisions apply**Limits on Lobbying Expenditures**

(The term "expenditures" means amounts paid or incurred )

(a)  
Affiliated group  
totals(b)  
To be completed for ALL  
electing organizations

N/A

36 Total lobbying expenditures to influence public opinion (grassroots lobbying)

36

37 Total lobbying expenditures to influence a legislative body (direct lobbying)

37

38 Total lobbying expenditures (add lines 36 and 37)

38

39 Other exempt purpose expenditures

39

40 Total exempt purpose expenditures (add lines 38 and 39)

40

41 Lobbying nontaxable amount Enter the amount from the following table -

If the amount on line 40 is -

The lobbying nontaxable amount is -

Not over \$500 000

20% of the amount on line 40

Over \$500 000 but not over \$1 000 000

\$100 000 plus 15% of the excess over \$500 000

Over \$1 000 000 but not over \$1,500 000

\$175 000 plus 10% of the excess over \$1 000 000

Over \$1,500 000 but not over \$17 000 000

\$225 000 plus 5% of the excess over \$1 500 000

Over \$17 000 000

\$1 000 000

41

42 Grassroots nontaxable amount (enter 25% of line 41)

42

43 Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36

43

44 Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38

44

**Caution** If there is an amount on either line 43 or line 44, you must file Form 4720**4-Year Averaging Period Under Section 501(h)**

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below See the instructions for lines 45 through 50 on page 11 of the instructions )

**Lobbying Expenditures During 4-Year Averaging Period**

N/A

Calendar year (or fiscal year beginning in) ▶	(a) 2001	(b) 2000	(c) 1999	(d) 1998	(e) Total
45 Lobbying nontaxable amount					0.
46 Lobbying ceiling amount (150% of line 45(e))					0.
47 Total lobbying expenditures					0.
48 Grassroots nontaxable amount					0.
49 Grassroots ceiling amount (150% of line 48(e))					0.
50 Grassroots lobbying expenditures					0.

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions )

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a Volunteers
- b Paid staff or management (Include compensation in expenses reported on lines c through h )
- c Media advertisements
- d Mailings to members legislators or the public
- e Publications, or published or broadcast statements
- f Grants to other organizations for lobbying purposes
- g Direct contact with legislators, their staffs, government officials, or a legislative body
- h Rallies, demonstrations, seminars, conventions, speeches, lectures or any other means
- i Total lobbying expenditures (Add lines c through h )

Yes	No	Amount
		0.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities

## [144]

**Schedule B**(Form 990, 990-EZ, or  
990-PF)Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No 1545-0047

**2001**

Name of organization

Good Samaritan Family Resource  
Center, Inc.

Employer identification number

94-3154078

Organization type (check one)

Filers of

Section

Form 990 or 990-EZ

☒ 501(c)( 3 ) (enter number) organization☐ 4947(a)(1) nonexempt charitable trust not treated as a private foundation☐ 527 political organization

Form 990 PF

☐ 501(c)(3) exempt private foundation☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation☐ 501(c)(3) taxable private foundationCheck if your organization is covered by the **General rule** or a **Special rule** (Note Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General rule and a Special rule-see instructions)**General Rule-**☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor (Complete Parts I and II)**Special Rules-**☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms (Complete Parts I and II)☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals (Complete Parts I, II, and III)☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000 (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the General rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year) ► \$ \_\_\_\_\_**Caution** Organizations that are not covered by the General rule and/or the Special rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they must check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)

Page 1 to 2 of Part I

Name of organization  
 Good Samaritan Family Resource  
 Center, Inc.

Employer identification number

94-3154078

**Part I Contributors** (See Specific Instructions)

(a) No	(b) Name, address and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
<u>1</u>		\$ <u>53,275.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>2</u>		\$ <u>95,781.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>3</u>		\$ <u>27,500.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>4</u>		\$ <u>80,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>5</u>		\$ <u>152,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>6</u>		\$ <u>177,836.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)



Schedule B (Form 990 990-EZ, or 990-PF) (2001)

Page 2 to 2 of Part I

## Name of organization

Good Samaritan Family Resource  
Center, Inc.

## Employer identification number

94-3154078

**Part I Contributors** (See Specific Instructions)

(a) No	(b) Name, address and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7		\$ 37,750.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
8		\$ 86,821.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
9		\$ 40,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
10		\$ 50,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
11		\$ 73,796.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
12		\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)

Good Samaritan Family Resource Center, Inc.

94-3154078

## Footnotes

Statement 1

FORM 990, PART IV, LINE 57

FORM 199, SCH L, LINE 10

## PROPERTY AND EQUIPMENT

Building and improvements

2,985,926.

Equipment

214,590.

Construction in progress

193,969.

Accumulated depreciation

&lt;464,541.&gt;

2,929,944.

Land

300,000.

3,229,944.

Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990	Gain (Loss) From Publicly Traded Securities	Statement	2
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Description	Gross Sales Price	Cost or Other Basis	Expense of Sale	Net Gain or (Loss)
Publicly traded securities	6,393.	7,619.	0.	<1,226.>
To Form 990, Part I, line 8	6,393.	7,619.	0.	<1,226.>

Form 990	Other Expenses	Statement	3
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Description	(A) Total	(B) Program Services	(C) Management and General	(D) Fundraising
Professional fees	79,593.	74,711.	2,956.	1,926.
Outside services	3,079.		3,079.	
Insurance	19,278.	16,650.	2,628.	
License and fees	6,876.	6,410.	466.	
Field trips	7,983.	7,983.		
Events	5,810.	4,534.	5.	1,271.
Food	28,319.	26,240.	1,878.	201.
Local transportation	6,298.	5,948.	251.	99.
Staff development	2,923.	1,349.	1,324.	250.
Advertising	2,423.	2,183.	240.	
Bad debt	1,364.	1,364.		
Miscellaneous	670.	123.	497.	50.
Total to Form 990, line 43	164,616.	147,495.	13,324.	3,797.

Form 990	Specific Assistance to Individuals	Statement	4
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Description	Amount
Critical needs assistance	2,385.
Total to Form 990, Part II, line 23	2,385.

Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990	Non-Government Securities				Statement	5
Security Description	Corporate Stocks	Corporate Bonds	Other Publicly Traded Securities	Other Securities	Total Non-Gov't Securities	
Publicly traded securities	10,398.				10,398.	
To 990, ln 54 Col B	10,398.				10,398.	

Form 990	Other Expenses Not Included on Form 990	Statement	6
Description		Amount	
Realized losses netted to investment expense		1,226.	
Total to Form 990, Part IV-B		1,226.	

Form 990	Other Revenue Included on Form 990	Statement	7
Description		Amount	
Realized losses netted to investment expense		<1,226.>	
Total to Form 990, Part IV-A		<1,226.>	

Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990      Part V - List of Officers, Directors, Trustees and Key Employees      Statement 8

Name and Address	Title and Avg Hrs/Wk	Compensation	Employee Ben Plan Expense Contrib Account
John Bullock San Francisco, CA	Director 2	0.	0. 0.
Kay Bishop San Francisco, CA	Director 2	0.	0. 0.
Frank De Rosa San Francisco, CA	President 5	0.	0. 0.
Betsy Dixon San Francisco, CA	Director .1	0.	0. 0.
Barbara Gault San Francisco, CA	Director 2	0.	0. 0.
Martha Jennings San Francisco, CA	Director 1	0.	0. 0.
Alan Levinson Sausalito, CA	Director .1	0.	0. 0.
Alicia Lieberman, Ph.D. San Francisco, CA	Director .1	0.	0. 0.
G.W. Lorton San Francisco, CA	Director 1	0.	0. 0.
William H. Orrick III San Francisco, CA	Secretary 5	0.	0. 0.
Kat Taylor San Francisco, CA	Vice President 5	0.	0. 0.

Good Samaritan Family Resource Center, Inc.

94-3154078

Linda Udall	Treasurer			
San Francisco, CA	5	0.	0.	0.
Dr. Fernando Viteri	Director			
Piedmont, CA	.1	0.	0.	0.
Ede Zollman	Director			
San Francisco, CA	.1	0.	0.	0.
Hector Melendez	Executive Director			
San Francisco, CA	40	73,969.	0.	0.
Totals Included on Form 990, Part V		73,969.	0.	0.

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Schedule A	Explanation of Qualifications to Receive Payments	Statement	9
	Part III, Line 4		

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The Good Sam Critical Needs fund was established to address the detrimental effects of unexpected financial difficulties on a client's ability to achieve self-sufficiency. Each client may receive critical needs assistance once per lifetime. Acceptable uses for emergency financial assistance include, but are not limited to, emergencies related to:

- Childcare services not covered by other programs.
- Uninsured medical payments.
- Student related expenses not covered by other funding arrangements.
- Transportation (bus/cab fare, towing/impounded fees, vehicle repair).
- Supplemental training or social services not provided by Good Sam.
- Rent assistance

## **Good Samaritan Family Resource Center, Inc.**

### **Program Descriptions**

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived families in San Francisco for 107 years. Our mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency and participate constructively in the community.

The agency of Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

Good Sam has two main program areas:

- 1) **Family Support Advocacy**, which uses the Family Support Principles as a framework for all child, youth and adult programming in an effort to synthesize our services and work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting classes, Adult literacy, Individual and group therapy, After School Academic Enrichment, Soccer Program, Asthma and dental screenings and Education for children of elementary public schools, Emergency assistance, Summer Youth Program, English for Beginners language classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for families with separated or divorced parents, and In-home support.
- 2) **Child Development Center**, which provides fully enriched childcare to 36 low-income children and daily drop-in childcare for community classes.

## **Good Samaritan Family Resource Center**

### **Family Support Services -- Program Descriptions**

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived immigrant families in San Francisco for 107 years. Our Mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency, and participate constructively in the community.

Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

*The following programs currently exist to meet our mission*

#### ***Services for adults:***

##### **1. Intakes, Assessment, and Follow-Up:**

Provide preliminary needs assessment to new families. Orient and refer families to GSFRC Programs and Services, or to other community agencies. Do follow-up with families to assure they are receiving appropriate services.

*Clients Served* New families to the GSFRC  
*Hours* Monday – Friday from 9 a.m. to 5 p.m.

##### **2. Family Advocacy:**

Provide assistance, advocacy and case management to families who need extra support. Family Advocates assist families dealing with difficult circumstances or who want support in setting and reaching goals.

*Clients Served* Any adult or family from the community  
*Hours* As needed, on-going through year

##### **3. Adult Literacy Program:**

Introductory English classes offered to adults needing basic, "survival" English. Students learn through large and small classroom settings, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community E.S.L. classes.

*Clients Served* Capacity for 30 Adults (18 y.o. and over)  
*Hours* Monday - Friday from 10 a.m. to 11:30 a.m. Afternoons T.B.D.



**4. Technology Program:**

Introductory computer classes offered to adults who have had no previous access to computers. Students receive basic instruction and tutoring, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community computer courses.

*Clients Served* 30 Adults per year (18 y o and over)

*Hours* Monday - Friday from 11 30 a m to 1 00 p m , Evenings T B D

**5. Parenting Classes:**

Classes offered to parents who want to learn positive discipline techniques and child development practices. This program is open to all Spanish speaking parents, and is a certified program for parents who are mandated by court to participate.

*Clients Served* Parents in need of support (some are mandated), capacity of 15

*Hours* Ten-week series, one 2-hour session a week, specific time T B D (3/yr)

**6. Domestic Violence Support Group:**

In collaboration with Casa de las Madres, women are provided with a safe and comfortable space to discuss and work through their experiences of domestic violence. The women in the group are supported in their decisions to improve their situations.

*Clients Served* Women experiencing domestic violence (open group)

*Hours* Once a week, on-going, Wednesdays 9 30 am to 11 30 a m

**7. Community Development “Horas Felices”:**

Provide forum for adults to discuss issues stemming from the immigrant experience. Different workshops and presentations are provided that address self-esteem, sexuality, health, children’s development, community resources, etc. Participants are encouraged to create curriculum and share their knowledge with others, thereby building community.

*Clients Served* Any adult (18 and over) from the community

*Hours* Ten-week series, one 2-hour session a week, time T B D (3 /yr )

**8. Child Development Classes:**

In collaboration with City College, provide Continuing Education Units in Child Development to child-care providers. This is one of two Spanish course of this kind that City College provides in the community.

*Clients Served* 20 Child-care providers in need of C E Units

*Hours* Weekly 3-hour class, specific time T B D (Spring and Fall Semester)

## **9. Cultural/Generational Language Exchange Program:**

In collaboration with Buena Vista Elementary School, our E S L adults and Buena Vista's 2<sup>nd</sup> Graders come together to exchange cultural and generational pride and knowledge (through reading, interviewing, and doing "cultural" show-and-tell), while being able to practice the other culture's language

*Clients Served* 10 to 15 E S L adults and 20 Second Graders

*Hours* Once a week, for a 5 week series (hours T B D Spring & Fall Semesters)

## **10. Parent Support Groups:**

Parents are provided with a comfortable and friendly place where they can discuss any difficulties, challenges and successes that come from being a parent. Parents are given support and assisted by facilitator to share their experiences. Facilitator is employed on a contract basis.

*Clients Served* All parents of children enrolled in the Child Dev Center

*Hours* T B D, on-going through scholastic year

## **11. Critical Needs (Monetary):**

Provide financial assistance (up to \$250 a year) to families in critical need. Need assessed by Family Services Director and final approval given by the E D.

*Clients Served* Any family/client of the G S F R C who is in critical need

*Hours* Monday – Friday from 9 a m to 5 p m

## **12. Critical Needs (Food):**

In collaboration with the San Francisco Food bank, families in critical need for food are provided with a Food Box that is culturally sensitive and appropriate for the size of the family (limited to one box a year per family).

*Clients Served* Any family/client of the G S F R C who is in critical need

*Hours* Monday – Friday from 9 a m to 5 p m

## ***Services for youth:***

### **1. Academic Support Program:**

Provide educational assistance and support to children living in the Mission neighborhood who are performing below academic potential (as identified by teachers, parents, and/or Program Coordinators). By providing a comfortable and friendly place, students will develop better self-esteem and skills for academic success. Program operates on-site.

*Clients Served* Approximately 45 students, 7 to 11 years old

*Hours* Monday - Friday, 3 00 p m to 5 30 p m

## **2. Soccer Program:**

Promote self-esteem, leadership, and team-building skills by providing a safe and trusting environment for boys and girls to practice and participate in competitions within the Mission Soccer League, Police Athletic League, and the Viking League. Parent involvement is highly encouraged, and has been successful.

*Clients Served* Over 80 kids, ages 5 to 16

*Hours* Mon – Thurs after-school practice, Saturday Competitions (hrs vary)

## **3. Summer Youth Program:**

Provide Mission neighborhood youth with a safe, welcoming, educational and culturally sensitive space during the summer. Participants have fun while continuing to gain educational, social, and emotional skills through technology, photography and arts, community, and leadership development programs. Fieldtrips and other cultural experiences are part of the curriculum. Self-esteem, leadership, and team-building skills are also promoted, as curriculum is created and implemented by elected youth coordinators, leaders, and tutors.

*Clients Served* 20 youth ages 13 to 17

*Hours* July to August, 9 a.m. to 5 p.m.

## **4. Kids' Turn Divorce Program:**

In collaboration with Kids' Turn, this program focuses on helping kids express and manage their feelings when their parents separate. Children meet in age appropriate groups and do fun, creative activities with other kids going through the same things. Parents meet and find ways to communicate with and support their children during this difficult time.

*Clients Served* Capacity for 20 children and their parents, per session

*Hours* One 2 hour group a week, for a 6 week series (hours T B D , 3 times/yr)

## **5. Cultural/Generational Language Exchange Program:**

In collaboration with Buena Vista Elementary School, our Child Development Center and Buena Vista's 2<sup>nd</sup> Graders come together to exchange cultural and age-specific pride and knowledge (through reading, singing, and interviewing), while being able to practice the other culture's language.

*Clients Served* C D C Children and 20 Second Graders

*Hours* Once a week, for a 5 week series (hours T B D , Spring & Fall Semesters)

**6. Therapeutic Playgroup:**

Provide therapeutic playgroups for children of our Child Development Center in need of support and assistance. Children develop their self-esteem, social skills, and are able to work through many difficulties they may be experiencing.

*Clients Served* 6 children enrolled in the Child Development Center

*Hours* T B D 2 groups a year (Spring & Fall Semesters)

**Health Department:****1. Family Planning Clinic:**

In collaboration with Planned Parenthood, an on-site family planning clinic is open one day per week. Adults and youth without health insurance receive services free of charge.

*Clients Served* Any sexually active adult or youth from the community

*Hours* Wednesdays 12 00 p m -6 30 p m , throughout the year

**2. Dental Screenings:**

Provide dental screenings to children of five San Francisco Elementary Schools (in collaboration with the Dental Bureau of the Department of Public Health). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

*Clients Served* Numbers vary depending on Parents' consent K - 6<sup>th</sup> Grade

*Hours* Spring Semester, specific hours determined with individual schools

**3. Asthma Screenings:**

Provide asthma screenings to children of five San Francisco Elementary Schools (in collaboration with St. Luke's Hospital). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

*Clients Served* Numbers vary depending on Parents' consent K - 6<sup>th</sup> Grade

*Hours* Spring Semester, specific hours determined with individual schools

**4. Health Workshops:**

In collaboration with St. Luke's Hospital, provide health workshops in Spanish. Workshops are geared towards specific health needs in the community.

*Clients Served* Any Clients of the G S F R C (numbers vary)

*Hours* Saturday workshops, specific hours T B D , approximately 5 a year

***Child Development Center:***

The Good Samaritan Family Resource Center Child Development Program is dedicated to providing quality multicultural programs for children ages 2 ½ through 5, from diverse backgrounds, to insure future academic success. The Child Development Center also advises and orients parents as they face the challenges of raising children in a complex, and sometimes unfamiliar, cultural milieu. The staff of the Child Development Center educates, works with, and learns from the child's entire family.

**Early Learning Program Philosophy:** We believe that a quality child development program focuses on the whole child, including social, emotional, intellectual and physical development. Our commitment includes the understanding that a child exists within the social and cultural worlds of home and community.

Clients Served 36 children ages 2 ½ through 5 years old  
Hours Monday – Friday from 7:00 a.m. to 6:00 p.m.

***Community Events:***

Provide the community with a welcoming, safe, and culturally sensitive environment to celebrate the diversity, unity, and traditions of the area. Provide the community with a sense of enrichment, appreciation, and self-esteem.

Clients Served All clients, and the community at large (numbers vary)  
Hours T B D (approximately 4 a year)

Form 8868 (12-2000)

Page 2

• If you are filing for an Additional (not automatic) 3-Month Extension, complete only Part II and check this box ☒

Note Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.

• If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1)

**Part II Additional (not automatic) 3-Month Extension of Time - Must file Original and One Copy.**

Type or print File by the extended due date for filing the return. See instructions.	Name of Exempt Organization <b>Good Samaritan Family Resource Center, Inc.</b>	Employer identification number <b>94-3154078</b>
	Number, street, and room or suite no. If a P.O. box, see instructions <b>1294 Potrero Avenue</b>	For IRS use only
	City, town or post office, state, and ZIP code. For a foreign address, see instructions <b>San Francisco, CA 94110</b>	

Check type of return to be filed (File a separate application for each return)

☒ Form 990 ☐ Form 990 EZ ☐ Form 990 T (sec. 401(a) or 408(a) trust) ☐ Form 1041 A ☐ Form 5227 ☐ Form 8870  
☐ Form 990 BL ☐ Form 990 PF ☐ Form 990 T (trust other than above) ☐ Form 4720 ☐ Form 6069

**STOP** Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

• If the organization does not have an office or place of business in the United States, check this box ☐  
 • If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_ If this is for the whole group, check this box ☐ If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension is for

4 I request an additional 3 month extension of time until November 15, 2002  
 5 For calendar year 2001, or other tax year beginning \_\_\_\_\_ and ending \_\_\_\_\_  
 6 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period  
 7 State in detail why you need the extension  
Information required to complete the return is not yet available.

8a If this application is for Form 990 BL, 990 PF, 990 T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions \$ \_\_\_\_\_  
 b If this application is for Form 990 PF, 990 T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868 \$ \_\_\_\_\_  
 c **Balance Due** Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions \$ N/A

**Signature and Verification**

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature Nini Charles McCone Title CPA Date 8/3/02

**Notice to Applicant - To Be Completed by the IRS**

☒ We have approved this application. Please attach this form to the organization's return.  
☐ We have not approved this application. However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions). This grace period is considered to be a valid extension of time for elections otherwise required to be made on a timely return. Please attach this form to the organization's return.  
☐ We have not approved this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to file. We are not granting the 10-day grace period.  
☐ We cannot consider this application because it was filed after the due date of the return for which an extension was requested.  
☐ Other \_\_\_\_\_

Director \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

Alternate Mailing Address - Enter the address if you want the copy of this application for an additional 3-month extension returned to an address different than the one entered above.

Type or print	Name <b>Nini Charles McCone</b>	APPROVED
	Number and street (include suite, room, or apt. no.) Or a P.O. box number <b>61 Fifth Avenue</b>	<b>AUG 21 2002</b>
	City or town, province or state, and country (including postal or ZIP code) <b>San Francisco, CA 94118</b>	LINDA WEISKOPF, FIELD DIRECTOR SUBMISSION PROCESSING, OGDEN

123832  
07-16-01

Form 8868 (12-2000)

[160]<sup>17</sup>

Form **990** **Return of Organization Exempt from Income Tax** OMB No 1545-0047  
**2002**  
 Department of the Treasury Internal Revenue Service **Open to Public Inspection**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)  
 ▶ The organization may have to use a copy of this return to satisfy state reporting requirements

**A** For the 2002 calendar year, or tax year beginning 7/01, 2002, and ending 6/30, 2003

**B** Check if applicable:  
☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final return  
☐ Amended return  
☐ Application pending

Please use IRS label or print or type See specific instructions  
**Good Samaritan Family Resource Center of San Francisco**  
**2871 24th Street**  
**San Francisco, CA 94110**

**D** Employer identification number **94-3154078**

**E** Telephone number **(415) 824-9475**

**F** Accounting method ☐ Cash ☒ Accrual  
☐ Other (specify) ▶

**G** Web site ▶ **N/A**

**J** Organization type (check only one) ▶ ☒ 501(c) 3 (insert no) ☐ 4947(a)(1) or ☐ 527

**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

**L** Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12 ▶ **979,720**

**H** and **I** are not applicable to section 527 organizations  
**H (a)** Is this a group return for affiliates? ☐ Yes ☒ No  
**H (b)** If "Yes," enter number of affiliates ▶  
**H (c)** Are all affiliates included? ☐ Yes ☐ No (If No, attach a list. See instructions.)  
**H (d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No  
**I** Enter 4 digit GEN ▶  
**M** Check ☒ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)

**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (See instructions)

<b>1</b> Contributions, gifts, grants, and similar amounts received			
<b>a</b> Direct public support	<b>1a</b>	<b>388,435.</b>	
<b>b</b> Indirect public support	<b>1b</b>		
<b>c</b> Government contributions (grants)	<b>1c</b>	<b>480,798.</b>	
<b>d</b> Total (add lines 1a through 1c) (cash \$ <b>869,233.</b> noncash \$ )	<b>1d</b>	<b>869,233.</b>	
<b>2</b> Program service revenue including government fees and contracts (from Part VII, line 93)	<b>2</b>	<b>105,335.</b>	
<b>3</b> Membership dues and assessments	<b>3</b>		
<b>4</b> Interest on savings and temporary cash investments	<b>4</b>		
<b>5</b> Dividends and interest from securities	<b>5</b>	<b>1,241.</b>	
<b>6a</b> Gross rents	<b>6a</b>		
<b>b</b> Less rental expenses	<b>6b</b>		
<b>c</b> Net rental income or (loss) (subtract line 6b from line 6a)	<b>6c</b>		
<b>7</b> Other investment income (describe ▶ )	<b>7</b>		
<b>8a</b> Gross amount from sales of assets other than inventory	(A) Securities	(B) Other	
<b>b</b> Less cost or other basis and sales expenses	<b>8a</b>		
<b>c</b> Gain or (loss) (attach schedule)	<b>8b</b>		
<b>d</b> Net gain or (loss) (combine line 8c, columns (A) and (B))	<b>8c</b>		
<b>9</b> Special events and activities (attach schedule)	<b>8d</b>		
<b>a</b> Gross revenue (not including \$ of contributions reported on line 1a)	<b>9a</b>		
<b>b</b> Less direct expenses other than fundraising expenses	<b>9b</b>		
<b>c</b> Net income or (loss) from special events (subtract line 9b from line 9a)	<b>9c</b>		
<b>10a</b> Gross sales of inventory, less returns and allowances	<b>10a</b>		
<b>b</b> Less cost of goods sold	<b>10b</b>		
<b>c</b> Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	<b>10c</b>		
<b>11</b> Other revenue (from Part VII, line 103)	<b>11</b>	<b>3,911</b>	
<b>12</b> Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	<b>12</b>	<b>979,720</b>	
<b>13</b> Program services (from line 44, column (B))	<b>13</b>	<b>849,780.</b>	
<b>14</b> Management and general (from line 44, column (C))	<b>14</b>	<b>312,154.</b>	
<b>15</b> Fundraising (from line 44, column (D))	<b>15</b>	<b>119,133.</b>	
<b>16</b> Payments to affiliates (attach schedule)	<b>16</b>		
<b>17</b> Total expenses (add lines 16 and 44, column (A))	<b>17</b>	<b>1,281,067.</b>	
<b>18</b> Excess or (deficit) for the year (subtract line 17 from line 12)	<b>18</b>	<b>-301,347.</b>	
<b>19</b> Net assets or fund balances at beginning of year (from line 73, column (A))	<b>19</b>	<b>3,658,882.</b>	
<b>20</b> Other changes in net assets or fund balances (attach explanation)	<b>20</b>		
<b>21</b> Net assets or fund balances at end of year (combine lines 13, 19, and 20)	<b>21</b>	<b>3,357,535</b>	



**Part II Statement of Functional Expenses** All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
<b>22</b> Grants and allocations (att sch) (cash \$ _____ non cash \$ _____)	<b>22</b>				
<b>23</b> Specific assistance to individuals (att sch)	<b>23</b>				
<b>24</b> Benefits paid to or for members (att sch)	<b>24</b>				
<b>25</b> Compensation of officers, directors, etc	<b>25</b>				
<b>26</b> Other salaries and wages	<b>26</b>	643,361	463,805	101,192	78,364
<b>27</b> Pension plan contributions	<b>27</b>				
<b>28</b> Other employee benefits	<b>28</b>	92,481	66,452	14,801	11,228
<b>29</b> Payroll taxes	<b>29</b>	51,165	37,104	7,792	6,269
<b>30</b> Professional fundraising fees	<b>30</b>				
<b>31</b> Accounting fees	<b>31</b>				
<b>32</b> Legal fees	<b>32</b>				
<b>33</b> Supplies	<b>33</b>	27,247	22,711	3,945	591
<b>34</b> Telephone	<b>34</b>	12,964	9,403	3,070	491
<b>35</b> Postage and shipping	<b>35</b>	1,628	395	306	927
<b>36</b> Occupancy	<b>36</b>				
<b>37</b> Equipment rental and maintenance	<b>37</b>	36,480	452	34,075	1,953
<b>38</b> Printing and publications	<b>38</b>	7,616	4,823	1,659	1,134
<b>39</b> Travel	<b>39</b>				
<b>40</b> Conferences, conventions, and meetings	<b>40</b>	851	691	160	
<b>41</b> Interest	<b>41</b>				
<b>42</b> Depreciation, depletion, etc (attach schedule)	<b>42</b>	116,462	14,942	98,772	2,748
<b>43</b> Other expenses not covered above (itemize)					
a See Statement 1	<b>43a</b>	290,812	229,002	46,382	15,428
b	<b>43b</b>				
c	<b>43c</b>				
d	<b>43d</b>				
e	<b>43e</b>				
<b>44</b> Total functional expenses (add lines 22 - 43) Organizations completing columns (B) - (D), carry these totals to lines 13 - 15	<b>44</b>	1,281,067	849,780	312,154	119,133

Joint Costs. Check ☐ if you are following SOP 98.2Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If 'Yes,' enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_, (ii) the amount allocated to program services \$ \_\_\_\_\_, (iii) the amount allocated to management and general \$ \_\_\_\_\_, and (iv) the amount allocated to fundraising \$ \_\_\_\_\_.

**Part III Statement of Program Service Accomplishments**What is the organization's primary exempt purpose? Help immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) &amp; (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants &amp; allocations to others.)

Program Service Expenses  
(Required for 501(c)(3) and  
(4) organizations and  
4947(a)(1) trusts, but  
optional for others.)

a See Statement 2		
(Grants and allocations \$ _____)		849,780
b		
(Grants and allocations \$ _____)		
c		
(Grants and allocations \$ _____)		
d		
(Grants and allocations \$ _____)		
e Other program services	(Grants and allocations \$ _____)	
<b>f Total of Program Service Expenses</b> (should equal line 44, column (B), program services)		<b>849,780</b>



**Part IV Balance Sheets** (See Instructions)**Note** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

		(A) Beginning of year		(B) End of year
<b>ASSETS</b>	<b>45</b> Cash – non interest bearing	9,362.	<b>45</b>	167,402.
	<b>46</b> Savings and temporary cash investments	249,064	<b>46</b>	
	<b>47 a</b> Accounts receivable	<b>47 a</b> 100,600		
	<b>b</b> Less allowance for doubtful accounts	<b>47 b</b>	9,953	<b>47 c</b> 100,600.
	<b>48 a</b> Pledges receivable	<b>48 a</b> 10,500.		
	<b>b</b> Less allowance for doubtful accounts	<b>48 b</b>		<b>48 c</b> 10,500
	<b>49</b> Grants receivable	260,634.	<b>49</b>	
	<b>50</b> Receivables from officers, directors, trustees, and key employees (attach schedule)		<b>50</b>	
	<b>51 a</b> Other notes & loans receivable (attach sch)	<b>51 a</b>		
	<b>b</b> Less allowance for doubtful accounts	<b>51 b</b>		<b>51 c</b>
	<b>52</b> Inventories for sale or use		<b>52</b>	
	<b>53</b> Prepaid expenses and deferred charges		<b>53</b>	9,192
	<b>54</b> Investments – securities (attach schedule)	<input type="checkbox"/> Cost <input type="checkbox"/> FMV 17,221	<b>54</b>	
	<b>55 a</b> Investments – land, buildings, & equipment basis	<b>55 a</b>		
	<b>b</b> Less accumulated depreciation (attach schedule)	<b>55 b</b>		<b>55 c</b>
<b>56</b> Investments – other (attach schedule)		<b>56</b>		
<b>57 a</b> Land, buildings, and equipment basis	<b>57 a</b> 3,751,831.			
<b>b</b> Less accumulated depreciation (attach schedule)	<b>57 b</b> 638,871.	3,206,970.	<b>57 c</b>	3,112,960
<b>58</b> Other assets (describe ▶ _____)		<b>58</b>		
<b>59 Total assets</b> (add lines 45 through 58) (must equal line 74)	3,753,204.	<b>59</b>	3,400,654.	
<b>LIABILITIES</b>	<b>60</b> Accounts payable and accrued expenses	94,322	<b>60</b>	43,119
	<b>61</b> Grants payable		<b>61</b>	
	<b>62</b> Deferred revenue		<b>62</b>	
	<b>63</b> Loans from officers, directors, trustees, and key employees (attach schedule)		<b>63</b>	
	<b>64 a</b> Tax exempt bond liabilities (attach schedule)		<b>64 a</b>	
	<b>b</b> Mortgages and other notes payable (attach schedule)		<b>64 b</b>	
	<b>65</b> Other liabilities (describe ▶ _____)		<b>65</b>	
	<b>66 Total liabilities</b> (add lines 60 through 65)	94,322.	<b>66</b>	43,119.
<b>NET ASSETS OR FUND BALANCES</b>	<b>Organizations that follow SFAS 117, check here</b> <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74			
	<b>67</b> Unrestricted	3,328,057.	<b>67</b>	3,150,173.
	<b>68</b> Temporarily restricted	302,477.	<b>68</b>	179,014
	<b>69</b> Permanently restricted	28,348.	<b>69</b>	28,348.
	<b>Organizations that do not follow SFAS 117, check here</b> <input type="checkbox"/> and complete lines 70 through 74			
	<b>70</b> Capital stock, trust principal, or current funds		<b>70</b>	
	<b>71</b> Paid in or capital surplus, or land, building, and equipment fund		<b>71</b>	
	<b>72</b> Retained earnings, endowment, accumulated income, or other funds		<b>72</b>	
	<b>73 Total net assets or fund balances</b> (add lines 67 through 69 or lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)	3,658,882.	<b>73</b>	3,357,535.
	<b>74 Total liabilities and net assets/fund balances</b> (add lines 66 and 73)	3,753,204	<b>74</b>	3,400,654

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

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**Part IV-A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return** (See instructions)

<b>a</b>	Total revenue, gains, and other support per audited financial statements	<b>a</b>	979,720.
<b>b</b>	Amounts included on line <b>a</b> but not on line 12, Form 990		
(1)	Net unrealized gains on investments \$		
(2)	Donated services and use of facilities \$		
(3)	Recoveries of prior year grants \$		
(4)	Other (specify) _____ \$		
	Add amounts on lines (1) through (4)	<b>b</b>	
<b>c</b>	Line <b>a</b> minus line <b>b</b>	<b>c</b>	979,720
<b>d</b>	Amounts included on line 12, Form 990 but not on line <b>a</b> .		
(1)	Investment expenses not included on line 6b, Form 990 \$		
(2)	Other (specify) _____ \$		
	Add amounts on lines (1) and (2)	<b>d</b>	
<b>e</b>	Total revenue per line 12, Form 990 (line <b>c</b> plus line <b>d</b> )	<b>e</b>	979,720

**Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return**

<b>a</b>	Total expenses and losses per audited financial statements	<b>a</b>	1,281,067.
<b>b</b>	Amounts included on line <b>a</b> but not on line 17, Form 990		
(1)	Donated services and use of facilities \$		
(2)	Prior year adjustments reported on line 20, Form 990 \$		
(3)	Losses reported on line 20, Form 990 \$		
(4)	Other (specify) _____ \$		
	Add amounts on lines (1) through (4)	<b>b</b>	
<b>c</b>	Line <b>a</b> minus line <b>b</b>	<b>c</b>	1,281,067.
<b>d</b>	Amounts included on line 17, Form 990 but not on line <b>a</b> .		
(1)	Investment expenses not included on line 6b, Form 990 \$		
(2)	Other (specify) _____ \$		
	Add amounts on lines (1) and (2)	<b>d</b>	
<b>e</b>	Total expenses per line 17, Form 990 (line <b>c</b> plus line <b>d</b> )	<b>e</b>	1,281,067

**Part V List of Officers, Directors, Trustees, and Key Employees** (List each one even if not compensated, see instructions)

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation	(E) Expense account and other allowances
See Statement 4				
		0.	0	0

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than \$100,000 from your organization and all related organizations, of which more than \$10,000 was provided by the related organizations?

☐ Yes

☒ No

If 'Yes,' attach schedule — see instructions

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**Part VI Other Information** (See instructions)

	Yes	No
<b>76</b> Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' attach a detailed description of each activity	<b>76</b>	X
<b>77</b> Were any changes made in the organizing or governing documents but not reported to the IRS? If 'Yes,' attach a conformed copy of the changes	<b>77</b>	X
<b>78a</b> Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?	<b>78a</b>	X
<b>b</b> If 'Yes,' has it filed a tax return on <b>Form 990-T</b> for this year?	<b>78b</b>	N/A
<b>79</b> Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement	<b>79</b>	X
<b>80a</b> Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	<b>80a</b>	X
<b>b</b> If 'Yes,' enter the name of the organization <u>N/A</u> and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt		
<b>81a</b> Enter direct or indirect political expenditures. See line 81 instructions.	<b>81a</b>	0.
<b>b</b> Did the organization file <b>Form 1120-POL</b> for this year?	<b>81b</b>	X
<b>82a</b> Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	<b>82a</b>	X
<b>b</b> If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)	<b>82b</b>	N/A
<b>83a</b> Did the organization comply with the public inspection requirements for returns and exemption applications?	<b>83a</b>	X
<b>b</b> Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	<b>83b</b>	X
<b>84a</b> Did the organization solicit any contributions or gifts that were not tax deductible?	<b>84a</b>	X
<b>b</b> If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	<b>84b</b>	N/A
<b>85 501(c)(4), (5), or (6) organizations</b> <b>a</b> Were substantially all dues nondeductible by members?	<b>85a</b>	N/A
<b>b</b> Did the organization make only in house lobbying expenditures of \$2,000 or less? If 'Yes,' was answered to either 85a or 85b, <b>do not</b> complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year	<b>85b</b>	N/A
<b>c</b> Dues, assessments, and similar amounts from members	<b>85c</b>	N/A
<b>d</b> Section 162(e) lobbying and political expenditures	<b>85d</b>	N/A
<b>e</b> Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	<b>85e</b>	N/A
<b>f</b> Taxable amount of lobbying and political expenditures (line 85d less 85e)	<b>85f</b>	N/A
<b>g</b> Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?	<b>85g</b>	N/A
<b>h</b> If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	<b>85h</b>	N/A
<b>86 501(c)(7) organizations</b> Enter <b>a</b> Initiation fees and capital contributions included on line 12	<b>86a</b>	N/A
<b>b</b> Gross receipts, included on line 12, for public use of club facilities.	<b>86b</b>	N/A
<b>87 501(c)(12) organizations</b> Enter <b>a</b> Gross income from members or shareholders	<b>87a</b>	N/A
<b>b</b> Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	<b>87b</b>	N/A
<b>88</b> At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX	<b>88</b>	X
<b>89a 501(c)(3) organizations</b> Enter Amount of tax imposed on the organization during the year under section 4911 <u>0.</u> , section 4912 <u>0.</u> , section 4955 <u>0.</u>		
<b>b 501(c)(3) and 501(c)(4) organizations</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction	<b>89b</b>	X
<b>c</b> Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		0
<b>d</b> Enter Amount of tax on line 89c, above, reimbursed by the organization		0.
<b>90a</b> List the states with which a copy of this return is filed <u>None</u>		
<b>b</b> Number of employees employed in the pay period that includes March 12, 2002 (See instructions)	<b>90b</b>	0
<b>91</b> The books are in care of <u>Hector Melandez</u> Telephone number <u>(415) 824-9475</u> Located at <u>2871 24th St. S F, CA</u> ZIP + 4 <u>94110</u>		
<b>92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041</b> - Check here and enter the amount of tax exempt interest received or accrued during the tax year <u>N/A</u>	<b>92</b>	N/A

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**Part VII Analysis of Income-Producing Activities** (See instructions)

Note Enter gross amounts unless otherwise indicated

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclusion code	(D) Amount	
93 Program service revenue					
a Childcare & Family Sv					105,335
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees & contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings & temporary cash invmnts					
96 Dividends & interest from securities			14	1,241.	
97 Net rental income or (loss) from real estate					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from pers prop					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue a					
b Miscellaneous			1	3,911.	
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))				5,152	105,335.
105 Total (add line 104, columns (B), (D), and (E))					110,487.

Note Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See instructions)

Line No	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes)
93 a	Preschool & Family Support Advocacy

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See instructions)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End of year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See instructions)

a Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?

☐ Yes ☒ No

b Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?

☐ Yes ☒ No

Note If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions)

Please Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.	
	Signature of officer	Date
	Hector Melendez, Executive Director	12/17/03
	Type or print name and title	

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed	Preparer's SSN or PTIN (see General Instruction W)
	Firm's name (or yours if self-employed) address and ZIP + 4		EIN	Phone no
	Cho, Jmwhall	12/12/03	<input checked="" type="checkbox"/>	P00178926
	Cho Accountancy			
	810 Gonzalez Drive, Suite 10K			
	San Francisco, CA 94132-2230			(415) 452-0530

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TEEA0106L 10/10/02

Form 990 (2002)

**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service**Organization Exempt Under  
Section 501(c)(3)**(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust  
Supplementary Information — (See separate instructions )

OMB No 1545-0047

**2002**▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**

Name of the organization

Good Samaritan Family Resource Center of  
San Francisco

Employer identification number

94-3154078

**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See instructions List each one If there are none, enter None )

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account and other allowances
Hector Melendez 1294 Potrero Ave , S F , CA 94110	Executive Dir 40	80,000.	0.	0.
Teresa Carias 1294 Potrero Ave , S F , CA 94110	Program Dir. 40	54,000.	0	0.
Total number of other employees paid over \$50,000 ▶		0		

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See instructions List each one (whether individuals or firms) If there are none, enter 'None' )

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over \$50,000 for professional services ▶		0

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ

Schedule A (Form 990 or 990-EZ) 2002

**Part III** Statements About Activities (See instructions)

Yes No

- 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities ▶ \$ N/A

(Must equal amounts on line 38, Part VI A, or line I of Part VI-B)

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI A. Other organizations checking 'Yes,' must complete Part VI B AND attach a statement giving a detailed description of the lobbying activities

- 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)

a Sale, exchange, or leasing of property?

b Lending of money or other extension of credit?

c Furnishing of goods, services, or facilities?

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

e Transfer of any part of its income or assets?

- 3 Does the organization make grants for scholarships, fellowships, student loans, etc? (See Note below.)

- 4 Do you have a section 403(b) annuity plan for your employees?

**Note** Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs 'qualify' to receive payments

**Part IV** Reason for Non-Private Foundation Status (See instructions)

The organization is not a private foundation because it is (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)
- 6 ☐ A school Section 170(b)(1)(A)(ii) (Also complete Part V)
- 7 ☐ A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)
- 8 ☐ A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(v)
- 9 ☐ A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(iii) Enter the hospital's name, city, and state ▶ \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(iv) (Also complete the **Support Schedule** in Part IV A)
- 11 a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV A)
- 11 b ☐ A community trust Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV A)
- 12 ☐ An organization that normally receives (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc, functions — subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the **Support Schedule** in Part IV A)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2) (See section 509(a)(3))

Provide the following information about the supported organizations (See instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14 ☐ An organization organized and operated to test for public safety Section 509(a)(4) (See instructions.)



**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) *Use cash method of accounting***Note** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in)	(a) 2001	(b) 2000	(c) 1999	(d) 1998	(e) Total
<b>15</b> Gifts, grants, and contributions received (Do not include unusual grants. See line 28.)	415,569.	924,699.	848,069.	600,086	2,788,423
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	58,969.	108,681.	130,231.	294,466.	592,347
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	2,171	13,127.	19,272.	20,130.	54,700
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets.					
<b>23</b> Total of lines 15 through 22	476,709.	1,046,507	997,572.	914,682.	3,435,470.
<b>24</b> Line 23 minus line 17	417,740.	937,826	867,341	620,216.	2,843,123.
<b>25</b> Enter 1% of line 23	4,767.	10,465.	9,976.	9,147	
<b>26 Organizations described on lines 10 or 11</b>	a Enter 2% of amount in column (e), line 24				<b>26a</b> 56,862.
b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1998 through 2001 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts.					<b>26b</b>
c Total support for section 509(a)(1) test. Enter line 24, column (e).					<b>26c</b> 2,843,123.
d Add: Amounts from column (e) for lines 18 54,700. 19					<b>26d</b> 54,700.
22					<b>26e</b> 2,788,423.
e Public support (line 26c minus line 26d total)					<b>26f</b> 98.08 %
f Public support percentage (line 26e (numerator) divided by line 26c (denominator))					
<b>27 Organizations described on line 12</b> N/A					
a For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year. (2001) _____ (2000) _____ (1999) _____ (1998) _____					
b For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year. (2001) _____ (2000) _____ (1999) _____ (1998) _____					
c Add: Amounts from column (e) for lines 15 16					<b>27c</b>
17 20					<b>27d</b>
d Add: Line 27a total and line 27b total					<b>27e</b>
e Public support (line 27c total minus line 27d total)					<b>27f</b>
f Total support for section 509(a)(2) test. Enter amount from line 23, column (e)					<b>27g</b> %
g Public support percentage (line 27e (numerator) divided by line 27f (denominator))					<b>27h</b> %
h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))					
<b>28 Unusual Grants</b> For an organization described in line 10, 11, or 12 that received any unusual grants during 1998 through 2001, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.					

**Part V Private School Questionnaire** (See instructions)  
(To be completed ONLY by schools that checked the box on line 6 in Part IV)

		N/A	
		Yes	No
29	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?		
30	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?		
31	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If 'Yes,' please describe, if 'No,' please explain (If you need more space, attach a separate statement ) ----- ----- -----		
32	Does the organization maintain the following		
a	Records indicating the racial composition of the student body, faculty, and administrative staff?		
b	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?		
c	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?		
d	Copies of all material used by the organization or on its behalf to solicit contributions?		
	If you answered 'No' to any of the above, please explain (If you need more space, attach a separate statement ) ----- ----- -----		
33	Does the organization discriminate by race in any way with respect to		
a	Students' rights or privileges?		
b	Admissions policies?		
c	Employment of faculty or administrative staff?		
d	Scholarships or other financial assistance?		
e	Educational policies?		
f	Use of facilities?		
g	Athletic programs?		
h	Other extracurricular activities?		
	If you answered 'Yes' to any of the above, please explain (If you need more space, attach a separate statement ) ----- ----- -----		
34a	Does the organization receive any financial aid or assistance from a governmental agency?		
b	Has the organization's right to such aid ever been revoked or suspended? If you answered 'Yes' to either 34a or b, please explain using an attached statement		
35	Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev Proc 75-50, 1975-2 CB 587, covering racial nondiscrimination? If 'No,' attach an explanation		



**Part VI-A Lobbying Expenditures by Electing Public Charities** (See instructions)  
(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check ☐ **a** If the organization belongs to an affiliated group Check ☐ **b** If you checked 'a' and 'limited control' provisions apply**Limits on Lobbying Expenditures**

(The term 'expenditures' means amounts paid or incurred)

		(a) Affiliated group totals	(b) To be completed for ALL electing organizations
36	Total lobbying expenditures to influence public opinion (grassroots lobbying)	36	
37	Total lobbying expenditures to influence a legislative body (direct lobbying)	37	
38	Total lobbying expenditures (add lines 36 and 37)	38	
39	Other exempt purpose expenditures	39	
40	Total exempt purpose expenditures (add lines 38 and 39)	40	
41	Lobbying nontaxable amount Enter the amount from the following table — <div style="display: flex; justify-content: space-between;"> <div> <p>If the amount on line 40 is —</p> <p>Not over \$500,000</p> <p>Over \$500,000 but not over \$1,000,000</p> <p>Over \$1,000,000 but not over \$1,500,000</p> <p>Over \$1,500,000 but not over \$17,000,000</p> <p>Over \$17,000,000</p> </div> <div> <p>The lobbying nontaxable amount is —</p> <p>20% of the amount on line 40</p> <p>\$100,000 plus 15% of the excess over \$500,000</p> <p>\$175,000 plus 10% of the excess over \$1,000,000</p> <p>\$225,000 plus 5% of the excess over \$1,500,000</p> <p>\$1,000,000</p> </div> </div>	41	
42	Grassroots nontaxable amount (enter 25% of line 41)	42	
43	Subtract line 42 from line 36 Enter 0 if line 42 is more than line 36	43	
44	Subtract line 41 from line 38 Enter -0 if line 41 is more than line 38	44	

**Caution** If there is an amount on either line 43 or line 44 you must file Form 4720

**4-Year Averaging Period Under Section 501(h)**(Some organizations that made a section 501(h) election do not have to complete all of the five columns below  
See the instructions for lines 45 through 50)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in) ▶	(a) 2002	(b) 2001	(c) 2000	(d) 1999	(e) Total
45 Lobbying nontaxable amount					
46 Lobbying ceiling amount (150% of line 45(e))					
47 Total lobbying expenditures					
48 Grassroots non taxable amount					
49 Grassroots ceiling amount (150% of line 48(e))					
50 Grassroots lobbying expenditures					

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See instructions)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a Volunteers
- b Paid staff or management (Include compensation in expenses reported on lines c through h)
- c Media advertisements
- d Mailings to members, legislators, or the public
- e Publications, or published or broadcast statements
- f Grants to other organizations for lobbying purposes
- g Direct contact with legislators, their staffs, government officials, or a legislative body
- h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means
- i Total lobbying expenditures (add lines c through h)

Yes	No	Amount

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities

**Part VII** Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See instructions)

**51** Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

**■ Transfers from the reporting organization to a noncharitable exempt organization of**

(i) Cash

(ii) Other assets

**b Other transactions**

**(i) Sales or exchanges of assets with a noncharitable exempt organization**

**(ii) Purchases of assets from a noncharitable exempt organization.**

(iii) Rental of facilities, equipment, or other assets.

(iv) Reimbursement arrangements

**(v) Loans or loan guarantees**

**(vi) Performance of services or membership or fundraising solicitations**

c Sharing of facilities, equipment, mailing lists, other assets, or paid employees.

d If the answer to any of the above is Yes, complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

	Yes	No
51 a (i)		X
a (ii)		X
b (i)		X
b (ii)		X
b (iii)		X
b (iv)		X
b (v)		X
b (vi)		X
c		X

[illegible]

**52a** Is the organization directly or indirectly affiliated with, or related to, one or more tax exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?

► ☐ Yes ☒ No

**b** If 'Yes,' complete the following schedule

[illegible]

2002

## Federal Statements

Page 1

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

Statement 1  
Form 990, Part II, Line 43  
Other Expenses

	(A) Total	(B) Program Services	(C) Management & General	(D) Fundraising
Consultants/Contractors	164,993.	85,135.	70,968.	8,890.
Direct support	1,750	1,650.	100.	
Events	11,700.	7,254.	302.	4,144
Field trip	5,092.	5,092.		
Food	24,512.	24,359.	153.	
Insurance	27,140	499.	26,641.	
License & fees	10,220	9,232.	882	106.
Local transportation	3,536.	3,374.	146.	16.
Miscellaneous	9,103	5,695.	3,088.	320
Outside services	3,617.		3,364.	253.
Staff development	2,395.	1,686.	674.	35.
Use allowance		85,026	-86,690.	1,664.
Utilities	26,754.		26,754	
Total	<u>\$ 290,812.</u>	<u>\$ 229,002</u>	<u>\$ 46,382.</u>	<u>\$ 15,428.</u>

Statement 2  
Form 990, Part III, Line a  
Statement of Program Service Accomplishments

Description	Grants and Allocations	Program Service Expenses
Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes.		267,718
Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting Classes, Adult Literacy, Individual and Group Therapy, After School Academic Enrichment, Soccer Program, Asthema and Dental Screening and Education for Children of Eclementary Public Schools, Emergency Assistance, Summer Youth Program, English for Beginners Language Classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for Families with Separated or Divorced Parents, and In-home Support.		582,062.
	<u>\$ 0.</u>	<u>\$ 849,780.</u>

2002

## Federal Statements

Page 2

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

Statement 3  
Form 990, Part IV, Line 57  
Land, Buildings, and Equipment

Category	Basis	Accum. Deprec	Book Value
Machinery and Equipment	\$ 394,136.	\$ 0	\$ 394,136.
Buildings	3,057,695.	0.	3,057,695
Land	300,000.		300,000.
Miscellaneous	0.	638,871.	-638,871
Total	<u>\$ 3,751,831.</u>	<u>\$ 638,871</u>	<u>\$ 3,112,960.</u>

Statement 4  
Form 990, Part V  
List of Officers, Directors, Trustees, and Key Employees

Name and Address	Title and Average Hours Per Week Devoted	Compen- sation	Contri- bution to EBP & DC	Expense Account/ Other
Kay Bishop 1294 Potrero Ave San Francisco, CA 94110	Director None	\$ 0	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Ave San Francisco, CA 94110	President None	0.	0.	0
Alan Levinson 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Alicia Lieberman 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
G. W. (Bill) Lorton 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0	0.
William H Orrick III 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Lorenzo Llanillo, Jr. 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0	0.
Jesus Roman 1294 Potrero Ave San Francisco, CA 94110	Secretary None	0	0	0
Kat Taylor 1294 Potrero Ave San Francisco, CA 94110	Treasurer None	0	0.	0

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## Federal Statements

Page 3

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

## Statement 4 (continued)

## Form 990, Part V

## List of Officers, Directors, Trustees, and Key Employees

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Linda Udall 1294 Potrero Ave San Francisco, CA 94110	Treasurer None	\$ 0.	\$ 0	\$ 0
Dr. Fernando Viteri 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Ede Zollman 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0
Total		<u>\$ 0.</u>	<u>\$ 0</u>	<u>\$ 0.</u>

Form **8868**

(December 2000)

**Application for Extension of Time to File an  
Exempt Organization Return**

OMB No 1545-1709

Department of the Treasury  
Internal Revenue Service

► File a separate application for each return

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form)

**Note** Do not complete **Part II** unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.

**Part I Automatic 3-Month Extension of Time** — Only submit original (no copies needed)

**Note** Form 990-T corporations requesting an automatic 6 month extension — check this box and complete Part I only ☐

All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041.

Type or  
print  
File by the  
due date for  
filing your  
return. See  
instructions

Name of Exempt Organization	Good Samaritan Family Resource Center of San Francisco	Employer identification number	94-3154078
Number, street, and room or suite number. If a P.O. box, see instructions.	2871 24th Street		
City, town, or post office. For a foreign address, see instructions.	state	ZIP code	
San Francisco, CA 94110			

Check type of return to be filed (file a separate application for each return)

- |  |  |                                    |
|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation)                    | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL         | <input type="checkbox"/> Form 990-T (Section 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ         | <input type="checkbox"/> Form 990-T (trust other than above)         | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990-PF         | <input type="checkbox"/> Form 1041-A                                 | <input type="checkbox"/> Form 8870 |

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the **whole group**, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6 month, for **990-T corporation**) extension of time until 2/15, 20 04, to file the exempt organization return for the organization named above. The extension is for the organization's return for

- ☐ calendar year 20 \_\_\_\_ or
- ☒ tax year beginning 7/01, 20 02, and ending 6/30, 20 03

2 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.

\$ 0

b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.

\$ 0

c **Balance Due** Subtract line 2b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.

\$ 0.

**Signature and Verification**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature ►

Title ► Executive Director

Date ►

BAA For Paperwork Reduction Act Notice, see instructions

Form 8868 (12-2000)

**EXHIBIT 6**



GOVERNMENT  
DOCUMENTS DEPT

SEP 11 2015

SAN FRANCISCO  
PUBLIC LIBRARY
**GOOD SAMARITAN**  
FAMILY RESOURCE CENTER, INC.

INSPIRE CHANGE FOR GOOD

September 11, 2015

**To: Greg Kelly, San Francisco Documents Librarian**  
**Government Information Center**  
**San Francisco Public Library, 5<sup>th</sup> floor**  
**100 Larkin Street**  
**San Francisco, CA 94110**

**From: Diana Perez** *D.P.*  
**Office Manager, Good Samaritan Family Resource Center**

**Re: Notice of Public Meeting**

**In Compliance with San Francisco Administrative Code 12L.4(d)(1),**  
**Good Samaritan Family Resource Center is providing notice of a**  
**public meeting of the Good Samaritan Family Resource Center Board**  
**of Directors.**

**Meeting Date: September 16, 2015**

**Meeting Time: 5:30-7:00PM**

**Meeting Location: 1294 Potrero Avenue, Room 301**  
**San Francisco, CA 94110**

**We request confirmation of receipt be faxed to (415) 824-9527 or**  
**e-mailed to [dperez@goodsamfrc.org](mailto:dperez@goodsamfrc.org).**

**Thank You.**

Our mission is to help  
 immigrant families access  
 needed services and  
 support in order to  
 fully participate in the  
 community.

1294 Potrero Avenue  
 San Francisco, CA 94110

voice: 415.824.9527  
 fax: 415.824.9527  
[www.goodsamfrc.org](http://www.goodsamfrc.org)

#### Board of Directors

The Rt. Rev. Marc Andress  
 Bishop, Episcopal  
 Diocese of California  
 Chair

Kat Taylor  
 President

Frank DeRosa  
 Treasurer

Bob Heininger  
 Secretary

Bao Tran-Van  
 Kay Bishop  
 John Gannon  
 Alvin Williams  
 Dr. Alicia Brown  
 Vangie Lopez  
 Beth Buchanan  
 Sandra Yessierli

#### Emeritus Board Members

Shirley Smith  
 Andrea Smith  
 William Smith  
 Tim Smith  
 J. Williams

#### Executive Staff

Frank F.  
 Executive Director



March 13, 2012



To Whom It May Concern,

It is with great pleasure that I write this letter in support of Families in Schools and the *Abriendo Puertas*/Opening Doors program. I am the Senior Programs Manager at Good Samaritan Family Resource Center, a community based organization that works directly with recently arrived Latino immigrants, providing them with resources and support so that they can become self-sufficient and active participants in society.

In 2010, Good Samaritan was approached by one of our key funders, First 5 San Francisco, to explore the possibility of offering the *Abriendo Puertas* curriculum at our site. I was the first person from our agency that was trained in the curriculum by Families in Schools' staff that year and I was very impressed with the quality of the materials and its relevance of the issues faced by the families we serve on a daily basis. As a program created by Latinos for Latinos, this curriculum addresses critical topics that support school readiness and family empowerment, is evidence based, and has proven to be a perfect fit for our agency and our mission.

In the past year, we have offered the 10-week series twice and have received positive feedback from participants who have shared that the program has changed their lives. 100% of participants surveyed at the end of the last program cycle reported that they benefitted from taking *Abriendo Puertas* and 90% reported that they have a better understanding of what their children need to succeed in school.

We are enthusiastic to continue offering *Abriendo Puertas* at Good Samaritan Family Resource Center and look forward to our continued collaboration with Families in Schools.

If you have any questions, please feel free to contact me at [auraaparicio@goodsamfrc.org](mailto:auraaparicio@goodsamfrc.org) or 415-401-4240.

Sincerely,

Aura Aparicio  
Senior Programs Manager

*Our mission is to help immigrant families access needed services, develop self-sufficiency, and participate fully as members of the community.*

1294 Potrero Avenue  
San Francisco, CA 94110

voice: 415.401.4253  
fax: 415.824.9527  
[www.goodsamfrc.org](http://www.goodsamfrc.org)

#### Board of Directors

The Rt. Rev. Marc Andrus,  
Bishop, Episcopal  
Diocese of California  
Chair

Kat Taylor  
President

Frank De Rosa  
Treasurer

Bob Hernandez  
Secretary

Bao-Tran Ausman  
Kay Bishop  
John Gannon  
Alan Levinson  
Dr. Alicia Lieberman  
Vangie Lopez  
Beth Richardson  
Sandra Vivanco

#### Emeritus Board Members

Sheana Butler  
Avelina Leanos  
William H. Orrick III  
The Reverend  
J. Will Wauters

#### Executive Staff

Mario Paz  
Executive Director

**EXHIBIT 7**



SERVING THE POTRERO HILL, DOGPATCH, MISSION BAY, & SOMA  
NEIGHBORHOODS SINCE 1970

## The Wohlford Family Clinic Caters to a Diverse Population at Good Sam

*Published on July, 2015 — in News — by Jessica Zimmer*

**F**or 14 years the Wohlford Family Clinic, located within the Good Samaritan Family Resource Center on Potrero Avenue, has been offering San Franciscans reproductive health services, provided in a friendly environment. According to Jacquelyn Marcoux-Mansfield, the Clinic's director, staff at this satellite site of Planned Parenthood Northern California believe that "it's very important to serve the community. Our mission is to provide great care to clients who need reproductive health care."

The Clinic is open Wednesday and Friday, with appointments available from 9:30 a.m. to 6 p.m. Three medical providers serve roughly 16 clients a day, or about 130 a month, a little more than 1,500 a year. "We're able to sometimes see people the same day, the same week that they call in. That's a great benefit to them, to get treatment quickly. We offer a full range of contraceptive services: the pill, the patch, the ring, two kinds of IUDs, implants, and condoms. We do treatment for sexually transmitted infections for men and women including HIV tests – pap smears, and breast exams for cancer screenings," said Marcoux-Mansfield.

The Clinic also offers pregnancy tests and general gynecological health appointments. It doesn't provide abortion services. "We have at least one person who is Spanish-speaking on staff, and phone translation services if we have a client who speaks another language. It's diverse, like San Francisco," Marcoux-Mansfield said.

Alicia Vazquez, director of programs at Good Sam, said people of Asian descent, who sometimes live miles away, also come to the Center. According to Vazquez, even though the Center doesn't have bilingual Asian language speakers, people feel comfortable coming to a facility where staff are used to communicating in languages other than English.

Vazquez thinks one reason the Clinic is successful is that "it doesn't look like a clinic. There's nothing outside that says it is. Young people don't feel like they'll run into a friend or family member here."

"We were approached by the Mary Wohlford Foundation in 2000 to see if we'd be interested in opening a family planning

clinic in our organization,” said Vazquez. “We did a community needs study to see if there was a need, and we found that there was, especially for young people.” At the time, Vazquez said, men and women under the age of 25 lacked clinics that were close by, affordable, and had bilingual staff. “In 2001, we opened a clinic with Planned Parenthood. It’s had great success,” said Vazquez.

According to Vazquez, despite concerns that Mission and Mishpot residents would oppose offering reproductive health services, because many community members are affiliated with the Roman Catholic Church, the Clinic’s presence at the Center has consistently been supported. “The religious aspect was much less of an obstacle that we initially anticipated,” she said. “At first we weren’t sure it would be welcomed by our participants. We interviewed our target population, and were astounded by the interest.”

Planned Parenthood Shasta Pacific operated the Clinic from 2001 to 2005. In 2005 Planned Parenthood Golden Gate (PPGG) took over management. In 2010 Planned Parenthood Golden Gate was stripped of its affiliation by the national organization, Planned Parenthood Federation of America. PPGG had failed to meet administrative and fiscal management standards. Since 2010 Planned Parenthood Northern California has operated the Clinic.

“It’s been an excellent partnership,” said Heather Saunders Estes, president and chief executive officer of Planned Parenthood Northern California. “The Center donates the space and a receptionist and Planned Parenthood is there to provide services. Neither of us could do our part without the support of the Mary Wohlford Foundation and donors.”

The Mary Wohlford Foundation was founded in 1999 by Mary Wohlford, a Bay Area reproductive rights activist. That year Wohlford died of breast cancer, and asked her friend, Mardi Kildebeck, to be the trustee of her estate. The Foundation funds nonprofits that promote reproductive health, education, and justice. Since it began granting money in 2002, it has given away an average of \$1 million annually.

The Clinic operates with funding from Planned Parenthood Northern California, with an annual health services budget of about \$200,000, according to Marcoux-Mansfield. The Clinic has a separate budget for community services and education.

The nonprofit Good Samaritan Family Resource Center receives funds from the Wohlford Foundation, as well as other sources, such as Sheana Butler, Wohlford’s sister and a former Center board member. Vazquez said the Center is in danger of closing due to a lack of funds. “To keep the doors open, pay the utilities, and have a receptionist and janitorial staff costs about \$30,000 a year. That doesn’t include outreach and making materials,” said Vazquez.

Saunders Estes said Planned Parenthood Northern California is committed to keeping services at the Center. “There’s no question we need support from community donors. Both organizations are supported through a patchwork of funding. We are only there 16 hours a week. It would be fabulous to have other be there as well,” she said.

The Center grew out of a settlement house, an inner city facility that provides educational, recreational, and social services. The Center was initially run by the Episcopal Church, and went by the name the "San Francisco Good Samaritan Mission." It was founded in 1894. In 1989 Good Samaritan's building was damaged by the Loma Prieta earthquake. The facility was reconstructed as a modern center that includes low-income family housing units. It reopened in 1995.

Vazquez, who joined the staff in 2003, said the Center works closely with a number of churches, and houses one that offers Sunday services. She said most Center visitors are from Guatemala, Honduras, Peru, Colombia, and the Mexican states of Michoacan and Jalisco. "When I started work here, [the people] were primarily from El Salvador and Nicaragua."

According to Vazquez, in the early-2000s many of those who came to the Center qualified for refugee status or government aid. Now these options are mostly unavailable. "We've been working with immigrants for over 125 years. Ninety percent of the people that we help have come to this country to escape something: violence, poverty, domestic abuse, natural disasters, and war."

Many Center clients "are here without appropriate documentation to work or receive government services. Our staff is able to meet them where they are," she said. "We are able to develop a network of support and community. A lot of people tell us that before they came here, they were completely isolated. Coming here is what changed all that."

Marcoux-Mansfield spends roughly 20 hours a week at the San Francisco Health Center, a Planned Parenthood Northern California office located on Valencia Street. This larger facility is open six days a week. Yet it doesn't take the place of the Clinic in the Center. "What being at" Good Sam "has taught me is the value is the partnership," said Marcoux-Mansfield. "We're partnering and working well together, and that's important."

[FACEBOOK](#)
[TWITTER](#)
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[PINTEREST](#)



S U B S C R I B E



ARCHIVES

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CATEGORIES

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**EXHIBIT 8**

Form **990**

OMB No. 1545-0047

**Return of Organization Exempt From Income Tax****2006**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)**Open to Public Inspection**Department of the Treasury  
Internal Revenue Service

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

**A For the 2006 calendar year, or tax year beginning** 7/01, **2006, and ending** 6/30, **2007****B** Check if applicable:

- ☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final return  
☐ Amended return  
☐ Application pending

Please use  
IRS label  
or print  
or type.  
See  
specific  
instruc-  
tions.

**C** Good Samaritan Family Resource Center  
 1294 Potrero Avenue  
 San Francisco, CA 94110

**D Employer Identification Number**

94-3154078

**E Telephone number**

(415) 824-9475

**F Accounting method:**☐ Cash ☒ Accrual☐ Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

H and I are not applicable to section 527 organizations.

**H (a)** Is this a group return for affiliates? . . . ☐ Yes ☒ No**H (b)** If 'Yes,' enter number of affiliates ▶**H (c)** Are all affiliates included? . . . ☐ Yes ☐ No

(If 'No,' attach a list. See instructions.)

**H (d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Group Exemption Number. . . ▶**M** Check ☐ if the organization is **not** required to attach Schedule B (Form 990, 990-EZ, or 990-PF).**G Web site:** ▶ N/A**J Organization type**(check only one) . . . . . ☒ 501(c) 3 (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally **not** more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.**L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 1,425,407.**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)**

<b>1</b> Contributions, gifts, grants, and similar amounts received:				
<b>a</b> Contributions to donor advised funds. . . . .	<b>1a</b>			
<b>b</b> Direct public support (not included on line 1a). . . . .	<b>1b</b>	655,743.		
<b>c</b> Indirect public support (not included on line 1a). . . . .	<b>1c</b>			
<b>d</b> Government contributions (grants) (not included on line 1a). . . . .	<b>1d</b>	697,041.		
<b>e</b> Total (add lines 1a through 1d) (cash \$ 1,352,784. noncash \$ ) . . . . .	<b>1e</b>		1,352,784.	
<b>2</b> Program service revenue including government fees and contracts (from Part VII, line 93) . . . . .	<b>2</b>		49,031.	
<b>3</b> Membership dues and assessments. . . . .	<b>3</b>			
<b>4</b> Interest on savings and temporary cash investments. . . . .	<b>4</b>		13,226.	
<b>5</b> Dividends and interest from securities. . . . .	<b>5</b>			
<b>6a</b> Gross rents. . . . .	<b>6a</b>			
<b>b</b> Less: rental expenses. . . . .	<b>6b</b>			
<b>c</b> Net rental income or (loss). Subtract line 6b from line 6a. . . . .	<b>6c</b>			
<b>7</b> Other investment income (describe . . . . . ) . . . . .	<b>7</b>			
<b>8a</b> Gross amount from sales of assets other than inventory. . . . .	(A) Securities		(B) Other	
<b>b</b> Less: cost or other basis and sales expenses. . . . .	<b>8a</b>			
<b>c</b> Gain or (loss) (attach schedule). . . . .	<b>8b</b>			
<b>d</b> Net gain or (loss). Combine line 8c, columns (A) and (B). . . . .	<b>8c</b>			
<b>9</b> Special events and activities (attach schedule). If any amount is from <b>gaming</b> , check here. . . . . <input type="checkbox"/>	<b>8d</b>			
<b>a</b> Gross revenue (not including \$ of contributions reported on line 1b). . . . .	<b>9a</b>			
<b>b</b> Less: direct expenses other than fundraising expenses. . . . .	<b>9b</b>			
<b>c</b> Net income or (loss) from special events. Subtract line 9b from line 9a. . . . .	<b>9c</b>			
<b>10a</b> Gross sales of inventory, less returns and allowances. . . . .	<b>10a</b>			
<b>b</b> Less: cost of goods sold. . . . .	<b>10b</b>			
<b>c</b> Gross profit or (loss) from sales of inventory (attach schedule). Subtract line 10b from line 10a. . . . .	<b>10c</b>			
<b>11</b> Other revenue (from Part VII, line 103). . . . .	<b>11</b>		10,366.	
<b>12</b> Total revenue. Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11. . . . .	<b>12</b>		1,425,407.	
<b>13</b> Program services (from line 44, column (B)). . . . .	<b>13</b>		1,060,666.	
<b>14</b> Management and general (from line 44, column (C)). . . . .	<b>14</b>		195,487.	
<b>15</b> Fundraising (from line 44, column (D)). . . . .	<b>15</b>		57,107.	
<b>16</b> Payments to affiliates (attach schedule). . . . .	<b>16</b>			
<b>17</b> Total expenses. Add lines 16 and 44, column (A). . . . .	<b>17</b>		1,313,260.	
<b>18</b> Excess or (deficit) for the year. Subtract line 17 from line 12. . . . .	<b>18</b>		112,147.	
<b>19</b> Net assets or fund balances at beginning of year (from line 73, column (A)). . . . .	<b>19</b>		3,341,664.	
<b>20</b> Other changes in net assets or fund balances (attach explanation). . . . .	<b>20</b>			
<b>21</b> Net assets or fund balances at end of year. Combine lines 18, 19, and 20. . . . .	<b>21</b>		3,453,811.	

**BAA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.**

TEEA0109L 01/22/07

Form **990** (2006)



**Part II Statement of Functional Expenses** All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
<b>22a</b> Grants paid from donor advised funds (attach sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here... <input type="checkbox"/>	<b>22a</b>				
<b>22b</b> Other grants and allocations (att sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here... <input type="checkbox"/>	<b>22b</b>				
<b>23</b> Specific assistance to individuals (attach schedule).....	<b>23</b>				
<b>24</b> Benefits paid to or for members (attach schedule).....	<b>24</b>				
<b>25a</b> Compensation of current officers, directors, key employees, etc listed in Part V-A (attach sch). See Stmt. 1.	<b>25a</b>	55,395.	16,619.	22,158.	16,618.
<b>b</b> Compensation of former officers, directors, key employees, etc listed in Part V-B (attach sch).....	<b>25b</b>	0.	0.	0.	0.
<b>c</b> Compensation and other distributions, not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule).....	<b>25c</b>	0.	0.	0.	0.
<b>26</b> Salaries and wages of employees not included on lines 25a, b, and c.....	<b>26</b>	527,528.	473,305.	37,314.	16,909.
<b>27</b> Pension plan contributions not included on lines 25a, b, and c.....	<b>27</b>				
<b>28</b> Employee benefits not included on lines 25a - 27.....	<b>28</b>	84,587.	71,093.	8,629.	4,865.
<b>29</b> Payroll taxes.....	<b>29</b>	44,594.	37,479.	4,550.	2,565.
<b>30</b> Professional fundraising fees.....	<b>30</b>				
<b>31</b> Accounting fees.....	<b>31</b>				
<b>32</b> Legal fees.....	<b>32</b>				
<b>33</b> Supplies.....	<b>33</b>	34,310.	27,323.	6,229.	758.
<b>34</b> Telephone.....	<b>34</b>	12,433.	10,059.	1,492.	882.
<b>35</b> Postage and shipping.....	<b>35</b>	1,673.	672.	109.	892.
<b>36</b> Occupancy.....	<b>36</b>				
<b>37</b> Equipment rental and maintenance.....	<b>37</b>	41,754.		41,754.	
<b>38</b> Printing and publications.....	<b>38</b>	9,063.	6,563.	941.	1,559.
<b>39</b> Travel.....	<b>39</b>				
<b>40</b> Conferences, conventions, and meetings.....	<b>40</b>	1,187.	1,172.	9.	6.
<b>41</b> Interest.....	<b>41</b>				
<b>42</b> Depreciation, depletion, etc (attach schedule).....	<b>42</b>	89,263.	78,755.	9,067.	1,441.
<b>43</b> Other expenses not covered above (itemize):					
<b>a</b> See Statement 2	<b>43a</b>	411,473.	337,626.	63,235.	10,612.
<b>b</b> -----	<b>43b</b>				
<b>c</b> -----	<b>43c</b>				
<b>d</b> -----	<b>43d</b>				
<b>e</b> -----	<b>43e</b>				
<b>f</b> -----	<b>43f</b>				
<b>g</b> -----	<b>43g</b>				
<b>44</b> Total functional expenses. Add lines 22a through 43g. (Organizations completing columns (B) - (D), carry these totals to lines 13 - 15).....	<b>44</b>	1,313,260.	1,060,666.	195,487.	57,107.

**Joint Costs.** Check ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_; (ii) the amount allocated to Program services \$ \_\_\_\_\_; (iii) the amount allocated to Management and general \$ \_\_\_\_\_; and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_.

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**Part III Statement of Program Service Accomplishments**

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

What is the organization's primary exempt purpose? <b>Helping Immigrant families</b> All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)	<b>Program Service Expenses</b> (Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts; but optional for others.)
<b>a</b> See Statement 3 _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/>	1,060,666.
<b>b</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/>	
<b>c</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/>	
<b>d</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/>	
<b>e</b> Other program services. _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/>	
<b>f Total of Program Service Expenses</b> (should equal line 44, column (B), Program services) <input type="checkbox"/>	1,060,666.

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**Part IV Balance Sheets** (See the instructions.)**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year
<b>ASSETS</b>	<b>45</b> Cash — non-interest-bearing .....	311,734.	<b>45</b>	588,176.
	<b>46</b> Savings and temporary cash investments .....		<b>46</b>	
	<b>47a</b> Accounts receivable .....	<b>47a</b> 127,910.		
	<b>b</b> Less: allowance for doubtful accounts .....	<b>47b</b>	130,325.	<b>47c</b> 127,910.
	<b>48a</b> Pledges receivable .....	<b>48a</b> 123,400.		
	<b>b</b> Less: allowance for doubtful accounts .....	<b>48b</b>	119,000.	<b>48c</b> 123,400.
	<b>49</b> Grants receivable .....		<b>49</b>	
	<b>50a</b> Receivables from current and former officers, directors, trustees, and key employees (attach schedule) .....		<b>50a</b>	
	<b>b</b> Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule) .....		<b>50b</b>	
	<b>51a</b> Other notes and loans receivable (attach schedule) .....	<b>51a</b>		
	<b>b</b> Less: allowance for doubtful accounts .....	<b>51b</b>		<b>51c</b>
	<b>52</b> Inventories for sale or use .....		<b>52</b>	
	<b>53</b> Prepaid expenses and deferred charges .....	16,382.	<b>53</b>	14,836.
	<b>54a</b> Investments — publicly-traded securities .....	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	<b>54a</b>	
	<b>b</b> Investments — other securities (attach sch) .....	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	<b>54b</b>	
<b>55a</b> Investments — land, buildings, & equipment: basis .....	<b>55a</b>			
<b>b</b> Less: accumulated depreciation (attach schedule) .....	<b>55b</b>		<b>55c</b>	
<b>56</b> Investments — other (attach schedule) .....		<b>56</b>		
<b>57a</b> Land, buildings, and equipment: basis .....	<b>57a</b> 3,745,492.			
<b>b</b> Less: accumulated depreciation (attach schedule) .....	<b>57b</b> 1,015,834.	2,818,921.	<b>57c</b> 2,729,658.	
<b>58</b> Other assets, including program-related investments (describe <input type="checkbox"/> ..... ) .....		<b>58</b>		
<b>59</b> <b>Total assets</b> (must equal line 74). Add lines 45 through 58 .....		3,396,362.	<b>59</b>	3,583,980.
<b>LIABILITIES</b>	<b>60</b> Accounts payable and accrued expenses .....	54,698.	<b>60</b>	105,793.
	<b>61</b> Grants payable .....		<b>61</b>	
	<b>62</b> Deferred revenue .....		<b>62</b>	
	<b>63</b> Loans from officers, directors, trustees, and key employees (attach schedule) .....		<b>63</b>	
	<b>64a</b> Tax-exempt bond liabilities (attach schedule) .....		<b>64a</b>	
	<b>b</b> Mortgages and other notes payable (attach schedule) .....		<b>64b</b>	
	<b>65</b> Other liabilities (describe <input type="checkbox"/> <u>See Statement 5</u> ..... ) .....		<b>65</b>	24,376.
	<b>66</b> <b>Total liabilities.</b> Add lines 60 through 65 .....	54,698.	<b>66</b>	130,169.
<b>NET ASSETS OR FUND BALANCES</b>	<b>Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.</b>			
	<b>67</b> Unrestricted .....	3,059,204.	<b>67</b>	2,950,600.
	<b>68</b> Temporarily restricted .....	254,112.	<b>68</b>	474,863.
	<b>69</b> Permanently restricted .....	28,348.	<b>69</b>	28,348.
	<b>Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.</b>			
	<b>70</b> Capital stock, trust principal, or current funds .....		<b>70</b>	
	<b>71</b> Paid-in or capital surplus, or land, building, and equipment fund .....		<b>71</b>	
	<b>72</b> Retained earnings, endowment, accumulated income, or other funds .....		<b>72</b>	
	<b>73</b> <b>Total net assets or fund balances.</b> Add lines 67 through 69 <b>or</b> lines 70 through 72. (Column (A) <b>must</b> equal line 19 and column (B) <b>must</b> equal line 21) .....	3,341,664.	<b>73</b>	3,453,811.
	<b>74</b> <b>Total liabilities and net assets/fund balances.</b> Add lines 66 and 73 .....	3,396,362.	<b>74</b>	3,583,980.

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Form 990 (2006)

**Part IV-A** Reconciliation of Revenue per Audited Financial Statements with Revenue per Return (See the instructions.)

<b>a</b> Total revenue, gains, and other support per audited financial statements .....		<b>a</b>	1,425,407.	
<b>b</b> Amounts included on line <b>a</b> but not on Part I, line 12:				
<b>1</b> Net unrealized gains on investments .....	<b>b1</b>			
<b>2</b> Donated services and use of facilities .....	<b>b2</b>			
<b>3</b> Recoveries of prior year grants .....	<b>b3</b>			
<b>4</b> Other (specify): .....	<b>b4</b>			
Add lines <b>b1</b> through <b>b4</b> .....		<b>b</b>		
<b>c</b> Subtract line <b>b</b> from line <b>a</b> .....		<b>c</b>	1,425,407.	
<b>d</b> Amounts included on Part I, line 12, but not on line <b>a</b> :				
<b>1</b> Investment expenses not included on Part I, line 6b .....	<b>d1</b>			
<b>2</b> Other (specify): .....	<b>d2</b>			
Add lines <b>d1</b> and <b>d2</b> .....		<b>d</b>		
<b>e</b> <b>Total revenue</b> (Part I, line 12). Add lines <b>c</b> and <b>d</b> .....		<b>e</b>	1,425,407.	

<b>Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return</b>	
---	--

<b>a</b> Total expenses and losses per audited financial statements .....		<b>a</b>	1,313,260.
<b>b</b> Amounts included on line <b>a</b> but not on Part I, line 17:			
<b>1</b> Donated services and use of facilities .....	<b>b1</b>		
<b>2</b> Prior year adjustments reported on Part I, line 20 .....	<b>b2</b>		
<b>3</b> Losses reported on Part I, line 20 .....	<b>b3</b>		
<b>4</b> Other (specify): .....	<b>b4</b>		
Add lines <b>b1</b> through <b>b4</b> .....		<b>b</b>	
<b>c</b> Subtract line <b>b</b> from line <b>a</b> .....		<b>c</b>	1,313,260.
<b>d</b> Amounts included on Part I, line 17, but not on line <b>a</b> :			
<b>1</b> Investment expenses not included on Part I, line 6b .....	<b>d1</b>		
<b>2</b> Other (specify): .....	<b>d2</b>		
Add lines <b>d1</b> and <b>d2</b> .....		<b>d</b>	
<b>e</b> <b>Total expenses</b> (Part I, line 17). Add lines <b>c</b> and <b>d</b> .....		<b>e</b>	1,313,260.

**Part V-A** **Current Officers, Directors, Trustees, and Key Employees** (List each person who was an officer, director, trustee, or key employee at any time during the year even if they were not compensated.) (See the instructions.)

[illegible]

<b>Part V-A</b>	<b>Current Officers, Directors, Trustees, and Key Employees</b> <i>(continued)</i>
-----------------	--

Yes	No
-----	----

**75a** Enter the total number of officers, directors, and trustees permitted to vote on organization business as board meetings . . . ► 11

**b.** Are any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, related to each other through family or business relationships? If 'Yes,' attach a statement that identifies the individuals and explains the relationship(s).

75b	X
-----	---

**C** Do any officers, directors, trustees, or key employees listed in form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, receive compensation from any other organizations, whether tax exempt or taxable, that are related to the organization? See the instructions for the definition of 'related organization'.

75c	X
-----	---

If 'Yes,' attach a statement that includes the information described in the instructions.

**d** Does the organization have a written conflict of interest policy?

75d	X	
-----	---	--

**Part V-B Former Officers, Directors, Trustees, and Key Employees That Received Compensation or Other Benefits** (If any former officer, director, trustee, or key employee received compensation or other benefits (described below

**Benefits** (If any former officer, director, trustee, or key employee received compensation or other benefits (described below) during the year, list that person below and enter the amount of compensation or other benefits in the appropriate column. See the instructions.)

[illegible]

<b>Part VI</b>	<b>Other Information</b> <i>(See the instructions.)</i>
----------------	---

Yes	No
-----	----

**76** Did the organization make a change in its activities or methods of conducting activities?

Did the organization make a change in its activities or methods of conducting activities:  
If 'Yes,' attach a detailed statement of each change .....

76		X
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**77** Were any changes made in the organizing or governing documents but not reported to the IRS?

If 'Yes,' attach a conformed copy of the changes.

77		X
----	--	---

**78a** Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? . . .

78a		X
-----	--	---

**b** If 'Yes,' has it filed a tax return on **Form 990-T** for this year?

78b	N/A
-----	-----

**79** Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement. ....

79		X
----	--	---

**80a** Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization? .....

80a		X

**b** If 'Yes,' enter the name of the organization ▶ N/A

and check whether it is ☐ exempt **or** ☐ nonexempt.

<b>81a</b> Enter direct and indirect political expenditures. (See line 81 instructions.)	<b>81a</b>	0.
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**b** Did the organization file **Form 1120-POL** for this year?

81 b	X
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**Part VI Other Information** (continued)

		Yes	No
<b>82a</b>	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?.....		X
<b>b</b>	If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)..... <b>82b</b> N/A		
<b>83a</b>	Did the organization comply with the public inspection requirements for returns and exemption applications?.....	X	
<b>b</b>	Did the organization comply with the disclosure requirements relating to <i>quid pro quo</i> contributions?.....	X	
<b>84a</b>	Did the organization solicit any contributions or gifts that were not tax deductible?.....		X
<b>b</b>	If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?.....		N/A
<b>85</b>	<b>501(c)(4), (5), or (6) organizations.</b> <b>a</b> Were substantially all dues nondeductible by members?.....		N/A
<b>b</b>	Did the organization make only in-house lobbying expenditures of \$2,000 or less?.....		N/A
	If 'Yes' was answered to either 85a or 85b, <b>do not</b> complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.		
<b>c</b>	Dues, assessments, and similar amounts from members. .... <b>85c</b> N/A		
<b>d</b>	Section 162(e) lobbying and political expenditures. .... <b>85d</b> N/A		
<b>e</b>	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices. .... <b>85e</b> N/A		
<b>f</b>	Taxable amount of lobbying and political expenditures (line 85d less 85e). .... <b>85f</b> N/A		
<b>g</b>	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?.....		N/A
<b>h</b>	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?.....		N/A
<b>86</b>	<b>501(c)(7) organizations.</b> Enter: <b>a</b> Initiation fees and capital contributions included on line 12. .... <b>86a</b> N/A		
<b>b</b>	Gross receipts, included on line 12, for public use of club facilities ..... <b>86b</b> N/A		
<b>87</b>	<b>501(c)(12) organizations.</b> Enter: <b>a</b> Gross income from members or shareholders ..... <b>87a</b> N/A		
<b>b</b>	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)..... <b>87b</b> N/A		
<b>88a</b>	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX. ....		X
<b>b</b>	At any time during the year, did the organization, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If 'Yes,' complete Part XI. ....		X
<b>89a</b>	<b>501(c)(3) organizations.</b> Enter: Amount of tax imposed on the organization during the year under: section 4911 ▶ 0. ; section 4912 ▶ 0. ; section 4955 ▶ 0.		
<b>b</b>	<b>501(c)(3) and 501(c)(4) organizations.</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction. ....		X
<b>c</b>	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958. .... ▶ 0.		
<b>d</b>	Enter: Amount of tax on line 89c, above, reimbursed by the organization ..... ▶ 0.		
<b>e</b>	<b>All organizations.</b> At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? ....		X
<b>f</b>	<b>All organizations.</b> Did the organization acquire a direct or indirect interest in any applicable insurance contract? ....		X
<b>g</b>	<b>For supporting organizations and sponsoring organizations maintaining donor advised funds.</b> Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year? ....		X
<b>90a</b>	List the states with which a copy of this return is filed ▶ CA		
<b>b</b>	Number of employees employed in the pay period that includes March 12, 2006 (See instructions.)..... <b>90b</b> 0		
<b>91a</b>	The books are in care of ▶ Good Samaritan Family Resourc Telephone number ▶ (415) 824-9475 Located at ▶ 1294 Potrero Avenue, San Francisco, CA, ZIP + 4 ▶ 94110		
<b>b</b>	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?.....	Yes	No
	If 'Yes,' enter the name of the foreign country ▶		X
	See the instructions for exceptions and filing requirements for <b>Form TD F 90-22.1</b> , Report of Foreign Bank and Financial Accounts.		

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**Part VI Other Information** (continued)

Yes No

c At any time during the calendar year, did the organization maintain an office outside of the United States? **91 c** ☐ Yes ☒ No

If 'Yes,' enter the name of the foreign country ▶

**92** Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 — Check here. **N/A** ☐and enter the amount of tax-exempt interest received or accrued during the tax year. **92** **N/A****Part VII Analysis of Income-Producing Activities** (See the instructions.)**Note:** Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclusion code	(D) Amount	
<b>93</b> Program service revenue:					
<b>a</b> Child Care and Family					49,031.
<b>b</b>					
<b>c</b>					
<b>d</b>					
<b>e</b>					
<b>f</b> Medicare/Medicaid payments					
<b>g</b> Fees & contracts from government agencies					
<b>94</b> Membership dues and assessments					
<b>95</b> Interest on savings & temporary cash invmnts			14	13,226.	
<b>96</b> Dividends & interest from securities					
<b>97</b> Net rental income or (loss) from real estate:					
<b>a</b> debt-financed property					
<b>b</b> not debt-financed property					
<b>98</b> Net rental income or (loss) from pers prop.					
<b>99</b> Other investment income					
<b>100</b> Gain or (loss) from sales of assets other than inventory					
<b>101</b> Net income or (loss) from special events					
<b>102</b> Gross profit or (loss) from sales of inventory					
<b>103</b> Other revenue: <b>a</b>					
<b>b</b> Miscellaneous			1		10,366.
<b>c</b>					
<b>d</b>					
<b>e</b>					
<b>104</b> Subtotal (add columns (B), (D), and (E))				13,226.	59,397.
<b>105</b> Total (add line 104, columns (B), (D), and (E))					72,623.

**Note:** Line 105 plus line 1e, Part I, should equal the amount on line 12, Part I.**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See the instructions.)

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
<b>93a</b>	Preschool family fees & Family Support Advocacy

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See the instructions.)

- a** Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No
- b** Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

**Note:** If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions).

BAA

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Form 990 (2006)

Form 990 (2006) Good Samaritan Family Resource Center

94-3154078

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**Part XI Information Regarding Transfers To and From Controlled Entities.** Complete only if the organization is a controlling organization as defined in section 512(b)(13).

	<b>Yes</b>	<b>No</b>
<b>106</b> Did the reporting organization <b>make</b> any transfers <b>to</b> a controlled entity as defined in section 512(b)(13) of the Code? If "Yes," complete the schedule below for each controlled entity .....		<b>X</b>

	(A) Name, address, of each controlled entity	(B) Employer Identification Number	(C) Description of transfer	(D) Amount of transfer
a				
b				
c				
<b>Totals</b>				

	<b>Yes</b>	<b>No</b>
<b>107</b> Did the reporting organization <b>receive</b> any transfers <b>from</b> a controlled entity as defined in section 512(b)(13) of the Code? If "Yes," complete the schedule below for each controlled entity .....		<b>X</b>

	(A) Name, address, of each controlled entity	(B) Employer Identification Number	(C) Description of transfer	(D) Amount of transfer
a				
b				
c				
<b>Totals</b>				

	<b>Yes</b>	<b>No</b>
<b>108</b> Did the organization have a binding written contract in effect on August 17, 2006, covering the interest, rents, royalties, and annuities described in question 107 above? .....		<b>X</b>

<b>Please Sign Here</b>	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.			
	Signature of officer <b>Mario Paz, Executive Director</b> Type or print name and title.		Date	
<b>Paid Preparer's Use Only</b>	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN (See General Instruction W)
	Firm's name (or yours if self-employed), address, and ZIP + 4		EIN	
	ALLAN LIU, CPA 201 WILLOW AVE MILLBRAE, CA 94030-2536		N/A N/A (650) 692-1172	

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Form 990 (2006)



**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service**Organization Exempt Under  
Section 501(c)(3)**(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information — (See separate instructions.)

▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**

OMB No. 1545-0047

**2006**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**  
(See instructions. List each one. If there are none, enter 'None.')

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account and other allowances
See Statement 7		0.	0.	0.
Total number of other employees paid over \$50,000	0			

**Part II – A Compensation of the Five Highest Paid Independent Contractors for Professional Services**  
(See instructions. List each one (whether individuals or firms). If there are none, enter 'None.')

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over \$50,000 for professional services	0	

**Part II – B Compensation of the Five Highest Paid Independent Contractors for Other Services**  
(List each contractor who performed services other than professional services, whether individuals or firms. If there are none, enter 'None.' See instructions.)

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of other contractors receiving over \$50,000 for other services	0	

**BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ.**

Schedule A (Form 990 or 990-EZ) 2006

<b>Part III Statements About Activities</b> (See instructions.)		Yes	No
<b>1</b>	During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities. . . . ▶ \$ <u>N/A</u> (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B.)	<b>1</b>	X
Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking 'Yes' must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.			
<b>2</b>	During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)		
<b>a</b>	Sale, exchange, or leasing of property?	<b>2a</b>	X
<b>b</b>	Lending of money or other extension of credit?	<b>2b</b>	X
<b>c</b>	Furnishing of goods, services, or facilities?	<b>2c</b>	X
<b>d</b>	Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?	<b>2d</b>	X
<b>e</b>	Transfer of any part of its income or assets?	<b>2e</b>	X
<b>3a</b>	Did the organization make grants for scholarships, fellowships, student loans, etc? (If 'Yes,' attach an explanation of how the organization determines that recipients qualify to receive payments.)	<b>3a</b>	X
<b>b</b>	Did the organization have a section 403(b) annuity plan for its employees?	<b>3b</b>	X
<b>c</b>	Did the organization receive or hold an easement for conservation purposes, including easements to preserve open space, the environment, historic land areas or historic structures? If 'Yes,' attach a detailed statement	<b>3c</b>	X
<b>d</b>	Did the organization provide credit counseling, debt management, credit repair, or debt negotiation services?	<b>3d</b>	X
<b>4a</b>	Did the organization maintain any donor advised funds? If 'Yes,' complete lines 4b through 4g. If 'No,' complete lines 4f and 4g.	<b>4a</b>	X
<b>b</b>	Did the organization make any taxable distributions under section 4966?	<b>4b</b>	N/A
<b>c</b>	Did the organization make a distribution to a donor, donor advisor, or related person?	<b>4c</b>	N/A
<b>d</b>	Enter the total number of donor advised funds owned at the end of the tax year . . . . . ▶		N/A
<b>e</b>	Enter the aggregate value of assets held in all donor advised funds owned at the end of the tax year . . . . . ▶		N/A
<b>f</b>	Enter the total number of separate funds or accounts owned at the end of the tax year (excluding donor advised funds included on line 4d) where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts . . . . . ▶		0
<b>g</b>	Enter the aggregate value of assets held in all funds or accounts included on line 4f at the end of the tax year . . . ▶		0

**Part IV Reason for Non-Private Foundation Status** (See instructions.)I certify that the organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). **Enter the hospital's name, city, and state** ▶ \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12 ☐ An organization that normally receives: **(1) more than 33-1/3%** of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions — subject to certain exceptions, and **(2) no more than 33-1/3%** of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and otherwise meets the requirements of section 509(a)(3). Check the box that describes the type of supporting organization: ▶

☐ Type I ☐ Type II ☐ Type III-Functionally Integrated ☐ Type III-Other
**Provide the following information about the supported organizations.** (See instructions.)

(a) Name(s) of supported organization(s)	(b) Employer identification number (EIN)	(c) Type of organization (described in lines 5 through 12 above or IRC section)	(d) Is the supported organization listed in the supporting organization's governing documents?		(e) Amount of support
			Yes	No	
<b>Total</b> .....					<b>0.</b>

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See instructions.)

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Schedule A (Form 990 or 990-EZ) 2006

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.****Note:** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in) .....	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) Total
<b>15</b> Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.) .....	1,195,209.	1,127,591.	1,215,597.	869,233.	4,407,630.
<b>16</b> Membership fees received .....					0.
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose .....	55,293.	90,979.	121,681.	109,246.	377,199.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975 .....	2,843.	1,090.	414.	1,241.	5,588.
<b>19</b> Net income from unrelated business activities not included in line 18 .....					0.
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf .....					0.
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge .....					0.
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets. See Stmt. 8 .....	3,196.	3,189.	10,791.		17,176.
<b>23</b> Total of lines 15 through 22 .....	1,256,541.	1,222,849.	1,348,483.	979,720.	4,807,593.
<b>24</b> Line 23 minus line 17 .....	1,201,248.	1,131,870.	1,226,802.	870,474.	4,430,394.
<b>25</b> Enter 1% of line 23 .....	12,565.	12,228.	13,485.	9,797.	

<b>26 Organizations described on lines 10 or 11:</b> <b>a</b> Enter 2% of amount in column (e), line 24 .....	<b>26a</b>	88,608.
<b>b</b> Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2002 through 2005 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts .....	<b>26b</b>	
<b>c</b> Total support for section 509(a)(1) test: Enter line 24, column (e) .....	<b>26c</b>	4,430,394.
<b>d</b> Add: Amounts from column (e) for lines: <b>18</b> 5,588. <b>19</b> .....	<b>26d</b>	22,764.
<b>22</b> 17,176. <b>26b</b> .....	<b>26e</b>	4,407,630.
<b>e</b> Public support (line 26c minus line 26d total) .....	<b>26f</b>	99.49 %
<b>f</b> Public support percentage (line 26e (numerator) divided by line 26c (denominator)) .....		

<b>27 Organizations described on line 12:</b> N/A		
<b>a</b> For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____		
<b>b</b> For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11b, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____		
<b>c</b> Add: Amounts from column (e) for lines: <b>15</b> _____ <b>16</b> _____ <b>17</b> _____ <b>20</b> _____ <b>21</b> _____	<b>27c</b>	
<b>d</b> Add: Line 27a total ..... and line 27b total .....	<b>27d</b>	
<b>e</b> Public support (line 27c total minus line 27d total) .....	<b>27e</b>	
<b>f</b> Total support for section 509(a)(2) test: Enter amount from line 23, column (e) .....	<b>27f</b>	
<b>g</b> Public support percentage (line 27e (numerator) divided by line 27f (denominator)) .....	<b>27g</b>	%
<b>h</b> Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) .....	<b>27h</b>	%

**28 Unusual Grants:** For an organization described in line 10, 11, or 12 that received any unusual grants during 2002 through 2005, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.

**Part V Private School Questionnaire** (See instructions.)

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

N/A

		Yes	No
<b>29</b> Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? .....	<b>29</b>		
<b>30</b> Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? .....	<b>30</b>		
<b>31</b> Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? .....	<b>31</b>		
If 'Yes,' please describe; if 'No,' please explain. (If you need more space, attach a separate statement.)			
-----			
-----			
-----			
<b>32</b> Does the organization maintain the following:			
<b>a</b> Records indicating the racial composition of the student body, faculty, and administrative staff? .....	<b>32a</b>		
<b>b</b> Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? .....	<b>32b</b>		
<b>c</b> Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? .....	<b>32c</b>		
<b>d</b> Copies of all material used by the organization or on its behalf to solicit contributions? .....	<b>32d</b>		
If you answered 'No' to any of the above, please explain. (If you need more space, attach a separate statement.)			
-----			
-----			
<b>33</b> Does the organization discriminate by race in any way with respect to:			
<b>a</b> Students' rights or privileges? .....	<b>33a</b>		
<b>b</b> Admissions policies? .....	<b>33b</b>		
<b>c</b> Employment of faculty or administrative staff? .....	<b>33c</b>		
<b>d</b> Scholarships or other financial assistance? .....	<b>33d</b>		
<b>e</b> Educational policies? .....	<b>33e</b>		
<b>f</b> Use of facilities? .....	<b>33f</b>		
<b>g</b> Athletic programs? .....	<b>33g</b>		
<b>h</b> Other extracurricular activities? .....	<b>33h</b>		
If you answered 'Yes' to any of the above, please explain. (If you need more space, attach a separate statement.)			
-----			
-----			
-----			
<b>34a</b> Does the organization receive any financial aid or assistance from a governmental agency? .....	<b>34a</b>		
<b>b</b> Has the organization's right to such aid ever been revoked or suspended? .....	<b>34b</b>		
If you answered 'Yes' to either 34a or b, please explain using an attached statement.			
-----			
-----			
<b>35</b> Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev Proc 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If 'No,' attach an explanation. ....	<b>35</b>		

Schedule A (Form 990 or 990-EZ) 2006 Good Samaritan Family Resource Center

94-3154078

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**Part VI-A Lobbying Expenditures by Electing Public Charities** (See instructions.)(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check **a** ☐ if the organization belongs to an affiliated group. Check **b** ☐ if you checked 'a' and 'limited control' provisions apply.**Limits on Lobbying Expenditures**

(The term 'expenditures' means amounts paid or incurred.)

		(a) Affiliated group totals	(b) To be completed for all electing organizations
<b>36</b> Total lobbying expenditures to influence public opinion (grassroots lobbying) .....	<b>36</b>		
<b>37</b> Total lobbying expenditures to influence a legislative body (direct lobbying) .....	<b>37</b>		
<b>38</b> Total lobbying expenditures (add lines 36 and 37) .....	<b>38</b>		
<b>39</b> Other exempt purpose expenditures .....	<b>39</b>		
<b>40</b> Total exempt purpose expenditures (add lines 38 and 39) .....	<b>40</b>		
<b>41</b> Lobbying nontaxable amount. Enter the amount from the following table —			
<b>If the amount on line 40 is —</b>	<b>The lobbying nontaxable amount is —</b>		
Not over \$500,000 .....	20% of the amount on line 40 .....		
Over \$500,000 but not over \$1,000,000 .....	\$100,000 plus 15% of the excess over \$500,000 .....		
Over \$1,000,000 but not over \$1,500,000 .....	\$175,000 plus 10% of the excess over \$1,000,000 .....	<b>41</b>	
Over \$1,500,000 but not over \$17,000,000 .....	\$225,000 plus 5% of the excess over \$1,500,000 .....		
Over \$17,000,000 .....	\$1,000,000 .....		
<b>42</b> Grassroots nontaxable amount (enter 25% of line 41) .....	<b>42</b>		
<b>43</b> Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36 .....	<b>43</b>		
<b>44</b> Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38 .....	<b>44</b>		

**Caution:** If there is an amount on either line 43 or line 44, you must file Form 4720.**4 -Year Averaging Period Under Section 501(h)**(Some organizations that made a section 501(h) election do not have to complete all of the five columns below.  
See the instructions for lines 45 through 50.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2005	(c) 2004	(d) 2003	(e) Total
<b>45</b> Lobbying nontaxable amount .....					
<b>46</b> Lobbying ceiling amount (150% of line 45(e)) .....					
<b>47</b> Total lobbying expenditures .....					
<b>48</b> Grassroots non-taxable amount .....					
<b>49</b> Grassroots ceiling amount (150% of line 48(e)) .....					
<b>50</b> Grassroots lobbying expenditures .....					

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See instructions.)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:

Yes	No	Amount
-----	----	--------

- |  |  |  |  |
|--|--|--|--|
| <b>a</b> Volunteers .....  |  |  |  |
| <b>b</b> Paid staff or management (Include compensation in expenses reported on lines <b>c</b> through <b>h</b> .) ..... |  |  |  |
| <b>c</b> Media advertisements .....  |  |  |  |
| <b>d</b> Mailings to members, legislators, or the public .....   |  |  |  |
| <b>e</b> Publications, or published or broadcast statements .....  |  |  |  |
| <b>f</b> Grants to other organizations for lobbying purposes .....   |  |  |  |
| <b>g</b> Direct contact with legislators, their staffs, government officials, or a legislative body .....                |  |  |  |
| <b>h</b> Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means .....                    |  |  |  |
| <b>i</b> Total lobbying expenditures (add lines <b>c</b> through <b>h</b> .) .....                                       |  |  |  |

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities.

BAA

Schedule A (Form 990 or 990-EZ) 2006

**Part VII** Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See instructions)

**51** Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

**a** Transfers from the reporting organization to a noncharitable exempt organization of:

(i) Cash	51 a (i)	X
(ii) Other assets	a (ii)	X

**b Other transactions:**

(i) Sales or exchanges of assets with a noncharitable exempt organization.....	b (i)	X
--	-------	---

(ii) Purchases of assets from a noncharitable exempt organization.....	b (ii)	X
--	--------	---

(iii) Rental of facilities, equipment, or other assets .....	b (iii)		X
--	---------	--	---

(iv) Reimbursement arrangements.....	b (iv)		X
--------------------------------------	--------	--	---

(v) Loans or loan guarantees.....	b (v)		X
-----------------------------------	-------	--	---

(vi) Performance of services or membership or fundraising solicitations.....	b (vi)	X
--	--------	---

Sharing of facilities, equipment, mailing lists, other assets, or paid employees	<b>c</b>		<b>X</b>
--	----------	--	----------

d If the answer to any of the above is 'Yes,' complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received:

[illegible]

**52a** Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐ Yes ☒ No

**b** If 'Yes,' complete the following schedule:

[illegible]

**Schedule B**  
(Form 990, 990-EZ,  
or 990-PF)Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No. 1545-0047

**2006**

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):

Filers of:

Form 990 or 990-EZ

Section:

- ☒ 501(c)( 3 ) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

**General Rule –**

- ☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc, contributions of \$5,000 or more during the year.) ..... ► \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.**

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)



Form **8868**

(Rev April 2007)

Department of the Treasury  
Internal Revenue Service**Application for Extension of Time To File an  
Exempt Organization Return**

OMB No. 1545-1709

► File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒ **X**
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).

**Do not complete Part II unless** you have already been granted an automatic 3-month extension on a previously filed Form 8868.**Part I Automatic 3-Month Extension of Time.** Only submit original (no copies needed).Section 501(c) corporations required to file Form 990-T and requesting an automatic 6-month extension — check this box and complete Part I only. ☐*All other corporations (including 1120-C filers), partnerships, REMICS, and trusts must use Form 7004 to request an extension of time to file income tax returns.*

**Electronic Filing (e-file).** Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for section 501(c) corporations required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T. Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit [www.irs.gov/efile](http://www.irs.gov/efile) and click on *e-file for Charities & Nonprofits*.

<b>Type or print</b>  File by the due date for filing your return. See instructions.	Name of Exempt Organization	Employer identification number
	Good Samaritan Family Resource Center	94-3154078
	Number, street, and room or suite number. If a P.O. box, see instructions.	
	1294 Potrero Avenue	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions.	
	San Francisco, CA 94110	

**Check type of return to be filed** (file a separate application for each return):

<input checked="" type="checkbox"/> Form 990	<input type="checkbox"/> Form 990-T (corporation)	<input type="checkbox"/> Form 4720
<input type="checkbox"/> Form 990-BL	<input type="checkbox"/> Form 990-T (section 401(a) or 408(a) trust)	<input type="checkbox"/> Form 5227
<input type="checkbox"/> Form 990-EZ	<input type="checkbox"/> Form 990-T (trust other than above)	<input type="checkbox"/> Form 6069
<input type="checkbox"/> Form 990-PF	<input type="checkbox"/> Form 1041-A	<input type="checkbox"/> Form 8870

- The books are in the care of ► Good Samaritan Family Resource

Telephone No. ► (415) 824-9475 FAX No. ► (415) 824-9527

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the whole group, check this box. ☐. If it is for part of the group, check this box. ☐ and attach a list with the names and EINs of all members the extension will cover.

- 1 I request an automatic 3-month (6 months for a section 501(c) corporation required to file Form 990-T) extension of time until 2/15, 20 08, to file the exempt organization return for the organization named above.  
The extension is for the organization's return for:

- ☐ calendar year 20 \_\_\_\_ or
- ☒ tax year beginning 7/01, 20 06, and ending 6/30, 20 07.

- 2 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

<b>3a</b> If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	<b>3a</b>	\$	0.
<b>b</b> If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	<b>3b</b>	\$	0.
<b>c Balance Due.</b> Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	<b>3c</b>	\$	0.

**Caution.** If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.**BAA For Privacy Act and Paperwork Reduction Act Notice, see instructions.**Form **8868** (Rev 4-2007)

2006

## Federal Statements

Page 1

Good Samaritan Family Resource Center

94-3154078

**Statement 1**  
**Form 990, Part II, Line 25a**  
**Compensation of Officers, Directors, Etc.**

Compensation Received	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	55,395.	16,619.	22,158.	16,618.
Total	\$ 55,395.	\$ 16,619.	\$ 22,158.	\$ 16,618.

Employee Benefit Plan Contribution	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	0.	0.	0.	0.
Total	\$ 0.	\$ 0.	\$ 0.	\$ 0.

Expense Acct. & Other Allowances	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	0.	0.	0.	0.
Total	\$ 0.	\$ 0.	\$ 0.	\$ 0.

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## Federal Statements

Page 2

Good Samaritan Family Resource Center

94-3154078

**Statement 2**  
**Form 990, Part II, Line 43**  
**Other Expenses**

	(A) Total	(B) Program Services	(C) Management & General	(D) Fundraising
Consultants/Contractors	229,401.	118,002.	104,508.	6,891.
Direct Support	3,450.	3,450.		
Events	6,850.	6,829.	13.	8.
Field Trips	4,413.	4,413.		
Food	31,253.	31,125.	46.	82.
Insurance	45,273.	39,031.	5,098.	1,144.
License & Fees	3,182.	2,260.	821.	101.
Local Transportation	2,530.	2,281.	168.	81.
Miscellaneous	21,461.	11,326.	9,827.	308.
Outside Services	4,228.	942.	3,263.	23.
Staff Development	622.	506.	73.	43.
Start-up/Classroom setup	18,764.	18,764.		
Use Allowance		98,697.	-100,628.	1,931.
Utilities	40,046.		40,046.	
<b>Total</b>	<b>\$ 411,473.</b>	<b>\$ 337,626.</b>	<b>\$ 63,235.</b>	<b>\$ 10,612.</b>

**Statement 3**  
**Form 990, Part III, Line a**  
**Statement of Program Service Accomplishments**

Description	Grants and Allocations	Program Service Expenses
Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes. Approximately 7,356 child days of enrollment of services were performed.		
Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include parent support groups, parenting classes, adult literacy, individual and group therapy, after school academeic enrichment, soccer program, asthma and dental screening and education for children of elementary public schools, emergency assistance, summer youth programs, english for beginners language classes, basic computer classes, loan programs, family planning clinic, and in home support.		1,060,666.
Includes Foreign Grants: No		
	\$ 0.	\$ 1,060,666.

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**Statement 4**  
**Form 990, Part IV, Line 57**  
**Land, Buildings, and Equipment**

Category	Basis	Accum. Deprec.	Book Value
Automobiles / Transportation Equipment	\$ 23,482.	\$ 23,482.	\$ 0.
Machinery and Equipment	220,016.	213,766.	6,250.
Buildings	2,985,926.	750,627.	2,235,299.
Improvements	216,068.	27,959.	188,109.
Land	300,000.		300,000.
<b>Total</b>	<b>\$ 3,745,492.</b>	<b>\$ 1,015,834.</b>	<b>\$ 2,729,658.</b>

**Statement 5**  
**Form 990, Part IV, Line 65**  
**Other Liabilities**

Due to SDE.....	\$ 24,376.
<b>Total</b>	<b>\$ 24,376.</b>

**Statement 6**  
**Form 990, Part V-A**  
**List of Officers, Directors, Trustees, and Key Employees**

Name and Address	Title and Average Hours Per Week Devoted	Compen- sation	Contri- bution to EBP & DC	Expense Account/ Other
Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110	Director 1	\$ 0.	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110	Treasurer 1	0.	0.	0.
Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.

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**Statement 6 (continued)**  
**Form 990, Part V-A**  
**List of Officers, Directors, Trustees, and Key Employees**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110	President 1	\$ 0.	\$ 0.	\$ 0.
Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110	Secretary 1	0.	0.	0.
Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Mario Paz 1294 Potrero Avenue San Francisco, CA 94110	Executive Direc 0	55,395.	0.	0.
	<b>Total</b>	<u>\$ 55,395.</u>	<u>\$ 0.</u>	<u>\$ 0.</u>

**Statement 7**  
**Schedule A, Part I**  
**Compensation of Five Highest Paid Employees**

<u>Name and Address</u>	<u>Title &amp; Average Hours Worked</u>	<u>Compen- sation</u>	<u>Contribut. EBP &amp; DC</u>	<u>Expense Account</u>
Hector Melendez 1294 Potrero Avenue S.F., CA 94110	Exec. Dir. 40	0.	0.	0.
Teresa Carias 1294 Potrero Avenue S.F., CA 94110	Director, CDC 40	0.	0.	0.
Alicia Vasquez 1294 Potrero Avenue S.F., CA 94110	Family Ser. Dir 40	0.	0.	0.
	<b>Total</b>	<u>\$ 0.</u>	<u>\$ 0.</u>	<u>\$ 0.</u>

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**Statement 8**  
**Schedule A, Part IV-A, Line 22**  
**Other Income**

Description	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) Total
Miscellaneous Income	\$ 3,196.	\$ 3,189.	\$ 10,791.	\$ 0.	\$ 17,176.
Total	<u>\$ 3,196.</u>	<u>\$ 3,189.</u>	<u>\$ 10,791.</u>	<u>\$ 0.</u>	<u>\$ 17,176.</u>

YEAR <b>2006</b>	<b>California Exempt Organization Annual Information Return</b>	FORM <b>199</b>
For calendar or fiscal year beginning month <u>07</u> day <u>01</u> year <u>2006</u> and ending month <u>06</u> day <u>30</u> year <u>2007</u>		
<b>IMPORTANT: Your number is required.</b>		
California corporation number <u>1522670</u>	Federal employer identification number (FEIN) <u>94-3154078</u>	<b>A</b> Final return? Check applicable box. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Dissolved <input type="checkbox"/> Withdrawn <input type="checkbox"/> Merged/Reorganized (attach explanation) If a box is checked, enter date <b>•</b>
Corporation/Organization name  <u>Good Samaritan Family Resource Center</u>		<b>B</b> Check forms filed this year: State: <input type="checkbox"/> 109 <input type="checkbox"/> 100 <input type="checkbox"/> 100S <input type="checkbox"/> 100W Fed: <input checked="" type="checkbox"/> 990 Fed: <input type="checkbox"/> 990EZ <input type="checkbox"/> 990T <input type="checkbox"/> 990PF <input type="checkbox"/> 1041 <input type="checkbox"/> 1120H <input type="checkbox"/> 1120
Address including Suite, Room, or PMB no.  <u>1294 Potrero Avenue</u>		<b>C</b> If organization is exempt under R&TC Section 23701d and is a school, public charity, religious organization, or is controlled by a religious operation, check box. <b>See General Instruction F. No filing fee is required.</b> <input checked="" type="checkbox"/>
City <u>San Francisco, CA</u>	State <u>CA</u> ZIP Code <u>94110</u>	<b>D</b> Is this a group filing? See General Instruction N <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>E</b> Accounting method used <u>Accrual</u> <b>F</b> Type of organization <input checked="" type="checkbox"/> Exempt under Section 23701 <u>d</u> (insert letter) <input type="checkbox"/> IRC Section 4947(a)(1) trust

**Part I Complete Part I unless not required to file this form. See General Instructions B and C.**

<b>Receipts and Revenues</b> <small>(Enclose, but do not staple, any payment.)</small>	1 Gross sales or receipts from other sources. From Side 2, Part II, line 8 <b>•</b>	1	72,623.
	2 Gross dues and assessments from members and affiliates. <b>•</b>	2	
	3 Gross contributions, gifts, grants, and similar amounts received. See instructions. <b>•</b> See Sch. B	3	1,352,784.
	4 Total gross receipts for filing requirement test. Add line 1 through line 3 <b>This line must be completed.</b> If the result is less than \$25,000, see General Instruction C. <b>•</b>	4	1,425,407.
	5 Cost of goods sold <b>•</b>	5	
	6 Cost or other basis, and sales expenses of assets sold. <b>•</b>	6	
	7 Total costs. Add line 5 and line 6	7	
	8 Total gross income. Subtract line 7 from line 4	8	1,425,407.
<b>Expenses</b>	9 Total expenses and disbursements. From Side 2, Part II, line 18	9	1,313,260.
	10 Excess of receipts over expenses and disbursements. Subtract line 9 from line 8	10	112,147.
<b>Filing Fee</b>	11 Filing fee \$10 or \$25. See General Instruction F	11	
	12 Penalty for failure to file on time. See General Instruction L	12	
	13 Use tax. See General Instruction M <b>•</b>	13	
	14 Balance due. Add line 11, line 12, and line 13	14	
15 If exempt under R&TC Section 23701d, has the organization during the year: (1) participated in any political campaign or (2) attempted to influence legislation or any ballot measure, or (3) made an election under R&TC Section 23704.5 (relating to lobbying by public charities)? If 'Yes,' complete and attach form FTB 3509, Political or Legislative Activities by Section 23701d Organizations. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
16 Did the organization have any changes in its activities, governing instrument, articles of incorporation, or bylaws that have not been reported to the Franchise Tax Board? If 'Yes,' complete an explanation and attach copies of revised documents. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
17 Is the organization exempt under R&TC Section 23701g? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of gross receipts from nonmember sources. . . . \$ _____			
18 Did the organization file Form 100, Form 100S, 100W, or Form 109 to report taxable income? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of total income reported. . . . \$ _____			
19 The financial records are in care of. <u>Good Samaritan Family Resource</u> Daytime telephone <u>(415) 824-9475</u> located at <u>1294 Potrero Avenue, San Francisco, CA 94110</u>			
<b>Please Sign Here</b>	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		
	Signature of officer <u>Executive Director</u>	Date	Daytime telephone <u>(415) 824-9475</u>
<b>Paid Preparer's Use Only</b>	Paid Preparer's signature <u>ALLAN LIU, CPA</u>	Date	Check if self-employed <input type="checkbox"/> <b>•</b> Paid preparer's SSN or PTIN
	Firm's name (or yours, if self-employed) and address <u>201 WILLOW AVE</u>		FEIN
	<u>MILLBRAE, CA 94030-2536</u>	Daytime telephone <u>(650) 692-1172</u>	

Good Samaritan Family Resource Center

94-3154078

**Part II Organizations with gross receipts of more than \$25,000 and private foundations regardless of amount of gross receipts—complete Part II or furnish substitute information. See Specific Line Instructions.**

<b>Receipts from Other Sources</b>	<b>1</b>	Gross sales or receipts from all business activities. See instructions.....	<b>1</b>	
	<b>2</b>	Interest .....	<b>2</b>	13,226.
	<b>3</b>	Dividends .....	<b>3</b>	
	<b>4</b>	Gross rents .....	<b>4</b>	
	<b>5</b>	Gross royalties .....	<b>5</b>	
	<b>6</b>	Gross amount received from sale of assets .....	<b>6</b>	
	<b>7</b>	Other income. Attach schedule ..... See Statement 1.....	<b>7</b>	59,397.
	<b>8</b>	<b>Total</b> gross sales or receipts from other sources. Add line 1 through line 7. Enter here and on Side 1, Part I, line 1.....		
		<b>8</b>	72,623.	
<b>Expenses and Disbursements</b>	<b>9</b>	Contributions, gifts, grants, and similar amounts paid. Attach schedule .....	<b>9</b>	
	<b>10</b>	Disbursements to or for members .....	<b>10</b>	
	<b>11</b>	Compensation of officers, directors, and trustees. Attach schedule ..... See Statement 2.....	<b>11</b>	55,395.
	<b>12</b>	Other salaries and wages .....	<b>12</b>	527,528.
	<b>13</b>	Interest .....	<b>13</b>	
	<b>14</b>	Taxes .....	<b>14</b>	44,594.
	<b>15</b>	Rents .....	<b>15</b>	
	<b>16</b>	Depreciation and depletion .....	<b>16</b>	89,263.
	<b>17</b>	Other. Attach schedule ..... See Statement 3.....	<b>17</b>	596,480.
	<b>18</b>	<b>Total</b> expenses and disbursements. Add line 9 through line 17. Enter here and on Side 1, Part I, line 9.....	<b>18</b>	1,313,260.

<b>Schedule L Balance Sheets</b>		<b>Beginning of taxable year</b>		<b>End of taxable year</b>	
		<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>
<b>Assets</b>					
<b>1</b>	Cash .....		311,734.		588,176.
<b>2</b>	Net accounts receivable .....		249,325.		251,310.
<b>3</b>	Net notes receivable. Attach schedule .....				
<b>4</b>	Inventories .....				
<b>5</b>	Federal and state government obligations .....				
<b>6</b>	Investments in other bonds. Attach schedule .....				
<b>7</b>	Investments in stock. Attach schedule .....				
<b>8</b>	Mortgage loans (number of loans... ) .....				
<b>9</b>	Other investments. Attach schedule .....				
<b>10a</b>	Depreciable assets .....	3,465,381.		3,445,492.	
<b>b</b>	Less accumulated depreciation .....	946,460.	2,518,921.	1,015,834.	2,429,658.
<b>11</b>	Land .....		300,000.		300,000.
<b>12</b>	Other assets. Attach schedule ..... St. 4.....		16,382.		14,836.
<b>13</b>	<b>Total assets</b> .....		3,396,362.		3,583,980.
<b>Liabilities and net worth</b>					
<b>14</b>	Accounts payable .....		54,698.		105,793.
<b>15</b>	Contributions, gifts, or grants payable .....				
<b>16</b>	Bonds and notes payable. Attach schedule .....				
<b>17</b>	Mortgages payable .....				
<b>18</b>	Other liabilities. Attach schedule ..... St. 5.....				24,376.
<b>19</b>	Capital stock or principle fund .....		3,341,664.		3,453,811.
<b>20</b>	Paid-in or capital surplus. Attach reconciliation .....				
<b>21</b>	Retained earnings or income fund .....				
<b>22</b>	<b>Total liabilities and net worth</b> .....		3,396,362.		3,583,980.

**Schedule M-1 Reconciliation of income per books with income per return**

Do not complete this schedule if the amount on Schedule L, line 13, column (d), is less than \$25,000

<b>1</b>	Net income per books .....	112,147.	<b>7</b>	Income recorded on books this year not included in this return. Attach schedule .....	
<b>2</b>	Federal income tax .....		<b>8</b>	Deductions in this return not charged against book income this year. Attach schedule .....	
<b>3</b>	Excess of capital losses over capital gains .....		<b>9</b>	<b>Total.</b> Add line 7 and line 8 .....	
<b>4</b>	Income not recorded on books this year. Attach schedule .....		<b>10</b>	<b>Net income per return.</b> Subtract line 9 from line 6 .....	112,147.
<b>5</b>	Expenses recorded on books this year not deducted in this return. Attach schedule .....				
<b>6</b>	<b>Total.</b> Add line 1 through line 5 .....	112,147.			



**Schedule B**  
(Form 990, 990-EZ,  
or 990-PF)Department of the Treasury  
Internal Revenue ServiceCalifornia Copy  
**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No. 1545-0047

**2006**

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Organization type** (check one):**Filers of:**

Form 990 or 990-EZ

**Section:**

- ☒ 501(c)( 3 ) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

**General Rule –**

- ☒ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☐ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc, contributions of \$5,000 or more during the year.) ..... ► \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.**

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
3	Redacted per ----- Seal ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
4	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
5	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
6	Redacted per NAF ----- ----- -----8	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 2 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
9	Redacted per NAF Mtn ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
10	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
11	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
12	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 3 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
13	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
14	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
15	Redacted per NAF Mtn ----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
16	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
17	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
18	Bill & Caroline Orrick ----- Redacted per NAF ----- Redacted per NAF -----	\$ ----- 5,072.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 4 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
19	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
20	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
21	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
22	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
23	Redacted per NAF Mtn to ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
24	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 5 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
25	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
26	Redacted per NAF Mtn to Seal ----- ----- -----	\$ -----	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
-----	----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
-----	----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
-----	----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
-----	----- ----- -----	\$ -----	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1 of 1 of Part II

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part II** Noncash Property (See Specific Instructions.)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
	N/A		
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

BAA

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1

of 1

of Part III

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part III Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year** (Complete cols (a) through (e) and the following line entry.)For organizations completing Part III, enter total of *exclusively* religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this information once — see instructions.) ..... \$ N/A

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	N/A		
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee

BAA

TEEA0704L 01/18/07

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)



2006

## California Statements

Page 1

Good Samaritan Family Resource Center

94-3154078

**Statement 1**  
**Form 199, Part II, Line 7**  
**Other Income**

Miscellaneous.....	\$	10,366.
Program Service Revenue.....		49,031.
Total	\$	<u>59,397.</u>

**Statement 2**  
**Form 199, Part II, Line 11**  
**Compensation of Officers, Directors, and Trustees**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110	Director 1	\$ 0.	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110	Treasurer 1	0.	0.	0.
Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110	President 1	0.	0.	0.
Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110	Secretary 1	0.	0.	0.
Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.

94-3154078

Prepaid Expenses and Deferred Charges.....	14,836.
Total \$	<u>14,836.</u>

2006

California Statements

Page 3

Good Samaritan Family Resource Center

94-3154078

Statement 5  
Form 199, Schedule L, Line 18  
Other Liabilities

Due to SDE.....	24,376.
Total	\$ <u><u>24,376.</u></u>

IN

**MAIL TO:**

Registry of Charitable Trusts  
P.O. Box 903447  
Sacramento, CA 94203-4470  
Telephone: (916) 445-2021

**WEBSITE ADDRESS:**

<http://ag.ca.gov/charities/>

## ANNUAL REGISTRATION RENEWAL FEE REPORT TO ATTORNEY GENERAL OF CALIFORNIA

Sections 12586 and 12587, California Government Code  
11 Cal. Code Regs. sections 301-307, 311 and 312

Failure to submit this report annually no later than four months and fifteen days after the end of the organization's accounting period may result in the loss of tax exemption and the assessment of a minimum tax of \$800, plus interest, and/or fines or filing penalties as defined in Government Code Section 12586.1. IRS extensions will be honored.



<b>State Charity Registration Number</b> _____  <b>Good Samaritan Family Resource Center</b> <small>Name of Organization</small> <b>1294 Potrero Avenue</b> <small>Address (Number and Street)</small> <b>San Francisco, CA 94110</b> <small>City or Town State ZIP Code</small>	<b>Check if:</b> <input type="checkbox"/> Change of address <input type="checkbox"/> Amended report  <b>Corporate or Organization No.</b> <u>1522670</u>  <b>Federal Employer ID No.</b> <u>94-3154078</u>
---	--

### ANNUAL REGISTRATION RENEWAL FEE SCHEDULE (11 Cal. Code Regs. sections 301-307, 311 and 312) Make Check Payable to Attorney General's Registry of Charitable Trusts

Gross Annual Revenue	Fee	Gross Annual Revenue	Fee	Gross Annual Revenue	Fee
Less than \$25,000	0	Between \$100,001 and \$250,000	\$50	Between \$1,000,001 and \$10 million	\$150
Between \$25,000 and \$100,000	\$25	Between \$250,001 and \$1 million	\$75	Between \$10,000,001 and \$50 million	\$225
				Greater than \$50 million	\$300

**PART A – ACTIVITIES**

For your most recent full accounting period (beginning 7/01/06 ending 6/30/07) list:  
 Gross annual revenue \$ 1,425,407. Total assets \$ 3,583,980.

**PART B – STATEMENTS REGARDING ORGANIZATION DURING THE PERIOD OF THIS REPORT**

**Note:** If you answer 'yes' to any of the questions below, you must attach a separate sheet providing an explanation and details for each 'yes' response. Please review RRF-1 instructions for information required.

	Yes	No
1 During this reporting period, were there any contracts, loans, leases or other financial transactions between the organization and any officer, director or trustee thereof either directly or with an entity in which any such officer, director or trustee had any financial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 During this reporting period, was there any theft, embezzlement, diversion or misuse of the organization's charitable property or funds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 During this reporting period, did non-program expenditures exceed 50% of gross revenues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 During this reporting period, were any organization funds used to pay any penalty, fine or judgment? If you filed a Form 4720 with the Internal Revenue Service, attach a copy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 During this reporting period, were the services of a commercial fundraiser or fundraising counsel for charitable purposes used? If 'yes,' provide an attachment listing the name, address, and telephone number of the service provider.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6 During this reporting period, did the organization receive any governmental funding? If so, provide an attachment listing the name of the agency, mailing address, contact person, and telephone number. <span style="float: right;">See Statement 1</span>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 During this reporting period, did the organization hold a raffle for charitable purposes? If 'yes,' provide an attachment indicating the number of raffles and the date(s) they occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8 Does the organization conduct a vehicle donation program? If 'yes,' provide an attachment indicating whether the program is operated by the charity or whether the organization contracts with a commercial fundraiser for charitable purposes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9 Did your organization have prepared an audited financial statement in accordance with generally accepted accounting principles for this reporting period?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Organization's area code and telephone number (415) 824-9475

Organization's e-mail address \_\_\_\_\_

**I declare under penalty of perjury that I have examined this report, including accompanying documents, and to the best of my knowledge and belief, it is true, correct and complete.**

Mario Paz

Executive Director

Signature of authorized officer

Printed Name

Title

Date

**2006****California Statements****Page 1****Good Samaritan Family Resource Center****94-3154078****Statement 1  
Form RRF-1, Part B, Line 6  
Government Agency That Provided Funding**

- 1) California State Department of Education  
1430 N. Street  
Sacramento, Ca 95814-5901  
Cynthia Robinson (916) 324-6586
- 2) Department of Children, Youth, and Their Families  
1390 Market Street  
San Francisco, Ca 94102  
Winna Davis (415) 554-8957
- 3) First Five  
1390 Market Street, Ste. 900  
San Francisco, CA 94102  
Denise Albano (415) 503-1604
- 4) San Francisco Head Start Program  
205 13th Street, Ste. 3280  
San Francisco, Ca 94103  
Jeff Dang (415) 503-1604

**EXHIBIT 9**



<https://www.liveaction.org/news/wp-content/uploads/2016/10/caroline-farrar-orrick.jpg>

**EXHIBIT 10**



INTERNET ARCHIVE  
**Wayback Machine** [140 captures](#)  
28 Feb 2011 - 3 Jun 2017

Internet Archive  
http://www.archive.org

# STAND WITH PLANNED PARENTHOOD

\* First Name:

INTERNET ARCHIVE  
Wayback Machine

140 captures  
28 Feb 2011 - 3 Jun 2017

http://istandwithpp.org/ Go

then spread the truth.

\* Last Name:

Once again, a group of anti-abortion activists has attacked Planned Parenthood

\* Your Email:

doctors, nurses, and patients with false accusations. And once again, their political allies are seizing on these accusations as an excuse to push the same dangerous agenda – shut down health centers and cut women off from care.

\* ZIP / Postal Code:

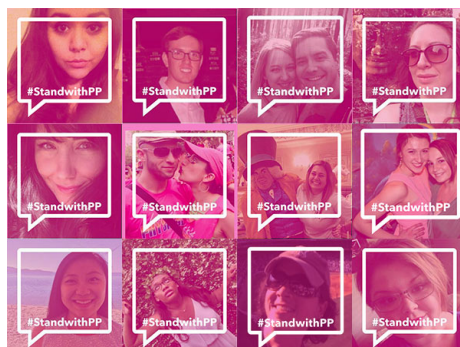
☒ Yes, I would like to receive periodic updates and communications from Planned Parenthood.

SEND MESSAGE

Show them you aren't fooled by the latest smear job.

\*Required fields

Show them you won't stop fighting for women's health and rights. Add your name to the millions who stand proudly with Planned Parenthood.





Show your support for  
Planned Parenthood in the  
face of continued attacks  
by anti-women's health  
extremists and politicians  
by changing your profile  
picture and/or cover photo  
on Facebook and Twitter.

PINK ME FOR PP

Every day, no matter what,  
Planned Parenthood  
doctors, nurses, and other  
staff are out there giving  
compassionate care to the  
patients who rely on it.  
Let's send a big THANK  
YOU to all the staff on the  
front lines of the fight for  
reproductive health and  
rights!

SIGN THE CARD

Why I Stand with Planned  
Parenthood

READ THEIR STORIES



# We all #StandwithPP! Do you?

[View All](#)

<https://www.71n7.com//t/standwithpp?width=1137&expand>

[Latest](#)

[Show All](#)

Hrm.

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Want to search for all archived pages under <https://www.71n7.com/>?

[View All](#)



## IN THE NEWS

Reuters, 7/30/15

**White House Says Would Oppose Congress Defunding Planned Parenthood**

The Dallas Morning News, 7/27/15

**Floyd: I owe Planned Parenthood an apology**

New York Times editorial board, 7/22/15

**The Campaign of Deception Against Planned Parenthood**

Associated Press, 7/20/15

**Planned Parenthood says video part of decade-long harassment**

TIME, 7/15/15

**Why Planned Parenthood Provides Fetal Cells to Scientists**

CBS News, 7/22/15

**DOJ to review Planned Parenthood**

Washington Post, 7/29/15

**Planned Parenthood president: These extremist videos are nothing short of an attack on women**

TIME, 7/27/15

**Why I Donated Fetal Tissue After My Later Abortion**

Think Progress, 7/21/15

**Everything You Need To Know About The Anti-Abortion Groups Trying To Discredit Planned Parenthood**

RH Reality Check, 7/21/15

**Is GOP Leadership Coordinating Attacks on Planned Parenthood with Anti-choice Radicals?**

Ebony, 7/20/15

**Anti-Choice Group Distorts the Truth About Planned Parenthood**

INTERNET ARCHIVE

Wayback Machine

140 captures

28 Feb 2011 - 3 Jun 2017

## Parenthood Will Affect Black Women Most

[CHANGE YOUR PROFILE PIC](#)

[READ OTHERS STORIES](#)

# STANDING STRONG WITH PLANNED PARENTHOOD

[SEE THE FULL LIST](#)

American Bridge

NARAL Pro-Choice  
America

People for the  
American Way

INTERNET ARCHIVE

Wayback Machine

140 captures

28 Feb 2011 - 3 Jun 2017

- |                                |   |  |
|--------------------------------|---|--|
| Catholics for Choice           | National Council of Jewish Women                  | RH Reality Check   |
| Center for Reproductive Rights | National Latina Institute for Reproductive Health | Sexuality Information and Education Council of the U.S. (SIECUS) |
| COLOR Latina                   |   | SisterSong   |
| CREDO                          | National LGBTQ Task Force                         | UltraViolet  |
| Emily's List                   |   | Voto Latino  |
| Moveon.org                     | National Partnership with Women & Families        | Women's Law Project  |
| Ms. Foundation for Women       | National Women's Law Center                       |  |
|                                | NOW - National Organization for Women             |  |

6/7/2017

Case 1:15-cv-03522-WHO Document 9-1 Filed 06/07/17 Page 156 of 185

Stand with Planned Parenthood

INTERNET ARCHIVE



[140 captures](#)

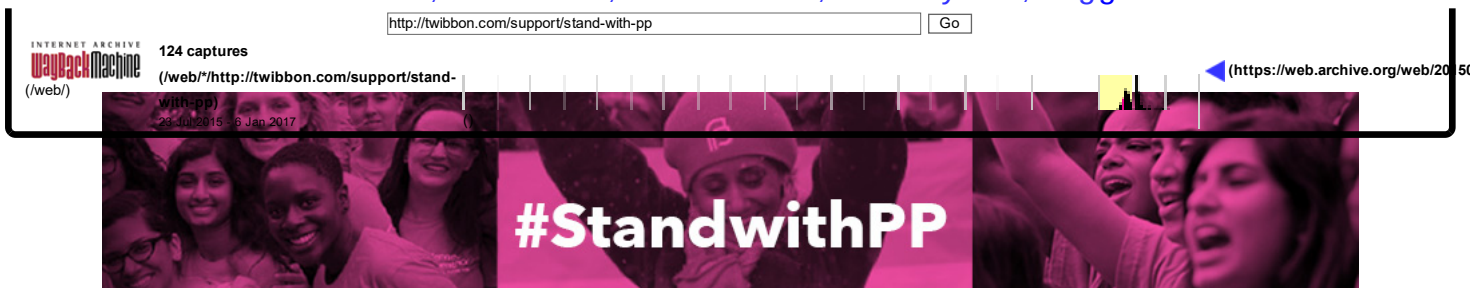
28 Feb 2011 - 3 Jun 2017



Contact Us

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## I Stand with PP

👍 support (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp>)

💬 discuss (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss>)

How would you like to support this Campaign?

Support this campaign by adding to your profile picture



Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

Add to Twitter

Add to Facebook

Don't worry, you'll get a chance to preview your Twibbon before it is added.

I Stand with Planned Parenthood

Politicians are using false allegations to attack Planned Parenthood & harm women. Tell them we aren't fooled, we fight for women's health and rights, and we #StandwithPP.

I Stand with Planned Parenthood (<https://web.archive.org/web/20150803204320/https://secure.ppaction.org/site/Advocacy?cmd=display&page=UserAct>)

🐦 Tweet my support on Twitter

I #StandWithPP. Change your profile pic and show your support for reproductive health & rights! → <https://web.archive.org/web/20150803204320/http://ppact.io/changeprofilephoto>

Tweet

☐ Follow @ppact

f Post to my Facebook wall

I #StandWithPP. Join me in changing your profile picture. Let's show our support for

Internet Archive  
Wayback Machine  
(/web/)

124 captures  
(/web/http://twibbon.com/support/stand-with-pp)  
23 Jul 2015 - 6 Jan 2017

reproductive health and rights! http://ppact.io/change-profilephoto

Go

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(https://web.archive.org/web/20150707171850/http://twibbon.com/support/stand-with-pp)

Don't worry, you'll get a chance to preview before you post.

**f** Update your Facebook cover



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#### Campaign Details

by PPact (<https://web.archive.org/web/20150803204320/http://twibbon.com/PPact>) about a week ago

Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

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#### Facebook

Visit Facebook Page (<https://web.archive.org/web/20150803204320/https://www.facebook.com/PlannedParenthood.Action>)

**EXHIBIT 11**

[Sign Up](#)

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Password

[Log In](#)[Forgot account?](#)**Keep America Pro-Choice**

October 20, 2015 ·

No more Domestic Terrorism!



### Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

Recent attacks on abortion clinics are part of a long history of ideologically-driven violence, perpetrated by an extreme minority committed to ruling through fear...

[ACTIONSPOUT.IO](#)

40 Likes 11 Shares

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Facebook © 2017

To see more from Keep America Pro-Choice on Facebook, log in or create an account.

[Log In](#)

or

[Sign Up](#)

The screenshot shows the Facebook page for 'Keep America Pro-Choice'. The page header includes the Facebook logo, the page name 'Keep America Pro-Choice', a search bar, and a 'Send Message' button. The left sidebar contains the page's profile picture (a purple circle with white text: 'Pro-Child Pro-Family Pro-Choice'), the page name, the handle '@prochoiceAmerica', and navigation links: Home, About, Photos, Likes, Notes, Events, and Posts. A green 'Create a Page' button is also visible.

The main content area displays a post from 'Keep America Pro-Choice' dated October 20, 2015. The post features a black and white image of a building with the text 'No More Domestic Terrorism' and 'Extremists who attack'. Below the image is the text 'Tell the Department of Justice that Violence as Domestic' and 'Recent attacks on abortion clinics are violence, perpetrated by an extremist'. The post has 40 likes and 11 shares. A comment box is visible below the post.

A modal window is open over the post, displaying a list of users who liked the post. The list includes:

- Kathi Jones-Hudson
- Becky Barr Merrack
- Alisha Burr
- Caroline Farrar Orrick
- Laura Constantine
- Kathy Frazier
- Susyn Klein

Each user entry includes a small profile picture, the user's name, and an 'Add Friend' button. The user 'Caroline Farrar Orrick' is highlighted in yellow.

The bottom of the page shows the Facebook footer with links for Privacy, Terms, Advertising, and Ad Choices, and the text 'Facebook © 2017'.



NARAL Pro-Choice America

402,433 likes

Like Page

Donate

## Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

[Sign Now](#)☒ Share with Facebook friends

NARAL Pro-Choice America may send you periodic updates; you can unsubscribe at any time.



Recent arson attacks on Planned Parenthood clinics came after the highly publicized release of heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.

These attacks on clinics are part of a long history of ideologically-driven violence. They're perpetrated by an extreme minority that's



committed to ruling through fear and intimidation.

Let's call this what it is—domestic terrorism. We can't wait until one more patient, doctor or nurse is hurt or killed before we say enough is enough. It's time for an investigation to get to the bottom of this.

**Add your name and tell the Department of Justice to direct the FBI to investigate these attacks as domestic terrorism!**

10 Comments

Sort by **Oldest**



Add a comment...



**Jane Crispell**

name added

[Like](#) · [Reply](#) · Oct 15, 2015 4:41pm



**Irene Madrid** · Owner and Corp Cultural Officer at La Petite Baleen, Inc.

They are pro death and thugs!

[Like](#) · [Reply](#) · 5 · Oct 15, 2015 8:09pm



**Victoria Draper** · Wichita, Kansas

having worked at Dr Tiller's clinic and another one in Wichita, I can tell you without a doubt, they are terrorists at the clinics and our homes.

[Like](#) · [Reply](#) · 6 · Oct 16, 2015 8:03am

**Load 7 more comments**

Facebook Comments Plugin

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**EXHIBIT 12**

Sign Up

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Log In

Forgot account?



Keep America Pro-Choice

January 25, 2016 ·

Breaking news. PP has (unsurprisingly) been cleared of wrong doing by a grand jury and the 'undercover' reporters have been indicted for tampering with government paperwork.

All in all a good day.



### BREAKING: Grand Jury Investigating Planned Parenthood Indicts Makers Of Videos Instead

Instead Of Indicting Planned Parenthood, Texas Grand Jury Indicts Creators Of Highly Edited Videos

WWW.THENEWCIVILRIGHTSMOVEMENT.COM

320 Likes 6 Comments 119 Shares

Share

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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Facebook © 2017

To see more from Keep America Pro-Choice on Facebook, log in or create an account.

Log In

or

Sign Up

The screenshot shows the Facebook page for 'Keep America Pro-Choice'. The page header includes the Facebook logo, the page name 'Keep America Pro-Choice', and a search bar. The left sidebar contains navigation links: Home, About, Photos, Likes, Notes, Events, and Posts. The main content area features a post with a video thumbnail and the text: 'BREAKING: Grand Jury Indicts M... Instead Of Indicting Planned Parenthood, Highly Edited Videos WWW.THENEWCIVILRIGHTSMOVIE.COM'. Below the video, there are 320 likes and 119 shares. A list of users who liked the post is shown, with 'Caroline Farrar Orrick' highlighted in yellow. Other users in the list include Mackenzie Barlow, Marcia Fields Reimers, Ashley Thunder Hawk, Cindy Sulaiman, and Lisa Maise. The bottom of the page shows a comment section with several replies.

Keep America Pro-Choice

Like Follow Share ...

Send Message

Community

320

Mackenzie Barlow Add Friend

Marcia Fields Reimers Follow

Caroline Farrar Orrick

Ashley Thunder Hawk Add Friend

Cindy Sulaiman Add Friend

Lisa Maise

Write a comment...

Mike Schmelzer One of the buying human remains. If the illegal to sell them. If the guilty of selling, duh. "Dale indictment under the law p Like Reply January 25, 2016 at 8:01pm

Keep America Pro-Choice illegal, charging endo transporting the fetal tissue. What the FAKE research company did, buying fetal tissue for non-research purposes is illegal. It's not PP's fault those two are liars. Like Reply 11 January 25, 2016 at 8:01pm

Kristy Fink Well didn't this just turn around and bite them in the butt! Those asses in Texas thought they would find proof of wrongdoing by PP but instead we get some truth bombs landing! Like Reply 11 January 25, 2016 at 5:42pm

Juan Ryan I hope the fry those two scum bags. Like Reply 1 January 25, 2016 at 6:51pm

Judy Evans Yayyyy! Wonderful news Like Reply 7 January 25, 2016 at 3:42pm

Sharon Baucom

English (US) · Español · Français (France) · Português (Brasil) · Deutsch +

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**EXHIBIT 13**

Facebook profile page for **Caroline Farrar Orrick**.

**Profile Information:**

- Name:** Caroline Farrar Orrick
- Location:** Lives in San Francisco, California
- Intro:** DO YOU KNOW CAROLINE? If you know Caroline, send her a message.
- Photos:** A grid of 12 photos, including a man, a dog, a monkey, a sunset, and a person holding a sign that says "Dream House".
- Friends:** A list of friends is visible.
- Featured Albums:** English (US) · Español · Français (France) · Português (Brasil) · Deutsch.

**Recent Activity:**

- Caroline Farrar Orrick updated her cover photo.** April 18 · 🌐. The cover photo is a painting of a bird with a long, pointed beak and a long, pointed tail, surrounded by red and black markings.
- Ann Rossilli Remembering Paestum! Everybody, google it and visit--fabulous!!** April 18 at 6:15am.
- Caroline Farrar Orrick updated her profile picture.** February 11 · 🌐. The profile picture is a photo of a man and a woman smiling.

**Page Footer:** Privacy · Terms · Advertising · Ad Choices · Cookies · More · Facebook © 2017

**EXHIBIT 14**

Pages 1 - 14

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ORRICK, JUDGE

NATIONAL ABORTION	)	
FEDERATION, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	NO. 3:15-cv-03522-WHO
	)	
CENTER FOR MEDICAL	)	
PROGRESS, et al.,	)	
	)	
Defendants.	)	San Francisco, California
	)	Thursday, May 25, 2017

**TRANSCRIPT OF OFFICIAL ELECTRONIC SOUND RECORDING  
OF PROCEEDINGS**

FTR 4:08 p.m. - 4:28 p.m. = 20 minutes

(All counsel appeared by telephone conference)

**APPEARANCES:**

For Plaintiffs: Morrison & Foerster  
425 Market Street  
San Francisco, California 94105-2482  
BY: **DEREK FRANCIS FORAN, ESQ.**  
**CHRISTOPHER LEONARD ROBINSON, ESQ.**  
**MARC A. HEARRON, ESQ.**

For Defendants: Law Offices of Charles S. LiMandri  
P.O. box 9120  
Rancho Santa Fe, California 92067  
BY: **CHARLES SALVATORE LiMANDRI, ESQ.**  
**JEFFREY MICHAEL TRISSELL, ESQ.**  
**PAUL MICHAEL JONNA, ESQ.**

(Appearances continued on following page.)

Transcribed by: Leo T. Mankiewicz, Transcriber  
leomank@gmail.com  
(415) 722-7045

**APPEARANCES:** (cont.)

For Defendants: Life Legal Defense Foundation  
P.O. Box 1313  
Ojai, California 93024-1313

BY: **CATHERINE WYNNE SHORT, ESQ.**

Thomas More Society  
19 S. LaSalle Street, Suite 603  
Chicago, Illinois 60603

BY: **THOMAS LEONARD BREJCHA, JR., ESQ.**  
**THOMAS OLP, ESQ.**  
**ANDREW M. BATH, ESQ.**

Brown Brown LLC  
2027 Dodge Street, Suite 501  
Omaha, Nebraska 68102

BY: **MATTHEW F. HEFFRON, ESQ.**

For Defendant Newman: American Center for Law and Justice  
3001 Plymouth Road, Suite 203  
Ann Arbor, Michigan 48105

BY: **ERIK MICHAEL ZIMMERMAN, ESQ.**



1 Thursday, May 25, 2017

2 4:08 p.m.

3 (Transcriber's Note: Due to counsel's failure to state their  
4 name when speaking, certain speaker identifications were  
5 impossible to ascertain.)

6 ---o0o---

7 P R O C E E D I N G S

8 **THE COURT:** Good afternoon, everybody. This is  
9 Judge Orrick.

10 **MR. LiMANDRI:** Good afternoon, your Honor.  
11 Attorneys Charles LiMandri and Paul Jonna, Jeff Trissell  
12 representing Biomax and CMP, and I think the rest of the civil  
13 defense team is on the line, as well.

14 **THE COURT:** All right. I have a record that for the  
15 plaintiff Mr. Foran, Mr. Robinson and Mr. Hearron are on the  
16 call, and that Ms. Short, Mr. Brejcha, Mr. Olp, Mr. Bath --

17 **UNIDENTIFIED SPEAKER:** Bath.

18 **THE COURT:** -- Bath, mr. LiMandri, Mr. Heffron,  
19 Mr. Trissell, Mr. Jonna and Mr. Zimmerman are on the call.  
20 Is anybody else on the call?

21 **UNIDENTIFIED SPEAKER:** Yes, your Honor, there's some  
22 Thomas More lawyers on the call.

23 **THE COURT:** Okay. That's fine.

24 **UNIDENTIFIED SPEAKER:** The clerk has the names.  
25 They haven't appeared, but they may appear later.

1                   **UNIDENTIFIED SPEAKER:** You read the names. Those  
2 are the people.

3                   **THE COURT:** All right, and are -- and is anybody  
4 from Steve Cooley & Associates on the call?

5                                   (No response.)

6                   I take that as a no. Is Mr. Daleiden on the call?

7                   **MS. SHORT:** No, he's not, your Honor.

8                   **THE COURT:** All right, was he notified?

9                   **MS. SHORT:** He was notified, yes, your Honor. He  
10 was -- it was on advice of his criminal defense counsel that he  
11 was advised not to -- because of the ongoing criminal  
12 proceedings in the San Francisco Superior Court, he was advised  
13 not to join the call.

14                   **THE COURT:** All right, and did they advise  
15 themselves not to join the call?

16                   **MS. SHORT:** I -- yeah, I never spoke to Mr. Cooley.  
17 I understood that Mr. Ferreira was not joining.

18                   **THE COURT:** All right.

19                   **MS. SHORT:** I just -- (indistinct) -- attorney  
20 communication with him at all.

21                   **THE COURT:** Okay. So the lawyers on this call know  
22 that I entered a preliminary injunction on February 5th, 2016,  
23 which says pending a final judgment, defendants and those  
24 individuals who gained access to NAF's 2014 and 2015 annual  
25 meetings using aliases and acting with CMP are restrained and

1 enjoined from publishing or otherwise disclosing to any third  
2 party any video, audio, photographic or other recordings taken,  
3 or any confidential information learned at any NAF annual  
4 meetings, publish or otherwise disclosing to any third party  
5 the dates or locations of any future NAF meetings, and  
6 publishing or otherwise disclosing to any third party the names  
7 or addresses of any NAF members learned at any NAF meetings.

8 I received a letter this morning from counsel for  
9 NAF which says that Mr. Daleiden's counsel, Steve Cooley and  
10 Brentford J. Ferreira of Steve Cooley & Associates, have  
11 embedded on their website approximately a three-minute video  
12 containing several clips, all or substantially all of which  
13 were taken at NAF's annual meetings and covered by the Court's  
14 order.

15 The same web page also discloses the name of 14  
16 individuals who attended NAF's meetings and who are identified  
17 as Does in the criminal case, 11 of whom are NAF members, and  
18 that the website also contains the link to a URL that publishes  
19 several hours of videos of these individuals taken at NAF's  
20 annual meetings, all covered by the Court's order, and that in  
21 addition, Mr. Daleiden's counsel has also posted a YouTube link  
22 that appears to publish all 504 hours of video covered by the  
23 Court's preliminary injunction.

24 And if the criminal counsel were on the phone, as  
25 I requested, I would have asked him whether that's true.

1 They're not on the phone. If Mr. Daleiden was here, as  
2 I ordered, on the phone, I would ask him the same question, and  
3 so I guess Ms. Short, I ask you, is that true?

4 **MS. SHORT:** That -- that -- what, I understand that,  
5 I went to the same website, yes, there are or were videos on  
6 the website, and there were the names of the Does on the  
7 website, and there were -- well, I guess that's the two things,  
8 the videos and the Doe defendants -- excuse me -- Doe  
9 complainants in the criminal complaint.

10 **THE COURT:** All right. Well, so Mr. Daleiden  
11 happens to be covered by this order, as do any third parties,  
12 and as we have his lawyer on the call, I am ordering that all  
13 of those things that are listed -- that I've just listed and  
14 that are listed in the letter, be taken down within the next 15  
15 minutes, if they haven't been taken down already.

16 And let me ask Mr. Foran or anybody for the  
17 plaintiffs whether they have any additional information to  
18 share.

19 **MR. FORAN:** Yes, thank you, your Honor. Just very  
20 briefly, obviously, we have to act very quickly this morning.  
21 We gave the Court the best information we had at the time. The  
22 Court's -- basically, the recitation remains accurate, with one  
23 exception, and that is that the second URL link, that URL link  
24 links to a YouTube playlist that contains 337 videos. Our  
25 client has done the best job it can under the circumstances to

1 determine the total number of hours disclosed and its best  
2 estimate right now is 150.

3 So I wanted to make sure that I clarified that for  
4 the Court, all of which are covered by the Court's preliminary  
5 injunction order.

6 The other point that I wanted to make was, it is the  
7 case, as far as we know, that it is the Center for Medical  
8 Progress that are publishing these materials, and we didn't  
9 quite understand that this morning. When you click on these  
10 links, you're directed to a YouTube playlist, and you can see  
11 on the playlist that the publisher of these videos is the  
12 Center for Medical Progress.

13 Apparently, the way they did it was, they published  
14 the videos on their own website, but they unlisted them, so if  
15 you go on the Center for Medical Progress' own YouTube website,  
16 I don't see these videos, but if you follow the URL links that  
17 Mr. Daleiden's lawyers published publicly, anybody in the world  
18 can access these materials, and they're being published by the  
19 Center for Medical Progress right now.

20 **THE COURT:** Is there anybody from the defense who  
21 has some explanation for this?

22 **MS. SHORT:** Your Honor, actually, I did want to  
23 clarify, if I might, something about your order, about the list  
24 of the Doe complainants.

25 That is not something that is generated from, by or

1 whatever, from NAF. That is something that came -- my  
2 understanding, came from the Attorney General's office and was  
3 given to defense counsel. And so its origins and vector are  
4 totally separate from Mr. Daleiden.

5 **MR. FORAN:** Your Honor, if I could briefly respond?

6 **THE COURT:** Go ahead.

7 **MR. FORAN:** Obviously, it's not totally separate  
8 from Mr. Daleiden because that list was generated from the  
9 tapes that the California Attorney General reviewed in order to  
10 put their complaint together, and it is nevertheless the case  
11 that Mr. Daleiden and anybody acting on his behalf continues to  
12 be enjoined from publishing the names of individuals, of NAF  
13 members, and that is exactly what his lawyer is doing on his  
14 website right now.

15 I would also ask the Court -- this is a pretty  
16 flagrant and gross violation, as far as we're concerned. I am  
17 not exaggerating when I say I have been on the phone today with  
18 people in tears, our client is on high security alert, and it  
19 simply cannot be the case that these defendants are continued  
20 to mount this campaign against my client and its members.

21 I would ask the Court for an order, and we  
22 appreciate the takedown order, but this has got to have some  
23 teeth, either significant financial penalties and/or an order  
24 of imprisonment if this defendant does not comply with this  
25 Court's orders.

1           **MS. SHORT:** Your Honor, may I respond?

2           **THE COURT:** Go ahead.

3           **MS. SHORT:** First of all, the videos are currently  
4 down, (indistinct). Secondly, as far as going back to the list  
5 of names, again, that your order was for names learned at any  
6 NAF meeting. This is -- again, this information is coming in  
7 the context of the criminal prosecution where Mr. Daleiden is  
8 being charged with 15 felony counts on behalf of named Doe --  
9 or unnamed Does, and the Attorney General chose to prosecute  
10 this, chose to proceed in that way, and chose then to provide  
11 those names.

12           This totally -- this is not information that is  
13 coming through Mr. Daleiden, and so I don't see how the Court  
14 can order -- and also, I'm sorry, actually, let me turn to  
15 another basic point, which is, this is Mr. Ferreira's and  
16 Mr. Cooley's website. I mean, we are not in a position to tell  
17 them to take down anything, but in any event, those are names  
18 that were provided to them by the Attorney General.

19           **THE COURT:** All right, well, in the way that I read  
20 this order, those names are covered under sub 3, the  
21 information that is coming to -- through Mr. Daleiden, who is  
22 the client and directs his counsel, is, in my view, a flagrant  
23 violation of this Court's order, and if it is correct that this  
24 is all coming through CMP, then woe is going to be to the  
25 people who are involved in this.

1           The types of sanctions that are available include  
2 fines and monetary sanctions, censures of the people who are  
3 involved, including the lawyers, and attorney discipline,  
4 including the lawyers, including the criminal lawyers.

5           And so what I'm going to do is I'm going set an  
6 order to show cause, and I think there is evidence that needs  
7 to be provided in order to assure that everybody gets their  
8 process.

9           So Mr. Foran, how quickly will you be in a position  
10 to file a -- documents in support of contempt or other  
11 sanctions?

12           **MR. FORAN:** Your Honor, we can do it on any schedule  
13 that the Court orders us to. We're on the footing to do so.  
14 And if we take a takedown order today that has some teeth, I'd  
15 ask for a couple of days just so we can consider the types of  
16 remedies that we want to seek here. So maybe early next week.

17           **THE COURT:** All right, well, let's say that you will  
18 file, by the 31st of May, any documents or other evidence in  
19 support of a finding of contempt; that the defendants will  
20 respond by the 7th. We'll have a hearing on the 14th at  
21 2:00 p.m. And I suggest that, Mr. Foran, you serve Mr. Cooley  
22 and Mr. Ferreira with any documents that are appropriate.

23           I just have to tell you that I find this shocking,  
24 and I am quite amazed with the lawyers, quite amazed.

25           **UNIDENTIFIED SPEAKER:** I'm not sure what lawyers



1 you're referring to --

2 **THE COURT:** Mr. Foran -- excuse me.

3 Mr. Foran, what is -- when you say an order with  
4 teeth, besides the order to show cause, are you suggesting  
5 something else?

6 **MR. FORAN:** I'm asking for an immediate takedown  
7 order, your Honor --

8 **THE COURT:** Yes, that's -- I've already given that,  
9 but besides those two things?

10 **MR. FORAN:** Some kind of penalties, either monetary  
11 or defer to the Court on what types of penalties here, but  
12 this -- look, this is shocking from our perspective, it's  
13 outrageous, it's already a gross violation of the Court's  
14 order. We have no confidence whatsoever that Mr. Daleiden or  
15 his criminal counsel are going to comply with the takedown  
16 order. So we would like to see some significant penalties of  
17 some kind for noncompliance, maybe on a daily basis, until they  
18 come into --

19 **THE COURT:** Thank you. I think we need to establish  
20 some facts before that happens, but the takedown order and the  
21 order to show cause -- now, was there some -- will be in effect  
22 now, and I accept what Ms. Short represents, that everything  
23 has been taken down, but just to make clear, it better be,  
24 within the next 15 minutes.

25 **MS. SHORT:** Oh, your Honor -- I beg your pardon,

1 your Honor. I do not want to mislead the Court about that,  
2 that the videos were taken down by YouTube, so we are in a --  
3 well -- so I don't want you to misunderstand and think that  
4 I was representing to you that Mr. Daleiden had taken them down  
5 or his (indistinct) had taken them down or something like that.

6 **THE COURT:** Well, I suggest that Mr. Daleiden be  
7 told by his lawyer that they need to be taken down immediately,  
8 and that he tell his lawyers, all of them throughout the world,  
9 that this has to stop.

10 Now, is there anything else that any of the  
11 defendants wanted to say, defendants' counsel?

12 **MR. LiMANDRI:** Only that -- attorney Charles  
13 LiMandri representing CMP -- to the extent that there's any  
14 impression that the civil attorneys were aware or part of any  
15 desire or effort to violate the court order, I'm hearing about  
16 all of this for the first time today, and I didn't want the  
17 impression to be given that there's some kind of conspiracy or  
18 collusion going on here.

19 Mr. Daleiden is being represented by criminal  
20 counsel at (indistinct), they're doing what is in his best  
21 interests with respect to the criminal action, but the civil  
22 counsel can't control them. But of course, we will convey  
23 everything the Court said promptly to them and to Mr. Daleiden,  
24 but I just felt it necessary to bring to the attention of the  
25 Court that the civil counsel are not doing anything to try to

1 violate any court orders here, and we'll do what we can to  
2 comply with court orders.

3 **THE COURT:** Mr. Daleiden better be well advised by  
4 his lawyers, regardless, that he is obligated to follow the  
5 Court's orders and not try to skate around them and cause real  
6 harm to human beings, and to himself, as it will turn out, for  
7 his failure to follow the Court's orders.

8 All right, is there anything further?

9 **MR. FORAN:** Not from the National Abortion  
10 Federation, your Honor. Thank you for your time.

11 **MS. SHORT:** Um --

12 **THE COURT:** Yes, Ms. Short?

13 **MS. SHORT:** Well, again, I'm still struggling with  
14 the issue of the names, because I don't -- I'm struggling --  
15 well, so I -- you are instructing me to --

16 **THE COURT:** You may litigate that if you'd like, and  
17 you can explain to me how it is that those names don't actually  
18 come directly from the action that your client perpetrated with  
19 respect to learning them at the NAF annual meetings, and the  
20 fact that the State Attorney General may have had -- may be  
21 pursuing criminal proceedings and using, in the criminal  
22 proceedings, the tapes and other information that was developed  
23 by your clients during this -- the 2014 and 2015 annual  
24 meetings, that doesn't give them an independent right to  
25 violate this order.

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**MS. SHORT:** Thank you, your Honor.

**THE COURT:** All right, thank you all very much.

**UNIDENTIFIED SPEAKER:** Thank you, your Honor.

**UNIDENTIFIED SPEAKER:** Thank you, Judge.

**UNIDENTIFIED SPEAKER:** Thank, your Honor.

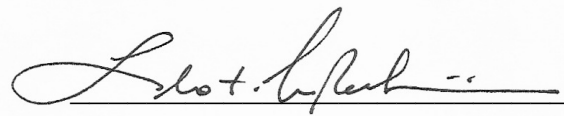
4:28 p.m.

---o0o---

**CERTIFICATE OF TRANSCRIBER**

I, Leo Mankiewicz, certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

 05/26/2017

Signature of Transcriber                      Date

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**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL ABORTION FEDERATION  
(NAF),

Plaintiff,

vs.

THE CENTER FOR MEDICAL  
PROGRESS; BIOMAX PROCUREMENT  
SERVICES, LLC; DAVID DALEIDEN (aka  
"ROBERT SARKIS"); and TROY  
NEWMAN,

Defendants.

)  
) Case No. 3:15-CV-3522 (WHO)  
)  
) Judge William H. Orrick, III  
)  
) Certificate of Counsel in Support of  
) Motion for Disqualification of the  
) Honorable William H. Orrick III,  
) Pursuant to 28 U.S.C. §§ 144 and 455  
)  
) Hearing Date: July 12, 2017, 2:00 p.m.  
)  
) Courtroom 2, 17th Floor  
)  
)

**Certificate of Counsel**

I certify that I am counsel of record for Defendant Center for Medical Progress in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

FREEDOM OF CONSCIENCE DEFENSE FUND



Dated: June 7, 2017

By: Charles S. LiMandri  
Charles S. LiMandri, Attorney for Defendant  
The Center for Medical Progress

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

FREEDOM OF CONSCIENCE DEFENSE FUND



Dated: June 7, 2017

By: Charles S. LiMandri  
Charles S. LiMandri, Attorney for Defendant  
The Center for Medical Progress

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**Certificate of Counsel**

I certify that I am counsel of record for Defendant David Daleiden in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

LIFE LEGAL DEFENSE FOUNDATION



Dated: June 7, 2017

By: \_\_\_\_\_  
Catherine W. Short, Attorney for Defendant  
David Daleiden

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

LIFE LEGAL DEFENSE FOUNDATION



Dated: June 7, 2017

By: \_\_\_\_\_  
Catherine W. Short, Attorney for Defendant  
David Daleiden

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**Certificate of Counsel**

I certify that I am counsel of record for Defendant David Daleiden in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

THOMAS MORE SOCIETY

Dated: June 7, 2017

By:



Thomas Brejcha, Attorney for Defendant  
David Daleiden

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

THOMAS MORE SOCIETY

Dated: June 7, 2017

By:



Thomas Brejcha, Attorney for Defendant  
David Daleiden

**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
Counsel for Defendant CMP

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 TOKYO, WASHINGTON, D.C.

June 8, 2017

Writer's Direct Contact  
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The Honorable William H. Orrick  
 United States District Court  
 Northern District of California  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

Re: *National Abortion Federation v. Center for Medical Progress, et al.*  
 Case No. 3:15-cv-03522

Dear Judge Orrick:

We write regarding CMP and Daleiden's Motion to Disqualify Your Honor,<sup>1</sup> filed yesterday evening (Dkt. 428). We will respond more fully to the "merits" of this frivolous motion in due course, but wished to address CMP and Daleiden's request that "a stay be granted on all proceedings in this case until this motion is heard." (*Id.* at 3.) This request is clearly a ploy to prevent the Court from proceeding with next week's contempt hearing. It is legally and factually groundless, and should be denied.

The statute cited, 28 U.S.C. § 144, states that a judge shall assign a disqualification motion to another judge and "proceed no further" **only** if the motion is supported by "a timely and sufficient affidavit." Daleiden's affidavit is neither.

The affidavit is hardly timely. "Timeliness is a factor that obviously merits consideration by a court that is trying to determine whether a judge is truly biased or a litigant is merely trying to avoid an impending adverse decision." *In re City of Detroit*, 828 F.2d 1160, 1167-68 (6th Cir. 1987) (per curiam). Otherwise, a litigant could "play fast and loose with the judicial process" by seeking to improperly game the system, or prevent entry of an adverse decision against him. *See Jones v. Pittsburgh Nat'l Corp.*, 899 F.2d 1350, 1356 (3d Cir. 1990) (denying recusal motion after imposing sanctions against moving party). This case has been pending for nearly two years, and the supposed grounds for bringing this motion on the eve of a contempt hearing, Your Honor's charitable work with Good Samaritan Family Resource Center, was disclosed years ago in a questionnaire submitted to the Senate Judiciary

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<sup>1</sup> We note that neither Troy Newman, nor the other two contemnors that are the subject of the Court's contempt proceeding, joined this motion.

MORRISON | FOERSTER

Judge Orrick  
June 8, 2017  
Page Two

Committee. (Dkt. 428-1 at 44 (“I assisted the Good Samaritan Family Resource Center on many legal issues from 1986 to 2009”).) CMP and Daleiden cannot remotely establish good cause for their delay in bringing their recusal motion, and they are flat wrong to suggest that an affidavit is timely “even where there can be no good cause shown for the delay.” (Dkt. 428 at 6.) The law is exactly to the contrary. *United States v. Rogers*, 119 F.3d 1377, 1382 (9th Cir. 1997) (“[A] delay in bringing a motion to disqualify may **only** be excused for good cause”) (emphasis added); *Pittsburgh Nat’l Corp.*, 899 F.2d at 1356 (denying recusal motion under 28 U.S.C. § 144 and holding that there was no “‘good cause’ for the delay”).

Nor is the affidavit legally sufficient. *United States v. Scholl*, 166 F.3d 964, 977 (9th Cir. 1999) (where an affidavit is neither timely nor sufficient, it does not “trigger reassignment”). An affidavit is legally insufficient where “a reasonable person would not reasonably question the impartiality” of the judge based on specific factual allegations set forth in the affidavit. *Wyrzykowski v. Cnty. of Marin*, No. 3:14-cv-03825-LB, 2015 U.S. Dist. LEXIS 130472, at \*7, \*10 (N.D. Cal. Sept. 25, 2015). “Since a federal judge is presumed to be impartial, the party seeking disqualification bears a substantial burden to show that the judge is biased.” *Mendia v. Garcia*, No. 10-cv-03910-MEJ, 2017 U.S. Dist. LEXIS 64238, \*10 (N.D. Cal. Apr. 27, 2017).

Daleidan’s affidavit and the supposed generalized “grounds” cited therein—Your Honor’s charitable work, comments made at the May 25 emergency hearing, and Mrs. Orrick’s alleged charitable donations and support of Planned Parenthood—do not come close to meeting this standard. See *Perry v. Scharzenegger*, 630 F.3d 909, 914 (9th Cir. 2011) (Reinhardt, J.) (“[T]he fact that my wife heads an organization that has adopted a position concerning this case, whether the position is expressed by my wife or in any other manner, cannot warrant my recusal”); see also *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000) (Rehnquist, C.J.) (holding recusal is not required merely because a relative is involved in other litigation concerning the same subject matter that is before the court, any other conclusion is highly “unreasonable and speculative”).

A stay of proceedings, in short, is not remotely warranted. This Court “has as strong a duty to sit when there is no legitimate reason to recuse as he does to recuse when the law and facts require.” *Clemens v. U.S. Dist. Court for Cent. Dist. of Cal.*, 428 F.3d 1175, 1179 (9th Cir. 2005) (quotation omitted). The Court should proceed with the contempt hearing and resolve Daleiden’s and CMP’s recusal motion on the regular schedule.

Respectfully,



Derek F. Foran

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [15-cv-03522-WHO](#)

**ORDER REGARDING MOTION FOR  
DISQUALIFICATION; REFERRING  
MOTION TO CLERK FOR RANDOM  
ASSIGNMENT**

Re: Dkt. No. 428

Defendants have filed a motion seeking my disqualification for bias under 28 U.S.C. §§ 144 and 455. Dkt. No. 428. This motion was filed over two years after the case had been pending before me and four court days before an Order To Show Cause Re Contempt hearing regarding whether to sanction defendants or their agents for violating the Preliminary Injunction in this case.<sup>1</sup>

The standard for disqualification under Sections 144 and 455 is the same: I must recuse myself if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *F.J. Hanshaw Enters., Inc., v. Emerald River Dev., Inc.*, 244 F.3d 1128, 1144 (9th Cir.2001) (applying § 455).

However, the procedural requirements of the two statutes are different. Under Section 144,

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<sup>1</sup> NAF has alleged that defendants CMP, Daleiden, and Daleiden’s criminal counsel intentionally violated the Preliminary Injunction by releasing to the public video recordings surreptitiously taken at NAF meetings and disclosing the identifies of NAF members and employees. Dkt. Nos. 409, 413. In light of the pending motion to disqualify, the June 14, 2017 hearing on the Order to Show Cause re Contempt is VACATED, although the briefing schedule **remains in place**. If NAF believes it is critical to move forward with the OSC Re Contempt hearing before the disqualification motion is fully resolved, NAF may contact the Courtroom Deputy of the Duty Judge, the Hon. Vince Chhabria, to set it for hearing on his calendar.

a party seeking recusal must file “a timely and sufficient affidavit” alleging facts that demonstrate “the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.” 28 U.S.C. § 144. The “affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time.” *Id.* Pursuant to the Northern District’s Local Rule 3-14:

Whenever an affidavit of bias or prejudice directed at a Judge of this Court is filed pursuant to 28 U.S.C. § 144, and the Judge has determined not to recuse him or herself and found that the affidavit is neither legally insufficient nor interposed for delay, the Judge shall refer the request for disqualification to the Clerk for random assignment to another Judge.

Under Section 455:

- (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- (b) He shall also disqualify himself in the following circumstances:
  - (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

28 U.S.C § 455. The issue of recusal under Section 455 is typically raised *sua sponte*, but can also be raised by a litigant. That distinction does not, under the Northern District’s Local Rule, preclude a Judge from likewise referring a motion under Section 455 to the Clerk so that another Judge can determine disqualification. *See* Commentary to Civ. L. R. 3-14.

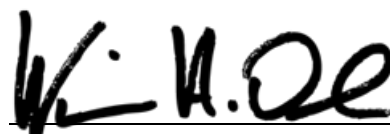
I must take the facts alleged in the motion for disqualification and the affidavit in support as true. Having reviewed the motion and affidavit, I do not think that it is legally sufficient. In other words, a reasonable person with knowledge of all the facts would *not* conclude that my impartiality might reasonably be questioned. I also have concerns about its timeliness and whether the timing is simply an attempt to delay the resolution of the OSC re Contempt.

Nonetheless, under Local Rule 3-14, I refer this motion for disqualification to the Clerk so

1 that it may be randomly assigned to another Judge for resolution. Until that motion is resolved by  
2 the randomly-assigned Judge, I will issue no further rulings in this case. To the extent that the  
3 parties require relief from the Court on any issue during that time, they may seek the assistance of  
4 the Duty Judge.

5  
6 **IT IS SO ORDERED.**

7 Dated: June 8, 2017

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10 William H. Orrick  
11 United States District Judge  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
et al,

Plaintiff,

v.

CENTER FOR MEDICAL PROGRESS, et  
al,

Defendants.

Case No. C 15-cv-03522-WHO

ORDER FOR REFERRAL OF MOTION  
FOR RECUSAL

**GOOD CAUSE APPEARING, IT IS ORDERED**

On June 8, 2017, Judge William H. Orrick directed that plaintiff's Motion for Disqualification of Judge Orrick pursuant to 28 U.S.C. §144 be referred to the Clerk for reassignment. Pursuant to Civil Local Rule 3-14, the motion for recusal is hereby referred to the Honorable James Donato.

FOR THE EXECUTIVE COMMITTEE:

Dated:

  
KATHLEEN SHAMBAUGH  
Chief Deputy Clerk of Operations



From: [ECF-CAND@cand.uscourts.gov](mailto:ECF-CAND@cand.uscourts.gov)  
To: [efiling@cand.uscourts.gov](mailto:efiling@cand.uscourts.gov)  
Subject: Activity in Case 3:15-cv-03522-WHO National Abortion Federation v. Center for Medical Progress et al Order  
Date: Friday, June 9, 2017 11:10:37 AM

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**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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U.S. District Court

California Northern District

### Notice of Electronic Filing

The following transaction was entered on 6/9/2017 at 11:09 AM and filed on 6/9/2017

Case Name: National Abortion Federation v. Center for Medical Progress et al

Case Number: [3:15-cv-03522-WHO](#)

Filer:

Document Number: 432(No document attached)

### Docket Text:

**ORDER re [428] MOTION to Disqualify Judge. Response due by 6/16/2017. Reply, if any, due by 6/20/2017. Motion Hearing set for 6/22/2017 at 10:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. James Donato. The Court sets this schedule in light of its upcoming trial calendar and the pending contempt proceedings. All moving papers must conform to Judge Donato's standing orders. Signed by Judge James Donato on 6/9/2017. (This is a text-only entry. There is no document associated with this entry.) (jdlc2S, COURT STAFF) (Filed on 6/9/2017)**

3:15-cv-03522-WHO Notice has been electronically mailed to:

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**3:15-cv-03522-WHO Please see [Local Rule 5-5](#); Notice has NOT been electronically  
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8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 NATIONAL ABORTION FEDERATION (NAF),

13 Plaintiff,

14 v.

15 THE CENTER FOR MEDICAL PROGRESS,  
 16 BIOMAX PROCUREMENT SERVICES LLC,  
 17 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

18 Defendants.

Case No. 3:15-cv-3522-WHO

**Judge: Hon. James Donato**

**NATIONAL ABORTION  
 FEDERATION (NAF)'S  
 ADMINISTRATIVE MOTION TO  
 SEAL**

Date Action Filed: July 31, 2015  
 Trial Date:

## I. INTRODUCTION

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff National Abortion Federation (“NAF”) respectfully moves to seal a document filed by Defendants David Daleiden and the Center for Medical Progress (“CMP”), in connection with their motion to disqualify Judge Orrick. This motion is filed with Honorable James Donato, who is sitting by random assignment to decide the underlying motion to disqualify to which this request relates.

Specifically, Daleiden’s affidavit contained a donor schedule for a charitable organization in San Francisco, Good Samaritan Family Resource Center (“Good Samaritan”), that contains the names and home addresses of donors to the organization, including that of Judge Orrick. To protect the privacy of those donors, and because the donor schedule is protected from public disclosure under federal law, NAF now seeks an order sealing that document.

## II. REQUIRED CERTIFICATIONS

Pursuant to the Court’s Standing Order of Administrative Motions to File Under Seal, NAF makes the following statements:

1. NAF certifies that it has reviewed and complied with the Court’s Standing Order of Administrative Motions to File Under Seal.
2. NAF certifies that it has reviewed and complied with Civil Local Rule 79-5.
3. NAF identifies the documents to be sealed as follows:
  - Schedule B to Exhibit 8 of the Affidavit of David Daleiden in Support of Motion for Disqualification of the Honorable William H. Orrick II, pursuant to 28 U.S.C. §§ 144 and 455 at Dkt. No. 428-1:133-140 (“Schedule B”).
4. Schedule B is attached to a 2006 IRS Form 990, for Good Samaritan Family Resource Center. Schedule B is non-public under federal law. It lists the names and home addresses of individuals who made charitable contributions to Good Samaritan in 2006, and specifically identifies the home address of Hon. William Orrick and his wife.

1 5. NAF requests that the document listed above be sealed because it invades the privacy of  
2 Good Samaritan's contributors, and because it contains non-public information the  
3 disclosure of which is prohibited by federal law.

4 6. NAF certifies that it has provided all other material required by the Local Rule, including  
5 courtesy copies in the correct format.

### 6 **III. BACKGROUND**

7 On June 14, 2017, nearly two years after this case was filed and four court days before a  
8 scheduled contempt hearing, Daleiden and CMP filed a motion to disqualify Judge Orrick. (Dkt.  
9 428.) The supposed basis for Judge Orrick's alleged "personal bias" is his charitable work with  
10 Good Samaritan. Good Samaritan is a 501(c)(3) corporation based in San Francisco. Founded in  
11 1894, it provides services to low-income Latino immigrant families. (Dkt. 428-1 at 11-12; 105.)  
12 CMP and Daleiden claim that Judge Orrick's "long-standing relationship" with Good Samaritan  
13 renders him personally biased against them, because Good Samaritan in turn began a partnership  
14 with a Planned Parenthood affiliate in 2001. (Dkt. 428 at 3-4.) In fact, Judge Orrick's "long-  
15 standing" charitable work for Good Samaritan, and Good Samaritan's 2001 partnership with a  
16 Planned Parenthood affiliate, were well known to CMP and Daleiden when this case was filed.  
17 And according to their own evidence, Judge Orrick's affiliation with Good Samaritan ended in  
18 2009. (Dkt. 428-1 at 44.)

19 In support of this motion, Daleiden filed an affidavit in the public record. Exhibit 8 to his  
20 affidavit is IRS Form 990, Good Samaritan's 2006 federal tax return, as well as various  
21 schedules. Schedule B is a Schedule of Contributors, i.e., a list of donors to the organization in  
22 2006. (Dkt. 428-1 at 133-40.) It identifies the names and home addresses of numerous  
23 individuals (and entities), who made financial contributions to Good Samaritan in 2006, including  
24 the name and home address of Judge Orrick and his wife. (*See id.*) Judge Orrick's home address  
25 was highlighted. (*See id.*) According to published reports, court personnel have locked the  
26 document on Pacer, and the United States Marshall's service has been alerted. *See* Ross Todd,  
27 *Marshall's Look into Disclosure of Judge's Address in Abortion Videos Case*, The Recorder  
28 (June 9, 2017).

1 Separately, counsel of record for CMP, Thomas More Society located in Chicago, Illinois,  
 2 included on their website a link to the list of Good Samaritan donors and their addresses. (Foran  
 3 Decl. ¶ 3.) Judge Orrick's name and his home address was also prominently highlighted in the  
 4 link included on Thomas More Society's website. (*Id.*) Immediately upon becoming aware of  
 5 the publication of Judge Orrick's home address on counsel's website (Sunday morning, June 11),  
 6 counsel for NAF demanded that the list be removed. (*Id.* ¶ 4.) Counsel for NAF received no  
 7 response to this demand, and so far as counsel for NAF is aware, access to the link containing the  
 8 list of Good Samaritan donors on counsel of records' website was not blocked until Monday  
 9 morning, June 12. (*Id.* ¶ 5.)<sup>1</sup>

#### 10 **IV. ARGUMENT**

11 To protect the privacy of Good Samaritan's donors, and because the information filed in  
 12 the public record is protected from disclosure under federal law, NAF now seeks an order  
 13 formally sealing Schedule B.<sup>2</sup>

14 Because the document at issue was filed in connection with a non-dispositive motion, the  
 15 appropriate legal standard is "good cause." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d  
 16 1172, 1180 (9th Cir. 2006) (citing Fed. R. Civ. P. 26(c)); *In re Midland Nat'l Life Ins. Co.*  
 17 *Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012) (holding presumption of  
 18 access to judicial records does not apply to non-dispositive motions). Accordingly, in these  
 19 circumstances the court may issue "any order which justice requires to protect a party or person  
 20 from annoyance, embarrassment, oppression, or undue burden or expense." *Kamakana*, 447 F.3d  
 21 at 1180 (citing Fed. R. Civ. P. 26(c)). This standard is easily met here.

22 First, the invasion of privacy and potential chilling effect on Good Samaritan's donors

---

23 <sup>1</sup> The practice of "doxing" is the search for and publication of private identifying  
 24 information about a particular individual on the internet, typically with malicious intent. See  
 25 <http://www.urbandictionary.com/define.php?term=doxing>. For counsel of record in this case,  
 26 who are admitted pro hac vice before this court, to post a link on their website to Judge Orrick's  
 home address, prominently highlighted so as to call attention to it, is unfathomable. See *Erickson*  
*v. Newmar Corp.*, 87 F.3d 298, 303 (9th Cir. 1996) ("Federal courts have inherent powers to  
 manage their own proceedings and to control the conduct of those who appear before them.").

27 <sup>2</sup> Because the Court has restricted access to the entire affidavit and all the exhibits, NAF  
 28 has not filed a redacted version of the document under Local Rule 79-5(d)(1)(C).

1 implicated by the public disclosure of their home addresses is obvious. That is especially true  
2 given the context of this case.

3 As Judge Orrick found and the Ninth Circuit affirmed, Daleiden and CMP mounted a  
4 fraudulent campaign to invade NAF's meetings, tape their members, then publicly "outed" them  
5 via the release of misleadingly-edited, illegally-obtained videotapes. As Judge Orrick found in  
6 granting NAF's Preliminary Injunction, and as the Ninth Circuit found in affirming his order,  
7 defendants' smear campaign has led to an unprecedented spike in incidents of harassment,  
8 intimidation and violence leveled against NAF members, culminating in three murders at a NAF-  
9 member clinic in Colorado. (Dkt. 354 at 36; *National Abortion Federation v. CMP et al.*, No. 16-  
10 15360, Dkt. 154-1 ¶ 6 ("[A]fter the release of the recordings, incidents of harassment and  
11 violence against abortion providers increased, ***including an armed attack at the clinic of one of***  
12 ***the video subjects that resulted in three deaths.***") (emphasis added).) Given this background, for  
13 these defendants and their lawyers to publicly broadcast the names and home addresses of  
14 individuals who contribute financially to an organization that they claim have a "key partnership"  
15 with Planned Parenthood, including the home address of a member of this Court, is outrageous.

16 Second, while the tax return itself is a public document, Schedule B is emphatically not  
17 public. Specifically, 26 U.S.C. §§ 6103 and 6104 "prevent the IRS from disclosing Schedule B  
18 forms to the public." *Americans for Prosperity Foundation v. Harris*, 809 F.3d 536, 542 (9th Cir.  
19 2015). According to the IRS, moreover, "Contributor names and addresses . . . ***must*** be edited  
20 from certain returns," including Schedule B, "before the returns are open to public inspection."  
21 Revised Internal Revenue Manual 11.3.9, Communications and Liaison, Disclosure of Official  
22 Information, Exempt Organizations (published June 26, 2012), available at  
23 [https://www.irs.gov/irm/part11/irm\\_11-003-009.html](https://www.irs.gov/irm/part11/irm_11-003-009.html) (last visited on June 11, 2017) (emphasis  
24 added). Daleiden provides no explanation in his affidavit for how he obtained a copy of the  
25 donor schedule. However he obtained it, the document should be sealed.

### 26 CONCLUSION

27 For the reasons stated above, NAF respectfully requests that the Court seal Schedule B.  
28



1 Dated: June 12, 2017

DEREK F. FORAN  
MORRISON & FOERSTER LLP

3 By: /s/ Derek F. Foran  
4 Derek F. Foran

5 Attorneys for Plaintiff  
6 NATIONAL ABORTION FEDERATION  
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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,  
 BIOMAX PROCUREMENT SERVICES LLC,  
 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522-WHO

**Judge: Hon. James Donato**

**DECLARATION OF DEREK F.  
 FORAN IN SUPPORT OF  
 NATIONAL ABORTION  
 FEDERATION (NAF)'S  
 ADMINISTRATIVE MOTION TO  
 SEAL**

Date Action Filed: July 31, 2015  
 Trial Date:

1 I, Derek F. Foran, hereby declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, which represents  
3 Plaintiff National Abortion Federation (“NAF”) in the above captioned action. I am admitted to  
4 practice in the State of California and before the United States District Court of the Northern  
5 District of California, and am a member of good standing in the state bar. I make this declaration  
6 based on personal knowledge in support of NAF’s Administrative Motion to Seal (“Motion”).

7 2. Pursuant to this motion, NAF respectfully requests that the Court seal the  
8 following document from the public record: **Schedule B to Exhibit 8 of the Affidavit of David**  
9 **Daleiden in Support of Motion for Disqualification of the Honorable William H. Orrick II,**  
10 **pursuant to 28 U.S.C. §§ 144 and 455 at Dkt. No. 428-1:133-140 (“Schedule B”).** Schedule B  
11 lists the names and addresses of individuals who made charitable contributions to Good  
12 Samaritan in 2006, including Judge Orrick.

13 3. Counsel of record for CMP, Thomas More Society located in Chicago, Illinois,  
14 included on their website a link to the list of Good Samaritan donors and their addresses. Judge  
15 Orrick’s name and his home address was also prominently highlighted in the link included on  
16 Thomas More Society’s website.

17 4. Immediately upon becoming aware of the publication of Judge Orrick’s home  
18 address on counsel’s website (Sunday morning, June 11), counsel for NAF demanded that the list  
19 be removed.

20 5. Counsel for NAF received no response to this demand, and access to the link  
21 containing the list of Good Samaritan donors on counsel of records’ website was not blocked until  
22 Monday morning, June 12.

23 6. While court personnel have locked access to this document, there is good cause for  
24 an order formally sealing Schedule B. The disclosure of the identities and home addresses of  
25 individuals who Defendants claim are part of an organization that is in a “key partnership” with  
26 Planned Parenthood invades their privacy. Moreover, Schedule B is non-public and disclosure is  
27 prohibited under federal law. *See* 26 U.S.C. §§ 6103, 6104; Revised Internal Revenue Manual  
28 11.3.9, Communications and Liaison, Disclosure of Official Information, Exempt Organizations

(published June 26, 2012), available at [https://www.irs.gov/irm/part11/irm\\_11-003-009.html](https://www.irs.gov/irm/part11/irm_11-003-009.html) (last visited on June 11, 2017), § 11.3.9.13. (“Contributor names and addresses and some contribution amounts must be edited from certain returns before the returns are open to public inspection.”.)

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I declare under penalty of perjury that the foregoing is true and correct. Executed this twelfth day of June, 2017, in San Francisco, California.



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DEREK F.FORAN



Defendants David Daleiden and the Center for Medical Progress (collectively “CMP”) hereby submit this Statement of Qualified Non-Opposition to the National Abortion Federation’s (“NAF”) Administrative Motion to Seal an attachment to Mr. Daleiden’s affidavit. CMP’s non-opposition is qualified to the extent that it expressly denies and rejects NAF’s false and defamatory statements in its “administrative” motion that suggest that CMP published private and confidential donor information that was not already in the public domain. If NAF’s counsel had done their due diligence, they would have discovered via a quick Google search that the subject Form 990 (Schedule B) – to which public filing they so vociferously object – is being hosted on the Good Samaritan Family Resource Center (GSFRC) website, available to anyone and everyone to readily access. This is standard practice for non-profits. Thus, CMP disputes that there is good cause to seal the document on the basis of “invasion of privacy and potential chilling effect on Good Samaritan’s donors.” Mtn. at 3:22. If NAF has a problem with the subject Schedule B donor information being made public, it should take it up with GSFRC, and not CMP or this Court.

NAF also argues that the “Schedule B” form must be sealed because it is “emphatically not public” and cites *Americans for Prosperity Foundation v. Harris*, 809 F.3d 536, 542 (9th Cir. 2015). NAF’s willingness to misrepresent the holding of that case to the Court is alarming. A quick glance at it shows that *only* the IRS is prohibited from publishing Schedule B forms. *Id.* (“§ 6103 prevents disclosure of return information filed directly with the IRS; it does not prevent state officials from publicly disclosing return information.”). Much less does 26 U.S.C. § 6103 prevent a filing entity from voluntarily disclosing its Schedule B. NAF should be admonished to comply with the Court’s standing orders. *See* Civil Standing Orders ¶ 23 (“Misrepresentations of law or fact, however subtle, may result in sanctions and a referral to the District’s Standing Committee on Professional Conduct.”).

CMP does not oppose the redaction or sealing of the addresses of Hon. William H. Orrick, III and the other donors of GSFRC because it has no interest in whether the public sees that information or not. CMP is concerned, however, about whether sealing the entirety of Schedule B, as requested by NAF, would preclude it from discussing the contents of Schedule B in later argument. If so, CMP requests that the Court deny the motion to seal, and instead grant CMP leave

1 to file an amended affidavit which redacts only the donor addresses.

2 CMP further objects to the gratuitous attempt by NAF to not only make false accusations  
3 against it, but to argue the merits of the pending motion for disqualification. CMP will not argue  
4 the motion to disqualify other than to state that the motion will stand on its own strong merits in the  
5 eyes of any reasonable observer. As set forth in CMP's pending motion for disqualification, Judge  
6 Orrick was a long-time Board Member and Officer of GSFRC, and was for many years – including  
7 during the pendency of this case – still listed on GSFRC letterhead as an Emeritus Board Member.  
8 NAF should be instructed not to misuse the abbreviated Administrative Motion procedure in the  
9 future as a pretext for making irresponsible accusations and substantive arguments.

10  
11 Respectfully submitted,

12 June 15, 2017,

13   
14

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**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
Counsel for Defendant CMP



**CERTIFICATE OF SERVICE**

*National Abortion Federation v. The Center for Medical Progress, et al.*  
Case No.: 3:15-cv-3522

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- **Statement of Qualified Non-Opposition to NAF's Administrative Motion to Seal.**

I certify that one true and correct copy of the foregoing was served on each of the interested parties in this action, addressed as follows:

\_\_\_\_ (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on this date following our ordinary practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

\_\_\_\_ (BY ELECTRONIC MAIL) I served a true copy, electronically on designated recipients via electronic transmission of said documents.

  X   (BY ELECTRONIC FILING/SERVICE) I caused such document(s) to be Electronically Filed and/or Service using the ECF/CM System for filing and transmittal of the above documents to the above-referenced ECF/CM registrants.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on June 15, 2017, at Rancho Santa Fe, California.

  
Kathy Denworth

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 NATIONAL ABORTION FEDERATION (NAF)

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11

12 NATIONAL ABORTION FEDERATION (NAF),

13 Plaintiff,

14 v.

15 THE CENTER FOR MEDICAL PROGRESS,  
 BIOMAX PROCUREMENT SERVICES LLC,  
 16 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

17 Defendants.  
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Case No. 3:15-cv-3522-WHO

**Judge: Hon. James Donato**

**NATIONAL ABORTION  
 FEDERATION (NAF)'S  
 OPPOSITION TO MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date Action Filed: July 31, 2015

Trial Date:

## **I. INTRODUCTION**

Center for Medical Progress (“CMP”), and David Daleiden have moved to disqualify Hon. William Orrick, nearly two years into this case and four court days before a hearing on an Order to Show Cause why they should not be held in contempt of court. Their motion is an obvious attempt to derail the contempt proceedings. It is based on information that was known to them long ago, yet they did not seek to disqualify Judge Orrick until the specter of contempt was raised. The Court should deny their motion on these grounds alone. And if the Court were to reach the “merits” of the motion, it should still be denied. The motion is frivolous: it is based on incomplete facts and a string of inferences that no reasonable observer would draw. CMP and Daleiden have not come close to meeting their burden of establishing that a reasonable person, viewing all the facts, would question Judge Orrick’s impartiality. Under clear Ninth Circuit precedent, neither Judge Orrick’s former relationship with an organization that is not even a party in this case, nor his wife’s Facebook activity, nor the statements he made from the bench about Daleiden’s violation of the preliminary injunction constitute grounds for recusal. NAF respectfully asks the Court to deny this motion forthwith and without the necessity of a hearing pursuant to Local Rule 7-1(b), so that the contempt hearing may proceed.

## **II. BACKGROUND**

### **A. The Procedural History of This Case.**

This lawsuit was filed nearly two years ago, on July 31, 2015, and was randomly assigned to Judge Orrick. (Dkt. 1.) The National Abortion Federation (“NAF”) alleged that defendants and their co-conspirators mounted a campaign using deceit to gain access to NAF’s annual meetings, surreptitiously record 504 hours of videotape from the meetings, then release excerpts of those tapes—in violation of confidentiality agreements that defendants knowingly and voluntarily signed. (Dkt. 1 at 21-32.) Defendants’ release of similar videos prior to NAF’s lawsuit “directly led to a significant increase in harassment, threats, and violence directed not only at the ‘targets’ of CMP’s videos but also at NAF and its members more generally.” (Dkt. 354 at 36.) Judge Orrick initially issued a TRO enjoining the defendants from releasing, inter alia, any tapes taken at NAF’s meetings, and set an expedited briefing and discovery schedule for

1 NAF's preliminary injunction motion. (Dkt. 15, 27.)

2 There are 434 docket entries in this 23-month old case. During that time dozens of  
3 motions have been submitted to Judge Orrick for decision. He has issued 95 orders in this case.  
4 Defendants have repeatedly tried to have Judge Orrick's orders reversed, and every time the  
5 Ninth Circuit has rebuffed their efforts.

6 After entry of the TRO, the defendants filed a motion to "clarify" Judge Orrick's order to  
7 allow them to provide copies of the enjoined materials to law enforcement. (Dkt. 57.) Judge  
8 Orrick ultimately denied that motion. (Dkt. 162.) Defendants also filed a motion to strike the  
9 complaint under California's anti-SLAPP law and to immediately stay discovery. (Dkt. 68.)  
10 Judge Orrick denied the motion to stay discovery, holding defendants' arguments were  
11 "unpersuasive to the point of being frivolous." (Dkt. 95 at 13.) Defendants filed a petition for a  
12 writ of mandamus and an emergency motion to stay Judge Orrick's order, which the Ninth Circuit  
13 denied. *In re Center for Medical Progress*, No. 15-72844, slip op. (9th Cir. Sep. 23, 2015). "Far  
14 from being clearly erroneous," the Ninth Circuit held, Judge Orrick's "decision to permit  
15 discovery [was] necessary [and] consistent with Ninth Circuit precedent." *Id.* at 7.

16 Defendants then claimed they had a Fifth Amendment right to avoid discovery into their  
17 conduct. (Dkt. 103.) Judge Orrick overruled those objections, holding defendants were  
18 "attempting to hide the ball, contrary to my prior Orders," and that it was "time to end this shell  
19 game." (Dkt. 244 at 8, 12.)

20 Defendants also attempted to block discovery into the identities of funders and backers of  
21 CMP who had received a top secret "report" regarding the infiltration and taping of NAF's  
22 meetings. (Dkt. 244 at 5.) Judge Orrick ordered them to produce that information. (*Id.*) Again,  
23 defendants filed a mandamus petition and an emergency motion to stay in the Ninth Circuit.  
24 Again, the Ninth Circuit denied defendants' petition and emergency motion, holding that Judge  
25 Orrick committed no error in ordering defendants to provide this discovery, which was "highly  
26 relevant to the scope of any preliminary injunction" Judge Orrick might issue. *In re Center for*  
27 *Medical Progress*, No. 15-17318, slip op. at 5 (9th Cir. Dec. 3, 2015). On December 4, 2015,  
28 Justice Kennedy denied defendants' emergency motion to stay Judge Orrick's order. *Center for*

1 *Medical Progress v. National Abortion Federation*, No. 15A590 (Dec. 4, 2015).

2 In the meantime, defendants violated an order that Judge Orrick issued in connection with  
 3 a congressional subpoena, and that violation turned out to have deadly consequences.  
 4 Specifically, in response to a subpoena that defendants had received from a congressional  
 5 committee, Judge Orrick ordered them “not [to] provide to Congress any footage, documents or  
 6 communications that have not been specifically requested by the subpoena.” (Dkt. 155 at 3.)  
 7 Defendants immediately produced all 504 hours of videotape subject to the TRO, without regard  
 8 to subject matter. Judge Orrick later held that defendants had violated his order by “produc[ing]  
 9 materials that were not covered by the subpoena, but were covered by the TRO, contrary to my  
 10 Order allowing a response to the subpoena.” (Dkt. 354 at 16 n.18.) Weeks after this violation, an  
 11 individual by the name of Charles C. Johnson, a friend of Daleiden’s since college, published  
 12 10 hours of enjoined material on the internet, claiming he had received it via a “leak” from  
 13 Congress. (Dkt. 221-4 at 7.) This disclosure of enjoined materials led directly to another increase  
 14 in incidents of intimidation and harassment perpetrated against NAF members, culminating in the  
 15 murder of three individuals at a NAF-member clinic in Colorado. (Dkt. 348 at 7.)

16 The case finally wound its way to a hearing on NAF’s motion for a preliminary  
 17 injunction, on December 18, 2015. (Dkt. 303.) Judge Orrick granted that motion on February 5,  
 18 2016. (Dkt. 354.) After carefully reviewing a substantial record submitted by the parties, and  
 19 having reviewed hours of the videotape in question, Judge Orrick issued a 42-page opinion in  
 20 which he held that NAF had “made a strong showing on all relevant points,” including a “strong  
 21 showing of likelihood of success on its contract claims.” (Dkt. 354 at 42, 35). Judge Orrick  
 22 found that NAF’s allegations “turned out to be true” and that “defendants secured false  
 23 identification and set up a phony corporation to obtain surreptitious recordings in violation of  
 24 agreements they had signed that acknowledge that the NAF information is confidential.” (Dkt.  
 25 354 at 1.) He also found that NAF had established a “strong showing of irreparable injury” to it  
 26 and its members in the absence of injunctive relief. (Dkt. 354 at 42, 38, 35.)

27 The Ninth Circuit affirmed Judge Orrick’s preliminary injunction, holding that it had little  
 28 to add to Judge Orrick’s “careful discussion,” and that Judge Orrick had “carefully identified the

1 correct legal standard and [his] factual determinations were supported by the evidence.” *In re*  
 2 *Center for Medical Progress*, No. 16-15360, Dkt. No. 154-1 at 4, (9<sup>th</sup> Cir. Mar. 29, 2017). On  
 3 May 8, 2017, the Ninth Circuit granted defendants’ unopposed motion to stay the mandate  
 4 pending the filing of a certiorari petition and made clear that the “preliminary injunction entered  
 5 by the district court remains in effect.” *In re Center for Medical Progress*, No. 16-15360, Dkt.  
 6 No. 171 at 1, (9<sup>th</sup> Cir. May 8, 2017).

7 **B. Judge Orrick’s Order to Show Cause re Contempt and Daleiden’s and**  
 8 **CMP’s Motion to Disqualify.**

9 **1. The Order to Show Cause**

10 On May 25, 2017, CMP, Daleiden, and two lawyers who represent Daleiden in related  
 11 criminal proceedings publically disclosed on the internet, inter alia, over 146 hours of videotape  
 12 subject to the preliminary injunction. (Dkt. 417.) Judge Orrick set an emergency telephonic  
 13 hearing that day, and ordered Daleiden to be present. (Dkt. 408.) Despite Judge Orrick’s order  
 14 for Daleiden’s presence, he did not appear. (Dkt. 417-7 at 4:3-14.) Following the emergency  
 15 telephone conference, Judge Orrick issued an order directing the immediate removal of all  
 16 enjoined materials. (Dkt. 409.) He also ordered CMP, Daleiden, and his two criminal lawyers to  
 17 show cause why they should not be held in contempt of court. (*Id.* at 2.) Judge Orrick set a  
 18 hearing on his Order to Show Cause re Contempt for Wednesday, June 14, 2017. (*Id.*)

19 **2. Daleiden’s and CMP’s Motion to Disqualify**

20 On June 7, four court days before the hearing on the Order to Show Cause re Contempt,  
 21 CMP and Daleiden filed their motion to disqualify Judge Orrick. (Dkt. 428.) Troy Newman, a  
 22 defendant in this action who is not subject to Judge Orrick’s Order to Show Cause re Contempt,  
 23 does not seek Judge Orrick’s disqualification.

24 Daleiden and CMP offer three reasons for Judge Orrick’s disqualification:

25 **First**, they point to Judge Orrick’s “longstanding relationship as a past board member” of  
 26 a San Francisco-based charity, Good Samaritan Family Resource Center (“Good Samaritan”).  
 27 (Dkt. 428 at 3.) Founded in 1894, Good Samaritan provides services to low-income Latino  
 28 immigrant families. (Dkt. 428-1 at 11-12; 105.) Defendants claim that in 2001, Good Samaritan

1 entered into a “key partnership” with a Planned Parenthood affiliate, Planned Parenthood Shasta  
 2 Pacific, now named Planned Parenthood Northern California. (Dkt. 428 at 4.) Defendants  
 3 maintain that Planned Parenthood Northern California “has membership in NAF” and that they  
 4 only recently “discovered” that Judge Orrick was Secretary of Good Samaritan’s Board in 2001,  
 5 when this partnership began. (*Id.*) They also claim that he “continued to be publically  
 6 associated” with Good Samaritan, because he is listed on their stationary as an “emeritus” Board  
 7 member. (Dkt. 428 at 5.)

8 In fact, neither Planned Parenthood Shasta Pacific nor the successor entity, Planned  
 9 Parenthood Northern California, is or ever has been a NAF member. (Fowler Decl. ¶ 3.) In  
 10 addition, the clinic located at Good Samaritan’s Family Resource Center, which is operated by  
 11 Planned Parenthood Northern California, is a satellite facility that does not provide abortion  
 12 services. (Dkt. 428-1 at 103.)

13 Moreover, defendants admit they were aware of Judge Orrick’s “longstanding”  
 14 relationship with Good Samaritan when this case was filed. (Dkt. 428 at 3.) Judge Orrick’s  
 15 June 12, 2012 Senate Judiciary Committee Questionnaire discloses that Judge Orrick has been  
 16 President, Vice-President, and an officer of Good Samaritan, and that he provided legal counsel to  
 17 Good Samaritan through 2009. (Dkt. 428-1 at 18, 44.)

18 Judge Orrick has had no operational or managerial role with Good Samaritan since at least  
 19 2006. (Paz Decl. ¶ 3.) He is only listed on Good Samaritan’s stationary as an “emeritus” Board  
 20 member in recognition of his past service to the organization, not because he has any current  
 21 relationship with the organization. (*Id.* ¶ 4.)

22 **Second**, CMP and Daleiden claim Judge Orrick should be disqualified because in 2015  
 23 his wife “pinkified” her Facebook page, indicating her support of Planned Parenthood, and  
 24 “liked” two Facebook posts, the first of which was critical of CMP and Daleiden’s videotaping  
 25 campaign, the second of which referred to Daleiden’s indictment on felony charges by a grand  
 26 jury in Houston, Texas in January 2016. (Dkt. 428 at 5.)

27 **Third**, CMP and Daleiden point to a comment Judge Orrick made during the May 25  
 28 emergency telephonic hearing to the effect that Daleiden (who did not appear at the hearing,



1 despite being ordered to do so) “‘is obligated to follow the Court’s orders [and] not to try to skate  
2 around them and cause real harm to human beings.” (*Id.* at 11.) They claim this comment  
3 evidences “prejudice” on Judge Orrick’s part, and his “belief that [Daleiden] is an evil person.”  
4 (*Id.*)

### 5                   3.       The Referral to Judge Donato

6           Judge Orrick expressed serious doubt about the merit of the motion to disqualify him:  
7 “Having reviewed the motion and affidavit, I do not think that it is legally sufficient. In other  
8 words, a reasonable person with knowledge of all the facts would *not* conclude that my  
9 impartiality might reasonably be questioned.” (Dkt. 430 at 2.) He also expressed “concerns  
10 about its timeliness and whether the timing is simply an attempt to delay the resolution of the  
11 OSC re Contempt.” (*Id.*) Specifically, he observed that the “motion was filed over two years  
12 after the case had been pending before me and four court days before an Order To Show Cause  
13 Re Contempt hearing regarding whether to sanction defendants or their agents for violating the  
14 Preliminary Injunction in this case.” (*Id.* at 1.)

15           Nevertheless, Judge Orrick referred the motion to the Clerk so that it could be randomly  
16 assigned to another Judge for resolution. (*Id.* at 2-3.) He vacated the scheduled June 14, 2017,  
17 hearing on the Order to Show Cause re Contempt, but he ordered that the briefing schedule on  
18 that motion remain in place. (*Id.* at 1 n.1.) The disqualification motion was referred to Judge  
19 Donato. (Dkt. 431.)

### 20       III.     ARGUMENT

21           CMP and Daleiden bear a heavy burden in moving to disqualify Judge Orrick. “‘Since a  
22 federal judge is presumed to be impartial, the party seeking disqualification bears a substantial  
23 burden to show that the judge is biased.’” *Mendia v. Garcia*, No. 10-cv-03910-MEJ, 2017 U.S.  
24 Dist. LEXIS 64238, at \*10 (N.D. Cal. Apr. 27, 2017).

25           Daleiden and CMP cannot meet that burden here, for two reasons. First, they delayed in  
26 filing their motion until two years into this case, and brought it for purely tactical reasons. *See*  
27 *E. & J. Gallo Winery v. Gallo Cattle Co.*, 967 F.2d 1280, 1295 (9th Cir. 1992). Second, no  
28



1 “reasonable person, with knowledge of all the facts,” would question Judge Orrick’s impartiality.  
 2 *United States v. Hernandez*, 109 F.3d 1450, 1453-54 (9th Cir. 1997).

3 **A. CMP and Daleiden Delayed in Bringing Their Motion for Purely Tactical**  
 4 **Reasons.**

5 “Whether [the party] raised the disqualification issue in a timely fashion presents a serious  
 6 threshold issue.” *United States v. Rogers*, 119 F.3d 1377, 1380 (9th Cir. 1997) (citing *E. & J.*  
 7 *Gallo Winery*, 967 F.2d at 1295). This is true under both statutes on which CMP and Daleiden  
 8 base their motion, 28 U.S.C. §§ 144 and 455. Section 144 “expressly requires that a motion to  
 9 disqualify must be timely,” and the Ninth Circuit “require[s] as much under 28 U.S.C. § 455.”  
 10 *Id.* at 1380.

11 The timeliness of disqualification motions must be policed to prevent litigants from using  
 12 recusal motions “for strategic purposes.” *E. & J. Gallo Winery*, 967 F.2d at 1295; *In re City of*  
 13 *Detroit*, 828 F.2d 1160, 1167-68 (6th Cir. 1987) (per curiam) (“Timeliness is a factor that  
 14 obviously merits consideration by a court that is trying to determine whether a judge is truly  
 15 biased or a litigant is merely trying to avoid an impending adverse decision.”). Otherwise,  
 16 litigants could “play fast and loose with the judicial process.” *Jones v. Pittsburgh Nat’l Corp.*,  
 17 899 F.2d 1350, 1356 (3d Cir. 1990) (affirming denial of recusal motion after sanctions were  
 18 imposed against moving party); *In re Medtronic, Inc., Sprint Fidelis Leads Prod. Liab. Litig.*, 623  
 19 F.3d 1200, 1209 (8th Cir. 2010) (affirming denial of recusal motion “interposed for suspect  
 20 tactical and strategic reasons following the district court’s adverse rulings” because “the grant of  
 21 such a belated motion would have serious adverse effects on the efficient use of judicial resources  
 22 and the administration of justice”) (quotations omitted).

23 CMP and Daleiden’s motion should be rejected at the threshold as untimely. The facts  
 24 demonstrate they filed their belated motion solely for tactical reasons—to delay the impending  
 25 contempt hearing:

- 26 • They filed this motion two years into this case. Judge Orrick  
 27 has issued dozens of orders in that time frame, and has entered  
 28 a Preliminary Injunction against them. Defendants’ repeated  
 challenges to his lawful orders in the Ninth Circuit and  
 Supreme Court have been rejected time and again.

- 1           • They admit they were well aware of Judge Orrick’s “long-standing” charitable work with Good Samaritan, including
- 2           through 2009, at the outset of this case.
- 3           • Judge Orrick issued an Order to Show Cause re Contempt on
- 4           May 25. Without explanation, Daleiden failed to appear before
- 5           Judge Orrick despite being ordered to do so.
- 6           • Daleiden and CMP filed their recusal motion four court days
- 7           before the contempt hearing.
- 8           • Co-defendant Troy Newman, not subject to the contempt
- 9           proceeding, did not join CMP and Daleiden’s motion.
- 10          • Daleiden and CMP initially did not file their motion in the
- 11          closely related case also pending before Judge Orrick, *Planned*
- 12          *Parenthood Federation of America, Inc. v. Center for Medical*
- 13          *Progress*, Case No. 16-cv-00236-WHO, in which Planned
- 14          Parenthood Northern California is a plaintiff. Realizing their
- 15          error, defendants filed the identical motion to disqualify in that
- 16          case days later, on June 13.

17           The two-year delay, coupled with compelling evidence that they filed this motion to derail

18           the contempt proceedings, is reason alone to deny their motion. *Rogers*, 119 F.3d at 1380 (“a

19           party having information that raises a possible ground for disqualification cannot wait until after

20           an unfavorable judgment before bringing the information to the court’s attention”); *Academy of*

21           *Motion Picture Arts & Sciences v. GoDaddy.com, Inc.*, No. 10-3738, 2014 WL 12560876, at \*1

22           (C.D. Cal. Feb. 4, 2014) (denying motion to recuse where movant raised the issue after it lost

23           several motions and when it had “litigated before the [judge] for years”).

24           Nor can CMP and Daleiden establish good cause for their delay. *Rogers*, 119 F.3d at

25           1382 (“[A] delay in bringing a motion to disqualify may only be excused for good cause.”). CMP

26           and Daleiden cite two reasons for their delay, neither of which constitutes good cause.

27           **First**, they claim that they delayed in bringing this motion because they only recently

28           learned that Judge Orrick was Good Samaritan’s Secretary in 2001, when Good Samaritan

29           “entered into its ‘key partnership’ with” Planned Parenthood Shasta Pacific. (Dkt. 428 at 4.) This

30           does not excuse their delay. Judge Orrick’s former relationship with Good Samaritan—including

31           his service to that organization in 2001—was known to CMP and Daleiden at the outset of this

32           case. (*Id.*) Daleiden and CMP were aware then, based on their “investigation” of Judge Orrick,

33           that he served as Good Samaritan’s President of the Board, Vice-President, and Officer, and that

1 he provided legal counsel to the organization *through 2009* (Dkt. 428-1 at 20, 44), *eight years*  
 2 after Planned Parenthood Shasta Pacific partnered with Good Samaritan. (Dkt. 428-1 at 8.)<sup>1</sup>

3 **Second**, CMP and Daleiden also claim that they only recently learned that “Judge Orrick  
 4 continued to be publicly associated” with Good Samaritan through September 2015. (Dkt. 428 at  
 5 5.) But Daleiden admits he knew this in January 2017 (*id.*), five months before he filed his  
 6 motion. That alone suffices to reject the motion as untimely. *See e.Digital Corp. v. ArcSoft, Inc.*,  
 7 No. 15-cv-56-BEN (DHB), 2015 U.S. Dist. LEXIS 117929 (S.D. Cal. Sept. 2, 2015) (denying  
 8 recusal motion based on a five month delay). Additionally, Judge Orrick is listed as an  
 9 “emeritus” Board member solely in recognition of his *past* service to the organization. (Dkt. 428-  
 10 1 at 101; Paz Decl. ¶ 4.) CMP and Daleiden knew in 2015 that Judge Orrick was a former Board  
 11 member. This information is not new.

12 CMP and Daleiden have no excuse for waiting to bring this motion until after Judge  
 13 Orrick issued an Order to Show Cause. The motion should be denied for that reason.

14 **B. No Reasonable Person Would Question Judge Orrick’s Impartiality.**

15 In any event, the untimely motion is meritless, to the point of being frivolous. The  
 16 standard for a recusal motion is “whether a reasonable person with knowledge of all facts would  
 17 conclude that the judge’s impartiality might reasonably be questioned.” *Hernandez*, 109 F.3d at  
 18 1453-54.<sup>2</sup> The “reasonable person is not someone who is hypersensitive or unduly suspicious,  
 19 but rather is a well-informed, thoughtful observer.” *U.S. v. Holland*, 519 F.3d 909, 913 (9th Cir.  
 20 2008) (citations and quotations omitted); *Johnson v. U.S.*, No. 13-cv-02405-JD, 2014 U.S. Dist.  
 21 LEXIS 73368, at \*7 (N.D. Cal. May 28, 2014) (same). Hence, “a judge should be disqualified  
 22 only if it appears that he or she harbors an aversion, hostility or disposition of a kind that a fair-

23 <sup>1</sup> Daleiden and CMP appear to suggest that Judge Orrick’s alleged status as Good  
 24 Samaritan’s Secretary in 2001 is somehow material because it means Judge Orrick was in a  
 25 “fiduciary relationship” with the organization then. (Dkt. 428 at 2.) But if, as Judge Orrick’s  
 26 Questionnaire states, he provided legal counsel to Good Samaritan through 2009 (Dkt. 428-1  
 27 at 18, 44), then he was a fiduciary of the organization throughout that time. *Frazier v. Sup. Ct.*,  
 97 Cal. App. 4th 23, 35 (2002) (“Few precepts are more firmly entrenched than that of the  
 28 fiduciary relationship between attorney and client.”). This is a distinction without a difference.

<sup>2</sup> This test applies under both 28 U.S.C. §§ 144 and 455. *See Hernandez*, 109 F.3d at  
 1453-54.

1 minded person could not set aside when judging the dispute.” *Liteky v. U.S.*, 510 U.S. 540, 558  
 2 (1994) (Kennedy, J., concurring).

3 While reasonable recusal motions should be carefully considered, it is equally important  
 4 that judges *not* recuse where it is not warranted. “[I]n the absence of a legitimate reason to recuse  
 5 himself, ‘a judge should participate in cases assigned’” to him. *Holland*, 519 F.3d at 912 (citation  
 6 omitted). Judges are obligated to hear all cases coming before them, without preference, and  
 7 must not recuse themselves lightly. *See id.* Accordingly, in applying the “reasonable person”  
 8 test, “it is critically important . . . to identify facts that might reasonably cause an objective  
 9 observer to question [the judge’s] impartiality.” *Datagate, Inc. v. Hewlett-Packard Co.*, 941 F.2d  
 10 864, 871-72 (9th Cir. 1991) (quotation omitted, emphasis added). The “reasonable person” test  
 11 “‘must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is  
 12 mandated upon the merest unsubstantiated suggestion of personal bias or prejudice.’” *Holland*,  
 13 519 at 913.

14 Applying these principles here, none of the three grounds raised by CMP and Daleiden,  
 15 taken together or individually, comes closing to causing a reasonable person to question Judge  
 16 Orrick’s impartiality.

17 **1. Judge Orrick’s Past Service with Good Samaritan is Not**  
 18 **Disqualifying.**

19 CMP and Daleiden’s primary argument is that Judge Orrick should be disqualified  
 20 because of his past relationship with Good Samaritan. The argument has no merit.

21 As an initial matter, Judge Orrick’s prior charitable work with Good Samaritan, a  
 22 venerable, 100-year-old organization that provides assistance to low-income Latino families in  
 23 San Francisco, does not call into question his impartiality in a case in which Good Samaritan is  
 24 not even involved. Judges are entitled—indeed they are encouraged—to participate in civic life  
 25 and to be full members of their community without being subject to accusations of disqualifying  
 26 “bias.” A judge “‘must have neighbors, friends and acquaintances, business and social relations,  
 27 and be a part of his day and generation.’” *In re Compl. of Judicial Misconduct*, 816 F.3d 1266,  
 28 1268 (9th Cir. 2016). “[M]any judges have a history of activity in politics or strong political

connections, and such a background is insufficient to require recusal.” *Hulihan v. Reg’l Transp. Comm’n of S. Nev.*, No. 2:09-cv-01096-ECR-RJJ, 2011 U.S. Dist. LEXIS 131323, at \*5 (D. Nev. Nov. 10, 2011).

Moreover, CMP and Daleiden’s claim of bias rests on a string of inferences, speculation, and innuendo that fails at every step. “Disqualification must rest upon a *factual* basis” and “should *not* be based on tenuous speculation; if it were, litigants would have veto power over the assignment of judges.” *Laxalt v. McClatchy*, 602 F. Supp. 214, 217-18 (D. Nev. 1985) (emphases added); *Adams v. Albertson*, No. C-10-4787-WHA, 2012 U.S. Dist. LEXIS 50904 \*6 (N.D. Cal. Apr. 11, 2012) (“Recusal must be based upon facts and not on conjecture, speculation or statement of opinion”). The facts here demonstrate that Judge Orrick has no relationship to the parties in this case or even any connection to the issues before the Court:

- It is not true that Judge Orrick “*has* a longstanding and close relationship” with Good Samaritan. (Dkt. 428 at 9 (emphasis added).) Judge Orrick *had* a relationship with Good Samaritan, but that ended in 2009. He has had no operational or managerial role with Good Samaritan since at least 2006. (Paz Decl. ¶ 3.) Good Samaritan listed Judge Orrick as an “emeritus” Board member only in recognition of his past service to the organization. (Paz Decl. ¶ 4.).
- Neither Planned Parenthood Shasta Pacific nor Planned Parenthood Northern California is or ever has been a NAF member. (Fowler Decl. ¶ 3.)
- The satellite clinic located at Good Samaritan provides no abortion services. (Dkt. 428-1 at 103.) Thus, Judge Orrick’s former relationship with Good Samaritan does not connect him in any way with the issues in this case, all of which relate to abortion services.
- CMP and Daleiden’s claim that Judge Orrick was “necessarily . . . involved in the board’s decision to initiate the partnership between,” Good Samaritan and the clinic in 2001, (Dkt. 428 at 9), is pure speculation, for which zero evidence is presented.

Simply put, all that the evidence shows is that Judge Orrick *used to have* a relationship with a charitable organization (Good Samaritan) that provides space for a clinic that *does not provide* abortion services and is operated by a larger organization (Planned Parenthood Northern California) that *is not a NAF member*. This is far too attenuated and speculative to cause a reasonable observer to question Judge Orrick’s impartiality.

1 Last, disqualifications motions are regularly rejected in cases in which there is a far deeper  
 2 connection between the judge and the issues in the case—such as where the judge’s religious or  
 3 political beliefs may be implicated, or where the judge shares a fundamental characteristic with a  
 4 party. *See Feminist Women’s Health Ctr. v. Codispoti*, 69 F.3d 399, 400-401 (9th Cir. 1995)  
 5 (judge need not recuse from hearing abortion-related case where judge’s deeply held religion  
 6 teaches that abortion is sinful); *U.S. ex rel. Hochman v. Nackman*, 145 F.3d 1069, 1076 (9th Cir.  
 7 1998) (judge’s annual contribution to the university’s law school alumni association would not  
 8 “reasonably lead one to question his impartiality” even though defendants were associated with  
 9 the university); *Perry v. Schwarzenegger*, 790 F. Supp. 2d 1119, 1124 (N.D. Cal. 2011) (that the  
 10 judge was in a same-sex relationship did not disqualify him from hearing case involving marriage  
 11 for same-sex couples).

12 Judge Orrick’s past service with Good Samaritan is plainly not disqualifying.

## 13 2. Mrs. Orrick’s Facebook Activity is Irrelevant.

14 Next, CMP and Daleiden argue that Judge Orrick should be disqualified because in 2015  
 15 his wife “pinkified” her Facebook page and “liked” two Facebook posts that were critical of  
 16 Daleiden and his videotaping campaign. (Dkt. 428-1 at 4-5.)

17 **First**, CMP and Daleiden misrepresent Mrs. Orrick’s Facebook activity. They ascribe  
 18 numerous quotes to Mrs. Orrick that were not actually her words. For example, according to  
 19 Daleiden and CMP, Mrs. Orrick “stated her position that the videos were ‘heavily edited,’ that  
 20 CMP is ‘run by extremists,’ and Mr. Daleiden and CMP ‘will stop at nothing to deny women  
 21 legal abortion services.’” (Dkt. 428 at 10, *citing nothing*.) The quotations that CMP and Daleiden  
 22 claim were “stated” by Mrs. Orrick were not her personal statements. To ascribe every statement  
 23 embedded in Facebook posts that Mrs. Orrick “liked,” as if they were statements made personally  
 24 by Mrs. Orrick, is misleading and ignores the realities of how people use Facebook. *See Adams*,  
 25 2012 U.S. Dist. LEXIS 50904 at \*6 (“[r]ecusal must be based upon facts and not on conjecture  
 26 [or] speculation”).

27 **Second**, *even if* Mrs. Orrick made the statements that CMP and Daleiden attribute to her,  
 28 as a matter of law a judge’s spouse’s views “cannot be imputed to [the judge], no matter how



1 prominently she expresses them.” *Perry v. Schwarzenegger*, 630 F.3d 909, 912 (9th Cir. 2011)  
 2 (Reinhardt, J.); *see id.* at 916 (“The views are hers, not mine, and I do not in any way condition  
 3 my opinions on the positions she takes regarding any issues.”); *Akins v. Knight*, No. 2:15-CV-  
 4 4096-NKL, 2016 U.S. Dist. LEXIS 2802, at \*7 (W.D. Mo. Jan. 11, 2016) (denying recusal  
 5 motion on basis of spouse’s critical comments relating to subject matter at issue and holding that,  
 6 “[a]s to any views [my spouse] may express on a subject that has come before this Court, he is an  
 7 independent person who need not obtain the undersigned’s approval or agreement to speak about  
 8 whatever subject he chooses. His views are his own.”). The notion that Mrs. Orrick’s own  
 9 personal views could disqualify Judge Orrick is based on “an outmoded conception of the  
 10 relationship between spouses.” *Perry*, 630 F.3d at 912.

11 Nor can Mrs. Orrick’s Facebook activity mean she has any “‘interest’ in the outcome of  
 12 this case that might be substantially affected by its outcome, over and beyond the interest of any  
 13 American with a strong view” on the issues here. *Id.* at 915; *see Hewlett-Packard v. Bausch &*  
 14 *Lob, Inc.*, No. C 84-20642 RPA, 1988 WL 281516 (N.D. Cal. Aug. 1, 1988) (denying recusal  
 15 motion where judge’s son had been employed by the plaintiff because interests in the litigation  
 16 “do not affect” the judge’s son); *Akins*, 2016 U.S. Dist. LEXIS 2802, at \*7 (denying recusal  
 17 motion on basis of spouse’s critical comments relating to subject matter at issue because “[s]uch  
 18 criticism establishes no interest . . . in the outcome of this case”). Accordingly, “a reasonable  
 19 person with full knowledge of all the facts would not reasonably believe that [Judge Orrick]  
 20 would approach a case in a partial manner due to [Mrs. Orrick’s] independent views.” *Perry*, 630  
 21 F.3d at 916.

### 22 3. Judge Orrick’s Comments at the May 25 Emergency Hearing Do Not 23 Stem From an Extra-Judicial Source and Were Well Founded.

24 Finally, CMP and Daleiden point to Judge Orrick’s comment during the emergency  
 25 telephone conference on May 25 that “Mr. Daleiden better be well advised by his lawyers,  
 26 regardless, that he is obligated to follow the Court’s orders and not to try to skate around them  
 27 and cause real harm to human beings.” (Dkt. 428-1 at 183:3-7.) CMP and Daleiden claim that  
 28 Judge Orrick’s response “revealed his prejudice against Mr. Daleiden and a belief that he is an

1 evil person.” (Dkt. 428 at 11.)

2 Under the “extra-judicial source” rule, “[j]udicial remarks during the course of a trial that  
3 are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do  
4 not support a bias or partiality challenge.” *Liteky*, 510 U.S. at 555 (Kennedy, J., concurring).  
5 Accordingly, as a matter of law, “expressions of impatience, dissatisfaction, annoyance, and even  
6 anger, that are within the bounds of what imperfect men and women, even after having been  
7 confirmed as federal judges, sometimes display,” do not establish bias or partiality. *Id.* at 555-56.  
8 Ninth Circuit cases on this point are legion. *See e.g., Holland*, 519 F.3d at 913-914 (“[T]he  
9 ‘extrajudicial source’ factor . . . generally requires as the basis for recusal something other than  
10 rulings, opinions formed or statements made by the judge during the course of trial.”); *In re*  
11 *Marshall*, 721 F.3d 1032, 1043 (9th Cir. 2013) (judge’s comments toward party not a basis for  
12 recusal, which “might also be reasonably seen as the product of [the judge’s] frustration with [the  
13 party’s] behavior throughout the litigation”); *In re Yagman*, 796 F.2d 1165, 1181-82 (9th Cir.  
14 1986) (affirming denial of recusal motion and holding that “[o]ften the judge may be angry with  
15 the attorney for violating one or more rules. Without more, this natural responsive attitude does  
16 not provide reasonable grounds to question the judge’s impartiality”).

17 Judge Orrick’s comment at the May 25 emergency hearing did not stem from an “extra-  
18 judicial” source and therefore cannot constitute grounds for recusal. To the contrary, Judge  
19 Orrick was expressing understandable frustration in the face of a gross and disturbing violation of  
20 his orders, a violation to which Daleiden’s lawyers admitted during the May 25 conference. (Dkt.  
21 428-1 at 176:1-9 (Judge Orrick: “If Mr. Daleiden was here, as I ordered, on the phone, I would  
22 ask him the same question, and so I guess Ms. Short, I ask you, is that true?” Ms. Short: “That –  
23 that – what, I understand that, I went to the same website, yes, there are or were videos on the  
24 website, and there were the names of the Does on the website . . .”).)

25 Indeed, Judge Orrick’s comment that Mr. Daleiden was “obligated to follow the Court’s  
26 orders and not try to skate around them and cause real harm to human beings,” (Dkt. 428-1 at  
27 183:3-7), was well-founded in the record. In granting NAF’s motion for preliminary injunction,  
28 Judge Orrick held that Daleiden’s release of videos led to a “significant increase in harassment



1 and violent acts,” “including the most recent attack in Colorado Springs” where three people were  
 2 gunned down at a NAF-member clinic. (Dkt. 354 at 36.) He further held that if the enjoined  
 3 materials “were publicly released, it is likely that the NAF attendees shown in those recordings  
 4 would . . . face an increase in harassment, threats, or incidents or violence.” (*Id.* at 36.)

5 The Ninth Circuit affirmed Judge Orrick’s finding that NAF and its members would suffer  
 6 irreparable harm absent an injunction, pointing out that, after Daleiden and CMP “made some of  
 7 the recordings public . . . incidents of harassment and violence against abortion providers  
 8 increased, including an armed attack at the clinic of one of the video subjects that resulted in three  
 9 deaths.” *In re Center for Medical Progress*, No. 16-15360, Dkt. No. 154-1 at 3, (9<sup>th</sup> Cir.  
 10 Mar. 29, 2017). Irreparable harm, including death, is “real harm.” Judge Orrick’s admonishment  
 11 was entirely proper, accurate, and well-taken in light of the serious violations of the preliminary  
 12 injunction and the potential for grave harm that Judge Orrick had already found would result from  
 13 such violations.

#### 14 **IV. CONCLUSION**

15 The motion should be denied. NAF respectfully asks the Court to issue an order as  
 16 promptly as possible so as not to delay the contempt proceedings any further.

17  
 18 Dated: June 16, 2017

LINDA E. SHOSTAK  
 DEREK F. FORAN  
 CHRISTOPHER L. ROBINSON  
 MORRISON & FOERSTER LLP

21 By: /s/ Derek F. Foran  
 22 DEREK F. FORAN

23 Attorneys for Plaintiff  
 24 NATIONAL ABORTION FEDERATION

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Attorneys for Plaintiff  
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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,  
 BIOMAX PROCUREMENT SERVICES LLC,  
 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522-WHO

**Judge: Hon. James Donato**

**DECLARATION OF MELISSA  
 FOWLER IN SUPPORT OF  
 NATIONAL ABORTION  
 FEDERATION (NAF)'S  
 OPPOSITION TO MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date Action Filed: July 31, 2015  
 Trial Date:

1 I, Melissa Fowler, declare as follows:

2 1. My name is Melissa Fowler. I make this Declaration in Support of National  
3 Abortion Federation's (NAF's) Opposition to Motion for Disqualification of the Honorable  
4 William H. Orrick III. I have personal knowledge of the facts set forth in this declaration, unless  
5 otherwise indicated, and if called to testify, I could testify competently thereto.

6 2. I am the Senior Director, Communications & Membership, for NAF. In this role, I  
7 manage NAF's communications work and our membership department. This includes overseeing  
8 membership recruitment and retention, as well as other member relations tasks. NAF members  
9 include individuals, private and non-profit clinics, Planned Parenthood affiliates, women's health  
10 centers, physicians' offices, and hospitals who together care for approximately half the women  
11 who choose abortion in the U.S. and Canada each year.

12 3. On information and belief, in August 2014 Planned Parenthood Shasta Pacific  
13 changed their name to Planned Parenthood Northern California. Neither Planned Parenthood  
14 Shasta Pacific, nor Planned Parenthood Northern California (including without limitation the  
15 Wohlford Family Clinic at the Good Samaritan Family Resource Center), are NAF members.  
16 Based on my review of NAF records, and to the best of my knowledge, neither Planned  
17 Parenthood Shasta Pacific nor Planned Parenthood Northern California have ever been NAF  
18 members.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
20 sixteenth day of June, 2017, in Washington, D.C.

21  
22 By: Melissa Fowler  
23 Melissa Fowler  
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27  
28

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7 Attorneys for Plaintiff  
 NATIONAL ABORTION FEDERATION (NAF)

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11  
 12 NATIONAL ABORTION FEDERATION (NAF),

13 Plaintiff,

14 v.

15 THE CENTER FOR MEDICAL PROGRESS,  
 BIOMAX PROCUREMENT SERVICES LLC,  
 16 DAVID DALEIDEN (aka "ROBERT SARKIS"),  
 and TROY NEWMAN,

17 Defendants.  
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Case No. 3:15-cv-3522-WHO

**Judge: Hon. James Donato**

**DECLARATION OF MARIO PAZ  
 IN SUPPORT OF NATIONAL  
 ABORTION FEDERATION  
 (NAF)'S OPPOSITION TO  
 MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date Action Filed: July 31, 2015  
 Trial Date:

1 I, Mario Paz, declare as follows:

2 1. I am the Executive Director of the Good Samaritan Family Resource Center  
3 (“Good Samaritan”) in San Francisco, California. The facts stated herein are based on my  
4 personal knowledge.

5 2. I have held this position since December 2006. I have overall responsibility for all  
6 Good Samaritan operations. As part of my responsibilities, I have attended all, or almost all,  
7 meetings of the Good Samaritan Board since December 2006.

8 3. The Honorable William Orrick has had no operational or managerial role with the  
9 organization during my tenure as Executive Director. I do not recall Judge Orrick attending or  
10 participating in any Board meeting during that time.

11 4. Judge Orrick is listed on GSFRC’s stationary as an “emeritus” Board member in  
12 recognition of his past service to the organization.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed June 13,  
14 2017, in San Francisco, California.

15  
16 By:  \_\_\_\_\_

17 Mario Paz  
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25  
26  
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28

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*Attorneys for Defendants the Center for  
Medical Progress, and BioMax  
Procurement Services, LLC*

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL ABORTION FEDERATION  
(NAF),

Plaintiff,

vs.

THE CENTER FOR MEDICAL  
PROGRESS; BIOMAX PROCUREMENT  
SERVICES, LLC; DAVID DALEIDEN (aka  
"ROBERT SARKIS"); and TROY  
NEWMAN,

Defendants.

)  
) Case No. 3:15-CV-3522 (WHO)  
)  
) Judge William H. Orrick, III  
)  
) Reply in Support of Motion for  
) Disqualification of the Honorable  
) William H. Orrick III.  
)  
) Date: June 22, 2017  
) Time: 10:00 AM  
) Ctrm.: 11 (Hon. James Donato)  
)  
)

## INTRODUCTION

Throughout this litigation, NAF has portrayed the issues in apocalyptic terms, as nothing short of a titanic fight to the finish between the forces of light (NAF, Planned Parenthood, and other abortion providers) and the forces of darkness (Daleiden and CMP, a.k.a. “dangerous extremist” “radicals” whose goal is to “end safe and legal access to abortion care in the United States”). Dkt. 131 at ¶17; Dkt. 225 at 12. Having consciously chosen to elevate a breach of contract action to this level of ideological warfare, NAF now opposes Daleiden and CMP’s motion to disqualify Judge Orrick, arguing that, despite his associations with and sympathies for abortion provider Planned Parenthood, no reasonable person would question his impartiality, whatever the threat to “the constitutional right to safe and legal access to abortion” posed by Daleiden and CMP’s release of videos of abortion providers talking about abortion. Dkt. 225 at 12.

Daleiden and CMP have presented sufficient evidence that Judge Orrick harbors a bias against Mr. Daleiden and that a reasonable person, aware of Judge Orrick’s associations and beliefs, would question his impartiality in this matter.<sup>1</sup>

## ARGUMENT

### I. THE AFFIDAVIT OF THE CENTER FOR MEDICAL PROGRESS AND DAVID DALEIDEN IS TIMELY FILED

NAF argues that the Motion to Disqualify Judge William H. Orrick, III, is not timely because Defendants David Daleiden and Center for Medical Progress did not bring this motion in July or August of 2015, when Mr. Daleiden first became aware of connections between Judge William Orrick and the Good Samaritan Family Resource Center (GSFRC) and of connections between GSFRC and Planned Parenthood. NAF’s Opposition to Motion to Disqualify, Dkt. 447 at

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<sup>1</sup> Currently pending before the Court are Defendants motions to disqualify Judge Orrick in both the present action and *Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress*, No. 16-CV-00236-WHO. NAF states that the two motions are “identical.” NAF Opp. at 8:8-11. Although the two motions are not actually “identical,” they are sufficiently similar to warrant adjudicating them at the same time or taking this matter under submission until the second motion is heard.

8-9. However, NAF also argues that even the more significant connections that Mr. Daleiden only recently discovered, connections that were previously overlooked because of Defendants’ reliance on Judge Orrick’s Senate Judiciary Committee questionnaire, are “plainly not disqualifying.” NAF Opp. at 12. NAF cannot have it both ways. NAF cannot fault Defendants for not bringing the motion *earlier* based on *less* evidence than what NAF elsewhere claims is insufficient. Defendants should not be penalized for their initial hesitancy to bring a motion to disqualify, particularly where they were at that time relying on Judge Orrick’s own representations to the United States Senate about his relationship, or lack thereof, with GSFRC and by extension, with Planned Parenthood.

NAF also misstates the contents of Daleiden’s affidavit, stating that Daleiden knew in January 2017 that Judge Orrick maintained his association with GSFRC through at least September 2015. NAF Opp. at 9. This is incorrect. Mr. Daleiden stated that he learned of Judge Orrick’s continued association with GSFRC “in late May 2017,” after the May 25 hearing and attendant media attention, and that he learned specifically of Judge Orrick’s emeritus board member status from materials that only became publicly available in January 2017. Daleiden Affidavit, ¶¶7-8.

NAF contends that the alleged delay in bringing the motion to disqualify shows that it was brought purely for tactical purposes, “to derail the contempt proceedings.” NAF Opp. at 8. However, with one exception, the cases NAF cites all involve litigants who brought motions to disqualify *after* an unfavorable ruling of the court. NAF Opp. at 7-8. Moreover, NAF’s contention ignores the fact that, prior to the May 25, 2017, hearing, the case had been stayed for over 15 months, since February 22, 2016. Dkt. 358.<sup>2</sup>

Mr. Daleiden and CMP brought this motion less than two weeks after learning of Judge Orrick’s continued involvement with GSFRC, of his role as director and officer of GSFRC at the time it entered into its “key partnership” with Planned Parenthood, of Mrs. Orrick’s public denigration of Daleiden and CMP, accompanied by a photo of Judge and Mrs. Orrick, and of Judge

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<sup>2</sup> Contrary to the implication of NAF’s statement that the parties and the court are “nearly two years into this case,” (NAF Opp. at 1:3-4) the case is still at a very preliminary stage. The Defendants have not yet filed a responsive pleading to NAF’s First Amended Complaint. Dkt. 358 at 1:8-10.



Orrick's belief that Mr. Daleiden was trying to cause "real harm to human beings." They could not have brought the motion based on these facts any sooner, and certainly not any sooner than would preclude NAF's charges of delay and attempts to derail the contempt motion.<sup>3</sup> The motion is thus timely. *See, e.g., Church of Scientology of California v. Cooper*, 495 F. Supp. 455, 460 (C.D. Cal. 1980) (holding that "the five week interval which elapsed between the date of transfer of this case from Judge Ferguson and Mr. Kaplan's February 4, 1980, letter" did not render the request for recusal untimely).

Mr. Daleiden and CMP should not be penalized for being hesitant to move to disqualify Judge Orrick unless and until there was a sufficient basis to do so, particularly where they failed to uncover crucial facts underlying the motion only because they relied on Judge Orrick's Senate Judiciary Committee questionnaire.

## **II. CMP AND DALEIDEN SET FORTH FACTS IN THEIR AFFADAVIT REQUIRING RECUSAL.**

NAF contends that the evidence adduced by Daleiden and CMP is insufficient to warrant recusal. This is incorrect.

### **A. Judge Orrick's Relationship with GSFRC-PP.**

NAF maintains that Daleiden has failed to establish the existence of any current relationship between Judge Orrick and GSFRC. NAF Opp. at 10-11. NAF argues that any attorney-client relationship ceased in 2009, when Judge Orrick ceased providing legal services for GSFRC. NAF's argument, however, ignores that, as the attorney for GSFRC, he undertook fiduciary duties to GSFRC that survive to this day. NAF Opp. at 11. As the court explained in *Styles v. Mumbert*, 164 Cal.App.4th 1163, 1167 (2008):

Few precepts are more firmly entrenched than the fiduciary nature of the attorney-client relationship, which must be of the highest character. So fundamental is this precept that an attorney continues to owe a former client a fiduciary duty even

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<sup>3</sup> Judge Orrick ruled against Defendants on the day the case was assigned to him, at the very first hearing. Dkt. 15, 27. Thus, there was no time at which Daleiden and CMP could have brought a motion to disqualify Judge Orrick that NAF would not have claimed was untimely for being brought after an unfavorable ruling.

1 after termination of the relationship. For example, an attorney is forever forbidden  
 2 from using, against a former client, any information acquired during such  
 3 relationship, or from acting in a way which will injure the former client in matters  
 involving such former representation. These duties continue after the termination  
 of the relationship in order to protect the sanctity of the confidential relationship  
 between an[] attorney and client.

4 (citations omitted); see also *City and County of San Francisco v. Cobra Solutions, Inc.*, 38 Cal.4th  
 5 839, 846 (2006).

6 NAF also argues that “since at least 2006” Judge Orrick has had no “operational or  
 7 managerial role” at GSFRC. NAF Opp. at 5. However, as a one-time director of GSFRC, Judge  
 8 Orrick owed GSFRC a fiduciary duty of loyalty to act with the utmost good faith and for its  
 9 benefit. See *Angelica Textile Services, Inc. v. Park*, 233 Cal.App.4th 803, 834 (2013).

10 Moreover, as “partners” with Planned Parenthood, which worked out of the same location  
 11 and shared staff with GSFRC, GSFRC was in a fiduciary relationship with Planned Parenthood.  
 12 Partners have a “fiduciary duty to act with the highest good faith towards each other regarding  
 13 affairs of the partnership.” *Pellegrini v. Weiss*, 165 Cal.App.4th 515, 524 (2008). Accordingly, at a  
 14 minimum, Judge Orrick’s previous fiduciary relationship with GSFRC and, by extension with its  
 15 “partner,” Planned Parenthood, gives rise to the appearance of impropriety and judicial bias in a  
 16 case where Planned Parenthood and its staff are putative “victims” whose interests are represented  
 17 by plaintiff NAF. Dkt. 131 at ¶74 (“NAF’s annual meetings give its members and attendees a  
 18 unique and necessary forum for networking. Given the backdrop of violence, harassment and  
 19 intimidation, many abortion providers place an especially high value on their confidentiality, and  
 20 face-to-face networking plays an even more important role than it does in other medical specialties.  
 21 This means that NAF’s annual meetings play a vital function for abortion providers: letting them  
 22 meet vendors, service providers and industry professionals whom they can trust when conducting  
 23 business in the future.”)<sup>4</sup>

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24 <sup>4</sup> Although the declaration of Melissa Fowler states that “neither Planned Parenthood Shasta Pacific  
 25 nor Planned Parenthood Northern California have ever been NAF members” the entity’s legal  
 26 name, and presumably the name under which they would be a member, is Planned Parenthood  
 27 Shasta Diablo. Dkt. 58 in *PP v. CMP* at ¶20. Moreover, staff from GSFRC’s “key partner” do  
 attend NAF annual meetings. Dkt. 58 in *PP v. CMP* at ¶212 (“Staff representatives from . . . PPNC  
 . . . attended the NAF 2014 annual conference in San Francisco”); ¶233 (“Staff representatives  
 from . . . PPNC . . . attended the NAF annual meeting in Baltimore, Maryland”).

1 As a director at the time GSFRC entered into its “partnership” with Planned Parenthood, a  
2 relationship not disclosed in his Senate Judiciary Committee questionnaire or to the parties at the  
3 outset of this case, and as an attorney who represented GSFRC, Judge Orrick had access to  
4 confidential, extrajudicial information which will or could bias or affect his decision, but which he  
5 remains duty bound to continue to protect.

6 Further, Judge Orrick is still publicly listed as a GSFRC Board Member Emeritus, and a  
7 significant donor<sup>5</sup> to the GSFRC, Planned Parenthood’s “landlord” for its rent-free space. Paz Decl.  
8 at ¶4 (“Judge Orrick is listed on GSFRC’s stationery”). Those ongoing connections identify him in  
9 a very public way as a supporter of an organization with whom he had a fiduciary duty of loyalty  
10 and an ongoing duty of confidentiality – and an organization that remains in a partnership with  
11 Planned Parenthood. In the eyes of the reasonable observer, this gives the clear impression that he  
12 is not in a position to be completely fair and impartial in ruling on the controversial issues in this  
13 case, including whether GSFRC’s partner Planned Parenthood’s financial arrangements with fetal  
14 tissue procurement companies, arrangements which NAF was eager to facilitate, violated state or  
15 federal law.

16 Finally, NAF’s citation to cases where a judge’s religious or political beliefs may be  
17 implicated does not do justice to the issues in the instant case, *as framed by NAF itself*. NAF Opp.  
18 at 12. In the cases cited by NAF involving recusal under section 455(a)<sup>6</sup>, the nonmoving party did  
19 not explicitly appeal to the court’s religious beliefs or alumni loyalty. *See, e.g., U.S. ex rel*  
20 *Hockman v. Nackman*, 145 F.3d 1069, 1076 (9th Cir. 1998) (small yearly contribution to the law  
21 school’s alumni association” was “insignificant” because “the relationship between this case and  
22 USC’s law school is virtually nonexistent”).

23 Here, by contrast, NAF has from the outset and at every turn framed the case as one of  
24 protecting the well-being of abortion providers such as Planned Parenthood and preserving abortion

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25 <sup>5</sup> NAF makes no argument against the significance of Judge Orrick being a major donor of the  
26 GSFRC.

27 <sup>6</sup> *Perry v. Schwarzenegger*, 790 F.Supp.2d 1119 (N.D. Cal. 2011) is inapposite to this motion, as  
28 that case discussed only recusal under 28 U.S.C. § 455(b)(4).

in America. *See, e.g.* Dkt. 131 (First Amended Complaint), ¶1: “This case is about an admitted, outrageous conspiracy to defraud, carried out by extremist anti-abortion activists against NAF and its constituent members, and perpetrated for the purpose of intimidating and harassing providers of abortion care services to women, and to end access to reproductive health services in America”).<sup>7</sup> NAF cannot paint the stakes in this case in such lurid terms, making incessant overwrought appeals to pro-choice sentiment, but then brush aside the associations and beliefs of the primary audience of those appeals – the district court.

In assessing whether Judge Orrick’s impartiality might reasonably be questioned based on his associations with Planned Parenthood, this context must be considered. If this case merely involved, e.g., a dispute between NAF and an anti-abortion building contractor, Judge Orrick’s connections with Planned Parenthood would be irrelevant. But NAF contends that Daleiden and CMP’s goal is to end abortion in America by driving abortion providers out of business. Assuming that is true, Judge Orrick’s connections with Planned Parenthood, the country’s largest abortion provider and advocate, are such that a reasonable person would question his ability to rule impartially as to whether CMP and Daleiden’s means are illegal and whether they should be stopped and punished, or whether they should be allowed to continue taking steps to further their goals.

**B. Mrs. Orrick’s Facebook Activity.**

NAF first objects to Daleiden and CMP’s characterization of Mrs. Orrick’s Facebook “likes” as being statements of her own beliefs, citing unspecific and unsupported “realities of how people use Facebook.” NAF Opp. at 12. However, “the act of ‘liking’ a Facebook post makes the post attributable to the ‘liker, even if he or she did not author the original post.” *Grutzmacher v. Howard Cty.*, 851 F.3d 332, 340, fn. 3 (4th Cir. 2017); *see also Buker v. Howard Cty.*, No. CIV.A. MJG-13-3046, 2015 WL 3456750, at \*22 (D. Md. May 27, 2015), *aff’d sub nom. Grutzmacher v.*

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<sup>7</sup> *See also, id.* at ¶ 17 (“CMP is nothing more than a front for dangerous extremists whose sole aim is to drive abortion providers out of business, and to end safe and legal access to abortion care in the United States”); Dkt. 225 at 12 (“CMP’s officers and directors are radicals whose sole aim is to end the constitutional right to safe and legal access to abortion in the United States”).

1 *Howard Cty.*, 851 F.3d 332 (4th Cir. 2017) (“[T]he content and effect of each of the January 20  
 2 Facebook posts is attributable to Buker, regardless of who ‘authored’ the post and who ‘liked’ it”);  
 3 *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 U.S. Dist. LEXIS 65069, at \*50 (D.  
 4 Ariz. July 15, 2009) (“[T]here is nothing in the record to suggest that the Court’s sister is the author  
 5 of the offending articles or that she had any personal involvement in their publication [on website].  
 6 Yet the Court is mindful that it must be vigilant to avoid even the slightest appearance of  
 7 impropriety”).

8 NAF next asserts that “as a matter of law” a judge’s spouse’s views cannot be imputed to  
 9 the judge. NAF Opp. at 12-13 (citing *Perry v. Schwarzenegger*, 630 F.3d 909, 912 (9th Cir. 2011)  
 10 (Reinhardt, J.)). This is incorrect. Judge Reinhardt (writing for himself, not the Ninth Circuit) was  
 11 describing the relationship between his wife’s views and his own, not laying down a precedential  
 12 rule of law. *Id.* (“[M]y wife and I share many fundamental interests by virtue of our marriage, but  
 13 her views regarding issues of public significance are her own, and cannot be imputed to me, no  
 14 matter how prominently she expresses them. It is her view, and I agree, that she has the right to  
 15 perform her professional duties without regard to whatever my views may be, and that I should do  
 16 the same without regard to hers”). By contrast, there is no evidence in the record of a strict  
 17 separation of Mrs. Orrick’s views from those of Judge Orrick. On the contrary, Facebook “likes”  
 18 featuring a photograph of both Judge and Mrs. Orrick were posted on articles denigrating Mr.  
 19 Daleiden, impugning his motives, and applauding his prosecution. Daleiden Affidavit, ¶13.

20 **C. Judge Orrick’s Comments at the May 25 Hearing.**

21 Judicial remarks during the course of litigation may support a bias or partiality challenge “if  
 22 they reveal an opinion that derives from an extrajudicial source.” *Liteky v. U.S.*, 510 U.S. 540, 555  
 23 (1994). At the hearing on May 25, 2017, Judge Orrick stated that Mr. Daleiden would be “well  
 24 advised . . . that he is obligated to follow the Court’s orders and not to try to skate around them and  
 25 cause real harm to human beings . . .” Dkt. 428-1 at 183:3-6.

26 NAF asserts that this comment did not stem from an extrajudicial source, but from Judge  
 27 Orrick’s frustration at an admitted violation of the preliminary injunction. This is incorrect on two  
 28 counts. First, Mr. Daleiden’s counsel did not admit there had been a violation of the preliminary

1 injunction. Ms. Short merely confirmed that videos and names were on the website of Mr.  
2 Daleiden’s criminal defense counsel. Dkt. 428-1 at 175:8-176:9. Whether there was a violation of  
3 the preliminary injunction remains to be determined.

4 Second, whether or not there was a violation of the order, Judge Orrick’s comment went  
5 farther, ascribing to Mr. Daleiden the intent to harm others through his release of videos of abortion  
6 providers talking, whether at NAF meetings or elsewhere. NAF claims that this imputation is  
7 justified in light of Judge Orrick’s finding that the release of earlier videos of abortion providers  
8 talking had led to violence, “including the most recent attack in Colorado Springs.” Dkt. 354 at 36.

9 There is a difference, however, between Judge Orrick (1) relying on hearsay in form of a  
10 newspaper article about the Colorado shooting,<sup>8</sup> articles about unsolved arsons,<sup>9</sup> and self-serving  
11 “reports” authored by Planned Parenthood about an increase in threats and intimidation,<sup>10</sup> in the  
12 context of ruling on a motion for a preliminary injunction to support a *post hoc ergo propter hoc*  
13 finding of the likelihood of irreparable harm from the release of videos of abortion providers  
14 talking, and (2) stating that Mr. Daleiden wants to release videos *in order to* cause “real harm” to  
15 others.

16 The latter comment uses the inadmissible hearsay of the newspaper articles and Planned  
17 Parenthood “reports” as the starting point for even more unfounded extrapolations concerning Mr.  
18 Daleiden’s motives. The “extrajudicial source” of Judge Orrick’s opinion is his bias against Mr.  
19 Daleiden, which took a hearsay news article about a shooting by a madman that took place over  
20 four months after Mr. Daleiden released his first videos,<sup>11</sup> and from that ascribed to Mr. Daleiden  
21 not only responsibility for the shooting,<sup>12</sup> but also, the defense now learns, the intent of causing the  
22 shooting.

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23  
24 <sup>8</sup> Dkt. 294-15.

25 <sup>9</sup> Dkt. 227-5, 227-6, 227-7, 227-8.

26 <sup>10</sup> Dkt. 227-1, 227-2.

27 <sup>11</sup> Dkt. 294-15.

28 <sup>12</sup> Dkt. 354 at 7 n. 42 (release of non-NAF videos of abortion providers talking has had “tragic consequences, including the attack in Colorado where the gunman was apparently motivated by the CMP’s characterization of the sale of ‘baby parts’”).



Judge Orrick's comment on May 25 was not an expression of "well-founded" or "understandable frustration." NAF Opp. at 14. Rather, it reflected a deep-seated bias, mirroring that expressed in the Mrs. Orrick's Facebook "likes" of posts describing Daleiden and CMP as "extremists who will stop at nothing to deny women legal abortion services," under photos of a burning building and a Planned Parenthood clinic with police tape around it. Daleiden Affidavit Exh. 11.

### CONCLUSION

"No Court should tolerate even the slightest chance that its continued participation in a high profile lawsuit could taint the public's perception of the fairness of the outcome. Certainly, this Court is unwilling to take such a risk." *Melendres, supra*, 2009 U.S. Dist. LEXIS 65069, at \*52-53. The evidence presented in Daleiden and CMP's motion for recusal substantiates far more than a slight chance that the public's perception of the fairness of the outcome would be tainted if Judge Orrick continues to preside. Even if they had only presented evidence of a small chance, "[i]f it is a close case, the balance tips in favor of recusal." *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008)

The motion for recusal should be granted.

Respectfully submitted,

June 20, 2017,



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### ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
 Counsel for Defendant CMP



**CERTIFICATE OF SERVICE**

*National Abortion Federation v. The Center for Medical Progress, et al.*  
Case No.: 3:15-cv-3522

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- **Reply in Support of Motion for Disqualification of the Honorable William H. Orrick III.**

I certify that one true and correct copy of the foregoing was served on each of the interested parties in this action, addressed as follows:

\_\_\_\_ (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on this date following our ordinary practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

\_\_\_\_ (BY ELECTRONIC MAIL) I served a true copy, electronically on designated recipients via electronic transmission of said documents.

  X   (BY ELECTRONIC FILING/SERVICE) I caused such document(s) to be Electronically Filed and/or Service using the ECF/CM System for filing and transmittal of the above documents to the above-referenced ECF/CM registrants.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on June 20, 2017, at Rancho Santa Fe, California.

  
Kathy Denworth



**FREEDOM of CONSCIENCE**  
**DEFENSE FUND**

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June 22, 2017

The Honorable James Donato  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: *National Abortion Federation v. Center for Medical Progress, et al.*,  
Case No. 3:15-cv-03522-WHO**

Dear Judge Donato:

Upon further reflection, and after discussing the matter with co-counsel, Defendants respectfully request that the Court schedule a separate hearing for the motion to disqualify in the related Planned Parenthood case. Although the factual and legal issues in the two motions are similar, there are significant differences. Thus, Defendants should be afforded an opportunity to argue that motion, and the Court should hear from Planned Parenthood, so that there is a complete record.

In addition, the Planned Parenthood case contains additional defendants, some of whom have asked about potentially joining the motion to disqualify, and who may wish to be heard.

Thank you for your attention to this matter

LIFE LEGAL  
DEFENSE FOUNDATION

Catherine W. Short

FREEDOM OF CONSCIENCE  
DEFENSE FUND

Paul M. Jonna

THOMAS MORE  
SOCIETY

Thomas Brejcha

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: June 22, 2017

Judge: Hon. James Donato

Time: 30 Minutes

Case No. **C-15-03522-WHO**

Case Name **National Abortion Federation v. Center for Medical Progress et al**

Attorney(s) for Plaintiff(s): Derek Foran/Maggie Mayo

Attorney(s) for Defendant(s): Catherine W. Short/Thomas Brejcha/Paul Jonna

Deputy Clerk: Lisa R. Clark

Court Reporter: Kathy Sullivan

PROCEEDINGS

Motion to Disqualify Judge Orrick - Held

RESULT OF HEARING

The Court hears argument on the motion and takes it under submission.

Docket No. 17-\_\_\_\_\_

*In the***United States Court of Appeals Ninth Circuit**

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

PLANNED PARENTHOOD FED. OF AM., PLANNED PARENTHOOD: SHASTA-  
 DIABLO, INC., PLANNED PARENTHOOD MAR MONTE, INC., PLANNED  
 PARENTHOOD OF THE PAC. SW., PLANNED PARENTHOOD LOS ANGELES,  
 PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC.,  
 PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA & SAN LUIS OBISPO  
 COUNTIES, INC., PLANNED PARENTHOOD PASADENA AND SAN GABRIEL  
 VALLEY, INC., PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, PLANNED  
 PARENTHOOD GULF COAST, and PLANNED PARENTHOOD CENTER FOR CHOICE.  
*Plaintiffs-Real Parties in Interest*

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

NATIONAL ABORTION FEDERATION  
*Plaintiff-Real Party in Interest*

*From Decisions of the United States District Court for the Northern District of California,  
 Case Nos. 3:16-cv-236, 3:15-cv-3522 • Honorable James Donato, District Judge*

**EXCERPTS OF RECORD (VOLUME III OF IV – Pages 326 to 623)**

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**Docket No.**  
**United States Court of Appeals  
for the Ninth Circuit**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ORRICK, JUDGE

NATIONAL ABORTION FEDERATION )  
(NAF), )

Plaintiff, )

VS. )

No. C 15-3522 WHO

THE CENTER FOR MEDICAL )  
PROGRESS; BIOMAX PROCUREMENT )  
SERVICES, LLC; DAVID DALEIDEN )  
(aka "ROBERT SARKIS"); and )  
TROY NEWMAN, )

Defendants. )

San Francisco, California  
Tuesday, July 11, 2017

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

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San Francisco, California 94105

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(Appearances continued on next page)

Reported By: Katherine Powell Sullivan, CSR #5812, RPR, CRR  
Official Reporter - U.S. District Court

**APPEARANCES (CONTINUED) :**

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By Telephone:

Vladimir Kozina  
Erik Zimmerman



Tuesday, July 11, 2017

3:06 p.m.

P R O C E E D I N G S

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**THE CLERK:** Calling civil matter 15-3522, National Abortion Federation versus Center for Medical Progress, et al. Counsel, please come forward and state your appearance.

**MR. FORAN:** Good afternoon, Your Honor. Derek Foran for NAF. And with me at counsel table is Linda Shostak and Christopher Robinson.

**THE COURT:** Good afternoon.

**MR. JONNA:** Good afternoon, Your Honor. Paul Jonna for the Center for Medical Progress.

**MR. HEFFRON:** Good afternoon, Your Honor. I'm Matt Heffron. I'm representing David Daleiden, along with Ms. Katie Short.

**THE COURT:** Good afternoon.

**MR. GERAGOS:** Good afternoon, Your Honor. Matthew Geragos on behalf of the nonparties Steve Cooley and Brentford Ferreira.

**THE COURT:** Good afternoon.

All right. So I want to proceed in the manner that I've laid out in the order that I posted yesterday.

So the first thing I want to find out is whether the timeline of relevant events is accurate. And I'll start with whoever from the defense wants to pick it up.

1           **MR. JONNA:** Good afternoon, Your Honor. Again, Paul  
2 Jonna on behalf of the Center for Medical Progress.

3           I'm going to address some issues that pertain to the  
4 Center for Medical Progress and David Daleiden.

5           Counsel for David Daleiden, Ms. Short and Mr. Heffron,  
6 would also like to be heard on other matters; particularly,  
7 Ms. Short with respect to damages. And Matt Heffron may wish  
8 to be heard as well.

9           **THE COURT:** That's fine. Just so that I'm clear, what  
10 I want to start with is just the timeline.

11           **MR. JONNA:** Sure.

12           **THE COURT:** And then, so just so that it's clear,  
13 after we do the timeline -- and I want to hear from everybody  
14 on the timeline -- then I want answers to the questions that  
15 I've laid out. And then I'm happy to hear argument.

16           **MR. JONNA:** Sure.

17           **THE COURT:** Okay. So let's just stick with the  
18 timeline.

19           **MR. JONNA:** Okay. I just have four points of  
20 clarification on the timeline. And I appreciate the timeline.

21           The first one is that at no time was anything actually  
22 published on CMP's YouTube channel or CMP's website.

23           You could go to CMP's YouTube channel or website on  
24 May 25th, and you wouldn't see any videos that were covered by  
25 the preliminary injunction.

1 All the material on the Steve Cooley & Associates' website  
2 was accessible by following links in filings in the state  
3 criminal case. So when I say they are not published, I mean  
4 they were private, they were unlisted.

5 **THE COURT:** So what is the purpose of putting them on  
6 a YouTube channel if it's not to publish them?

7 **MR. JONNA:** So what I'm taking issue with is the term  
8 "published." And as far as the purpose, Your Honor, I can't --  
9 I can't tell you the purpose of -- and this is an issue that  
10 we're going to discuss today, so I might as well just tell you  
11 right now.

12 There's a complex set of facts here that involve  
13 attorney-client communications. We have carefully considered  
14 them and we -- quite honestly, as to these questions, I'm going  
15 to provide you with substantive answers to the best of my  
16 ability, but there are a lot of areas that I cannot disclose  
17 based on the attorney-client privilege.

18 So I can't answer questions like why -- you know, as to  
19 why my client or why -- you know, why Mr. Daleiden, why CMP may  
20 or may not have done certain things. I cannot answer those  
21 questions today.

22 I can tell you -- I can provide you with alternative  
23 inferences. I can provide you with our responses. But there's  
24 certain information, with respect to these questions, that I  
25 just can't answer based on attorney-client privilege.

1           **THE COURT:** All right. So I'm sitting here trying to  
2 figure out, with respect to materials that I said could not be  
3 published in the preliminary injunction order, what conceivable  
4 reason there would be to put those materials on YouTube -- even  
5 if they're private -- if it wasn't with some purpose of  
6 publishing them.

7           **MR. JONNA:** Okay. Well --

8           **THE COURT:** If you can give me some help there,  
9 Mr. Jonna.

10          **MR. JONNA:** Yeah, absolutely.

11          One conceivable reason would be to provide the information  
12 to criminal defense counsel for purposes of the criminal  
13 defense case.

14          **THE COURT:** But then why wouldn't you use a jump  
15 drive, the same way you did with Judge Hite?

16          **MR. JONNA:** You mean a flash drive?

17          **THE COURT:** The little thing that was provided to  
18 Judge Hite in the criminal matter so that he could review these  
19 things without having any possible access by anybody else.

20          **MR. JONNA:** Okay. As to why it was provided -- why it  
21 could have been provided by flash drive versus a YouTube link,  
22 I'm just telling you, Your Honor, that that's a plausible  
23 explanation for why they're provided to criminal defense  
24 counsel.

25          Criminal defense counsel is represented today. They can

1 answer these questions as well. I don't have an answer to your  
2 question as far as why a specific means was chosen over  
3 another.

4 **THE COURT:** Okay. All right. So sorry I interrupted  
5 you. What's the next point?

6 **MR. JONNA:** Another important point, Your Honor, is  
7 that no one knows when the Steve Cooley & Associates' website  
8 went live.

9 Plaintiff's counsel said "on information and belief" it  
10 went live on May 25th. There is no evidence before Your Honor  
11 as to when it went live.

12 And the inescapable inference that they want to draw is  
13 that information was given to, quote, friends of Mr. Daleiden  
14 before it went live.

15 And there are alternative inferences that can be drawn  
16 from the evidence, from the facts. And one of them is that  
17 there could have been an online alert for people that are  
18 following David Daleiden. For example, a Google alert that  
19 would notify them when information is made available on the  
20 Internet.

21 And it's certainly plausible that the website went live on  
22 May 24th, May 23rd, May 22nd. There's zero evidence that it  
23 went live on May 25th.

24 And I want to talk about the legal standard. I don't want  
25 to get into that now if you don't want to.

1           **THE COURT:** Let's save that.

2           **MR. JONNA:** Okay.

3           **THE COURT:** I really do want to focus on the facts  
4 right now.

5           **MR. JONNA:** There's a lot of very important facts that  
6 Mr. Geragos will want to clarify with respect to Attorney  
7 General seizure of the videos and NAF's position immediately  
8 thereafter. So those are the minor points I wanted to clarify  
9 as far as the timeline. I do have a number of other points I  
10 do want to make.

11           **THE COURT:** Okay. We'll take them up in a bit.

12           Okay. So, Mr. Heffron.

13           **MR. HEFFRON:** Your Honor, I have nothing further to  
14 add as to the timeline.

15           **THE COURT:** All right. Mr. -- oh, Ms. Short.

16           **MS. SHORT:** I have nothing to add to the timeline  
17 either, Your Honor.

18           **THE COURT:** All right. Mr. Geragos.

19           **MR. GERAGOS:** Yes. I'm just going to defer to the  
20 counsel here who know the case better.

21           **THE COURT:** Why don't you step forward, if you would,  
22 please.

23           **MR. GERAGOS:** Sure.

24           No, I would defer, as far as the timeline, unless you want  
25 to delve into the questions you had in regards to my client.

1 Because one of the issues I see here, and now that you've added  
2 an extra hour for the hearing, that -- I'd just like to make a  
3 simple statement because I would like to make even more as you  
4 get to the questions you have.

5 What's happening right now, while they think -- while the  
6 plaintiffs think this is helping their cause, it only is --

7 **THE COURT:** Mr. Geragos --

8 **MR. GERAGOS:** Fine. I'll save --

9 **THE COURT:** -- save the argument for --

10 **MR. GERAGOS:** It's not really an argument. I'm just  
11 trying to alert everybody that as long as this goes on and my  
12 clients are sitting here, I would like to get my clients out of  
13 here because what it's going to do --

14 **THE COURT:** I'm sure that's true. Let's do the facts  
15 first, and then I'm going to ask the questions.

16 **MR. GERAGOS:** The facts, as far as the timeline, I  
17 would leave the timeline to the defense counsel that's here.  
18 We're not party to this -- to this lawsuit, so I can add  
19 nothing further to that.

20 **THE COURT:** Okay. Thank you.

21 Mr. Foran.

22 **MR. FORAN:** Thank you, Your Honor.

23 I have a few points of clarification to make. I want to  
24 be as precise as possible about what we understand the facts to  
25 be and the timeline the Court provided to us.

1       The first point is, there's a reference in your timeline  
2       to a March 28th press conference. I don't believe there was a  
3       press conference. I believe that's the date of the press  
4       release.

5               **THE COURT:** Okay.

6               **MR. FORAN:** That, according to Mr. Ferreira and  
7       Mr. Cooley, invited the reprisal against NAF and its members.  
8       That was a press release.

9       The second point I want to make is, there's reference in  
10      your timeline to a May 16th thumb drive with the seized  
11      evidence.

12      My understanding, and I've confirmed this with  
13      representatives of the California Attorney General's Office, is  
14      that thumb drive did not contain all of the seized evidence.  
15      It only contained --

16              **THE COURT:** Did not contain --

17              **MR. FORAN:** All of the seized evidence. It only  
18      contained the Doe videos, eight of which came from NAF's  
19      meetings. So what you're talking about is a thumb drive  
20      produced in discovery that only covers a few hours of material.

21      Why is that significant? That's significant because the  
22      evidence we presented to the Court shows that CMP started  
23      uploading those Doe videos on May 12th. So we think that the  
24      inference is inescapable that they came from CMP. And nobody  
25      denies it.



1           And the third point I wanted to make, Your Honor, there's  
2 a reference in your timeline to a disclosure by Charlie  
3 Johnson -- not to be confused with the infamous Charles  
4 Johnson -- at 8:43 p.m. on May 24th.

5           And I realized, when I looked at the evidence, that we  
6 didn't have a timestamped copy of that provided to the Court.  
7 I was able to get a timestamped copy showing when that was --  
8 that was uploaded.

9           So we have a timestamped copy for the Court. And I hope  
10 to present a supplemental declaration immediately after the  
11 hearing so the Court can have that.

12           That was, in fact, uploaded at 8:43 p.m. It's a -- it  
13 looks to be a press release that contains quotes from  
14 Mr. Ferreira that nowhere appear on the media page.

15           And, by the way, Charlie Johnson's "Next Right Step" blog  
16 is still up with the names of the Does in this case, a person  
17 who represents himself to be a friend of David Daleiden.

18           Second point, on the disclosures, the National Review,  
19 again, when I was reviewing the evidence we submitted to Your  
20 Honor, I realized that we didn't have a time stamp on that. So  
21 I found a timestamp copy that shows the National Review went  
22 live with a preview doc -- excuse me, video at 12:01 a.m. I  
23 would submit that immediately after the hearing.

24           And the National Review is significant, we think, because  
25 it makes no reference whatsoever to an SCA media page. It

1 states that they have a shocking new video just been released  
2 by the Center for Medical Progress.

3 Also, in the evidence -- this is in the evidence, but we  
4 didn't point it out on our papers. I wanted to take the  
5 opportunity to do that now.

6 Exhibit J to my declaration is another friendly outlet  
7 called the Media Research Center, which also has a time stamp  
8 on it showing that they -- they disclosed the preview video at  
9 12:01 a.m. Eastern Time.

10 Once those disclosures happened, the rest of the ecosystem  
11 picks it up. Susan B. Anthony picks it up, attributes it to  
12 CMP, starts to use CMP's hashtag "ppsellsbabyparts." And by  
13 the time I wake up in the morning, it's all over the Internet.

14 We think, Your Honor, it's fairly obvious that David  
15 Daleiden coordinated this. Those are my points on the  
16 timeline.

17 **THE COURT:** All right.

18 Okay. So now -- Ms. Short.

19 **MS. SHORT:** May I respond?

20 **THE COURT:** Please.

21 **MS. SHORT:** Just to ensure that we are not waiving any  
22 objections, the attribution to CMP in the National Review  
23 website and Susan B. Anthony website are obviously hearsay.  
24 And we object to those on the grounds of hearsay that they're  
25 saying these were published by CMP.

1 And the second thing is, we are somewhat at a loss here  
2 being asked -- you know, saying, we'll give you something after  
3 the hearing, because the version of the National Review that  
4 was attached as an exhibit specifically said that it had been  
5 updated since its initial publication.

6 So Mr. Foran's inference that, you know, they knew about  
7 this -- this is what was published at 12:01, I don't know what  
8 they have now, but what was attached as an exhibit was not what  
9 was published at 12:01.

10 **THE COURT:** Stay here, if you would for a second.

11 But I'll give you an opportunity to reply to anything  
12 that's filed. And why don't you do that within 48 hours.

13 **MS. SHORT:** Thank you.

14 **THE COURT:** Stay, if you would.

15 I listed a series of questions for civil defense counsel  
16 to respond to. And so let me ask you, when did you first  
17 become aware of the existence of the preview video?

18 **MS. SHORT:** Your Honor, we were confused by your order  
19 yesterday saying that you were going to ask these questions.  
20 And Mr. Heffron -- in discussing it. But I think Mr. Heffron  
21 would like to address that issue of asking counsel questions  
22 about this.

23 **THE COURT:** Okay.

24 **MS. SHORT:** Thank you.

25 **THE COURT:** Mr. Heffron.

1           **MR. HEFFRON:** Judge, in further review of your  
2 questions, we have determined that we cannot answer those as  
3 attorneys without implying the attorney-client privilege.

4           And so on behalf of my client, David Daleiden, because the  
5 privilege is invoked on the client's behalf, I am invoking the  
6 attorney-client privilege as to all those questions on behalf  
7 of all the attorneys.

8           **THE COURT:** On behalf of all the attorneys. So the  
9 questions --

10          **MR. HEFFRON:** And, I'm sorry, Judge. When I say "all  
11 the attorneys," those listed there. And those would be  
12 Mr. Daleiden's attorneys and the CMP's attorneys.

13          **THE COURT:** Basically, the civil defense attorneys for  
14 Mr. Daleiden and CMP?

15          **MR. HEFFRON:** Yes.

16          **THE COURT:** So, just to be clear, no one is going to  
17 respond, because of privilege, to the questions:

18          "When did you first become aware of the existence of the  
19 'Preview' video? How?

20          "When did you first become aware of the existence of the  
21 'Defense Filing' playlist videos on CMP's YouTube channel?  
22 How?

23          "What steps did you take to comply with my May 25th, 2017,  
24 order requiring all efforts be made to take down links to the  
25 Preliminary Injunction materials?"

1           You're asserting the attorney privileges to that?

2           **MR. HEFFRON:** Yes, Your Honor. We feel that we are  
3 required to do so.

4           Looking at California Business and Professions Code  
5 6068(e), it states that to maintain -- that the attorney's  
6 responsibility is to maintain inviolate the confidence and, at  
7 every peril to himself or herself, to preserve the secrets of  
8 his or her client.

9           It also says -- it goes further. This is one of the  
10 strongest attorney-client privileges I've seen anywhere in the  
11 country. Even the attorney is not even required to break the  
12 attorney-client privilege to prevent a criminal act resulting  
13 in death or substantial bodily harm.

14           That is a very strict attorney-client privilege. To  
15 answer these questions, all these questions implicate either  
16 communication from the client or advice of the attorneys.

17           To be quite honest with you, Judge, we are all confident  
18 we did exactly what we were supposed to do as far as complying  
19 with the Court's order. But we simply can't address those  
20 questions.

21           **THE COURT:** All right.

22           **MR. JONNA:** Your Honor, may I be heard?

23           **THE COURT:** Mr. Jonna.

24           **MR. JONNA:** Okay. So your order asked Mr. LiMandri to  
25 be here. He apologizes he couldn't be here. He was on a

1 preplanned vacation. He said he would be available by phone if  
2 you want to speak to him.

3 In the meantime, though, we can't divulge the substance of  
4 any attorney-client questions. He did prepare responses to  
5 your questions that do actually shed some additional light. If  
6 I could read those into the record.

7 **THE COURT:** Go ahead.

8 **MR. JONNA:** Okay. So your first question was: "When  
9 did you first become aware of the existence of the 'Preview'  
10 video? How?"

11 "As previously mentioned, we're not in the position to  
12 divulge information protected by the attorney-client privilege.  
13 I can say in that regard, though, that if one were going to  
14 draw reasonable inferences as to why the preview video was  
15 created the most plausible explanations would be the following:

16 "One, that it was initially requested by civil defense  
17 counsel for their own case preparation; and, two, that it was  
18 prepared in the standard CMP format for eventual release to the  
19 public should the preliminary injunction eventually be  
20 dissolved. We had no reason to believe that any such preview  
21 video would be created for release to the public in violation  
22 of the preliminary injunction in the civil action.

23 "Furthermore, the civil defense counsel were not in any  
24 way responsible for the release of any NAF videos in the  
25 criminal action. This is not in dispute, as the criminal

1 defense counsel have accepted sole and complete responsibility  
2 for those actions."

3 Second question was: "When did you first become aware of  
4 the existence of the 'Defense Filing' playlist videos on CMP's  
5 YouTube channel? How?"

6 "Again, as previously mentioned, we cannot divulge any  
7 information that we protected by the attorney-client privilege.  
8 Suffice it to say, however, that whatever steps were taken with  
9 respect to the defense filing were taken in the context of the  
10 separate criminal proceeding. And the civil case defense  
11 counsel took no part in the decision as to how the subject  
12 videos were to be used in that case.

13 "The criminal defense counsel have admitted that they knew  
14 about the preliminary injunction, but they did not think it  
15 barred the use of the subject videos in the criminal case. We  
16 take no position on that as it is outside our area of practice.  
17 We reiterate, however, that we have never advised a client to  
18 violate a court order or injunction or assisted any client in  
19 doing so."

20 The third question: "What steps did you take to comply  
21 with my May 25th, 2017 order requiring all efforts be made to  
22 take down links to the Preliminary Injunction materials?"

23 First of all, Your Honor, this is kind of a technical  
24 point, but I just want to point out, with respect to CMP, your  
25 order requires -- it refers to -- it orders counsel Steve

1 Cooley and Brent Ferreira, and all those working with or for  
2 his counsel, immediately to take down from their website... And  
3 then it goes on, and it says, "Daleiden and his counsel are  
4 also ordered immediately to undertake all efforts," and it goes  
5 on. So one could read that that's referring to Steve and  
6 Brent, Steve Cooley and Brent Ferreria. Or, technically, it  
7 says "Daleiden and his counsel."

8 So we're counsel for CMP. But we didn't take a technical  
9 reading of the order. We assumed, you know, that we should  
10 take steps to comply with the order, too, and we did. But I  
11 just wanted to point out the order doesn't refer to CMP. It  
12 just refers to Daleiden and his counsel.

13 But let me just read the prepared remarks.

14 "During the May 25th teleconference with the Court, Your  
15 Honor ordered us to instruct specific persons to remove the  
16 YouTube links to the videos within 15 minutes. It's our  
17 understanding that any links posted by those persons the Court  
18 asked us to contact were, in fact, removed within 15 minutes.  
19 The civil defense counsel confirmed that all the videos we knew  
20 and were informed about on YouTube were down. The links were  
21 dead. Therefore, we promptly complied with the Court order  
22 issued on May 25th, 2017.

23 "Moreover, what's clear from the transcript of the  
24 argument on May 25th is that the Court's order of that date was  
25 a takedown order covering materials which civil defense counsel



1 believed and accurately represented were already down. And the  
2 Court itself noted this on the record on the transcript, at  
3 page 11.

4 "We didn't know that the videos were on the Steve Cooley &  
5 Associates website on May 25th, or whatever that date was,  
6 until we were informed by counsel for NAF. Other than  
7 communicating what the Court told us to communicate to those  
8 responsible for the videos being made public and providing them  
9 with an actual copy of the Court's order on that date, we did  
10 not believe that we were required to do anything further in  
11 that regard. Moreover, we did not possess the technical  
12 expertise to know what additional steps could be taken in that  
13 regard, nor were we asked to take any further such specific  
14 steps to correct any potential violation for which we were not  
15 responsible.

16 "Furthermore, we're not contenders in this hearing. Due  
17 process requires that if we're going to be accused of any  
18 wrongdoing" -- I'm not saying that that's what you're doing --  
19 "which we expressly deny, that we be given proper notice and  
20 opportunity to respond to any false accusations.

21 "We're appearing here today only in a representative  
22 capacity on behalf of our clients. Of course, we're always  
23 mindful of our professional responsibilities as officers of the  
24 Court. We sought to fulfill our responsibilities here today to  
25 both the Court and our clients to the best of our ability.

1 We've even consulted with a professional ethics expert  
2 regarding these sensitive attorney-client communication issues.  
3 And, that being said, we're confident we've acted at all times,  
4 including here today, within the proper bounds of the law and  
5 applicable cannons of professional ethics."

6 **THE COURT:** Mr. Heffron, were you representing  
7 Mr. LiMandri in this?

8 **MR. HEFFRON:** No, Judge. I'm not representing  
9 Mr. LiMandri.

10 **THE COURT:** Because what I just heard was either a  
11 waiver of the attorney-client privilege or not of value really  
12 here. And I follow the -- I'm not going to try to go behind  
13 the attorney-client privilege here, but that's what I was  
14 listening to, I think, was a waiver.

15 **MR. HEFFRON:** You think that what was just read was a  
16 waiver?

17 **THE COURT:** Wasn't it?

18 **MR. HEFFRON:** I don't believe it was, Judge. I think  
19 it was an explanation in -- Mr. LiMandri's comments were, I  
20 think, to show his respect for the Court and the Court  
21 authority.

22 Because we're in a position here where we don't like to  
23 be, but we think that the attorney-client privilege requires us  
24 to -- to invoke it here.

25 He gave more explanation and perhaps more indication of

1 respect. And so to that extent some of the inferences he said,  
2 I thought, were very appropriate. And I don't think -- from my  
3 reading of it, it wasn't a waiver. And I don't think it was  
4 intended to be, Judge.

5 **THE COURT:** All right.

6 All right. So, Mr. Geragos.

7 Are Mr. Cooley and Mr. Ferreira here?

8 **MR. GERAGOS:** Yes, they are in the audience, Your  
9 Honor. They are nonparties.

10 **THE COURT:** They are not parties, but I would like to  
11 ask them some questions.

12 **MR. GERAGOS:** Okay. And as you heard previous  
13 counsel, on behalf of my -- both clients, Steve Cooley and  
14 Brent Ferreria, I'll be asserting as to your one, two, three --  
15 the five questions, I'll be asserting -- well, I'm not  
16 asserting it. They're asserting the attorney-client privilege  
17 both as to work product, attorney-client communications,  
18 especially in light that there is a -- another court, a  
19 different sovereign than this, that they fall under in the  
20 criminal case.

21 So based upon that, they are not going to be answering  
22 those five questions, the five bullet-point questions that  
23 you've posed.

24 **THE COURT:** All right. Mr. Cooley and Mr. Ferreira,  
25 if you would step forward, please.

1 Come on up. Thank you.

2 **MR. GERAGOS:** Again, Your Honor, if your question is  
3 only to confirm that they are asserting the attorney-client  
4 privilege, I just want to be very clear. Because they are  
5 criminal counsel, I don't want there to be a waiver as I've --

6 **THE COURT:** I'm just going to confirm --

7 **MR. GERAGOS:** Thank you.

8 **THE COURT:** -- that they are asserting the  
9 attorney-client privilege with respect to the questions that I  
10 posed in my orders.

11 So, I assume I'm looking at Mr. Cooley?

12 **MR. COOLEY:** I'm Mr. Cooley.

13 **THE COURT:** Mr. Cooley. Mr. Ferreira. Who knows?  
14 Anyway, thank you for being here.

15 Now, the questions that I have for both of you are:

16 When did you receive the preview video or a link to the  
17 preview video and from whom?

18 And are you asserting the attorney-client privilege as to  
19 that?

20 **MR. FERREIRA:** Yes.

21 **MR. COOLEY:** Yes.

22 **THE COURT:** When did you receive a link to the defense  
23 filing playlist hosted on CMP's YouTube channel and from whom?

24 Are you asserting the attorney-client privilege as to  
25 that?

1           **MR. FERREIRA:** Yes.

2           **MR. COOLEY:** Yes.

3           **THE COURT:** When did you receive a link to the 144  
4 hours of raw footage hosted on CMP's YouTube channel and from  
5 whom?

6           Are you asserting the attorney-client privilege as to  
7 those questions?

8           **MR. FERREIRA:** Yes.

9           **MR. COOLEY:** Yes.

10          **THE COURT:** When exactly did the Steve Cooley &  
11 Associates' media page about your defense of David Daleiden  
12 become accessible to the public through the SCA website? Who  
13 took the steps to make that page accessible to the public?

14          Are you asserting the attorney-client privilege as to  
15 those questions?

16          **MR. FERREIRA:** Yes.

17          **MR. COOLEY:** Yes.

18          **THE COURT:** When did you become aware of my May 25th,  
19 2017, order requiring all efforts be made to take down the  
20 links to the preliminary injunction materials? What steps did  
21 you undertake to comply with that order?

22          Are you taking the attorney-client privilege --

23          **MR. GERAGOS:** One moment, Your Honor.

24          (Counsel confers with his client sotto voce.)

25          **MR. FERREIRA:** We're -- I'm asserting the work product

1 privilege, Your Honor.

2 **THE COURT:** The work product privilege?

3 **MR. FERREIRA:** Yes.

4 **MR. GERAGOS:** You're asking steps upon which he took.

5 **THE COURT:** All right. And how about you, Mr. Cooley?

6 **MR. COOLEY:** Same. Thank you.

7 **THE COURT:** And tell me the basis of the work product  
8 privilege --

9 **MR. GERAGOS:** Your Honor, it is the attorney-client  
10 privilege.

11 But your question asked: What steps did you undertake to  
12 comply with the order? That would invade asking them: Who did  
13 you talk to? What document did you look at? Did you talk to  
14 your client? Did you go onto the Internet?

15 That is their work product, their attorney-client  
16 privilege.

17 So I would expand upon that. Would you agree that it's  
18 also covered under the attorney-client privilege?

19 **MR. FERREIRA:** Yes.

20 **MR. GERAGOS:** Same to you?

21 **MR. COOLEY:** Yes.

22 **THE COURT:** All right. So you're not going to provide  
23 any answers to my questions. I hear that.

24 All right. So now -- thank you, both.

25 Is Mr. Daleiden here? If you'd step forward, please.

1 Mr. Heffron.

2 **MR. HEFFRON:** Your Honor, on behalf of Mr. Daleiden, I  
3 will also invoke the attorney-client privilege concerning all  
4 of your questions, because all of them, as you heard partially  
5 already from Mr. Cooley and Mr. Ferreira, do imply or implicate  
6 the attorney-client privilege either communications or advice  
7 by counsel or working with counsel.

8 We also could -- and I'm not invoking at this point, but  
9 just to let the Court know, we could also invoke the Fifth  
10 Amendment as to all of these. But I think the attorney-client  
11 privilege is sufficient, and that's all we're invoking at this  
12 time.

13 **THE COURT:** All right. And if that's the case,  
14 Mr. Daleiden, is that -- with respect to the questions that I  
15 posed, let me just ask these to you to make sure.

16 Did you have any role in creating the preview video?

17 **MR. HEFFRON:** And, Your Honor, on his behalf, I'm  
18 invoking the attorney-client privilege.

19 **THE COURT:** Okay. When was it created?

20 **MR. HEFFRON:** Same, Your Honor.

21 **THE COURT:** Did you upload the preview video to CMP's  
22 YouTube channel?

23 **MR. HEFFRON:** And I'm also invoking the  
24 attorney-client privilege to that, Judge.

25 **THE COURT:** When was it uploaded?

1           **MR. HEFFRON:** The same, Your Honor.

2           **THE COURT:** Have you shared the preview video in any  
3 way; i.e. by sharing the link or sharing the actual video file  
4 with others since its creation?

5           **MR. HEFFRON:** I'm invoking the attorney-client  
6 privilege.

7           **THE COURT:** Who has administrator access to or can  
8 post material on CMP's YouTube channel?

9           **MR. HEFFRON:** Your Honor, the attorney-client  
10 privilege.

11           **THE COURT:** Did you have any role in creating or  
12 editing the video excerpts, including in the defense filing  
13 playlist on CMP's YouTube channel?

14           **MR. HEFFRON:** Your Honor, I invoke the attorney-client  
15 privilege.

16           **THE COURT:** Did you upload those videos to CMP's  
17 YouTube channel?

18           **MR. HEFFRON:** Same, Judge.

19           **THE COURT:** When?

20           **MR. HEFFRON:** Same, Judge.

21           **THE COURT:** What steps did you personally take to  
22 comply with my May 25th, 2017, order requiring all efforts be  
23 made to take down links to the preliminary injunction  
24 materials?

25           **MR. HEFFRON:** On behalf of David Daleiden, I invoke



1 the attorney-client privilege.

2 Thank you, Judge.

3 **THE COURT:** Thank you.

4 Thank you, Mr. Daleiden.

5 All right. So the only evidence that has been provided by  
6 the defense in response to the information provided by the  
7 plaintiffs relates to defense counsel's meeting on July 20th,  
8 2016, with Judges Jackson and Stewart, that he wasn't notified  
9 and that he was not notified on March 28th, 2017, that the  
10 arrest warrant was contained -- that the arrest warrant  
11 contained a protective order.

12 So given the facts that have been established and the  
13 facts that are asserted, that's what I'm understanding the  
14 situation to be.

15 So, now, I don't know who wants to start with the defense,  
16 with any further argument on this motion.

17 **MR. GERAGOS:** I would, Your Honor. Matthew Geragos.

18 **THE COURT:** And, Mr. Geragos, before you get going,  
19 let me just say, because I might take an arrow out of your  
20 quiver, that there's nothing in the preliminary injunction that  
21 prevents Mr. Daleiden's counsel from presenting a defense for  
22 him in the criminal proceeding.

23 For example, providing Judge Hite with the jump drive was  
24 appropriate. And whatever Judge Hite decides to do with  
25 respect to public disclosure to protect Mr. Daleiden's right to

1 a fair trial in the criminal case is his decision with which I  
2 won't interfere.

3 Just so you have that.

4 **MR. GERAGOS:** I'm glad you did start with that, Your  
5 Honor, because the interference that you cite isn't actually  
6 what, in fact, is happening.

7 You're a separate sovereign here in the federal court.  
8 The state court is another sovereign. Separate and apart.  
9 Cooley and Ferreira are under the guidance of the state --  
10 criminal state court.

11 The interference that is happening now affects their  
12 ability. It's a chilling effect. You're now bringing counsel  
13 for the -- for the accused in the criminal case into court with  
14 the threat of sanctions when they have an obligation not only  
15 under state law but under the Bar to zealously prosecute --  
16 zealously defend their client in the state case.

17 **THE COURT:** Mr. Geragos, in the demurrer, the criminal  
18 demurrer that they filed, they recognize that the preliminary  
19 injunction precluded them from doing the exact thing that they  
20 ended up doing. And Judge Hite didn't allow them to do it.

21 **MR. GERAGOS:** Judge Hite said at the moment or at this  
22 point he took that evidence out of the public record, probably  
23 because not knowing -- because of your order.

24 But, again, when you say they aren't interfered with in  
25 the state court action and why that may be -- you know, you may

1 be sitting here thinking it doesn't. In the back of their  
2 heads, they've got to ask themselves: What do I do? Do I go  
3 out and talk to one of these -- because they have the right to  
4 go out and talk to those Does that are listed as victims. They  
5 have the right to go to them.

6 Does that mean that they're going to violate the  
7 injunction if they then seek somebody else? What happens when  
8 they tell somebody else?

9 **THE COURT:** Is that what they did?

10 **MR. GERAGOS:** Excuse me. That's the effect.

11 **THE COURT:** No, no. You excuse me in this courtroom.

12 **MR. GERAGOS:** I do.

13 **THE COURT:** Is that what they did in this case when  
14 they uploaded the link, 144 hours of videos onto their website?

15 **MR. GERAGOS:** How else are they going to get the  
16 witnesses needed for exculpatory evidence?

17 That's fine for Your Honor to be over here. They're in  
18 the state criminal case in which there shouldn't be  
19 interference with them prosecuting -- or defending that case.

20 **THE COURT:** And if Judge Hite allows them to do that,  
21 if he thinks that that's necessary for a full and complete  
22 defense of Mr. Daleiden, I'm not going to stand in the way of  
23 that.

24 **MR. GERAGOS:** Fantastic. So, as you acknowledge,  
25 let's let the state court judge determine what's going to be

1 used.

2 **THE COURT:** And let's not allow people to violate  
3 clear orders of the Court on their own without going to what  
4 you referred to as another sovereign to get the permission to  
5 do that.

6 **MR. GERAGOS:** I'm sorry. So what you're saying is, to  
7 use an example, if the plaintiffs in this case -- you've made a  
8 decision, you've made a decision that the activity that you saw  
9 in the videotapes was not illegal activity. Does that mean  
10 that Your Honor, at the request of the NAF, could direct you to  
11 have Cooley and Ferreira enter a guilty plea against  
12 Mr. Daleiden?

13 You squinch a little bit there. But what I'm trying to  
14 say is, it's the same thing. It's the control that you have  
15 here. Or the attempt to control.

16 **THE COURT:** Go ahead and argue. What else do you have  
17 to say with respect to this?

18 **MR. GERAGOS:** Uhm, okay. I thought you might want to  
19 comment on that and tell me I'm wrong and tell me where it is  
20 so I can tell my clients -- or they can listen to you -- that  
21 they can go forward not knowing that if you don't or if the NAF  
22 does not like something they're doing, they'll run back here  
23 and always be in fear that they can't defend a case to the  
24 fullest extent.

25 The -- let me see. Oh, and it also brings it back to the

1 fact of and the biggest point that I would say is that the more  
2 that this Court, with the request of NAF, attempts to interfere  
3 with the criminal case -- and I'll say it now because it will  
4 probably come to fruition, is, it will influence. And I'm sure  
5 as counsel sitting out here, defense counsel is sitting out  
6 here, criminal defense counsel, this will be used in a motion  
7 to dismiss because of the interference.

8 You've got the Foran letter that goes to the AG. Doesn't  
9 say that you guys are under the protection of the preliminary  
10 injunction; only that they should be sensitive. And they had  
11 the opportunity to go before the criminal courts. They did  
12 not.

13 So in that sense, my clients are doing what they're  
14 legally entitled to do. They have to put evidence out there.  
15 They cannot be constrained in investigating, finding  
16 exculpatory witnesses and documents and parties to this action.  
17 The criminal action.

18 And with that, I'm asking you to dismiss or dissolve the  
19 preliminary injunction or the OSCS and that be discharged.

20 Thank you.

21 **THE COURT:** All right. Thank you.

22 Mr. Heffron.

23 **MR. HEFFRON:** Your Honor, I'm going to defer to  
24 Mr. Jonna on this matter.

25 **THE COURT:** Okay.

1           **MR. JONNA:** Thank you, Your Honor.

2           So, first of all, I just want to state for the record that  
3 there is a dilemma here: civil versus criminal contempt. I  
4 just want to make my point briefly.

5           **THE COURT:** So you did see --

6           **MR. JONNA:** Yes.

7           **THE COURT:** -- my order?

8           **MR. JONNA:** I did. I appreciate that.

9           **THE COURT:** This is only about civil contempt.

10          **MR. JONNA:** Right. But there was one concerning part  
11 in your order, which said that you were only considering civil  
12 contempt at this juncture. So it wasn't clear to me, and  
13 perhaps if you want to clarify you can, but suggested that it's  
14 still a possibility. So that's point one.

15          Point two is that page 18 of NAF's brief expressly states  
16 the conduct at issue here was willful and constitutes criminal  
17 contempt.

18          And they're seeking criminal penalties. I mean, there's  
19 no way to argue around that. They're asking for referral to  
20 the U.S. Attorney's Office. They're asking for disbarment.  
21 They're asking for disgorgement.

22          We cited authorities that where there's elements of both  
23 civil and criminal mixed, that the sanctions are reviewed under  
24 the procedural requirements of criminal contempt, and that our  
25 clients are entitled to the privilege against

1 self-incrimination and the right to proof beyond a reasonable  
2 doubt.

3 The other thing I want to mention is the legal standard  
4 here, which, as you know, is clear and convincing evidence.

5 And with respect to aiding and abetting contempt, the  
6 standard is that the assistance has to be knowing. And there's  
7 a seminal case that both sides cited. I'll refer to it as the  
8 Sea Shepherd case.

9 I want to briefly explain why that case is important, and  
10 I'd ask you to take a look at it. It's 774 F.3d 935. It's a  
11 Ninth Circuit case from 2014. Both sides cited it.

12 We cited it for the proposition that a party can only be  
13 held in contempt for aiding and abetting another's violation of  
14 a court order if he proved -- if he provided that assistance  
15 knowingly.

16 And just a very brief overview. The plaintiff was a  
17 Japanese whaling company. The defendant, Sea Shepherd, is a  
18 nonprofit group that's against whaling. And they had  
19 interfered with the plaintiff's efforts in the past.

20 The Ninth Circuit issued an injunction to stop that  
21 interference. The injunction prevented the defendant, and  
22 those acting in concert with them, from further interference.

23 The defendant Sea Shepherd U.S. was planning a campaign to  
24 further interfere while the injunction was being instituted by  
25 the Ninth Circuit. And that interference plan was called the

1 "Operation Zero Tolerance." They had an idea. They said, all  
2 right, let's just transfer that operation to another entity of  
3 ours. It's called Sea Shepherd Australia.

4 During the contempt proceedings, a lot of evidence was  
5 uncovered that after the injunction was issued there were board  
6 meeting minutes reflecting that Sea Shepherd U.S. was still  
7 involved in this operation. Sea Shepherd U.S. paid \$163,000 to  
8 assist with the operation. They made radio statements  
9 admitting their involvement in this operation. There were  
10 emails from Sea Shepherd U.S. about showing that they were  
11 consulting and providing advice for this operation. They gave  
12 equipment worth hundreds of thousands of dollars to be used for  
13 this operation.

14 So, as a result, the Court held that they were in  
15 contempt, and there was extensive evidence and given their  
16 extensive involvement.

17 And here, Your Honor, we don't have any evidence as to  
18 David Daleiden and Center for Medical Progress. We -- we have  
19 no such evidence. NAF's case against them is based on  
20 speculation.

21 And I just want to explain that briefly. There's no  
22 disclosures. There's the demurrer filing, and then there's the  
23 SCA media page with respect to the demurrer filing. You have  
24 no evidence before you that Mr. Daleiden or CMP told them what  
25 to put in the demurrer filing.



1       The act of inserting the link to the demurrer was clearly  
2 and admittedly an act by criminal defense counsel. They  
3 exercised their independent professional judgment, the criminal  
4 defense counsel. He didn't question their judgment. He didn't  
5 tell them what to do. He never hired them to engage in illegal  
6 conduct. They were operating based on a good faith -- the  
7 criminal defense counsel, as Mr. Geragos explained --  
8 interpretation of the preliminary injunction. And his failure  
9 to prevent them from inserting that link can't qualify as  
10 contempt.

11       And, as we noted in the papers, all the harms that they're  
12 alleging flow from the SCA website release not the demurrer  
13 filing.

14       There's another significant issue I just want to address,  
15 as well, which is agency. They address that significantly in  
16 their reply. We did not have a chance to respond to the reply.  
17 It is our position that that was improperly filed.

18       Mr. Geragos explained why he doesn't think they violated  
19 your preliminary injunction. But if you find that they did or  
20 that they acted unlawfully, my clients can't be sanctioned for  
21 the unlawful conduct of their attorneys that they didn't  
22 authorize in advance or ratify after the fact.

23       If you want supplemental briefing on this, we would be  
24 happy to provide it. But I just want to point out there's a  
25 lot of legal authority in a very nuanced area of the law.

1 There's a Law Review article that's worth skimming. It's  
2 called "Sanctioning Clients for Lawyers' Misconduct. Problems  
3 of agency and equity." It's 2012 Michigan State Law Review  
4 835.

5 It explains the agency status between clients and lawyers  
6 as an independent-contractor relationship. Attorneys are not  
7 servant employees of their clients. Lawyers, of course, can  
8 bind their clients, but it's generally inappropriate to hold  
9 innocent clients vicariously liable for their lawyers'  
10 litigation-related misconduct based on the respondeat superior  
11 doctrine. So agency status alone will not support vicarious  
12 liability under respondeat superior.

13 Here, the criminal defense lawyers admit that they did not  
14 act in concert with their client. And there's another  
15 important Ninth Circuit case. It's called *LAL vs. California*,  
16 610 F.3d 518, which holds that parties may be relieved from the  
17 consequences of their lawyers' action or inaction if they can  
18 demonstrate their lawyers' gross negligence.

19 Well, they've explained -- the lawyers explained that they  
20 think they acted appropriately. But if you think that they  
21 didn't, if you think they acted willfully or recklessly,  
22 Mr. Daleiden and CMP should not be responsible for that.  
23 There's no evidence that they authorized them to violate the  
24 injunction or that they had the apparent authority to do so.

25 With respect to the media page, I just want to make a

1 couple of brief points.

2 All NAF can infer is that someone at CMP created a private  
3 link to the videos and provided them to David Daleiden's  
4 criminal defense counsel, which is logical if it's true.

5 The videos were designated private or unlisted. And NAF  
6 concedes that.

7 They didn't publish the videos. There's no evidence that  
8 David Daleiden or CMP intended to or did provide the direct  
9 link to the videos to anyone else, other than their criminal  
10 defense counsel.

11 There's no evidence that they intended the link to be  
12 displayed on the Steve Cooley & Associates website. There's no  
13 evidence that they used antichoice outlets to spread any news.  
14 And there's no evidence that they had anything to do with the  
15 Steve Cooley & Associates website or press release.

16 There's -- if Your Honor has questions about the, quote,  
17 undisputed evidence that they referred to in their reply brief,  
18 I could address that. Or if you prefer to wait until I respond  
19 to their arguments, I can do that as well.

20 Those are the main points I wanted to raise. I appreciate  
21 the time and opportunity, but I do want to reserve the  
22 opportunity to comment.

23 Ms. Short would like to address the damages issue if you  
24 would like to hear those now.

25 **THE COURT:** Ms. Short.

1           **MS. SHORT:** Your Honor, there are a number of issues  
2 with regard to -- there's nine separate items of remedies here.  
3 And I don't know if you wanted to wait until you're done with  
4 the rest of the argument or not.

5           **THE COURT:** Why don't you go ahead and tell me your  
6 concerns.

7           **MS. SHORT:** Well, specifically, as to the damages  
8 issue, any compensatory damages must be based upon evidence of  
9 the complainant's actual loss. And this right as a civil  
10 litigant is dependent upon the outcome of the underlying  
11 controversy.

12           So here we have an injunction that was based on a breach  
13 of contract claim. They had several causes of action, but the  
14 preliminary injunction was based solely on the breach of  
15 contract claim.

16           And so -- and we also have a different standard than what  
17 we had in the preliminary injunction hearing where hearsay was  
18 admissible. And here that is not the standard.

19           And so NAF has presented no admissible evidence that any  
20 sort of release of the video -- there's no evidence of harm  
21 arising from the publication of the videos, that the videos  
22 would lead to some harmful results. There's nothing admissible  
23 that's currently in evidence about that.

24           There's no admissible evidence that monitoring the  
25 Internet furthers the safety and security of NAF members.

1 That's an unspoken presumption with no evidence to back it up.

2 Finally, as to the breach of contract, because it is a  
3 breach of contract claim, the foreseeability of the harm is an  
4 issue. If you read the NAF contracts, there is no way that  
5 someone can say, ah, the contracting parties here intended to  
6 prevent the harm of having to spend hours and hours, hundreds  
7 of hours monitoring the Internet for hostile comments about  
8 people.

9 The word "privacy" doesn't appear in the contracts. The  
10 word "identity," "safety," "security," none of those words  
11 appear in the contract.

12 The contract talks about information disclosed at meetings  
13 and workshops, and use it only for the benefit of your -- your  
14 clients and your -- and for the advancement of health. Nothing  
15 in that would suggest that there's a compensable -- that a  
16 foreseeable harm of breach was NAF staff time spent monitoring  
17 the Internet.

18 There's total mismatch between the damages they're  
19 claiming and the contract itself, which is the basis of the  
20 preliminary injunction.

21 **THE COURT:** All right. Thank you. Is that it?

22 **MS. SHORT:** Yes, Your Honor, --

23 **THE COURT:** All right.

24 **MS. SHORT:** -- as to that, damages.

25 **THE COURT:** All right. Mr. Foran.

1 Mr. Heffron, did you want to add anything?

2 **MR. HEFFRON:** Nothing further, Your Honor.

3 **MR. FORAN:** Thank you, Your Honor.

4 Nobody did anything wrong. It's the perfect crime. The  
5 phrase the Court used previously, "this is a shell game," comes  
6 to mind.

7 We understand the Court's rulings with respect to -- or  
8 the fact that this Court is going to respect this invocation of  
9 the attorney-client privilege. We do not think it is proper.

10 So what we have here is overwhelming un rebutted evidence  
11 of a three-minute preview video circulating all over the  
12 Internet, and apparently nobody on the other side knows  
13 anything about it.

14 Somebody published that video. Steve Cooley and Brentford  
15 Ferreira, on David Daleiden's behalf, published that video. We  
16 have presented overwhelming evidence that they did that in  
17 coordination with David Daleiden, whose fingerprints are all  
18 over this like a murder scene.

19 And CMP. The links to the playlist are CMP's playlists,  
20 and nobody denies it. David Daleiden created that three-minute  
21 video, and nobody denies it. They were published on his  
22 behalf, and nobody denies it. And my client has been seriously  
23 injured as a result. And those injuries are ongoing.

24 I want to focus, if I may, very quickly on the  
25 three-minute video itself.

1       We do think, Your Honor, that the evidence here is  
2       unrebutted and overwhelming. I don't think that the Court has  
3       to honor the invocation of the attorney-client privilege here.  
4       I think the crime fraud exception applies.

5       I think that we have made an overwhelming prima facie  
6       showing that they were engaged in or planning a criminal event.  
7       And the attorney-client communications that they're now  
8       shielding before this court were made in furtherance of that  
9       crime. That's *In Re Napster*, Ninth Circuit case; *United States*  
10      *vs. Martin*, the Ninth Circuit case.

11      So in this circumstance, the Court has the authority to  
12      take their testimony in camera, to test this assertion and to  
13      test whether or not the crime fraud exception applies.

14      I do not think that that is necessary, Your Honor. I  
15      think the evidence is unrebutted, and we're entitled to a  
16      contempt finding.

17      But I want to make sure that if there's any doubt in the  
18      Court's mind it has the authority to do that, that it take this  
19      testimony in camera to test these supposed privilege  
20      assertions.

21      With respect to the three-minute video, I heard a speech  
22      from Mr. Geragos about what his client is legally entitled to  
23      do. I heard a speech about interference in state court  
24      proceedings.

25      What does that three-minute video have anything to do with

1 a legitimate defense in the state court proceedings? That is a  
2 hatchet job directed to NAF's members. Ten of the fifteen  
3 clips came from the opposition to the preliminary injunction  
4 motion. Seven of the eleven individuals on that video are not  
5 those in the state court case.

6 What does "Hold Planned Parenthood accountable for their  
7 illegal sale of baby parts," that horrendous term, have  
8 anything to do with the supposed -- what these clients are  
9 supposedly legally entitled to do with respect to the state  
10 court proceedings? The answer is nothing. Nothing.

11 That video was dumped as file number 337 in a URL in a  
12 demurrer on May 3rd. No one is going to pick it up there.

13 It's disseminated to Daleiden's friendlies on the night of  
14 May 24th. And on May 25th, it's the first thing you see on  
15 that media page. There's no commentary. There's no  
16 explanation. It's just sitting there making sure that the  
17 world sees it, for all to see. They didn't want it buried in  
18 the back of a playlist.

19 They were used. Ferreira and Cooley were used by David  
20 Daleiden to perpetrate a public attack on NAF. It's got  
21 nothing to do with interfering with criminal proceedings.

22 And for Mr. Geragos to come in here and make a speech  
23 about what his client is legally entitled to do, after what's  
24 gone on for the last five weeks, is outrageous. It's  
25 outrageous.



1 Your Honor, they should be held in contempt.

2 **THE COURT:** All right. Thank you.

3 Mr. Jonna, did you want to make any final comment?

4 **MR. JONNA:** I'd just like to reiterate that, despite  
5 the inflammatory rhetoric, there's just no evidence as to David  
6 Daleiden and CMP.

7 There's no evidence as to any of the points he just made.  
8 There's no evidence as to when the Steve Cooley & Associates  
9 website went live. He just says, no one denies it. Well, they  
10 didn't prove it. Just because no one denies it doesn't mean  
11 there's sufficient evidence.

12 There's an evidentiary standard here: clear and convincing  
13 evidence. And it's not an insignificant standard. It means  
14 that the party must present evidence that leaves you with a  
15 firm belief or conviction that is highly probable that the  
16 factual contentions of the claim or defense are true. And it's  
17 higher standard than proof by a preponderance of the evidence.

18 So, you know, I think it's really ridiculous to be -- to  
19 be accusing us of committing a crime. I mean, particularly  
20 civil defense counsel. I mean, so I take exception with that.  
21 I think there's absolutely no basis to make that argument.

22 And, to be honest with you, I think I made all my points  
23 initially. Unless you have questions.

24 **THE COURT:** No, I think you did. Thank you.

25 **MR. JONNA:** Thank you.

1           **MR. GERAGOS:** Your Honor, can I be heard?

2           **THE COURT:** Yes.

3           **MR. GERAGOS:** Just to address the last portion of  
4 Mr. Foran's comments in regards to Cooley and Ferreira and the  
5 criminal case.

6           We take the criminal defense seriously. While he may be a  
7 civil lawyer over here in federal court, it's a job that  
8 somebody has to do, granted to us by the Constitution. If he  
9 doesn't like it, I can't apologize for that.

10          Mr. Daleiden is entitled to a zealous vigorous defense.  
11 What counsel do in that -- in furtherance of that, they have to  
12 do for their client.

13          I'd like to address -- I didn't know -- there was a  
14 mention, as far as some of those eight points, in the -- if  
15 this court is going to grant any of those or considering -- I  
16 mean, if the Court could indicate if there's any of these  
17 eight, I won't sit and go through them.

18          **THE COURT:** If you want to say anything about any of  
19 them, please do.

20          **MR. GERAGOS:** Briefly. As to the first request that  
21 they have, in regards to confirm under oath.

22          Again, that is the attorney-client privilege. It would  
23 invade attorney-client work product. And there is no crime  
24 fraud exception here in terms of the civil contempt order.

25          Second, as to the be required to turn over for safekeeping

1 all materials covered by the order, effectively taking away the  
2 material needed in the defense of the criminal case, what would  
3 the attorneys do?

4 Besides the fact that that would be -- I have never seen  
5 that, where some federal court will take away -- in a civil  
6 case, take away a criminal defendant's evidence what needs to  
7 be used to defend a case. Clearly opposed to that and think it  
8 would be totally unconstitutional.

9 Third, the referral to the U.S. Attorney's Office for  
10 investigation, prosecution for criminal contempt, obviously  
11 that one, along with the referral to the State Bar, would be  
12 punitive in nature and would not be appropriate in a civil  
13 contempt proceeding.

14 Requiring them to compensate NAF for number -- in number  
15 five and number six, number five for their fees, when they work  
16 here, they were doing their job in the -- in the criminal case,  
17 they should not be responsible for.

18 As to the sixth prayer that they have, all the fees for  
19 the pro bono work that Morrison & Foerster -- this has been a  
20 limited time period. They -- again, same argument as in number  
21 five. They should not be penalized. That would be another  
22 burden upon them in the criminal case.

23 As to the seventh one, that's as to civil counsel. They  
24 can address that.

25 Eight, imprisonment. I don't think that applies since you

1 said it's a civil contempt order.

2 Thank you.

3 **THE COURT:** Thank you.

4 **MR. JONNA:** Your Honor, if I may be heard for one more  
5 point.

6 **THE COURT:** Go ahead.

7 **MR. JONNA:** There's another point on the damages that  
8 I just want to address, which is we think that the civil  
9 contempt, if there are going to be damages, they should be  
10 deferred.

11 And the law is that civil contempt sanctions disappeared  
12 if the preliminary injunction is later overturned. And there  
13 are some cases on that. And I want to just cite those for Your  
14 Honor, for the record as well.

15 And it's 330 U.S. 258. It's *U.S. vs. United Mine Workers*.  
16 And then *Hampton Tree Farms vs. Yeutter*, which is a Ninth  
17 Circuit case from 1992. It's 956 F.2d 869.

18 And, basically, once an injunction in a civil case has  
19 been invalidated, rights granted under the injunction no longer  
20 exist and can't be afforded.

21 **THE COURT:** So do those cases stand for the  
22 proposition that a party who violates a court order and is  
23 found in contempt and had sanctions awarded against them, that  
24 those sanctions would disappear if the injunction was later set  
25 aside? Is that what those cases say?

1           **MR. JONNA:** That's my understanding, Your Honor.

2           **THE COURT:** All right. I'll look at it. I'll look at  
3 it.

4           **MR. JONNA:** Thanks.

5           **THE COURT:** All right. Anybody -- Ms. Short, you're  
6 looking as if you want to speak.

7           **MS. SHORT:** I'm sorry, Your Honor. In reviewing the  
8 list again -- and it's simply because I don't know what --  
9 usually you give us this helpful summary of what you're  
10 thinking at the beginning of the hearing. And number seven  
11 about the disgorgement --

12           **THE COURT:** The disgorgement from your fundraising  
13 efforts?

14           **MS. SHORT:** Yes.

15           **THE COURT:** I'm not going to do that.

16           **MS. SHORT:** Thank you.

17           **MR. FORAN:** Your Honor, may I be briefly heard for one  
18 minute?

19           **THE COURT:** Of course.

20           **MR. FORAN:** Thank you, Your Honor.

21           Just to respond to Mr. Geragos' comments about the  
22 possession of the tapes. That -- I'm going to explain why  
23 there's no interference with the state court proceedings if the  
24 Court were to order that. That is the most critical relief  
25 that we are seeking.

1 Obviously, we are entitled to monetary compensation to the  
2 extent that we can prove it up, and to attorneys' fees, which  
3 we will submit after the fact if the Court permits to us do so.  
4 Obviously, we're entitled to those things.

5 The most important thing this Court can do for NAF and its  
6 members is take those tapes out of David Daleiden's hands. He  
7 made that three-minute video. Nobody else made that  
8 three-minute video.

9 If you don't do it, Your Honor, we're going to be here in  
10 another six-month's time. There's going to be another  
11 three-minute video floating around the Internet, and everybody  
12 is going to be pleading the Fifth or saying "attorney-client  
13 privilege," and my clients are suffering irreparable injury all  
14 the time.

15 You have to take control of those tapes away from David  
16 Daleiden. Here's why: It does not interfere in the ability to  
17 defend the case in state court.

18 The attorney general issued a search warrant and seized a  
19 whole bunch of materials from David Daleiden. I have no idea  
20 what's in there. Reasonable to assume the materials that are  
21 covered by this Court's injunction certainly is.

22 Records that are seized under a search warrant under  
23 California state law are always subject to control of the  
24 Superior Court. That's *Saunders vs. Superior Court*. The  
25 reference is 219 Cal.Rptr.3d, page 5.

1           So those materials are always subject to the control of a  
2 Superior Court. And Cooley and Ferreira are getting discovery  
3 from the attorney general pursuant to materials that were  
4 seized by the search warrant. So they're going to get the  
5 materials from the attorney general that they need to defend  
6 the criminal case with.

7           What they do not need and what David Daleiden doesn't need  
8 is to be running around there cutting more misleading evidence  
9 tapes and going after NAF and its members.

10          So there's not going to be any interference, whatsoever.  
11 We're not asking the Court, of course, to order Cooley and  
12 Ferreira and Ferreira to turn over materials that are produced  
13 in discovery in the state court case. That's the point I'm  
14 making. And that way there's a balance between protecting NAF  
15 and its members and their ability to defend themselves in the  
16 state court, which we are in no way seeking to interfere with.

17          So, Your Honor, I ask you to take a very, very hard look  
18 at that, that it's really, really important to NAF and its  
19 members, because I'm terribly afraid we're going to be here in  
20 six months' time.

21           **THE COURT:** All right. So let me just tell you, in  
22 light of the lack of further information that I've received  
23 today, with respect to the criminal defense counsel, they do  
24 not get to decide whether they can violate the preliminary  
25 injunction.

1        Linking the 144 hours of videos to their website was a  
2        direct violation of the injunction. There's no possible excuse  
3        regarding the Baltimore videos, which weren't involved in any  
4        way with the criminal prosecution. There's no possible excuse  
5        for the link to the YouTube playlist that was not submitted to  
6        Superior Court. And so I will be finding the defense counsel  
7        in contempt of court.

8        And with respect to CMP and Mr. Daleiden, they created,  
9        published and posted the preview video to YouTube. They  
10       created and published excerpts from the preliminary injunction  
11       materials and uploaded them to YouTube as the defense filings  
12       playlist. And they also published the 144 hours of preliminary  
13       injunction materials to YouTube.

14       Now, I am going to take a look at the arguments that have  
15       been raised today. I'm going to be issuing a written order  
16       pretty shortly.

17       But, in the meantime, I want the plaintiffs to provide a  
18       declaration, by July 28th, that lists the reasonable security  
19       costs and attorneys' fees related to this order to show cause.  
20       And the defense may make a response to that by August 4th.

21       And I am certainly currently inclined, and I think I will  
22       be finding, that CMP, Mr. Daleiden and the criminal defense  
23       counsel are jointly and severally liable for those costs.

24       Second, I want CMP, Mr. Daleiden, and the criminal defense  
25       counsel each to file a declaration by Friday, under penalty of



1 perjury, that all of the preliminary injunction materials have  
2 been taken down from YouTube channels within their, their  
3 clients' and their agents' control, and that no preliminary  
4 injunction materials are accessible in any remote host.

5 Finally, I'm ordering that CMP and Mr. Daleiden turn over  
6 all of their preliminary injunction material in their  
7 possession, custody and control to their lawyers, to remain in  
8 the custody of the lawyers for the remainder of this  
9 litigation, subject to any orders that Judge Hite may make in  
10 the criminal case.

11 CMP and Mr. Daleiden may review the PI material as  
12 necessary for the litigation of these matters, provided that it  
13 remains in the custody of the lawyers.

14 I'll be issuing an order within the next day or two.

15 **MR. GERAGOS:** Your Honor, can I be heard as to a  
16 housekeeping matter?

17 I would like Your Honor to stay your order for at least  
18 the 30 days so that my client can take this matter up on  
19 appeal. Because you're asking for the Friday declaration date,  
20 and I need time for my client to be able to take this up.  
21 Because you're asking for the potential violation of  
22 attorney-client privilege and other privileges that they would  
23 have going forward, so I'm asking that it be stayed at least so  
24 we could take this up.

25 **THE COURT:** I'm not inclined to do that. But I will

1 consider it, Mr. Geragos.

2 **MR. GERAGOS:** Thank you.

3 (At 4:14 p.m. the proceedings were adjourned.)

4 - - - -

5  
6 **CERTIFICATE OF REPORTER**

7 I certify that the foregoing is a correct transcript  
8 from the record of proceedings in the above-entitled matter.

9  
10 DATE: Friday, July 14, 2017

11  
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13 

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15 \_\_\_\_\_  
16 Katherine Powell Sullivan, CSR #5812, RMR, CRR  
17 U.S. Court Reporter  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
Plaintiff,  
v.  
CENTER FOR MEDICAL PROGRESS, et  
al.,  
Defendants.

Case No. [15-cv-03522-WHO](#)

**ORDER OF CIVIL CONTEMPT**

Based on the evidence before me, the record in this case, the failure of defendant Center for Medical Progress (CMP), defendant David Daleiden, respondent Steve Cooley and respondent Brentford J. Ferreira to provide sufficient evidence in response, and for the reasons discussed below, I HOLD CMP, Daleiden, Cooley, and Ferreira in CIVIL CONTEMPT for multiple violations of the February 5, 2016 Preliminary Injunction (PI). As detailed below, these individuals and the entity willfully violated the clear commands of the PI by publishing and otherwise disclosing to third-parties recordings covered by the PI.<sup>1</sup>

**BACKGROUND**

**I. PRELIMINARY INJUNCTION**

The parties and respondents are familiar with the factual and procedural history of this case. Significant to the issue of contempt, on February 5, 2016, I entered a preliminary injunction (affirming a prior existing Temporary Restraining Order), mandating the following:

Pending a final judgment, defendants and those individuals who gained access to NAF's 2014 and 2015 Annual Meetings using aliases and acting with defendant CMP (including but not limited to the following individuals/aliases: Susan Tennenbaum, Brianna

<sup>1</sup> The motions to seal, Docket Nos. 416, 433, 437, 442, 462, and 470 are GRANTED as compelling reasons justify the continued sealing of the materials at issue.

Allen, Rebecca Wagner, Adrian Lopez, and Philip Cronin) are restrained and enjoined from:

(1) publishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned, at any NAF annual meetings;

(2) publishing or otherwise disclosing to any third party the dates or locations of any future NAF meetings; and

(3) publishing or otherwise disclosing to any third party the names or addresses of any NAF members learned at any NAF annual meetings.

Preliminary Injunction [Dkt. No. 354] at 42. The PI was affirmed by the Ninth Circuit. *National Abortion Federation v. Center for Medical Progress*, 2017 WL 1164450 (9th Cir. March 29, 2017).<sup>2</sup>

## II. CRIMINAL INVESTIGATION AND COMPLAINT

On April 5, 2016, the California Attorney General executed search warrants and seized Daleiden's computers and devices containing materials covered by the PI. Foran Decl., Ex. A. (Affidavit in Support of Arrest Warrant). A few days later, Daleiden retained Steve Cooley and Brentford J. Ferreira of Steve Cooley & Associates (SCA) to represent him in any criminal proceedings. On April 15, 2016, NAF's counsel sent a letter to the California Attorney General, notifying the AG that the seized materials are covered by the PI in this case. In July 2016, Ferreira and Deputy Attorney General (DAG) Johnette Jauron meet with the Honorable Terri Jackson of the San Francisco Superior Court to consolidate proceedings related to the search warrants and venue them in San Francisco. During that meeting, Presiding Judge Jackson ordered the DAG to provide all seized evidence to SCA so that SCA could review the evidence for materials that were privileged in connection with this civil case.

On March 28, 2017, the California Attorney General's Office issued a press release that it had filed a criminal complaint against Daleiden and Sandra Susan Merritt. Foran Decl., Ex. A. (Criminal Complaint). The Criminal Complaint alleges that Daleiden and Merritt illegally tape recorded 14 "Does" on various dates in California, the majority of which occurred during NAF's

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<sup>2</sup> Defendants may seek *certiorari* with the United States Supreme Court; the time for filing a petition for a writ of *certiorari* has not yet run.

2014 Annual Meeting in San Francisco. *See generally* Criminal Complaint. On the same day as the announcement, the Hon. Carol Yaggy of San Francisco Superior Court sealed the declaration in support of the arrest warrant. *Id.*

On May 3, 2017, Daleiden was arraigned and the Criminal Complaint was filed with Judge Yaggy's sealing order. On the same day, SCA filed a demurrer challenging the sufficiency of the Criminal Complaint on behalf of Daleiden. Foran Decl., Ex. D (Demurrer). Footnote 1 of the Demurrer contained a link to a YouTube "playlist" containing 337 videos "published" by CMP and labelled "San Francisco Superior Court Defense Filing." Foran Decl., Ex. E ("Defense Filing" playlist).<sup>3</sup> The Demurrer was accompanied by a Request for Judicial Notice (RJN) asking the Superior Court to take notice of the videos under California Evidence Code § 452. Foran Decl., Ex. F. Exhibit 1 to the RJN included the same YouTube link to the Defense Filing playlist as Footnote 1. Foran Decl. ¶ 13. 334 of the videos "published" by CMP in the YouTube Defense Filing playlist were recordings included within the scope of the PI. Foran Decl., ¶ 12. Videos 4 through 336 contain raw unedited footage taken by Daleiden at NAF's Annual Meetings in San Francisco and Baltimore. *Id.* & Ex. E.<sup>4</sup>

SCA did not seek to seal Footnote 1 of the Demurrer or Exhibit 1 to the RJN. Foran Decl., ¶ 13. The Defense Filing playlist link was described by SCA as "private" in the Demurrer, but anyone could use that link to access the playlist. Foran Decl., ¶ 12. A flash drive containing the same videos was also submitted to the Superior Court on May 3, 2017. Demurrer, Footnote 1.<sup>5</sup>

On May 16, 2017, the DAG sent SCA a thumb drive containing just over 20 excerpts of videos that were the basis of the Criminal Complaint. The thumb drive was password protected.

<sup>3</sup> The full title of the playlist is "San Francisco Superior Court Defense Filing" and the last updated date is May 3, 2017. Ex. E.

<sup>4</sup> Video 337 is the Preview video discussed below.

<sup>5</sup> The flash drive was maintained by the Hon. Christopher Hite (the judge assigned to the criminal proceedings) and was not accessible by the public. Foran Decl. ¶ 12. In the June 21, 2017, hearing on Daleiden's Demurrer, Judge Hite declined to take judicial notice of the videos and ordered the flash drive be removed from the court's docket. Foran Reply Decl., Ex. C (Transcript of June 21, 2007 hearing) at 5:27 – 6:5.

### III. FURTHER PUBLISHING AND DISCLOSURE OF PI MATERIALS

Also on May 3, 2017, another video was uploaded to CMP's YouTube channel. This 3 minute and 9 second video was titled "Preview." Foran Decl., Ex. G. It was marked as "private/unlisted" so members of the public could not (yet) know it was there. Foran Decl. ¶ 14. The Preview video contains fifteen "clips" or segments, all or substantially all of which were taken at NAF's 2014 and 2015 Annual Meetings in San Francisco and Baltimore and covered by the PI. Foran Decl. ¶ 4. The video features CMP's logo and website in the bottom right corner and identifies the titles and affiliations/locations of eleven NAF members. Foran Decl. ¶ 5. The video concludes with a request for viewers to "share" the video, to "hold Planned Parenthood accountable for their illegal sale of baby parts" and "to learn more at centerformedicalprogress.org." *Id.* Only seven of the eleven NAF members identified in the Preview video are Does in the Criminal Complaint. Transcript of July 11, 2017 Hearing at 42:1-4.

Between May 12 and May 24, 2017, a further 2 hours and 9 minutes of PI materials were uploaded to CMP's YouTube channel. Foran Decl. ¶¶ 9-10. These 14 videos were taken at NAF's Annual Meetings in San Francisco and Baltimore, and are excerpts of recordings of each of the Does from the Criminal Complaint. Foran Decl. ¶ 10. The videos, plus three others not covered by the PI, were collected into a playlist titled "San Francisco Superior Court Defense Filing – Accusers." Foran Decl., Ex. C (hereafter "Accusers" playlist). The videos and playlist were marked as private/unlisted. Foran Decl. ¶ 9.

On May 24, 2017, at 8:43 p.m. Eastern Standard Time ("EST"), the online blog "The Next Right Step" published a "Breaking News" story that referred to SCA's launch of a media resource page regarding SCA's representation of Daleiden. Foran Decl., Ex. H; Second Supp. Foran Decl., Ex. A. The story provided links to the SCA "Media Page" and includes links to the Criminal Complaint, Demurrer, RJN, and all the video footage "referenced" in the Criminal Complaint. *Id.*, Ex. H. On May 25, 2017, at 12:01 a.m. EST, the Preview video was published on the National Review website. Foran Decl., Ex. J; Foran Second Supp. Decl., Ex. B. The video was embedded on the site and described as a "shocking new video" "from The Center for Medical Progress." *Id.* The National Review website also linked to SCA's Media Page where "all the video footage"

1 referenced by the California Attorney General's office "can be found." *Id.* At 5:47 a.m. EST, the  
 2 Susan B. Anthony list published the Preview video on Twitter, also describing it as a "shocking  
 3 new video" attributed to CMP. Foran Decl., Ex. L. Then at 8:15 a.m. EST, the Preview video  
 4 was published by another Twitter user. Foran Decl., Ex. N.

5 At some point on May 25, 2017, SCA's Media Page went live and was accessible to the  
 6 public from the SCA website. Foran Decl. ¶ 4. NAF's counsel declares on information and belief  
 7 that the page went live in "the early hours" of May 25, 2017. *Id.* The first thing on the SCA  
 8 Media Page is an embedded copy of the Preview video. Foran Decl., Ex. B. The Media Page  
 9 goes on to announce SCA's representation of Daleiden and acknowledges the existence of the  
 10 Preliminary Injunction "preventing David from posting any videos taken at the 2014 and 2015  
 11 NAF conventions." *Id.* The SCA Media Page then linked to the Demurrer and RJN (and Exhibit  
 12 1), from which readers could see the "private" YouTube link and get to the CMP "Defense Filing"  
 13 playlist, allowing access to the 337 videos (including the 144 hours of raw footage from the NAF  
 14 San Francisco and Baltimore conferences). Foran Decl. ¶ 11. The 14 Does from the Criminal  
 15 Complaint were also identified on the SCA Media Page. *Id.* Finally, viewers were provided a link  
 16 to access the Accusers playlist containing the "video-recordings related to interviews" with the  
 17 Does. *Id.*; *see also* Foran Decl. ¶ 9.

#### 18 **IV. TAKE DOWN ORDER**

19 NAF's counsel became aware of the disclosures of the PI material around 8:30 a.m. on  
 20 May 25, 2017, and immediately contacted defense counsel in this civil case, demanding immediate  
 21 removal of the materials from YouTube and SCA's website. Foran Decl., ¶ 22 & Ex. O. Shortly  
 22 thereafter, NAF's counsel contacted SCA and likewise demanded removal of all PI materials.  
 23 Foran Decl., ¶¶ 23-24 & Ex. P. NAF then alerted me to the disclosures. I set a telephonic hearing  
 24 for 4:00 p.m. Pacific Standard Time that day. Dkt. No. 408. Shortly before the 4:00 p.m.  
 25 telephonic hearing, YouTube blocked access to the links on its site. Foran Decl. ¶ 26.

26 During the telephonic conference, I directed the parties that the links to PI materials on the  
 27 SCA website and YouTube should "be taken down within the next 15 minutes, if they haven't  
 28 been taken down already." May 25, 2017 Transcript [Dkt. No. 413] at 6:12-15:11:23-24. Shortly

after the hearing, but before my written Order was issued, the list of “Doe” names and the Preview video were removed from the SCA website. Foran Decl. ¶ 28. The links to the YouTube playlists, however, remained. *Id.*

At 5:24 p.m. on May 25, 2017, my Order Directing Compliance with Preliminary Injunction and Order to Show Cause re Contempt was filed. Dkt. No. 409. Under that Order:

To protect the integrity of the Preliminary Injunction and given the significant privacy concerns at stake, Daleiden is hereby ORDERED to require his counsel – Steve Cooley and Brentford J. Ferreira of Steve Cooley & Associates and all those working with or for his counsel –IMMEDIATELY to take down from their website all links to recordings covered by the Preliminary Injunction and remove all references to the identities of any NAF members who were subjects of the recordings covered by the Preliminary Injunction. Daleiden and his counsel are also ORDERED IMMEDIATELY to undertake all efforts to remove from YouTube the recordings covered by the Preliminary Injunction. If Daleiden, his counsel, or any defendant in this action or their counsel has caused any of the information covered by the Preliminary Injunction to be published or posted in any other manner since entry of the Preliminary Injunction, they are ORDERED IMMEDIATELY to take it down.

May 25, 2017 Order at 2. However, the links to YouTube playlists remained on the SCA Media Page through May 26 and 27. Foran Decl. ¶ 28. The SCA media page was taken down sometime over the following weekend. *Id.*<sup>6</sup>

## V. ADDITIONAL DISSEMINATION OF THE PI MATERIALS

Despite the blocking on YouTube, and the belated actions of SCA in removing the Preview video, Doe names, and eventually the YouTube links, the PI materials were accessed and shared by numerous third parties. In one instance, the 144 hours of the raw footage were loaded to a site for public viewing (that site was subsequently blocked through NAF’s efforts). Foran Decl. ¶ 31. The Preview video – containing excerpts of PI material and disclosing the names of the NAF members shown – was posted on Facebook and viewed more than 469,000 times and shared

<sup>6</sup> In declarations submitted after the OSC re Contempt Hearing, Cooley and Ferreira declare that the PI materials were “taken down at approximately 4:55 p.m. on May 25, 2017.” Dkt. Nos. 477, 478, ¶ 3. Cooley goes on to declare that he hired a computer forensic firm, and the research that firm conducted made it “reasonable to conclude” that the SCA Media Page was “removed sometime between 5/25/2017 and 5/26/2017.” Dkt. No. 478-1, ¶ 7. However, neither Cooley nor Ferreira – who presumably have knowledge about their own website, and who admit to posting the Media Page in the first instance – provide any evidence as to when the Media Page came down.



13,400 times. Foran Decl., ¶¶ 33-34 & Ex. V.

## 2 VI. NAF'S RESPONSE

3 After being alerted to the disclosures, NAF placed its security team on “high alert.”  
 4 Declaration of Senior Director of Security Gannon in Support of NAF's Response to Order to  
 5 Show Cause re Contempt [Dkt. No. 416-4] ¶ 3. NAF immediately contacted all of the members  
 6 shown or mentioned in the Preview video or disclosed as a Doe on SCA's website to advise them  
 7 of the situation and encourage them to take precautions to ensure their safety. Gannon Decl. ¶ 3.  
 8 NAF's outside security firm was asked to monitor social media platforms for threats made against  
 9 any of its members who appeared in the Preview video, as well as any of the identified Does. *Id.*  
 10 Within one hour, NAF's outside security firm reported back, detailing a number of what it  
 11 considered threats; defendants characterize them as merely rhetoric. *Id.* ¶ 4.

12 The monitoring by NAF and its outside security firm has confirmed that since May 25th,  
 13 NAF and its members whose identities were disclosed in the Preview video and on SCA's website  
 14 have seen a sharp increase in “negative and disturbing” threats. *Id.* ¶ 8; *see also* Gannon Supp.  
 15 Declaration [Dkt. No. 462-9] ¶¶ 2-4.<sup>7</sup> For example, one NAF member shown in the “Preview”  
 16 video received direct written communications just hours after it was published calling them “evil,”  
 17 “a baby killer,” and a “systematic murderer.” Gannon Decl. ¶ 6. Another NAF member's  
 18 image—utilizing a headshot from the “Preview” video—has been circulating online and  
 19 generating comments that caused the NAF member to hire a private security firm to drive them to  
 20 and from work and caused other disruptions to their and their families lives. *Id.* ¶ 7.

21 NAF security personnel have met with other NAF members and members of their families  
 22 to monitor and provide recommendations on their security. *Id.* ¶ 9. It was forced to divert both  
 23 internal and outside consultant staff from other projects to work on monitoring and responding to

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25 <sup>7</sup> Daleiden and CMP object to Paragraph 4 of the Gannon Supplemental Declaration – discussing  
 26 the threats a NAF-member physician identified in the Preview video received – as hearsay and  
 27 lacking personal knowledge. Objections [Dkt. No. 469]. The personal knowledge objection is  
 28 OVERRULED. The hearsay objection is sustained in part as to the quoted threats, but  
 OVERRULED as Gannon's understanding that specific threats were made to the physician.  
 Daleiden and CMP also object as hearsay to news reports attached as Exhibit A and B to the  
 Supplemental Foran Declaration. *Id.* I have not considered those news reports in reaching my  
 conclusion as to contempt and remedy. Therefore, those objections are OVERRULED as moot.

the disclosure of the PI information. Gannon Decl. ¶¶ 3,10; Gannon Supp. Decl. [Dkt. No. 462-9] ¶¶ 2.

According to NAF's Senior Director of Communications & Membership, as of June 1, 2017, NAF had incurred \$1,568.26 in direct security costs to fly a member of their Security Staff to conduct security reviews of the home and office of a NAF member shown in the Preview video. Fowler Decl. ¶ 3. Through June 30, 2017, NAF diverted approximately \$26,000 in staff time from regular tasks as a result of the disclosures, assigning those staff to monitor and respond to threats and conduct research into threats related to the disclosures. Supplemental Fowler Decl. ¶ 4 [Dkt. No. 462-5] ¶ 4. An additional \$1,282.50 has been incurred for outside consultant staff. *Id.* & Ex. B. One NAF member facility has been invoiced for direct security costs of \$11,411.92 to provide armed security for a physician featured in the Preview video. *Id.* ¶ 5 & Ex. C.

Finally, as of the close of business on Wednesday, May 31, 2017, attorney fees incurred on behalf of NAF as a result of the disclosures amount to \$96,610.50. Foran Decl. ¶ 35.

## VII. OSC RE CONTEMPT HEARING

Prior to the OSC re Contempt Hearing, I issued an order identifying the timeline of pertinent events relevant to the OSC hearing. The defendants and respondents offered no material disagreement to the timeline or the evidence offered by NAF. I also posed questions that I intended to ask of civil defense counsel, criminal defense counsel, and Daleiden. July 10, 2017 Order Concerning OSC Hearing [Dkt. No. 468]. The questions were:

[For] Ms. Short, Mr. LiMandri, and the other Civil Case Defense Counsel:

- When did you first become aware of the existence of the "Preview" Video? How?
- When did you first become aware of the existence of the "Defense Filing" playlist videos on CMP's YouTube channel? How?
- What steps did you take to comply with my May 25, 2017 Order requiring all efforts be made to take down links to the Preliminary Injunction materials?

[For] Messrs. Cooley & Ferreira:

- When did you receive the Preview Video or a link to the Preview Video? From whom?
- When did you receive a link to the "Defense Filing" playlist hosted on CMP's YouTube channel? From whom?
- When did you receive a link to the 144 hours of raw footage hosted on CMP's YouTube channel? From whom?

- When exactly did the Steve Cooley & Associates “Media Page” about your defense of David Daleiden become accessible to the public through the SCA website? Who took the steps to make that page accessible to the public?
- When did you become aware of my May 25, 2017 Order requiring all efforts be made to take down links to the Preliminary Injunction materials? What steps did you undertake to comply with that Order?

[For] Mr. Daleiden:

- Did you have any role in creating the Preview video? When was it created? Did you upload the Preview video to CMP’s YouTube channel? When was it uploaded? Have you shared the Preview video in any way (i.e., by sharing a link or sharing the actual video file) with others since its creation?
- Who has “administrator” access to/can post material on CMP’s YouTube channel?
- Did you have any role in creating/editing the video excerpts included in the “Defense Filing” playlist on CMP’s YouTube channel? Did you upload those videos to CMP’s YouTube channel? When?
- What steps did you personally take to comply with my May 25, 2017 Order requiring all efforts be made to take down links to the Preliminary Injunction materials?

Dkt. No. 468 at 3-4.

At the July 11, 2017 hearing on the OSC re Contempt, the civil case defense counsel refused to answer any of the questions on the basis of the attorney-client privilege.<sup>8</sup> Criminal defense counsel Cooley and Ferreira also asserted the attorney-client privilege as the basis for refusing to answer the first four sets of my questions. As to the fifth set of questions (“When did you become aware of my May 25, 2017 Order requiring all efforts be made to take down links to the Preliminary Injunction materials? What steps did you undertake to comply with that Order?”), Cooley and Ferreira both asserted the attorney work-product doctrine in addition to attorney-client privilege, refusing to answer those questions as well. Finally, Daleiden asserted the attorney-

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<sup>8</sup> While Attorney Matthew Heffron initially stood up and on behalf of “all civil defense counsel” asserted the attorney-client privilege as a basis to refuse to answer any of my identified questions, Attorney Paul Jonna subsequently stood up and read out a “statement” from Attorney Charles LiMandri. That statement provided some answers and arguable defenses to contempt with respect to the civil defense counsel. *See* Transcript of July 11, 2017 hearing at 16:11 – 20:5. However, to the extent my questions called for attorney-client information (and most did not), LiMandri’s statement arguably waived any properly asserted privilege. *See, e.g., id.* at 18:14 – 22 (“During the May 25th teleconference with the Court, Your Honor ordered us to instruct specific persons to remove the YouTube links to the videos within 15 minutes. It’s our understanding that any links posted by those persons the Court asked to us contact were, in fact, removed within 15 minutes. The civil defense counsel confirmed that all the videos we knew and were informed about on YouTube were down.”).

client privilege and refused to answer any of the four sets of questions I posed to him. As a back up, his counsel also indicated that Daleiden could also take the Fifth Amendment to decline to answer the questions.

In declarations submitted after the OSC re Contempt Hearing on July 14, 2017, Cooley and Ferreira declare that the PI materials were “taken down” from YouTube and remote hosts within their control at approximately 4:45 p.m. on May 25, 2017, as confirmed by their computer forensic firm. Dkt. Nos. 477, 478 & 478-1. Neither Cooley nor Ferreira say who took down that material. Nor do they provide any information about who posted the information to their Media Page, when their Media Page went live, when their Media Page was taken down, or who did any of those acts.

### LEGAL STANDARD

Civil contempt “consists of a party’s disobedience to a specific and definite court order by failure to take all reasonable steps within the party’s power to comply.” *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir.1993). “A party may also be held liable for knowingly aiding and abetting another to violate a court order.” *Inst. of Cetacean Research v. Sea Shepherd Conservation Soc’y*, 774 F.3d 935, 945 (9th Cir. 2014) (citing *Regal Knitwear Co. v. NLRB*, 324 U.S. 9, 14 (1945)). “As a result, a party to an injunction who assists others in performing forbidden conduct may be held in contempt, even if the court’s order did not explicitly forbid his specific acts of assistance.” *Id.* at 948.

As the party alleging civil contempt, NAF must demonstrate that the alleged contemnors violated my Preliminary Injunction by “clear and convincing evidence” and not merely by a preponderance of the evidence. *Id.* Once the moving party makes that showing, the burden then “shifts to the contemnors to demonstrate why they were unable to comply.” *FTC v. Affordable Media, LLC*, 179 F.3d 1228, 1239 (9th Cir.1999).

“Whether a contempt sanction is civil or criminal is determined by examining ‘the character of the relief itself.’” *Ahearn ex rel. N.L.R.B. v. Int’l Longshore & Warehouse Union, Locals 21 & 4*, 721 F.3d 1122, 1129 (9th Cir. 2013) (quoting *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 828 (1994)). As “the Supreme Court explained, [] a sanction generally is civil if it coerces compliance with a court order or is a remedial sanction meant to

1 compensate the complainant for actual losses. “ *Id.* “A criminal sanction, in contrast, generally  
2 seeks to punish a ‘completed act of disobedience.’” *Id.* (quoting *Bagwell*, 512 U.S. at 828).

3 As I noted in the Order Concerning OSC Hearing and explain in more detail below, the  
4 sanctions imposed here are civil. They are intended to coerce CMP and Daleiden to abide by the  
5 Preliminary Injunction on a going forward basis and remove any incentive for further violations,  
6 and they will compensate NAF for the costs and expenses it has reasonably incurred in responding  
7 to the disclosures made in violation of the Preliminary Injunction.<sup>9</sup>

## 8 DISCUSSION

### 9 I. FAILURE TO CONTROVERT OR OFFER ANY EVIDENCE

10 NAF presented clear and convincing direct and circumstantial evidence showing that  
11 CMP and Daleiden violated the PI by uploading and disclosing PI materials to CMP’s YouTube  
12 channel. NAF presented additional clear and convincing evidence that Cooley and Ferreira acting  
13 on behalf of Daleiden, violated the PI by posting PI material on the SCA Media Page, and  
14 including publicly accessible links to PI materials hosted on CMP’s YouTube channel in their  
15 court filings.

16 In response, CMP, Daleiden, Cooley, and Ferreira offer *no evidence*. They dispute  
17 whether NAF met its initial burden, but based on the evidence adduced in the OSC proceedings  
18 and in the record of this case, NAF has. The burden to prove that they did not violate the PI then  
19 shifted to them. *Fed. Trade Comm’n v. Enforma Nat. Prod., Inc.*, 362 F.3d at 1211. Instead of  
20 addressing my specific and narrow questions about their respective roles in the creation,  
21 uploading, and posting of the PI materials, each of them refused to answer any of my questions,  
22 resting on their assertion of the attorney-client privilege.

23  
24  
25 <sup>9</sup> Defendants’ and respondents’ cases that apply criminal contempt standards to proceedings  
26 involving “complex” injunctions are inapposite. *See, e.g., Int’l Union, United Mine Workers of*  
27 *Am. v. Bagwell*, 512 U.S. 821, 837 (1994) (distinguishing the injunction at issue from “a complex,  
28 complex injunction” where court “effectively policed petitioners’ compliance with an entire code  
of conduct”); *U.S. Equal Employment Opportunity Comm’n v. Univ. of Louisiana at Monroe*, No.  
CV 05-1158, 2016 WL 917331, at \*3 (W.D. La. Mar. 8, 2016 (court addressed “complex factual  
interpretations of the Decree”). This Court’s injunction is in no way “akin to ‘an entire code of  
conduct that the court itself had imposed.’” *N.Y. State Nat. Org. for Women v. Terry*, 41 F.3d 794,  
797 (2d Cir. 1994) (quoting *Bagwell*, 512 U.S. at 837).

I explicitly stated in the July 10th Order Concerning OSC Hearing and at the start of the hearing that the *only* potential form of contempt being considered was civil contempt. Criminal contempt was not contemplated. Dkt. No. 468 at 1. In the context of civil contempt, adverse inferences are appropriately drawn in light of refusals to testify or rebut evidence, *even* where the refusal is made on Fifth Amendment grounds. *See, e.g., Aradia Women's Health Ctr. v. Operation Rescue*, 929 F.2d 530, 532 (9th Cir. 1991) (adverse inferences permissible to draw from invocation of Fifth Amendment privilege).

Moreover, the vast majority of questions I posed did not call for disclosure of attorney-client privileged information or attorney work-product, such as when someone learned about a certain action, who had access to CMP's YouTube channel, when the SCA Media Page went live, or what steps they took to comply with my May 25th Order. Nonetheless, Daleiden, Cooley, and Ferreira each refused to answer any part of my questions based on the attorney-client privilege.<sup>10</sup> Even if there was a good-faith basis to assert the attorney-client privilege to refuse to answer the questions (and I do not find that there was), defendants and respondents could have chosen to make a limited waiver of the privilege. They could have asked to give their answers to me *ex parte* with an order limiting the waiver to the questions posed for purposes of determining whether they should be held in civil contempt. They did not seek to do this either. Instead, they chose to stonewall my effort to discover their version of the truth.

NAF's clear and convincing showing remains un rebutted. Given that showing it is not necessary to draw "adverse" inferences against defendants and respondents. To be sure, the reasonable inferences supported by NAF's evidence only strengthen my conclusions. As discussed below, the direct and circumstantial evidence lead to the conclusion that CMP, Daleiden, Cooley and Ferreira each knowingly violated the PI.

## **II. DALEIDEN AND CMP**

NAF's evidence shows that CMP produced the "new" Preview video and asked supporters

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<sup>10</sup> As noted above, after the OSC re Contempt Hearing, Cooley and Ferreira submitted declarations that, as confirmed by their forensic expert, the PI materials had been taken down by 4:45 p.m. Dkt. Nos. 477, 478. Those declarations, however, do not answer my questions concerning the steps Cooley and Ferreira took in response to my May 25 Order.



to share it and get more information from CMP’s website. According to NAF, the Preview video “has all the hallmarks” of the prior videos that Daleiden admittedly produced and took credit for on behalf of CMP, videos whose release led to the filing of this action. It is undisputed that the Preview video was uploaded to CMP’s YouTube channel, as were the 14 videos containing *excerpts* of PI recordings labelled by each Doe’s name as the “Accusers” playlist, as were the 337 videos (334 of which contained recordings covered by the PI) under the “Defense Filing” playlist. It is significant that both the Preview video and the Accusers playlist videos were not just raw footage but were *edited* and cut down from over 500 hours of recordings from the NAF Annual Meetings. The Accusers playlist is comprised of excerpts of recordings showing and identifying the Does in the Criminal Complaint. The Preview video shows seven of those Does and contains other excerpts of PI recordings; excerpts I viewed and addressed in the Preliminary Injunction Order that were characterized by NAF as misleadingly edited and taken out of context and characterized by defendants as showing criminal acts or extreme callousness by NAF members. The conclusion I draw from the direct and circumstantial evidence, from Daleiden’s admitted role with CMP, and from his failure to rebut NAF’s allegations, is that Daleiden was the one who created the Preview video and Accusers playlist, uploaded them onto CMP’s YouTube channel, and forwarded those links to his criminal counsel for their use on his behalf.

Daleiden’s civil case defense counsel has described Daleiden as being the person with intimate knowledge of the 500 hours of recordings. That characterization was made in support of defendants’ objection to NAF’s *prior* request for me to order Daleiden and his civil counsel to relinquish control over the PI materials. According to civil defense counsel at that time, counsel needed Daleiden to retain control over the recordings so that he could parse through the materials to help them defend this case.

All of the relevant videos – both edited/excerpted and the raw footage – were uploaded to CMP’s YouTube channel.<sup>11</sup> At the time of the materials were uploaded to CMP’s YouTube

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<sup>11</sup> Daleiden has declared under penalty of perjury that he is the founder and “Director” of CMP. See Dkt. Nos. 268-2 ¶ 2. Daleiden’s counsel has also sought relief on the theory that CMP is not a separate entity from Daleiden, in other words that Daleiden and CMP are one and the same. See, e.g., Dkt. No. 103 at 1-3; Dkt. No. 118 at 1-3.

channel between May 3, 2017 and May 24, 2017, Daleiden had possession of the PI materials. There is no evidence, except for the limited production of just over 20 video excerpts provided by the DAG to SCA on May 16, 2017, that the SCA attorneys had access to those materials prior to May 24, 2017, much less the intimate knowledge of where in the over 500 hours of recordings excerpts showing the Does could be found. Similarly, there is no evidence that the 337 videos comprising the Defense Filings playlist (including 144 hours of raw footage from the NAF Annual Meetings) was in the criminal defense counsel's possession before they were uploaded to CMP's YouTube channel.<sup>12</sup>

Daleiden and CMP admit the "inescapable inference" from the facts is:

that someone with access to CMP's YouTube channel posted enjoined videos to a private—i.e., accessible by direct link only—playlist on YouTube and *then provided that link to Daleiden's criminal counsel* with the apparent expectation that the videos would be used as evidence in Daleiden's criminal case. *Plaintiffs have provided no evidence suggesting that Daleiden or CMP had any expectation that the videos would be used in any other way than that single one.*

Daleiden/CMP OSC Resp. [Dkt. No. 433-2] at 12 (emphasis added). According to Daleiden and CMP, criminal defense counsel played no role in the creation or uploading of the videos and recordings to CMP's YouTube channel.<sup>13</sup> In light of Daleiden and CMP's deafening silence as to their role, there is clear and convincing evidence sufficient to hold them in contempt.<sup>14</sup>

In addition to their self-created "no evidence" argument, Daleiden and CMP raise a

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<sup>12</sup> In their brief, Cooley and Ferreira assert that at the time Presiding Judge Jackson ordered the DAG to make all seized evidence available to SCA for purposes of privilege review, "Defense counsel already possessed the videos for purposes of investigating the case against Mr. Daleiden." SCA OSC Resp. at 3. There is, however, no declaration or other evidence supporting that assertion.

<sup>13</sup> CMP and Daleiden also admit they knew SCA planned to "use," and therefore disclose and publish, the videos.

<sup>14</sup> There is some additional evidence that CMP likely acting through Daleiden directly disclosed the Preview video, separate and apart from SCA's disclosure. For example, the 12:01 am EST May 25, 2017 publication of the Preview video on the National Review's website, where the National Review attributed the shocking new video to CMP. There is no mention of SCA in connection with the Preview video. Foran Decl., Ex. J; Foran Second Supp. Decl., Ex. B.



number of other arguments that they cannot or should not be held in civil contempt. First, they argue that there is insufficient evidence that the disclosures of the PI materials caused NAF harm resulting from Daleiden's and CMP's alleged role in the disclosures because of the alleged lack of evidence of any harm flowing from the Demurrer and RJN link to the Defense Filing playlist. Daleiden/CMP Resp. OSC at 6-7. Defendants are wrong. *See* Foran Decl. ¶ 31 (noting efforts NAF and its counsel took to take down all 150 hours of materials from all three YouTube links uploaded to Google by one particular user).<sup>15</sup>

Second, Daleiden and CMP argue that they bear no responsibility for the ultimate disclosures on SCA's Media Page. As an initial matter, this argument wholly ignores that the first "disclosure" (if not publication) was the *uploading* of PI materials to YouTube during the May 2017 time period. The PI prevented CMP and Daleiden from "publishing or otherwise disclosing to any third-party" any of the materials covered by the PI. Dkt. No. 354 at 42. Daleiden and CMP do not defend why the uploading of materials to a server operated and controlled by a third-party is not a disclosure to a third-party. Even if the links were "unlisted" and "private" so that they could not be seen (yet) by members of the public, those videos were still disclosed to a third-party, namely YouTube and its employees. The whole purpose of YouTube is to facilitate video-sharing. Marking a video as "private" does not mean it cannot be shared, but only that it will not be searchable or viewable absent having received a link to it. *See, e.g., Viacom Int'l Inc. v. Youtube Inc.*, 253 F.R.D. 256, 264 (S.D.N.Y. 2008) (discussing YouTube.com's default public setting and how videos marked as "private" are nonetheless sharable). The only reasonable conclusion to draw from uploading materials to YouTube is that they were uploaded for the purpose of facilitating the publishing and distribution of those videos, which is what in fact occurred.<sup>16</sup>

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<sup>15</sup> Defendants argue that if there was a violation of the PI, NAF can only be compensated for harms flowing from the first disclosure, *i.e.*, defense counsel's choice to make public the Defense Filing link in the Demurrer and RJN, and that subsequent or cumulative disclosures cannot have separately harmed NAF. Defendants' OSC Resp. at 6-7. That argument, if accepted, would give contemnors a free pass to continue their contempt and provide no disincentive to continued or future violation of court orders.

<sup>16</sup> At oral argument, counsel for Daleiden and CMP posited that the videos could have been

Beyond this unaddressed point, Cooley and Ferreira *admit* that they posted the PI materials and links to CMP’s YouTube playlists on their client’s behalf. SCA OSC Resp. at 13. While Daleiden attempts to walk away from the conduct of his criminal defense attorneys, he cannot. As the Supreme Court has explained, “[p]etitioner voluntarily chose this attorney as his representative in the action, and he cannot now avoid the consequences of the acts or omissions of this freely selected agent. Any other notion would be wholly inconsistent with our system of representative litigation, in which each party is deemed bound by the acts of his lawyer-agent and is considered to have ‘notice of all facts, notice of which can be charged upon the attorney.’” *Link v. Wabash R. Co.*, 370 U.S. 626, 633–34 (1962). Had Daleiden come forward with sworn testimony that he did not know, intend, or approve his attorneys to publicly disclose these materials, additional analysis might be required.<sup>17</sup> But given Daleiden’s silence, no additional analysis is required.<sup>18</sup>

Daleiden attempts to escape liability for anything SCA did with the YouTube links because he acted in good faith and believed that this Court’s PI could not possibly prohibit the use of the videos in his criminal proceeding. CMP/Daleiden Resp. OSC at 6-7. As an initial matter, generalized “good faith” isn’t a defense to civil contempt based on violation of a court order, absent a showing that the court’s order was ambiguous or vague. *See Inst. of Cetacean Research v. Sea Shepherd Conservation Soc’y*, 774 F.3d 935, 953 (9th Cir. 2014). There is no argument that

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uploaded to YouTube for the limited purpose of “sharing” them with criminal defense counsel, an action that in their view would not have violated the PI. That potential explanation is not supported by a declaration or by any reasonable inference from the evidence that is in the record. Neither the attorney-client privilege nor work product doctrine would have been necessary to shield such an explanation.

<sup>17</sup> Daleiden’s own conduct with uploading the materials to CMP’s YouTube channel would still be at issue. This is not “a situation where the lawyer alone commits misconduct and the court visits the lawyer’s sins on the innocent client when awarding sanctions.” Douglas R. Richmond, *Sanctioning Clients for Lawyers’ Misconduct-Problems of Agency and Equity*, 2012 Mich. St. L. Rev. 835, 837 (2012).

<sup>18</sup> During oral argument, defendants’ counsel also relied on *Lal v. California*, 610 F.3d 518 (9th Cir. 2010), to argue that Daleiden and CMP should not be held liable for SCA’s “gross negligence” if I determine that Cooley and Ferreira violated the PI. As discussed, I find Daleiden and CMP in contempt for *their own conduct*, separate and apart from the conduct of Cooley and Ferreira. In addition, *Lal* is inapposite. It addresses whether attorney gross negligence constitutes an “extraordinary circumstance” for relief under Fed. R. Civ. Proc. 60(b). *Id.* at 524-527.

the short, simple commands of the Preliminary Injunction are vague or ambiguous. Even if Daleiden may have held a genuine belief that the PI did not reach use of the videos in support of his criminal defense (and there is no evidence what Daleiden's alleged good faith belief was because Daleiden refused to answer any questions at the OSC re Contempt Hearing and failed to provide a declaration to support the existence of his supposed good faith belief), that does not provide him cover. *Id.* at 943 (rejecting "Defendants' self-serving interpretation of their obligations under our injunction" as an unwarranted invitation to "experimentation with disobedience").

Moreover, as will be described in more detail below, the vast majority of the videos uploaded to YouTube and published on websites, Twitter, and eventually on the SCA Media Page *had little or nothing to do* with the criminal court filings and arguments made in Superior Court. The Criminal Complaint is limited to recordings made in California, but many hours of recordings disclosed by Daleiden, CMP, Cooley and Ferreira were taken at NAF's Baltimore meeting and are irrelevant to the criminal proceedings. Moreover, while the Defense Filing list was submitted to the Superior Court in support of the Demurrer,<sup>19</sup> the Preview video and the Accusers playlist were not.

Finally, Daleiden and CMP argue that NAF has not established its entitlement to damages for the contempt. I disagree. The declarations of Fowler and Gannon from NAF and the Foran Declarations show exactly how NAF was damaged; by having to expend money, staff time, and attorney time (a) to identify and get websites to take down the PI materials, (b) to address their members' security needs caused by the identification of those members in the disclosed PI materials and the threats those members received following the May 25 disclosures, (c) to monitor websites for PI materials and threats against the members identified in the disclosed PI materials, and (d) by their attorneys' legal efforts to secure take downs and sanctions. The harms have been identified and sufficiently established. The reasonable amount of monetary sanctions necessary to

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<sup>19</sup> The Defense Filing list should have been filed under seal, absent an order of the Superior Court. As noted above, the Superior Court denied Daleiden's request that it take judicial notice of the videos and removed them from the docket. *See supra*.

compensate NAF for those harms will be “proved up” as described below.

### III. COOLEY AND FERREIRA

The facts showing express and repeated violations of the PI are even stronger with respect to Cooley and Ferreira. The SCA Media Page expressly acknowledged the existence of the PI and that the PI prevented Daleiden from “publishing or otherwise disclosing to any third-party” any recordings covered by the PI.<sup>20</sup>

Cooley and Ferreira argue, instead, that they reasonably believed the PI did not bind *them*, even though they admit that at all times they were acting on their client’s behalf. SCA OSC Resp. at 4. Cooley and Ferreira admit that all of their acts were in furtherance of representing their client. But if Daleiden could not violate the PI, they could not do so on his behalf. Rule 65(d) specifically binds a party’s “officers, agents, servants, employees, and attorneys” to an injunction binding the party. Fed. R. Civ. Proc. 65(d)(2)(B).

Cooley and Ferreira’s arguments that they had a good faith belief the injunction did not cover them fails for the same reasons that argument fails for Daleiden.<sup>21</sup> There is nothing ambiguous about the scope of or language in the PI. That the PI does not “enjoin in the future criminal defense counsel” from using the PI materials “should criminal charges be brought in a separate sovereign” is irrelevant. SCA OSC Resp. at 10. The PI expressly covered Daleiden, and Cooley and Ferreira were at all times working as his agents. If there was any doubt, prudent counsel could have sought guidance from me or from the Superior Court. Cooley and Ferreira did not.<sup>22</sup> They decided to publicly disclose the materials with full knowledge of the existence of the

<sup>20</sup> As noted above, Cooley and Ferreira provide no evidence explaining how they received the information at issue – the Preview video link to embed on their site, the YouTube link to the Accuser playlist containing excerpts from PI recordings showing the Does named in the Criminal Complaint, or the YouTube Defense Filings playlist linking to the 144 hours of raw footage. As discussed above and arguably admitted by CMP and Daleiden, the only reasonable conclusion is that all of the YouTube materials were edited, uploaded to YouTube, and delivered via link to Cooley and Ferreira by Daleiden.

<sup>21</sup> As with Daleiden, neither Cooley nor Ferreira submit a declaration attesting under penalty of perjury as to what their belief actually was with respect to the PI. There is simply no evidence at all on this topic.

<sup>22</sup> In contrast, the civil case defense counsel notified me that a defendant received a grand jury subpoena from a local law enforcement agency and that they expected the testimony and responses

PI binding their client and them.

Cooley and Ferreira also argue that the PI could not prevent them from publicly disclosing the PI materials because they did so in order to mount a full and vigorous criminal defense for Daleiden. In their OSC Response, Cooley and Ferreira do not even attempt to show how the embedding of the Preview video on their website and providing the link to the Accusers YouTube playlist was done in connection with contemplated or actual legal proceedings in Superior Court. Instead, they focus on their use of the Defense Filing YouTube playlist in their Demurer and RJN, arguing that it was important to submit that to the Superior Court to “defend their client’s right to due process as well as demonstrate to the superior court their position that the videos themselves disproved there was a violation of any alleged victim’s right to privacy.” SCA OSC Resp. at 4. They fail to acknowledge that submission of the Defense Filing YouTube link was unnecessary when they also filed a thumb drive containing the same videos. Nor do they address why, if using the link in the Demurrer itself and the RJN was necessary, they did not file those portions of the documents under seal. They fail to address that if their purpose was to defend their client’s right to due process – presumably access to the Does’ names and specific identification of the recordings charged by the AG (the arguments that were made in the Demurrer) – and to show that there was no privacy violation, *why* did they include in that link recordings made at NAF’s Baltimore conference (which were not charged in the Criminal Complaint)? Why did they include all 144 hours when the vast majority of those hours were irrelevant to the issues raised?

Absent explanation from Cooley and Ferreira, the only conclusion I can draw from the uncontroverted facts is that Cooley and Ferreira’s use of the Defense Filing link was a wholly gratuitous effort to give Cooley and Ferreira a fig leaf to cover their plan to violate the PI by making the raw footage and the other videos available to the public. Despite the lip service argument that disclosure of the raw footage was necessary to show the Court and the public why the Demurrer should be granted, Cooley and Ferreira admit that their real goal was to score a win

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called for might touch upon or disclose PI information. Dkt. No. 323-3. Counsel notified me in advance of the appearance and sought guidance to the extent I had concerns about that intended testimony. No response from me was necessary, but the civil case defense counsel adopted the appropriate approach, seeking guidance in advance.

in the court of public opinion by releasing the PI materials. They admit that the decision to post the videos on their website “was in the first instance a way criminal defense counsel through which they could get their side of the story out.” SCA OSC Resp. at 5. Relying on the fact that *they* had first failed to file under seal the YouTube link in the Demurrer and RJN, and that the AG had not objected to the YouTube link in the Demurrer and RJN, Cooley and Ferreira argue that they believed they were then free to include that link on their website as well as the edited and excerpted Preview video and Accuser playlist “in response to the Attorney General’s press release” on the criminal case. *Id.* There is no rational or legal basis for such a belief.

Cooley and Ferreira also complain of a double standard, arguing that because the California Attorney General is not bound by the Preliminary Injunction and is free to use the PI materials, they should be free to do so as well. SCA OSC Resp. at 11. However, what law enforcement agencies do with evidence secured through legally obtained search warrants or pursuant to criminal subpoenas is not something I have interfered with or intend to interfere with. *See* Dkt. No. 323-3.<sup>23</sup> Cooley and Ferreira are not on equal footing with state or local law enforcement agencies.

I also reject Cooley and Ferreira’s argument that complying with the Preliminary Injunction would hamper their ability to defend Daleiden. They have already made a successful (in part) Demurrer. Foran Reply Decl., Ex. C (Transcript of Superior Court proceedings).<sup>24</sup> As the criminal case progresses, I will not interfere with Judge Hite’s determinations concerning what information about the Does or what portion of the relevant recordings should become publicly accessible or disclosed in connection with the criminal pre-trial and trial proceedings. Those determinations are Judge Hite’s, not Cooley’s, Ferreira’s or Daleiden’s.<sup>25</sup>

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<sup>23</sup> Relatedly, a number of subpoenas were issued by state attorneys generals for the PI materials. NAF and defendants negotiated agreements to *defer* responses or legal challenges to those subpoenas pending the appeal of the Preliminary Injunction Order. I have taken steps to ensure that those attorney generals *supported* those deferments. *See* Dkt. Nos. 379, 380.

<sup>24</sup> In so ruling, Judge Hite declined to take judicial notice of the videos and ordered the flash drive removed from the court’s docket. *Id.* at 5:27 – 6:5.

<sup>25</sup> There is no support for defendants’ or respondents’ assumption that, given Daleiden’s public trial rights under the Sixth Amendment, all of the PI materials they disclosed in contravention of



Defendants and respondents’ apparent request for *Younger* abstention with respect to the PI has no merit. In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court explained how “interests of comity and federalism counsel federal courts to abstain from jurisdiction whenever federal claims have been or could be presented in ongoing state judicial proceedings that concern important state interests.” *Hawaii Hous. Auth. v. Midkiff*, 467 U.S. 229, 237–38 (1984). Abstention is not warranted here because *significant* federal proceedings have already occurred, and they occurred well before the state court action was initiated. *Id.*<sup>26</sup> Instead, because “federal courts must normally fulfill their duty to adjudicate federal questions properly brought before them,” this case will proceed (pending exhaustion of the Supreme Court *certiorari* process by defendants if they choose to seek it) and the PI remains in place and in effect. *Id.* Finally, even if *Younger* abstention was theoretically feasible, it is not necessary given the lack of any true conflict between NAF’s interests in this case and Daleiden’s ability defend himself in state court.

### CONCLUSION AND REMEDIES

Based on the foregoing, defendants Center for Medical Progress and David Daleiden, and Daleiden’s criminal defense attorneys Steve Cooley and Brantford J. Ferreira, as the agents of Daleiden, ARE FOUND IN CIVIL CONTEMPT for violating the clear mandate of the Preliminary Injunction Order, due to the following conduct each of them facilitated, conducted, or directed:

- (i) the uploading and hosting of the Preview video containing recordings covered by the PI Order on CMP’s YouTube channel; the posting of CMP’s Preview video on the SCA website; and the posting/sharing of CMP’s Preview video through links to its location on CMP’s YouTube channel;
- (ii) the uploading and hosting excerpts of video materials covered by the PI Order on

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the PI would become public through the trial. For example, they ignore that a substantial amount of the disclosed PI materials were from the Baltimore NAF meeting and there are no criminal charges related to those recordings. Judge Hite will determine what is relevant, admissible, and accessible to the public in the criminal proceedings.

<sup>26</sup> The posture of this case is the opposite of the posture in *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1 (1987), relied on by respondents. In that case, Texaco filed a federal action *after* a state court jury verdict, to prevent that verdict from becoming an enforceable judgment. *Id.* at 5-6.

CMP's YouTube channel, subsequently collected as the "Superior Court Defense Filing - Accusers" playlist; posting on SCA's website the link to the Accusers playlist hosted on CMP's YouTube channel; and

(iii) the uploading and hosting of the over 144 hours of PI Materials to CMP's YouTube channel collected as the Defense Filing playlist; the posting on SCA's website of the Demurrer and related Request for Judicial Notice, making the link to the Defense Filing playlist hosted on CMP's YouTube channel accessible to the public; and the failure to file Footnote 1 and Ex. 1 to RJN under seal in the first instance.

In order to secure these parties' and respondents' current and future compliance with the Preliminary Injunction Order and to compensate NAF for expenses it has incurred that are directly the result of the violation of the Court's Preliminary Injunction Order, CMP, Daleiden, Cooley, and Ferreira are held jointly and severally liable for:

(i) NAF's security costs, incurred from May 25, 2017 as a result of the violations of the Preliminary Injunction Order. NAF's Security Costs are calculated, based on the Fowler declarations as:

(a) \$1,568.26, for the security assessment of the home and office of one of the individuals named and featured in the Preview video. Fowler Decl. ¶3.

(b) \$11,411.92, for security costs incurred by a NAF-member facility to protect a physician identified in the Preview video. Fowler Supp. Decl. ¶ 5 & Ex. C.

(ii) NAF's personnel time, incurred as a result of the violations of the Preliminary Injunction Order, because NAF was required to divert in-house staff from other work and provide additional assignments to outside consultants. NAF's personnel costs are calculated, based on the Fowler Declarations, as:

(a) \$26,000 for in-house staff time through June 30, 2017. Fowler Supp. Decl. ¶ 4.

(b) \$1,282.50 for outside consultant time. *Id.*

(iii) NAF's attorneys' fees incurred as a result of the violations of the Preliminary Injunction, including counsel's efforts to get websites to "take down" the PI materials and the time reasonably incurred in communicating with civil and criminal defense counsel and



moving for contempt sanctions. The amount of attorneys' fees incurred by NAF's counsel, as of June 1, 2017, is \$96,610.50. Foran Decl. [Dkt. No. 462-5] ¶ 37.

By July 28, 2017, NAF's counsel shall lodge *in camera* with chambers their detailed and contemporaneous billing records substantiating their attorneys' fees request. At the same time, NAF shall e-file a redacted copy of the same, redacting only information protected by the attorney-client or attorney work product doctrines. By August 4, 2017, if they wish, counsel for CMP, Daleiden, Cooley, and Ferreira may file a joint objection, not exceeding 10 pages, challenging specific entries or the reasonableness of the time spent by NAF's counsel.

Similarly, by July 28, 2017, NAF shall lodge *in camera* with chambers a detailed breakdown of the \$26,000 in time NAF has incurred by diverting in-house staff to respond to the disclosures. That breakdown shall list the title of each staff member whose time is sought, the hourly rate sought for staff member's time, the hours spent by each staff member, and a general description of the tasks completed by each staff member. At the same time, NAF shall e-file a redacted version (if redaction is necessary) of the same. By August 4, 2017, if they wish, counsel for CMP, Daleiden, Cooley, and Ferreira may file a joint objection, not exceeding 10 pages, challenging specific entries or the reasonableness of the time spent by NAF's in-house staff.

I will take the billing records and any objections under submission, and issue a final order quantifying the total amount of sanctions imposed for the civil contempt.

In addition to these monetary sanctions, as announced at the hearing on July 11, 2017, I ORDER the following:

- (i) On or before Friday July 14, 2017, CMP, Daleiden, Cooley, and Ferreira must confirm under oath that they have "taken down" or otherwise removed any materials covered by the PI Order from any third-party hosting service (*e.g.*, YouTube) and removed any materials covered by the PI Order from websites under their control<sup>27</sup>; and
- (ii) On or before Friday July 14, 2017, CMP and Daleiden must turn over to counsel all

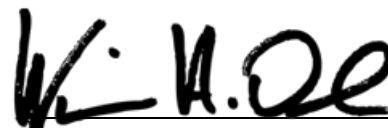
<sup>27</sup> Pursuant to the Minute Order following the July 11, 2017 hearing, on July 13, 2017 and on July 14, 2017, Daleiden, Cooley and Ferreira filed these confirmations under oath. Dkt. Nos. 476, 477, 478.

1 materials covered by the PI Order and must not retain control over any of that material,  
2 absent further Order of this Court or the Superior Court handling the criminal matter.  
3 Absent an order from this Court or the Superior Court providing Daleiden with greater  
4 access to that material, Daleiden may only access the PI material onsite at the offices of  
5 SCA or his civil defense counsel.

6 In imposing these sanctions for civil contempt, I have considered the character and  
7 magnitude of “the harm threatened by continued contumacy, and the probable effectiveness of any  
8 suggested sanction in bringing about the result desired.” *United States v. United Mine Workers of*  
9 *Am.*, 330 U.S. 258, 304 (1947). If there are any further violations of the PI, I will move swiftly to  
10 ensure compliance with the PI. If that occurs, I will consider further and more significant civil  
11 sanctions, as well as criminal contempt sanctions.

12 **IT IS SO ORDERED.**

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14 Dated: July 17, 2017

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18 William H. Orrick  
19 United States District Judge  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,  
Plaintiff,  
v.  
CENTER FOR MEDICAL PROGRESS, et  
al.,  
Defendants.

Case No. [15-cv-03522-WHO](#)

**ORDER SETTING AMOUNT OF CIVIL  
CONTEMPT SANCTIONS**

On July 17, 2017, I issued an order finding defendants Center for Medical Progress (CMP) and David Daleiden and Daleiden's criminal counsel, Steve Cooley and Brentford J. Ferreria (respondents), in contempt for willfully violating the clear commands of the Preliminary Injunction Order (PI), Dkt. No. 354, by publishing and otherwise disclosing to third-parties recordings covered by the PI. Dkt. No. 482 at 21 (Contempt Order). In order to secure those parties' and respondents' current and future compliance with the Preliminary Injunction Order and to compensate NAF for expenses incurred as a result of the violation of my Preliminary Injunction Order, I held CMP, Daleiden, Cooley, and Ferreira jointly and severally liable for: (i) NAF's security and personnel costs incurred as a result of the violations of the PI; and (ii) attorneys' fees incurred as a result of the violations of the Preliminary Injunction, including counsel's efforts to get websites to "take down" the PI materials and the time reasonably incurred in communicating with civil and criminal defense counsel and moving for contempt sanctions. *Id.* at 22-23. As directed in the Contempt Order, NAF has since submitted detailed records regarding its security costs and attorneys' fees and costs, and defendants/respondents have objected to those requests on both general and specific grounds. Dkt. Nos. 484, 485, 487, 488, 489, 490.

In this Contempt proceeding, my ultimate purpose is to consider the character and magnitude of “the harm threatened by continued contumacy, and the probable effectiveness of any suggested sanction in bringing about the result desired.” *United States v. United Mine Workers of Am.*, 330 U.S. 258, 304 (1947). For the reasons discussed below, I set the amount of civil contempt sanctions to be paid jointly and severally by CMP, Daleiden, Cooley, and Ferreira at \$195,359.04, an amount significantly less than sought by NAF but an amount sufficient, I hope, to insure future compliance.<sup>1</sup>

## **I. NAF’S COSTS**

### **A. In general**

As an initial matter, defendants object to the costs NAF seeks to recover, arguing that the costs were not “reasonably” incurred and are not recoverable under NAF’s breach of contract claim (the only claim NAF asserted in support of the PI). Defendants’ Objections (“Objs.”) [Dkt. No. 487-3] at 7-14.<sup>2</sup> Similar arguments were raised in defendants’ response to the OSC and rejected when I issued the Contempt Order. *See* Dkt. No. 434 at 9-13. Briefly, because the purpose of the civil contempt sanctions is to compensate NAF for the expenses incurred and to encourage defendants and respondents to abide by the PI going forward, the NAF costs that I include in the civil contempt sanctions award do not have to be damages that would flow from the underlying breach of contract claim. As to “reasonably incurred,” I have already considered this in connection with the Contempt Order and conclude that, in general, the costs NAF seeks to recover were reasonably incurred in response to the violations of the PI Order.

### **B. Specific Costs**

According to the Declaration of Melissa Fowler, NAF seeks to recover four categories of costs. First, security costs paid to outside vendors amounted to \$28,176.62, incurred to: (i) uncover and monitor threats made in response to the Preview video and release of PI materials; (ii) complete related research; and (iii) provide personal security services at a NAF-member clinic to a

<sup>1</sup> The administrative motions to seal, Dkt. Nos. 485, 487, are GRANTED for good cause shown.

<sup>2</sup> Respondents Cooley and Ferreira join defendants’ objections. Dkt. No. 490.

physician featured in the Preview video. Fowler Decl. ¶¶ 3, 4, 6 & Exs. A, C-1, C-2. Second, NAF incurred travel costs of \$397.40 to send security staff to conduct an on-site assessment. *Id.* ¶ 5, Ex. B. Third, it absorbed personnel costs in the amount of \$29,417.96 for staff time diverted from normal duties to address and respond to the disclosures of PI materials. Fourth, it also absorbed “other costs” in the amount of \$6,327.56 for staff travel and meal expenses.

As to the monitoring and research costs (\$5,150 and \$1,282.50), I conclude that those costs were reasonably incurred and necessarily related to the disclosure of the PI materials. Similarly, the travel expenses (\$397.40) were reasonably incurred and necessarily related to the disclosure of PI materials. As to the personnel costs (\$29,417.96), I find that the monitoring done and additional security issues addressed by staff identified in the Fowler Declaration are compensable and were reasonably incurred and necessarily related to the disclosure of the PI materials. The attendance at the Contempt hearing by three NAF staff members is also reasonable and compensable, as in-person testimony may have been (although in the end was not) necessary. The \$6,327.56 in “other costs” including travel time for the three staff to attend the Contempt hearing are reasonable and were necessarily incurred.

However, I will not include the costs incurred by a NAF-member clinic for security (\$21,744.12) as part of the civil contempt sanctions award. In the Contempt Order, I limited the sanctions to “NAF’s security costs.”<sup>3</sup>

Therefore, NAF’s costs in the amount of \$42,575.42 are included in the civil contempt sanctions award.

## **II. ATTORNEY’S FEES AND COSTS**

NAF seeks compensation for \$280,482.00 in attorney time and \$7,297.95 in costs incurred as a result of the violation of the PI. Dkt. No. 484 at 5.

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<sup>3</sup> I am not reaching any conclusion that a NAF-member clinic is or is not entitled to damages flowing from the underlying action. In addition to the limitation in the Contempt Order cited above, my primary task here is not to determine whether the NAF-member security costs were proximately caused by the actions of respondents, but to weigh the character and magnitude of threatened continued harm with the probable effectiveness of the sanction in order to secure compliance.

### A. Hourly Rate

Defendants object to the hourly rates requested by NAF's counsel, arguing that the requested rates have not been adequately supported by declaration or citation to cases approving those rates for similarly situated counsel. Defendants suggest, instead, that NAF's counsel should be compensated at the *Laffey* matrix rates, adjusted upwards by eight percent to account for San Francisco's higher costs. Objs. at 2.<sup>4</sup>

As an initial matter, neither side addresses whether case law applicable to statutory fee awards applies in the context of setting sanctions for violation of a Court order. I will assume that case law applies. In that context, "[t]he burden is on the fee applicant to produce evidence 'that the requested rates are in line with those prevailing in the community'" and "[i]n general, '[a]ffidavits of the plaintiffs' attorney and other attorneys regarding prevailing fees in the community, and rate determinations in other cases, particularly those setting a rate for the plaintiffs' attorney, are satisfactory evidence of the prevailing market rate.'" *Hiken v. Dep't of Def.*, 836 F.3d 1037, 1044 (9th Cir. 2016) (quoting *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008) and *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)).

NAF's counsel have not justified their requested rates in reference to fee awards in other cases or with affidavits demonstrating that the requested rates are reasonable for similarly situated attorneys in similar practice areas. *Hiken v. Dep't of Def.*, 836 F.3d at 1044 (the "reasonable rate should generally be guided by the rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation." (internal quotation omitted)). And at the same time, I have serious concerns about using rates based on the *Laffey* matrix. As I and other courts in this District have recognized, "[a]bsent some showing that the rates stated in the matrix are in line with those prevailing in this community . . . the matrix is not persuasive evidence of the reasonableness of its requested rates." *Public.Resource.org v. United States Internal Revenue Serv.*, No. 13-CV-02789-WHO, 2015 WL 9987018, at \*6 (N.D. Cal. Nov. 20, 2015). Defendants have made no showing that their suggested rates (the matrix plus 8%) are in

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<sup>4</sup> Defendants also object to the characterization of the years of counsels' practice, instead relying on the NAF attorneys' dates of bar admission to set their "years" of practice. Dkt. No. 487-3 at 3.

line with the rates prevailing in this community for the legal work at issue.

Given that I lack any other evidentiary basis to set the rates, and that using higher rates would cause the sanctions to exceed the amount probably necessary to bring about compliance with the PI Order going forward, under these unique circumstances I will adopt the rates for counsel suggested by defendants; matrix plus 8%. I am **not** finding that the *Laffey* matrix rates are in line with what experienced attorneys in similar practices in the San Francisco area charge or have been awarded in statutory fee cases, and I recognize that reasonable attorney rates for similarly situated counsel are undoubtedly higher than those based off of the matrix. The rates awarded here will not serve as any precedent that I will use for fees awarded in the future in this case or any other. The two paralegals shall be compensated at a rate of \$210/hour, a rate slightly higher than I have approved for experienced paralegals in the past. *See, e.g., James v. AT&T West Disability Benefits Program*, Case No. 12-6318, December 22, 2014 Order (awarding \$195/hour). The rates approved are as follows:

Attorney/Paralegal	Requested Rate	Approved Rate
Derek Foran	\$910/Partner/April 2003 admission	\$503
Marc Hearron	\$885/Partner/Nov. 2015 admission	\$503
Maggie Mayo	\$785/9th yr/Dec. 2008 admission	\$427
Christopher L. Robinson	\$785/9th yr/Dec. 2008 admission	\$427
Nicholas A. Roethlisberger	\$695/6th yr/Dec. 2011 admission	\$359
Lena Hughes	\$650/5th yr/2013 admission	\$359
Alexandra E.S. Laks	\$600/4th yr/Dec. 2013 admission	\$348
Randy D. Zack	\$540/3rd yr/Dec, 2014 admission	\$348
Tom Beyer	\$360/Sr Paralegal	\$210
Priscilla R. Fernandez	\$300/Paralegal	\$210

#### **B. Reasonable Hours**

Defendants also complain about the reasonableness of the hours expended by NAF's



counsel, arguing that hours should be cut for various reasons.<sup>5</sup>

### 1. Duplicative time.

Defendants argue that over 85 hours should be cut because the time billed was duplicative and unnecessary.<sup>6</sup> As an example, defendants object to NAF seeking compensation for the time spent by four attorneys to prepare for and attend the July 11, 2017 Contempt hearing. Objs. at 5. I have reviewed the hours challenged as duplicative and conclude that the majority of the contested hours were not duplicative or unnecessary. As the time entries show, while a number of attorneys worked on the pleadings, many handled/researched different topics or had different backgrounds (appellate specialty, sixth amendment focus, etc.).

However, I agree in part with defendants that two of the attorneys' time spent preparing for an attending the contempt hearing was unnecessary (Laks and Robinson), but leave the time of the two other attorneys (Foran, who argued and Roethlisberger, who drafted significant parts of the relevant pleadings). Therefore, 3.6 hours of Laks' time should be deducted and 2.5 hours of Robinson's time should be deducted.

### 2. Time spent "conferring"

Defendants also challenge time counsel spent conferring and seek to cut 14 hours for those time entries. However, the majority of the challenged entries are for time counsel spent conferring with their client, a necessary part of their representation. The remainder of the challenged time entries are of limited time spent by the attorneys directing the research and briefing that needed to be completed. No time will be reduced because there was no unnecessary or excessive conferring.

### 3. Time spent on clerical or paralegal tasks

Defendants challenge approximately 20 hours of time billed by attorneys that they contend should be charged at a paralegal rate given the clerical nature of the tasks. I have reviewed the

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<sup>5</sup> According to the Declaration of Derek Foran, Foran made various reductions in the hours incurred by his firm to account for any duplication and significantly reduced his own time. Foran Decl. ¶¶ 13, 15. Foran also did not include the time incurred by more senior attorneys James J. Brosnahan and Linda Shostak. *Id.* ¶ 16. Those reductions eliminated 273 hours and \$160,200 (as calculated using plaintiffs' proposed rates) in attorney time. *Id.* ¶ 17.

<sup>6</sup> Some of the allegedly duplicative hours (coded blue) are also challenged as paralegal work (coded pink) or work on the challenged reply brief or request for attorneys' fees (coded yellow).



challenged entries and while it is not very clear, the majority of the challenged time was for attorney Roethlisberger's "review, revise, and file" or "review, revise, and supervise filing" entries. The vast majority of that time, presumably, was spent on reviewing and revising, and not filing or supervising filing. However, I will reduce the Roethlisberger hours by 2 hours to account for any paralegal work.<sup>7</sup>

#### 4. Time spent on preparing the application for attorney's fees and costs

Defendants challenge the time NAF's counsel spent preparing its and NAF's declarations in support of fees and costs, arguing that if I do not grant NAF's full request (of \$280,482.00), then somehow NAF should not be compensated at all for the time spent seeking fees. Objs. at 4. The case law relied on by defendants does not support their argument. *Id.*<sup>8</sup> This time is reasonable, although as discussed below, it will be excluded from the sanctions amount for other reasons.

#### 5. Time spent on motion to disqualify that was inadvertently included

Defendants challenge time that was apparently spent on the motion to disqualify heard by Judge Donato. NAF meant to exclude all of this time, but apparently failed to exclude 0.5 hours billed by Beyer on June 12, 2017. This time is excluded.

#### 6. Time spent on unauthorized "reply"

Finally, defendants challenge the time NAF's counsel spent on the reply brief, arguing that it was not originally allowed by the Court (because no time frame for filing a reply was provided in the initial OSC). However, I granted NAF's request to file the reply brief. Dkt. No. 468. This time is compensable.

In sum, other than the few discrete examples identified above, the time spent is reasonable.

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<sup>7</sup> The other challenged entry is by attorney Laks who billed on 5/30/17 for reviewing and adding exhibits and citations in a motion. From the context of the entry, I find that this work is compensable attorney time.

<sup>8</sup> For example in *Comm'r, I.N.S. v. Jean*, 496 U.S. 154, 163 (1990), the Supreme Court recognized that "if the Government's challenge to a requested rate for paralegal time resulted in the court's recalculating and reducing the award for paralegal time from the requested amount, then the applicant should not receive fees for the time spent defending the higher rate." But here there has been no time expended "defending a higher rate" because no reply on the amount of fees was allowed.

However, the purpose of the imposition of civil contempt sanctions is both to compensate NAF as a result of defendants' and respondents' contempt and to encourage defendants and respondents to adhere to the PI going forward. As part of that analysis, I consider the character and magnitude of "the harm threatened by continued contumacy, and the probable effectiveness of any suggested sanction in bringing about the result desired." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 304 (1947). In line with that consideration, I will not include as sanctions the amount of time NAF's counsel spent compiling and submitting the fee declarations. While the time spent on the fee declarations was reasonable, I do not find that including this additional time in the amount of sanctions awarded will serve any further deterrent purpose. Therefore, none of the 15.90 hours spent on the fees application will be included.

The sum of attorneys' fees reasonably incurred by NAF in response to the violations of the PI Order and included as part of the civil sanctions award is \$148,967.90.

### C. Costs

Defendants object to NAF's counsel's request for \$7,297.95 in costs, arguing first that there is no explanation for the line item in the cost bill for \$3,482.23 in costs. Objs. at 7; Foran Decl., Ex. 2 [ECF Dkt. No. 484-2 pg. 5]. There is no explanation for the \$3,482.23 charge, and it appears to be a subtotal of the *prior* costs. The total amount of costs incurred, according to the line items included in Exhibit 2 is \$3,815.72.

Of that amount, defendants challenge the outside copying and color copying costs. However, color copies were submitted to the court in conjunction with the opening motion and the reply and the number of copies made is not excessive. Therefore, the \$3,815.72 in reasonable costs incurred is included as part of the civil sanctions award.

### CONCLUSION

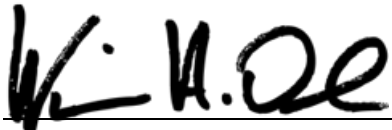
For the foregoing reasons, the amount of civil sanctions is set at \$195,359.04. In setting this amount, I have considered the magnitude of "the harm threatened by continued contumacy, and the probable effectiveness of any suggested sanction in bringing about the result desired." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 304 (1947). CMP, Daleiden, Cooley,

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and Ferreria are jointly and severally liable for this amount to be paid to NAF.

**IT IS SO ORDERED.**

Dated: August 31, 2017



William H. Orrick  
United States District Judge

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC., PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA BARBARA,  
 VENTURA AND SAN LUIS OBISPO COUNTIES,  
 INC; PLANNED PARENTHOOD PASADENA AND  
 SAN GABRIEL VALLEY, INC.; PLANNED  
 PARENTHOOD OF THE ROCKY MOUNTAINS;  
 PLANNED PARENTHOOD GULF COAST AND  
 PLANNED PARENTHOOD CENTER FOR CHOICE

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS; BIOMAX  
 PROCUREMENT SERVICES, LLC; DAVID  
 DALEIDEN (aka "ROBERT SARKIS"); TROY  
 NEWMAN; ALBIN RHOMBERG; PHILLIP S.  
 CRONIN; SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"); GERARDO ADRIAN LOPEZ; and  
 UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**FIRST AMENDED COMPLAINT  
 FOR DAMAGES AND FOR  
 DECLARATORY AND  
 INJUNCTIVE RELIEF; DEMAND  
 FOR JURY TRIAL**

## INTRODUCTION

1  
2           1.       This complaint details a complex criminal enterprise conceived and executed by  
3 anti-abortion extremists. The express aim of the enterprise—which stretched over years and  
4 involved fake companies, fake identifications, and large-scale illegal taping—was to demonize  
5 Planned Parenthood, harass and intimidate its dedicated staff, and interrupt its operations, all with  
6 the ultimate goal of interfering with women’s access to legal abortion.

7           2.       Plaintiff Planned Parenthood Federation of America, Inc., through its 59 member-  
8 affiliates, including the Plaintiff affiliates (collectively hereafter “Planned Parenthood”), provides  
9 professional, high-quality reproductive and in some cases primary health care services to more  
10 than two and a half million women, men, and young people each year. Planned Parenthood is one  
11 of the country’s largest providers of reproductive health care for women, the majority of whom are  
12 from lower-income communities. Planned Parenthood provides, **every year**, over 2.9 million  
13 birth control services and information, hundreds of thousands of Pap tests, nearly half a million  
14 breast examinations, nearly 4.5 million tests for sexually transmitted illnesses (including HIV),  
15 and a range of critically necessary treatments including safe, legal abortion. A small number of  
16 Planned Parenthood affiliates have offered women the option of donating fetal tissue for medical  
17 research.

18           3.       Fetal tissue donation is entirely legal and plays a vital role in medical research.  
19 Virtually every person in the United States has benefited from research that relies on fetal tissue.  
20 Vaccines for polio, hepatitis, rubella, chicken pox, shingles, rabies, and an experimental vaccine  
21 for Ebola, have been developed through research involving fetal tissue. Fetal cells are critical for  
22 studying conditions that affect the health of fetuses and newborn infants, brain injuries in the  
23 womb that lead to cerebral palsy, and eye conditions that lead to macular degeneration.  
24 Researchers also have used fetal tissue to develop treatments for patients with HIV, end-stage  
25 breast cancer, diabetes, Parkinson’s Disease, multiple sclerosis, cancer, cardiovascular disease,  
26 ALS (Lou Gehrig’s Disease), Alzheimer’s and glaucoma, among many others. The National  
27 Institutes of Health spent approximately \$76 million to support fetal tissue research efforts in  
28 2014.

1           4.       Many women who have made the decision to have an abortion appreciate the  
2 opportunity to further medical research through tissue donation. There is no financial gain for  
3 women or health care providers involved in tissue donation, and the few Planned Parenthood  
4 affiliates that have facilitated fetal tissue donation have done so solely for the benefit of medical  
5 research.

6           5.       Defendants' conspiracy focused on Planned Parenthood affiliates' facilitation of  
7 fetal tissue donation. As part of this conspiracy, Defendants set up a fake company called BioMax  
8 Procurement Services, LLC ("BIOMAX"), which dishonestly held itself out as a legitimate fetal  
9 tissue procurement company. Certain individual Defendants pretended to be officers and  
10 employees of BIOMAX. They created pseudonyms, manufactured fake identification, stole one  
11 woman's identity, and used a credit card with a fake name. Defendants used those fake corporate  
12 and personal identities to gain access to private conferences including those held by Planned  
13 Parenthood and the National Abortion Federation ("NAF"). To secure admission into these  
14 conferences, Defendants and their agents signed binding agreements making promises they had no  
15 intention of keeping. Once admitted, Defendants wore hidden video cameras and secretly taped  
16 hundreds of hours of conversations with Plaintiffs' staff.

17           6.       Next, Defendants leveraged the "professional" relationships they made at the  
18 conferences to seek access to individual Planned Parenthood doctors and affiliates, lying their way  
19 into private meetings – and even inside secure Planned Parenthood office and clinical space in  
20 Colorado and Texas. Defendants peppered Planned Parenthood staff with requests for meetings,  
21 lying at every step about who they were and what they were doing. Planned Parenthood senior  
22 medical and other staff members made time to meet with Defendants in good faith. These doctors  
23 and other staff were completely unaware that they were being secretly taped and that they would  
24 later be featured in malicious videos.

25           7.       Defendants then went public with a vicious online video smear campaign, releasing  
26 a series of YouTube videos purporting to show that Planned Parenthood violated federal law  
27 related to tissue donation. In fact, these videos were heavily manipulated, with critical content  
28 deliberately deleted, and disconnected portions sewn together to create a misleading impression.

1 According to expert forensic analysis, Defendants “heavily edited the short videos so as to  
2 misrepresent statements made by Planned Parenthood’s representatives.” As a consequence, the  
3 experts concluded that the videos “cannot be relied upon for any official inquiries” and “also  
4 lacked credibility as journalistic products.”

5 8. Nonetheless, the deceptive videos did their intended damage. Millions of people  
6 who viewed the manipulated videos and inflammatory accusations were made to believe that  
7 Planned Parenthood had violated the law and acted improperly. There was a dramatic increase in  
8 the threats, harassment, and criminal activities targeting abortion providers and their supporters  
9 and, in particular, Planned Parenthood health centers after the release of Defendants’ videos. The  
10 doctors and staff targeted in the videos have been the subject of online attacks, harassment at their  
11 homes and in their neighborhoods, and death threats.

12 9. In addition, Federal and state governments were spurred to initiate investigations  
13 by CMP’s fallacious claims. To date, officials in twelve states (Florida, Georgia, Indiana, Kansas,  
14 Massachusetts, Michigan, Missouri, Nevada, Ohio, Pennsylvania, South Dakota and Washington)  
15 that conducted investigations into claims that Planned Parenthood profited from fetal tissue  
16 donation have cleared Planned Parenthood affiliates of all wrongdoing. Another eight states  
17 (California, Iowa, Delaware, Idaho, Minnesota, New Hampshire, Virginia and Colorado) have  
18 declined to even investigate Planned Parenthood — finding nothing to substantiate claims of  
19 wrongdoing.

20 10. Defendants’ false statements, breaches of contractual agreements, illegal recordings  
21 and the video smear campaign constitute a conspiracy to demonize and intimidate Plaintiffs and to  
22 interfere with Plaintiffs’ and other Planned Parenthood affiliates’ operations. This conspiracy has  
23 cost Plaintiffs millions of dollars and put the safety and security of Planned Parenthood’s  
24 personnel and patients at serious risk, as witnessed most horrifically in the shootings at a Planned  
25 Parenthood health center in Colorado Springs on November 27, 2015.

26 11. In January 2016, a grand jury in Texas indicted Defendants Daleiden and Merritt  
27 for their conduct in connection with this scheme, including tampering with governmental record, a  
28 felony, and for Daleiden only, offering to purchase human organs.



12. This action is brought to further expose the falsity and illegality of Defendants' methods and to recover damages for the ongoing harm to Planned Parenthood emanating from the video smear campaign.

### JURISDICTION AND VENUE

13. This action arises under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1964, 18 U.S.C. § 1028 (fraud and related activity in connection with identification documents), 18 U.S.C. § 1341 (mail fraud) & § 1343 (wire fraud), 18 U.S.C. § 2511 (interception and disclosure of wire, oral, or electronic communications), as well as various state laws. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1343, 2201, and 2202. This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

14. Defendants The Center for Medical Progress ("CMP"), BioMax Procurement Services, LLC ("BIOMAX"), David Daleiden (aka "Robert Sarkis") ("DALEIDEN"), Troy Newman ("NEWMAN"), Albin Rhomberg ("RHOMBERG"), Phillip S. Cronin ("CRONIN"), Sandra Susan Merritt (aka "Susan Tennenbaum") ("MERRITT"), and Gerardo Adrian Lopez ("LOPEZ") are subject to personal jurisdiction in California because they have directed, participated in, and provided material support for a scheme to deceive Plaintiffs and their staff within this District and throughout California. Each Defendant has actively participated in the conspiracy to defraud Plaintiffs with the intent to injure Plaintiffs within this District and throughout California.

15. Defendants CMP, BIOMAX, DALEIDEN, MERRITT, RHOMBERG, CRONIN and LOPEZ are subject to personal jurisdiction in this District because these Defendants: (1) are based in, are incorporated in, or reside in the state of California; and (2) have conducted business and/or purported to conduct transactions within this District, and such conduct has caused injury to Plaintiffs in this District.

16. Venue is proper in the Northern District of California under 28 U.S.C. § 1391(b)(2) because Defendants' conduct in this District constitutes a substantial part of the acts and omissions giving rise to Plaintiffs' claims. Defendants set their tortious conspiracy in motion in this District



1 meeting would not be disclosed to any third party absent NAF's written consent.

2       184. On April 5, 2014 and again on April 18, 2015, Defendants DALEIDEN,  
3 MERRITT, LOPEZ, and "Brianna Allen" signed non-disclosure agreements in which they  
4 promised not to make video, audio, photographic, or other recordings at the NAF annual meetings,  
5 that they would not disclose any information learned at NAF's annual meetings to third parties  
6 absent NAF's consent, and that they would only use information learned at NAF's annual  
7 meetings in order to enhance the quality and safety of services provided by NAF members and  
8 other annual meeting participants.

9       185. Defendants were aware that the purpose of these agreements was to protect NAF  
10 and any confidential information shared at its meetings, and to protect the safety and security of  
11 NAF's staff, its members, and the attendees at NAF's annual meetings. Attendees at NAF's  
12 annual meetings, including Plaintiffs are intended third party-beneficiaries to each and every  
13 contract described in the preceding paragraphs.

14       186. Defendants have breached these agreements. Contrary to their written Exhibitor  
15 Agreements, BIOMAX is not a biological specimen procurement company, BIOMAX's exhibit  
16 for the annual meetings was not consistent with NAF's purposes, and BIOMAX did not identify  
17 itself or its services truthfully and accurately. Contrary to their written Exhibitor Agreements, on  
18 information and belief, Defendants have disclosed information orally or visually at the annual  
19 meetings to third parties without NAF's written consent. Contrary to their written agreements, on  
20 information and belief, Defendants did make video, audio, photographic, or other recordings at the  
21 NAF annual meetings, have disclosed information learned at NAF's annual meetings to third  
22 parties without NAF's consent, and have not used information learned at NAF's annual meetings  
23 in order to enhance the quality and safety of services provided by NAF members and other annual  
24 meeting participants.

25       187. On information and belief, NAF has performed all of the conditions of the  
26 agreements on its part, and performed in accordance with the terms of the agreements.

27       188. As a direct result of Defendants' breaches of their agreements with NAF, Plaintiffs  
28 have been damaged, including by being forced to expend additional, extensive resources on

1 security and IT services, property damage, and responding to multiple state and federal  
2 investigations and inquiries.

3  
4 **SIXTH CLAIM FOR RELIEF**

5 **(TRESPASS)**

6 **(By PPFA, PPGC, PPCFC, and PPRM Against DALEIDEN, MERRITT, LOPEZ, CMP,**  
7 **BIOMAX, and UNKNOWN CO-CONSPIRATORS)**

8 189. Plaintiffs incorporate and reallege paragraphs 1 through 188, inclusive, as though  
9 fully set forth herein.

10 190. PPFA possesses a right to exclusive use of the real property it leases for Planned  
11 Parenthood meetings. PPGC, PPCFC, and PPRM possess rights to exclusive use of the real  
12 property they lease or own as office and clinic space.

13 191. As alleged herein, Defendants intentionally entered or caused another person to  
14 enter the aforementioned property that was in PPFA, PPGC, PPCFC, and/or PPRM's possession.

15 192. As alleged herein, Defendants fraudulently induced PPFA's conditional consent to  
16 permit Defendants to attend PPFA conferences. PPFA conditioned its consent on Defendants'  
17 agreement that their participation in the PPFA conferences would be useful to attendees and  
18 beneficial to the interests of Plaintiffs' clients and patients, and that Defendants would comply  
19 with all applicable laws related to fraud, abuse, privacy, and confidentiality. On information and  
20 belief, Defendants subsequently exceeded the scope of Plaintiffs' consent to enter by knowingly  
21 and intentionally, surreptitiously videotaping Plaintiffs' staff at those meetings without their  
22 knowledge or consent. Defendants' participation at the PPFA conferences was not consistent with  
23 Plaintiffs' purposes and was not useful to attendees and beneficial to the interests of their clients  
24 and patients, thereby further exceeding Plaintiffs' conditioned consent.

25 193. Defendants fraudulently obtained PPGC, PPCFC, and PPRM's conditional consent  
26 to enter their facilities by misrepresenting their identities and purpose. PPGC and PPCFC  
27 conditioned their consent on Defendants' promise to keep all information confidential. PPGC and  
28 PPRM both conditioned their consent on Defendants' false representations that they were  
representatives of a fetal tissue procurement company and that they sought entry to discuss fetal  
tissue donation. Defendants subsequently exceeded the scope of their consent to enter by

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**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Motion for Disqualification of the  
) Honorable William H. Orrick III,  
) Pursuant to 28 U.S.C. §§ 144 and 455;  
) Affidavit of Prejudice by David Daleiden,  
) Certificate of Good Faith by Counsel of  
) record.

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

**NOTICE OF MOTION**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on July 19, 2017, at 2:00 p.m. in Courtroom 2 of the Honorable William H. Orrick III at the United States District Court for the Northern District of California, 17th Floor, 450 Golden Gate Ave., San Francisco, CA 94102, defendants David Daleiden (Daleiden) and The Center for Medical Progress (CMP) will, and hereby do, move for the Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. Sections 144 and 455, on the grounds that there is evidence of bias in favor of the plaintiff and prejudice against the defendants. This motion will be based upon the attached points and authorities, the affidavit of David Daleiden and the exhibits attached thereto, the Certificate of Counsel, and all pleadings and records on file in this action.

## INTRODUCTION

Defendants David Daleiden (Daleiden) and The Center for Medical Progress (CMP) hereby move to disqualify the Honorable William H. Orrick III as the sitting judge in the present case on the grounds of 28 USC Sections 144<sup>1</sup> and 455.<sup>2</sup> As set forth in more detail below, this motion is based on evidence contained in the supporting Affidavit of Daleiden. This includes Judge Orrick's longstanding relationship as a past board member, and more recently as an emeritus board member, of an organization that has a "key partnership" with one of the plaintiffs in this case, Planned Parenthood Shasta-Pacific (PPSP).<sup>3</sup> Judge Orrick's wife has also posted public comments, pictured with her husband, that are supportive of Planned Parenthood and critical of these moving defendants. For these reasons, and the others set forth below, Daleiden and CMP respectfully request that Judge Orrick be recused from this case and that a stay be granted on all proceedings in this case until this motion is heard.

## STATEMENT OF FACTS

The Honorable William Orrick was assigned to this matter on, January 22, 2016, as a related matter to the previous lawsuit, *National Abortion Federation v. CMP et al.* In that related case, he had issued a temporary restraining order prohibiting the defendants from releasing any recordings obtained, or information learned, at two NAF meetings. (NAF v. CMP, Dkt. 15), and

---

<sup>1</sup> In relevant part, section 144 states: "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time."

<sup>2</sup> In relevant part, section 455 states: "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."

<sup>3</sup> Planned Parenthood Shasta Pacific, dba Planned Parenthood Northern California, is the same entity as Planned Parenthood Shasta Diablo dba Planned Parenthood Northern California. This entity has undergone multiple name changes over time. For ease of reference, the entity is referred to "PPSP" throughout this Motion.

1 had extended the temporary restraining order to remain in force pending the hearing on the  
2 preliminary injunction. (NAF v. CMP, Dkt. 26). At the heart of this litigation are video recordings  
3 of comments made by numerous Planned Parenthood officials at multiple Planned Parenthood and  
4 National Abortion Federation conferences and other meetings that defendants have maintained are  
5 evidence of criminal misconduct by Planned Parenthood and its agents.

6 Judge Orrick has a longstanding relationship with Good Samaritan Family Resource Center  
7 (GSFRC) in San Francisco. (Ex. 1). GSFRC has had for many years a Planned Parenthood clinic on  
8 its premises, in what GSFRC describes as a “key partnership” with the clinic. (Ex. 3).

9 In August 2015, Mr. Daleiden obtained a copy of Judge Orrick’s Senate Judiciary  
10 Committee questionnaire. In that questionnaire, Judge Orrick indicated that he had ceased being a  
11 board member of GSFRC in 1999. He also stated that, from 1986 to 2009, he “assisted the Good  
12 Samaritan Family Resource Center on many legal issues.”

13 Mr. Daleiden was concerned about Judge Orrick’s association with PPSP-partnered GSFRC  
14 in the earlier related case. However, a motion to disqualify did not appear appropriate, as Judge  
15 Orrick’s questionnaire stated that he had ceased being a board member and thus ceased his  
16 fiduciary relationship with a partner of Planned Parenthood, in 1999, many years earlier, and, of  
17 particular significance, before GSFRC had been in partnership with Planned Parenthood.

18 In January 2016, Planned Parenthood Federation of America and several Planned  
19 Parenthood affiliates, including PPSP, the affiliate that is currently in a “key partnership” with  
20 GSFRC, sued Mr. Daleiden and CMP. This matter was assigned to Judge Orrick as it is related to  
21 the NAF case. PPSP has membership in NAF as evidenced by the attendance of its staff members  
22 at NAF Annual Meetings. PPSP and NAF have both asserted throughout these lawsuits that they  
23 are seeking to protect their members and the staff of their members. The video recordings that are  
24 the subject of this case include recordings of PPSP staff members. Again, Judge Orrick’s past  
25 relationship with GSFRC, which was hosting PPSP, caused concern for Mr. Daleiden, but, again,  
26 the fact that Judge Orrick’s relationship with GSFRC had ended in 1999 indicated a motion to  
27 disqualify would not be justified.

1 In late May 2017, when these cases were once again in the news, Mr. Daleiden learned that  
2 Judge Orrick had not only been on the board of GSFRC (which he had learned earlier), but also  
3 discovered that Judge Orrick was Secretary of the Board of GSFRC in 2001, when GSFRC entered  
4 into its “key partnership” with PPSP. That partnership included allowing PPSP to embed a Planned  
5 Parenthood clinic inside GSFRC’s premises. Pursuant to that partnership, GSFRC donates the  
6 space for PPSP’s Planned Parenthood clinic and a receptionist. Further, according to the 2006 IRS  
7 Form 990 of GSFRC, Judge Orrick and his wife, Caroline, are represented as being among those  
8 donors supporting GSFRC (and thus its partnership with PPSP) with donations to GSFRC totaling  
9 \$5,072. (Ex. 8).

10 Mr. Daleiden also learned, through documents that were not available before January 2017,  
11 that in September 2015, shortly after Judge Orrick entered and then continued the temporary  
12 restraining order in the related NAF v. CMP case, that Judge Orrick continued to be publicly  
13 associated with GSFRC, with GSFRC listing him as a board member *emeritus* for GSFRC in  
14 materials it disseminated to donors. (Ex. 6).

15 At no time did Judge Orrick disclose to Defendants that he sat on the board of an  
16 organization that had as a “key partner” an organization Defendants alleged, both in public  
17 statements and as part of their defense, was involved in violations of state and federal law. Judge  
18 Orrick did not disclose his close and long-standing relationship with an organization that houses a  
19 facility and hosts Planned Parenthood staff, whom PPSP claims are in physical danger from “anti-  
20 abortion extremists” incited by Defendants.

21 Sometime in the summer or fall of 2015, Mrs. Orrick “pinkified” her Facebook page and  
22 added “I stand with Planned Parenthood” as a Facebook profile picture overlay. Planned  
23 Parenthood urged its supporters to add these elements to their Facebook pages as part of a  
24 campaign orchestrated specifically in response to the release of videos by Mr. Daleiden and CMP.  
25 “Pinkifying” showed one’s support for Planned Parenthood and one’s belief that the videos were  
26 fraudulent.

27 A little over week ago, Mr. Daleiden discovered that Mrs. Orrick also “liked” a Facebook  
28 post by the National Abortion Rights Action League (NARAL) that described Defendants Daleiden



1 and CMP's work as "heavily edited videos by a sham organization run by extremists who will stop  
2 at nothing to deny women legal abortion services." Mrs. Orrick also liked a Facebook Post by  
3 "Keep America Pro-Choice" that applauded Mr. Daleiden being indicted in Texas. Both "likes"  
4 were juxtaposed with a profile photo featuring Judge Orrick and Mrs. Orrick.

## 5 6 ARGUMENT

### 7 I. THE AFFIDAVIT OF THE CENTER FOR MEDICAL PROGRESS AND DAVID 8 DALEIDEN IS TIMELY FILED UNDER 28 U.S.C. § 144

9 Since the United States District Court for the Northern District of California does not sit in  
10 specific sessions or terms, but is deemed to be in continuous session, there is no specific "timely"  
11 period for filing an Affidavit pursuant to 28 U.S.C. § 144. By extension from the fact that there is  
12 no "term," there is no ten-day period. Accordingly, even where there can be no good cause shown  
13 for delay, an affidavit will be considered timely filed, and timeliness will be dealt with as a matter  
14 of weight rather than admissibility. *Tenants & Owners in Opposition to Redevelopment (TOOR) v.*  
15 *HUD*, 338 F.Supp.29, 32 (N.D. Cal. 1972).

16 "[A] litigant's duty to investigate the facts of his case does not include a mandate for  
17 investigations into a judge's impartiality." *American Textile Mfrs. Institute, Inc. v. The Limited,*  
18 *Inc.*, 190 F.3d 729, 742 (6th Cir. 1999). In this case, Mr. Daleiden *did* undertake a preliminary  
19 investigation of Judge Orrick's impartiality. However, the statement in Judge Orrick's Senate  
20 Judiciary Committee questionnaire that his membership on the board of GSFRC ended in 1999  
21 indicated too tenuous a relationship with PPSP, an alleged "victim" and a named Plaintiff in this  
22 litigation, to justify filing an affidavit under 28 U.S.C. § 144. It was not until the most recent  
23 discoveries, i.e., (1) Judge Orrick was an officer and director of GSFRC beyond 1999, and was  
24 serving as Secretary of the Board at the time GSFRC entered into its "key partnership" with PPSP  
25 (Daleiden Affidavit at ¶7); (2) Judge Orrick had an ongoing public association with GSFRC even  
26 after he began presiding over this case (*id.* at ¶8); and (3) Judge Orrick's wife publicly denigrated  
27 Defendant Daleiden and supported Plaintiff Planned Parenthood against "false accusations" from  
28 "heavily edited videos" (*id.* at ¶13), that an affidavit and motion to disqualify appeared justified.



Thus, Daleiden and CMP “could not well have acted more promptly” in submitting this affidavit and moving to disqualify. *Morris v. U.S.*, 26 F.2d 444, 449 (8th Cir. 1928) (affidavit was timely filed immediately before trial where “on several occasions defendant requested his attorneys to prepare and file application to disqualify the trial judge,” but attorneys disagreed with him until he obtained new information which was imparted to his attorneys). At no time did Judge Orrick disclose his continuing association with GSFRC and PPSP, even though PPSP is one of the plaintiffs in this law suit.

Only in light of these more recent discoveries did a motion to disqualify appear fully justified and appropriate. “Counsel for a party who believes a judge’s impartiality is reasonably subject to question has not only a professional duty to the client to raise the matter, but an independent responsibility as an officer of the court . . . A lawyer who reasonably believes that the judge before whom he is appearing should not sit must raise the issue so it may be confronted and put to rest. Any other course would risk undermining public confidence in our judicial system.” *Bernard v. Coyne (In re Bernard)*, 31 F.3d 842, 847 (9th Cir. 1994).

In view of the foregoing, this affidavit and motion are timely.

## **II. CMP AND DALEIDEN SET FORTH FACTS IN THEIR AFFADAVIT REQUIRING RECUSAL.**

A legally sufficient declaration under 28 U.S.C. § 144 must meet the following requirements: (1) the facts are material and stated with particularity; (2) the facts are such that, if true they would convince a reasonable person that a bias exists; and (3) the facts show that the bias is personal, as opposed to judicial, in nature. *Reiffen v. Microsoft Corp.*, 158 F.Supp.2d 1016, 1022 (N.D. Cal. 2001).

Section 144 requires a district judge to accept the moving party’s affidavit as true. *In re Martinez-Catala*, 129 F.3d 213, 218 (1st Cir. 1997). While a trial judge may not pass upon the truth of the matters asserted in the moving party’s affidavit, a trial judge is not required to recuse himself immediately, because the “judge must pass upon the legal sufficiency of the affidavit.” *United States v. Kelley*, 712 F.2d 884, 889 (1st Cir. 1983). Furthermore, “[s]ince sections 144 and 455 of 28 U.S.C. use similar language, and are intended to govern the same area of conduct, they have

1 been construed *in pari materia*, and the test of the legal sufficiency of a motion for disqualification  
2 is the same under both statutes.” *Id.*

3 If an affidavit of bias or prejudice complies with the statutory standards set forth in this  
4 section concerning timeliness and legal sufficiency, then the judge against whom it is directed is  
5 obligated to recuse himself. A judge is required to recuse himself even if the judge believes (or  
6 knows with certainty) that the allegations of bias and prejudice made against him are false. *United*  
7 *States v. Partin*, 312 F.Supp. 1355, 1359 (D. La. 1970).

8 The facts stated in Mr. Daleiden’s affidavit are material and are stated with particularity. As  
9 to their sufficiency to show bias for or against a party, Judge Orrick’s (previously undisclosed)  
10 participation on the board and as an officer of GSFRC when it embarked upon its partnership with  
11 Plaintiff PPSP, including donating space and staff resources to Plaintiff PPSP to run a Planned  
12 Parenthood clinic on GSFRC’s premises, shows support for Planned Parenthood as an institution  
13 and PPSP specifically. PPSP and/or its staff also have membership in the National Abortion  
14 Federation, the Plaintiff in the related case. The gravamen of NAF and Plaintiff PPSP’s Complaints  
15 is that the work of Daleiden and CMP poses a grave danger to PPSP and NAF members and  
16 meeting attendees, including threats to the physical safety of PPSP and NAF member personnel  
17 and facilities. Judge Orrick did not disclose his relationship with PPSP, a named plaintiff and a  
18 putative “victim” in this case, before issuing rulings in it. Judge Orrick remained publicly  
19 associated with PPSP-partnered GSFRC, even after he began presiding over this case and the  
20 related matter, and after entering a restraining order in favor of NAF and its members, including  
21 PPSP, in the related matter.

22 **III. DISQUALIFICATION IS ALSO REQUIRED UNDER 28 U.S.C. § 455(a) IN ORDER**  
23 **TO AVOID AN APPEARANCE OF BIAS OR PARTIALITY.**

24 In 1974, Congress rewrote 28 U.S.C. § 455 to correct perceived problems in the  
25 disqualification statutes. Prior to 1974, both the technical and legal sufficiency requirements of  
26 section 144 had been construed strictly in favor of judges. Courts also operated under the so-called  
27 “duty to sit” doctrine which required a judge to hear a case unless a clear demonstration of extra-  
28 judicial bias or prejudice was made. Consequently, disqualification of a judge was difficult under

1 section 144. In passing the amended 28 U.S.C. § 455, Congress broadened the grounds and  
2 loosened the procedure for disqualification in the federal courts.

3 Section 455 “is directed to the judge, rather than the parties, and is self-enforcing on the  
4 part of the judge.” *U.S. v. Sibla*, 624 F.2d 864, 867-68 (9th Cir. 1980). It “modifies section 144 in  
5 requiring the judge to go beyond the section 144 affidavit and consider the merits of the motion  
6 pursuant to section 455(a) & (b)(1).” *Id.* at 868.

7 In *Liljeberg v. Health Services Acquisition Corp.* 486 U.S. 847, 860-61 (1988), the Supreme  
8 Court, quoting the lower court’s decision, stated:

9 The goal of section 455(a) is to avoid even the appearance of partiality. If it would  
10 appear to a reasonable person that a judge has knowledge of facts that would give him  
11 an interest in the litigation then an appearance of partiality is created even though no  
12 actual partiality exists because the judge does not recall the facts, because the judge  
13 actually has no interest in the case or because the judge is pure in heart and  
incorruptible. Under section 455(a), therefore, recusal is required even when a judge  
lacks actual knowledge of the facts indicating his interest or bias in the case if a  
reasonable person, knowing all the circumstances, would expect that the judge would  
have actual knowledge.

14 In sum, under section 455, “it is the appearance of bias or partiality that matters here, not actual  
15 bias.” *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996). In *Tucker*, prosecutors, relying  
16 “primarily on news articles,” sought the recusal of District Court Judge Woods from the trial of  
17 Governor Tucker, because of Woods’s close association with Hillary Clinton, wife of then-  
18 President Bill Clinton. Governor Tucker was indicted for financial crimes related to an  
19 investigation of President and Mrs. Clinton. *Id.* at 1315, 1316. The news articles indicated that not  
20 only did the Clintons have a close relationship with Judge Woods, but also they had expressed their  
21 support of Governor Tucker, including after he was indicted.

22 The *Tucker* court held:

23 The Independent Counsel argues that, because of the “unmistakable appearance”  
24 of bias or partiality here, “reassignment is necessary to preserve the appearance  
25 and reality of justice.” [] We agree. Based on the information before us in this  
26 case, we conclude that the risk of a perception of judicial bias or partiality is  
27 sufficiently great so that our proper course is to order reassignment on remand.  
28 As we have discussed, Judge Woods’s link with the Clintons and the Clintons’  
connection to Tucker have been widely reported in the press. Moreover, as the  
Independent Counsel has noted, “this case will, as a matter of law, involve  
matters related to the investigation of the President and Hillary Rodham  
Clinton.” [] Given the high profile of the Independent Counsel’s work and of  
this case in particular, and the reported connections among Judge Woods, the

1 Clintons, and Tucker, assignment to a different judge on remand is required to  
insure the perception of impartiality.

2 *Id.* at 1324-1325 (citations omitted).

3 In the instant case, Judge Orrick has a longstanding and close relationship with an entity  
4 deeply intertwined and housing rent-free one of the plaintiffs that claims to be a “victim” of  
5 Defendants’ “conspiracy” alleged in its Complaint. Indeed, the timing of Judge Orrick’s board  
6 membership with GSFRC, timing not disclosed in his Senate Judiciary Committee questionnaire,  
7 would necessarily require him to have been involved in the board’s decision to initiate the  
8 partnership between GSFRC and Plaintiff PPSP. And GSFRC has continued to publicly hold out  
9 Judge Orrick as an Emeritus Board Member on its letterhead during at least some of the pendency  
10 of this case. A reasonable person would well question the ability of Judge Orrick to be impartial in  
11 deciding whether Daleiden and CMP should be held liable for harms to Plaintiff PPSP, including to  
12 the GSFRC-PPSP clinic and PPSP staff at that clinic, occurring in the wake of the Daleiden and  
13 CMP’s video releases.

14 Moreover, “this case will, as a matter of law, involve matters related to the investigation of”  
15 Plaintiff PPSP’s compliance with federal and state laws related to fetal tissue donation and other  
16 abortion-related laws. Again, a reasonable person would easily question whether Judge Orrick is  
17 able to impartially assess the evidence that Defendants assert shows that PPSP, a key partner of  
18 GSFRC, was for years violating state and federal laws, evidence that has led to referrals for  
19 prosecution of PPSP from two congressional committees. These referrals relate to PPSP’s  
20 contractual arrangements, dating back to 2012, with StemExpress, LLC, a tissue procurement  
21 company, also referred for prosecution by the U.S. Senate and House committees. (Ex. 15.)

22 In addition, Judge Orrick’s impartiality reasonably can be questioned on the basis of  
23 publicly-stated positions on matters directly at issue in this case, the expression of which was in at  
24 least two instances on Facebook, accompanied by a photo of Judge and Mrs. Orrick. By  
25 “pinkifying” her public Facebook page, Mrs. Orrick publicly expressed her support for Plaintiff  
26 Planned Parenthood in the face of “false accusations” from “anti-women’s health extremists.” She  
27 also supported the position that the videos were “heavily edited,” that CMP is “run by extremists,”  
28 and that Mr. Daleiden and CMP “will stop at nothing to deny women legal abortion services.” The

1 integrity of the videos, the Defendants’ history of nonviolence, and their intentions in launching the  
2 Human Capital Project are all issues at the heart of both the instant litigation and the related NAF  
3 case. Mrs. Orrick also publicly expressed her support for Mr. Daleiden’s criminal prosecution in  
4 Texas. *Cf. Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 WL 2132693, at \*15, 2009  
5 U.S. Dist. LEXIS 65069, at \*52-53 (D. Ariz. July 15, 2009) (recusal appropriate where court’s  
6 impartiality might reasonably be questioned based on judge’s sister’s publicly-held positions  
7 “highly disparaging of specific Defendants” and “tak[ing] a strong stand on disputed factual  
8 matters lying at the heart of the litigation”).

9       Moreover, judicial remarks during the course of litigation may also support a bias or  
10 partiality challenge “if they reveal an opinion that derives from an extrajudicial source. *Liteky v.*  
11 *U.S.*, 510 U.S. 540, 555 (1994). At the telephonic hearing on May 25, 2017, Judge Orrick stated  
12 that Mr. Daleiden would be “well advised . . . that he is obligated to follow the Court’s orders not  
13 try to skate around them and cause real harm to human beings . . .” By implying that Mr. Daleiden  
14 is seeking to “cause real harm to human beings” by releasing videos, Judge Orrick revealed his  
15 prejudice against Mr. Daleiden and a belief that he is an evil person who intentionally seeks to  
16 harm others.

17       Courts have also noted, in the context of recusal motions, that “the whole is sometimes  
18 greater than the sum of the parts. The cumulative effect of a judge’s individual actions, comments  
19 and past associations could raise some question about impartiality, even though none (taken alone)  
20 would require recusal. *In re Martinez-Catala*, *supra*, 129 F.3d at 221.

21        “[A] judge may *not* sit in cases in which his impartiality might reasonably be questioned.”  
22 *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008) (original emphasis) (internal quotation marks  
23 omitted). “If it is a close case, the balance tips in favor of recusal.” *Id.* For that reason, the court in  
24 *Melendres* decided that recusal was appropriate: “No Court should tolerate even the slightest  
25 chance that its continued participation in a high profile lawsuit could taint the public’s perception  
26 of the fairness of the outcome. Certainly, this Court is unwilling to take such a risk.” *Melendres*,  
27 2009 WL 2132693, at \*15, 2009 U.S. Dist. LEXIS 65069, at \*52-53.

1 **IV. CONCLUSION.**

2 The instant case is not only high profile but involves one of the most persistently debated  
3 moral and political issues of our times. The public is well aware that abortion is a topic on which  
4 many people, including judges, are apt to have very strong feelings they would find difficult to set  
5 aside in order to be impartial. Against that backdrop, there is considerably more than the “slightest  
6 chance” that Judge Orrick’s associations and the publicly-held opinions of his wife, expressed  
7 together with a profile photo featuring not only Mrs. Orrick but also Judge Orrick, “could taint the  
8 public’s perception of the fairness of the outcome.” For these reasons, Judge Orrick should recuse  
9 himself.

10  
11 Respectfully submitted,

12 June 13, 2017,

13   
14

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### ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
Counsel for Defendant CMP



**CERTIFICATE OF SERVICE**

*Planned Parenthood, et al. v. The Center for Medical Progress, et al.*  
Case No.: 3:16-cv-00236

I, Kathy Denworth, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- **Motion for Disqualification of the Honorable William H. Orrick III, Pursuant to 28 U.S.C. §§ 144 and 455; Affidavit of Prejudice by David Daleiden, Certificate of Good Faith by Counsel of Record;**
- **Affidavit of David Daleiden in Support of Motion for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455; and**
- **Certificate of Counsel in Support of Motion for Disqualification of the Honorable William H. Orrick III, Pursuant to 28 U.S.C. §§ 144 and 455.**

on the interested parties in this action by emailing a true copy addressed as follows:

***Via regular mail and email***

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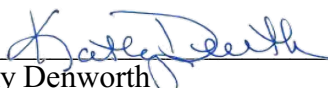
10   X   **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing  
 11 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal  
 12 Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California  
 13 in the ordinary course of business. The envelope was sealed and placed for collection and  
 mailing on this date following our ordinary practices. I am aware that on motion of the party  
 served, service is presumed invalid if postal cancellation date or postage meter date is more  
 than one day after date of deposit for mailing in affidavit.

14   X   **(BY ELECTRONIC FILING/SERVICE)** I caused such document(s) to be Electronically  
 15 Filed and/or Service using the ECF/CM System for filing and transmittal of the above  
 documents to the above-referenced ECF/CM registrants.

16        **(BY ELECTRONIC MAIL)** I served a true copy, electronically on designated recipients  
 17 via electronic transmission of said documents.

18 I declare under penalty of perjury, under the laws of the State of California, that the above  
 is true and correct.

19 Executed on June 13, 2017, at Rancho Santa Fe, California.

20   
 21 Kathy Denworth

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**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Affidavit of David Daleiden in Support of  
) Motion for Disqualification of the  
) Honorable William H. Orrick III,  
) pursuant to 28 U.S.C. §§ 144 and 455

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

**AFFIDAVIT OF DAVID DALEIDEN IN SUPPORT OF JUDICIAL DISQUALIFICATION**

1. I, David Daleiden, am a defendant in this action. I am the Chief Executive Officer of the Center for Medical Progress (CMP), which is also a defendant in this action. I submit this affidavit on my own behalf and on behalf of the Center for Medical Progress. This action was filed in January 2016. I and CMP are also defendants in the related action *National Abortion Federation v. The Center for Medical Progress, et al.* No. 3:15-cv-3522, which was filed in July 2015. Both actions were assigned to Hon. William H. Orrick, III.

2. In August 2015, I learned that Judge Orrick had been a board member of the Good Samaritan Family Resource Center (GSFRC) in San Francisco (Exhibit 1). Since 2001, GSFRC has embedded a Planned Parenthood clinic inside its premises, and lists among its “Key Partnerships” the Planned Parenthood affiliate that operates the clinic, Planned Parenthood Shasta Pacific (PPSP), dba Planned Parenthood Northern California (Exhibit 2).

3. I also obtained a copy of Judge Orrick’s Senate Judiciary Committee questionnaire. In that questionnaire, Judge Orrick indicated that he had ceased being a board member of GSFRC in 1999. He also stated that, from 1986 to 2009, he “assisted the Good Samaritan Family Resource Center on many legal issues” (Exhibit 3).

4. PPSP is a named Plaintiff in this lawsuit and has membership in the National Abortion Federation (NAF). PPSP has asserted throughout this lawsuit, and NAF has asserted throughout the related lawsuit, that it is seeking to protect its members and the staff of its members. The video recordings that are a core subject of both lawsuits include recordings of PPSP staff representatives and about PPSP as an entity.

5. As a defendant in the related lawsuit, I was concerned about Judge Orrick’s association with PPSP-partnered GSFRC. However, a motion to disqualify did not appear appropriate, as Judge Orrick’s questionnaire stated that he had ceased being a board member, and thus ceased his fiduciary relationship with a partner of Planned Parenthood, in 1999, many years earlier, and, of particular significance, before GSFRC had been in partnership with Planned Parenthood.

1           6.       In January 2016, Planned Parenthood Federation of America and several Planned  
2       Parenthood affiliates, including PPSP, the affiliate that is currently in a “key partnership” with  
3       GSFRC as GSFRC hosts its clinic (Exhibit 4), sued me and CMP in the current lawsuit. This matter  
4       was assigned to Judge Orrick as it was related to the previous NAF case. Again, based on the  
5       information in the Senate questionnaire, Judge Orrick’s relationship with PPSP seemed too  
6       attenuated to justify bringing a motion to disqualify.

7           7.       In late May 2017, when these cases were again in the news, I learned that Judge  
8       Orrick had in fact continued on the board of GSFRC from 2001 to 2003 (Exhibit 5). Judge Orrick  
9       was the Secretary of the Board of GSFRC in 2001 when GSFRC entered into its “key partnership”  
10      with PPSP to embed a Planned Parenthood clinic inside GSFRC’s premises.

11          8.       I also learned, through an official GSFRC public meeting notice scanned by the San  
12      Francisco Public Library, which was not available online before January 2017, that as recently as  
13      September 2015 – after the related lawsuit was filed and after Judge Orrick had already entered a  
14      Temporary Restraining Order against me and CMP in favor of NAF and its members, including  
15      PPSP – Judge Orrick continued to serve as an Emeritus Board Member on the board of the GSFRC  
16      (Exhibit 6).

17          9.       At no time did Judge Orrick disclose to the Defendants that he sat on the board and  
18      continued to serve as Emeritus Board Member of an organization that has as a “key partner” a  
19      Planned Parenthood affiliate that Defendants contend, both in public statements and as part of their  
20      defense, was involved, with the other Plaintiffs in this lawsuit and with the plaintiff in the related  
21      lawsuit, in violations of state and federal law.

22          10.      The CEO of PPSP/PPNC, Heather Saunders Estes, told local news media in 2015  
23      about Planned Parenthood’s “key partnership” with GSFRC: “It’s been an excellent partnership. . .  
24      . The Center donates the space and a receptionist and Planned Parenthood is there to provide  
25      services. Neither of us could do our part without the support of the Mary Wohlford Foundation and  
26      donors.” Saunders Estes also said, “There’s no question we need support from community donors.  
27      Both organizations are supported through a patchwork of funding” (Exhibit 7).

1           11. I also learned that Judge Orrick and his wife had been among those donors. In the  
2 2006-2007 fiscal year, Judge Orrick and his wife, Caroline Orrick, donated \$5,072 to GSFRC  
3 (Exhibit 8).

4           12. In other research, I learned that, no later than the fall of 2015 Mrs. Orrick,  
5 “pinkified” her Facebook page and added the “I stand with Planned Parenthood” overlay across her  
6 profile picture (Exhibit 9). Planned Parenthood urged its supporters to add these elements to their  
7 Facebook pages as part of a social media campaign orchestrated specifically in response to the  
8 release of videos by myself and CMP. “Pinkifying” showed one’s support for Planned Parenthood  
9 and one’s belief that the videos were fraudulent (Exhibit 10).

10           13. A little over a week ago, I further discovered that Mrs. Orrick “liked” a Facebook  
11 post by the National Abortion Rights Action League (NARAL) that described my and CMP’s work  
12 as “heavily edited videos by a sham organization run by extremists who will stop at nothing to  
13 deny women legal abortion services.” The Facebook post also appeared to describe our videos as  
14 “domestic terrorism” against abortion providers. (Exhibit 11). Mrs. Orrick also liked a Facebook  
15 Post by “Keep America Pro-Choice” that applauded my indictment in Harris County, Texas  
16 (Exhibit 12), which was ultimately dismissed as invalid by two different judges. Both “likes” were  
17 accompanied by a profile picture featuring Judge and Mrs. Orrick (Exhibit 13).

18           14. I reviewed the transcript of a May 25, 2017 teleconference with Judge Orrick in the  
19 related lawsuit and saw that he commented that I “try to skate around them [Judge Orrick’s orders]  
20 and ***cause real harm to human beings***” (emphasis added) (Exhibit 14). I strongly believe in non-  
21 violent approaches to solving conflicts and I do not support, have never supported, and will never  
22 support vigilante violence against abortion providers. I do not believe instilling fear for personal  
23 safety is an acceptable tactic in public discourse about controversial issues. CMP’s videos  
24 communicate a strong message of non-violence and respect for human dignity, and it is impossible  
25 to derive from them any logical or moral justification for causing real harm to human beings. My  
26 work and my videos are directly motivated by trying to stop real harm to human beings and I am  
27 unaware of any evidence that has been presented to Judge Orrick that I “try to . . . cause real harm  
28 to human beings.”

1           15. In December 2016, the Senate Judiciary Committee vindicated my investigative  
2 journalism work and referred PPSP to the Department of Justice and Federal Bureau of  
3 Investigation for criminal prosecution for violation of 42 U.S.C. § 289g-2, the law that bans the  
4 buying or selling of human fetal tissue. (Exhibit 15).

5           16. Judge Orrick has a personal bias and prejudice in favor of Planned Parenthood and  
6 the National Abortion Federation and against the Center for Medical Progress and me. CMP and I  
7 feel unable to receive fair consideration of our arguments before Judge Orrick because we do not  
8 enjoy the close personal and professional relationship with him, forged over many years, that  
9 Planned Parenthood does.

10           17. Attached hereto as Exhibit 1 is a true and correct copy of a research summary by the  
11 Judicial Action Group, which outlines Judge Orrick's relationship with the GSFRC.

12           18. Attached hereto as Exhibit 2 is a true and correct copy of the "About Us" page and  
13 the Planned Parenthood clinic page from the GSFRC website.

14           19. Attached hereto as Exhibit 3 is a true and correct copy of Judge Orrick's Senate  
15 Judiciary Committee questionnaire, submitted June 6, 2012.

16           20. Attached hereto as Exhibit 4 is a true and correct copy from the Planned Parenthood  
17 Federation of America website of the page for PPSP's abortion referral clinic at GSFRC.

18           21. Attached hereto as Exhibit 5 are true and correct copies of the IRS Forms 990 of  
19 GSFRC for 2001 and 2002-2003, which list Judge Orrick as a board member.

20           22. Attached hereto as Exhibit 6 is a true and correct copy of a September 2015 public  
21 meeting notice for GSFRC, scanned by the San Francisco Public Library, and a true and correct  
22 copy of GSFRC letterhead from March 2012.

23           23. Attached hereto as Exhibit 7 is a true and correct copy of an article from the Potrero  
24 View containing statements of PPSP CEO Heather Saunders Estes about Planned Parenthood's  
25 relationship with GSFRC.

26           24. Attached hereto as Exhibit 8 is a true and correct copy of the IRS Form 990 of  
27 GSFRC for 2006-2007 from the GSFRC website.

25. Attached hereto as Exhibit 9 is a true and correct copy of the “pinkified” Facebook profile photo of Mrs. Orrick, Judge Orrick’s wife, in support of Planned Parenthood in response to my and CMP’s videos.

26. Attached hereto as Exhibit 10 is a true and correct copy of archived versions of Planned Parenthood’s IStandWithPP.org campaign website and of Planned Parenthood’s Facebook “pinkify” campaign microsite from August 2015, explaining the significance of these campaigns in opposition to my and CMP’s videos.

27. Attached hereto as Exhibit 11 is a true and correct copy of a Facebook post of a NARAL campaign that appeared to describe my and CMP’s videos as “domestic terrorism,” which post was “liked” on Facebook by Mrs. Orrick, and a true and correct copy of a screenshot of Mrs. Orrick “like” of the Facebook post.

28. Attached hereto as Exhibit 12 is a true and correct copy of a Facebook post about my since-dismissed indictment in Harris County, Texas, which post was “liked” on Facebook by Mrs. Orrick, and a true and correct copy of a screenshot of Mrs. Orrick’s “like” of the Facebook post.

29. Attached hereto as Exhibit 13 is a true and correct copy of a screenshot of Mrs. Orrick’s Facebook profile, which shows her profile picture with her husband Judge Orrick, which appears next to her “likes” of posts attacking me and CMP on Facebook.

30. Attached hereto as Exhibit 14 is a true and correct copy of the transcript of the May 25, 2017 teleconference with Judge Orrick.

31. Attached hereto as Exhibit 15 is a true and correct copy of the December 13, 2016 letter from Hon. Charles E. Grassley to the Department of Justice and Federal Bureau of Investigation referring PPSP for criminal prosecution.

I declare until penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this Affidavit was executed in Orange County, California on June 13, 2017.



David Daleiden

**EXHIBIT 1**





STAY INFORMED Email Address

JOIN

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## Planned Parenthood Linked to Judge Who Blocked Videos

August 5, 2015

This week, Mollie Hemingway at The Federalist published a powerful article titled "Wife of Judge Blocking Pro-Life Videos Is a Proud Abortion Supporter." [1] The judge, William H. Orrick, III, was confirmed to be a federal judge by the U.S. Senate two years ago. We researched Orrick's record back in 2012 and 2013, so after reading Hemingway's article we decided to look back through our research. What we found is disturbing.

Orrick spent twenty-three (23) years working with and for the Good Samaritan Family Resource Center whose website boasts that they run a "family planning clinic" "in partnership with Planned Parenthood." [2] The clinic is "[s]taffed in partnership with Planned Parenthood." [3] Not surprisingly, Planned Parenthood also touts their relationship with Orrick's clinic and lists "The Wohlford Family Clinic at the Good Samaritan Family Resource Center" on the Planned Parenthood website. Moreover, Planned Parenthood states that the clinic provides "abortion referral[s]." [4]

Orrick's relationship with the so-called "Good Samaritan Family Resource Center" began in 1986 when he took over as President of the Board and worked in that capacity until 1988. [5] Thereafter, for eleven years (1988 to 1999) Orrick worked as their "Vice-President / Officer" [6] acting in various roles, including as a fundraiser [7] and promoter. [8] After 1999, Orrick continued to work for the Center "on many legal issues," for at least ten years. [9] When asked by the U.S. Senate to name the "most significant legal activities you have pursued," [10] Orrick listed Planned Parenthood's partner: the "Good Samaritan Family Resource Center," among others. [11]

Our research into this matter is ongoing and there is still more to this story. But for now, based upon what we already know, one is left to wonder why Orrick is sitting in judgment in this case. Moreover, given Orrick's twenty-three year "significant" role at the Clinic which partners with, and is staffed by, Planned Parenthood, one wonders whether he has any personal knowledge about their operations.

[1] Mollie Hemingway, *Wife of Judge Blocking Pro-Life Videos Is a Proud Abortion Supporter*, The Federalist (Aug. 3, 2015), available at <http://thefederalist.com/2015/08/03/wife-of-judge-blocking-pro-life-videos-is-a-proud-abortion-supporter/> (last visited August 5, 2015).

[2] The Good Samaritan Family Resource Center, Inc., <http://goodsamfrc.org/wohlford-family-clinic/> (last visited August 5, 2015). The Wohlford Family Clinic "opened its doors in 2001" which was after Orrick was President and Vice-President of the Center, but was still during the last eight (8) years that Orrick remained involved with the Center.

[3] The Good Samaritan Family Resource Center, Inc., <http://goodsamfrc.org/wohlford-family-clinic/> (last visited August 5, 2015).

[4] Planned Parenthood, <http://plannedparenthood.org/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/> (last visited Aug. 5, 2015).

[5] William Horsley Orrick, III answers to "United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees," (hereafter "SJC Questionnaire"), pages 3, 5, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[6] SJC Questionnaire, pages 3, 5, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[7] SJC Questionnaire, page 13, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015), referring to article by: "Suzanne Solis, 'Good Samaritan Fosters Immigrants' Self-Reliance,' The San Francisco Chronicle, Nov. 28, 1995," an article on the same date by the same author is titled "Know Someone Who's Making a Difference?" and is available at <http://www.sfgate.com/news/article/Know-Someone-Who-s-Making-A-Difference-3019198.php> (last visited Aug. 5, 2015). The article states: "Many who have lived in the Mission District have 'at one time or another come to the center,' said Bill Orrick, secretary of the center's board of directors. 'We would like people who used the center at some point to give money.'" (Emphasis added.)

[8] SJC Questionnaire, page 11, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015). Orrick states: "April 18, 1997: [Orrick] Speech at grand opening of Good Samaritan Family Resource Center and Apartments."

[9] SJC Questionnaire, page 29, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[10] SJC Questionnaire, page 26, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

[11] SJC Questionnaire, page 27, available at: <http://www.judiciary.senate.gov/imo/media/doc/William-Orrick-Senate-Questionnaire-Public-Final.pdf> (last visited Aug. 5, 2015).

Phillip Jauregui

Judicial Action Group | 1015 15th St. N.W. | Washington, D.C. | 20005

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**EXHIBIT 2**



**GOOD SAMARITAN**  
FAMILY RESOURCE CENTER, INC.  
*The Power To Grow* 1294 Potrero Ave. | San Francisco | CA 94110

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## About Good Samaritan Family Resource Center



[DONATE NOW](#)

Good Samaritan Family Resource Center is a 501(c)(3) organization incorporated in California. All contributions are tax-deductible to the fullest extent allowed by law.

Learn more about how we manage our funds.

### Key Partnerships:

MEDA  
Mission Beacon  
Mission Promise Neighborhood  
**Planned Parenthood Shasta-Pacific**  
Refugee Transitions  
Vision Academy

Subscribe to Our E-Newsletter

Email Address:

First Name:

Last Name:

[Join Now](#)

Good Samaritan Family Resource Center believes that strong families are vital to raising children who are happy, healthy, and productive. Good Samaritan comprehensively addresses the needs of low-income Latino immigrant families through a [Two-Generation Strategy](#) that involves children and their parents/caregivers. Our services ensure that children have access to the educational and development opportunities they deserve to succeed in life, and equip parents with the confidence, knowledge, and tools to support their children's success. We foster community connections, help participants to develop English language and parenting skills, and build a foundation for creating resilient and self-sufficient families.

### Early Childhood Development

Since 1996, Good Samaritan has operated a successful licensed [Child Development Center](#), a year-round program that delivers bilingual childcare services to 36 children ages 2½ to 5 years. Designed to develop social, emotional, physical, and cognitive skills, our CDC prepares children for a confident and smooth transition to Kindergarten. The CDC utilizes the Creative Curriculum for Preschool and Teaching Pyramid, and offers activities in eleven areas of development for children. Our program has been recognized as a model provider by the Mimi and Peter Haas Fund, the Children's Council, the San Francisco Department of Children Youth and Their Families, and First Five San Francisco.

### Youth Development Services

Good Samaritan provides vulnerable newcomer youth growing up in inner city environments with the tools to significantly increase their engagement in school, and involves these young people in out-of-school settings that broaden their horizons enormously. Immigrant and first-generation youth practice life skills, learn healthy activities and behaviors, and promote these practices among their peers. Offered in partnership with families, schools, and other providers, services include [afterschool activities](#) and [school-based services](#), and [summer programs](#). Together, this programming supports the social, physical and emotional development of youth while promoting academic success.

### Adult Education and Family Strengthening

A full array of support services helps families build parenting and life skills within a new cultural framework. Services include parenting groups, prenatal wellness support, maternal depression groups, and case management. One of our most popular services, Good Samaritan's two levels of English as a Second Language (ESL) instruction build the self-sufficiency of adults and their ability to participate in their children's education. Also, working in partnership with Planned Parenthood, Good Samaritan's on-site clinic provides family planning services to medically uninsured adults and teens, receiving more than 1,200 visits per year.

## How are we making a Difference Today?

Good Samaritan is committed to using evidence-based tools and metrics to measure program outcomes and ensure that services effectively address the needs of clients. Given the varied nature of our work and services, different data tracking strategies and evaluative tools are utilized by each program. For example:

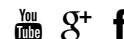
- Child Development programs track attendance and support services accessed by parents, and also administers and analyzes a parent survey at the end of each semester to document and evaluate changes in children's behavior. In addition, staff are trained to administer screenings, such as the Ages and Stages Questionnaire, the Parental Stress Index, and the Edinburgh Depression Scale, to identify children with developmental concerns and parents at risk of depression and high levels of stress. Results of parent surveys are analyzed at the end of each series of classes or workshops to assess their usefulness and effectiveness.
- ESL participants complete pre-tests and post-tests at the beginning and end of each semester, including the standardized CASAS test and an internally designed performance-based assessment approved by the California Department of Education. Student-teacher conferences at the end of each semester provide students with individualized information about their performance and help them understand the educational process. Good Samaritan also surveys students to determine the qualitative ways in which literacy adds to their lives and to obtain information about their future plans for adult education and civic engagement.
- Our Family Strengthening Services rely on tools such as the Parenting Scale (pre- and post-test tool used to measure parental behavioral change as related to child abuse or neglect); Eyberg Child Behavioral Inventory (parent rating scale to assess child behavior); and Key to Interactive Parenting Scale (observational tool to assess the quality of parenting behavior).

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco CA, 94110  
**Tel: (415) 401-4253**



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## Wohlford Family Clinic

It is with a heavy heart that we announce that on June 1, 2016, long time Good Samaritan donor Sheana Butler passed away. Sheana's support was crucial to opening and sustaining the Mary Wolford clinic in partnership with Planned Parenthood. Since the year 2000, Sheana's generous support allowed the clinic to provide family planning and women's health medical services to thousands of families and youth. She will be greatly missed and her memory will live on through our work. Our thoughts and prayers go out to Sheana's husband, children, and extended network of family and close friends. [Click here to learn more about Sheana Butler's life of generosity and service.](#) (last sentence would be linked to obituary)

In partnership with Planned Parenthood Shasta Pacific the clinic offers confidential planning services including birth control, pregnancy testing, screening and treatment of sexually transmitted infections, HIV testing, Pap smears, counseling, education and much more.

### History



Mary Wohlford was passionate about the world around her. As a trained nurse, she grew particularly concerned about reproductive health and rights, and responsible population growth. Shortly after her death in 1999, and honoring Mary's memory, the Mary Wohlford Foundation was formed and commits its resources to these priorities.

Sheana Butler, Mary's sister and former Good Samaritan Family Resource Center Board Member, approached the Foundation trustees about creating a family planning clinic at Good Samaritan. The foundation gave seed funding for a community assessment, and it was determined that indeed, a clinic at Good Sam serving an immigrant population and beyond was needed. The Clinic opened its doors in 2001.

Staffed in partnership with Planned Parenthood Shasta Pacific, the clinic continues to increase its impact. What started out as a four hour a week clinic has grown to three days a week with dedicated teen hours and client visits of over 1,200 a year.

The Trustees of the Foundation and the family of Mary Wohlford are deeply proud to have the Clinic named in her honor.

### About the Clinic

These videos, created by youth for youth, are a project of the Teen Health Worker program (Promotores) at Good Samaritan Family Resource Center. The Teen Promotores Program trains youth to provide peer education about healthy sexual decision making, and to conduct outreach for the Wohlford Family Clinic at Good Samaritan.

[Click here](#) to call or make an appointment online.

Mire este video en español [aquí](#).



It is with a heavy heart that we announce that on June 1, 2016, long time Good Samaritan donor Sheana Butler passed away. Sheana's support was crucial to opening and sustaining the Mary Wolford clinic in partnership with Planned Parenthood. Since the year 2000, Sheana's generous support allowed the clinic to provide family planning and women's health medical services to thousands of families and youth. She will be greatly missed and her memory will live on through our work. Our thoughts and prayers go out to Sheana's husband, children, and extended network of family and close friends. [Click here to learn more about Sheana Butler's life of generosity and service.](#)

DONATE NOW

Good Samaritan Family Resource Center is a 501(c)(3) organization incorporated in California. All contributions are tax-deductible to the fullest extent allowed by law.

Learn more about how we manage our funds.

#### Key Partnerships:

MEDA  
Mission Beacon  
Mission Promise Neighborhood  
[Planned Parenthood Shasta-Pacific](#)  
Refugee Transitions  
Vision Academy

#### Subscribe to Our E-Newsletter

Email Address:

First Name:

Last Name:

[Join Now](#)

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco CA, 94110  
**Tel: (415) 401-4253**



**EXHIBIT 3**



UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

William Horsley Orrick, III

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of California

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Department of Justice  
Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

4. **Birthplace**: State year and place of birth.

1953; San Francisco, California

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, Boston College School of Law; J.D. (*cum laude*), 1979

1971 – 1972, 1973 – 1976, Yale University; B.A. (*cum laude*), 1976

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – Present  
United States Department of Justice, Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Deputy Assistant Attorney General (2010 – Present)  
Counselor (2009 – 2010)

1984 – 2009  
Coblentz, Patch, Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, California 94111  
Partner (1988 – 2009)  
Associate (1984 – 1987)

1979 – 1984  
Georgia Legal Services Program  
Savannah Regional Office  
6602 Abercorn Street, Suite 203  
Savannah, Georgia 31405  
Supervising Attorney (1982 – 1984)  
Acting Managing Attorney (1981 – 1982)  
Attorney (1979 – 1981)

1977 – 1979  
Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453  
Student Attorney

1977  
Massachusetts Advocacy Center  
(no longer in operation)  
Summer Intern

Other Affiliations (uncompensated unless otherwise indicated):

1992 – 2009  
Episcopal Diocese of California  
1055 Taylor Street  
San Francisco, California 94108  
Chancellor (1998 – 2009)  
Co-Chancellor (1996 – 1997)  
Vice Chancellor (1992 – 1995)  
(compensated)

2005 – 2009  
Historical Society, U.S. District Court for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 36060  
Board member

2006 – 2009

OneCalifornia (now OnePacific) Bank  
1438 Webster Street  
Oakland, California 94612  
Board member

2004 – 2008

Groton School  
282 Farmers Row  
Groton, Massachusetts 01450  
Board member

1991 – 1997, 2006 – 2008

North Fork Association  
P.O. Box 909  
Soda Springs, California 95728  
President of Board (1995 – 1997, 2006 – 2008)  
Secretary (1993 – 1995)  
Board member (1991 – 1993)

1995 – 2003

Katherine Delmar Burke School  
7070 California Street  
San Francisco, California 94121  
President of Board (2001 – 2003)  
Board member (1995 – 2003)

1986 – 1999

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco, California 94110  
President of Board (1986 – 1988)  
Vice-President/Officer (1989 – 1999)

1986 – 1992

Ellicott Machine Corporation  
1611 Bush Street  
Baltimore, Maryland 21230  
(declared bankruptcy in 2002)  
Board member (compensated)

1978 – 1979

Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453

President, Board of Directors (1978 – 1979)  
(compensated, Summer 1978)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I did register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Named in *Super Lawyers (San Francisco Bay Area)* (2004 and 2006 – 2009)  
Co-honoree, Episcopal Charity Awards, San Francisco (1997)  
Outstanding Lawyer in Public Service, Bar Association of San Francisco (1989)  
Susan Grant Desmarais award for distinguished public service, Boston College Law School (1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1982 – present)  
Bar Association of San Francisco (1984 – present)  
California State Bar Association (1984 – present)  
Georgia State Bar Association (1980 – 1994)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Georgia, 1980. I resigned in 1994 because I no longer practiced in Georgia.

California, 1984. There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 1988  
United States Court of Appeals for the Ninth Circuit, 1987  
United States Court of Appeals for the Tenth Circuit, 1986

United States District Court for the Northern District of California, 1984  
 United States District Court for the District of Kansas, 1987  
 United States District Court for the Eastern District of California, 1997  
 United States District Court for the Central District of California, 2000  
 United States District Court for the District of Colorado, 2004  
 United States District Court for the Southern District of Georgia, 1980  
 Georgia Supreme Court and all the courts of the State of Georgia, 1980  
 California Supreme Court and all the courts of the State of California, 1984

I resigned from the Georgia bar in 1994. There have been no other lapses in membership.

#### 11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Ellicott Machine Corporation

Board member (1986 – 1992)

Episcopal Diocese of California (1992 – 2009)

Chancellor (1998 – 2009)

Co-Chancellor (1996 – 1997)

Vice Chancellor (1992 – 1995)

Good Samaritan Family Resource Center (1986 – 1999)

President of Board (1986 – 1988)

Vice-President/Officer (1989 – 1999)

Groton School

Board member (2004 – 2008)

Chair of Audit and Chapel/Community Service committees (2004 – 2008)

Historical Society, U.S. District Court for the Northern District of California

Board member (2005 – 2009)

Katherine Delmar Burke School (1995 – 2003)

President of Board (2001 – 2003)

Chair, Strategic Planning Committee (1999 – 2001)

Board member (1995 – 2003)

North Fork Association

President of Board (1995 – 1997, 2006 – 2008)

Secretary (1993 – 1995)

Board member (1991 – 1993)

Proprietary member (1991 – present)

Associate member (1988 – 1990)

OneCalifornia (now OnePacific) Bank  
Board member (2006 - 2009)  
Chair, Compensation and Governance Committees (2006 - 2009)  
Rafael Racquet Club (1990 - 1996)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Letters to the School Community: January 3, 2003; November 5, 2002; April 23, 2002; December, 2001; and October 8, 2001. Katherine Delmar Burke School Tuesday Notes and Kay Dee Bee (school magazine). Copies supplied.

Letter to the Editor, "Let Terrorism Inspire Renewed Commitment to Fighting Racism," The Recorder, December, 1989. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Episcopal Diocese of California

Governance - Constitution Article III, Committee on Canons Report to the 160th Convention of the Diocese of California. Copy supplied.

Governance, Committee on Canons Report to the 159th Convention of the Diocese of California, October 17 and 18, 2008. Copy supplied.

Report of the Committee on Canons and Corporation Sole Fact Sheet, Guide to the Special Convention of the Diocese of California, May 10, 2008. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2006. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 22, 2005. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 19, 2002. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2000. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 18, 1997. Copy supplied.

Expansion of Child Abuse and Neglect Reporting Requirements Memo, November 1, 1996. Copy supplied.

#### Other Reports

Letters to the School Community, Katherine Delmar Burke School Annual Reports, 2001-2002 and 2002-2003. Copies supplied.

Report of the Boston College Legal Assistance Bureau, Spring 1979. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I do not believe I issued or provided any such communications.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom



the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 26, 2011: Speech to the U.S. Immigration and Customs Enforcement Office of the Principal Legal Advisors conference, Chicago, Illinois. Remarks supplied.

September 30, 2010: Presentation on "Hot Topics in Immigration Law" at Office of Immigration Litigation conference. I discussed the case *U.S. v. Arizona*. Columbia, South Carolina. Outline supplied.

June 2009: Introduction of Kamala Harris at a fundraiser for her campaign to become Attorney General of California. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Kamala Harris for Attorney General, does not have a physical address.

January 10, 2009: Presentation during the orientation of the newly constituted Executive Council of the Episcopal Diocese of California on their duties and responsibilities. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 2008: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2008: Remarks at a gathering of Obama supporters at a park in Tiburon, California. San Francisco, California. I have no notes, transcript or recording. San Francisco, California. The sponsoring organization, Obama for America, does not have a physical address.

May 16, 2008: Talk at the retirement dinner of Ann and Charlie Alexander from Groton School. Groton, Massachusetts. Remarks supplied.

April 24, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Alameda Deanery. Piedmont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 19, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Marin Deanery. Novato, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.



April 17, 2008: Speech, with question and answer period, on the structure and liability of Episcopal social service organizations, Episcopal Diocese of California. San Francisco, California. Remarks supplied.

April 13, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the South Alameda Deanery. Fremont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 2008: Participant in a debate as a Senator Barack Obama surrogate against surrogates for Senator Hillary Clinton and Senator John McCain at the Fromm Institute for Lifelong Learning, University of San Francisco. I have no notes, transcript or recording. The address of the Fromm Institute is 2130 Fulton Street, San Francisco, California 94117.

February 2007: Introduction of Senator Barack Obama at a fundraiser for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Obama for America, does not have a physical address.

December 11, 2006: Presentation on property ownership rights of parishes in the Episcopal Diocese during consideration of amended Articles of Incorporation at St. Clement's Episcopal Church. Berkeley, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 26, 2006: Presentation on jury selection to the Association of Business Trial Lawyers for a program entitled, "The Use and Abuse of Peremptory Challenges." San Francisco, California. Remarks supplied.

October 22, 2005: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention are supplied, and the report is supplied in response to 12(b).

October 2005: Talk on the importance of pro bono litigation and introduction of San Francisco Bar Association's "Champion of Justice" award recipient at the San Francisco Bar Association Gala. San Francisco, California. I have no notes, transcript or recording. The address of the San Francisco Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

June 13, 2005: Co-presenter for employment law training, with emphasis on sexual harassment, to employees of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the

Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 2004: Introduction of Governor Elliot Spitzer at a fundraising event for the Presidential campaign of Senator John Kerry, and then moderator of a question and answer session with him. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

August 2004: Remarks on behalf of Senator Kerry at a house party. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

June 2004: Remarks on panel on behalf of Senator Kerry at a gathering at a senior citizen housing complex. Walnut Creek, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

April 23, 2004: Chapel Talk on "Being Kind." Groton School, Groton, Massachusetts. Remarks supplied.

June 2003: Introduction of Susan Leal at a fundraiser for her campaign for Mayor of San Francisco. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Susan Leal for Mayor, does not have a physical address.

May 2003: Introduction of Senator Kerry at a fundraising event for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

October 2002: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2000: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 16, 1999: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

December 1, 1998: Presentation on sexual harassment to employees at Farallon Capital Management. San Francisco, California. I have no notes, transcript or recording. The address of Farallon Capital is 1 Maritime Plaza, Suite 2100, San Francisco, California 94111.

January 15, 1998: Presentation to the lawyers in the Guild of St. Yves on the role of the Chancellor of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 1997: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention supplied, and the report is supplied in response to 12(b).

April 18, 1997: Speech at grand opening of Good Samaritan Family Resource Center and Apartments. San Francisco, California. Remarks supplied.

January 16, 1997: Speech at the Episcopal Charities Dinner. San Francisco, California. Remarks supplied.

October 19, 1996: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 21, 1995: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 20, 1995: Presentation on the new Disciplinary Canons in the Episcopal Church of America to the clergy of the Episcopal Diocese of California. Healdsburg, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 1995: Speech at retirement dinner honoring Richard J. Congleton. Groton School faculty member. Boston, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

January 22, 1994: Training of the newly constituted "support team" to implement the new misconduct policy in the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 1983: Training on recent Supreme Court cases for Georgia Legal Services Program lawyers. Atlanta, Georgia. I have no notes, transcript or recording. The address of GLSP is 104 Marietta Street, Suite 250, Atlanta, Georgia 30303.

September 7, 1978: Speech at the 10th anniversary of the Boston College Legal Assistance Bureau dinner. Boston, Massachusetts. Remarks supplied.

Winter 1972: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

May 1971: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Marisa McQuilken. "Familiar Place," The National Law Journal, June 29, 2009. Copy supplied.

Petra Pasternak, "Another Coblenz Partner Joins DOJ," The Recorder, June 23, 2009. Copy supplied.

Press release, "Obama Administration Recruits Partner William H. Orrick for DOJ Post," Coblenz Patch Duffy & Bass LLP, June 22, 2009. Copy supplied.

Claire Cooper, "Campaign Lawyers—May the Best Candidate Win," San Francisco Attorney Magazine, Fall 2008. Copy supplied.

Sue Cox. "Bar Association of San Francisco Foundation Announces Gala Co-Chairs," BASF Newsletter, Summer 2008. Copy supplied.

Bob Egelko, "Downey Orrick—SF Lawyer," The San Francisco Chronicle, Feb. 2, 2008. Copy supplied.

Justin Scheck, "Marin Mediator Looks Beneath the Economics," The Recorder, Apr. 17, 2007. Copy supplied.

Anna Palmer, "Trial Bar Turns from Edwards," The Recorder, Apr. 9, 2007 (reprinted in multiple outlets). Copy supplied.

Susan Kostal, "The 1% Solution—BASF's Charitable Giving Task Force Sets Bar for Law Firm Philanthropy," San Francisco Attorney Magazine, Spring 2007. Copy supplied.

Mary Anne Ostrum, "Bay Area's Election Exodus: Thousands Heading Out to Help in Swing States," San Jose Mercury News, Oct. 27, 2004. Copy supplied.

Brenda Sandburg, "Personal Politics," The Recorder, July 21, 2004. Copy supplied.

Susan Kostal, "Adventures in Politics," San Francisco Attorney Magazine, Summer 2004. Copy supplied.

Curtiss, Swisher and Lewin, *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, University of Chicago Press, 2000. A copy of the section of a chapter for which I was interviewed is provided.

Suzanne Solis, "Good Samaritan Fosters Immigrants' Self-Reliance," The San Francisco Chronicle, Nov. 28, 1995. Copy supplied.

David J. Jefferson, "This Anthropologist Has A Style That Is Bone of Contention," Wall Street Journal, Jan. 31, 1995. Copy supplied.

"Saturday Celebrity," The Boston Herald, Sept. 10, 1994. Copy supplied.

Associated Press, "Man Tied To Marin S&L Failure Paid Little," Marin Independent Journal, Feb. 25, 1993. Copy supplied.

Richard Keil, "S&L Plea Bargains a Steal for Defendants," San Jose Mercury News, Feb. 25, 1993. Copy supplied.

Carrie Dolan, "Talking Baysball: The A's and Giants Have Scores To Settle," Wall Street Journal, Oct. 13, 1989. Copy supplied.

Frederick C. Klein, "Another Season of Baseball by the Numbers," Wall Street Journal, Feb. 24, 1983. Copy supplied.

I was interviewed on television in approximately 1981 about the services which Georgia Legal Services Program provided in Savannah, Georgia. I do not have any transcript or recording.

Ben Birnbaum. "After Ten Years of Service, Legal Assistance Bureau a 'Rite of Passage' for Many Law Students," Boston College Colleague, Feb. 1979. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.



- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I was appointed by the California Superior Court for the City and County of San Francisco to be a member of the Civil Investigative Grand Jury for the City and County of San Francisco from 1989 - 1990. Otherwise, I have not held any public offices nor run for any.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I was a precinct captain for San Francisco Mayor Art Agnos in his unsuccessful campaign for reelection in 1991.

I raised money for Senator Bill Bradley for a fundraiser in San Francisco during his campaign for president in 1999.

I held a house party/fundraiser for the unsuccessful campaign to elect Susan Leal for mayor in San Francisco in June 2003.

I was co-chair of the Bay Area Lawyers Committee to Elect John Kerry in 2003-2004. The committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked.

I was a member of a group of lawyers who supported Phil Angelides for Governor in 2005 to 2006. I was on the host committee for a fundraiser for which I raised and gave money.

I was co-chair of the Bay Area Lawyers Committee to Elect Barack Obama from 2006 to 2008, and was a member of the National Finance Committee from 2007 to 2008. The lawyers committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked. I spoke at several events.

I raised money and sponsored an event for the campaign of Kamala Harris for Attorney General in 2009, before I joined the Department of Justice.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.



1979 – 1984  
Georgia Legal Services Program  
Savannah Regional Office  
P.O. Box 8667  
Savannah, Georgia 31412  
Supervising Attorney (1982 – 1984)  
Acting Managing Attorney (1981 – 1982)  
Attorney (1979 – 1981)

1984 – 2009  
Coblentz, Patch, Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, California 94111  
Partner (1988 – 2009)  
Associate (1984 – 1987)

2009 – Present  
United States Department of Justice, Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Deputy Assistant Attorney General (2010 – Present)  
Counselor (2009 – 2010)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

As a lawyer with the Georgia Legal Services Program in Savannah, Georgia from 1979 to 1984, I brought litigation in United States District Court and handled a general legal services caseload, circuit riding weekly to a rural county for hearings and appointments. I was in court frequently.

I then worked with Coblentz, Patch, Duffy & Bass, LLP, where I had a broad-based, complex commercial litigation practice from 1984 to 2009. I became a partner in 1988 and headed the firm's employment litigation practice. I also served as Vice Chancellor, Co-Chancellor and Chancellor to the Episcopal Bishop of California from 1992 to 2009, essentially

performing the work of an outside general counsel. My clients ran the gamut from individuals to small companies to much bigger ones. An example of my varied practice is seen from matters handled in my last six months with the firm: I settled a wage and hour class action for Boudin Bakeries and related companies; tried (and won) a two-week jury trial involving fraud, construction and real estate causes of actions for Albertson's, LLC and Save Mart, Inc.; tried (and won) a will reformation case for St. Jude Children's Research Hospital; was lead counsel for a family in two complex partition actions involving hundreds of parcels of real property in California; won summary judgment on a multimillion dollar breach of contract matter; and settled a partnership dispute involving players in the financial services industry.

I started government service in June 2009, and through May 2010, I was Counselor to the Assistant Attorney General for the Civil Division at the Department of Justice. I spearheaded or participated in a wide range of projects, including matters related to the Freedom of Information Act, tobacco litigation, increasing the affirmative consumer litigation brought by the Civil Division, analysis of amendments to the False Claims Act, litigation reports concerning the Civil Division's national security cases, and efforts to increase access to justice, including expansion of the Civil Division's pro bono efforts. In addition, I began supervising immigration litigation in September 2009.

I was appointed Deputy Assistant Attorney General in the Civil Division in June 2010. I oversee the Office of Immigration Litigation ("OIL"), which includes two sections (District Court and Appellate) with more than 300 lawyers that handle all of the federal civil appellate litigation arising from petitions for review from the immigration courts and roughly 50% of the civil United States District Court immigration matters, primarily class actions, habeas and mandamus petitions, and certain *Bivens* actions. I participate in various interdepartmental task forces concerning immigration and national security, including the applicability of terrorism bars to various groups and individuals. I led an interagency task force against immigration services fraud. I also strategize regarding some non-immigration cases of interest and importance to the Civil Division.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

With Georgia Legal Services, I represented low income persons on a variety of issues impacting people living at or below the poverty line.

In private practice, my clients ranged from individuals to large corporations. I emphasized employment issues over the course of my career, but had a broad-based, complex commercial practice.

As Counselor and Deputy Assistant Attorney General in the Civil Division of the United States Department of Justice, my sole client is and has been the United States government. My primary area of responsibility is immigration matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

With Georgia Legal Services, my practice was 100% in litigation, and I appeared in court frequently, usually more than once a week.

With Coblenz, Patch, Duffy & Bass, LLP, my practice was at least 90% in litigation, and I appeared in court frequently (at least three times a month, and often more frequently).

As a Deputy Assistant Attorney General in the Civil Division, my responsibilities primarily involve decisions about litigation, but I do not typically handle the litigation myself. I have argued five cases in the Courts of Appeals and one in federal district court.

- i. Indicate the percentage of your practice in:

1. federal courts: 40%
2. state courts of record: 60%
3. other courts:
4. administrative agencies:

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 97%
2. criminal proceedings: 3%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried at least 16 cases to verdict in courts of record as sole or lead counsel. I did not try any as an associate counsel. Fifteen cases were civil and one was criminal. (These numbers do not include numerous short cause custody cases I tried to the court in Georgia.)

- i. What percentage of these trials were:

1. jury: 56%
2. non-jury: 44%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Berkeley Geochronology Center v. Institute of Human Origins, No. 736234-9 (Cal. Super. Ct., Alameda County); Judge James Lambden: May 1994 – May 1995

I was lead counsel for Berkeley Geochronology Center, a non-profit whose board was led by Gordon Getty, and successfully prosecuted this breach of charitable trust action on behalf of a world renowned laboratory for dating geological sites against Donald Johanson's rival organization, the Institute of Human Origins. The case ultimately settled after Hon. James Lambden granted a preliminary injunction to my client in the summer of 1994. The lawsuit and my involvement in it is described in *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, written by Carl C. Swisher III, Garniss H. Curtiss and Roger Lewin, and published by The University of Chicago Press in 2000.

Opposing counsel:

James Carter  
Carter, Carter, Fries & Grunschlag  
44 Montgomery Street, Suite 2405  
San Francisco, CA 94104  
(415) 989-4800

2. Fowler v. The Regents of The University of California, No. 527662 (Cal. Super. Ct., Sacramento County); Hon. Eugene Gualco; approximately May 1991 – September 1993

I was lead counsel for The Regents and Aramark Corporation and won a three-week jury trial in the first same-sex sexual harassment and wrongful termination in violation of public policy case tried in California. The case involved a cafeteria employee's claims that his supervisor engaged in quid pro quo sexual harassment.

Opposing counsel:  
Jill P. Telfer  
331 J Street, Suite 200  
Sacramento, CA 95814  
(916) 446-1916

3. Genzano v. Coastal International and Green, No. CGC-02-405121 (Cal. Super. Ct., San Francisco); Hon Read Ambler, ret.: approximately June 2002 – January 2004

I was lead counsel for Coastal International and its CEO and majority shareholder, Green, and successfully defended them in a wrongful termination and partnership dispute in a several weeks-long, bet-the-company arbitration. Genzano had alleged that Green and his law firm (Squire Sanders) had breached their fiduciary duties to him and that Green had pushed them out of their lucrative partnership despite Genzano's outsized contribution to it.

Opposing Counsel:  
Richard E. Levine  
Levine and Baker  
535 Pacific, Suite 201  
San Francisco, CA 94133  
(415) 391-8177

4. Gregory v. Albertson's, 104 Cal. App. 4th 845 (Cal. Ct. App. 2002); Judge James Richman (Alameda Superior Court), Judges Swager, Stein and Margulies (First District Court of Appeals); April 2001 – December 2002

I was lead counsel and demurred successfully to an Unfair Business Practices Act case under California Business and Professions Code 17200. Plaintiff alleged that a grocery store chain committed an unfair act or practice by creating blight in a neighborhood when it ceased operations in a particular location and did not sublet the premises. I then briefed, argued and won the case in the California Court of Appeals. The opinion in this matter helped develop the definition of unfair practices under California law.

Opposing counsel:  
Cary L. Dictor (deceased)

5. Leonardo v. Crawford, 644 F. 3d 905 (9th Cir. 2011), amended by 646 F.3d 1157 (9th Cir. 2011); Singh v. Chertoff, 433 Fed. Appx. 549 (9th Cir. 2011); and Singh

v. Holder, 638 F.3d 1196 (9th Cir. 2011); Judges Fisher, Bybee, and Hall (with Judge Graber substituting for Judge Hall after her death); September – October, 2010

I argued three cases which had been briefed by others but consolidated for hearing in the United States Court of Appeals for the Ninth Circuit on October 4, 2010, concerning the procedures to be employed in bond hearings held for aliens in detention pursuant to INA Section 236(a). We prevailed in requiring administrative exhaustion through the BIA as a prerequisite to challenge a bond hearing determination in *Leonardo v. Crawford*, but lost in the *Singh v. Holder* case where the court ruled that the burden of proof on the government should be clear and convincing evidence and that bond hearings should be recorded or transcribed. *Singh v. Chertoff* was remanded for the trial court to apply the rulings in the other two cases.

Lead counsel for appellants and amici:  
 Ahilan T. Arulanantham  
 ACLU Foundation of Southern California  
 1313 West Eighth Street  
 Los Angeles, CA 90012  
 (213) 977-5211

*Leonardo v. Crawford* opposing counsel:  
 J. Ryan Moore  
 Assistant Public Defender  
 407 West Congress Street  
 Tucson, AZ 85701  
 (520) 879-7500

*Singh v. Chertoff* opposing counsel:  
 James Fife  
 Public Defenders Office  
 225 Broadway  
 San Diego, CA 92101  
 (619) 234-8467

*Singh v. Holder* opposing counsel:  
 Holly S. Cooper  
 UC Davis Immigration Law Clinic  
 One Shields Avenue, Building TB-30  
 Davis, CA 95616  
 (530) 754-4833

6. McKinney-Griff Inc. v. Albertson's, et al., No. RG-06-0250071 (Cal. Super. Ct., Alameda County); Judge Stephen Dombrink: approximately June 2006 – June 2009

I was lead counsel for Albertson's LLC and Save Mart, Inc. in a matter arising from the construction and operation of a large grocery store in the Lake Merritt Shopping Center in Oakland, California. A local business sued for fraud, interference with contract, construction defect, an accounting and injunctive relief because of alleged interference. After the other defendants settled or were dismissed, I tried the case and obtained a defense verdict in a two-week jury trial in 2009.

Opposing counsel:  
Leodis Matthews and Dick Sindicich  
Matthews Wilson Hunter LLP  
4322 Wilshire Boulevard, Suite 200  
Los Angeles, CA 90010  
(323) 938-8300

Counsel for defendant Dawson Trust:  
Martin Sproul  
Sproul Law Offices  
3675 Mt. Diablo Boulevard, Suite 250  
Lafayette, CA 94549  
(925) 962-1616

Michelle Trausch  
Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105  
(415) 781-7900

Counsel for defendant Tilton Pacific Construction:  
Robert Lockhart  
LaMore, Brazier, Riddle & Giampaoli  
1570 The Alameda, Suite 150  
San Jose, CA 95126  
(408) 280-6800

7. Miniace v. Pacific Maritime Association, 2007 U.S. Dist. LEXIS 34420, 41 Employee Benefits Cas. (BNA) 1057 (N.D. Cal.); Hon. Susan Illston; approximately March 2004 – November 2007

I was lead counsel for plaintiff Miniace, the former president of Pacific Maritime Association (PMA), who was terminated for breach of fiduciary duty for conduct related to helping his CFO's widow obtain substantial life insurance benefits. We sued PMA for wrongful termination, and PMA cross-complained against Miniace and the CFO's widow for breach of fiduciary duty under ERISA and for recovery of the insurance proceeds. Judge Illston bifurcated the case and held a two-week bench



trial on the cross-complaint. Susan Harriman, counsel for the widow, and I successfully defended the cross-complaint. Mr. Miniace then settled after the trial court's decision.

Counsel for defendant and cross-complainant Pacific Maritime Association:  
Michael Baker  
Arnold and Porter (formerly Howard, Rice)  
3 Embarcadero Center, 7th Floor  
San Francisco, CA 94111  
(415) 434-1600

Counsel for cross-defendant McMahon:  
Susan Harriman  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111  
(415) 676-2213

8. Pebble Beach Fire Litigation [consolidated], No. M19160 (Cal. Super. Ct., Monterey County); Judge Richard Silver; June 1987 – September 1990

I co-defended the Pebble Beach Company before Hon. Richard Silver in actions filed by 32 homeowners and their insurance companies arising out of a fire on May 31, 1987 that started in part of the Monterey forest controlled by my clients. The allegations were in part that the company had not maintained the open space in a reasonable manner to protect the homeowners from fire and had interfered with the ability to fight the fire by blocking vehicular access to the open space. This case settled on the eve of trial in the fall of 1990.

Lead opposing counsel:  
Stephen N. Cole  
The Cole Law Firm  
3410 Industrial Boulevard, Suite 100  
West Sacramento, CA 95691  
(916) 376-0478

Frank L. Crist (deceased)

Co-counsel for Pebble Beach Company:  
Richard K. Harray  
Kennedy Archer and Harray  
24591 Silver Cloud Court, Suite 200  
Monterey, CA 93940  
(831) 373-7500

Other insurance defense counsel:  
Stephen W. Jones



Sedgwick, Detert, Moran & Arnold  
 One Market Street, Steuart Tower  
 San Francisco, CA 94105  
 (415) 781-7900

9. State Conference of Branches of NAACP v. State of Georgia, 570 F. Supp. 314 (S.D. Ga. 1983), 775 F.2d 1403 (11th Cir. 1985); Judge B. Avant Edenfield; approximately October 1981 – January 1984

I was the most junior of three primary trial counsel in a class action against 13 school districts and the State of Georgia for denial of equal educational opportunities by use of tracking policies which placed African American children in the slowest classes, and by the intentional misclassification of African American students as educable mentally retarded when their testing revealed that they should not have been placed in special education classes. After a two-month bench trial, Judge Edenfield found substantially for the defendants because he did not find intentional discrimination. I did not participate in the appeal, which affirmed Judge Edenfield's decision.

Co-counsel for plaintiffs:  
 Rose Firestein  
 New York State Department of Law-Consumer Fraud  
 120 Broadway, 3rd Floor  
 New York, NY 10271  
 (212) 417-4393

Jonathan Zimring  
 Zimring Law Firm  
 114 New Street, Suite K-1  
 Decatur, GA 30030  
 (404) 607-1600

Lead opposing counsel (13 counties separately represented):  
 Franklin Edenfield  
 Spivey, Carlton and Edenfield  
 P.O. Box 309  
 Swainsboro, GA 30401  
 (478) 237-6424

10. United States v. Alabama, 2011 U.S. Dist. LEXIS 112362 (N.D. Ala. 2011); Judge Sharon Blackburn; July 2011 – present

I helped supervise the district court preemption litigation brought by the United States against the states of Arizona, Alabama, South Carolina and Utah concerning statutes passed by those states in 2010 and 2011 that related to immigration. I argued the United States' motion for a preliminary injunction in *United States v. Alabama*, which was granted in part and denied in part. The Eleventh Circuit has

since granted additional parts of our requested injunction, and the matter is pending. Id., 443 Fed. Appx. 411 (Oct. 14, 2011) and Order (March 8, 2012).

Co-counsel:  
Beth Brinkmann  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 353-8679

Joyce White Vance  
U.S. Attorney  
U.S. Attorney's Office for the Northern District of Alabama  
1801 Fourth Avenue North  
Birmingham, AL 35203  
(205) 244-2209

Counsel for the State of Alabama and Governor Bentley:  
John C. Neiman, Jr.  
Solicitor General, State of Alabama  
Office of the Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36130  
(334) 242-7300

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While I was in private practice, in my role as Chancellor of the Episcopal Diocese of California (and previously as Vice Chancellor and Co-Chancellor), I advised the Diocese on a host of matters, including interpretation of the Canons of the Episcopal Church, the property and other rights of parishes to "break away" from the Diocese, the duties of priests to report sexual abuse matters, personnel matters and their intersection with First Amendment rights, real property and construction issues, and other matters typical for a general counsel of a complicated organization. Additionally, I advised many clients on how to avoid litigation and successfully participated in many mediations, including one disputed trust/estate matter which involved dividing ownership of many lots comprising a substantial part of the downtown of one California city. In another matter designated as complex in San Mateo Superior Court involving five family groups that disputed the ownership and disposition of approximately 250 parcels of real property in numerous

counties in California before Hon. Carol Mittelstaedt, I helped negotiate the settlement prior to trial of the first of two consolidated lawsuits before starting my job with the Justice Department.

As a board member of a number of organizations, I participated in significant negotiations and decisions, though outside lawyers did the legal work. With Ellicott Machine Corporation, I was involved in the decision to split the corporation and sell each part in 1992. I negotiated with the Forest Service on behalf of the North Fork Association to help preserve thousands of acres in the Sierra Nevada as a research area. I helped settle in mediation allegations of child abuse and retaliation for Groton School. I advised Good Samaritan Family Resource Center when it was unionized. I negotiated with neighbors of the Katherine Delmar Burke School so that the school could rebuild its facility.

I have not performed any lobbying activities on behalf of any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any deferred income or future benefits.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Matters in which Coblenz, Patch, Duffy & Bass LLP is counsel of record would present a potential conflict of interest, since the firm currently represents me in estate matters. Any immigration case served during my tenure as Deputy Assistant Attorney General would also present a potential conflict. I also own stock in various companies. Matters relating to my immediate family and sibling, if any were to arise (none are pending) would also present a conflict of interest. I would recuse myself from all such matters consistent with applicable rules.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions, e.g., 28 U.S.C. § 455.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During the summer after my first year in law school, I represented clients in special education hearings as an intern with the Massachusetts Advocacy Center. In my second and third years in law school, I worked at the Boston College Legal Assistance Bureau, which provided free legal services for low-income residents in Waltham, Massachusetts. I represented a number of clients under the Massachusetts student practice rule in divorce, custody, landlord tenant and other matters, and argued a case before the Supreme Judicial Court of Massachusetts. I was elected president of the Legal Assistance Bureau by my peers.

After graduation from law school in 1979 through the beginning of January 1984, I represented indigent persons as a staff attorney, acting managing attorney and supervising attorney with Georgia Legal Services Program in Savannah, Georgia. I brought cases in

the United States District Court for the Southern District of Georgia, and circuit rode to Liberty County, Georgia each week for hearings and interviews involving all manner of legal services matters, from domestic relations to public benefits to contract to housing cases.

After returning to San Francisco in 1984 to practice with Coblenz, Patch, Duffy and Bass, LLP, I assisted the Good Samaritan Family Resource Center on many legal issues from 1986 to 2009. I represented the charities and schools of the Episcopal Diocese of California on an as-needed basis from 1992 to 2009 (my work advising the Bishop was partially compensated, but my work for the non-profits and schools as a general rule was not).

In addition, I was active in our pro bono program at the firm. I was honored by the Bar Association of San Francisco for my work in a pro bono case, *Akao v. Shimoda*, 832 F.2d 119 (9th Cir. 1987), in which I prevailed on appeal for inmates from Hawaii whose pro se complaint alleging deliberate indifference to serious medical needs had been dismissed for failure to state a claim. I was co-chair of my firm's Pro Bono Committee from approximately 1994 to 2009. During that time, I supervised most of our firm's pro bono litigation. I helped lead and staff the Tuesday night clinics for the Lawyers Committee for Civil Rights in which our firm participated from 2006 to 2008, taking primarily debt collection and landlord-tenant matters. I handled several cases myself, including two prisoner matters to which U.S. District Judges Vaughn Walker and James Ware appointed me.

When I began work with the Civil Division, access to justice issues were part of my portfolio. In the last three years, we doubled our sponsorships of the Advocacy and Referral Clinic offered by the DC Bar Association. I participated in one of those sessions. We also created an award for pro bono representation by Civil Division attorneys to encourage attorneys to fulfill their obligations under Canon 2.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted a Questionnaire to the Chair of the Judicial Screening Panel for Senator Barbara Boxer in December 2010. In September 2011, I was interviewed by Senator Boxer's committee. Since March 13, 2012, I have been in contact with officials in the Office of Legal Policy at the Department of Justice. On April

10, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 11, 2012, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

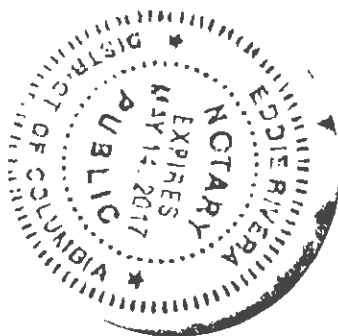
AFFIDAVIT

I, William H. Orrick, III, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

June 6, 2012  
(DATE)

W. H. Orrick  
(NAME)

Eddie Rivera  
(NOTARY)



EDDIE RIVERA  
Notary Public of District of Columbia  
My Commission Expires May 14, 2017

COBLENTZ,  
PATCH, DUFFY  
& BASS LLP ATTORNEYS  
AT LAW

One Ferry Building, Suite 200 main: 415.391.4800  
San Francisco, California fax: 415.989.1663  
94111-4213 web: www.coblentzlaw.com

William H. Orrick, III  
Direct Dial: (415) 772-5713  
worrick@coblentzlaw.com

January 3, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on June 12, 2012 to be United States District Judge for the Northern District of California. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

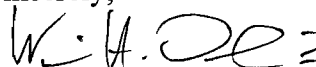
- My current office address is:

Coblentz, Patch, Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111  
(Questions 3, 6 and 16.a)

- I resigned my position with the United States Department of Justice on August 14, 2012 and returned to Coblentz, Patch, Duffy & Bass LLP on August 20, 2012 as Special Counsel. I have resumed work on complex commercial litigation matters. (Question 16.b.)

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



William H. Orrick, III

Enclosure

cc: The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510



**EXHIBIT 4**

# Wohlford Family Clinic at the Good Samaritan Family Resource Center of San Francisco, CA (/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200)

Operated by: [Planned Parenthood Northern California \(/planned-parenthood-northern-california\)](#)

We accept many insurance plans. If you don't have insurance, affordable coverage options may be available.

[View Accepted Health Insurance \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200#health-insurance\)](#)

## Contact Info

### Visit Us

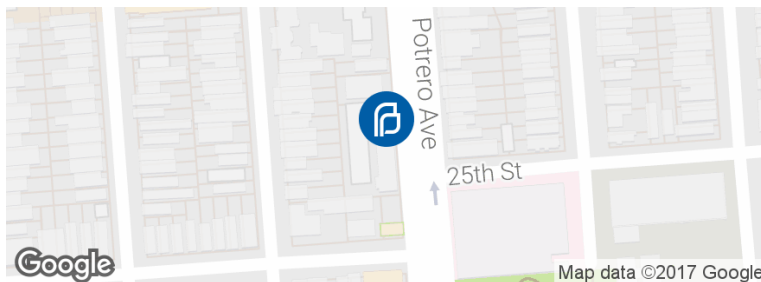
1294 Potrero Ave.

San Francisco, CA 94110

(<http://maps.google.com/?>

daddr=1294+Potrero+Ave.,+San+Francisco,+CA+94110,+USA+

[Get Directions](#) (Wohlford+Family+Clinic+at+the+Good+Samaritan+Family+Resource+Center))



### Call Us

Phone: [415-401-8737](tel:415.401.8737) (tel:415.401.8737)

**CALL NOW(TEL:415.401.8737)**

### Schedule Online

**BOOK APPOINTMENT**

([HTTPS://DOCASAP.COM/WHITE-](https://docasap.com/white-)

/1/HIDE\_FOOTER/1/HIDE\_OTHER\_PROVIDER/1/KEY\_PARTNER\_CODE/PPFA/EXTERNAL\_SRC/1/HIDE\_PRC

### Language

English; Spanish; Interpretation by telephone available for other languages.

## Book an appointment.

Conveniently book your appointment online. Depending on the service you're looking for, appointment times vary. Be sure to select your reason for visit first, and then select an appointment time.

To make an appointment by phone, call [415-401-8737 \(tel:415.401.8737\)](tel:415.401.8737)

## SERVICES OFFERED

[Abortion Referral \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/abortion-referral\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/abortion-referral)

[Birth Control \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/birth-control\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/birth-control)

[HIV Testing \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/hiv-testing\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/hiv-testing)

[LGBT Services \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/lgbt\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/lgbt)

[Men's Health Care \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/mens-health\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/mens-health)

[Morning-After Pill \(Emergency Contraception\) \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/emergency-contraception\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/emergency-contraception)

[Pregnancy Testing & Services \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/pregnancy-testing-options\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/pregnancy-testing-options)

[STD Testing, Treatment & Vaccines \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/std-testing-treatment\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/std-testing-treatment)

[Women's Health Care \(/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/womens-health\)](/health-center/california/san-francisco/94110/wohlford-family-clinic-at-the-good-samaritan-family-resource-center-4067-90200/womens-health)

## Hours & Holidays

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day

- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Notes

Hours of Operation		
Day	Open	Close
MON	-	-
TUES	-	-
WED	9:30 AM	6:00 PM
THURS	-	-
FRI	9:30 AM	6:00 PM
SAT	-	-
SUN	-	-



Affordable Plans & Accepted Insurance

Most birth control and annual well-woman exams will be covered for free, with no copay. If you don't have insurance, affordable coverage options may be available for you - check out what you may qualify for. With or without insurance, you can always come to us for your health care. We cover the following insurance plans:

- Anthem Blue Cross
- Blue Shield of California

- Contra Costa Health Plan
- Partnership Health Plan of Ca

## Additional Information

### Appointment Information

### Payment Information

If you are uninsured, you may qualify for a state-funded program or a lower fee scale.

Fees for services are based on your household income.

We accept the following forms of payment:

- Cash
- Major Credit/Debit Cards

### Insurance Information

Please see the provided list of insurance plans to find out which ones include Planned Parenthood as an in-network provider.

Most health insurance plans now cover prescription birth control, annual wellness exams, and HIV and STI screenings with no copay, and many other services with some copay required. You should contact your health insurance company directly to confirm that the services you are interested in are covered, and what, if any, out-of-pocket costs you are required to pay.

Please be sure to bring your insurance card to your visit.

If you do not have health insurance, visit [Planned Parenthood Health Insurance Facts.org](http://www.plannedparenthood.org/health-insurance) (<http://www.plannedparenthood.org/health-insurance>) to find out how to get more affordable coverage and what to consider when choosing a plan.

Donations are welcome at the time of your visit to [help support](https://secure.ppaction.org/site/SPageServer?pagename=pp_ppol_Directed_DonationFormOneTimeGift&src=ppol_banner_directed) ([https://secure.ppaction.org/site/SPageServer?pagename=pp\\_ppol\\_Directed\\_DonationFormOneTimeGift&src=ppol\\_banner\\_directed](https://secure.ppaction.org/site/SPageServer?pagename=pp_ppol_Directed_DonationFormOneTimeGift&src=ppol_banner_directed)) our mission and continue the important work we do.

All information presented, including pricing and/or insurance information, is subject to change at any time. This information is presented for informational purposes only and is not intended to and does not constitute medical or legal advice. For further information, please refer to our [Terms of Use](/planned-parenthood-northern-california/terms-use) (</planned-parenthood-northern-california/terms-use>).

Our health center supports and welcomes clients regardless of sexual orientation, gender identity, or biological sex, including but not limited to lesbian, gay, bisexual, transgender, queer, questioning, and intersex clients. All services are provided in a respectful and professional manner.

© Planned Parenthood Northern California

**EXHIBIT 5**

Form 990

## Return of Organization Exempt From Income Tax

**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)**

► The organization may have to use a copy of this return to satisfy state reporting requirements

2001

**Open to Public Inspection:**

Department of the Treasury  
Internal Revenue Service

**A For the 2001 calendar year, or tax year period beginning**

and ending

**B** Check if applicable

Please  
use IRS  
label or  
print or  
type  
See  
Specific  
Instruc-  
tions

C Name of organization

C 60116 \*\*\*\*\*AUTO\*\*5-DIGIT 94110

GOOD SAMARITAN FAMILY RESOURCE

CENTER OF SAN FRANCISCO

1294 POTRERO AVE

1 SAN FRANCISCO CA 94110-3570

[illegible]

D Employer identification number

94-3154078

E Telephone number

415-824-9475

**F** Accounting method: ☐ Cash ☒ Accrual  
☐ Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ)**

**H and I are not applicable to section 527 organizations**

H(a) Is this a group return for affiliates? ☐ Yes ☒ No

H(b) If "Yes," enter number of affiliates ►

H(c) Are all affiliates included? N/A ☐ Yes ☐ No  
(If "No," attach a list.)

**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

1 Enter 4-digit GEN ►

**M** Check ☐ if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF)

**G Web site ► [www.goodsamfrc.org](http://www.goodsamfrc.org)**

**J Organization type** (check only one) ☒ 501(c) ( 3 ) (Insert no ) ☐ 4947(a)(1) or ☐ 527

**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

**L. Gross receipts.** Add lines 6b, 8b, 9b and 10b to line 12 **1,028,744.**

**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

Revenue		Expenses		Net Assets	
1	Contributions, gifts, grants, and similar amounts received				
a	Direct public support	1a	456,309.		
b	Indirect public support	1b			
c	Government contributions (grants)	1c	447,628.		
d	Total (add lines 1a through 1c) (cash \$ 889,694. noncash \$ 14,243. )	1d	903,937.		
2	Program service revenue including government fees and contracts (from Part VII, line 93)	2	105,287.		
3	Membership dues and assessments	3			
4	Interest on savings and temporary cash investments	4	13,127.		
5	Dividends and interest from securities	5			
6a	Gross rents	6a			
b	Less rental expenses	6b			
c	Net rental income or (loss) (subtract line 6b from line 6a)	6c			
7	Other investment income (describe )	7			
8a	Gross amount from sale of assets other than inventory	(A) Securities	(B) Other		
b	Less cost or other basis and sales expenses	8a	6,393.		
c	Gain or (loss) (attach schedule)	8b	7,619.		
d	Net gain or (loss) (combine line 8c columns (A) and (B))	8c	<1,226.>		
9	Special events and activities (attach schedule)	8d	<1,226.>		
a	Gross revenue (not including \$ of contributions reported on line 1a)	9a			
b	Less direct expenses other than fundraising expenses	9b			
c	Net income or (loss) from special events (subtract line 9b from line 9a)	9c			
10a	Gross sales of inventory less returns and allowances	10a			
b	Less cost of goods sold	10b			
c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	10c			
11	Other revenue (from Part VII, line 103)	11			
12	Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	12	1,021,125.		
13	Program services (from line 44, column (B))	13	819,063.		
14	Management and general (from line 44, column (C))	14	200,729.		
15	Fundraising (from line 44, column (D))	15	48,300.		
16	Payments to affiliates (attach schedule)	16			
17	Total expenses (add lines 13 and 14, column (A))	17	1,068,092.		
18	Excess or (deficit) for the year (subtract line 17 from line 12)	18	<46,967.>		
19	Net assets or fund balances at beginning of year (from line 73, column (A))	19	3,791,712.		
20	Other changes in net assets or fund balances (attach explanation)	20	0.		
21	Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21	3,744,745.		

**LHA** For Paperwork Reduction Act Notice, see the separate instructions.

Form 980 (2001)

[490]



**Part II Statement of Functional Expenses**

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22	Grants and allocations (attach schedule)				
	cash \$ _____ noncash \$ _____	22			
23	Specific assistance to individuals (attach schedule)	23	2,385.	2,385.	Statement 4
24	Benefits paid to or for members (attach schedule)	24			
25	Compensation of officers, directors, etc	25	73,969.	56,088.	14,143.
26	Other salaries and wages	26	471,112.	357,226.	90,075.
27	Pension plan contributions	27			23,811.
28	Other employee benefits	28	65,293.	48,818.	11,833.
29	Payroll taxes	29	44,894.	33,567.	8,136.
30	Professional fundraising fees	30			3,191.
31	Accounting fees	31	40,657.	3,650.	37,007.
32	Legal fees	32			
33	Supplies	33	21,701.	17,940.	3,701.
34	Telephone	34	18,474.	14,609.	3,395.
35	Postage and shipping	35	1,646.	748.	668.
36	Occupancy	36	22,845.	21,406.	1,439.
37	Equipment rental and maintenance	37	17,487.	16,419.	1,068.
38	Printing and publications	38	9,536.	6,935.	1,110.
39	Travel	39			1,491.
40	Conferences, conventions, and meetings	40	265.	265.	
41	Interest	41			
42	Depreciation, depletion, etc (attach schedule)	42	113,212.	91,512.	14,830.
43	Other expenses not covered above (itemize)				6,870.
a		43a			
b		43b			
c		43c			
d		43d			
e	See Statement 3	43e	164,616.	147,495.	13,324.
44	Total functional expenses (add lines 22 through 43) Organizations completing columns (B)-(D) carry these totals to lines 13-15	44	1,068,092.	819,063.	200,729.
					48,300.

Joint Costs Check ☐ if you are following SOP 98-2

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services?

☐ Yes ☒ No

If "Yes" enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_ (ii) the amount allocated to Program services \$ \_\_\_\_\_

(iii) the amount allocated to Management and general \$ \_\_\_\_\_, and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_

**Part III Statement of Program Service Accomplishments**What is the organization's primary exempt purpose? ☐

Help to immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses  
(Required for 501(c)(3) and (4) orgs. and 4947(a)(1) trusts but optional for others.)

a	Child Development Center (statement attached)				
		(Grants and allocations \$ _____)			296,222.
b	Family Support Advocacy (statement attached)				
		(Grants and allocations \$ _____)			522,841.
c					
		(Grants and allocations \$ _____)			
d					
		(Grants and allocations \$ _____)			
e	Other program services (attach schedule)				
		(Grants and allocations \$ _____)			
f	Total of Program Service Expenses (should equal line 44 column (B), Program services)				819,063.

**Part IV Balance Sheets**

**Note** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

		(A) Beginning of year	(B) End of year
<b>Assets</b>	45 Cash - non-interest-bearing	39,876.	37,022.
	46 Savings and temporary cash investments	438,287.	344,705.
	47 a Accounts receivable	114,635.	
	b Less allowance for doubtful accounts	3,000.	
		103,560.	111,635.
	48 a Pledges receivable		
	b Less allowance for doubtful accounts		
	49 Grants receivable	120,775.	88,542.
	50 Receivables from officers, directors, trustees, and key employees		
	51 a Other notes and loans receivable		
	b Less allowance for doubtful accounts		
	52 Inventories for sale or use		
	53 Prepaid expenses and deferred charges	8,128.	13,938.
	54 Investments - securities Stmt 5 <input checked="" type="checkbox"/> Cost <input type="checkbox"/> FMV	3,775.	10,398.
	55 a Investments - land buildings and equipment basis		
b Less accumulated depreciation			
56 Investments - other	0.	0.	
57 a Land buildings, and equipment basis	3,694,485.		
b Less accumulated depreciation	464,541.		
57c	3,188,316.	3,229,944.	
58 Other assets (describe )			
59 <b>Total assets</b> (add lines 45 through 58) (must equal line 74)	3,902,717.	3,836,184.	
<b>Liabilities</b>	60 Accounts payable and accrued expenses	111,005.	91,439.
	61 Grants payable		
	62 Deferred revenue		
	63 Loans from officers, directors, trustees, and key employees		
	64 a Tax-exempt bond liabilities		
	b Mortgages and other notes payable		
	65 Other liabilities (describe )		
66 <b>Total liabilities</b> (add lines 60 through 65)	111,005.	91,439.	
<b>Net Assets or Fund Balances</b>	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74		
	67 Unrestricted	3,491,042.	3,427,272.
	68 Temporarily restricted	272,322.	289,125.
	69 Permanently restricted	28,348.	28,348.
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74		
	70 Capital stock, trust principal, or current funds		
	71 Paid-in or capital surplus or land, building, and equipment fund		
	72 Retained earnings endowment, accumulated income or other funds		
	73 <b>Total net assets or fund balances</b> (add lines 67 through 69 OR lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)	3,791,712.	3,744,745.
	74 <b>Total liabilities and net assets / fund balances</b> (add lines 66 and 73)	3,902,717.	3,836,184.

Form 990 is available for public inspection and for some people serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III the organization's programs and accomplishments.



Good Samaritan Family Resource  
Center, Inc.

Form 990 (2001)

94-3154078

Page 5

<b>Part VI</b>	<b>Other Information</b>
----------------	--------------------------

	Yes	No
--	-----	----

<b>76</b>	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity			X
<b>77</b>	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes			X
<b>78 a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?			X
<b>b</b>	If "Yes," has it filed a tax return on Form 990-T for this year?	N/A		
<b>79</b>	Was there a liquidation, dissolution, termination or substantial contraction during the year? If "Yes," attach a statement			X
<b>80 a</b>	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc. to any other exempt or nonexempt organization?			X
<b>b</b>	If "Yes," enter the name of the organization _____ and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt			
<b>81 a</b>	Enter direct or indirect political expenditures See line 81 instructions	81a	0.	
<b>b</b>	Did the organization file Form 1120-POL for this year?			X
<b>82 a</b>	Did the organization receive donated services or the use of materials, equipment or facilities at no charge or at substantially less than fair rental value?			X
<b>b</b>	If "Yes," you may indicate the value of these items here Do not include this amount as revenue in Part I or as an expense in Part II (See instructions in Part III)	82b		
<b>83 a</b>	Did the organization comply with the public inspection requirements for returns and exemption applications?			X
<b>b</b>	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?			X
<b>84 a</b>	Did the organization solicit any contributions or gifts that were not tax deductible?	N/A		
<b>b</b>	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	N/A		
<b>85</b>	<b>501(c)(4), (5), or (6) organizations</b> <b>a</b> Were substantially all dues nondeductible by members?	N/A		
<b>b</b>	Did the organization make only in-house lobbying expenditures of \$2,000 or less? If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year	N/A		
<b>c</b>	Dues, assessments, and similar amounts from members	85c	N/A	
<b>d</b>	Section 162(e) lobbying and political expenditures	85d	N/A	
<b>e</b>	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e	N/A	
<b>f</b>	Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f	N/A	
<b>g</b>	Does the organization elect to pay the section 6033(e) tax on the amount in 85f?	N/A		
<b>h</b>	If section 6033(e)(1)(A) dues notices were sent does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	N/A		
<b>86</b>	<b>501(c)(7) organizations</b> Enter <b>a</b> Initiation fees and capital contributions included on line 12	86a	N/A	
<b>b</b>	Gross receipts, included on line 12 for public use of club facilities	86b	N/A	
<b>87</b>	<b>501(c)(12) organizations</b> Enter <b>a</b> Gross income from members or shareholders	87a	N/A	
<b>b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them)	87b	N/A	
<b>88</b>	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes" complete Part IX			X
<b>89 a</b>	<b>501(c)(3) organizations</b> Enter Amount of tax imposed on the organization during the year under section 4911 <u>0.</u> , section 4912 <u>0.</u> , section 4955 <u>0.</u>			
<b>b</b>	<b>501(c)(3) and 501(c)(4) organizations</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction			X
<b>c</b>	Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912 4955 and 4958		0.	
<b>d</b>	Enter Amount of tax on line 89c, above, reimbursed by the organization		0.	
<b>90 a</b>	List the states with which a copy of this return is filed <u>California</u>			
<b>b</b>	Number of employees employed in the pay period that includes March 12, 2001	90b		21

91 The books are in care of ► Hector Melendez, ED Telephone no ► 415-401-4242

Located at ► 1294 Potrero Ave, San Francisco, CA ZIP + 4 ► 94110-3570

**92** Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here  
and enter the amount of tax-exempt interest received or accrued during the tax year

N/A

**Part VII Analysis of Income-Producing Activities** (See Specific Instructions on page 32.)

Note Enter gross amounts unless otherwise indicated

	Unrelated business income		Excluded by section 512 513 or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
<b>93</b> Program service revenue					
<b>a</b> <u>Preschool</u>					67,023.
<b>b</b> <u>Sports program</u>					2,570.
<b>c</b> <u>Other program fees</u>					8,291.
<b>d</b> _____					
<b>e</b> _____					
<b>f</b> Medicare/Medicaid payments					
<b>g</b> Fees and contracts from government agencies					27,403.
<b>94</b> Membership dues and assessments					
<b>95</b> Interest on savings and temporary cash investments			14	13,127.	
<b>96</b> Dividends and interest from securities					
<b>97</b> Net rental income or (loss) from real estate					
<b>a</b> debt-financed property					
<b>b</b> not debt-financed property					
<b>98</b> Net rental income or (loss) from personal property					
<b>99</b> Other investment income					
<b>100</b> Gain or (loss) from sales of assets other than inventory			18	<1,226.>	
<b>101</b> Net income or (loss) from special events					
<b>102</b> Gross profit or (loss) from sales of inventory					
<b>103</b> Other revenue					
<b>a</b> _____					
<b>b</b> _____					
<b>c</b> _____					
<b>d</b> _____					
<b>e</b> _____					
<b>104</b> Subtotal (add columns (B), (D), and (E))		0.		11,901.	105,287.
<b>105</b> Total (add line 104, columns (B), (D), and (E))					117,188.

Note Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See Specific Instructions on page 32.)

Line No	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes)
93a	Fees from Child Development Center bilingual preschool program
93b	Fees from child/youth sports program
93c	Fees from other family services
93g	Preschool subsidies

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See Specific Instructions on page 33.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See Specific Instructions on page 33.)

(a) Did the organization, during the year, receive any funds directly or indirectly, to pay premiums on a personal benefit contract?

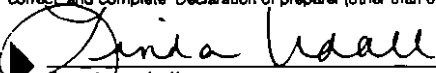
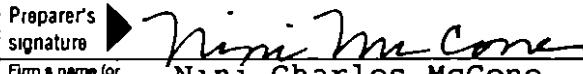
☐ Yes ☒ No

(b) Did the organization during the year, pay premiums, directly or indirectly, on a personal benefit contract?

☐ Yes ☒ No

Note If "Yes" to (b), file Form 8870 and Form 4720 (see instructions)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here		Date	11/5/02	Linda Udall Treasurer	
	Signature of officer			Type or print name and title	
Paid Preparer's Use Only	Preparer's signature		Date	10/31/02	Check if self-employed <input checked="" type="checkbox"/>
	Firm's name (or yours if self-employed), address and ZIP + 4	Nini Charles McCone 61 Fifth Avenue San Francisco, CA 94118		EIN	Preparer's SSN or PTIN
123161 01 02 02	Phone no				(415) 751-8556

**SCHEDULE A**  
(Form 990 or 990-EZ)**Organization Exempt Under Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust**2001**Department of the Treasury  
Internal Revenue Service**Supplementary Information-(See separate instructions.)**▶ **MUST** be completed by the above organizations and attached to their Form 990 or 990-EZName of the organization **Good Samaritan Family Resource  
Center, Inc.**Employer identification number  
**94 3154078****Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See page 1 of the instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
Teresa Carias ----- 1294 Potrero Avenue, SF CA 94110	Program Dir. 40	51,186.		
Pedro Menendez ----- 1294 Potrero Avenue, SF CA 94110	Tech. Dir. 40	51,154.		
-----				
-----				
-----				
-----				
Total number of other employees paid over \$50,000 ▶	0			

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None -----		
-----		
-----		
-----		
-----		
-----		
Total number of others receiving over \$50,000 for professional services ▶	0	



**Part III Statements About Activities** (See page 2 of the instructions)

	Yes	No
--	-----	----

- 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities **\$** \_\_\_\_\_ **\$** \_\_\_\_\_ (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B)

1		X
---	--	---

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.

- 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)

a Sale, exchange, or leasing of property?

2a		X
----	--	---

b Lending of money or other extension of credit?

2b		X
----	--	---

c Furnishing of goods, services, or facilities?

2c		X
----	--	---

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

2d		X
----	--	---

e Transfer of any part of its income or assets?

2e		X
----	--	---

- 3 Does the organization make grants for scholarships, fellowships, student loans, etc.? (See Note below.)

3	X	
---	---	--

- 4 Do you have a section 403(b) annuity plan for your employees?

4		X
---	--	---

**Note.** Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs "qualify" to receive payments.

See Statement 9

**Part IV Reason for Non-Private Foundation Status** (See pages 3 through 6 of the instructions)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations. (See page 5 of the instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 6 of the instructions.)

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12) **Use cash method of accounting**  
**Note** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting

Calendar year (or fiscal year beginning in)	(a) 2000	(b) 1999	(c) 1998	(d) 1997	(e) Total
<b>15</b> Gifts, grants, and contributions received (Do not include unusual grants. See line 28.)	848,069.	600,086.	727,830.	1,456,998.	3,632,983.
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	130,231.	294,466.	200,533.	182,315.	807,545.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	19,272.	20,130.	23,780.	4,361.	67,543.
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets.					
<b>23</b> Total of lines 15 through 22	997,572.	914,682.	952,143.	1,643,674.	4,508,071.
<b>24</b> Line 23 minus line 17	867,341.	620,216.	751,610.	1,461,359.	3,700,526.
<b>25</b> Enter 1% of line 23	9,976.	9,147.	9,521.	16,437.	

<b>26</b> Organizations described on lines 10 or 11	a Enter 2% of amount in column (e), line 24	<b>26a</b>	74,011.
b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1997 through 2000 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts		<b>26b</b>	1,700,269.
c Total support for section 509(a)(1) test. Enter line 24 column (e)		<b>26c</b>	3,700,526.
d Add: Amounts from column (a) for lines 18 <u>67,543.</u> 19 <u>20,130.</u> 22 <u>23,780.</u> 26b <u>1,700,269.</u>		<b>26d</b>	1,767,812.
e Public support (line 26c minus line 26d total)		<b>26e</b>	1,932,714.
f Public support percentage (line 26e (numerator) divided by line 26c (denominator))		<b>26f</b>	52.2281%

**27** Organizations described on line 12 a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of and total amounts received in each year from, each "disqualified person." Do not file this list with your return. Enter the sum of such amounts for each year **N/A**

(2000) (1999) (1998) (1997)

b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11 as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2) enter the sum of these differences (the excess amounts) for each year **N/A**

(2000) (1999) (1998) (1997)

c Add: Amounts from column (a) for lines 15 <u>19,272.</u> 16 <u>20,130.</u> 17 <u>130,231.</u> 20 <u>4,361.</u> 21 <u>23,780.</u>	<b>27c</b>	N/A
d Add: Line 27a total <u>274,413.</u> and line 27b total <u>1,700,269.</u>	<b>27d</b>	N/A
e Public support (line 27c total minus line 27d total)	<b>27e</b>	N/A
f Total support for section 509(a)(2) test. Enter amount on line 23 column (e) <u>952,143.</u>	<b>27f</b>	N/A
g Public support percentage (line 27e (numerator) divided by line 27f (denominator))	<b>27g</b>	N/A %
h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))	<b>27h</b>	N/A %

**28 Unusual Grants** For an organization described in line 10, 11, or 12 that received any unusual grants during 1997 through 2000 prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15 **None**



**Part V Private School Questionnaire** (See page 7 of the instructions)

N/A

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

	Yes	No
29 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter bylaws, other governing instrument, or in a resolution of its governing body?		
30 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures catalogues and other written communications with the public dealing with student admissions, programs, and scholarships?		
31 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe, if "No," please explain (If you need more space, attach a separate statement )		
32 Does the organization maintain the following		
a Records indicating the racial composition of the student body, faculty and administrative staff?		
b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?		
c Copies of all catalogues brochures, announcements, and other written communications to the public dealing with student admissions programs, and scholarships?		
d Copies of all material used by the organization or on its behalf to solicit contributions? If you answered "No" to any of the above please explain (If you need more space attach a separate statement )		
33 Does the organization discriminate by race in any way with respect to		
a Students rights or privileges?		
b Admissions policies?		
c Employment of faculty or administrative staff?		
d Scholarships or other financial assistance?		
e Educational policies?		
f Use of facilities?		
g Athletic programs?		
h Other extracurricular activities? If you answered "Yes" to any of the above, please explain (If you need more space attach a separate statement )		
34 a Does the organization receive any financial aid or assistance from a governmental agency?		
b Has the organization's right to such aid ever been revoked or suspended? If you answered "Yes" to either 34a or b, please explain using an attached statement		
35 Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev Proc 75-50 1975-2 C B 587, covering racial nondiscrimination? If "No," attach an explanation		

Schedule A (Form 990 or 990-EZ) 2001

## Good Samaritan Family Resource

Schedule A (Form 990 or 990-EZ) 2001 Center, Inc.

94-3154078 Page 5

**Part VI-A Lobbying Expenditures by Electing Public Charities** (See page 9 of the instructions )

N/A

(To be completed ONLY by an eligible organization that filed Form 5768)

Check ☐ a ☐ if the organization belongs to an affiliated groupCheck ☐ b ☐ if you checked "a" and "limited control" provisions apply**Limits on Lobbying Expenditures**

(The term "expenditures" means amounts paid or incurred )

(a)  
Affiliated group  
totals(b)  
To be completed for ALL  
electing organizations

N/A

36 Total lobbying expenditures to influence public opinion (grassroots lobbying)

36

37 Total lobbying expenditures to influence a legislative body (direct lobbying)

37

38 Total lobbying expenditures (add lines 36 and 37)

38

39 Other exempt purpose expenditures

39

40 Total exempt purpose expenditures (add lines 38 and 39)

40

41 Lobbying nontaxable amount Enter the amount from the following table -

If the amount on line 40 is -

The lobbying nontaxable amount is -

Not over \$500 000

20% of the amount on line 40

Over \$500 000 but not over \$1 000 000

\$100 000 plus 15% of the excess over \$500 000

Over \$1 000 000 but not over \$1,500 000

\$175 000 plus 10% of the excess over \$1 000 000

Over \$1,500 000 but not over \$17 000 000

\$225 000 plus 5% of the excess over \$1 500 000

Over \$17 000 000

\$1 000 000

41

42 Grassroots nontaxable amount (enter 25% of line 41)

42

43 Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36

43

44 Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38

44

**Caution** If there is an amount on either line 43 or line 44, you must file Form 4720**4-Year Averaging Period Under Section 501(h)**

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below See the instructions for lines 45 through 50 on page 11 of the instructions )

**Lobbying Expenditures During 4-Year Averaging Period**

N/A

Calendar year (or fiscal year beginning in) ▶	(a) 2001	(b) 2000	(c) 1999	(d) 1998	(e) Total
45 Lobbying nontaxable amount					0.
46 Lobbying ceiling amount (150% of line 45(e))					0.
47 Total lobbying expenditures					0.
48 Grassroots nontaxable amount					0.
49 Grassroots ceiling amount (150% of line 48(e))					0.
50 Grassroots lobbying expenditures					0.

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions )

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a Volunteers
- b Paid staff or management (Include compensation in expenses reported on lines c through h )
- c Media advertisements
- d Mailings to members legislators or the public
- e Publications, or published or broadcast statements
- f Grants to other organizations for lobbying purposes
- g Direct contact with legislators, their staffs, government officials, or a legislative body
- h Rallies, demonstrations, seminars, conventions, speeches, lectures or any other means
- i Total lobbying expenditures (Add lines c through h )

Yes	No	Amount
		0.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities

**[501]**

**Schedule B**(Form 990, 990-EZ, or  
990-PF)Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No 1545-0047

**2001**

Name of organization

Good Samaritan Family Resource  
Center, Inc.

Employer identification number

94-3154078

Organization type (check one)

Filers of

Section

Form 990 or 990-EZ

☒ 501(c)( 3 ) (enter number) organization☐ 4947(a)(1) nonexempt charitable trust not treated as a private foundation☐ 527 political organization

Form 990 PF

☐ 501(c)(3) exempt private foundation☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation☐ 501(c)(3) taxable private foundationCheck if your organization is covered by the **General rule** or a **Special rule** (Note Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General rule and a Special rule-see instructions)**General Rule-**

- ☐
- For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor (Complete Parts I and II)

**Special Rules-**

- ☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms (Complete Parts I and II)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals (Complete Parts I, II, and III)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000 (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the General rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year) ► \$ \_\_\_\_\_

**Caution** Organizations that are not covered by the General rule and/or the Special rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they must check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)

Page 1 to 2 of Part I

Name of organization  
 Good Samaritan Family Resource  
 Center, Inc.

Employer identification number

94-3154078

**Part I Contributors** (See Specific Instructions)

(a) No	(b) Name, address and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
<u>1</u>		\$ <u>53,275.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>2</u>		\$ <u>95,781.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>3</u>		\$ <u>27,500.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>4</u>		\$ <u>80,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>5</u>		\$ <u>152,000.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
<u>6</u>		\$ <u>177,836.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)

Schedule B (Form 990 990-EZ, or 990-PF) (2001)

Page 2 to 2 of Part I

Name of organization

Good Samaritan Family Resource  
Center, Inc.

Employer identification number

94-3154078

**Part I Contributors** (See Specific Instructions)

(a) No	(b) Name, address and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7		\$ 37,750.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
8		\$ 86,821.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
9		\$ 40,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
10		\$ 50,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
11		\$ 73,796.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)
12		\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution)

Good Samaritan Family Resource Center, Inc.

94-3154078

## Footnotes

Statement 1

FORM 990, PART IV, LINE 57

FORM 199, SCH L, LINE 10

## PROPERTY AND EQUIPMENT

Building and improvements

2,985,926.

Equipment

214,590.

Construction in progress

193,969.

Accumulated depreciation

&lt;464,541.&gt;

2,929,944.

Land

300,000.

3,229,944.

Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990	Gain (Loss) From Publicly Traded Securities	Statement	2
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Description	Gross Sales Price	Cost or Other Basis	Expense of Sale	Net Gain or (Loss)
Publicly traded securities	6,393.	7,619.	0.	<1,226.>
To Form 990, Part I, line 8	6,393.	7,619.	0.	<1,226.>

Form 990	Other Expenses	Statement	3
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Description	(A) Total	(B) Program Services	(C) Management and General	(D) Fundraising
Professional fees	79,593.	74,711.	2,956.	1,926.
Outside services	3,079.		3,079.	
Insurance	19,278.	16,650.	2,628.	
License and fees	6,876.	6,410.	466.	
Field trips	7,983.	7,983.		
Events	5,810.	4,534.	5.	1,271.
Food	28,319.	26,240.	1,878.	201.
Local transportation	6,298.	5,948.	251.	99.
Staff development	2,923.	1,349.	1,324.	250.
Advertising	2,423.	2,183.	240.	
Bad debt	1,364.	1,364.		
Miscellaneous	670.	123.	497.	50.
Total to Form 990, line 43	164,616.	147,495.	13,324.	3,797.

Form 990	Specific Assistance to Individuals	Statement	4
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Description	Amount
Critical needs assistance	2,385.
Total to Form 990, Part II, line 23	2,385.



Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990	Non-Government Securities				Statement	5
Security Description	Corporate Stocks	Corporate Bonds	Other Publicly Traded Securities	Other Securities	Total Non-Gov't Securities	
Publicly traded securities	10,398.				10,398.	
To 990, ln 54 Col B	10,398.				10,398.	

Form 990	Other Expenses Not Included on Form 990				Statement	6
Description					Amount	
Realized losses netted to investment expense					1,226.	
Total to Form 990, Part IV-B					1,226.	

Form 990	Other Revenue Included on Form 990				Statement	7
Description					Amount	
Realized losses netted to investment expense					<1,226.>	
Total to Form 990, Part IV-A					<1,226.>	

Good Samaritan Family Resource Center, 1

94-3154078

Form 990      Part V - List of Officers, Directors, Trustees and Key Employees      Statement 8

Name and Address	Title and Avg Hrs/Wk	Compensation	Employee Ben Plan Expense Contrib Account
John Bullock San Francisco, CA	Director 2	0.	0. 0.
Kay Bishop San Francisco, CA	Director 2	0.	0. 0.
Frank De Rosa San Francisco, CA	President 5	0.	0. 0.
Betsy Dixon San Francisco, CA	Director .1	0.	0. 0.
Barbara Gault San Francisco, CA	Director 2	0.	0. 0.
Martha Jennings San Francisco, CA	Director 1	0.	0. 0.
Alan Levinson Sausalito, CA	Director .1	0.	0. 0.
Alicia Lieberman, Ph.D. San Francisco, CA	Director .1	0.	0. 0.
G.W. Lorton San Francisco, CA	Director 1	0.	0. 0.
William H. Orrick III San Francisco, CA	Secretary 5	0.	0. 0.
Kat Taylor San Francisco, CA	Vice President 5	0.	0. 0.

Good Samaritan Family Resource Center, Inc.

94-3154078

Linda Udall	Treasurer			
San Francisco, CA	5	0.	0.	0.
Dr. Fernando Viteri	Director			
Piedmont, CA	.1	0.	0.	0.
Ede Zollman	Director			
San Francisco, CA	.1	0.	0.	0.
Hector Melendez	Executive Director			
San Francisco, CA	40	73,969.	0.	0.
Totals Included on Form 990, Part V		73,969.	0.	0.

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Schedule A      Explanation of Qualifications to Receive Payments      Statement      9  
Part III, Line 4

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The Good Sam Critical Needs fund was established to address the detrimental effects of unexpected financial difficulties on a client's ability to achieve self-sufficiency. Each client may receive critical needs assistance once per lifetime. Acceptable uses for emergency financial assistance include, but are not limited to, emergencies related to:

- a. Childcare services not covered by other programs.
- b. Uninsured medical payments.
- c. Student related expenses not covered by other funding arrangements.
- d. Transportation (bus/cab fare, towing/impounded fees, vehicle repair).
- e. Supplemental training or social services not provided by Good Sam.
- f. Rent assistance

## **Good Samaritan Family Resource Center, Inc.**

### **Program Descriptions**

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived families in San Francisco for 107 years. Our mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency and participate constructively in the community.

The agency of Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

Good Sam has two main program areas:

- 1) **Family Support Advocacy**, which uses the Family Support Principles as a framework for all child, youth and adult programming in an effort to synthesize our services and work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting classes, Adult literacy, Individual and group therapy, After School Academic Enrichment, Soccer Program, Asthma and dental screenings and Education for children of elementary public schools, Emergency assistance, Summer Youth Program, English for Beginners language classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for families with separated or divorced parents, and In-home support.
- 2) **Child Development Center**, which provides fully enriched childcare to 36 low-income children and daily drop-in childcare for community classes.

## **Good Samaritan Family Resource Center**

### **Family Support Services -- Program Descriptions**

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived immigrant families in San Francisco for 107 years. Our Mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency, and participate constructively in the community.

Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

*The following programs currently exist to meet our mission*

#### ***Services for adults:***

##### **1. Intakes, Assessment, and Follow-Up:**

Provide preliminary needs assessment to new families. Orient and refer families to GSFRC Programs and Services, or to other community agencies. Do follow-up with families to assure they are receiving appropriate services.

*Clients Served* New families to the GSFRC  
*Hours* Monday – Friday from 9 a.m. to 5 p.m.

##### **2. Family Advocacy:**

Provide assistance, advocacy and case management to families who need extra support. Family Advocates assist families dealing with difficult circumstances or who want support in setting and reaching goals.

*Clients Served* Any adult or family from the community  
*Hours* As needed, on-going through year

##### **3. Adult Literacy Program:**

Introductory English classes offered to adults needing basic, "survival" English. Students learn through large and small classroom settings, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community E.S.L. classes.

*Clients Served* Capacity for 30 Adults (18 y.o. and over)  
*Hours* Monday - Friday from 10 a.m. to 11:30 a.m. Afternoons T.B.D.

**4. Technology Program:**

Introductory computer classes offered to adults who have had no previous access to computers. Students receive basic instruction and tutoring, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community computer courses.

*Clients Served* 30 Adults per year (18 y o and over)

*Hours* Monday - Friday from 11 30 a m to 1 00 p m , Evenings T B D

**5. Parenting Classes:**

Classes offered to parents who want to learn positive discipline techniques and child development practices. This program is open to all Spanish speaking parents, and is a certified program for parents who are mandated by court to participate.

*Clients Served* Parents in need of support (some are mandated), capacity of 15

*Hours* Ten-week series, one 2-hour session a week, specific time T B D (3/yr)

**6. Domestic Violence Support Group:**

In collaboration with Casa de las Madres, women are provided with a safe and comfortable space to discuss and work through their experiences of domestic violence. The women in the group are supported in their decisions to improve their situations.

*Clients Served* Women experiencing domestic violence (open group)

*Hours* Once a week, on-going, Wednesdays 9 30 am to 11 30 a m

**7. Community Development “Horas Felices”:**

Provide forum for adults to discuss issues stemming from the immigrant experience. Different workshops and presentations are provided that address self-esteem, sexuality, health, children’s development, community resources, etc. Participants are encouraged to create curriculum and share their knowledge with others, thereby building community.

*Clients Served* Any adult (18 and over) from the community

*Hours* Ten-week series, one 2-hour session a week, time T B D (3 /yr )

**8. Child Development Classes:**

In collaboration with City College, provide Continuing Education Units in Child Development to child-care providers. This is one of two Spanish course of this kind that City College provides in the community.

*Clients Served* 20 Child-care providers in need of C E Units

*Hours* Weekly 3-hour class, specific time T B D (Spring and Fall Semester)

**9. Cultural/Generational Language Exchange Program:**

In collaboration with Buena Vista Elementary School, our E S L adults and Buena Vista's 2<sup>nd</sup> Graders come together to exchange cultural and generational pride and knowledge (through reading, interviewing, and doing "cultural" show-and-tell), while being able to practice the other culture's language

*Clients Served* 10 to 15 E S L adults and 20 Second Graders

*Hours* Once a week, for a 5 week series (hours T B D Spring & Fall Semesters)

**10. Parent Support Groups:**

Parents are provided with a comfortable and friendly place where they can discuss any difficulties, challenges and successes that come from being a parent. Parents are given support and assisted by facilitator to share their experiences. Facilitator is employed on a contract basis.

*Clients Served* All parents of children enrolled in the Child Dev Center

*Hours* T B D, on-going through scholastic year

**11. Critical Needs (Monetary):**

Provide financial assistance (up to \$250 a year) to families in critical need. Need assessed by Family Services Director and final approval given by the E D.

*Clients Served* Any family/client of the G S F R C who is in critical need

*Hours* Monday – Friday from 9 a m to 5 p m

**12. Critical Needs (Food):**

In collaboration with the San Francisco Food bank, families in critical need for food are provided with a Food Box that is culturally sensitive and appropriate for the size of the family (limited to one box a year per family).

*Clients Served* Any family/client of the G S F R C who is in critical need

*Hours* Monday – Friday from 9 a m to 5 p m

***Services for youth:*****1. Academic Support Program:**

Provide educational assistance and support to children living in the Mission neighborhood who are performing below academic potential (as identified by teachers, parents, and/or Program Coordinators). By providing a comfortable and friendly place, students will develop better self-esteem and skills for academic success. Program operates on-site.

*Clients Served* Approximately 45 students, 7 to 11 years old

*Hours* Monday - Friday, 3 00 p m to 5 30 p m

**2. Soccer Program:**

Promote self-esteem, leadership, and team-building skills by providing a safe and trusting environment for boys and girls to practice and participate in competitions within the Mission Soccer League, Police Athletic League, and the Viking League. Parent involvement is highly encouraged, and has been successful.

*Clients Served* Over 80 kids, ages 5 to 16

*Hours* Mon – Thurs after-school practice, Saturday Competitions (hrs vary)

**3. Summer Youth Program:**

Provide Mission neighborhood youth with a safe, welcoming, educational and culturally sensitive space during the summer. Participants have fun while continuing to gain educational, social, and emotional skills through technology, photography and arts, community, and leadership development programs. Fieldtrips and other cultural experiences are part of the curriculum. Self-esteem, leadership, and team-building skills are also promoted, as curriculum is created and implemented by elected youth coordinators, leaders, and tutors.

*Clients Served* 20 youth ages 13 to 17

*Hours* July to August, 9 a.m. to 5 p.m.

**4. Kids' Turn Divorce Program:**

In collaboration with Kids' Turn, this program focuses on helping kids express and manage their feelings when their parents separate. Children meet in age appropriate groups and do fun, creative activities with other kids going through the same things. Parents meet and find ways to communicate with and support their children during this difficult time.

*Clients Served* Capacity for 20 children and their parents, per session

*Hours* One 2 hour group a week, for a 6 week series (hours T B D , 3 times/yr)

**5. Cultural/Generational Language Exchange Program:**

In collaboration with Buena Vista Elementary School, our Child Development Center and Buena Vista's 2<sup>nd</sup> Graders come together to exchange cultural and age-specific pride and knowledge (through reading, singing, and interviewing), while being able to practice the other culture's language.

*Clients Served* C D C Children and 20 Second Graders

*Hours* Once a week, for a 5 week series (hours T B D , Spring & Fall Semesters)



## **6. Therapeutic Playgroup:**

Provide therapeutic playgroups for children of our Child Development Center in need of support and assistance. Children develop their self-esteem, social skills, and are able to work through many difficulties they may be experiencing.

*Clients Served* 6 children enrolled in the Child Development Center

*Hours* T B D 2 groups a year (Spring & Fall Semesters)

## **Health Department:**

### **1. Family Planning Clinic:**

In collaboration with Planned Parenthood, an on-site family planning clinic is open one day per week. Adults and youth without health insurance receive services free of charge.

*Clients Served* Any sexually active adult or youth from the community

*Hours* Wednesdays 12 00 p m -6 30 p m , throughout the year

### **2. Dental Screenings:**

Provide dental screenings to children of five San Francisco Elementary Schools (in collaboration with the Dental Bureau of the Department of Public Health). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

*Clients Served* Numbers vary depending on Parents' consent K - 6<sup>th</sup> Grade

*Hours* Spring Semester, specific hours determined with individual schools

### **3. Asthma Screenings:**

Provide asthma screenings to children of five San Francisco Elementary Schools (in collaboration with St. Luke's Hospital). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

*Clients Served* Numbers vary depending on Parents' consent K - 6<sup>th</sup> Grade

*Hours* Spring Semester, specific hours determined with individual schools

### **4. Health Workshops:**

In collaboration with St. Luke's Hospital, provide health workshops in Spanish. Workshops are geared towards specific health needs in the community.

*Clients Served* Any Clients of the G S F R C (numbers vary)

*Hours* Saturday workshops, specific hours T B D , approximately 5 a year

***Child Development Center:***

The Good Samaritan Family Resource Center Child Development Program is dedicated to providing quality multicultural programs for children ages 2 ½ through 5, from diverse backgrounds, to insure future academic success. The Child Development Center also advises and orients parents as they face the challenges of raising children in a complex, and sometimes unfamiliar, cultural milieu. The staff of the Child Development Center educates, works with, and learns from the child's entire family.

**Early Learning Program Philosophy:** We believe that a quality child development program focuses on the whole child, including social, emotional, intellectual and physical development. Our commitment includes the understanding that a child exists within the social and cultural worlds of home and community.

Clients Served 36 children ages 2 ½ through 5 years old  
Hours Monday – Friday from 7:00 a.m. to 6:00 p.m.

***Community Events:***

Provide the community with a welcoming, safe, and culturally sensitive environment to celebrate the diversity, unity, and traditions of the area. Provide the community with a sense of enrichment, appreciation, and self-esteem.

Clients Served All clients, and the community at large (numbers vary)  
Hours T B D (approximately 4 a year)

Form 8868 (12-2000)

Page 2

• If you are filing for an Additional (not automatic) 3-Month Extension, complete only Part II and check this box ☒

Note Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.

• If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1)

**Part II Additional (not automatic) 3-Month Extension of Time - Must file Original and One Copy.**

Type or print File by the extended due date for filing the return. See instructions.	Name of Exempt Organization <b>Good Samaritan Family Resource Center, Inc.</b>	Employer identification number <b>94-3154078</b>
	Number, street, and room or suite no. If a P.O. box, see instructions <b>1294 Potrero Avenue</b>	For IRS use only
	City, town or post office, state, and ZIP code. For a foreign address, see instructions <b>San Francisco, CA 94110</b>	

Check type of return to be filed (File a separate application for each return)

☒ Form 990 ☐ Form 990 EZ ☐ Form 990 T (sec. 401(a) or 408(a) trust) ☐ Form 1041 A ☐ Form 5227 ☐ Form 8870  
☐ Form 990 BL ☐ Form 990 PF ☐ Form 990 T (trust other than above) ☐ Form 4720 ☐ Form 6069

**STOP** Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

• If the organization does not have an office or place of business in the United States, check this box ☐  
 • If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_ If this is for the whole group, check this box ☐ If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension is for

4 I request an additional 3 month extension of time until November 15, 2002  
 5 For calendar year 2001, or other tax year beginning \_\_\_\_\_ and ending \_\_\_\_\_  
 6 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period  
 7 State in detail why you need the extension  
Information required to complete the return is not yet available.

8a If this application is for Form 990 BL, 990 PF, 990 T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions \$ \_\_\_\_\_  
 b If this application is for Form 990 PF, 990 T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868 \$ \_\_\_\_\_  
 c **Balance Due** Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions \$ N/A

**Signature and Verification**

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature Nini M. Cone Title CPA Date 8/3/02

**Notice to Applicant - To Be Completed by the IRS**

☒ We have approved this application. Please attach this form to the organization's return.  
☐ We have not approved this application. However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions). This grace period is considered to be a valid extension of time for elections otherwise required to be made on a timely return. Please attach this form to the organization's return.  
☐ We have not approved this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to file. We are not granting the 10-day grace period.  
☐ We cannot consider this application because it was filed after the due date of the return for which an extension was requested.  
☐ Other \_\_\_\_\_

Director \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

**Alternate Mailing Address** - Enter the address if you want the copy of this application for an additional 3-month extension returned to an address different than the one entered above.

Type or print	Name <b>Nini Charles McCone</b>	APPROVED
	Number and street (include suite, room, or apt. no.) Or a P.O. box number <b>61 Fifth Avenue</b>	<b>AUG 21 2002</b>
	City or town, province or state, and country (including postal or ZIP code) <b>San Francisco, CA 94118</b>	LINDA WEISKOPF, FIELD DIRECTOR SUBMISSION PROCESSING, OGDEN

123832  
07-16-01

Form 8868 (12-2000)

[517]<sup>7</sup>

Form **990****Return of Organization Exempt from Income Tax**

OMB No 1545-0047

**2002**Department of the Treasury  
Internal Revenue ServiceUnder section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)Open to Public  
Inspection

▶ The organization may have to use a copy of this return to satisfy state reporting requirements

**A** For the 2002 calendar year, or tax year beginning 7/01, 2002, and ending 6/30, 2003**B** Check if applicable:

- ☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final return  
☐ Amended return  
☐ Application pending

Please use  
IRS label  
or print  
or type  
See  
specific  
instructions

Good Samaritan Family Resource Center of  
 San Francisco  
 2871 24th Street  
 San Francisco, CA 94110

**D** Employer identification number

94-3154078

**E** Telephone number

(415) 824-9475

**F** Accounting method☐ Cash ☒ Accrual☐ Other (specify) ▶

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt  
 charitable trusts must attach a completed Schedule A  
 (Form 990 or 990-EZ)

H and I are not applicable to section 527 organizations

**H (a)** Is this a group return for affiliates? ☐ Yes ☒ No**H (b)** If Yes, enter number of affiliates ▶**H (c)** Are all affiliates included? ☐ Yes ☐ No

(If No, attach a list. See instructions.)

**H (d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Enter 4 digit GEN ▶**M** Check ☒ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)**G** Web site ▶ N/A**J** Organization type (check only one)▶ ☒ 501(c) 3 (insert no) ☐ 4947(a)(1) or ☐ 527

**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

**L** Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 979,720**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (See instructions)**1** Contributions, gifts, grants, and similar amounts received**a** Direct public support**1a** 388,435.**b** Indirect public support**1b****c** Government contributions (grants)**1c** 480,798.**d** Total (add lines 1a through 1c) (cash \$ 869,233. noncash \$ )**1d** 869,233.**2** Program service revenue including government fees and contracts (from Part VII, line 93)**2** 105,335.**3** Membership dues and assessments**3****4** Interest on savings and temporary cash investments**4****5** Dividends and interest from securities**5** 1,241.**6a** Gross rents**6a****b** Less rental expenses**6b****c** Net rental income or (loss) (subtract line 6b from line 6a)**6c****7** Other investment income (describe ▶ )**7****8a** Gross amount from sales of assets other than inventory

(A) Securities

(B) Other

**8a****b** Less cost or other basis and sales expenses**8b****c** Gain or (loss) (attach schedule)**8c****d** Net gain or (loss) (combine line 8c, columns (A) and (B))**8d****9** Special events and activities (attach schedule)**a** Gross revenue (not including \$ of contributions reported on line 1a)**9a****b** Less direct expenses other than fundraising expenses**9b****c** Net income or (loss) from special events (subtract line 9b from line 9a)**9c****10a** Gross sales of inventory, less returns and allowances**10a****b** Less cost of goods sold**10b****c** Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)**10c****11** Other revenue (from Part VII, line 103)**11** 3,911**12** Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)**12** 979,720**13** Program services (from line 44, column (B))**13** 849,780.**14** Management and general (from line 44, column (C))**14** 312,154.**15** Fundraising (from line 44, column (D))**15** 119,133.**16** Payments to affiliates (attach schedule)**16****17** Total expenses (add lines 16 and 44, column (A))**17** 1,281,067.**18** Excess or (deficit) for the year (subtract line 17 from line 12)**18** -301,347.**19** Net assets or fund balances at beginning of year (from line 73, column (A))**19** 3,658,882.**20** Other changes in net assets or fund balances (attach explanation)**20****21** Net assets or fund balances at end of year (combine lines 13, 19, and 20)**21** 3,357,535

BAA For Paperwork Reduction Act Notice, see the separate instructions

TEEA0107L 09/04/02

Form 990 (2002)

**Part II Statement of Functional Expenses** All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (att sch) (cash \$ _____ non cash \$ _____)	22				
23 Specific assistance to individuals (att sch)	23				
24 Benefits paid to or for members (att sch)	24				
25 Compensation of officers, directors, etc	25				
26 Other salaries and wages	26	643,361	463,805	101,192	78,364
27 Pension plan contributions	27				
28 Other employee benefits	28	92,481	66,452	14,801	11,228
29 Payroll taxes	29	51,165	37,104	7,792	6,269
30 Professional fundraising fees	30				
31 Accounting fees	31				
32 Legal fees	32				
33 Supplies	33	27,247	22,711	3,945	591
34 Telephone	34	12,964	9,403	3,070	491
35 Postage and shipping	35	1,628	395	306	927
36 Occupancy	36				
37 Equipment rental and maintenance	37	36,480	452	34,075	1,953
38 Printing and publications	38	7,616	4,823	1,659	1,134
39 Travel	39				
40 Conferences, conventions, and meetings	40	851	691	160	
41 Interest	41				
42 Depreciation, depletion, etc (attach schedule)	42	116,462	14,942	98,772	2,748
43 Other expenses not covered above (itemize)					
a See Statement 1	43a	290,812	229,002	46,382	15,428
b	43b				
c	43c				
d	43d				
e	43e				
44 Total functional expenses (add lines 22 - 43). Organizations completing columns (B) - (D), carry these totals to lines 13 - 15	44	1,281,067	849,780	312,154	119,133

Joint Costs. Check ☐ if you are following SOP 98.2Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If 'Yes,' enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_, (ii) the amount allocated to program services \$ \_\_\_\_\_, (iii) the amount allocated to management and general \$ \_\_\_\_\_, and (iv) the amount allocated to fundraising \$ \_\_\_\_\_

**Part III Statement of Program Service Accomplishments**What is the organization's primary exempt purpose? Help immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) &amp; (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants &amp; allocations to others.)

Program Service Expenses (Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts, but optional for others.)

a See Statement 2				
(Grants and allocations \$ _____)				849,780
b				
(Grants and allocations \$ _____)				
c				
(Grants and allocations \$ _____)				
d				
(Grants and allocations \$ _____)				
e Other program services (Grants and allocations \$ _____)				
f Total of Program Service Expenses (should equal line 44, column (B), program services)				849,780

**Part IV Balance Sheets** (See Instructions)**Note** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

		(A) Beginning of year		(B) End of year
<b>ASSETS</b>	<b>45</b> Cash – non interest bearing	9,362.	<b>45</b>	167,402.
	<b>46</b> Savings and temporary cash investments	249,064	<b>46</b>	
	<b>47 a</b> Accounts receivable	<b>47 a</b> 100,600		
	<b>b</b> Less allowance for doubtful accounts	<b>47 b</b>	9,953	<b>47 c</b> 100,600.
	<b>48 a</b> Pledges receivable	<b>48 a</b> 10,500.		
	<b>b</b> Less allowance for doubtful accounts	<b>48 b</b>		<b>48 c</b> 10,500
	<b>49</b> Grants receivable	260,634.	<b>49</b>	
	<b>50</b> Receivables from officers, directors, trustees, and key employees (attach schedule)		<b>50</b>	
	<b>51 a</b> Other notes & loans receivable (attach sch)	<b>51 a</b>		
	<b>b</b> Less allowance for doubtful accounts	<b>51 b</b>		<b>51 c</b>
	<b>52</b> Inventories for sale or use		<b>52</b>	
	<b>53</b> Prepaid expenses and deferred charges		<b>53</b>	9,192
	<b>54</b> Investments – securities (attach schedule)	<input type="checkbox"/> Cost <input type="checkbox"/> FMV 17,221	<b>54</b>	
	<b>55 a</b> Investments – land, buildings, & equipment basis	<b>55 a</b>		
	<b>b</b> Less accumulated depreciation (attach schedule)	<b>55 b</b>		<b>55 c</b>
<b>56</b> Investments – other (attach schedule)		<b>56</b>		
<b>57 a</b> Land, buildings, and equipment basis	<b>57 a</b> 3,751,831.			
<b>b</b> Less accumulated depreciation (attach schedule)	<b>57 b</b> 638,871.	3,206,970.	<b>57 c</b>	3,112,960
<b>58</b> Other assets (describe ▶ _____)		<b>58</b>		
<b>59 Total assets</b> (add lines 45 through 58) (must equal line 74)	3,753,204.	<b>59</b>	3,400,654.	
<b>LIABILITIES</b>	<b>60</b> Accounts payable and accrued expenses	94,322	<b>60</b>	43,119
	<b>61</b> Grants payable		<b>61</b>	
	<b>62</b> Deferred revenue		<b>62</b>	
	<b>63</b> Loans from officers, directors, trustees, and key employees (attach schedule)		<b>63</b>	
	<b>64 a</b> Tax exempt bond liabilities (attach schedule)		<b>64 a</b>	
	<b>b</b> Mortgages and other notes payable (attach schedule)		<b>64 b</b>	
	<b>65</b> Other liabilities (describe ▶ _____)		<b>65</b>	
	<b>66 Total liabilities</b> (add lines 60 through 65)	94,322.	<b>66</b>	43,119.
<b>NET ASSETS OR FUND BALANCES</b>	<b>Organizations that follow SFAS 117, check here</b> <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74			
	<b>67</b> Unrestricted	3,328,057.	<b>67</b>	3,150,173.
	<b>68</b> Temporarily restricted	302,477.	<b>68</b>	179,014
	<b>69</b> Permanently restricted	28,348.	<b>69</b>	28,348.
	<b>Organizations that do not follow SFAS 117, check here</b> <input type="checkbox"/> and complete lines 70 through 74			
	<b>70</b> Capital stock, trust principal, or current funds		<b>70</b>	
	<b>71</b> Paid in or capital surplus, or land, building, and equipment fund		<b>71</b>	
	<b>72</b> Retained earnings, endowment, accumulated income, or other funds		<b>72</b>	
	<b>73 Total net assets or fund balances</b> (add lines 67 through 69 or lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21)	3,658,882.	<b>73</b>	3,357,535.
	<b>74 Total liabilities and net assets/fund balances</b> (add lines 66 and 73)	3,753,204	<b>74</b>	3,400,654

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

BAA

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**Part IV-A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return** (See instructions)

<b>a</b>	Total revenue, gains, and other support per audited financial statements	<b>a</b>	979,720.
<b>b</b>	Amounts included on line <b>a</b> but not on line 12, Form 990		
(1)	Net unrealized gains on investments \$		
(2)	Donated services and use of facilities \$		
(3)	Recoveries of prior year grants \$		
(4)	Other (specify)		
	----- \$		
	Add amounts on lines (1) through (4)	<b>b</b>	
<b>c</b>	Line <b>a</b> minus line <b>b</b>	<b>c</b>	979,720
<b>d</b>	Amounts included on line 12, Form 990 but not on line <b>a</b> .		
(1)	Investment expenses not included on line 6b, Form 990 \$		
(2)	Other (specify)		
	----- \$		
	Add amounts on lines (1) and (2)	<b>d</b>	
<b>e</b>	Total revenue per line 12, Form 990 (line <b>c</b> plus line <b>d</b> )	<b>e</b>	979,720

**Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return**

<b>a</b>	Total expenses and losses per audited financial statements	<b>a</b>	1,281,067.
<b>b</b>	Amounts included on line <b>a</b> but not on line 17, Form 990		
(1)	Donated services and use of facilities \$		
(2)	Prior year adjustments reported on line 20, Form 990 \$		
(3)	Losses reported on line 20, Form 990 \$		
(4)	Other (specify)		
	----- \$		
	Add amounts on lines (1) through (4)	<b>b</b>	
<b>c</b>	Line <b>a</b> minus line <b>b</b>	<b>c</b>	1,281,067.
<b>d</b>	Amounts included on line 17, Form 990 but not on line <b>a</b> .		
(1)	Investment expenses not included on line 6b, Form 990 \$		
(2)	Other (specify)		
	----- \$		
	Add amounts on lines (1) and (2)	<b>d</b>	
<b>e</b>	Total expenses per line 17, Form 990 (line <b>c</b> plus line <b>d</b> )	<b>e</b>	1,281,067

**Part V List of Officers, Directors, Trustees, and Key Employees** (List each one even if not compensated, see instructions)

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation	(E) Expense account and other allowances
See Statement 4				
		0.	0	0

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than \$100,000 from your organization and all related organizations, of which more than \$10,000 was provided by the related organizations?

☐ Yes

☒ No

If 'Yes,' attach schedule — see instructions

BAA

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**Part VI Other Information** (See instructions)

	Yes	No
<b>76</b> Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' attach a detailed description of each activity	<b>76</b>	X
<b>77</b> Were any changes made in the organizing or governing documents but not reported to the IRS? If 'Yes,' attach a conformed copy of the changes	<b>77</b>	X
<b>78a</b> Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?	<b>78a</b>	X
<b>b</b> If 'Yes,' has it filed a tax return on <b>Form 990-T</b> for this year?	<b>78b</b>	N/A
<b>79</b> Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement	<b>79</b>	X
<b>80a</b> Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	<b>80a</b>	X
<b>b</b> If 'Yes,' enter the name of the organization <u>N/A</u> and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt		
<b>81a</b> Enter direct or indirect political expenditures. See line 81 instructions.	<b>81a</b>	0.
<b>b</b> Did the organization file <b>Form 1120-POL</b> for this year?	<b>81b</b>	X
<b>82a</b> Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	<b>82a</b>	X
<b>b</b> If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)	<b>82b</b>	N/A
<b>83a</b> Did the organization comply with the public inspection requirements for returns and exemption applications?	<b>83a</b>	X
<b>b</b> Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	<b>83b</b>	X
<b>84a</b> Did the organization solicit any contributions or gifts that were not tax deductible?	<b>84a</b>	X
<b>b</b> If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	<b>84b</b>	N/A
<b>85 501(c)(4), (5), or (6) organizations</b> <b>a</b> Were substantially all dues nondeductible by members?	<b>85a</b>	N/A
<b>b</b> Did the organization make only in house lobbying expenditures of \$2,000 or less? If 'Yes' was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year	<b>85b</b>	N/A
<b>c</b> Dues, assessments, and similar amounts from members	<b>85c</b>	N/A
<b>d</b> Section 162(e) lobbying and political expenditures	<b>85d</b>	N/A
<b>e</b> Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	<b>85e</b>	N/A
<b>f</b> Taxable amount of lobbying and political expenditures (line 85d less 85e)	<b>85f</b>	N/A
<b>g</b> Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?	<b>85g</b>	N/A
<b>h</b> If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?	<b>85h</b>	N/A
<b>86 501(c)(7) organizations</b> Enter <b>a</b> Initiation fees and capital contributions included on line 12	<b>86a</b>	N/A
<b>b</b> Gross receipts, included on line 12, for public use of club facilities.	<b>86b</b>	N/A
<b>87 501(c)(12) organizations</b> Enter <b>a</b> Gross income from members or shareholders	<b>87a</b>	N/A
<b>b</b> Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	<b>87b</b>	N/A
<b>88</b> At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX	<b>88</b>	X
<b>89a 501(c)(3) organizations</b> Enter Amount of tax imposed on the organization during the year under section 4911 <u>0.</u> , section 4912 <u>0.</u> , section 4955 <u>0.</u>		
<b>b 501(c)(3) and 501(c)(4) organizations</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction	<b>89b</b>	X
<b>c</b> Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		0
<b>d</b> Enter Amount of tax on line 89c, above, reimbursed by the organization		0.
<b>90a</b> List the states with which a copy of this return is filed <u>None</u>		
<b>b</b> Number of employees employed in the pay period that includes March 12, 2002 (See instructions)	<b>90b</b>	0
<b>91</b> The books are in care of <u>Hector Melandez</u> Telephone number <u>(415) 824-9475</u> Located at <u>2871 24th St. S F, CA</u> ZIP + 4 <u>94110</u>		
<b>92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041</b> - Check here and enter the amount of tax exempt interest received or accrued during the tax year <u>N/A</u>	<b>92</b>	N/A

BAA

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**Part VII Analysis of Income-Producing Activities** (See instructions)

Note Enter gross amounts unless otherwise indicated

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclusion code	(D) Amount	
93 Program service revenue					
a Childcare & Family Sv					105,335
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees & contracts from government agencies					
94 Membership dues and assessments					
95 Interest on savings & temporary cash invmnts					
96 Dividends & interest from securities			14	1,241.	
97 Net rental income or (loss) from real estate					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from pers prop					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue					
a					
b Miscellaneous			1	3,911.	
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))				5,152	105,335.
105 Total (add line 104, columns (B), (D), and (E))					110,487.

Note Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See instructions)

Line No	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes)
93 a	Preschool & Family Support Advocacy

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See instructions)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End of year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See instructions)

a Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?

☐ Yes ☒ No


b Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?

☐ Yes ☒ No

Note If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions)

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.


Signature of officer 

Date 12/17/03

Hector Melendez, Executive Director

Type or print name and title

Paid Preparer's Use Only

Preparer's signature  Date 12/12/03 Check if self-employed ☒ Preparer's SSN or PTIN (see General Instruction W) P00178926

Firm's name (or yours if self-employed) Cho Accountancy EIN Phone no (415) 452-0530

810 Gonzalez Drive, Suite 10K

San Francisco, CA 94132-2230

BAA

TEEA0106L 10/10/02

Form 990 (2002)

**SCHEDULE A**  
(Form 990 or 990-EZ)**Organization Exempt Under  
Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust  
Supplementary Information — (See separate instructions )**2002**Department of the Treasury  
Internal Revenue Service▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**

Name of the organization

Good Samaritan Family Resource Center of  
San Francisco

Employer identification number

94-3154078

**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See instructions List each one If there are none, enter None )

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account and other allowances
Hector Melendez 1294 Potrero Ave , S F , CA 94110	Executive Dir 40	80,000.	0.	0.
Teresa Carias 1294 Potrero Ave , S F , CA 94110	Program Dir. 40	54,000.	0	0.
Total number of other employees paid over \$50,000 ▶		0		

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See instructions List each one (whether individuals or firms) If there are none, enter None )

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over \$50,000 for professional services ▶		0

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ

Schedule A (Form 990 or 990-EZ) 2002

**Part III** Statements About Activities (See instructions)

Yes No

- 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities ▶ \$ N/A

(Must equal amounts on line 38, Part VI A, or line I of Part VI-B)

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI A. Other organizations checking 'Yes,' must complete Part VI B AND attach a statement giving a detailed description of the lobbying activities

- 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)

a Sale, exchange, or leasing of property?

b Lending of money or other extension of credit?

c Furnishing of goods, services, or facilities?

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

e Transfer of any part of its income or assets?

- 3 Does the organization make grants for scholarships, fellowships, student loans, etc? (See Note below.)

- 4 Do you have a section 403(b) annuity plan for your employees?

**Note** Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs 'qualify' to receive payments

**Part IV** Reason for Non-Private Foundation Status (See instructions)

The organization is not a private foundation because it is (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i)
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state ▶ \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV A.)
- 11 a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV A.)
- 11 b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV A.)
- 12 ☐ An organization that normally receives (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions — subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV A.)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations (See instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See instructions.)

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) *Use cash method of accounting***Note** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in)	(a) 2001	(b) 2000	(c) 1999	(d) 1998	(e) Total
<b>15</b> Gifts, grants, and contributions received (Do not include unusual grants. See line 28.)	415,569.	924,699.	848,069.	600,086	2,788,423
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	58,969.	108,681.	130,231.	294,466.	592,347
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	2,171	13,127.	19,272.	20,130.	54,700
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets.					
<b>23</b> Total of lines 15 through 22	476,709.	1,046,507	997,572.	914,682.	3,435,470.
<b>24</b> Line 23 minus line 17	417,740.	937,826	867,341	620,216.	2,843,123.
<b>25</b> Enter 1% of line 23	4,767.	10,465.	9,976.	9,147	
<b>26 Organizations described on lines 10 or 11</b> <b>a</b> Enter 2% of amount in column (e), line 24					26a 56,862.
<b>b</b> Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1998 through 2001 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts					26b
<b>c</b> Total support for section 509(a)(1) test. Enter line 24, column (e)					26c 2,843,123.
<b>d</b> Add: Amounts from column (e) for lines 18 54,700. 19					26d 54,700.
22					26e 2,788,423.
<b>e</b> Public support (line 26c minus line 26d total)					26f 2,788,423.
<b>f</b> Public support percentage (line 26e (numerator) divided by line 26c (denominator))					26f 98.08 %
<b>27 Organizations described on line 12</b> N/A					
<b>a</b> For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year (2001) _____ (2000) _____ (1999) _____ (1998) _____					
<b>b</b> For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year (2001) _____ (2000) _____ (1999) _____ (1998) _____					
<b>c</b> Add: Amounts from column (e) for lines 15 16 17 20 21					27c
<b>d</b> Add: Line 27a total and line 27b total					27d
<b>e</b> Public support (line 27c total minus line 27d total)					27e
<b>f</b> Total support for section 509(a)(2) test. Enter amount from line 23, column (e)					27f
<b>g</b> Public support percentage (line 27e (numerator) divided by line 27f (denominator))					27g %
<b>h</b> Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))					27h %
<b>28 Unusual Grants</b> For an organization described in line 10, 11, or 12 that received any unusual grants during 1998 through 2001, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.					

**Part V Private School Questionnaire** (See instructions)  
(To be completed ONLY by schools that checked the box on line 6 in Part IV)

		N/A	Yes	No
29	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?			
30	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?			
31	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If 'Yes,' please describe, if 'No,' please explain (If you need more space, attach a separate statement )			
-----				
-----				
-----				
32	Does the organization maintain the following			
a	Records indicating the racial composition of the student body, faculty, and administrative staff?	32a		
b	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?	32b		
c	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	32c		
d	Copies of all material used by the organization or on its behalf to solicit contributions?	32d		
If you answered 'No' to any of the above, please explain (If you need more space, attach a separate statement )				
-----				
-----				
33	Does the organization discriminate by race in any way with respect to			
a	Students' rights or privileges?	33a		
b	Admissions policies?	33b		
c	Employment of faculty or administrative staff?	33c		
d	Scholarships or other financial assistance?	33d		
e	Educational policies?	33e		
f	Use of facilities?	33f		
g	Athletic programs?	33g		
h	Other extracurricular activities?	33h		
If you answered 'Yes' to any of the above, please explain (If you need more space, attach a separate statement )				
-----				
-----				
-----				
34a	Does the organization receive any financial aid or assistance from a governmental agency?	34a		
b	Has the organization's right to such aid ever been revoked or suspended?	34b		
If you answered 'Yes' to either 34a or b, please explain using an attached statement				
35	Does the organization certify that it has complied with the applicable requirements of sections 401 through 405 of Rev Proc 75-50, 1975-2 CB 587, covering racial nondiscrimination? If 'No,' attach an explanation	35		

Schedule A (Form 990 or 990-EZ) 2002 Good Samaritan Family Resource Center

94-3154078

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**Part VI-A Lobbying Expenditures by Electing Public Charities** (See instructions)(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check ☐ **a** If the organization belongs to an affiliated group Check ☐ **b** If you checked 'a' and 'limited control' provisions apply**Limits on Lobbying Expenditures**

(The term 'expenditures' means amounts paid or incurred)

		(a) Affiliated group totals	(b) To be completed for ALL electing organizations
36	Total lobbying expenditures to influence public opinion (grassroots lobbying)	36	
37	Total lobbying expenditures to influence a legislative body (direct lobbying)	37	
38	Total lobbying expenditures (add lines 36 and 37)	38	
39	Other exempt purpose expenditures	39	
40	Total exempt purpose expenditures (add lines 38 and 39)	40	
41	Lobbying nontaxable amount Enter the amount from the following table — <div style="display: flex; justify-content: space-between;"> <div> <p>If the amount on line 40 is —</p> <p>Not over \$500,000</p> <p>Over \$500,000 but not over \$1,000,000</p> <p>Over \$1,000,000 but not over \$1,500,000</p> <p>Over \$1,500,000 but not over \$17,000,000</p> <p>Over \$17,000,000</p> </div> <div> <p>The lobbying nontaxable amount is —</p> <p>20% of the amount on line 40</p> <p>\$100,000 plus 15% of the excess over \$500,000</p> <p>\$175,000 plus 10% of the excess over \$1,000,000</p> <p>\$225,000 plus 5% of the excess over \$1,500,000</p> <p>\$1,000,000</p> </div> </div>	41	
42	Grassroots nontaxable amount (enter 25% of line 41)	42	
43	Subtract line 42 from line 36 Enter 0 if line 42 is more than line 36	43	
44	Subtract line 41 from line 38 Enter -0 if line 41 is more than line 38	44	

**Caution** If there is an amount on either line 43 or line 44 you must file Form 4720

**4-Year Averaging Period Under Section 501(h)**(Some organizations that made a section 501(h) election do not have to complete all of the five columns below  
See the instructions for lines 45 through 50)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in) ▶	(a) 2002	(b) 2001	(c) 2000	(d) 1999	(e) Total
45 Lobbying nontaxable amount					
46 Lobbying ceiling amount (150% of line 45(e))					
47 Total lobbying expenditures					
48 Grassroots non taxable amount					
49 Grassroots ceiling amount (150% of line 48(e))					
50 Grassroots lobbying expenditures					

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI A) (See instructions)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a** Volunteers
- b** Paid staff or management (Include compensation in expenses reported on lines c through h)
- c** Media advertisements
- d** Mailings to members, legislators, or the public
- e** Publications, or published or broadcast statements
- f** Grants to other organizations for lobbying purposes
- g** Direct contact with legislators, their staffs, government officials, or a legislative body
- h** Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means
- i** Total lobbying expenditures (add lines c through h)

Yes	No	Amount

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities

BAA

Schedule A (Form 990 or 990-EZ) 2002

**Part VII** Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See instructions)

**51** Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

**■ Transfers from the reporting organization to a noncharitable exempt organization of**

(i) Cash

(ii) Other assets

**b Other transactions**

(i) Sales or exchanges of assets with a noncharitable exempt organization

(ii) Purchases of assets from a noncharitable exempt organization.

(iii) Rental of facilities, equipment, or other assets.

(iv) Reimbursement arrangements

(v) Loans or loan guarantees

(vi) Performance of services or membership or fundraising solicitations

**c Sharing of facilities, equipment, mailing lists, other assets, or paid employees.**

d. If the answer to any of the above is Yes, complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

	Yes	No
51 a (i)		X
a (ii)		X
b (i)		X
b (ii)		X
b (iii)		X
b (iv)		X
b (v)		X
b (vi)		X
c		X

[illegible]

**52a** Is the organization directly or indirectly affiliated with, or related to, one or more tax exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?

► ☐ Yes ☒ No

**b** If 'Yes,' complete the following schedule

[illegible]



2002

## Federal Statements

Page 1

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

Statement 1  
Form 990, Part II, Line 43  
Other Expenses

	(A) Total	(B) Program Services	(C) Management & General	(D) Fundraising
Consultants/Contractors	164,993.	85,135.	70,968.	8,890.
Direct support	1,750	1,650.	100.	
Events	11,700.	7,254.	302.	4,144
Field trip	5,092.	5,092.		
Food	24,512.	24,359.	153.	
Insurance	27,140	499.	26,641.	
License & fees	10,220	9,232.	882	106.
Local transportation	3,536.	3,374.	146.	16.
Miscellaneous	9,103	5,695.	3,088.	320
Outside services	3,617.		3,364.	253.
Staff development	2,395.	1,686.	674.	35.
Use allowance		85,026	-86,690.	1,664.
Utilities	26,754.		26,754	
Total	\$ 290,812.	\$ 229,002	\$ 46,382.	\$ 15,428.

Statement 2  
Form 990, Part III, Line a  
Statement of Program Service Accomplishments

Description	Grants and Allocations	Program Service Expenses
Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes.		267,718
Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting Classes, Adult Literacy, Individual and Group Therapy, After School Academic Enrichment, Soccer Program, Asthema and Dental Screening and Education for Children of Eclementary Public Schools, Emergency Assistance, Summer Youth Program, English for Beginners Language Classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for Families with Separated or Divorced Parents, and In-home Support.		582,062.
	\$ 0.	\$ 849,780.



2002

## Federal Statements

Page 2

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

Statement 3  
Form 990, Part IV, Line 57  
Land, Buildings, and Equipment

Category	Basis	Accum. Deprec	Book Value
Machinery and Equipment	\$ 394,136.	\$ 0	\$ 394,136.
Buildings	3,057,695.	0.	3,057,695
Land	300,000.		300,000.
Miscellaneous	0.	638,871.	-638,871
Total	<u>\$ 3,751,831.</u>	<u>\$ 638,871</u>	<u>\$ 3,112,960.</u>

Statement 4  
Form 990, Part V  
List of Officers, Directors, Trustees, and Key Employees

Name and Address	Title and Average Hours Per Week Devoted	Compen- sation	Contri- bution to EBP & DC	Expense Account/ Other
Kay Bishop 1294 Potrero Ave San Francisco, CA 94110	Director None	\$ 0	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Ave San Francisco, CA 94110	President None	0.	0.	0
Alan Levinson 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Alicia Lieberman 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
G. W. (Bill) Lorton 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0	0.
William H Orrick III 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Lorenzo Llanillo, Jr. 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0	0.
Jesus Roman 1294 Potrero Ave San Francisco, CA 94110	Secretary None	0	0	0
Kat Taylor 1294 Potrero Ave San Francisco, CA 94110	Treasurer None	0	0.	0

2002

## Federal Statements

Page 3

Good Samaritan Family Resource Center of  
San Francisco

94-3154078

## Statement 4 (continued)

## Form 990, Part V

## List of Officers, Directors, Trustees, and Key Employees

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Linda Udall 1294 Potrero Ave San Francisco, CA 94110	Treasurer None	\$ 0.	\$ 0	\$ 0
Dr. Fernando Viteri 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0.
Ede Zollman 1294 Potrero Ave San Francisco, CA 94110	Director None	0.	0.	0
Total		<u>\$ 0.</u>	<u>\$ 0</u>	<u>\$ 0.</u>

Form **8868**

(December 2000)

**Application for Extension of Time to File an  
Exempt Organization Return**

OMB No 1545-1709

Department of the Treasury  
Internal Revenue Service

▶ File a separate application for each return

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form)

**Note** Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.

**Part I Automatic 3-Month Extension of Time** — Only submit original (no copies needed)

**Note** Form 990-T corporations requesting an automatic 6 month extension — check this box and complete Part I only ☐

All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041.

Type or  
print  
File by the  
due date for  
filing your  
return. See  
instructions

Name of Exempt Organization

Good Samaritan Family Resource Center of

Employer identification number

San Francisco

94-3154078

Number street and room or suite number. If a P.O. box, see instructions.

2871 24th Street

City, town or post office. For a foreign address, see instructions.

state ZIP code

San Francisco, CA 94110

Check type of return to be filed (file a separate application for each return)

- |  |  |                                    |
|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation)                    | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL         | <input type="checkbox"/> Form 990 T (Section 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ         | <input type="checkbox"/> Form 990 T (trust other than above)         | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990-PF         | <input type="checkbox"/> Form 1041-A                                 | <input type="checkbox"/> Form 8870 |

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the **whole group**, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6 month, for **990-T corporation**) extension of time until 2/15, 20 04, to file the exempt organization return for the organization named above. The extension is for the organization's return for

▶ ☐ calendar year 20 \_\_\_\_ or

▶ ☒ tax year beginning 7/01, 20 02, and ending 6/30, 20 03

2 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.

\$ 0

b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.

\$ 0

c **Balance Due** Subtract line 2b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.

\$ 0.

**Signature and Verification**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature ▶

Title ▶ Executive Director

Date ▶

BAA For Paperwork Reduction Act Notice, see instructions

Form 8868 (12-2000)

**EXHIBIT 6**

GOVERNMENT  
DOCUMENTS DEPT  
SEP 11 2015  
SAN FRANCISCO  
PUBLIC LIBRARY



INSPIRE CHANGE FOR GOOD

September 11, 2015

**To: Greg Kelly, San Francisco Documents Librarian  
Government Information Center  
San Francisco Public Library, 5<sup>th</sup> floor  
100 Larkin Street  
San Francisco, CA 94110**

**From: Diana Perez *D.P.*  
Office Manager, Good Samaritan Family Resource Center**

**Re: Notice of Public Meeting**

**In Compliance with San Francisco Administrative Code 12L.4(d)(1),  
Good Samaritan Family Resource Center is providing notice of a  
public meeting of the Good Samaritan Family Resource Center Board  
of Directors.**

**Meeting Date: September 16, 2015**

**Meeting Time: 5:30-7:00PM**

**Meeting Location: 1294 Potrero Avenue, Room 301  
San Francisco, CA 94110**

**We request confirmation of receipt be faxed to (415) 824-9527 or  
e-mailed to [dperez@goodsamfrc.org](mailto:dperez@goodsamfrc.org).**

**Thank You.**

Our mission is to help  
immigrant families access  
needed services and  
support in the community.

1294 Potrero Avenue  
San Francisco, CA 94110

voice: 415.824.9527  
fax: 415.824.9527  
[www.goodsamfrc.org](http://www.goodsamfrc.org)

#### Board of Directors

The Rt. Rev. Marc Andress  
Bishop, Episcopal  
Diocese of California  
Chair

Kat Taylor  
President

Frank De Rosa  
Treasurer

Bob Heininger  
Secretary

Bao Tran-Van  
Kay Bishop  
John Gannon  
Alvin Williams  
Dr. Alicia Brown  
Vangie Lopez  
Beth Buchanan  
Sandra Velez

#### Emeritus Board Members

Shirley Smith  
Andrea Jones  
William Cho  
Tim Brown  
J. Williams

#### Executive Staff

Frank F.  
Executive Director

March 13, 2012



To Whom It May Concern,

It is with great pleasure that I write this letter in support of Families in Schools and the *Abriendo Puertas*/Opening Doors program. I am the Senior Programs Manager at Good Samaritan Family Resource Center, a community based organization that works directly with recently arrived Latino immigrants, providing them with resources and support so that they can become self-sufficient and active participants in society.

In 2010, Good Samaritan was approached by one of our key funders, First 5 San Francisco, to explore the possibility of offering the *Abriendo Puertas* curriculum at our site. I was the first person from our agency that was trained in the curriculum by Families in Schools' staff that year and I was very impressed with the quality of the materials and its relevance of the issues faced by the families we serve on a daily basis. As a program created by Latinos for Latinos, this curriculum addresses critical topics that support school readiness and family empowerment, is evidence based, and has proven to be a perfect fit for our agency and our mission.

In the past year, we have offered the 10-week series twice and have received positive feedback from participants who have shared that the program has changed their lives. 100% of participants surveyed at the end of the last program cycle reported that they benefitted from taking *Abriendo Puertas* and 90% reported that they have a better understanding of what their children need to succeed in school.

We are enthusiastic to continue offering *Abriendo Puertas* at Good Samaritan Family Resource Center and look forward to our continued collaboration with Families in Schools.

If you have any questions, please feel free to contact me at [auraaparicio@goodsamfrc.org](mailto:auraaparicio@goodsamfrc.org) or 415-401-4240.

Sincerely,

Aura Aparicio  
Senior Programs Manager

*Our mission is to help immigrant families access needed services, develop self-sufficiency, and participate fully as members of the community.*

1294 Potrero Avenue  
San Francisco, CA 94110

voice: 415.401.4253  
fax: 415.824.9527  
[www.goodsamfrc.org](http://www.goodsamfrc.org)

#### Board of Directors

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Diocese of California  
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Treasurer

Bob Hernandez  
Secretary

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Kay Bishop  
John Gannon  
Alan Levinson  
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Vangie Lopez  
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Sandra Vivanco

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Avelina Leanos  
William H. Orrick III  
The Reverend  
J. Will Wauters

#### Executive Staff

Mario Paz  
Executive Director

**EXHIBIT 7**





SERVING THE POTRERO HILL, DOGPATCH, MISSION BAY, & SOMA  
NEIGHBORHOODS SINCE 1970

## The Wohlford Family Clinic Caters to a Diverse Population at Good Sam

*Published on July, 2015 — in News — by Jessica Zimmer*

**F**or 14 years the Wohlford Family Clinic, located within the Good Samaritan Family Resource Center on Potrero Avenue, has been offering San Franciscans reproductive health services, provided in a friendly environment. According to Jacquelyn Marcoux-Mansfield, the Clinic's director, staff at this satellite site of Planned Parenthood Northern California believe that "it's very important to serve the community. Our mission is to provide great care to clients who need reproductive health care."

The Clinic is open Wednesday and Friday, with appointments available from 9:30 a.m. to 6 p.m. Three medical providers serve roughly 16 clients a day, or about 130 a month, a little more than 1,500 a year. "We're able to sometimes see people the same day, the same week that they call in. That's a great benefit to them, to get treatment quickly. We offer a full range of contraceptive services: the pill, the patch, the ring, two kinds of IUDs, implants, and condoms. We do treatment for sexually transmitted infections for men and women including HIV tests – pap smears, and breast exams for cancer screenings," said Marcoux-Mansfield.

The Clinic also offers pregnancy tests and general gynecological health appointments. It doesn't provide abortion services. "We have at least one person who is Spanish-speaking on staff, and phone translation services if we have a client who speaks another language. It's diverse, like San Francisco," Marcoux-Mansfield said.

Alicia Vazquez, director of programs at Good Sam, said people of Asian descent, who sometimes live miles away, also come to the Center. According to Vazquez, even though the Center doesn't have bilingual Asian language speakers, people feel comfortable coming to a facility where staff are used to communicating in languages other than English.

Vazquez thinks one reason the Clinic is successful is that "it doesn't look like a clinic. There's nothing outside that says it is. Young people don't feel like they'll run into a friend or family member here."

"We were approached by the Mary Wohlford Foundation in 2000 to see if we'd be interested in opening a family planning



clinic in our organization,” said Vazquez. “We did a community needs study to see if there was a need, and we found that there was, especially for young people.” At the time, Vazquez said, men and women under the age of 25 lacked clinics that were close by, affordable, and had bilingual staff. “In 2001, we opened a clinic with Planned Parenthood. It’s had great success,” said Vazquez.

According to Vazquez, despite concerns that Mission and Mishpot residents would oppose offering reproductive health services, because many community members are affiliated with the Roman Catholic Church, the Clinic’s presence at the Center has consistently been supported. “The religious aspect was much less of an obstacle that we initially anticipated,” she said. “At first we weren’t sure it would be welcomed by our participants. We interviewed our target population, and were astounded by the interest.”

Planned Parenthood Shasta Pacific operated the Clinic from 2001 to 2005. In 2005 Planned Parenthood Golden Gate (PPGG) took over management. In 2010 Planned Parenthood Golden Gate was stripped of its affiliation by the national organization, Planned Parenthood Federation of America. PPGG had failed to meet administrative and fiscal management standards. Since 2010 Planned Parenthood Northern California has operated the Clinic.

“It’s been an excellent partnership,” said Heather Saunders Estes, president and chief executive officer of Planned Parenthood Northern California. “The Center donates the space and a receptionist and Planned Parenthood is there to provide services. Neither of us could do our part without the support of the Mary Wohlford Foundation and donors.”

The Mary Wohlford Foundation was founded in 1999 by Mary Wohlford, a Bay Area reproductive rights activist. That year Wohlford died of breast cancer, and asked her friend, Mardi Kildebeck, to be the trustee of her estate. The Foundation funds nonprofits that promote reproductive health, education, and justice. Since it began granting money in 2002, it has given away an average of \$1 million annually.

The Clinic operates with funding from Planned Parenthood Northern California, with an annual health services budget of about \$200,000, according to Marcoux-Mansfield. The Clinic has a separate budget for community services and education.

The nonprofit Good Samaritan Family Resource Center receives funds from the Wohlford Foundation, as well as other sources, such as Sheana Butler, Wohlford’s sister and a former Center board member. Vazquez said the Center is in danger of closing due to a lack of funds. “To keep the doors open, pay the utilities, and have a receptionist and janitorial staff costs about \$30,000 a year. That doesn’t include outreach and making materials,” said Vazquez.

Saunders Estes said Planned Parenthood Northern California is committed to keeping services at the Center. “There’s no question we need support from community donors. Both organizations are supported through a patchwork of funding. We are only there 16 hours a week. It would be fabulous to have other be there as well,” she said.

The Center grew out of a settlement house, an inner city facility that provides educational, recreational, and social services. The Center was initially run by the Episcopal Church, and went by the name the "San Francisco Good Samaritan Mission." It was founded in 1894. In 1989 Good Samaritan's building was damaged by the Loma Prieta earthquake. The facility was reconstructed as a modern center that includes low-income family housing units. It reopened in 1995.

Vazquez, who joined the staff in 2003, said the Center works closely with a number of churches, and houses one that offers Sunday services. She said most Center visitors are from Guatemala, Honduras, Peru, Colombia, and the Mexican states of Michoacan and Jalisco. "When I started work here, [the people] were primarily from El Salvador and Nicaragua."

According to Vazquez, in the early-2000s many of those who came to the Center qualified for refugee status or government aid. Now these options are mostly unavailable. "We've been working with immigrants for over 125 years. Ninety percent of the people that we help have come to this country to escape something: violence, poverty, domestic abuse, natural disasters, and war."

Many Center clients "are here without appropriate documentation to work or receive government services. Our staff is able to meet them where they are," she said. "We are able to develop a network of support and community. A lot of people tell us that before they came here, they were completely isolated. Coming here is what changed all that."

Marcoux-Mansfield spends roughly 20 hours a week at the San Francisco Health Center, a Planned Parenthood Northern California office located on Valencia Street. This larger facility is open six days a week. Yet it doesn't take the place of the Clinic in the Center. "What being at" Good Sam "has taught me is the value is the partnership," said Marcoux-Mansfield. "We're partnering and working well together, and that's important."

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**EXHIBIT 8**

Form **990**

OMB No. 1545-0047

**Return of Organization Exempt From Income Tax****2006**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)**Open to Public Inspection**Department of the Treasury  
Internal Revenue Service

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

**A For the 2006 calendar year, or tax year beginning** 7/01, **2006, and ending** 6/30, **2007****B** Check if applicable:

- ☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final return  
☐ Amended return  
☐ Application pending

Please use  
IRS label  
or print  
or type.  
See  
specific  
instruc-  
tions.

**C** Good Samaritan Family Resource Center  
 1294 Potrero Avenue  
 San Francisco, CA 94110

**D Employer Identification Number**

94-3154078

**E Telephone number**

(415) 824-9475

**F Accounting method:**☐ Cash ☒ Accrual☐ Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

H and I are not applicable to section 527 organizations.

**H (a)** Is this a group return for affiliates? . . . ☐ Yes ☒ No**H (b)** If 'Yes,' enter number of affiliates ▶**H (c)** Are all affiliates included? . . . . . ☐ Yes ☐ No

(If 'No,' attach a list. See instructions.)

**H (d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Group Exemption Number. . . ▶**M** Check ☐ if the organization is **not** required to attach Schedule B (Form 990, 990-EZ, or 990-PF).**G Web site:** ▶ N/A**J Organization type**(check only one) . . . . . ☒ 501(c) 3 (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally **not** more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.**L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 1,425,407.**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)**

<b>1</b> Contributions, gifts, grants, and similar amounts received:				
<b>a</b> Contributions to donor advised funds. . . . .	<b>1a</b>			
<b>b</b> Direct public support (not included on line 1a). . . . .	<b>1b</b>	655,743.		
<b>c</b> Indirect public support (not included on line 1a). . . . .	<b>1c</b>			
<b>d</b> Government contributions (grants) (not included on line 1a). . . . .	<b>1d</b>	697,041.		
<b>e</b> Total (add lines 1a through 1d) (cash \$ 1,352,784. noncash \$ ) . . . . .	<b>1e</b>		1,352,784.	
<b>2</b> Program service revenue including government fees and contracts (from Part VII, line 93) . . . . .	<b>2</b>		49,031.	
<b>3</b> Membership dues and assessments. . . . .	<b>3</b>			
<b>4</b> Interest on savings and temporary cash investments. . . . .	<b>4</b>		13,226.	
<b>5</b> Dividends and interest from securities. . . . .	<b>5</b>			
<b>6a</b> Gross rents. . . . .	<b>6a</b>			
<b>b</b> Less: rental expenses. . . . .	<b>6b</b>			
<b>c</b> Net rental income or (loss). Subtract line 6b from line 6a. . . . .	<b>6c</b>			
<b>7</b> Other investment income (describe . . . . . ) . . . . .	<b>7</b>			
<b>8a</b> Gross amount from sales of assets other than inventory. . . . .	(A) Securities		(B) Other	
<b>b</b> Less: cost or other basis and sales expenses. . . . .	<b>8a</b>			
<b>c</b> Gain or (loss) (attach schedule). . . . .	<b>8b</b>			
<b>d</b> Net gain or (loss). Combine line 8c, columns (A) and (B). . . . .	<b>8c</b>			
<b>9</b> Special events and activities (attach schedule). If any amount is from <b>gaming</b> , check here. . . . . <input type="checkbox"/>	<b>8d</b>			
<b>a</b> Gross revenue (not including \$ of contributions reported on line 1b). . . . .	<b>9a</b>			
<b>b</b> Less: direct expenses other than fundraising expenses. . . . .	<b>9b</b>			
<b>c</b> Net income or (loss) from special events. Subtract line 9b from line 9a. . . . .	<b>9c</b>			
<b>10a</b> Gross sales of inventory, less returns and allowances. . . . .	<b>10a</b>			
<b>b</b> Less: cost of goods sold. . . . .	<b>10b</b>			
<b>c</b> Gross profit or (loss) from sales of inventory (attach schedule). Subtract line 10b from line 10a. . . . .	<b>10c</b>			
<b>11</b> Other revenue (from Part VII, line 103). . . . .	<b>11</b>		10,366.	
<b>12</b> Total revenue. Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11. . . . .	<b>12</b>		1,425,407.	
<b>13</b> Program services (from line 44, column (B)). . . . .	<b>13</b>		1,060,666.	
<b>14</b> Management and general (from line 44, column (C)). . . . .	<b>14</b>		195,487.	
<b>15</b> Fundraising (from line 44, column (D)). . . . .	<b>15</b>		57,107.	
<b>16</b> Payments to affiliates (attach schedule). . . . .	<b>16</b>			
<b>17</b> Total expenses. Add lines 16 and 44, column (A). . . . .	<b>17</b>		1,313,260.	
<b>18</b> Excess or (deficit) for the year. Subtract line 17 from line 12. . . . .	<b>18</b>		112,147.	
<b>19</b> Net assets or fund balances at beginning of year (from line 73, column (A)). . . . .	<b>19</b>		3,341,664.	
<b>20</b> Other changes in net assets or fund balances (attach explanation). . . . .	<b>20</b>			
<b>21</b> Net assets or fund balances at end of year. Combine lines 18, 19, and 20. . . . .	<b>21</b>		3,453,811.	

**BAA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.**

TEEA0109L 01/22/07

Form **990** (2006)

**Part II Statement of Functional Expenses** All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
<b>22a</b> Grants paid from donor advised funds (attach sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/> . . . .	<b>22a</b>				
<b>22b</b> Other grants and allocations (att sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/> . . . .	<b>22b</b>				
<b>23</b> Specific assistance to individuals (attach schedule). . . . .	<b>23</b>				
<b>24</b> Benefits paid to or for members (attach schedule). . . . .	<b>24</b>				
<b>25a</b> Compensation of current officers, directors, key employees, etc listed in Part V-A (attach sch). See Stmt. 1.	<b>25a</b>	55,395.	16,619.	22,158.	16,618.
<b>b</b> Compensation of former officers, directors, key employees, etc listed in Part V-B (attach sch). . . . .	<b>25b</b>	0.	0.	0.	0.
<b>c</b> Compensation and other distributions, not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule). . . . .	<b>25c</b>	0.	0.	0.	0.
<b>26</b> Salaries and wages of employees not included on lines 25a, b, and c. . . . .	<b>26</b>	527,528.	473,305.	37,314.	16,909.
<b>27</b> Pension plan contributions not included on lines 25a, b, and c. . . . .	<b>27</b>				
<b>28</b> Employee benefits not included on lines 25a - 27. . . . .	<b>28</b>	84,587.	71,093.	8,629.	4,865.
<b>29</b> Payroll taxes . . . . .	<b>29</b>	44,594.	37,479.	4,550.	2,565.
<b>30</b> Professional fundraising fees . . . . .	<b>30</b>				
<b>31</b> Accounting fees. . . . .	<b>31</b>				
<b>32</b> Legal fees. . . . .	<b>32</b>				
<b>33</b> Supplies . . . . .	<b>33</b>	34,310.	27,323.	6,229.	758.
<b>34</b> Telephone. . . . .	<b>34</b>	12,433.	10,059.	1,492.	882.
<b>35</b> Postage and shipping. . . . .	<b>35</b>	1,673.	672.	109.	892.
<b>36</b> Occupancy. . . . .	<b>36</b>				
<b>37</b> Equipment rental and maintenance. . . . .	<b>37</b>	41,754.		41,754.	
<b>38</b> Printing and publications. . . . .	<b>38</b>	9,063.	6,563.	941.	1,559.
<b>39</b> Travel . . . . .	<b>39</b>				
<b>40</b> Conferences, conventions, and meetings . . . . .	<b>40</b>	1,187.	1,172.	9.	6.
<b>41</b> Interest . . . . .	<b>41</b>				
<b>42</b> Depreciation, depletion, etc (attach schedule). . . . .	<b>42</b>	89,263.	78,755.	9,067.	1,441.
<b>43</b> Other expenses not covered above (itemize):					
<b>a</b> See Statement 2	<b>43a</b>	411,473.	337,626.	63,235.	10,612.
<b>b</b> _____	<b>43b</b>				
<b>c</b> _____	<b>43c</b>				
<b>d</b> _____	<b>43d</b>				
<b>e</b> _____	<b>43e</b>				
<b>f</b> _____	<b>43f</b>				
<b>g</b> _____	<b>43g</b>				
<b>44</b> Total functional expenses. Add lines 22a through 43g. (Organizations completing columns (B) - (D), carry these totals to lines 13 - 15) . . . . .	<b>44</b>	1,313,260.	1,060,666.	195,487.	57,107.

Joint Costs. Check ☐ if you are following SOP 98-2.Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_; (ii) the amount allocated to Program services \$ \_\_\_\_\_; (iii) the amount allocated to Management and general \$ \_\_\_\_\_; and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_.

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94-3154078

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**Part III Statement of Program Service Accomplishments**

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

What is the organization's primary exempt purpose? ▶ <u>Helping Immigrant families</u> All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)	<b>Program Service Expenses</b> (Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts; but optional for others.)
<b>a</b> See Statement 3 _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here ▶ <input type="checkbox"/>	1,060,666.
<b>b</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here ▶ <input type="checkbox"/>	
<b>c</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here ▶ <input type="checkbox"/>	
<b>d</b> _____ _____ _____ _____ (Grants and allocations \$ _____) If this amount includes foreign grants, check here ▶ <input type="checkbox"/>	
<b>e</b> Other program services. . . . . (Grants and allocations \$ _____) If this amount includes foreign grants, check here ▶ <input type="checkbox"/>	
<b>f Total of Program Service Expenses</b> (should equal line 44, column (B), Program services) . . . . . ▶	1,060,666.

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**Part IV Balance Sheets** (See the instructions.)**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year
<b>ASSETS</b>	<b>45</b> Cash — non-interest-bearing .....	311,734.	<b>45</b>	588,176.
	<b>46</b> Savings and temporary cash investments .....		<b>46</b>	
	<b>47a</b> Accounts receivable .....	127,910.		
	<b>b</b> Less: allowance for doubtful accounts .....		<b>47c</b>	127,910.
	<b>48a</b> Pledges receivable .....	123,400.		
	<b>b</b> Less: allowance for doubtful accounts .....		<b>48c</b>	123,400.
	<b>49</b> Grants receivable .....		<b>49</b>	
	<b>50a</b> Receivables from current and former officers, directors, trustees, and key employees (attach schedule) .....		<b>50a</b>	
	<b>b</b> Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule) .....		<b>50b</b>	
	<b>51a</b> Other notes and loans receivable (attach schedule) .....			
	<b>b</b> Less: allowance for doubtful accounts .....		<b>51c</b>	
	<b>52</b> Inventories for sale or use .....		<b>52</b>	
	<b>53</b> Prepaid expenses and deferred charges .....	16,382.	<b>53</b>	14,836.
	<b>54a</b> Investments — publicly-traded securities .....	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	<b>54a</b>	
	<b>b</b> Investments — other securities (attach sch) .....	<input type="checkbox"/> Cost <input type="checkbox"/> FMV	<b>54b</b>	
<b>55a</b> Investments — land, buildings, & equipment: basis .....				
<b>b</b> Less: accumulated depreciation (attach schedule) .....		<b>55c</b>		
<b>56</b> Investments — other (attach schedule) .....		<b>56</b>		
<b>57a</b> Land, buildings, and equipment: basis .....	3,745,492.			
<b>b</b> Less: accumulated depreciation (attach schedule) .....	1,015,834.	2,818,921.	<b>57c</b>	2,729,658.
<b>58</b> Other assets, including program-related investments (describe <input type="checkbox"/> ..... ) .....		<b>58</b>		
<b>59 Total assets</b> (must equal line 74). Add lines 45 through 58 .....	3,396,362.	<b>59</b>	3,583,980.	
<b>LIABILITIES</b>	<b>60</b> Accounts payable and accrued expenses .....	54,698.	<b>60</b>	105,793.
	<b>61</b> Grants payable .....		<b>61</b>	
	<b>62</b> Deferred revenue .....		<b>62</b>	
	<b>63</b> Loans from officers, directors, trustees, and key employees (attach schedule) .....		<b>63</b>	
	<b>64a</b> Tax-exempt bond liabilities (attach schedule) .....		<b>64a</b>	
	<b>b</b> Mortgages and other notes payable (attach schedule) .....		<b>64b</b>	
	<b>65</b> Other liabilities (describe <input type="checkbox"/> <u>See Statement 5</u> ..... ) .....		<b>65</b>	24,376.
	<b>66 Total liabilities.</b> Add lines 60 through 65 .....	54,698.	<b>66</b>	130,169.
<b>NET ASSETS OR FUND BALANCES</b>	<b>Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.</b>			
	<b>67</b> Unrestricted .....	3,059,204.	<b>67</b>	2,950,600.
	<b>68</b> Temporarily restricted .....	254,112.	<b>68</b>	474,863.
	<b>69</b> Permanently restricted .....	28,348.	<b>69</b>	28,348.
	<b>Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.</b>			
	<b>70</b> Capital stock, trust principal, or current funds .....		<b>70</b>	
	<b>71</b> Paid-in or capital surplus, or land, building, and equipment fund .....		<b>71</b>	
	<b>72</b> Retained earnings, endowment, accumulated income, or other funds .....		<b>72</b>	
	<b>73 Total net assets or fund balances.</b> Add lines 67 through 69 <b>or</b> lines 70 through 72. (Column (A) <b>must</b> equal line 19 and column (B) <b>must</b> equal line 21) .....	3,341,664.	<b>73</b>	3,453,811.
<b>74 Total liabilities and net assets/fund balances.</b> Add lines 66 and 73 .....	3,396,362.	<b>74</b>	3,583,980.	

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Form 990 (2006)



**Part IV-A** Reconciliation of Revenue per Audited Financial Statements with Revenue per Return (See the instructions.)

<b>a</b>	Total revenue, gains, and other support per audited financial statements .....	<b>a</b>	1,425,407.
<b>b</b>	Amounts included on line <b>a</b> but not on Part I, line 12:		
<b>1</b>	Net unrealized gains on investments.....	<b>b1</b>	
<b>2</b>	Donated services and use of facilities.....	<b>b2</b>	
<b>3</b>	Recoveries of prior year grants.....	<b>b3</b>	
<b>4</b>	Other (specify): .....	<b>b4</b>	
	Add lines <b>b1</b> through <b>b4</b> .....	<b>b</b>	
<b>c</b>	Subtract line <b>b</b> from line <b>a</b> .....	<b>c</b>	1,425,407.
<b>d</b>	Amounts included on Part I, line 12, but not on line <b>a</b> :		
<b>1</b>	Investment expenses not included on Part I, line 6b.....	<b>d1</b>	
<b>2</b>	Other (specify): .....	<b>d2</b>	
	Add lines <b>d1</b> and <b>d2</b> .....	<b>d</b>	
<b>e</b>	<b>Total revenue</b> (Part I, line 12). Add lines <b>c</b> and <b>d</b> .....▶	<b>e</b>	1,425,407.

<b>Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return</b>	
---	--

<b>a</b> Total expenses and losses per audited financial statements .....		<b>a</b>	1,313,260.
<b>b</b> Amounts included on line <b>a</b> but not on Part I, line 17:			
<b>1</b> Donated services and use of facilities .....	<b>b1</b>		
<b>2</b> Prior year adjustments reported on Part I, line 20 .....	<b>b2</b>		
<b>3</b> Losses reported on Part I, line 20 .....	<b>b3</b>		
<b>4</b> Other (specify): .....	<b>b4</b>		
Add lines <b>b1</b> through <b>b4</b> .....		<b>b</b>	
<b>c</b> Subtract line <b>b</b> from line <b>a</b> .....		<b>c</b>	1,313,260.
<b>d</b> Amounts included on Part I, line 17, but not on line <b>a</b> :			
<b>1</b> Investment expenses not included on Part I, line 6b .....	<b>d1</b>		
<b>2</b> Other (specify): .....	<b>d2</b>		
Add lines <b>d1</b> and <b>d2</b> .....		<b>d</b>	
<b>e</b> <b>Total expenses</b> (Part I, line 17). Add lines <b>c</b> and <b>d</b> .....		<b>e</b>	1,313,260.

**Part V-A Current Officers, Directors, Trustees, and Key Employees** (List each person who was an officer, director, trustee, or key employee at any time during the year even if they were not compensated.) (See the instructions.)

[illegible]

<b>Part V-A</b>	<b>Current Officers, Directors, Trustees, and Key Employees</b> <i>(continued)</i>
-----------------	--

Yes	No
-----	----

**75a** Enter the total number of officers, directors, and trustees permitted to vote on organization business as board meetings . . . ► 11

**b** Are any officers, directors, trustees, or key employees listed in Form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, related to each other through family or business relationships? If 'Yes,' attach a statement that identifies the individuals and explains the relationship(s).

75b	X
-----	---

**C** Do any officers, directors, trustees, or key employees listed in form 990, Part V-A, or highest compensated employees listed in Schedule A, Part I, or highest compensated professional and other independent contractors listed in Schedule A, Part II-A or II-B, receive compensation from any other organizations, whether tax exempt or taxable, that are related to the organization? See the instructions for the definition of 'related organization'.

75c	X
-----	---

If 'Yes,' attach a statement that includes the information described in the instructions.

**d** Does the organization have a written conflict of interest policy?

75d	X	
-----	---	--

**Part V-B Former Officers, Directors, Trustees, and Key Employees That Received Compensation or Other Benefits** (If any former officer, director, trustee, or key employee received compensation or other benefits (described below

**Benefits** (If any former officer, director, trustee, or key employee received compensation or other benefits (described below) during the year, list that person below and enter the amount of compensation or other benefits in the appropriate column. See the instructions.)

(A) Name and address	(B) Loans and Advances	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation plans	(E) Expense account and other allowances
None				

<b>Part VI</b>	<b>Other Information</b> <i>(See the instructions.)</i>
----------------	---

Yes	No
-----	----

**76** Did the organization make a change in its activities or methods of conducting activities?

Did the organization make a change in its activities or methods of conducting activities?  
If 'Yes,' attach a detailed statement of each change .....

76		X
----	--	---

**77** Were any changes made in the organizing or governing documents but not reported to the IRS?

If 'Yes,' attach a conformed copy of the changes.

77		X
----	--	---

**78a** Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? . . .

78a	X
-----	---

**b** If 'Yes,' has it filed a tax return on **Form 990-T** for this year?

78b	N/A
-----	-----

**79** Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement. ....

79	X
----	---

**80a** Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization? .....

80a	X
-----	---

**b** If 'Yes,' enter the name of the organization ▶ N/A

and check whether it is ☐ exempt **or** ☐ nonexempt.

<b>81 a</b> Enter direct and indirect political expenditures. (See line 81 instructions.)	<b>81 a</b>	0.
---	-------------	----

81b	X
-----	---

**b** Did the organization file **Form 1120-POL** for this year?

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**Part VI Other Information** (continued)

		Yes	No
<b>82a</b>	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?.....		X
<b>b</b>	If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)..... <b>82b</b> N/A		
<b>83a</b>	Did the organization comply with the public inspection requirements for returns and exemption applications?.....	X	
<b>b</b>	Did the organization comply with the disclosure requirements relating to <i>quid pro quo</i> contributions?.....	X	
<b>84a</b>	Did the organization solicit any contributions or gifts that were not tax deductible?.....		X
<b>b</b>	If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?.....		N/A
<b>85</b>	<b>501(c)(4), (5), or (6) organizations.</b> <b>a</b> Were substantially all dues nondeductible by members?.....		N/A
<b>b</b>	Did the organization make only in-house lobbying expenditures of \$2,000 or less?.....		N/A
	If 'Yes' was answered to either 85a or 85b, <b>do not</b> complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.		
<b>c</b>	Dues, assessments, and similar amounts from members. .... <b>85c</b> N/A		
<b>d</b>	Section 162(e) lobbying and political expenditures. .... <b>85d</b> N/A		
<b>e</b>	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices. .... <b>85e</b> N/A		
<b>f</b>	Taxable amount of lobbying and political expenditures (line 85d less 85e). .... <b>85f</b> N/A		
<b>g</b>	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?.....		N/A
<b>h</b>	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?.....		N/A
<b>86</b>	<b>501(c)(7) organizations.</b> Enter: <b>a</b> Initiation fees and capital contributions included on line 12. .... <b>86a</b> N/A		
<b>b</b>	Gross receipts, included on line 12, for public use of club facilities ..... <b>86b</b> N/A		
<b>87</b>	<b>501(c)(12) organizations.</b> Enter: <b>a</b> Gross income from members or shareholders ..... <b>87a</b> N/A		
<b>b</b>	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)..... <b>87b</b> N/A		
<b>88a</b>	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX. ....		X
<b>b</b>	At any time during the year, did the organization, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If 'Yes,' complete Part XI. ....		X
<b>89a</b>	<b>501(c)(3) organizations.</b> Enter: Amount of tax imposed on the organization during the year under: section 4911 ▶ 0. ; section 4912 ▶ 0. ; section 4955 ▶ 0.		
<b>b</b>	<b>501(c)(3) and 501(c)(4) organizations.</b> Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction. ....		X
<b>c</b>	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958. .... ▶ 0.		
<b>d</b>	Enter: Amount of tax on line 89c, above, reimbursed by the organization ..... ▶ 0.		
<b>e</b>	<b>All organizations.</b> At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? ....		X
<b>f</b>	<b>All organizations.</b> Did the organization acquire a direct or indirect interest in any applicable insurance contract? ....		X
<b>g</b>	<b>For supporting organizations and sponsoring organizations maintaining donor advised funds.</b> Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year? .....		X
<b>90a</b>	List the states with which a copy of this return is filed ▶ CA		
<b>b</b>	Number of employees employed in the pay period that includes March 12, 2006 (See instructions.)..... <b>90b</b> 0		
<b>91a</b>	The books are in care of ▶ Good Samaritan Family Resourc Telephone number ▶ (415) 824-9475 Located at ▶ 1294 Potrero Avenue, San Francisco, CA, ZIP + 4 ▶ 94110		
<b>b</b>	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?.....		X
	If 'Yes,' enter the name of the foreign country ▶		
	See the instructions for exceptions and filing requirements for <b>Form TD F 90-22.1</b> , Report of Foreign Bank and Financial Accounts.		

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**Part VI Other Information** (continued)

- c At any time during the calendar year, did the organization maintain an office outside of the United States? **91 c** ☐ Yes ☒ No  
 If 'Yes,' enter the name of the foreign country **▶** \_\_\_\_\_
- 92** Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 — Check here. **N/A** ☐  
 and enter the amount of tax-exempt interest received or accrued during the tax year. **▶ 92** **N/A**

**Part VII Analysis of Income-Producing Activities** (See the instructions.)

**Note:** Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclusion code	(D) Amount	
<b>93</b> Program service revenue:					
<b>a</b> Child Care and Family					49,031.
<b>b</b> _____					
<b>c</b> _____					
<b>d</b> _____					
<b>e</b> _____					
<b>f</b> Medicare/Medicaid payments.....					
<b>g</b> Fees & contracts from government agencies...					
<b>94</b> Membership dues and assessments...					
<b>95</b> Interest on savings & temporary cash invmnts...			14	13,226.	
<b>96</b> Dividends & interest from securities...					
<b>97</b> Net rental income or (loss) from real estate:					
<b>a</b> debt-financed property.....					
<b>b</b> not debt-financed property.....					
<b>98</b> Net rental income or (loss) from pers prop....					
<b>99</b> Other investment income.....					
<b>100</b> Gain or (loss) from sales of assets other than inventory.....					
<b>101</b> Net income or (loss) from special events.....					
<b>102</b> Gross profit or (loss) from sales of inventory....					
<b>103</b> Other revenue: <b>a</b> _____					
<b>b</b> Miscellaneous			1		10,366.
<b>c</b> _____					
<b>d</b> _____					
<b>e</b> _____					
<b>104</b> Subtotal (add columns (B), (D), and (E)).....				13,226.	59,397.
<b>105</b> Total (add line 104, columns (B), (D), and (E))..... <b>▶</b>					72,623.

**Note:** Line 105 plus line 1e, Part I, should equal the amount on line 12, Part I.

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See the instructions.)

Line No. ▼	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
93a	Preschool family fees & Family Support Advocacy

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities** (See the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts** (See the instructions.)

- a** Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No
- b** Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

**Note:** If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions).

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**Part XI Information Regarding Transfers To and From Controlled Entities.** Complete only if the organization is a controlling organization as defined in section 512(b)(13).

				Yes	No
106 Did the reporting organization <b>make</b> any transfers <b>to</b> a controlled entity as defined in section 512(b)(13) of the Code? If 'Yes,' complete the schedule below for each controlled entity .....					X

	(A) Name, address, of each controlled entity	(B) Employer Identification Number	(C) Description of transfer	(D) Amount of transfer
a				
b				
c				
Totals				

				Yes	No
107 Did the reporting organization <b>receive</b> any transfers <b>from</b> a controlled entity as defined in section 512(b)(13) of the Code? If 'Yes,' complete the schedule below for each controlled entity .....					X

	(A) Name, address, of each controlled entity	(B) Employer Identification Number	(C) Description of transfer	(D) Amount of transfer
a				
b				
c				
Totals				

				Yes	No
108 Did the organization have a binding written contract in effect on August 17, 2006, covering the interest, rents, royalties, and annuities described in question 107 above? .....					X

Please Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.				
	Signature of officer		Date		
	Mario Paz, Executive Director Type or print name and title.				
Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed	Preparer's SSN or PTIN (See General Instruction W)	
	Firm's name (or yours if self-employed), address, and ZIP + 4		EIN	Phone no.	
	ALLAN LIU, CPA 201 WILLOW AVE MILLBRAE, CA 94030-2536		N/A	(650) 692-1172	

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Form 990 (2006)

**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service**Organization Exempt Under  
Section 501(c)(3)**(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information — (See separate instructions.)

▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**

OMB No. 1545-0047

**2006**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**  
(See instructions. List each one. If there are none, enter 'None'.)

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans and deferred compensation	(e) Expense account and other allowances
See Statement 7		0.	0.	0.
Total number of other employees paid over \$50,000	0			

**Part II – A Compensation of the Five Highest Paid Independent Contractors for Professional Services**  
(See instructions. List each one (whether individuals or firms). If there are none, enter 'None'.)

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over \$50,000 for professional services	0	

**Part II – B Compensation of the Five Highest Paid Independent Contractors for Other Services**  
(List each contractor who performed services other than professional services, whether individuals or firms. If there are none, enter 'None.' See instructions.)

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of other contractors receiving over \$50,000 for other services	0	

<b>Part III Statements About Activities</b> (See instructions.)		Yes	No
<b>1</b>	During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities. . . . ▶ \$ <u>N/A</u> (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B.)	<b>1</b>	X
Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking 'Yes' must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.			
<b>2</b>	During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)		
<b>a</b>	Sale, exchange, or leasing of property?	<b>2a</b>	X
<b>b</b>	Lending of money or other extension of credit?	<b>2b</b>	X
<b>c</b>	Furnishing of goods, services, or facilities?	<b>2c</b>	X
<b>d</b>	Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?	<b>2d</b>	X
<b>e</b>	Transfer of any part of its income or assets?	<b>2e</b>	X
<b>3a</b>	Did the organization make grants for scholarships, fellowships, student loans, etc? (If 'Yes,' attach an explanation of how the organization determines that recipients qualify to receive payments.)	<b>3a</b>	X
<b>b</b>	Did the organization have a section 403(b) annuity plan for its employees?	<b>3b</b>	X
<b>c</b>	Did the organization receive or hold an easement for conservation purposes, including easements to preserve open space, the environment, historic land areas or historic structures? If 'Yes,' attach a detailed statement	<b>3c</b>	X
<b>d</b>	Did the organization provide credit counseling, debt management, credit repair, or debt negotiation services?	<b>3d</b>	X
<b>4a</b>	Did the organization maintain any donor advised funds? If 'Yes,' complete lines 4b through 4g. If 'No,' complete lines 4f and 4g.	<b>4a</b>	X
<b>b</b>	Did the organization make any taxable distributions under section 4966?	<b>4b</b>	N/A
<b>c</b>	Did the organization make a distribution to a donor, donor advisor, or related person?	<b>4c</b>	N/A
<b>d</b>	Enter the total number of donor advised funds owned at the end of the tax year . . . . . ▶		N/A
<b>e</b>	Enter the aggregate value of assets held in all donor advised funds owned at the end of the tax year . . . . . ▶		N/A
<b>f</b>	Enter the total number of separate funds or accounts owned at the end of the tax year (excluding donor advised funds included on line 4d) where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts . . . . . ▶		0
<b>g</b>	Enter the aggregate value of assets held in all funds or accounts included on line 4f at the end of the tax year . . . ▶		0

**Part IV Reason for Non-Private Foundation Status** (See instructions.)I certify that the organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). **Enter the hospital's name, city, and state** ▶ \_\_\_\_\_
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12 ☐ An organization that normally receives: **(1) more than 33-1/3%** of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions — subject to certain exceptions, and **(2) no more than 33-1/3%** of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and otherwise meets the requirements of section 509(a)(3). Check the box that describes the type of supporting organization: ▶  
☐ Type I ☐ Type II ☐ Type III-Functionally Integrated ☐ Type III-Other

**Provide the following information about the supported organizations.** (See instructions.)

(a) Name(s) of supported organization(s)	(b) Employer identification number (EIN)	(c) Type of organization (described in lines 5 through 12 above or IRC section)	(d) Is the supported organization listed in the supporting organization's governing documents?		(e) Amount of support
			Yes	No	
<b>Total</b> .....					<b>0.</b>

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See instructions.)

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Schedule A (Form 990 or 990-EZ) 2006



**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.****Note:** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in) .....	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) Total
<b>15</b> Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.) .....	1,195,209.	1,127,591.	1,215,597.	869,233.	4,407,630.
<b>16</b> Membership fees received .....					0.
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose .....	55,293.	90,979.	121,681.	109,246.	377,199.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975 .....	2,843.	1,090.	414.	1,241.	5,588.
<b>19</b> Net income from unrelated business activities not included in line 18 .....					0.
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf .....					0.
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge .....					0.
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets. See Stmt. 8. ....	3,196.	3,189.	10,791.		17,176.
<b>23</b> Total of lines 15 through 22 .....	1,256,541.	1,222,849.	1,348,483.	979,720.	4,807,593.
<b>24</b> Line 23 minus line 17 .....	1,201,248.	1,131,870.	1,226,802.	870,474.	4,430,394.
<b>25</b> Enter 1% of line 23 .....	12,565.	12,228.	13,485.	9,797.	
<b>26 Organizations described on lines 10 or 11:</b> <b>a</b> Enter 2% of amount in column (e), line 24 .....					<b>26a</b> 88,608.
<b>b</b> Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2002 through 2005 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts .....					<b>26b</b>
<b>c</b> Total support for section 509(a)(1) test: Enter line 24, column (e) .....					<b>26c</b> 4,430,394.
<b>d</b> Add: Amounts from column (e) for lines: <b>18</b> 5,588. <b>19</b> .....					<b>26d</b> 22,764.
<b>22</b> 17,176. <b>26b</b> .....					<b>26e</b> 4,407,630.
<b>e</b> Public support (line 26c minus line 26d total) .....					<b>26f</b> 99.49 %
<b>f</b> Public support percentage (line 26e (numerator) divided by line 26c (denominator)) .....					
<b>27 Organizations described on line 12:</b> N/A					
<b>a</b> For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____					
<b>b</b> For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11b, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____					
<b>c</b> Add: Amounts from column (e) for lines: <b>15</b> _____ <b>16</b> _____ <b>17</b> _____ <b>20</b> _____ <b>21</b> _____					<b>27c</b> _____
<b>d</b> Add: Line 27a total. .... and line 27b total. ....					<b>27d</b> _____
<b>e</b> Public support (line 27c total minus line 27d total) .....					<b>27e</b> _____
<b>f</b> Total support for section 509(a)(2) test: Enter amount from line 23, column (e). ....					<b>27f</b> _____
<b>g</b> Public support percentage (line 27e (numerator) divided by line 27f (denominator)) .....					<b>27g</b> %
<b>h</b> Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) .....					<b>27h</b> %

**28 Unusual Grants:** For an organization described in line 10, 11, or 12 that received any unusual grants during 2002 through 2005, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.

**Part V Private School Questionnaire** (See instructions.)

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

N/A

	N/A	Yes	No
<b>29</b> Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? .....	<b>29</b>		
<b>30</b> Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? .....	<b>30</b>		
<b>31</b> Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? .....	<b>31</b>		
If 'Yes,' please describe; if 'No,' please explain. (If you need more space, attach a separate statement.) ----- ----- -----			
<b>32</b> Does the organization maintain the following:			
<b>a</b> Records indicating the racial composition of the student body, faculty, and administrative staff? .....	<b>32a</b>		
<b>b</b> Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? .....	<b>32b</b>		
<b>c</b> Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? .....	<b>32c</b>		
<b>d</b> Copies of all material used by the organization or on its behalf to solicit contributions? .....	<b>32d</b>		
If you answered 'No' to any of the above, please explain. (If you need more space, attach a separate statement.) ----- ----- -----			
<b>33</b> Does the organization discriminate by race in any way with respect to:			
<b>a</b> Students' rights or privileges? .....	<b>33a</b>		
<b>b</b> Admissions policies? .....	<b>33b</b>		
<b>c</b> Employment of faculty or administrative staff? .....	<b>33c</b>		
<b>d</b> Scholarships or other financial assistance? .....	<b>33d</b>		
<b>e</b> Educational policies? .....	<b>33e</b>		
<b>f</b> Use of facilities? .....	<b>33f</b>		
<b>g</b> Athletic programs? .....	<b>33g</b>		
<b>h</b> Other extracurricular activities? .....	<b>33h</b>		
If you answered 'Yes' to any of the above, please explain. (If you need more space, attach a separate statement.) ----- ----- -----			
<b>34a</b> Does the organization receive any financial aid or assistance from a governmental agency? .....	<b>34a</b>		
<b>b</b> Has the organization's right to such aid ever been revoked or suspended? .....	<b>34b</b>		
If you answered 'Yes' to either 34a or b, please explain using an attached statement.			
<b>35</b> Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev Proc 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If 'No,' attach an explanation. ....	<b>35</b>		

Schedule A (Form 990 or 990-EZ) 2006 Good Samaritan Family Resource Center

94-3154078

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**Part VI-A Lobbying Expenditures by Electing Public Charities** (See instructions.)(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check **a** ☐ if the organization belongs to an affiliated group. Check **b** ☐ if you checked 'a' and 'limited control' provisions apply.**Limits on Lobbying Expenditures**

(The term 'expenditures' means amounts paid or incurred.)

		(a) Affiliated group totals	(b) To be completed for <b>all</b> electing organizations
<b>36</b> Total lobbying expenditures to influence public opinion (grassroots lobbying) .....	<b>36</b>		
<b>37</b> Total lobbying expenditures to influence a legislative body (direct lobbying) .....	<b>37</b>		
<b>38</b> Total lobbying expenditures (add lines 36 and 37) .....	<b>38</b>		
<b>39</b> Other exempt purpose expenditures .....	<b>39</b>		
<b>40</b> Total exempt purpose expenditures (add lines 38 and 39) .....	<b>40</b>		
<b>41</b> Lobbying nontaxable amount. Enter the amount from the following table —			
<b>If the amount on line 40 is —</b>	<b>The lobbying nontaxable amount is —</b>		
Not over \$500,000 .....	20% of the amount on line 40 .....		
Over \$500,000 but not over \$1,000,000 .....	\$100,000 plus 15% of the excess over \$500,000 .....		
Over \$1,000,000 but not over \$1,500,000 .....	\$175,000 plus 10% of the excess over \$1,000,000 .....	<b>41</b>	
Over \$1,500,000 but not over \$17,000,000 .....	\$225,000 plus 5% of the excess over \$1,500,000 .....		
Over \$17,000,000 .....	\$1,000,000 .....		
<b>42</b> Grassroots nontaxable amount (enter 25% of line 41) .....	<b>42</b>		
<b>43</b> Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36 .....	<b>43</b>		
<b>44</b> Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38 .....	<b>44</b>		
<b>Caution:</b> If there is an amount on either line 43 or line 44, you must file Form 4720.			

**4 -Year Averaging Period Under Section 501(h)**(Some organizations that made a section 501(h) election do not have to complete all of the five columns below.  
See the instructions for lines 45 through 50.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2005	(c) 2004	(d) 2003	(e) Total
<b>45</b> Lobbying nontaxable amount .....					
<b>46</b> Lobbying ceiling amount (150% of line 45(e)) .....					
<b>47</b> Total lobbying expenditures .....					
<b>48</b> Grassroots non-taxable amount .....					
<b>49</b> Grassroots ceiling amount (150% of line 48(e)) .....					
<b>50</b> Grassroots lobbying expenditures .....					

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See instructions.)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:

Yes No Amount

<b>a</b> Volunteers .....			
<b>b</b> Paid staff or management (Include compensation in expenses reported on lines <b>c</b> through <b>h</b> .) .....			
<b>c</b> Media advertisements .....			
<b>d</b> Mailings to members, legislators, or the public .....			
<b>e</b> Publications, or published or broadcast statements .....			
<b>f</b> Grants to other organizations for lobbying purposes .....			
<b>g</b> Direct contact with legislators, their staffs, government officials, or a legislative body .....			
<b>h</b> Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means .....			
<b>i</b> Total lobbying expenditures (add lines <b>c</b> through <b>h</b> .) .....			

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities.

BAA

Schedule A (Form 990 or 990-EZ) 2006

**Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations** (See instructions)

**51** Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

**a** Transfers from the reporting organization to a noncharitable exempt organization of:

(i) Cash	51 a (i)	X
(ii) Other assets	a (ii)	X

**b Other transactions:**

(i) Sales or exchanges of assets with a noncharitable exempt organization.....	b (i)	X
--	-------	---

(ii) Purchases of assets from a noncharitable exempt organization.....	b (ii)	X
--	--------	---

(iii) Rental of facilities, equipment, or other assets .....	b (iii)		X
--	---------	--	---

(iv) Reimbursement arrangements.....	b (iv)		X
--------------------------------------	--------	--	---

(v) Loans or loan guarantees.....	b (v)		X
-----------------------------------	-------	--	---

(vi) Performance of services or membership or fundraising solicitations.....	b (vi)	X
--	--------	---

<b>c</b> Sharing of facilities, equipment, mailing lists, other assets, or paid employees .....	<b>c</b>	<b>X</b>
---	----------	----------

d. If the answer to any of the above is 'Yes,' complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received:

[illegible]

**52a** Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐ Yes ☒ No

**b** If 'Yes,' complete the following schedule:

[illegible]

**Schedule B**  
(Form 990, 990-EZ,  
or 990-PF)Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No. 1545-0047

**2006**

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):

Filers of:

Form 990 or 990-EZ

Section:

- ☒ 501(c)( 3 ) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

**General Rule –**

- ☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc, contributions of \$5,000 or more during the year.) ..... ► \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.**

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)

Form **8868**

(Rev April 2007)

Department of the Treasury  
Internal Revenue Service**Application for Extension of Time To File an  
Exempt Organization Return**

OMB No. 1545-1709

► File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒ **X**
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).

**Do not complete Part II unless** you have already been granted an automatic 3-month extension on a previously filed Form 8868.**Part I Automatic 3-Month Extension of Time.** Only submit original (no copies needed).Section 501(c) corporations required to file Form 990-T and requesting an automatic 6-month extension — check this box and complete Part I only. ☐*All other corporations (including 1120-C filers), partnerships, REMICS, and trusts must use Form 7004 to request an extension of time to file income tax returns.*

**Electronic Filing (e-file).** Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for section 501(c) corporations required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T. Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit [www.irs.gov/efile](http://www.irs.gov/efile) and click on *e-file for Charities & Nonprofits*.

<b>Type or print</b>  File by the due date for filing your return. See instructions.	Name of Exempt Organization	Employer identification number
	Good Samaritan Family Resource Center	94-3154078
	Number, street, and room or suite number. If a P.O. box, see instructions.	
	1294 Potrero Avenue	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions.	
	San Francisco, CA 94110	

**Check type of return to be filed** (file a separate application for each return):

<input checked="" type="checkbox"/> Form 990	<input type="checkbox"/> Form 990-T (corporation)	<input type="checkbox"/> Form 4720
<input type="checkbox"/> Form 990-BL	<input type="checkbox"/> Form 990-T (section 401(a) or 408(a) trust)	<input type="checkbox"/> Form 5227
<input type="checkbox"/> Form 990-EZ	<input type="checkbox"/> Form 990-T (trust other than above)	<input type="checkbox"/> Form 6069
<input type="checkbox"/> Form 990-PF	<input type="checkbox"/> Form 1041-A	<input type="checkbox"/> Form 8870

- The books are in the care of ► Good Samaritan Family Resource

Telephone No. ► (415) 824-9475 FAX No. ► (415) 824-9527

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the whole group, check this box. ☐. If it is for part of the group, check this box. ☐ and attach a list with the names and EINs of all members the extension will cover.

- 1 I request an automatic 3-month (6 months for a section 501(c) corporation required to file Form 990-T) extension of time until 2/15, 20 08, to file the exempt organization return for the organization named above.  
The extension is for the organization's return for:

- ☐ calendar year 20 \_\_\_\_ or
- ☒ tax year beginning 7/01, 20 06, and ending 6/30, 20 07.

- 2 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

<b>3a</b> If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	<b>3a</b>	\$	0.
<b>b</b> If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	<b>3b</b>	\$	0.
<b>c Balance Due.</b> Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	<b>3c</b>	\$	0.

**Caution.** If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.**BAA For Privacy Act and Paperwork Reduction Act Notice, see instructions.**Form **8868** (Rev 4-2007)

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## Federal Statements

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Good Samaritan Family Resource Center

94-3154078

**Statement 1**  
**Form 990, Part II, Line 25a**  
**Compensation of Officers, Directors, Etc.**

Compensation Received	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	55,395.	16,619.	22,158.	16,618.
Total	\$ 55,395.	\$ 16,619.	\$ 22,158.	\$ 16,618.

Employee Benefit Plan Contribution	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	0.	0.	0.	0.
Total	\$ 0.	\$ 0.	\$ 0.	\$ 0.

Expense Acct. & Other Allowances	(A)	(B)	(C)	(D)
Name	Total	Program Services	Management & General	Fundraising
Kay Bishop	0.	0.	0.	0.
Frank De Rosa	0.	0.	0.	0.
Alan Levinson	0.	0.	0.	0.
Alicia Lieberman, Ph.D.	0.	0.	0.	0.
Anamaria Loya	0.	0.	0.	0.
Wendy Mui	0.	0.	0.	0.
Kat Taylor	0.	0.	0.	0.
Sara Vellve	0.	0.	0.	0.
Dr. Fernando Viteri	0.	0.	0.	0.
Sandra Vivanco	0.	0.	0.	0.
Mario Paz	0.	0.	0.	0.
Total	\$ 0.	\$ 0.	\$ 0.	\$ 0.



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## Federal Statements

Page 2

Good Samaritan Family Resource Center

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**Statement 2**  
**Form 990, Part II, Line 43**  
**Other Expenses**

	(A) Total	(B) Program Services	(C) Management & General	(D) Fundraising
Consultants/Contractors	229,401.	118,002.	104,508.	6,891.
Direct Support	3,450.	3,450.		
Events	6,850.	6,829.	13.	8.
Field Trips	4,413.	4,413.		
Food	31,253.	31,125.	46.	82.
Insurance	45,273.	39,031.	5,098.	1,144.
License & Fees	3,182.	2,260.	821.	101.
Local Transportation	2,530.	2,281.	168.	81.
Miscellaneous	21,461.	11,326.	9,827.	308.
Outside Services	4,228.	942.	3,263.	23.
Staff Development	622.	506.	73.	43.
Start-up/Classroom setup	18,764.	18,764.		
Use Allowance		98,697.	-100,628.	1,931.
Utilities	40,046.		40,046.	
<b>Total</b>	<b>\$ 411,473.</b>	<b>\$ 337,626.</b>	<b>\$ 63,235.</b>	<b>\$ 10,612.</b>

**Statement 3**  
**Form 990, Part III, Line a**  
**Statement of Program Service Accomplishments**

Description	Grants and Allocations	Program Service Expenses
Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes. Approximately 7,356 child days of enrollment of services were performed.		
Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include parent support groups, parenting classes, adult literacy, individual and group therapy, after school academeic enrichment, soccer program, asthma and dental screening and education for children of elementary public schools, emergency assistance, summer youth programs, english for beginners language classes, basic computer classes, loan programs, family planning clinic, and in home support.		1,060,666.
Includes Foreign Grants: No		
	\$ 0.	\$ 1,060,666.



**2006****Federal Statements****Page 3****Good Samaritan Family Resource Center****94-3154078****Statement 4  
Form 990, Part IV, Line 57  
Land, Buildings, and Equipment**

<u>Category</u>	<u>Basis</u>	<u>Accum. Deprec.</u>	<u>Book Value</u>
Automobiles / Transportation Equipment	\$ 23,482.	\$ 23,482.	\$ 0.
Machinery and Equipment	220,016.	213,766.	6,250.
Buildings	2,985,926.	750,627.	2,235,299.
Improvements	216,068.	27,959.	188,109.
Land	300,000.		300,000.
<b>Total</b>	<b>\$ 3,745,492.</b>	<b>\$ 1,015,834.</b>	<b>\$ 2,729,658.</b>

**Statement 5  
Form 990, Part IV, Line 65  
Other Liabilities**

Due to SDE.....	\$ 24,376.
<b>Total</b>	<b>\$ 24,376.</b>

**Statement 6  
Form 990, Part V-A  
List of Officers, Directors, Trustees, and Key Employees**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110	Director 1	\$ 0.	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110	Treasurer 1	0.	0.	0.
Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.

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**Statement 6 (continued)**  
**Form 990, Part V-A**  
**List of Officers, Directors, Trustees, and Key Employees**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110	President 1	\$ 0.	\$ 0.	\$ 0.
Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110	Secretary 1	0.	0.	0.
Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Mario Paz 1294 Potrero Avenue San Francisco, CA 94110	Executive Direc 0	55,395.	0.	0.
	Total	\$ 55,395.	\$ 0.	\$ 0.

**Statement 7**  
**Schedule A, Part I**  
**Compensation of Five Highest Paid Employees**

<u>Name and Address</u>	<u>Title &amp; Average Hours Worked</u>	<u>Compen- sation</u>	<u>Contribut. EBP &amp; DC</u>	<u>Expense Account</u>
Hector Melendez 1294 Potrero Avenue S.F., CA 94110	Exec. Dir. 40	0.	0.	0.
Teresa Carias 1294 Potrero Avenue S.F., CA 94110	Director, CDC 40	0.	0.	0.
Alicia Vasquez 1294 Potrero Avenue S.F., CA 94110	Family Ser. Dir 40	0.	0.	0.
	Total	\$ 0.	\$ 0.	\$ 0.

**2006****Federal Statements****Page 5****Good Samaritan Family Resource Center****94-3154078****Statement 8  
Schedule A, Part IV-A, Line 22  
Other Income**

Description	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) Total
Miscellaneous Income	\$ 3,196.	\$ 3,189.	\$ 10,791.	\$ 0.	\$ 17,176.
Total	<u>\$ 3,196.</u>	<u>\$ 3,189.</u>	<u>\$ 10,791.</u>	<u>\$ 0.</u>	<u>\$ 17,176.</u>

YEAR <b>2006</b>	<b>California Exempt Organization Annual Information Return</b>	FORM <b>199</b>
For calendar or fiscal year beginning month <u>07</u> day <u>01</u> year <u>2006</u> and ending month <u>06</u> day <u>30</u> year <u>2007</u>		
<b>IMPORTANT: Your number is required.</b>		
California corporation number <u>1522670</u>	Federal employer identification number (FEIN) <u>94-3154078</u>	<b>A</b> Final return? Check applicable box. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Dissolved <input type="checkbox"/> Withdrawn <input type="checkbox"/> Merged/Reorganized (attach explanation) If a box is checked, enter date: <input type="checkbox"/>
Corporation/Organization name  <u>Good Samaritan Family Resource Center</u>		<b>B</b> Check forms filed this year: State: <input type="checkbox"/> 109 <input type="checkbox"/> 100 <input type="checkbox"/> 100S <input type="checkbox"/> 100W Fed: <input checked="" type="checkbox"/> 990 Fed: <input type="checkbox"/> 990EZ <input type="checkbox"/> 990T <input type="checkbox"/> 990PF <input type="checkbox"/> 1041 <input type="checkbox"/> 1120H <input type="checkbox"/> 1120
Address including Suite, Room, or PMB no.  <u>1294 Potrero Avenue</u>		<b>C</b> If organization is exempt under R&TC Section 23701d and is a school, public charity, religious organization, or is controlled by a religious operation, check box. <b>See General Instruction F. No filing fee is required.</b> <input checked="" type="checkbox"/>
City <u>San Francisco, CA</u>	State <u>CA</u> ZIP Code <u>94110</u>	<b>D</b> Is this a group filing? See General Instruction N <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>E</b> Accounting method used <u>Accrual</u> <b>F</b> Type of organization <input checked="" type="checkbox"/> Exempt under Section 23701 <u>d</u> (insert letter) <input type="checkbox"/> IRC Section 4947(a)(1) trust

**Part I Complete Part I unless not required to file this form. See General Instructions B and C.**

<b>Receipts and Revenues</b> <small>(Enclose, but do not staple, any payment.)</small>	1 Gross sales or receipts from other sources. From Side 2, Part II, line 8	1	72,623.
	2 Gross dues and assessments from members and affiliates.	2	
	3 Gross contributions, gifts, grants, and similar amounts received. See instructions. See Sch. B	3	1,352,784.
	4 Total gross receipts for filing requirement test. Add line 1 through line 3	4	1,425,407.
	5 Cost of goods sold	5	
	6 Cost or other basis, and sales expenses of assets sold	6	
	7 Total costs. Add line 5 and line 6	7	
	8 Total gross income. Subtract line 7 from line 4	8	1,425,407.
<b>Expenses</b>	9 Total expenses and disbursements. From Side 2, Part II, line 18	9	1,313,260.
	10 Excess of receipts over expenses and disbursements. Subtract line 9 from line 8	10	112,147.
<b>Filing Fee</b>	11 Filing fee \$10 or \$25. See General Instruction F	11	
	12 Penalty for failure to file on time. See General Instruction L	12	
	13 Use tax. See General Instruction M	13	
	14 Balance due. Add line 11, line 12, and line 13	14	
15 If exempt under R&TC Section 23701d, has the organization during the year: (1) participated in any political campaign or (2) attempted to influence legislation or any ballot measure, or (3) made an election under R&TC Section 23704.5 (relating to lobbying by public charities)? If 'Yes,' complete and attach form FTB 3509, Political or Legislative Activities by Section 23701d Organizations. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
16 Did the organization have any changes in its activities, governing instrument, articles of incorporation, or bylaws that have not been reported to the Franchise Tax Board? If 'Yes,' complete an explanation and attach copies of revised documents. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
17 Is the organization exempt under R&TC Section 23701g? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of gross receipts from nonmember sources. \$ _____			
18 Did the organization file Form 100, Form 100S, 100W, or Form 109 to report taxable income? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of total income reported. \$ _____			
19 The financial records are in care of. <u>Good Samaritan Family Resource</u> Daytime telephone <u>(415) 824-9475</u> located at <u>1294 Potrero Avenue, San Francisco, CA 94110</u>			
<b>Please Sign Here</b>	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		Executive Director Title
	Signature of officer _____ Date _____		(415) 824-9475 Daytime telephone
<b>Paid Preparer's Use Only</b>	Paid Preparer's signature _____ Date _____	Check if self-employed <input type="checkbox"/>	Paid preparer's SSN or PTIN _____
	Firm's name (or yours, if self-employed) and address <u>ALLAN LIU, CPA</u> <u>201 WILLOW AVE</u> <u>MILLBRAE, CA 94030-2536</u>		FEIN _____
	Daytime telephone <u>(650) 692-1172</u>		

Good Samaritan Family Resource Center

94-3154078

**Part II Organizations with gross receipts of more than \$25,000 and private foundations regardless of amount of gross receipts—complete Part II or furnish substitute information. See Specific Line Instructions.**

<b>Receipts from Other Sources</b>	<b>1</b> Gross sales or receipts from all business activities. See instructions.....	<b>1</b>	
	<b>2</b> Interest .....	<b>2</b>	13,226.
	<b>3</b> Dividends .....	<b>3</b>	
	<b>4</b> Gross rents .....	<b>4</b>	
	<b>5</b> Gross royalties .....	<b>5</b>	
	<b>6</b> Gross amount received from sale of assets .....	<b>6</b>	
	<b>7</b> Other income. Attach schedule ..... See Statement 1.....	<b>7</b>	59,397.
	<b>8</b> <b>Total</b> gross sales or receipts from other sources. Add line 1 through line 7. Enter here and on Side 1, Part I, line 1.....		
		<b>8</b>	72,623.
<b>Expenses and Disbursements</b>	<b>9</b> Contributions, gifts, grants, and similar amounts paid. Attach schedule .....	<b>9</b>	
	<b>10</b> Disbursements to or for members .....	<b>10</b>	
	<b>11</b> Compensation of officers, directors, and trustees. Attach schedule ..... See Statement 2.....	<b>11</b>	55,395.
	<b>12</b> Other salaries and wages .....	<b>12</b>	527,528.
	<b>13</b> Interest .....	<b>13</b>	
	<b>14</b> Taxes .....	<b>14</b>	44,594.
	<b>15</b> Rents .....	<b>15</b>	
	<b>16</b> Depreciation and depletion .....	<b>16</b>	89,263.
	<b>17</b> Other. Attach schedule .....	<b>17</b>	596,480.
	<b>18</b> <b>Total</b> expenses and disbursements. Add line 9 through line 17. Enter here and on Side 1, Part I, line 9.....	<b>18</b>	1,313,260.

<b>Schedule L Balance Sheets</b>		<b>Beginning of taxable year</b>		<b>End of taxable year</b>	
<b>Assets</b>		<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>
<b>1</b> Cash .....			311,734.		588,176.
<b>2</b> Net accounts receivable .....			249,325.		251,310.
<b>3</b> Net notes receivable. Attach schedule .....					
<b>4</b> Inventories .....					
<b>5</b> Federal and state government obligations .....					
<b>6</b> Investments in other bonds. Attach schedule .....					
<b>7</b> Investments in stock. Attach schedule .....					
<b>8</b> Mortgage loans (number of loans... _____)					
<b>9</b> Other investments. Attach schedule .....					
<b>10a</b> Depreciable assets .....	3,465,381.			3,445,492.	
<b>b</b> Less accumulated depreciation .....	946,460.	2,518,921.		1,015,834.	2,429,658.
<b>11</b> Land .....		300,000.			300,000.
<b>12</b> Other assets. Attach schedule ..... See Statement 4.....		16,382.			14,836.
<b>13</b> <b>Total assets</b> .....		3,396,362.			3,583,980.
<b>Liabilities and net worth</b>					
<b>14</b> Accounts payable .....		54,698.			105,793.
<b>15</b> Contributions, gifts, or grants payable .....					
<b>16</b> Bonds and notes payable. Attach schedule .....					
<b>17</b> Mortgages payable .....					
<b>18</b> Other liabilities. Attach schedule ..... See Statement 5.....					24,376.
<b>19</b> Capital stock or principle fund .....		3,341,664.			3,453,811.
<b>20</b> Paid-in or capital surplus. Attach reconciliation .....					
<b>21</b> Retained earnings or income fund .....					
<b>22</b> <b>Total liabilities and net worth</b> .....		3,396,362.			3,583,980.

**Schedule M-1 Reconciliation of income per books with income per return**

Do not complete this schedule if the amount on Schedule L, line 13, column (d), is less than \$25,000

<b>1</b> Net income per books .....	112,147.	<b>7</b> Income recorded on books this year not included in this return. Attach schedule .....	
<b>2</b> Federal income tax .....		<b>8</b> Deductions in this return not charged against book income this year. Attach schedule .....	
<b>3</b> Excess of capital losses over capital gains .....		<b>9</b> Total. Add line 7 and line 8 .....	
<b>4</b> Income not recorded on books this year. Attach schedule .....		<b>10</b> Net income per return. Subtract line 9 from line 6 .....	112,147.
<b>5</b> Expenses recorded on books this year not deducted in this return. Attach schedule .....			
<b>6</b> Total. Add line 1 through line 5 .....	112,147.		

**Schedule B**  
(Form 990, 990-EZ,  
or 990-PF)Department of the Treasury  
Internal Revenue ServiceCalifornia Copy  
**Schedule of Contributors**Supplementary Information for  
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No. 1545-0047

**2006**

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):

Filers of:

Form 990 or 990-EZ

Section:

- ☒ 501(c)( 3 ) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

**General Rule –**

- ☒ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☐ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc, contributions of \$5,000 or more during the year.) ..... ► \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.**

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
3	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
4	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
5	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
6	<div>_____</div> <div>_____</div> <div>_____</div>	\$ _____	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

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Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 2 of 5 of Part I

Name of organization	Employer identification number
Good Samaritan Family Resource Center	94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
9	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
10	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
11	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
12	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)



Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 3 of 5 of Part I

Name of organization	Employer identification number
Good Samaritan Family Resource Center	94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
13	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
14	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
15	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
16	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
17	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
18	<div> <div>Bill &amp; Caroline Orrick</div> <div></div> <div></div> </div>	\$ 5,072.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 4 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (See Specific Instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
19	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
20	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
21	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
22	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
23	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
24	<div> <div></div> <div></div> <div></div> </div>	\$	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Page 5 of 5 of Part I

Employer identification number

94-3154078

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
25	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
26	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—	<div> <div></div> <div></div> <div></div> </div>	<div> <div></div> <div></div> </div>	<div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div>

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1 of 1 of Part II

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part II** Noncash Property (See Specific Instructions.)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
	N/A		
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

BAA

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

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of 1

of Part III

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part III Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year** (Complete cols (a) through (e) and the following line entry.)For organizations completing Part III, enter total of *exclusively* religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this information once — see instructions.) ..... \$ N/A

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	N/A		
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee

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Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

2006

## California Statements

Page 1

Good Samaritan Family Resource Center

94-3154078

**Statement 1**  
**Form 199, Part II, Line 7**  
**Other Income**

Miscellaneous.....	\$	10,366.
Program Service Revenue.....		49,031.
Total	\$	<u>59,397.</u>

**Statement 2**  
**Form 199, Part II, Line 11**  
**Compensation of Officers, Directors, and Trustees**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110	Director 1	\$ 0.	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110	Treasurer 1	0.	0.	0.
Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110	President 1	0.	0.	0.
Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110	Secretary 1	0.	0.	0.
Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.
Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110	Director 1	0.	0.	0.

2006

## California Statements

Page 2

Good Samaritan Family Resource Center

94-3154078

**Statement 2 (continued)**  
**Form 199, Part II, Line 11**  
**Compensation of Officers, Directors, and Trustees**

Name and Address	Title and Average Hours Per Week Devoted	Compen- sation	Contri- bution to EBP & DC	Expense Account/ Other
Mario Paz 1294 Potrero Avenue San Francisco, CA 94110	Executive Direc None	\$ 55,395.	\$ 0.	\$ 0.
	Total	\$ 55,395.	\$ 0.	\$ 0.

**Statement 3**  
**Form 199, Part II, Line 17**  
**Other Expenses**

Conferences, Conventions, and Meetings.....	\$ 1,187.
Consultants/Contractors.....	229,401.
Direct Support.....	3,450.
Equipment Rental and Maintenance.....	41,754.
Events.....	6,850.
Field Trips.....	4,413.
Food.....	31,253.
Insurance.....	45,273.
License & Fees.....	3,182.
Local Transportation.....	2,530.
Miscellaneous.....	21,461.
Other Employee Benefit.....	84,587.
Outside Services.....	4,228.
Postage and Shipping.....	1,673.
Printing and Publications.....	9,063.
Staff Development.....	622.
Start-up/Classroom setup.....	18,764.
Supplies.....	34,310.
Telephone.....	12,433.
Utilities.....	40,046.
Total	\$ 596,480.

**Statement 4**  
**Form 199, Schedule L, Line 12**  
**Other Assets**

Prepaid Expenses and Deferred Charges.....	14,836.
Total	\$ 14,836.

2006

California Statements

Page 3

Good Samaritan Family Resource Center

94-3154078

Statement 5  
Form 199, Schedule L, Line 18  
Other Liabilities

Due to SDE.....	24,376.
Total \$	<u>24,376.</u>



IN

**MAIL TO:**

Registry of Charitable Trusts  
P.O. Box 903447  
Sacramento, CA 94203-4470  
Telephone: (916) 445-2021

**WEBSITE ADDRESS:**

<http://ag.ca.gov/charities/>

## ANNUAL REGISTRATION RENEWAL FEE REPORT TO ATTORNEY GENERAL OF CALIFORNIA

Sections 12586 and 12587, California Government Code  
11 Cal. Code Regs. sections 301-307, 311 and 312

Failure to submit this report annually no later than four months and fifteen days after the end of the organization's accounting period may result in the loss of tax exemption and the assessment of a minimum tax of \$800, plus interest, and/or fines or filing penalties as defined in Government Code Section 12586.1. IRS extensions will be honored.



<b>State Charity Registration Number</b> _____  <b>Good Samaritan Family Resource Center</b> <small>Name of Organization</small> <b>1294 Potrero Avenue</b> <small>Address (Number and Street)</small> <b>San Francisco, CA 94110</b> <small>City or Town State ZIP Code</small>	<b>Check if:</b> <input type="checkbox"/> Change of address <input type="checkbox"/> Amended report  <b>Corporate or Organization No.</b> <u>1522670</u>  <b>Federal Employer ID No.</b> <u>94-3154078</u>
---	--

### ANNUAL REGISTRATION RENEWAL FEE SCHEDULE (11 Cal. Code Regs. sections 301-307, 311 and 312) Make Check Payable to Attorney General's Registry of Charitable Trusts

Gross Annual Revenue	Fee	Gross Annual Revenue	Fee	Gross Annual Revenue	Fee
Less than \$25,000	0	Between \$100,001 and \$250,000	\$50	Between \$1,000,001 and \$10 million	\$150
Between \$25,000 and \$100,000	\$25	Between \$250,001 and \$1 million	\$75	Between \$10,000,001 and \$50 million	\$225
				Greater than \$50 million	\$300

**PART A – ACTIVITIES**

For your most recent full accounting period (beginning 7/01/06 ending 6/30/07) list:  
 Gross annual revenue \$ 1,425,407. Total assets \$ 3,583,980.

**PART B – STATEMENTS REGARDING ORGANIZATION DURING THE PERIOD OF THIS REPORT**

**Note:** If you answer 'yes' to any of the questions below, you must attach a separate sheet providing an explanation and details for each 'yes' response. Please review RRF-1 instructions for information required.

	Yes	No
1 During this reporting period, were there any contracts, loans, leases or other financial transactions between the organization and any officer, director or trustee thereof either directly or with an entity in which any such officer, director or trustee had any financial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 During this reporting period, was there any theft, embezzlement, diversion or misuse of the organization's charitable property or funds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 During this reporting period, did non-program expenditures exceed 50% of gross revenues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 During this reporting period, were any organization funds used to pay any penalty, fine or judgment? If you filed a Form 4720 with the Internal Revenue Service, attach a copy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 During this reporting period, were the services of a commercial fundraiser or fundraising counsel for charitable purposes used? If 'yes,' provide an attachment listing the name, address, and telephone number of the service provider.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6 During this reporting period, did the organization receive any governmental funding? If so, provide an attachment listing the name of the agency, mailing address, contact person, and telephone number. <span style="float: right;">See Statement 1</span>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 During this reporting period, did the organization hold a raffle for charitable purposes? If 'yes,' provide an attachment indicating the number of raffles and the date(s) they occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8 Does the organization conduct a vehicle donation program? If 'yes,' provide an attachment indicating whether the program is operated by the charity or whether the organization contracts with a commercial fundraiser for charitable purposes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9 Did your organization have prepared an audited financial statement in accordance with generally accepted accounting principles for this reporting period?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Organization's area code and telephone number (415) 824-9475

Organization's e-mail address \_\_\_\_\_

**I declare under penalty of perjury that I have examined this report, including accompanying documents, and to the best of my knowledge and belief, it is true, correct and complete.**

Mario Paz

Executive Director

Signature of authorized officer

Printed Name

Title

Date

**2006****California Statements****Page 1****Good Samaritan Family Resource Center****94-3154078****Statement 1  
Form RRF-1, Part B, Line 6  
Government Agency That Provided Funding**

- 1) California State Department of Education  
1430 N. Street  
Sacramento, Ca 95814-5901  
Cynthia Robinson (916) 324-6586
- 2) Department of Children, Youth, and Their Families  
1390 Market Street  
San Francisco, Ca 94102  
Winna Davis (415) 554-8957
- 3) First Five  
1390 Market Street, Ste. 900  
San Francisco, CA 94102  
Denise Albano (415) 503-1604
- 4) San Francisco Head Start Program  
205 13th Street, Ste. 3280  
San Francisco, Ca 94103  
Jeff Dang (415) 503-1604

**EXHIBIT 9**



<https://www.liveaction.org/news/wp-content/uploads/2016/10/caroline-farrar-orrick.jpg>

**EXHIBIT 10**

INTERNET ARCHIVE



[140 captures](#)

28 Feb 2011 - 3 Jun 2017



 Download  
 Print

# STAND WITH PLANNED PARENTHOOD

\* First Name:

INTERNET ARCHIVE  
**Wayback Machine**  
140 captures  
28 Feb 2011 - 3 Jun 2017

then spread the truth.

Once again, a group of anti-abortion activists has attacked Planned Parenthood

doctors, nurses, and patients with false accusations. And once again, their political allies are seizing on these accusations as an excuse to push the same dangerous agenda – shut down health centers and cut women off from care.

Show them you aren't fooled by the latest smear job.

Show them you won't stop fighting for women's health and rights. Add your name to the millions who stand proudly with Planned Parenthood.

\* Last Name:

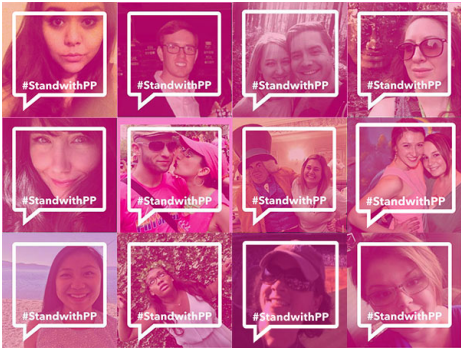
\* Your Email:

\* ZIP / Postal Code:

☒ Yes, I would like to receive periodic updates and communications from Plar Parenthood.

SEND MESSAGE

\*Required fields





Show your support for  
Planned Parenthood in the  
face of continued attacks  
by anti-women's health  
extremists and politicians  
by changing your profile  
picture and/or cover photo  
on Facebook and Twitter.

PINK ME FOR PP

Every day, no matter what,  
Planned Parenthood  
doctors, nurses, and other  
staff are out there giving  
compassionate care to the  
patients who rely on it.  
Let's send a big THANK  
YOU to all the staff on the  
front lines of the fight for  
reproductive health and  
rights!

SIGN THE CARD

Why I Stand with Planned  
Parenthood

READ THEIR STORIES



INTERNET ARCHIVE  
**Wayback Machine**  
140 captures  
28 Feb 2011 - 3 Jun 2017



# We all #StandwithPP! Do you?

[View All](#)

<https://www.71n7.com//t/standwithpp?width=1137&expand>

[Latest](#)

[Show All](#)

Hrm.

Wayback Machine doesn't have that page archived.

Want to search for all archived pages under <https://www.71n7.com/>?

[View All](#)



## IN THE NEWS

Reuters, 7/30/15

**White House Says Would Oppose  
Congress Defunding Planned Parenthood**

The Dallas Morning News, 7/27/15

**Floyd: I owe Planned Parenthood an  
apology**

New York Times editorial board, 7/22/15

**The Campaign of Deception Against  
Planned Parenthood**

Associated Press, 7/20/15

**Planned Parenthood says video part of  
decade-long harassment**

TIME, 7/15/15

**Why Planned Parenthood Provides Fetal  
Cells to Scientists**

CBS News, 7/22/15

**DOJ to review Planned Parenthood**

Washington Post, 7/29/15

**Planned Parenthood president: These  
extremist videos are nothing short of an  
attack on women**

TIME, 7/27/15

**Why I Donated Fetal Tissue After My  
Later Abortion**

Think Progress, 7/21/15

**Everything You Need To Know About The  
Anti-Abortion Groups Trying To Discredit  
Planned Parenthood**

RH Reality Check, 7/21/15

**Is GOP Leadership Coordinating Attacks  
on Planned Parenthood with Anti-choice  
Radicals?**

Ebony, 7/20/15

**Anti-Choice Group Distorts the Truth  
About Planned Parenthood**

INTERNET ARCHIVE

Wayback Machine

140 captures

28 Feb 2011 - 3 Jun 2017

## Parenthood Will Affect Black Women Most

[CHANGE YOUR PROFILE PIC](#)

[READ OTHERS STORIES](#)

# STANDING STRONG WITH PLANNED PARENTHOOD

[SEE THE FULL LIST](#)

American Bridge

NARAL Pro-Choice  
America

People for the  
American Way

INTERNET ARCHIVE

Wayback Machine

140 captures

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Go

- Catholics for Choice
- Center for Reproductive Rights
- COLOR Latina
- CREDO
- Emily's List
- Moveon.org
- Ms. Foundation for Women
- National Council of Jewish Women
- National Latina Institute for Reproductive Health
- National LGBTQ Task Force
- National Partnership with Women & Families
- National Women's Law Center
- NOW - National Organization for Women
- RH Reality Check
- Sexuality Information and Education Council of the U.S. (SIECUS)
- SisterSong
- UltraViolet
- Voto Latino
- Women's Law Project

6/7/2017

Case 1:16-cv-00236-WHD Document 3-1 Filed 06/13/17 Page 15 of 188

Stand with Planned Parenthood

INTERNET ARCHIVE



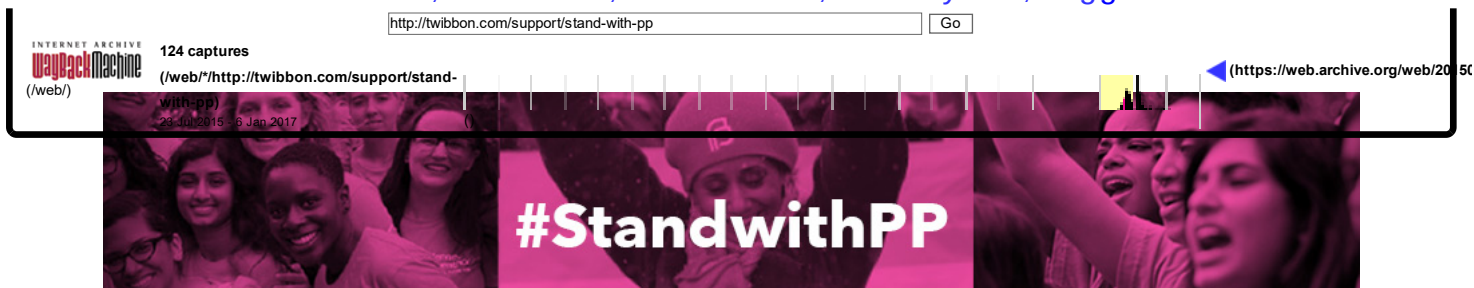
[140 captures](#)

28 Feb 2011 - 3 Jun 2017



Contact Us

© 2015 Planned Parenthood Federation of America Inc.



## I Stand with PP

support (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp>)

discuss (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss>)

How would you like to support this Campaign?

Support this campaign by adding to your profile picture



Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

Add to Twitter


Add to Facebook

Don't worry, you'll get a chance to preview your Twibbon before it is added.

I Stand with Planned Parenthood

Politicians are using false allegations to attack Planned Parenthood & harm women. Tell them we aren't fooled, we fight for women's health and rights, and we #StandwithPP.


I Stand with Planned Parenthood (<https://web.archive.org/web/20150803204320/https://secure.ppaction.org/site/Advocacy?cmd=display&page=UserAct>)

 Tweet my support on Twitter

I #StandWithPP. Change your profile pic and show your support for reproductive health & rights! → <https://web.archive.org/web/20150803204320/http://ppact.io/changeprofilephoto>

Tweet

☐ Follow @ppact

 Post to my Facebook wall

I #StandWithPP. Join me in changing your profile picture. Let's show our support for

Internet Archive  
Wayback Machine  
(/web/)

124 captures  
(/web/http://twibbon.com/support/stand-with-pp)  
23 Jul 2015 - 6 Jan 2017

reproductive health and rights! <http://ppact.io/change-profilephoto> Go

Post  
(https://web.archive.org/web/20150613155812/http://twibbon.com/support/stand-with-pp)

Don't worry, you'll get a chance to preview before you post.

**f** Update your Facebook cover



Set as my Facebook Cover

Other ways to show your support

Discuss this Campaign ([https://web.a](https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss))

Send an Email

[://twibbon.com/support/stand-with-pp/discuss](https://twibbon.com/support/stand-with-pp/discuss))

Add a Widget to your Site

Download the Twibbon

#### Campaign Details

by PPact (<https://web.archive.org/web/20150803204320/http://twibbon.com/PPact>) about a week ago

Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

[more →](#)

#### Share this Campaign

[Tweet](#)

<http://twibbon.com/support/stand-with-pp>

#### Facebook

Visit Facebook Page (<https://web.archive.org/web/20150803204320/https://www.facebook.com/PlannedParenthood.Action>)

**EXHIBIT 11**



[Sign Up](#)

Email or Phone

Password

[Log In](#)[Forgot account?](#)**Keep America Pro-Choice**

October 20, 2015 ·

No more Domestic Terrorism!



### Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

Recent attacks on abortion clinics are part of a long history of ideologically-driven violence, perpetrated by an extreme minority committed to ruling through fear...

[ACTIONSPOUT.IO](#)

40 Likes 11 Shares

[Share](#)[English \(US\)](#) · [Español](#) · [Português \(Brasil\)](#) · [Français \(France\)](#) · [Deutsch](#)[Privacy](#) · [Terms](#) · [Advertising](#) · [Ad Choices](#)[Cookies](#) · [More](#)

Facebook © 2017

To see more from Keep America Pro-Choice on Facebook, log in or create an account.

[Log In](#)

or

[Sign Up](#)

The screenshot shows the Facebook page for 'Keep America Pro-Choice'. The page header includes the Facebook logo, the page name 'Keep America Pro-Choice', a search bar, and a 'Send Message' button. The left sidebar contains the page's profile picture (a purple circle with white text: 'Pro-Child Pro-Family Pro-Choice'), the page name, the handle '@prochoiceAmerica', and navigation links: Home, About, Photos, Likes, Notes, Events, and Posts. A green 'Create a Page' button is also visible.

The main content area displays a post from 'Keep America Pro-Choice' dated October 20, 2015. The post text reads: 'No more Domestic Terrorism' and 'Tell the Department of Justice that Violence as Domestic'. Below the text is a video player showing a protest with the text 'No More Extremists who attack' and 'NARAL Pro-Choice America'. The post has 40 likes and 11 shares. A comment box is visible with the placeholder text 'Write a comment...'. Below the post is a status bar with 'Status' and 'Photo/Video' options and a text box with the placeholder 'Write something on this Page...'. A right sidebar shows a 'Community' tab and a list of users who liked the post, with a 'See All' link.

A modal window is open, displaying a list of users who liked the post. The list includes:

- Kathi Jones-Hudson
- Becky Barr Merrack
- Alisha Burr
- Caroline Farrar Orrick
- Laura Constantine
- Kathy Frazier
- Susyn Klein

Each user entry includes a profile picture, the user's name, and an 'Add Friend' button. The user 'Caroline Farrar Orrick' is highlighted in yellow.

At the bottom of the page, there are links for 'Privacy', 'Terms', 'Advertising', and 'Ad Choices', along with a 'Facebook © 2017' copyright notice.



NARAL Pro-Choice America

402,433 likes

Like Page

Donate

## Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

[Sign Now](#)☒ Share with Facebook friends

NARAL Pro-Choice America may send you periodic updates; you can unsubscribe at any time.



Recent arson attacks on Planned Parenthood clinics came after the highly publicized release of heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.

These attacks on clinics are part of a long history of ideologically-driven violence. They're perpetrated by an extreme minority that's

committed to ruling through fear and intimidation.

Let's call this what it is—domestic terrorism. We can't wait until one more patient, doctor or nurse is hurt or killed before we say enough is enough. It's time for an investigation to get to the bottom of this.

**Add your name and tell the Department of Justice to direct the FBI to investigate these attacks as domestic terrorism!**

10 Comments

Sort by **Oldest**



Add a comment...



**Jane Crispell**

name added

[Like](#) · [Reply](#) · Oct 15, 2015 4:41pm



**Irene Madrid** · Owner and Corp Cultural Officer at La Petite Baleen, Inc.

They are pro death and thugs!

[Like](#) · [Reply](#) · 5 · Oct 15, 2015 8:09pm



**Victoria Draper** · Wichita, Kansas

having worked at Dr Tiller's clinic and another one in Wichita, I can tell you without a doubt, they are terrorists at the clinics and our homes.

[Like](#) · [Reply](#) · 6 · Oct 16, 2015 8:03am

**Load 7 more comments**

Facebook Comments Plugin

Powered by **ActionSprout**

Use ActionSprout for your cause

[Privacy Policy](#)

**EXHIBIT 12**

Sign Up

Email or Phone

Password

Log In

Forgot account?



Keep America Pro-Choice

January 25, 2016 ·

Breaking news. PP has (unsurprisingly) been cleared of wrong doing by a grand jury and the 'undercover' reporters have been indicted for tampering with government paperwork.

All in all a good day.



### BREAKING: Grand Jury Investigating Planned Parenthood Indicts Makers Of Videos Instead

Instead Of Indicting Planned Parenthood, Texas Grand Jury Indicts Creators Of Highly Edited Videos

WWW.THENEWCIVILRIGHTSMOVEMENT.COM

320 Likes · 6 Comments · 119 Shares

Share

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Privacy · Terms · Advertising · Ad Choices · Cookies · More  
Facebook © 2017

To see more from Keep America Pro-Choice on Facebook, log in or create an account.

Log In

or

Sign Up



Keep America Pro-Choice

Pro-Child  
Pro-Family  
Pro-Choice

Keep America Pro-Choice  
@prochoiceAmerica

Home  
About  
Photos  
Likes  
Notes  
Events  
Posts

Create a Page

Like Follow Share ...

Send Message

Community

320

BREAKING: Grand Jury Indicts M...  
Instead Of Indicting Planned Parenthood  
Highly Edited Videos  
WWW.THENEWCIVILRIGHTSMOVIE.COM

Like Comment

320

119 shares

Write a comment...

Mike Schmelzer One of the...  
buying human remains. If the re...  
illegal to sell them. If the re...  
guilty of selling, duh. "Dale...  
indictment under the law p...  
Like · Reply · January 25, 2016 at 8:01pm

Keep America Pro-Choice  
illegal, charging eno...  
transporting the fetal...  
What the FAKE research company did, buying fetal tissue for non-  
research purposes is illegal. It's not PP's fault those two are liars.  
Like · Reply · 11 · January 25, 2016 at 8:01pm

Kristy Fink Well didn't this just turn around and bite them in the butt! Those...  
asses in Texas thought they would find proof of wrongdoing by PP but instead  
we get some truth bombs landing!  
Like · Reply · 11 · January 25, 2016 at 5:42pm

Juan Ryan I hope the fry those scum bags.  
Like · Reply · 1 · January 25, 2016 at 6:51pm

Judy Evans Yayyyy! Wonderful news  
Like · Reply · 7 · January 25, 2016 at 3:42pm

Sharon Baucom

Mackenzie Barlow Add Friend

Marcia Fields Reimers Follow

Caroline Farrar Orrick

Ashley Thunder Hawk Add Friend

Cindy Sulaiman Add Friend

Lisa Maise

English (US) · Español · Français (France) ·  
Português (Brasil) · Deutsch

Privacy · Terms · Advertising · Ad Choices ·  
Cookies · More ·  
Facebook © 2017




**EXHIBIT 13**

Facebook profile page for **Caroline Farrar Orrick**.



**Profile Information:**

- Name:** Caroline Farrar Orrick
- Location:** Lives in San Francisco, California
- Intro:** DO YOU KNOW CAROLINE? If you know Caroline, send her a message.
- Photos:** A grid of 12 photos, including a man pointing, a dog, a monkey, a sunset, and people holding "Dream House" signs.
- Friends:** 5
- Featured Albums:** English (US) · Español · Français (France) · Português (Brasil) · Deutsch
- Privacy:** Privacy · Terms · Advertising · Ad Choices · Cookies · More
- Facebook © 2017**

**Recent Activity:**

- Caroline Farrar Orrick updated her cover photo.** April 18 · 🌐
 

Share

5
- Ann Rossilli Remembering Paestum! Everybody, google it and visit--fabulous!!** April 18 at 6:15am
 
- Caroline Farrar Orrick updated her profile picture.** February 11 · 🌐
 

Share

54

**EXHIBIT 14**

Pages 1 - 14

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ORRICK, JUDGE

NATIONAL ABORTION	)	
FEDERATION, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	NO. 3:15-cv-03522-WHO
	)	
CENTER FOR MEDICAL	)	
PROGRESS, et al.,	)	
	)	
Defendants.	)	San Francisco, California
	)	Thursday, May 25, 2017

**TRANSCRIPT OF OFFICIAL ELECTRONIC SOUND RECORDING  
OF PROCEEDINGS**

FTR 4:08 p.m. - 4:28 p.m. = 20 minutes

(All counsel appeared by telephone conference)

**APPEARANCES:**

For Plaintiffs: Morrison & Foerster  
425 Market Street  
San Francisco, California 94105-2482  
BY: **DEREK FRANCIS FORAN, ESQ.**  
**CHRISTOPHER LEONARD ROBINSON, ESQ.**  
**MARC A. HEARRON, ESQ.**

For Defendants: Law Offices of Charles S. LiMandri  
P.O. box 9120  
Rancho Santa Fe, California 92067  
BY: **CHARLES SALVATORE LiMANDRI, ESQ.**  
**JEFFREY MICHAEL TRISSELL, ESQ.**  
**PAUL MICHAEL JONNA, ESQ.**

(Appearances continued on following page.)

Transcribed by: Leo T. Mankiewicz, Transcriber  
leomank@gmail.com  
(415) 722-7045

**APPEARANCES:** (cont.)

For Defendants: Life Legal Defense Foundation  
P.O. Box 1313  
Ojai, California 93024-1313

BY: **CATHERINE WYNNE SHORT, ESQ.**

Thomas More Society  
19 S. LaSalle Street, Suite 603  
Chicago, Illinois 60603

BY: **THOMAS LEONARD BREJCHA, JR., ESQ.**  
**THOMAS OLP, ESQ.**  
**ANDREW M. BATH, ESQ.**

Brown Brown LLC  
2027 Dodge Street, Suite 501  
Omaha, Nebraska 68102

BY: **MATTHEW F. HEFFRON, ESQ.**

For Defendant Newman: American Center for Law and Justice  
3001 Plymouth Road, Suite 203  
Ann Arbor, Michigan 48105

BY: **ERIK MICHAEL ZIMMERMAN, ESQ.**

1 Thursday, May 25, 2017

2 4:08 p.m.

3 (Transcriber's Note: Due to counsel's failure to state their  
4 name when speaking, certain speaker identifications were  
5 impossible to ascertain.)

6 ---o0o---

7 P R O C E E D I N G S

8 **THE COURT:** Good afternoon, everybody. This is  
9 Judge Orrick.

10 **MR. LiMANDRI:** Good afternoon, your Honor.  
11 Attorneys Charles LiMandri and Paul Jonna, Jeff Trissell  
12 representing Biomax and CMP, and I think the rest of the civil  
13 defense team is on the line, as well.

14 **THE COURT:** All right. I have a record that for the  
15 plaintiff Mr. Foran, Mr. Robinson and Mr. Hearron are on the  
16 call, and that Ms. Short, Mr. Brejcha, Mr. Olp, Mr. Bath --

17 **UNIDENTIFIED SPEAKER:** Bath.

18 **THE COURT:** -- Bath, mr. LiMandri, Mr. Heffron,  
19 Mr. Trissell, Mr. Jonna and Mr. Zimmerman are on the call.  
20 Is anybody else on the call?

21 **UNIDENTIFIED SPEAKER:** Yes, your Honor, there's some  
22 Thomas More lawyers on the call.

23 **THE COURT:** Okay. That's fine.

24 **UNIDENTIFIED SPEAKER:** The clerk has the names.  
25 They haven't appeared, but they may appear later.

1           **UNIDENTIFIED SPEAKER:** You read the names. Those  
2 are the people.

3           **THE COURT:** All right, and are -- and is anybody  
4 from Steve Cooley & Associates on the call?

5                               (No response.)

6           I take that as a no. Is Mr. Daleiden on the call?

7           **MS. SHORT:** No, he's not, your Honor.

8           **THE COURT:** All right, was he notified?

9           **MS. SHORT:** He was notified, yes, your Honor. He  
10 was -- it was on advice of his criminal defense counsel that he  
11 was advised not to -- because of the ongoing criminal  
12 proceedings in the San Francisco Superior Court, he was advised  
13 not to join the call.

14           **THE COURT:** All right, and did they advise  
15 themselves not to join the call?

16           **MS. SHORT:** I -- yeah, I never spoke to Mr. Cooley.  
17 I understood that Mr. Ferreira was not joining.

18           **THE COURT:** All right.

19           **MS. SHORT:** I just -- (indistinct) -- attorney  
20 communication with him at all.

21           **THE COURT:** Okay. So the lawyers on this call know  
22 that I entered a preliminary injunction on February 5th, 2016,  
23 which says pending a final judgment, defendants and those  
24 individuals who gained access to NAF's 2014 and 2015 annual  
25 meetings using aliases and acting with CMP are restrained and

1 enjoined from publishing or otherwise disclosing to any third  
2 party any video, audio, photographic or other recordings taken,  
3 or any confidential information learned at any NAF annual  
4 meetings, publish or otherwise disclosing to any third party  
5 the dates or locations of any future NAF meetings, and  
6 publishing or otherwise disclosing to any third party the names  
7 or addresses of any NAF members learned at any NAF meetings.

8 I received a letter this morning from counsel for  
9 NAF which says that Mr. Daleiden's counsel, Steve Cooley and  
10 Brentford J. Ferreira of Steve Cooley & Associates, have  
11 embedded on their website approximately a three-minute video  
12 containing several clips, all or substantially all of which  
13 were taken at NAF's annual meetings and covered by the Court's  
14 order.

15 The same web page also discloses the name of 14  
16 individuals who attended NAF's meetings and who are identified  
17 as Does in the criminal case, 11 of whom are NAF members, and  
18 that the website also contains the link to a URL that publishes  
19 several hours of videos of these individuals taken at NAF's  
20 annual meetings, all covered by the Court's order, and that in  
21 addition, Mr. Daleiden's counsel has also posted a YouTube link  
22 that appears to publish all 504 hours of video covered by the  
23 Court's preliminary injunction.

24 And if the criminal counsel were on the phone, as  
25 I requested, I would have asked him whether that's true.



1 They're not on the phone. If Mr. Daleiden was here, as  
2 I ordered, on the phone, I would ask him the same question, and  
3 so I guess Ms. Short, I ask you, is that true?

4 **MS. SHORT:** That -- that -- what, I understand that,  
5 I went to the same website, yes, there are or were videos on  
6 the website, and there were the names of the Does on the  
7 website, and there were -- well, I guess that's the two things,  
8 the videos and the Doe defendants -- excuse me -- Doe  
9 complainants in the criminal complaint.

10 **THE COURT:** All right. Well, so Mr. Daleiden  
11 happens to be covered by this order, as do any third parties,  
12 and as we have his lawyer on the call, I am ordering that all  
13 of those things that are listed -- that I've just listed and  
14 that are listed in the letter, be taken down within the next 15  
15 minutes, if they haven't been taken down already.

16 And let me ask Mr. Foran or anybody for the  
17 plaintiffs whether they have any additional information to  
18 share.

19 **MR. FORAN:** Yes, thank you, your Honor. Just very  
20 briefly, obviously, we have to act very quickly this morning.  
21 We gave the Court the best information we had at the time. The  
22 Court's -- basically, the recitation remains accurate, with one  
23 exception, and that is that the second URL link, that URL link  
24 links to a YouTube playlist that contains 337 videos. Our  
25 client has done the best job it can under the circumstances to

1 determine the total number of hours disclosed and its best  
2 estimate right now is 150.

3 So I wanted to make sure that I clarified that for  
4 the Court, all of which are covered by the Court's preliminary  
5 injunction order.

6 The other point that I wanted to make was, it is the  
7 case, as far as we know, that it is the Center for Medical  
8 Progress that are publishing these materials, and we didn't  
9 quite understand that this morning. When you click on these  
10 links, you're directed to a YouTube playlist, and you can see  
11 on the playlist that the publisher of these videos is the  
12 Center for Medical Progress.

13 Apparently, the way they did it was, they published  
14 the videos on their own website, but they unlisted them, so if  
15 you go on the Center for Medical Progress' own YouTube website,  
16 I don't see these videos, but if you follow the URL links that  
17 Mr. Daleiden's lawyers published publicly, anybody in the world  
18 can access these materials, and they're being published by the  
19 Center for Medical Progress right now.

20 **THE COURT:** Is there anybody from the defense who  
21 has some explanation for this?

22 **MS. SHORT:** Your Honor, actually, I did want to  
23 clarify, if I might, something about your order, about the list  
24 of the Doe complainants.

25 That is not something that is generated from, by or

1 whatever, from NAF. That is something that came -- my  
2 understanding, came from the Attorney General's office and was  
3 given to defense counsel. And so its origins and vector are  
4 totally separate from Mr. Daleiden.

5 **MR. FORAN:** Your Honor, if I could briefly respond?

6 **THE COURT:** Go ahead.

7 **MR. FORAN:** Obviously, it's not totally separate  
8 from Mr. Daleiden because that list was generated from the  
9 tapes that the California Attorney General reviewed in order to  
10 put their complaint together, and it is nevertheless the case  
11 that Mr. Daleiden and anybody acting on his behalf continues to  
12 be enjoined from publishing the names of individuals, of NAF  
13 members, and that is exactly what his lawyer is doing on his  
14 website right now.

15 I would also ask the Court -- this is a pretty  
16 flagrant and gross violation, as far as we're concerned. I am  
17 not exaggerating when I say I have been on the phone today with  
18 people in tears, our client is on high security alert, and it  
19 simply cannot be the case that these defendants are continued  
20 to mount this campaign against my client and its members.

21 I would ask the Court for an order, and we  
22 appreciate the takedown order, but this has got to have some  
23 teeth, either significant financial penalties and/or an order  
24 of imprisonment if this defendant does not comply with this  
25 Court's orders.

1           **MS. SHORT:** Your Honor, may I respond?

2           **THE COURT:** Go ahead.

3           **MS. SHORT:** First of all, the videos are currently  
4 down, (indistinct). Secondly, as far as going back to the list  
5 of names, again, that your order was for names learned at any  
6 NAF meeting. This is -- again, this information is coming in  
7 the context of the criminal prosecution where Mr. Daleiden is  
8 being charged with 15 felony counts on behalf of named Doe --  
9 or unnamed Does, and the Attorney General chose to prosecute  
10 this, chose to proceed in that way, and chose then to provide  
11 those names.

12           This totally -- this is not information that is  
13 coming through Mr. Daleiden, and so I don't see how the Court  
14 can order -- and also, I'm sorry, actually, let me turn to  
15 another basic point, which is, this is Mr. Ferreira's and  
16 Mr. Cooley's website. I mean, we are not in a position to tell  
17 them to take down anything, but in any event, those are names  
18 that were provided to them by the Attorney General.

19           **THE COURT:** All right, well, in the way that I read  
20 this order, those names are covered under sub 3, the  
21 information that is coming to -- through Mr. Daleiden, who is  
22 the client and directs his counsel, is, in my view, a flagrant  
23 violation of this Court's order, and if it is correct that this  
24 is all coming through CMP, then woe is going to be to the  
25 people who are involved in this.

1           The types of sanctions that are available include  
2       fines and monetary sanctions, censures of the people who are  
3       involved, including the lawyers, and attorney discipline,  
4       including the lawyers, including the criminal lawyers.

5           And so what I'm going to do is I'm going set an  
6       order to show cause, and I think there is evidence that needs  
7       to be provided in order to assure that everybody gets their  
8       process.

9           So Mr. Foran, how quickly will you be in a position  
10      to file a -- documents in support of contempt or other  
11      sanctions?

12           **MR. FORAN:** Your Honor, we can do it on any schedule  
13      that the Court orders us to. We're on the footing to do so.  
14      And if we take a takedown order today that has some teeth, I'd  
15      ask for a couple of days just so we can consider the types of  
16      remedies that we want to seek here. So maybe early next week.

17           **THE COURT:** All right, well, let's say that you will  
18      file, by the 31st of May, any documents or other evidence in  
19      support of a finding of contempt; that the defendants will  
20      respond by the 7th. We'll have a hearing on the 14th at  
21      2:00 p.m. And I suggest that, Mr. Foran, you serve Mr. Cooley  
22      and Mr. Ferreira with any documents that are appropriate.

23           I just have to tell you that I find this shocking,  
24      and I am quite amazed with the lawyers, quite amazed.

25           **UNIDENTIFIED SPEAKER:** I'm not sure what lawyers

1 you're referring to --

2 **THE COURT:** Mr. Foran -- excuse me.

3 Mr. Foran, what is -- when you say an order with  
4 teeth, besides the order to show cause, are you suggesting  
5 something else?

6 **MR. FORAN:** I'm asking for an immediate takedown  
7 order, your Honor --

8 **THE COURT:** Yes, that's -- I've already given that,  
9 but besides those two things?

10 **MR. FORAN:** Some kind of penalties, either monetary  
11 or defer to the Court on what types of penalties here, but  
12 this -- look, this is shocking from our perspective, it's  
13 outrageous, it's already a gross violation of the Court's  
14 order. We have no confidence whatsoever that Mr. Daleiden or  
15 his criminal counsel are going to comply with the takedown  
16 order. So we would like to see some significant penalties of  
17 some kind for noncompliance, maybe on a daily basis, until they  
18 come into --

19 **THE COURT:** Thank you. I think we need to establish  
20 some facts before that happens, but the takedown order and the  
21 order to show cause -- now, was there some -- will be in effect  
22 now, and I accept what Ms. Short represents, that everything  
23 has been taken down, but just to make clear, it better be,  
24 within the next 15 minutes.

25 **MS. SHORT:** Oh, your Honor -- I beg your pardon,

1 your Honor. I do not want to mislead the Court about that,  
2 that the videos were taken down by YouTube, so we are in a --  
3 well -- so I don't want you to misunderstand and think that  
4 I was representing to you that Mr. Daleiden had taken them down  
5 or his (indistinct) had taken them down or something like that.

6 **THE COURT:** Well, I suggest that Mr. Daleiden be  
7 told by his lawyer that they need to be taken down immediately,  
8 and that he tell his lawyers, all of them throughout the world,  
9 that this has to stop.

10 Now, is there anything else that any of the  
11 defendants wanted to say, defendants' counsel?

12 **MR. LiMANDRI:** Only that -- attorney Charles  
13 LiMandri representing CMP -- to the extent that there's any  
14 impression that the civil attorneys were aware or part of any  
15 desire or effort to violate the court order, I'm hearing about  
16 all of this for the first time today, and I didn't want the  
17 impression to be given that there's some kind of conspiracy or  
18 collusion going on here.

19 Mr. Daleiden is being represented by criminal  
20 counsel at (indistinct), they're doing what is in his best  
21 interests with respect to the criminal action, but the civil  
22 counsel can't control them. But of course, we will convey  
23 everything the Court said promptly to them and to Mr. Daleiden,  
24 but I just felt it necessary to bring to the attention of the  
25 Court that the civil counsel are not doing anything to try to

1 violate any court orders here, and we'll do what we can to  
2 comply with court orders.

3 **THE COURT:** Mr. Daleiden better be well advised by  
4 his lawyers, regardless, that he is obligated to follow the  
5 Court's orders and not try to skate around them and cause real  
6 harm to human beings, and to himself, as it will turn out, for  
7 his failure to follow the Court's orders.

8 All right, is there anything further?

9 **MR. FORAN:** Not from the National Abortion  
10 Federation, your Honor. Thank you for your time.

11 **MS. SHORT:** Um --

12 **THE COURT:** Yes, Ms. Short?

13 **MS. SHORT:** Well, again, I'm still struggling with  
14 the issue of the names, because I don't -- I'm struggling --  
15 well, so I -- you are instructing me to --

16 **THE COURT:** You may litigate that if you'd like, and  
17 you can explain to me how it is that those names don't actually  
18 come directly from the action that your client perpetrated with  
19 respect to learning them at the NAF annual meetings, and the  
20 fact that the State Attorney General may have had -- may be  
21 pursuing criminal proceedings and using, in the criminal  
22 proceedings, the tapes and other information that was developed  
23 by your clients during this -- the 2014 and 2015 annual  
24 meetings, that doesn't give them an independent right to  
25 violate this order.



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**MS. SHORT:** Thank you, your Honor.

**THE COURT:** All right, thank you all very much.

**UNIDENTIFIED SPEAKER:** Thank you, your Honor.

**UNIDENTIFIED SPEAKER:** Thank you, Judge.

**UNIDENTIFIED SPEAKER:** Thank, your Honor.

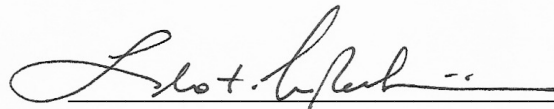
4 : 28 p.m.

---o0o---

**CERTIFICATE OF TRANSCRIBER**

I, Leo Mankiewicz, certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

 05/26/2017

Signature of Transcriber

Date

**EXHIBIT 15**

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	PATRICK J. LEAHY, VERMONT
JEFF SESSIONS, ALABAMA	DIANNE FEINSTEIN, CALIFORNIA
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THOM TILLIS, NORTH CAROLINA	

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

December 13, 2016

### VIA ELECTRONIC TRANSMISSION

The Honorable Loretta Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable James B. Comey, Jr.  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

Dear Attorney General Lynch and Director Comey:

In the summer of 2015, the Senate Judiciary Committee began an inquiry into paid fetal tissue transfers involving Planned Parenthood. The Committee has since obtained and reviewed more than 20,000 pages of information from the organizations involved, and engaged in detailed discussions with the attorneys for those organizations. The investigation has culminated in a Majority Staff Report to the Committee. That report is attached for your review.

The report documents the failure of the Department of Justice, across multiple administrations, to enforce the law that bans the buying or selling of human fetal tissue (42 U.S.C. § 289g-2) with even a single prosecution. It also documents substantial evidence suggesting that the specific entities involved in the recent controversy, and/or individuals employed by those entities, may have violated that law. Moreover, that evidence is contained entirely in those entities' own records, which were voluntarily provided to the Committee and are detailed in the report.

Accordingly, I am referring the paid fetal tissue practices of the following organizations, as outlined in the report, to the FBI and the Department of Justice for investigation and potential prosecution:

- StemExpress, LLC;
- Advanced Bioscience Resources, Inc.;
- Novogenix Laboratories, LLC;
- Planned Parenthood Mar Monte;

Attorney General Lynch and Director Comey  
December 13, 2016

- Planned Parenthood Los Angeles;
- Planned Parenthood Northern California; and
- Planned Parenthood of the Pacific Southwest.

In addition, as also described in the attached report, it appears that the Planned Parenthood Federation of America learned that its affiliates engaging in paid fetal tissue programs were not following the policies and procedures it had put in place to ensure compliance with 42 U.S.C. § 289g-2. However, instead of exercising its oversight procedures to bring them into compliance, it contacted the affiliates involved and then altered those oversight procedures in a manner that allowed the affiliates' conduct to continue. While the Committee does not have all the details of what transpired between the Planned Parenthood Federation of America and these affiliates, the facts uncovered raise a reasonable suspicion that these organizations, and/or individuals employed by them, may have engaged in a conspiracy to violate the fetal tissue law (18 U.S.C. § 371). Therefore, I am referring the practices of these organizations, as outlined in the report, to the FBI and the Department of Justice for investigation and potential prosecution for this offense, as well.

Please contact the Committee if you determine that you need to seek access to unredacted copies of any of the records necessary to further your investigation into these matters.

If you have any questions, please contact Jason Foster of my Committee staff at (202) 224-5225. Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc: The Honorable Patrick J. Leahy  
Ranking Member  
Senate Committee on the Judiciary

Docket No. 17-\_\_\_\_\_

*In the***United States Court of Appeals Ninth Circuit**

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

PLANNED PARENTHOOD FED. OF AM., PLANNED PARENTHOOD: SHASTA-  
 DIABLO, INC., PLANNED PARENTHOOD MAR MONTE, INC., PLANNED  
 PARENTHOOD OF THE PAC. SW., PLANNED PARENTHOOD LOS ANGELES,  
 PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC.,  
 PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA & SAN LUIS OBISPO  
 COUNTIES, INC., PLANNED PARENTHOOD PASADENA AND SAN GABRIEL  
 VALLEY, INC., PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, PLANNED  
 PARENTHOOD GULF COAST, and PLANNED PARENTHOOD CENTER FOR CHOICE.  
*Plaintiffs-Real Parties in Interest*

IN RE THE CENTER FOR MEDICAL PROGRESS, and DAVID DALEIDEN,  
*Defendants-Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
*Respondent,*

NATIONAL ABORTION FEDERATION  
*Plaintiff-Real Party in Interest*

*From Decisions of the United States District Court for the Northern District of California,  
 Case Nos. 3:16-cv-236, 3:15-cv-3522 • Honorable James Donato, District Judge*

**EXCERPTS OF RECORD (VOLUME IV OF IV – Pages 624 to 858)**

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**Docket No.**  
**United States Court of Appeals  
for the Ninth Circuit**

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*Attorneys for Defendant David Daleiden*

**UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
 OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
 PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Certificate of Counsel in Support of  
 ) Motion for Disqualification of the  
 ) Honorable William H. Orrick III,  
 ) Pursuant to 28 U.S.C. §§ 144 and 455

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

**Certificate of Counsel**

I certify that I am counsel of record for Defendant the Center for Medical Progress in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

FREEDOM OF CONSCIENCE DEFENSE FUND



Dated: June 13, 2017

By: Charles S. LiMandri  
Charles S. LiMandri, Attorney for Defendant  
The Center for Medical Progress

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

FREEDOM OF CONSCIENCE DEFENSE FUND



Dated: June 13, 2017

By: Charles S. LiMandri  
Charles S. LiMandri, Attorney for Defendant  
The Center for Medical Progress

///

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**Certificate of Counsel**

I certify that I am counsel of record for Defendants David Daleiden and the Center for Medical Progress in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

LIFE LEGAL DEFENSE FOUNDATION



Dated: June 13, 2017

By: \_\_\_\_\_  
Catherine W. Short, Attorney for Defendant  
David Daleiden

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

LIFE LEGAL DEFENSE FOUNDATION



Dated: June 13, 2017

By: \_\_\_\_\_  
Catherine W. Short, Attorney for Defendants  
David Daleiden and the Center for Medical Progress

///

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///

///

///

///


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**Certificate of Counsel**

I certify that I am counsel of record for Defendant David Daleiden in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

THOMAS MORE SOCIETY

Dated: June 13, 2017


By:   
Thomas Brejcha, Attorney for Defendant  
David Daleiden

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

THOMAS MORE SOCIETY

Dated: June 13, 2017

By:   
Thomas Brejcha, Attorney for Defendant  
David Daleiden

**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



Charles S. LiMandri  
Counsel for Defendant CMP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [16-cv-00236-WHO](#)

**ORDER REGARDING MOTION FOR  
DISQUALIFICATION**

Re: Dkt. No. 164

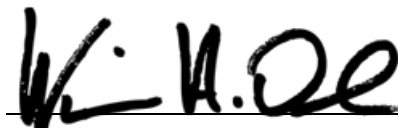
Defendants have filed a motion seeking my disqualification for bias under 28 U.S.C. §§ 144 and 455. Dkt. No. 164. This motion follows the one filed by defendants in the related case, *National Abortion Federation v. Center for Medical Progress, et al.*, Case No. 15-cv-03522.

The grounds raised in this motion are identical to the ones raised in the *NAF* case, although slightly different facts are alleged here. I have reviewed the arguments made in the motion and the facts alleged in affidavit and, as with the prior motion and affidavit, I do not find them legally sufficient. My concerns about the timing of the motions – filed in the *NAF* case just days before a hearing on the OSC re Contempt – likewise remain.

Under Local Rule 3-14, this motion is referred to the Clerk so that it may be assigned to the Hon. James Donato, who was randomly assigned the prior motion. Until this motion is resolved by Judge Donato, I will issue no further rulings in this case. To the extent that the parties require relief from the Court on any issue not related to the disqualification motion during that time, they may seek the assistance of the Duty Judge.

**IT IS SO ORDERED.**

Dated: June 14, 2017



William H. Orrick  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., et al,

Plaintiff,

v.

CENTER FOR MEDICAL PROGRESS, et  
al,

Defendants.

Case No. C 16-cv-0236-WHO

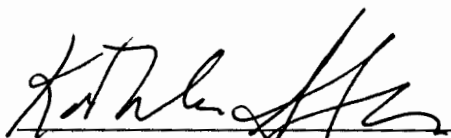
ORDER FOR REFERRAL OF MOTION  
FOR RECUSAL

**GOOD CAUSE APPEARING, IT IS ORDERED**

On June 14, 2017, Judge William H. Orrick directed that defendant's Motion for Disqualification pursuant to 28 U.S.C. §§ 144 and 455 be referred to the Clerk for reassignment. Pursuant to Civil Local Rule 3-14, the motion for recusal is hereby referred to the Honorable James Donato.

FOR THE EXECUTIVE COMMITTEE:

Dated: June 15, 2017

  
KATHLEEN SHAMBAUGH  
Chief Deputy Clerk of Operations



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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC., PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA  
 BARBARA, VENTURA AND SAN LUIS OBISPO  
 COUNTIES, INC; PLANNED PARENTHOOD  
 PASADENA AND SAN GABRIEL VALLEY,  
 INC.; PLANNED PARENTHOOD OF THE  
 ROCKY MOUNTAINS; PLANNED  
 PARENTHOOD GULF COAST; AND PLANNED  
 PARENTHOOD CENTER FOR CHOICE;

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, BIOMAX  
 PROCUREMENT SERVICES, LLC, DAVID  
 DALEIDEN (aka "ROBERT SARKIS"), TROY  
 NEWMAN, ALBIN RHOMBERG, PHIL CRONIN,  
 SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"), GERARDO ADRIAN LOPEZ,  
 and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFFS' OPPOSITION TO  
 DEFENDANTS' MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date: July 19, 2017

Time: 2:00 p.m.

Place: Courtroom 2, 17th Floor

Judge: Hon. William H. Orrick, III

## I. INTRODUCTION

Defendants’ motion to disqualify Judge Orrick is nearly identical to that filed in the NAF case, which this Court has denied. *Order re Motion For Disqualification of District Judge Under 28 USC §§ 144 and 455* (“Order”), *NAF v. CMP*, Case No. 15-cv-03522-WHO (“NAF case”). This Court has held that neither Mrs. Orrick’s Facebook activity, nor Judge Orrick’s decade-old service to Good Samaritan Family Resource Center, nor his statement during a hearing individually or collectively provide any basis for disqualification. Order, 10 (“Each of defendants’ arguments adds up to a zero”). This motion should likewise be denied. All of the arguments set forth in NAF’s opposition (*NAF* case, ECF No. 447), which is incorporated by reference, and the conclusions in the Court’s Order apply with equal force in this case.

Planned Parenthood files this brief to address the one difference between the two motions—a difference that ultimately is of no consequence. In both motions, Defendants place great weight on the fact that Judge Orrick previously served on the board of Good Samaritan and that Planned Parenthood Northern California (“PPNC”) operates a clinic within a building owned by Good Samaritan. But whereas PPNC is not a party to the *NAF* case, PPNC is a Plaintiff in this matter. This should make no difference, since Good Samaritan is not a party to the case and PPNC, as counsel for Defendants’ admit (Order, 8:9-10), is a separate legal entity. To overcome that hurdle, Defendants seek to portray Good Samaritan and PPNC as so deeply intertwined that Judge Orrick’s past relationship with non-party Good Samaritan effectively becomes a past relationship with party PPNC.

This is nonsense. Defendants’ argument is predicated on an obviously distorted characterization of the business relationship between Good Samaritan and PPNC. It hinges on the colloquial use of the term “partner” on Good Samaritan’s website in reference to PPNC. The actual facts are that the two non-profit organizations have a business relationship—not a partnership of the sort that would give rise to a fiduciary relationship, nor certainly that would render Judge Orrick a fiduciary to PPNC. No cited authority supports the notion that a judge is disqualified from a case because he formerly had a relationship with a non-party that, in turn, had a business relationship with a party.

1 Like the nearly identical motion filed in the NAF Case, this Motion has no merit, is untimely  
2 and was brought for tactical reasons. It should be denied.

## 3 **II. BACKGROUND**

### 4 **A. Procedural History**

5 In January 2016, Planned Parenthood Federation of America (“PPFA”) and eleven Planned  
6 Parenthood affiliates, including PPNC, filed the above captioned lawsuit against Defendants. The  
7 lawsuit alleges that Defendants and coconspirators engaged in a fraudulent scheme to infiltrate  
8 conferences and health centers, and secretly record Planned Parenthood staff for the purpose of  
9 unleashing a smear campaign against Planned Parenthood. The underlying factual allegations are  
10 similar to those alleged in the lawsuit brought by NAF six months earlier. Judge Orrick related the  
11 case.

12 In April and May 2016, Defendants brought four separate dispositive motions: two motions  
13 to dismiss and two anti-SLAPP motions. On September 30, 2016, Judge Orrick denied all four  
14 motions, finding that Plaintiffs had sufficiently pled all causes of action. ECF No 124 (Order).  
15 Meanwhile, in April 2016, the parties began engaging in discovery, and ensuing discovery disputes  
16 have required Judge Orrick to issue several orders. ECF Nos. 90 (Order Denying Motion to  
17 Quash), 114 (Protective Order), 156 (minute entry compelling production of videotapes).  
18 Seventeen discovery disputes are presently briefed and pending before Judge Orrick in omnibus  
19 discovery motions filed on June 14. ECF No. 166.

### 20 **B. PPNC’s Wohlford Family Clinic**

21 PPNC operates 23 health centers across 20 counties in Northern California, ranging from  
22 San Francisco to Del Norte County. Declaration of Erin Harr Yee In Support of Plaintiffs’  
23 Opposition to Defendants’ Motion for Disqualification (“Yee Decl.”) ¶ 3. Of these, 20 are full  
24 service health centers. *Id.* The remaining 3 are satellite clinics, which provide reproductive health  
25 care for less than 20 hours per week. *Id.* One of those satellite clinics, known as the Wohlford  
26 Family Clinic, operates out of the Good Samaritan Family Resource Center (“Good Samaritan”) located at 1294 Potrero Avenue in San Francisco. *Id.* ¶ 4. The Wohlford Family Clinic is open to  
27 the public. *Id.* It operates part-time and provides reproductive health services to a low-income  
28

1 population. *Id.* The Wohlford Family Clinic does not provide abortion services. *Id.*

2 PPNC has operated the Wohlford Family Clinic at Good Samaritan since 2010. *Id.* ¶ 5.  
 3 Prior to that, the Clinic was operated by Planned Parenthood Golden Gate. *Id.* The terms of the  
 4 relationship are governed by a Memorandum of Understanding (“MOU”). *Id.* The MOU states that  
 5 “Planned Parenthood is an independent agency” and that the MOU does not create a partnership  
 6 relationship. *Id.* (“[The MOU] is not intended to and shall not be construed to create the  
 7 relationship of agent, servant, employee, partnership, joint venture or associate”). Since August  
 8 2016, PPNC has paid monthly rent to Good Samaritan for the use of the space for the Wohlford  
 9 Family Clinic. *Id.* PPNC does not share staff with Good Samaritan. *Id.* All staff members  
 10 working at the Wohlford Family Clinic are PPNC employees, paid by PPNC. *Id.* Patients who use  
 11 the services of the Wohlford Family Clinic pay PPNC. *Id.* PPNC does not share those payments  
 12 with Good Samaritan. *Id.* Good Samaritan plays no role in managing the Wohlford Family Clinic  
 13 that is housed within its facilities. *Id.*

14 The staff members of the Wohlford Family Clinic were not victims of Defendants’ scheme.  
 15 *Id.* at ¶ 7. None of the staff of the Wohlford Family Clinic attended any of the conferences that  
 16 Defendants infiltrated, and Defendants did not meet with or contact any of that staff. *Id.* The  
 17 Wohlford Family Clinic has not been subject to attacks arising from Defendants’ smear campaign,  
 18 and PPNC is not seeking any damages arising out of harm to that clinic. *Id.*

### 19 **III. ARGUMENT**

#### 20 **A. Defendants’ Motion To Disqualify Should Be Denied For All The Same Reasons** 21 **That This Court Denied The Nearly Identical Motion In The *NAF* Case.**

22 Like the *NAF* case, this case has been pending for a substantial period of time and  
 23 Defendants have been aware of all of the key facts since before it was filed. Nor, as set forth in  
 24 *NAF*’s opposition, could any of those facts cause a reasonable person to question Judge Orrick’s  
 25 impartiality. For these reasons alone, the motion should be denied. *See NAF Opposition* (ECF No.  
 26 447); *see also* Order, 4:4-5 (“a good case could be made that this motion should be terminated [for  
 27 lack of timeliness] on that ground alone”).

28 Moreover, the filing of this motion only underscores the tactical nature of this entire

exercise. Defendants initially filed a motion in the *NAF* case only and did nothing to challenge Judge Orrick's involvement in this case even though their disqualification motion is predicated on an alleged bias in favor of Planned Parenthood. Defendants waited a week before filing the same motion in this case. This attempt to whitewash their true motivation for seeking to disqualify Judge Orrick is transparent and should be rejected.

**B. Judge Orrick's Former Relationship With A Non-Party That In Turn Has A Business Relationship With A Party Is Not A Basis For Disqualification.**

The single difference between the motions in the *NAF* case and this case is that PPNC, which leases space from Good Samaritan, is a party in this case. That difference is immaterial.

First, Defendants have offered no evidence that either Judge Orrick has or had any relationship with PPNC itself. Their suggestion to the contrary is misleading. *See* Motion, ECF 164 at 6:17-18 ("Judge Orrick did not disclose his *relationship with PPSP*, a named plaintiff and putative 'victim' in this case before issuing rulings in it.") (emphasis added).

Second, Good Samaritan and PPNC are neither partners nor "deeply intertwined." *Id.* at 8:4. They are distinct entities that have a simple contractual relationship whereby PPNC rents space in Good Samaritan's building for one of PPNC's satellite clinics.<sup>1</sup> *See* Order, 8:9-11 ("Good Samaritan is, as counsel acknowledged at the hearing, a separate legal entity from Planned Parenthood Shasta Pacific"). The Wohlford Family Clinic is open to the public. *Yee* Decl. ¶4. Employees who work at the Wohlford Family Clinic are PPNC employees, paid by PPNC. *Id.* ¶ 5. Good Samaritan does not, as Defendants contend, provide a receptionist for the clinic. *Id.* ¶ 6. Patients who use the services of the Wohlford Family Clinic pay PPNC. *Id.* ¶ 5. PPNC does not share those payments with Good Samaritan. *Id.* Good Samaritan plays no role in managing the clinic that is housed within its facilities. *Id.*

Defendants' make much of the fact that Good Samaritan refers to PPSP as a "partner" on its website. This proves nothing. PPNC and Good Samaritan are not partners in any legal sense. *Yee*

<sup>1</sup> Defendants' assertion that Good Samaritan provides the space "rent-free" is incorrect. PPNC pays monthly rent to use the space for the satellite clinic. *Yee* Decl. ¶ 5.

Decl. ¶5. The two organizations do not share profits, debts, expenses, management or legal obligations. *Id.* That Good Samaritan and PPSP both serve low income immigrant women and do so out of the same building owned by one of the two entities hardly makes them one and the same for conflicts purposes.

The authority on which Defendants rely is therefore irrelevant. *United States v. Tucker*, 78 F.3d 1313 (8th Cir. 1996), involved a judge who had a current, close relationship with individuals whose conduct in concert with the defendant was directly at issue in the case. *Id.* at 1324-25. The facts could not be more distinct here, where the relationship at issue is ten years old (Order, 8:19-21 (Judge Orrick’s service as Good Samaritan board member ended “almost a decade before this case was filed”)) and the party with whom Judge Orrick had a relationship has absolutely no involvement in the case he is presiding over. None of the staff at the Wohlford Family Clinic attended any of the conferences that are at issue in this case or were subject to any of Defendants’ illegal conduct. Yee Decl. ¶ 7. None of the damages claimed by PPNC were suffered by its part-time satellite clinic in the Good Samaritan building. *Id.* There will be no occasion for Judge Orrick’s prior relationship with Good Samaritan to have any impact on his impartial judgment of this case. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860-61 (1988)), which Defendants cite, is likewise irrelevant. Motion, ECF 164 at 7:7-13. Defendants have proffered no evidence that Judge Orrick “has knowledge of facts that would give him an interest in the litigation.” Order, 8:4-5 (Defendants’ allegation that Judge Orrick had access to confidential information is “purely conclusory and speculative”).

In sum, no reasonable person knowing all of these facts would conclude that Judge Orrick’s former relationship with Good Samaritan or Good Samaritan’s business relationship with PPNC would render him unable to preside over this case in an impartial manner.

#### IV. CONCLUSION

For the reasons set forth herein, in this Court’s Order and in the NAF Opposition, the Motion should be denied.

1 Dated: June 26, 2017

ARNOLD & PORTER KAYE SCHOLER  
LLP

4 By: /s/ Amy L. Bomse

Amy L. Bomse

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

12 PLANNED PARENTHOOD FEDERATION OF  
 13 AMERICA, INC., PLANNED PARENTHOOD:  
 14 SHASTA-DIABLO, INC. dba PLANNED  
 15 PARENTHOOD NORTHERN CALIFORNIA;  
 16 PLANNED PARENTHOOD MAR MONTE, INC.;  
 17 PLANNED PARENTHOOD OF THE PACIFIC  
 18 SOUTHWEST; PLANNED PARENTHOOD LOS  
 19 ANGELES; PLANNED PARENTHOOD/ORANGE  
 20 AND SAN BERNARDINO COUNTIES, INC.;  
 21 PLANNED PARENTHOOD OF SANTA  
 22 BARBARA, VENTURA AND SAN LUIS OBISPO  
 23 COUNTIES, INC.; PLANNED PARENTHOOD  
 24 PASADENA AND SAN GABRIEL VALLEY,  
 25 INC.; PLANNED PARENTHOOD OF THE  
 26 ROCKY MOUNTAINS; PLANNED  
 27 PARENTHOOD GULF COAST; AND PLANNED  
 28 PARENTHOOD CENTER FOR CHOICE;

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, BIOMAX  
 PROCUREMENT SERVICES, LLC, DAVID  
 DALEIDEN (aka "ROBERT SARKIS"), TROY  
 NEWMAN, ALBIN RHOMBERG, PHIL CRONIN,  
 SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"), GERARDO ADRIAN LOPEZ,  
 and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**DECLARATION OF ERIN HARR  
 YEE IN SUPPORT OF  
 PLAINTIFFS' OPPOSITION TO  
 DEFENDANTS' MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date: July 19, 2017  
 Time: 2:00 p.m.  
 Place: Courtroom 2, 17th Floor  
 Judge: Hon. William H. Orrick, III



1 I, Erin Harr Yee, declare as follows:

2 1. I make this declaration in support of Plaintiffs' Opposition to Motion for  
3 Disqualification of the Honorable William H. Orrick III. I have personal knowledge of the facts  
4 set forth herein.

5 2. I am the Senior Vice President of Client Services of Planned Parenthood Northern  
6 California ("PPNORCAL"). I have held this position since 2013. In this role, I oversee all the  
7 health operations for Planned Parenthood Northern California.

8 3. PPNORCAL operates 23 health centers across 20 counties in Northern California,  
9 from San Francisco to Del Norte County. Of these, 20 are full service health centers. The  
10 remaining 3 are satellite clinics, which provide reproductive health care for less than 20 hours per  
11 week.

12 4. One of those satellite clinics, known as the Wohlford Family Clinic, operates out  
13 of the Good Samaritan Family Resource Center ("Good Samaritan") located at 1294 Potrero  
14 Avenue. The Wohlford Family Clinic is open to the public. It operates part-time and provides  
15 reproductive health services to a low-income population. The clinic does not provide abortion  
16 services.

17 5. PPNORCAL has operated the satellite clinic at Good Samaritan since 2010. Prior  
18 to that, the Clinic was operated by Planned Parenthood Golden Gate. The terms of the  
19 relationship between PPNORCAL and Good Samaritan are governed by an Memorandum of  
20 Understanding ("MOU") as well as a lease agreement. The organizations are not in a  
21 partnership. In fact, the MOU specifically states that "Planned Parenthood is an independent  
22 agency" and that the MOU "is not intended to and shall not be construed to create the relationship  
23 of agent, servant, employee, partnership, joint venture or associate." The two organizations do  
24 not share profits, debts, expenses, management or legal obligations. Since August 2016,  
25 PPNORCAL has paid monthly rent to Good Samaritan for the use of the space for the Wohlford  
26 Family Clinic. PPNORCAL does not share staff with Good Samaritan. All staff working at the  
27 Clinic are PPNORCAL employees, paid by PPNORCAL. Good Samaritan plays no role in  
28 operating or managing the Wohlford Family Clinic. Patients who use the services of the Clinic

1 pay PPNORCAL. PPNORCAL does not share those payments with Good Samaritan.

2 6. I understand that Defendants have stated that Good Samaritan donates a  
3 receptionist for the Wohlford Family Clinic. That is not correct. Good Samaritan has a  
4 receptionist who sits at the front of its three-story building and directs everyone who walks in to  
5 wherever they want to go.

6 7. None of the staff members of the Wohlford Family Clinic attended any of the  
7 conferences at issue in this case. Defendants did not meet with or contact any of the Wohlford  
8 Family Clinic staff members. The Wohlford Family Clinic has not been subject to attacks arising  
9 from Defendants' smear campaign. PPNORCAL is not seeking any damages in this case arising  
10 out of harm to the Wohlford Family Clinic.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed this 26  
12 day of June, 2017, in Concord, California.

13  
14 By: 

15 Erin Harr Yee  
16  
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*Attorneys for Defendant David Daleiden*

**UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
 OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
 PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Reply in Support of Motion for  
 ) Disqualification of the Honorable  
 ) William H. Orrick III, Pursuant to 28  
 ) U.S.C. §§ 144 and 455.

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

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## INTRODUCTION

While on the board of a San Francisco non-profit, the Good Samaritan Family Resource Center (GSFRC), Judge Orrick presumably helped open a Planned Parenthood clinic inside GSFRC's sole facility in 2001, because his non-involvement in the process would have violated his duty of care to GSFRC. That clinic remains open to this day, and GSFRC is an advertised location of Planned Parenthood, specifically Planned Parenthood Shasta Diablo dba Planned Parenthood Shasta Pacific (PPSP) and Planned Parenthood Northern California (PPNC), a named Plaintiff. Judge Orrick never disclosed his relationship with Planned Parenthood to the Senate Judiciary Committee before his confirmation as a federal judge, and he never disclosed it to Defendants when they came before him in the civil lawsuits from Planned Parenthood and the National Abortion Federation. His relationship with GSFRC, and its relationship with PPSP, requires recusal, both because of his fiduciary duty to GSFRC and because of the appearance of bias created by the intertwining relationships.

In addition, the actions of Mrs. Orrick, although entirely her own, require Judge Orrick's recusal. The Constitution protects a judge's spouse's right to speak out publicly on societal issues, to comment on pending cases, and to run for political office. But those actions have consequences – including placing a judge in the position of having to recuse himself from certain cases. Mrs. Orrick's actions require Judge Orrick's recusal.

## ARGUMENT

### **I. JUDGE ORRICK'S FORMER AND ONGOING RELATIONSHIP WITH GSFRC REQUIRES RECUSAL**

#### **A. Fiduciary Relationship**

As a former Secretary of, former attorney for, and current Emeritus Board Member of, the Good Samaritan Family Resource Center (GSFRC), Judge Orrick has ongoing fiduciary duties to that organization. *See Rutherford v. PaloVerde Health Care Dist.*, No. EDCV131247JAKSPX, 2014 WL 12637191, at \*2 (C.D. Cal. Oct. 28, 2014) ("PVHD's former outside counsel, who have the same ethical obligations as all attorneys, and PVHD's former board members, who still owe a fiduciary duty to PVHD"). The fiduciary duties which survived his departure from GSFRC include,

as an attorney, the duty not to “act[] in a way which will injure the former client in matters involving [his] former representation.” *Styles v. Mumbert*, 164 Cal.App.4th 1163, 1167 (2008).

They also include, as a former director, the duty of loyalty “to protect and preserve confidential information received during service as a director.” *In re Mortg. & Realty Trust*, 195 B.R. 740, 751 (Bankr. C.D. Cal. 1996).

Moreover, although GSFRC points to its emphasis on providing services to immigrants as a means of distinguishing it from Plaintiff PPSP (Dkt. No. 447 in *NAF v. CMP*, at 4:26-28), either Plaintiff PPSP also provides immigrant services, or GSFRC places Plaintiff PPSP’s logo on its immigrant services materials. *See* Bukovinac Declaration, Ex. 1.



This is not the only intermingling between Plaintiff PPSP and GSFRC. Plaintiff PPSP disputes that GSFRC “donates a receptionist” for its clinic even though it acknowledges that GSFRC “has a receptionist who . . . directs everyone who walks in to wherever they want to go,” and that it did not pay any rent prior to August 2016. (Harr Decl., ¶¶ 5, 6) That is splitting hairs. In effect, they have conceded that GSFRC is so closely intertwined with PPSP they share the same receptionist. In fact, in 2008, GSFRC apparently agreed to hire an employee whose job was to support PPSP (a “Family Planning Specialist” and “[w]ork as a member of the Family Planning Clinic”), and who had the additional duty of furthering the bonds between the two organizations (“serv[ing] as a liaison between [PPSP] and [GSFRC]”). Daleiden Declaration, Ex. 1. This close relationship between GSFRC and PPSP creates a fiduciary duty in California. *See Comm. On Children’s Television, Inc. v. Gen. Foods Corp.*, 35 Cal.3d 197, 222, fn. 22 (1983) (“[A] close and trusting



relationship between [parties], in which the [first party] relied on the [second party] and the [second party] recognized that reliance, justified imposing fiduciary duties.”)

Based on Judge Orrick’s fiduciary duty to GSFRC, and its fiduciary duty to, covenant of good faith and fair dealing with, memorandum of understanding with, and general intermingling with, Plaintiff PPSP, it is likely that Judge Orrick is legally precluded from acting in a manner that harms Plaintiff PPSP. This requires recusal. *United States v. Lovaglia*, 954 F.2d 811, 815 (2d Cir. 1992) (“[R]ecusal is usually warranted when a judge has a . . . fiduciary interest in the outcome of the case, regardless of whether or not the judge is actually aware of that interest at the relevant times.”).

#### **B. Appearance of Bias and Partiality**

“In deciding a motion made pursuant to 28 U.S.C. § 144[,] . . . [n]either the truth of the allegations nor the good faith of the pleader may be questioned.” *Mims v. Shapp*, 541 F.2d 415, 417 (3d Cir. 1976). Therefore, when evaluating Mr. Daleiden’s affidavit, “all facts stated with particularity are to be taken as true.” *United States v. Haldeman*, 559 F.2d 31, 131 (D.C. Cir. 1976).

In its rejection of Mr. Daleiden’s Motion for Disqualification in *NAF v. CMP et al.*, the Court improperly rejected numerous “facts stated with particularity,” instead branding Daleiden’s affidavit unduly “speculative” based on a reduction of that affidavit to one sentence. Dkt. No. 452 in *NAF v. CMP*, Order at 8. The cases on which the Court relied involved factual showings that were not remotely equivalent to Mr. Daleiden’s. In *Yagman v. Republic Insurance*, the affiant had alleged an “invidious motive” for a certiorari petition but “pointed to no evidence other than [the Judge’s] pursuit of the petition for certiorari itself.” 987 F.2d 622, 626 (9th Cir. 1993). In *Clemens v. U.S. District Court for Central District of California*, the affiant had “speculate[d]—but [did] not tender any evidence—about personal relationships among the judges of the Central District that might give rise for a reasonable observer to question the impartiality of the judges.” 428 F.3d 1175, 1180 (9th Cir. 2005); *see also In re Lebbos*, No. 06 22225 D 7, 2007 WL 1129189, at \*4 (Bankr. E.D. Cal. Apr. 13, 2007), *aff’d*, No. BAO.EC-07-1163-JUNAM, 2007 WL 7540977 (B.A.P. 9th Cir. Nov. 14, 2007) (a debtor’s accusation that the court had acted out of “financial self-interest” was speculation where there was no evidence whatsoever to support it).

1 In contrast to these instances of “speculation,” Mr. Daleiden did not “speculate” without  
 2 evidence that a relationship exists that would make a reasonable observer question Judge Orrick’s  
 3 impartiality. On the contrary, he alleged with particularity and provided evidence of such a  
 4 relationship, including that, from 1986 to 2009, Judge Orrick had “assisted the Good Samaritan  
 5 Family Resource Center on many legal issues;” that as recently as 2015, he was identified as an  
 6 “emeritus board member” on GSFRC mailings; and that he was “was the Secretary of the Board of  
 7 GSFRC in 2001 when GSFRC entered into its ‘key partnership with PPSP to embed a Planned  
 8 Parenthood clinic inside GSFRC’s premises.” Dkt. No. 428-1 in *NAF v. CMP*, Daleiden Affidavit,  
 9 ¶¶3, 7, 8, Ex. 3, Ex. 5, Ex. 6. Far from being “speculative,” these allegations were supported by  
 10 documentary evidence, and the court was required to “take[] as true” these well-pled and  
 11 substantiated facts. *See Haldeman*, 559 F.2d at 131.

12 In particular, Judge Orrick’s continued public association with GSFRC as an “emeritus  
 13 board member” communicates to the public – and is intended to communicate to the public – his  
 14 approval of its work, including the operation of Plaintiff PPSP’s clinic on GSFRC’s premises as  
 15 one of its most touted services. Such an identification of Judge Orrick with the work of a plaintiff  
 16 who is both accuser and accused in this lawsuit cannot help but raise questions about his  
 17 impartiality in the mind of a reasonable person.

18 The single phrase that the Court identified as speculative—that, as Secretary of the Board of  
 19 Directors at the time of the formation of GSFRC’s partnership with Plaintiff PPSP, Judge Orrick  
 20 would have “had access to confidential, extrajudicial information [of Plaintiff PPSP] which will or  
 21 could bias or affect his decision,” was not “speculation” but rather an inference that a “reasonable  
 22 observer” would draw from the well-substantiated facts that Mr. Daleiden presented in his  
 23 affidavit. Dkt. No. 428-1 in *NAF v. CMP*, Daleiden Affidavit, ¶¶2-3, 7.

24 The fact that Mr. Daleiden cannot plead with particularity the precise nature of the  
 25 confidential information about Plaintiff PPSP to which Judge Orrick had access as Secretary of the  
 26 Board of GSFRC in no way diminishes the reasonableness of the inference that he very likely had  
 27 access to some. In 2000, GSFRC performed a “community needs study to see if there was a need”  
 28 for a family planning clinic in its area, and decided to “open a clinic with Planned Parenthood.”

1 Daleiden Affidavit, Ex. 7. As Secretary, Judge Orrick was responsible for “supervis[ing] the  
 2 maintenance of [GSFRC’s] . . . records of the proceedings of the Board and its committees” and  
 3 thus would have been directly responsible for overseeing the records of the “community needs  
 4 study” to open the Plaintiff PPSP clinic. *See* Bukovinac Declaration, Ex. 2, § 6.12 (GSFRC  
 5 Bylaws). Moreover, as a director, Judge Orrick had “the right at any reasonable time to inspect  
 6 [GSFRC’s] . . . physical properties” on which exists the Plaintiff PPSP clinic. *Id.* at § 8.1.<sup>1</sup> This  
 7 includes “the right to copy and make extracts.” *Id.* Thus, Judge Orrick did have “access to  
 8 confidential, extrajudicial information,” the only question is whether he obtained that information.  
 9 If the standard for recusal were production of the actual confidential information that has  
 10 influenced a judge to favor one side over the other, how many litigants could meet it? By  
 11 definition, that information is confidential. And here, where the failure to access that information  
 12 would at best be a violation of Judge Orrick’s fiduciary duty of care and at worst dereliction of  
 13 duty, it should be assumed that he did access it. *See In re Verifone Holdings, Inc. S’holder*  
 14 *Derivative Litig.*, No. C 07-06347 MHP, 2009 WL 1458233, at \*11 (N.D. Cal. May 26, 2009).

15 As the Court itself acknowledged, the standard is “whether a reasonable person with  
 16 knowledge of all the facts would conclude that the judge’s impartiality might reasonably be  
 17 questioned.” *U.S. v. Holland*, 519 F.3d 909, 913-14 (9th Cir. 2008). Mr. Daleiden provided ample  
 18 non-speculative, well-pled, and thoroughly substantiated allegations to satisfy that standard. Judge  
 19 Orrick’s impartiality might reasonably be questioned in a case in which a small entity he governed  
 20 for over 15 years entered into and maintains a close relationship with a Planned Parenthood  
 21 affiliate whom Defendants “demonized” and “smeared” with charges of criminal activity, exposing  
 22 the affiliate to investigation and referral for prosecution. Dkt. 59, ¶¶ 1, 12.

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26 <sup>1</sup> Plaintiff PPSP could not have excluded GSFRC’s directors from its premises because the family  
 27 planning clinic was a joint venture of both Plaintiff PPSP and GSFRC. *See* Daleiden Affidavit, Ex.  
 28 7 (“[W]e opened a clinic with Planned Parenthood.”); Daleiden Declaration, Ex. 1 (GSFRC  
 employee “[w]ork[ing] as a member of the Family Planning clinic”).

**II. MRS. ORRICK’S FACEBOOK ACTIVITY CREATES AN APPEARANCE OF PARTIALITY THAT WILL TAINT THE PUBLIC’S PERCEPTION OF THE FAIRNESS OF THE OUTCOME OF THESE PROCEEDINGS**

In its order dismissing Defendant’s argument as to Mrs. Orrick in the *NAF v. CMP* case, the Court stated: “the premise of defendants’ argument is the faulty and anachronistic assumption that a wife’s communicative activity necessarily represents the views of, or should be attributed to, her husband.” Dkt. No. 452 in *NAF v. CMP*, Order at 6:5-7. “It is beyond question that a woman’s right to speak out on the issues she cares about does not end when she says ‘I do,’ and her status as an independent actor does not depend on her husband’s express declaration of that fact. No thoughtful or well-informed person would simply assume that one spouse’s views should always be ascribed or attributed to the other in the absence of an express disclaimer.” *Id.* at 6:14-18.

The Court misunderstood Defendant’s argument regarding the marital relationship. Defendants’ argument in their papers and at the hearing were not attempts to revive coverture and argue that Judge Orrick must have been involved in Mrs. Orrick’s “liking” of Facebook posts hostile to Mr. Daleiden due to the necessary subservience of one spouse.<sup>2</sup> Coverture has rightly been rejected as a legal doctrine. *See Obergefell v. Hodges*, 135 S.Ct. 2584, 2595 (2015) (“[T]he law of coverture was abandoned”); *Borelli v. Brusseau*, 12 Cal.App.4th 647, 657 (1993) (Poche., J., dissenting) (“[C]overture has been discarded in California”).

Rather, Defendants were noting that the special relationship between spouses “*could* taint the public’s perception of the fairness of the outcome” of the *NAF v. CMP* and the *PP v. CMP* proceedings. *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 U.S. Dist. LEXIS 65069, at \*50 (D. Ariz. July 15, 2009) (emphasis added); *see Obergefell*, 135 S.Ct. at 2593-94 (“[T]he annals of human history reveal the transcendent importance of marriage”); *In re Boggia*, 203 N.J. 1, 14 (2010) (“[F]or spouses of judges, certain amenities of life, and perhaps even some legal rights, have to be sacrificed or curtailed for the larger purpose of avoiding the fact or appearance of participation by the judge in the political effort of a spouse”) (quotation marks omitted); *Greenberg*

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<sup>2</sup> Defendants’ argument is about “spouses,” not “wives.” *See generally Obergefell v. Hodges*, 135 S.Ct. 2584 (2015).

1 *v. Kimmelman*, 99 N.J. 552, 575-76 (1985) (“In a modern marriage, both a wife and a husband  
2 enjoy equivalent rights to pursue careers. . . . [Nevertheless, t]he state interest in preserving the  
3 integrity of the judiciary outweighs [a judge’s spouse’s] interest in unrestricted employment  
4 opportunities”).

5       This special relationship between the spouses is still recognized by the federal courts.  
6 Despite the fact that spouses are “independent actor[s],” the special marital relationship is grounds  
7 for the excusing of jurors and the screening of judicial clerks. *See, e.g., Nichols v. Thomas*, 788  
8 F.Supp. 570, 572 (N.D. Ga. 1992) (Petition for writ of habeas corpus granted because “[a]lthough  
9 [juror] Mr. Keys does not work for the prosecutor’s office, in view of the close relationship  
10 between a husband and wife, it would be deemed that he assisted the prosecutor due to this status. .  
11 . . An average person in Mr. Keys’s position as the husband of a volunteer worker at the district  
12 attorney’s office would be partial to the prosecutor’s case”); *Mathis v. Huff & Puff Trucking, Inc.*,  
13 787 F.3d 1297, 1313 (10th Cir. 2015) (New trial not ordered because “[a]lthough it would have  
14 been better for everyone involved if the judge had promptly disclosed the law clerk and her  
15 husband’s relationship to the parties and if the clerk had stopped attending the trial, a reasonable  
16 observer who was fully informed of the facts based on the record before this court would not  
17 question the judge’s impartiality. Those facts indicate that, as soon as the law clerk became aware  
18 of her husband’s situation, she informed the judge, who screened her from substantive work on the  
19 case”) (citations omitted); *United States v. DeTemple*, 162 F.3d 279, 286 (4th Cir. 1998) (After “the  
20 marriage of one of the Judge’s law clerks to the prosecutor in this case” was discovered, “the Judge  
21 took pains to see [that clerk] did not work on DeTemple’s case”).

22       Of course spouses have the “right to speak out on the issues [they] care[] about” regardless  
23 of the other spouse’s views. Dkt. No. 452 in *NAF v. CMP*, 6:14-18. A judge’s spouse enjoys the  
24 same rights and is not required to abide by the restrictions set forth in the Canons of Judicial Ethics.  
25 However, if he or she fully exercises those rights, it has ramifications for the judge. *See* U.S.  
26 Advisory Opinion 53 (2009) (“A spouse’s involvement in political activities . . . may increase the  
27 frequency with which a judge is required to recuse. Judges should pay attention to that increased  
28 likelihood”).

1 When the Supreme Court of New Jersey finally abolished the rule prohibiting judge's  
 2 spouses from holding political office, it did so with the explicit warning that a judge's spouse's  
 3 political activity was only permissible because a judge has to recuse himself or herself whenever  
 4 there is even the appearance of impropriety due to the spouse's interests:

5 [W]e express doubt that spousal political activity per se would involve the judge  
 6 in the political stream. Where a court is dealing with a First Amendment right  
 7 (here the political involvement of the non-judicial spouse), fears that its exercise  
 8 will have undesirable consequences cannot inhibit judicial vindication thereof. As  
 9 to the community's perception of the spouse's exercise of that right, emerging  
 10 concepts of spousal independence . . . lead us to appraise our earlier assessment of  
 11 probable public discernment and sophistication as no longer realistic.  
 12 Furthermore, *certain disqualification provisions under the Code* provide an  
 13 avenue for appropriate withdrawal of the judge from any matter which would or  
 14 could embarrass the court, an implicit burden always resting on the judge to be  
 15 *vigilant in detecting possible impropriety or the likelihood of public appearance*  
 16 *thereof*. . . . Under Canon 3C(1), a judge is required to disqualify himself where  
 17 "his impartiality might reasonably be questioned." The provisions of the Canon  
 18 envision as a *basis for disqualification* not only the actual involvement of a  
 19 spouse, in one way or another, in a judicial proceeding but also *the spouse's*  
 20 *having "any other interest that could be affected by the outcome of the*  
 21 *proceeding."*

22 *Application of Gaulkin*, 69 N.J. 185, 198, fn. 6 (1976) (citations omitted; emphasis added).

23 Moreover, the practical reality is that spouses often share the same views on political or  
 24 religious issues, and do speak for each other. It is the married couple whose views on important  
 25 issues diverge that draws comment, not those whose views are similar.<sup>3</sup> This is borne out in Judge  
 26 and Mrs. Orrick's history of joint charitable and, more importantly, political contributions – including  
 27 bundling over \$200,000 of political contributions for President Obama.<sup>4</sup> The fact that Judge and Mrs.  
 28 Orrick jointly worked to elect President Obama, the first ever sitting President to make a speech to  
 Planned Parenthood (long before Defendants' investigation),<sup>5</sup> is evidence *to the public* of their  
 similar views, so that the public is that much less likely to think that Mrs. Orrick is speaking only for

<sup>3</sup> See Patrick Gavin, *Matalin, Carville recall finding 'Love'*, POLITICO (Dec. 19, 2013, 11:44 AM),  
<http://www.politico.com/story/2013/12/james-carville-mary-matalin-recall-finding-love-101333>.

<sup>4</sup> See Mollie Hemingway, *Obama Appointee And Bundler Blocks More Video Releases By Group Behind Planned Parenthood Sting*, THE FEDERALIST, July 31, 2016,  
<http://thefederalist.com/2015/07/31/obama-appointee-blocks-more-video-releases-by-group-behind-planned-parenthood-sting/> (citing <https://www.citizen.org/william-orrick-2008>).

<sup>5</sup> See Dave Boyer, *Obama all in on abortion, defends government funding to Planned Parenthood*, THE WASHINGTON TIMES, April 26, 2013, <http://www.washingtontimes.com/news/2013/apr/26/obama-all-abortion-defends-government-funding-plan/>.



herself. *See Smith v. Beckman*, 683 P.2d 1214, 1216 (Colo. App. 1984) (disqualifying a judge who was married to a deputy district attorney, despite the fact that she had not worked on the case at bar: “[A]n appearance of impropriety is created by the close nature of the marriage relationship. Generally, the public views married people as ‘a couple,’ as ‘a partnership,’ and as participants in a relationship more intimate than any other kind of relationship between individuals.”); *see also*, *Obergefell*, 135 S.Ct. at 2599 (“The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality.”). This truth has been explicitly acknowledged in the context of abortion. *Planned Parenthood of Wisconsin v. Doyle*, 162 F.3d 463, 465 (7th Cir. 1998) (refusing standing to anti-abortion “intervening defendants, two husbands of pregnant women” and placing on husbands the burden of showing “that their wives disagree with them about the issue and so might consider undergoing” an abortion).

Moreover, Mrs. Orrick’s Facebook activity, including that accompanied by a photograph featuring Judge Orrick, was not the expression of views about an abstract “issue” or “cause.”<sup>6</sup> It contained (1) defense of an organization against alleged “attacks,” which attacks *were the subject of a lawsuit pending before Judge Orrick*; (2) applause for the criminal prosecution of *a party before Judge Orrick for activity that is the subject of that lawsuit*; and (3) accusations that the *defendants appearing before Judge Orrick* were a “sham organization run by extremists” that published “heavily edited videos” that were responsible for violence directed at the opposing party, assertions that formed the cornerstone of Judge Orrick’s later issuance of a preliminary injunction. Dkt. No. 354 in *NAF v. CMP*, at 37, n. 42 (“[T]he misleading nature of the Project videos . . . have had tragic consequences, including the attack in Colorado . . .”); *see also id.* at 38, n. 43 (noting as “exceptional facts” justifying prior restraint the “extensive and repeated fraudulent conduct,” “misleading characterizations about the information procured,” and the “strong showing of irreparable harm”).

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<sup>6</sup> *Grutzmacher v. Howard Cty.*, 851 F.3d 332, 340, fn. 3 (4th Cir. 2017) (“[T]he act of ‘liking’ a Facebook post makes the post attributable to the ‘liker, even if he or she did not author the original post.”); *Buker v. Howard Cty.*, No. CIV.A. MJG-13-3046, 2015 WL 3456750, at \*22 (D. Md. May 27, 2015), *aff’d sub nom. Grutzmacher v. Howard Cty.*, 851 F.3d 332 (4th Cir. 2017) (“[T]he content and effect of each of the January 20 Facebook posts is attributable to Buker, regardless of who ‘authored’ the post and who ‘liked’ it”).

These actions, if taken by Judge Orrick, would have warranted discipline. *See* Canon 3(A)(6), Code of Conduct for United States Judges (“A judge should not make public comment on the merits of a matter pending or impending in any court”). The impropriety of such comments are so great that “[a] judge should require similar restraint by court personnel subject to the judge’s direction and control.” *Id.* Of course, a judge’s spouse is not subject to his or her “direction and control,” but if the spouse elects to comment so antagonistically on a case pending before the judge, the judge should recuse himself or herself. *See* U.S. Advisory Opinion 53 (2009) (“A spouse’s involvement in political activities . . . may increase the frequency with which a judge is required to recuse. Judges should pay attention to that increased likelihood”); *cf.* Canon 2(B), Code of Conduct for United States Judges (“A judge should . . . not convey or permit others to convey the impression that they are in a special position to influence the judge.”).

In light of the targeted nature of Mrs. Orrick’s Facebook activity, as well as the intentional placing of a picture of Judge Orrick and his last name – by someone intimately connected with him – next to condemnations of Defendants, the appearance of impropriety is far more serious than would have been created by mere comments on “issues” by a spouse. Mrs. Orrick’s actions, entirely her own, require Judge Orrick’s recusal. *Compare* Daleiden Affidavit, Ex. 9, Ex. 10; *with* *Tyson v. State*, 622 N.E.2d 457, 459-60 (Ind. 1993) (Supreme Court justice recused himself after his wife verbally expressed support to counsel for one party, observing that whether he later held for or against that party, his decision could be interpreted as a response to his wife’s conduct, and noting that “[s]ubstantial concerns about fairness arise when a judge who arguably should disqualify remains as a voting participant”).

Once again, a group of anti-abortion activists has attacked Planned Parenthood

doctors, nurses, and patients with false accusations. And once again, their political allies are seizing on these accusations as an excuse to push the same dangerous agenda – shut down health centers and cut women off from care.

Show them you aren’t fooled by the latest smear job. Show them you won’t stop fighting for women’s health and rights. Add your name to the millions who stand proudly with Planned Parenthood.

Show your support for  
Planned Parenthood in the  
face of continued attacks  
by anti-women’s health  
extremists and politicians  
by changing your profile  
picture and/or cover photo  
on Facebook and Twitter.

PINK ME FOR PP



<https://www.bvaaction.org/news/wp-content/uploads/2016/10/caroline-farrar-orrick.jpg>



## CONCLUSION

“No Court should tolerate even the slightest chance that its continued participation in a high profile lawsuit could taint the public’s perception of the fairness of the outcome.” *Melendres v. Arpaio*, No. CV-07-2513-PHX-MHM, 2009 U.S. Dist. LEXIS 65069, at \*50 (D. Ariz. July 15, 2009).

The public perceives that Congress is on the verge of making the significant political move of withdrawing federal funding from Planned Parenthood due to Defendant’s reporting. The public also perceives that Defendants are on the verge of facing criminal and civil penalties for that same reporting.

The public deserves to see that there is *no evidence* that politics is influencing the court actions involving Defendants. “If it is a close case, the balance tips in favor of recusal.” *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008). The motion for recusal should be granted.

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1  
2 Respectfully submitted,

3 July 5, 2017,

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**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



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Charles S. LiMandri  
Counsel for Defendant CMP

**CERTIFICATE OF SERVICE**

*Planned Parenthood, et al. v. The Center for Medical Progress, et al.*  
Case No.: 3:16-cv-00236

I, Kathy Denworth, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- **Reply in Support of Motion for Disqualification of the Honorable William H. Orrick III, Pursuant to 28 U.S.C. §§ 144 and 455;**
- **Declaration of Terrisa Bukovinac in Support of Motion for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455; and**
- **Declaration of David Daleiden in Support of Motion for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. §§ 144 and 455**

on the interested parties in this action by emailing a true copy addressed as follows:

***Via regular mail and email***

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10   X   **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing  
 11 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal  
 12 Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California  
 13 in the ordinary course of business. The envelope was sealed and placed for collection and  
 mailing on this date following our ordinary practices. I am aware that on motion of the party  
 served, service is presumed invalid if postal cancellation date or postage meter date is more  
 than one day after date of deposit for mailing in affidavit.

14   X   **(BY ELECTRONIC FILING/SERVICE)** I caused such document(s) to be Electronically  
 15 Filed and/or Service using the ECF/CM System for filing and transmittal of the above  
 documents to the above-referenced ECF/CM registrants.

16        **(BY ELECTRONIC MAIL)** I served a true copy, electronically on designated recipients  
 17 via electronic transmission of said documents.

18 I declare under penalty of perjury, under the laws of the State of California, that the above  
 is true and correct.

19 Executed on July 5, 2017, at Rancho Santa Fe, California.

20   
 21 Kathy Denworth

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**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Declaration of Terrisa Bukovinac in  
) Support of Motion for Disqualification of  
) the Honorable William H. Orrick III,  
) pursuant to 28 U.S.C. §§ 144 and 455

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

1           1.       I, Terrisa Bukovinac, am not a party to this action. I am a resident of San Francisco,  
2 California.

3           2.       Mr. Daleiden approached me and asked me if I could visit Good Samaritan Family  
4 Resource Center (GSFRC), located at 294 Potrero Ave, San Francisco, California, 94110, to look at  
5 GSFRC's bylaws and provide him with a copy. It is my understanding that under federal law,  
6 501(c)(3) nonprofits are required to maintain at their headquarters a copy of their bylaws available  
7 for public inspection during regular business hours. I agreed to visit GSFRC and visited GSFRC on  
8 June 28 and June 30, 2017.

9           3.       While at GSFRC, I took a picture of an immigrant resource flyer which was being  
10 distributed by the main receptionist. It contains the Planned Parenthood logo on it in the bottom  
11 right hand corner. Attached hereto as **Exhibit 1** is a true and correct copy of that photograph.

12           4.       After being initially rebuffed, and told to return in two days, I was also permitted to  
13 inspect GSFRC's bylaws. Those bylaws were given to me by GSFRC's Executive Director, Mario  
14 Paz. I took pictures of those bylaws. Attached hereto as **Exhibit 2** is a true and correct copy of the  
15 pictures I took of GSFRC's bylaws.

16           I declare until penalty of perjury under the laws of the United States and the State of  
17 California that the foregoing is true and correct and that this Affidavit was executed in San  
18 Francisco, California on July 4, 2017.

19                               Terrisa Bukovinac  
20 Terrisa Bukovinac

**EXHIBIT 1**



## Know Your Rights!

If you are stopped by immigration or the police:

- Hand this card to the officer, and remain silent.
- The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.
- If you, or a loved one, think you have been unfairly arrested, call the TRUST Act hotline at **844-878-7801**.



**EXHIBIT 2**

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## Bylaws



### 1. Name

The name of this corporation is Good Samaritan Family Resource Center of San Francisco ("Good Samaritan").

### 2. Membership

Good Samaritan shall have no members, as defined in Section 5056 of the California Nonprofit Public Benefit Corporation Law, as amended (the "Nonprofit Corporation Law"). Good Samaritan may from time to time use the term "members" to refer to persons associated with it, but such persons shall not be members within the meaning of Section 5056 of the Nonprofit Corporation Law.

### 3. Board of Directors

#### 3.1 Powers

Subject to the provisions of the Nonprofit Corporation Law, Articles of Incorporation, and these Bylaws, Good Samaritan's activities and affairs shall be conducted, and all corporate powers shall be exercised, by or under the direction of the Board of Directors of Good Samaritan (the "Board"). Directors shall have no power as individual directors and shall act only as members of the Board.

#### 3.2 Number of Directors

The number of authorized directors of Good Samaritan shall be not less than 3 nor more than 42, with the exact number of authorized directors to be fixed by resolution of the Board from time to time.

#### 3.3 Qualification of Directors

No more than forty-nine percent (49%) of the directors serving on the Board may be interested persons, as defined in Section 5227 of the Nonprofit Corporation Law. At all times at least two of the directors shall be the Bishop of the Episcopal Diocese of California (the "Bishop") and an Episcopal minister. However, any violation of this Section 3.3 shall not affect the validity or enforceability of any transaction entered into by Good Samaritan.

#### 3.4 Election and Term of Office

At a duly called meeting of the Board, the Board shall elect directors to serve for three-year terms. A director shall hold office until a successor has been elected and qualified.

#### 3.5 Vacancies

A vacancy or vacancies on the Board shall exist in the event that the actual number of directors is less than the authorized number for any reason. In addition, the Board may declare by resolution a vacancy in the office of any director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the Nonprofit Corporation Law.



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**3.6 Resignation**

Except as provided below, any director may resign at any time by giving written notice to the Board, the Chair, the President, the Executive Director, or the Secretary (as each is defined in Section 6.1). The resignation shall take effect upon receipt of notice or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. If a director's resignation is effective at a later time, the Board may elect a successor to take office as of the date when the resignation becomes effective. Except on notice to the Attorney General of California, no director may resign if Good Samaritan would be left without a duly elected director or directors.

**3.7 Removal**

A director may be removed from office at any time, with or without cause, by a vote of a majority of directors then in office, provided that a quorum is present. No reduction in the authorized number of directors shall have the effect of removing any director before that director's term of office expires unless the reduction also provides for the removal of that specified director in accordance with these Bylaws and the Nonprofit Corporation Law.

**3.8 Filling Vacancies**

Vacancies on the Board may be filled by approval of the Board or, if the number of directors then in office is less than a quorum, by (i) unanimous written consent of the directors then in office, (ii) a vote of a majority of the directors then in office at a meeting held with notice in accordance with Section 4.6 or waiver of notice in accordance with Section 4.7, or (iii) a sole remaining director. A director elected to fill an existing vacancy shall hold office for the unexpired portion of the term, or until his or her death, resignation, or removal from office.

**3.9 Compensation and Reimbursement**

Directors shall not receive any compensation for their services as directors. The Board may authorize the advancement or reimbursement to a director of actual reasonable expenses incurred in carrying out his or her duties as a director.

**3.10 Conflict of Interest Policy**

The Board shall adopt a policy that requires directors, officers and key employees to disclose interests that constitute or could result in a conflict of interest (the "Conflict of Interest Policy"). The Conflict of Interest Policy shall also specify, in accordance with Sections 5233 and 5234 of the Nonprofit Corporation Law, the procedures the Board shall follow in reviewing transactions that constitute a self-dealing transaction under Section 5233 of the Nonprofit Corporation Law or could otherwise involve a conflict of interest. The Board shall monitor compliance with the Conflict of Interest Policy.

**4. Board Meetings****4.1 Annual Meeting**

An annual meeting of the Board may be held on a date to be specified by the Board, and shall coincide with one of the regular meetings.

**4.2 Regular Meetings**

Regular meetings of the Board shall be held at such dates, times, and places as determined by the Board.

**4.3 Special Meetings**

Special meetings of the Board, for any purpose, may be called at any time by the Chair, the President, the Executive Director, the Secretary, or any two directors. The meeting shall be held at a place within California as designated by the person or persons calling the meeting, and in the absence of such designation, at the principal office of Good Samaritan.



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#### 4.4 Telephone and Electronic Meetings

Any meeting may be held by conference telephone, electronic video screen, or similar communication equipment, as long as all directors participating in the meeting can hear one another. All such directors shall be deemed present in person at such meeting.

#### 4.5 Voting

Each director present and voting at a meeting shall have one vote on each matter presented to the Board for action at that meeting. No director may vote at any meeting by proxy.

#### 4.6 Notice

Regular meetings may be held without notice if the date, time, and place of the regular meetings are fixed by action of the Board. Notice of the date, time, and place of a special meeting, or of a regular meeting if not designated by the Board, shall be given to each director by one of the following methods: (a) upon four (4) days' notice if by first-class mail; or (b) forty-eight (48) hours before the meeting if (i) by personal delivery of written notice, (ii) by telephone, whether directly to the director, to a person at the director's office who would reasonably be expected to communicate that notice promptly to the director, or by voice-messaging system; (iii) by facsimile transmission; or (iv) by e-mail. All such notices shall be given or sent to the director's address, e-mail address, or telephone number as shown on the records of Good Samaritan. The notice shall state the date and time of the meeting, and the place if other than the principal office of Good Samaritan. It need not specify the purpose of the meeting.

#### 4.7 Waiver of Notice

Notice of a meeting need not be given to any director who signs a waiver of notice, a written consent to the holding of the meeting, or an approval of the minutes of the meeting, whether before or after the meeting, or attends the meeting without protesting the lack of notice, either before or at the commencement of the meeting. The waiver of notice or consent need not specify the purpose of the meeting. All such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

#### 4.8 Quorum

One-fourth (1/4) of the total number of directors then in office shall constitute a quorum, provided that in no event shall the required quorum be less than one-fifth of the authorized number of directors or two directors, whichever is larger. An action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board, except as provided by Section 5211 of the Nonprofit Corporation Law or as elsewhere provided in these Bylaws. No business shall be considered by the Board at any meeting at which a quorum is not present. The directors at a duly held meeting at which a quorum is initially present may continue to transact business, despite the departure of directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

#### 4.9 Adjournment

A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. Notice of adjournment to another time or place need not be given unless the original meeting is adjourned for more than twenty-four (24) hours, in which case notice shall be given, before the time of the adjourned meeting, to the directors who were not present at the time of the adjournment.

#### 4.10 Action Without a Meeting

(a) Any action that the Board is required or permitted to take may be taken without a meeting if all directors, individually or collectively, consent in writing to the action; provided, that the consent of any "interested director" as defined in Section 5233 of the Nonprofit Corporation Law shall not be required for approval of that transaction. Such action by written consent shall have the same force and effect as a unanimous vote of the directors. All such consents shall be filed with the minutes of the proceedings of the Board.



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(b) In circumstances deemed appropriate by the President and Executive Director, the Board may approve corporate action via e-mail communications so long as (i) each director is provided with relevant data and an opportunity to respond; (ii) directors are given at least three (3) days to respond; (iii) the proposal receives explicit, affirmative approval through a specific response from a majority of the directors then in office; and (iv) the action is subsequently ratified at a Board meeting.

## **5. Committees**

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### **5.1 Board Committees**

The Board may, by resolution of a majority of directors then in office, provided that a quorum is present, create, and appoint members to, one (1) or more committees ("Board Committees"), each consisting of two (2) or more directors, to serve at the pleasure of the Board. The Board shall create an audit committee if required by the California Nonprofit Integrity Act of 2004 (the "Nonprofit Integrity Act"). Only directors may serve on any Board Committee. The Board may appoint one (1) or more directors as alternate members of any such Board Committee, who may replace any absent Board Committee member at any meeting of the Board Committee. Any such Board Committee, to the extent provided in the Board resolution, shall have all the authority of the Board, subject to the limitations set out in Section 5212 of the Nonprofit Corporation Law.

### **5.2 Action of Board Committees**

Meetings and actions of Board Committees shall be governed by, held, and taken in accordance with the provisions of these Bylaws concerning meetings and other Board actions, except that the time for regular meetings and the calling of special meetings of such Board Committees may be determined either by Board resolution or by resolution of the Board Committee, and that a quorum shall be determined in relation to the size of the committee rather than the full Board. Minutes of each meeting of any Board Committee shall be kept and filed with the corporate records.

### **5.3 Advisory Committees**

The Board may create and appoint individuals to one (1) or more advisory committees ("Advisory Committees"), each consisting of two (2) or more directors, non-directors, or a combination of directors and non-directors. Advisory Committees may not exercise the authority of the Board to make decisions on behalf of Good Samaritan. Advisory Committees shall be restricted to making recommendations to the Board or Board Committees and implementing Board or Board Committee decisions and policies under the supervision and control of the Board or Board Committee. The Board may, at any time, revoke or modify any or all of the authority delegated to the Advisory Committee.

## **6. Officers**

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### **6.1 Elected Officers**

The officers of Good Samaritan shall be a chairman of the Board (the "Chair"), a president (the "President"), an executive director (the "Executive Director"), a vice-president (the "Vice-President"), a secretary (the "Secretary"), a treasurer (the "Treasurer"), and such other officers as the Board may determine. Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as the Executive Director, the President, or the Chair.



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**6.2 Election and Term**

The officers of Good Samaritan shall be elected by the Board at any time for a one-year term and shall serve at the pleasure of the Board, subject to the rights, if any, of any officer under any contract of employment.

**6.3 Appointed Officers**

The Board may authorize the Chair, President, Executive Director, or other elected officer to appoint other officers as deemed appropriate. Each officer so appointed shall have the title, hold office for the period, have the authority, and perform the duties determined by the Board.

**6.4 Resignation**

Any officer may resign at any time by giving written notice to the Chair, the President, the Executive Director, or the Secretary. The resignation shall take effect upon receipt of notice or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of Good Samaritan under any contract to which the officer is a party.

**6.5 Removal**

Any officer may be removed with or without cause by the Board or by any officer on whom the Board may confer that power of removal, without prejudice to any rights of an officer under any contract of employment.

**6.6 Vacancies**

A vacancy in any office for any reason shall be filled in the manner prescribed in these Bylaws for regular appointments to that office, provided, that vacancies need not be filled at the annual meeting.

**6.7 Duties**

The officers of Good Samaritan shall exercise and perform the duties prescribed by these Bylaws, and shall have such other powers and duties as the Board may from time to time prescribe.

**6.8 Chair**

The office of Chair shall at all times be held by the Bishop. The Chair shall preside at all meetings of the Board, if present.

**6.9 President**

In the absence or disability of the Chair, the President shall preside at Board meetings.

**6.10 Executive Director**

The Executive Director shall be the chief executive officer and general manager of Good Samaritan, and shall supervise, direct, and control Good Samaritan's activities, affairs, and officers, subject to the supervision of the Board.

**6.11 Vice-President**

In the absence or disability of the President, the Vice President shall perform all the duties of the President and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President.

**6.12 Secretary**

The Secretary shall supervise the maintenance of Good Samaritan's Articles of Incorporation, Bylaws, and minutes and records of the proceedings of the Board and its committees, and the giving of notices as may be proper or necessary.



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**6.13 Treasurer**

The Treasurer shall be the chief financial officer of Good Samaritan and supervise the charge and custody of all funds of Good Samaritan, the deposit of such funds in the manner determined by the Board, and the keeping and maintaining of adequate and correct accounts of Good Samaritan's properties and business transactions, and shall render reports and accountings as required by law, these Bylaws or by the Board.

**6.14 Compensation Review Policy**

The Board shall adopt a policy setting forth guidelines for determination, review and approval of the compensation of its officers and key employees (the "Compensation Review Policy").

**7. Indemnification and Insurance**

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**7.1 Definitions**

For purposes of this Article, "Agent" means any person who is or was a director, officer, employee, or other agent of Good Samaritan, or is or was serving at the request of Good Samaritan as a director, officer, employee, or other agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, or was a director, officer, employee, or agent of a predecessor corporation of Good Samaritan or another enterprise at the request of such predecessor corporation; "Proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and "Expenses" includes, without limitation, attorneys' fees and any expenses incurred in establishing a right to indemnification under Section 7.2.

**7.2 Right of Indemnity**

To the fullest extent permitted by law and as provided by these Bylaws, Good Samaritan may indemnify any person who was or is a party or is threatened to be made a party by reason of the fact that such person is or was an Agent of Good Samaritan, against all Expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with the Proceeding.

**7.3 Approval of Indemnity**

On written request to the Board by any Agent seeking indemnification, to the extent that the Agent has been successful on the merits, the Board shall promptly authorize indemnification in accordance with Section 5238(d) of the Nonprofit Corporation Law. Otherwise, the Board shall promptly determine, by a majority vote of a quorum consisting of directors who are not parties to the Proceeding, whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) of the Nonprofit Corporation Law has been met and, if so, may authorize indemnification.

**7.4 Advancement of Expenses**

The Board may authorize the advance of Expenses incurred by or on behalf of an Agent in defending any Proceeding, before final disposition of the Proceeding, if (i) the Board finds that the requested advances are reasonable in amount under the circumstances, and (ii) the Agent submits a written undertaking to repay the advance unless it is ultimately determined that the Agent is entitled to be indemnified by Good Samaritan for those Expenses.

**7.5 Insurance**

Good Samaritan shall have the right to purchase and maintain insurance on behalf of any Agent against any liability asserted against or incurred by the Agent in such capacity or arising out of the Agent's status as such, whether or not Good Samaritan would have the power to indemnify the Agent against such liability under this Article, provided that Good Samaritan shall not have the power to purchase and maintain such insurance to indemnify any Agent of Good Samaritan for a violation of Section 5233 of the Nonprofit Corporation Law.



## **8. Records, Reports and Communications**

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### **8.1 Inspection by Directors**

Every director shall have the right at any reasonable time to inspect Good Samaritan's books, records, documents, and physical properties. The inspection may be made in person or by the director's agent or attorney. The right of inspection includes the right to copy and make extracts.

### **8.2 Financial Reporting**

Good Samaritan shall produce and distribute the financial and other reports required by the Nonprofit Corporation Law, including, without limitation, the annual report required by Section 6321 and the statement of transactions or indemnification required by Section 6322 and if required, produce and make publicly available the financial statements required by the Nonprofit Integrity Act.

### **8.3 Fiscal Year**

The Board shall determine the fiscal year of Good Samaritan.

### **8.4 Electronic Transmissions**

Unless otherwise provided in these Bylaws, and subject to any guidelines and procedures that the Board may adopt from time to time, the terms "written" and "in writing" as used in these Bylaws (including, without limitation, the written consents contemplated by Section 4.10) include any form of recorded message in the English language capable of comprehension by ordinary visual means, and may include electronic transmissions, such as facsimile or e-mail; provided that (i) Good Samaritan has obtained a valid written consent from the recipient to the use of such means of communication; (ii) for electronic transmissions to Good Samaritan, Good Samaritan has in effect reasonable measures to verify that the sender is the individual purporting to have sent such transmission; and (iii) the transmission creates a record that can be retained, retrieved, reviewed, and rendered into clearly legible tangible form.

## **9. Gifts, Grants and Contracts**

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### **9.1 Gifts**

The Board or its designee may accept on behalf of Good Samaritan any contribution, gift, bequest, or devise for the charitable or purposes of Good Samaritan.

### **9.2 Grants**

The Board shall exercise itself, or delegate, subject to its supervision, control over grants, contributions, and other financial assistance provided by Good Samaritan, including, without limitation, those made in connection with fiscal sponsorship relationships.

### **9.3 Deposits**

All funds of Good Samaritan shall be deposited to the credit of Good Samaritan in such banks, trust companies, or other depositories or agency organizations as the Board may authorize.

### **9.4 Contracts**

The Board may authorize any officer(s) or agent(s), in the name of and on behalf of Good Samaritan, to enter into any contract or execute any instrument. Any such authority may be general or confined to specific instances, or otherwise limited. In the absence of any action by the Board to the contrary, the Chair, the President, the Executive Director, and the Treasurer are each authorized to execute such instruments on behalf of the corporation.

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**9.5. Payment of Money**

Except as otherwise specifically determined by resolution of the Board, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of Good Samaritan may be signed by each of the Chair, the President, the Executive Director, or the Treasurer.

**10. Office**

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The principal office of Good Samaritan for the transaction of its business shall be located in San Francisco, California, or in such other place as may be specified by resolution of the Board.

**11. Relationship with Episcopal Church**

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Good Samaritan is a Diocesan Institution, as defined by the Canons of the Diocese of California of the Episcopal Church. The provisions of these Bylaws and any amendments shall be in conformity with the Constitution and Canons of the Episcopal Church and Diocese of California. In the event of the winding up, dissolution, or merger of Good Samaritan, or if Good Samaritan or its assets shall become subject to any receivership or trusteeship under federal or state laws relating to insolvency or bankruptcy, all assets of Good Samaritan shall become property of the Episcopal Bishop of California, a corporation sole, who shall direct the distribution or use thereof in accordance with the Articles of Incorporation. Any amendment of this provision or any change in the purpose or uses of the property of Good Samaritan shall be made only on the approval of 80% of the directors then in office and with the concurrence of the Bishop and Standing Committee of the Diocese of California.

**12. Amendment**

---

Except as otherwise provided by law, these Bylaws may be amended or repealed and new bylaws adopted by approval of the Board.

Amended and restated on: \_\_\_\_\_



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*Attorneys for Defendant David Daleiden*

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO)

) Judge William H. Orrick, III

) Declaration of David Daleiden in Support  
) of Motion for Disqualification of the  
) Honorable William H. Orrick III,  
) pursuant to 28 U.S.C. §§ 144 and 455

) Hearing Date: July 19, 2017, 2:00 p.m.

) Courtroom 2, 17th Floor

2. In 2008, GSFRC apparently agreed to hire an employee whose job was to support Plaintiff Planned Parenthood Shasta-Diablo dba Planned Parenthood Shasta Pacific (PPSP). GSFRC advertised a job position for a “Family Planning Specialist” whose job was to “[w]ork as a member of the Family Planning clinic” and who had the additional duty of furthering the bonds between the two organizations by “serv[ing] as a liaison between [PPSP] and [GSFRC].”

3. Attached hereto as **Exhibit 1** is a true and correct copy of the GSFRC Job Posting which I reference in the immediately preceding paragraph and which I found on the GSFRC website at <http://www.goodsamfrc.org/files/FamilyAdvocateFamilyPlanningSpecialist-2008.pdf>.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this Affidavit was executed in Orange County, California on July 5, 2017.

David R. Bell

David Daleiden

**EXHIBIT 1**



## Job Description

### Good Samaritan Family Resource Center, Inc.

**Position:** Family Advocate – Family Planning Specialist (Bilingual/Spanish)  
**Reports To:** Family Support Director  
**Salary Range:** \$17.25 an hour- 40 hours a week, non-exempt union position  
**Benefits:** Health and Dental Insurance provided for employee and their dependents.  
 Life and disability insurance provided for employee.

#### The Organization

Good Samaritan is an innovative multi-service non-profit agency in the Mission District of San Francisco. Our mission is to help immigrant families access needed services, develop self sufficiency, and participate fully as members of the community. Our staff is a diverse team willing to take different and unique approaches to the challenges facing our families.

#### Position Summary

Working with the Family Planning Clinic of Good Samaritan, the advocate promotes the well-being of immigrant families through family-centered, strength-based services including education, support, advocacy, case management and awareness of community services and resources.

#### Specific Responsibilities

##### Advocacy/Case Management

- Provide intake, referral and advocacy work on behalf of participants with immediate or short term needs, providing comprehensive case management to 25 participants per year
- Work directly with each participant for 3-18 months, assisting them to identify their own needs and strengths and to set and reach their own goals
- Work as a member of the Family Planning Clinic and Family Support Department teams
- Work with the teen Promotores program
- Teach and model skills and strategies for accessing services, goal setting, problem solving, conflict resolution, communication, parenting, and other areas relevant to family's well-being
- Attend meetings, appointments and hearings with participants as needed
- Maintain intakes, assessments, case files and other relevant reports and data
- Participate in a variety of case-related meetings at family, agency and multi-agency levels

##### Other Responsibilities:

- Help design, coordinate, and facilitate family planning and reproductive health classes, support groups and other activities
- Serve as a liaison between Planned Parenthood Golden Gate and Good Samaritan
- Help and support the Family Planning Clinic as advocate
- Conduct community and family outreach and education
- Assist other GS participants with immediate or short term needs as time permits
- Explain GS classes and programs to new participants
- Assist families at the reception desk as needed
- Be responsible for determined admin tasks for Good Sam
- Actively participate in or lead staff/program/team/committee meetings and trainings
- Assist Family Support Director in the coordination of current programs
- Assist Family Support Director in developing new programs, as needed

- Attend team and committee meetings as scheduled
- Ensure that daily decisions, communication, interaction and activities incorporate the Good Sam Values (Respect, Trust, Integrity, Corazon, Participation, Innovation)
- Ensure that programs and services are aligned with Good Sam's Mission and Vision

### **Qualifications**

- BA or MA in Social Work/related field or equivalent years of experience
- At least one year experience in Case Management or related case work
- Bilingual Spanish/English required (in reading, writing, and speaking), bicultural preferred
- Knowledge of reproductive health and family planning services
- Experience working with Latino immigrant population and understanding of immigrant issues
- Education or training in Family Planning and Reproductive Health or related field
- Education, experience or willingness to be trained in domestic violence field
- Familiarity of child abuse reporting laws
- Knowledge of Mission District and citywide resources
- Experience with facilitation of support groups, workshops and/or classes
- Share GS values (Innovation, Participation, Integrity, Trust, Respect, and Corazón)
- Strong understanding of relationship building, confidentiality and professional boundaries
- Excellent written and verbal communication skills and computer literacy
- Valid CA drivers license

### **Skills and Abilities**

- Ability to communicate effectively with strong verbal and writing skills
- Culturally competent interviewing skills
- Ability to establish strong working relationships with families experiencing chaos, stress and severe emotional disturbances
- Ability to conduct assessments and develop appropriate plans of care
- Ability to balance roles of counselor, advocate and teacher

**Please email a cover letter and resume to:**

**[vcastro@goodsamfrc.org](mailto:vcastro@goodsamfrc.org)**



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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC., PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA  
 BARBARA, VENTURA AND SAN LUIS OBISPO  
 COUNTIES, INC; PLANNED PARENTHOOD  
 PASADENA AND SAN GABRIEL VALLEY,  
 INC.; PLANNED PARENTHOOD OF THE  
 ROCKY MOUNTAINS; PLANNED  
 PARENTHOOD GULF COAST; AND PLANNED  
 PARENTHOOD CENTER FOR CHOICE;

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, BIOMAX  
 PROCUREMENT SERVICES, LLC, DAVID  
 DALEIDEN (aka "ROBERT SARKIS"), TROY  
 NEWMAN, ALBIN RHOMBERG, PHIL CRONIN,  
 SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"), GERARDO ADRIAN LOPEZ,  
 and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFFS' OBJECTION TO  
 REPLY EVIDENCE PURSUANT  
 TO CIVIL LOCAL RULE 7-  
 3(D)(1) AND, IN THE  
 ALTERNATIVE, PLAINTIFFS'  
 MOTION FOR LEAVE TO FILE  
 SUR-REPLY**

Date: July 19, 2017  
 Time: 2:00 p.m.  
 Place: Courtroom 2, 17th Floor  
 Judge: Hon. William H. Orrick, III

1 Plaintiffs file this objection to the new evidence submitted on Reply by Defendants and  
 2 respectfully request that the Court strike the evidence submitted or, in the alternative, grant  
 3 Plaintiffs leave to file a sur-reply.

4 On July 5, 2017, Defendants filed their Reply in Support of Motion for Disqualification of  
 5 the Honorable William H. Orrick III, pursuant to 28 U.S.C. Sections 144 and 455 (the “Reply”) (ECF No. 171), along with supporting declarations from Terrisa Bukovinac (the “Bukovinac Declaration”) (ECF No. 171-1) and David Daleiden (the “Second Daleiden Declaration” and together with the Bukovinac Declaration, the “Declarations”) (ECF No. 171-2). Each of the  
 9 Declarations proffers new evidence, specifically: (1) a Planned Parenthood “know your rights” information card, procured by Ms. Bukovinac at Defendant Daleiden’s direction at the reception  
 11 desk of the Good Samaritan building; (2) the Good Samaritan bylaws, also procured by Ms. Bukovinac; and (3) a 2008 job posting for Good Samaritan. This evidence does not rebut  
 13 assertions first made in the Plaintiffs’ Opposition. Rather, in each case, the evidence is employed in an effort to bolster Defendants’ baseless argument made in its Motion that Good Samaritan is  
 15 closely affiliated with Planned Parenthood Northern California. *Compare* Reply at 2-5 with Motion (ECF No. 164) at 2-3, 6, 8. Further, this evidence was otherwise available to (or could  
 17 have been procured by) Defendants at the time they filed their disqualification Motion. Submission of this evidence on reply is plainly improper, and Plaintiffs respectfully request that  
 19 the Court strike the Declarations and all portions of the Reply relying on them.

20 “[R]eply briefs are limited in scope to matters either raised by the opposition or unforeseen at the time of the original motion.” *Burnham v. City of Rohnert Park*, No. C 92-1439  
 22 SC, 1992 WL 672965, at \*1 n.2 (N.D. Cal. May 18, 1992) (citation omitted). While Civil Local Rule 7-3(c) provides that “[a]ny reply to an opposition may include affidavits or declarations,”  
 24 that rule does not expand the scope of a permissible reply. Thus, a reply may not include evidence with respect to a matter that should have been addressed in the opening papers. *Tovar v. U.S. Postal Serv.*, 3 F.3d 1271, 1273 n.3 (9th Cir.1993) (striking evidence submitted on reply in  
 27 appellate briefing, because “[t]o the extent that the [reply] brief presents new information, it is improper”); *see also Lam Research Corp. v. Schunk Semiconductor*, No. C-03-1335 EMC, 2014 1

1 WL 1995799, at \*2 (N.D. Cal. May 15, 2014) (“new evidence cannot be attached to a reply”  
2 where it presents new information). This principle is one of basic fairness, as this Court has  
3 previously held in striking such evidence: “Defendant knew that its reply evidence was pertinent  
4 to this dispute and should have presented it earlier, providing Plaintiffs with an opportunity to  
5 respond.” *In re Cathode Ray Tube (CRT) Antitrust Litig.*, No. C-07-5944-SC, 2013 WL 6502170,  
6 at \*1 n.1 (N.D. Cal. Dec. 11, 2013).

7 Defendants’ attempt to sandbag the Plaintiffs should not be permitted. If the Court is  
8 inclined to consider the additional evidence introduced by Defendants, then Plaintiffs should be  
9 afforded the opportunity to respond. Accordingly, if the Court does not strike the Declarations,  
10 Plaintiffs alternatively request leave to file a sur-reply substantially in the form of **Exhibit A** so  
11 that they may have the opportunity to respond to the new evidence introduced by Defendants in  
12 the Reply. *See, e.g., In re Clorox Consumer Litig.*, 301 F.R.D. 436, 439 n.1 (N.D. Cal. 2014)  
13 (denying motion to strike new evidence and arguments raised in plaintiffs’ reply brief, but  
14 granting leave to file a sur-reply because “the Court’s lenience should not deprive Clorox of an  
15 opportunity to respond”).

16  
17 Dated: July 12, 2017

ARNOLD & PORTER KAYE SCHOLER  
LLP

18  
19  
20 By: /s/ Amy L. Bomse  
Amy L. Bomse

21 Attorneys for Plaintiffs  
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# EXHIBIT A

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UNITED STATES DISTRICT COURT

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CENTER FOR MEDICAL PROGRESS, BIOMAX  
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 SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"), GERARDO ADRIAN LOPEZ,  
 and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**[PROPOSED] PLAINTIFFS' SUR-  
 REPLY TO DEFENDANTS'  
 MOTION FOR  
 DISQUALIFICATION OF THE  
 HONORABLE WILLIAM H.  
 ORRICK III**

Date: July 19, 2017  
 Time: 2:00 p.m.  
 Place: Courtroom 2, 17th Floor  
 Judge: Hon. William H. Orrick, III

## I. INTRODUCTION

Citing newly proffered evidence, Defendants seek to bolster their “presum[ption]” that Judge Orrick has an undisclosed “relationship with Planned Parenthood” (Reply (ECF No. 171) at 1) through his prior affiliation with the Good Samaritan Family Resource Center (“Good Samaritan”). There is no such relationship. Plaintiffs’ evidence makes clear that Good Samaritan and Planned Parenthood are neither partners (in the legal sense) nor otherwise fiduciaries, but rather share an arm’s-length, business relationship. Opposition (ECF No. 170) at 4-5. None of the new evidence proffered on Reply changes that reality. *See* Part II(A), *infra*.

Defendants also try to reargue this Court’s previous order in the related *NAF* case concluding that there is no basis for disqualification. Reply at 3-10. Defendants’ argument is an improper motion for reconsideration. They neither have leave nor cause to do so: Defendants cite no new law nor any new and previously unavailable evidence. Rather, Defendants primarily cite inapposite and out-of-circuit authority. They also take issue with Judge Orrick having raised funds for President Obama’s 2008 election prior to Judge Orrick having taken the bench (Reply at 8)—a fact that is irrelevant and was known or accessible to all parties at the outset of this litigation. *See* Part II(B), *infra*.

Defendants still have not demonstrated that a reasonable person knowing all of the facts would conclude that Judge Orrick is biased or partial in this case. Their Motion should be denied.

## II. ARGUMENT

### A. Defendants’ New Evidence Still Does Not Demonstrate That Judge Orrick Has Or Had Any Relationship With Planned Parenthood.

Defendants rely upon three additional pieces of evidence in their attempt to demonstrate some relationship between Judge Orrick and Plaintiff Planned Parenthood Northern California (“PPNC”): (1) a Planned Parenthood “know your rights” information card, found at the reception desk of the Good Samaritan building; (2) a 2008 job posting for Good Samaritan; and (3) the Good Samaritan bylaws. Reply at 2-5. None of these is sufficient to establish that Judge Orrick has or had any relationship with PPNC, nor would they cause a reasonable person to conclude that Judge Orrick had any such relationship with PPNC, nor gained access to any extrajudicial

1 and material information, nor otherwise is biased or partial.

2 **Planned Parenthood “Know Your Rights” Information Card.** The information card  
3 bearing Planned Parenthood’s logo explains to patients certain of their rights if stopped by  
4 immigration officials or the police. Bukovinac Decl. (ECF No. 171-1) Ex. 1. Defendants argue  
5 that the card indicates “either [PPNC] also provides immigrant services, or [Good Samaritan]  
6 places [PPNC’s] logo on its immigrant services materials,” and that, in either event, it indicates  
7 “intermingling” between Good Samaritan and PPNC. Reply at 2. Nonsense. No one disputes  
8 that PPNC and Good Samaritan both serve immigrant populations. That commonality hardly  
9 establishes a “closely intertwined” relationship rendering Judge Orrick a fiduciary to PPNC  
10 (*id.*)—an entity with which, in reality, he has no connection whatsoever.

11 **2008 Good Samaritan Job Posting.** Defendants next point to a 2008 job posting from  
12 the Good Samaritan website for a Family Advocate - Family Planning Specialist, claiming it too  
13 establishes a “close relationship” between Good Samaritan and PPNC that creates a fiduciary  
14 duty. Reply at 2; *see also* Daleiden Decl. (ECF No. 171-2) Ex. 1. The job posting describes 22  
15 job responsibilities. *Id.* Defendants focus on two of these. The first is to “[w]ork as a member of  
16 the Family Planning Clinic and Family Support Department teams.” Reply at 2. This is of no  
17 consequence: Good Samaritan is a “Family Resource Center,” whose “mission is to help  
18 immigrant *families* access needed services, develop self sufficiency, and participate fully as  
19 members of the community.” Daleiden Decl. Ex. 1 (emphasis added). The Family Planning  
20 Clinic has little, if anything, to do with Planned Parenthood. Rather, it “promotes the well-being  
21 of immigrant families through family-centered, strength-based services including education,  
22 support, advocacy, case management and awareness of community services and resources.” *Id.*

23 Defendants also note a second of the 22 job responsibilities, namely, to “[s]erve as a  
24 liaison between Planned Parenthood Golden Gate and Good Samaritan.” Reply at 2; *see also*  
25 Daleiden Decl. Ex. 1. This too is of no consequence. First, Defendants conflate Planned  
26 Parenthood Golden Gate with PPNC. Second, the fact that Good Samaritan was in need of a  
27 “liaison” with a Planned Parenthood affiliate proves Plaintiffs’ point that Good Samaritan was  
28 and remains an independent entity.



1           **Good Samaritan Bylaws.** Finally, Defendants turn to the Good Samaritan bylaws in  
 2 their attempt to create the illusion of a relationship between Judge Orrick and PPNC. Defendants  
 3 argue that Judge Orrick, by virtue of serving as Good Samaritan’s Secretary in 2001, “very likely  
 4 had access” to PPNC’s “confidential, extrajudicial information” that “could bias or affect his  
 5 decision.” Reply at 4. Defendants rely on two provisions of the bylaws.

6           First, Defendants cite Section 6.12, arguing that as Secretary of Good Samaritan, Judge  
 7 Orrick was responsible for “supervis[ing] the maintenance of [Good Samaritan’s]...records for  
 8 the proceedings of the Board and its committees”; and, therefore, he must have had access to  
 9 Good Samaritan’s “community needs study” relating to Planned Parenthood conducted in 2000.  
 10 Reply at 4-5. There is no evidence that Judge Orrick was Secretary in 2000 (as opposed to 2001),  
 11 and even if there were, there is no evidence that he actually did access the study. And even if he  
 12 had, that it in no way demonstrates that Judge Orrick would have had access to PPNC material.

13           Second, Defendants cite Section 8.1 (Reply at 5), which provides directors the right to  
 14 “inspect Good Samaritan’s books, records, documents, and physical properties.” Bukovinac  
 15 Decl., Ex. 2, § 8.1. This argument is flawed in at least three ways: To begin, the bylaws attached  
 16 to the Bukovinac Declaration are dated January 31, 2013. Bukovinac Decl. Ex. 2. Defendants  
 17 have presented no evidence that these are substantially similar to the bylaws in effect at the time  
 18 when Judge Orrick served as Secretary. And even if Judge Orrick, as Secretary, had the right to  
 19 inspect Good Samaritan’s property, that does not extend to a right to inspect the PPNC clinic’s  
 20 property or books and records. As set forth in Plaintiffs’ Opposition, the Wohlford Family Clinic  
 21 leases its office space from Good Samaritan. Opp. at 4 n.1; Yee Decl. ¶ 5. Landlords typically  
 22 have limited rights to access the property they lease, and the bylaws here suggest nothing to the  
 23 contrary. Further, even assuming that Section 8.1 somehow provided Judge Orrick with the right  
 24 to inspect PPNC’s Wohlford Family Clinic, there is no evidence that Judge Orrick actually did so,  
 25 nor any evidence that he then accessed any confidential information, nor certainly confidential  
 26 information that is relevant to this case. As Plaintiffs explained in the Opposition, and as is clear  
 27 on the PPNC and Wohlford Family Clinic websites, the Clinic does not perform abortions. Opp.  
 28 at 3; Yee Decl. ¶ 4. Thus, even if all of Defendants’ speculative assertions were true, any



1 “confidential information” accessed at the Wohlford Family Clinic would have nothing to do with  
2 the fetal tissue procurement allegations at issue in this case.

3 The additional evidence submitted by Defendants does not change the outcome here. No  
4 reasonable person viewing all of these facts would conclude that Judge Orrick’s former  
5 relationship with Good Samaritan or Good Samaritan’s relationship with PPNC would render  
6 Judge Orrick unable to preside over this case in an impartial manner.

7 **B. Defendants’ Reargument Of This Court’s Previous Order Is Improper, And**  
8 **In Any Event, Ignores Binding Ninth Circuit Authority Regarding the Social**  
**or Political Activity of a Judge’s Spouse.**

9 Defendants spend much of their Reply rearguing the Court’s prior Order denying their  
10 Motion for Disqualification in the related *NAF* case. Reply at 3-10. They do not seek leave to do  
11 so, nor is there any basis for reconsideration. Civil Local Rule 7-9. If the Court is inclined to  
12 consider a properly filed motion for reconsideration, Plaintiffs will further brief these issues.

13 Preliminarily, however, two points bear mentioning with respect to Defendants’  
14 arguments concerning Judge Orrick’s wife:

15 *First*, Defendants gloss over Ninth Circuit authority and instead rely upon nonbinding  
16 authority from other districts, other circuits, and various state courts. *See* Reply at 6-10.  
17 Defendants fail to address Judge Reinhardt’s Order and analysis in *Perry v. Schwarzenegger*, 630  
18 F.3d 909 (9th. Cir. 2011), and further fail to address a decision from this district in *Hewlett-*  
19 *Packard Co. v. Bausch & Lomb, Inc.*, 1988 WL 281561 (N.D. Cal. Aug. 1, 1988), both of which  
20 support the position that Mrs. Orrick’s Facebook activity has no bearing on Judge Orrick’s ability  
21 to be impartial in this case. The authority cited by Defendants is not only nonbinding, but also  
22 inapposite. Only two cases even consider the relationship of a judge and the judge’s spouse in  
23 connection with recusal, though neither is close to the facts here. *See Smith v. Beckman*, 683 P.2d  
24 1214, 1216 (Colo. App. 1984) (recusal required under Colorado law where judge’s wife worked  
25 as deputy district attorney in the office prosecuting the action); *Tyson v. Ind.*, 622 N.E.2d 457,  
26 458-59 (Ind. 1993) (recusal appropriate under Indiana law where judge’s wife had direct  
27 conversation with defendant’s counsel advising on his legal strategy). Other cases cited consider  
28 other relationships and whether they warrant a judge’s recusal. *See Melendres v. Arpaio*, No.

CV-07-2513-PHX-MHM, 2009 WL 2132693 (D. Ariz. July 15, 2009) (considering recusal based on relationship between parties and judge's sister, who as the President and CEO of the National Council of La Raza, oversaw campaign against parties and acts at issue in case pending before court); *Mathis v. Huff & Puff Trucking, Inc.*, 787 F.3d 1297, 1313 (10th Cir. 2015) (holding no recusal required where law clerk's husband monitored trial on behalf of interested non-party); *U.S. v. DeTemple*, 162 F.3d 279, 287 (4th Cir. 1998) (holding no recusal required where judge had represented a non-party in a prior, related dispute with defendant). And the remaining cases cited have nothing to do with a judge's recusal in any way. *See, e.g., Nichols v. Thomas*, 788 F. Supp. 570, 572 (N.D. Ga. 1992) (considering implied bias with respect to juror); *Planned Parenthood of Wis. v. Doyle*, 162 F.3d 463 (7th Cir. 1998) (considering standing of parties to bring suit); *In re Boggia*, 998 A.2d 949 (NJ 2010) (considering whether political contributions by part-time municipal judge and his law partners violated ethics rules).

*Second*, beyond citing the above nonbinding and inapposite authority, Defendants take issue with Judge Orrick apparently having solicited contributions on behalf of President Obama prior to his taking the bench. Reply at 8 & nn.4-5. Here, again, Defendants rely on attenuated speculation: that because Judge Orrick solicited contributions for President Obama, who thereafter made a speech to Planned Parenthood, Judge Orrick must himself be biased towards Planned Parenthood. *Id.* This is pure speculation. And, as Defendants' own citations make clear, it is information that was known at the outset of the litigation. *Id.* (citing 2008 and 2013 sources).

1     **III.     CONCLUSION**

2             For the reasons set forth herein and in Plaintiffs' Opposition, as well as in the *NAF* Order  
3     and in the *NAF* Opposition, Defendants' motion to disqualify should be denied.

4  
5     Dated: July 12, 2017

ARNOLD & PORTER KAYE SCHOLER  
LLP

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8             By: /s/ Amy L. Bomse  
                Amy L. Bomse

9                     Attorneys for Plaintiffs  
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**To:** [efiling@cand.uscourts.gov](mailto:efiling@cand.uscourts.gov)  
**Subject:** Activity in Case 3:16-cv-00236-WHO Planned Parenthood Federation of America, Inc. et al v. Center for Medical Progress et al Order  
**Date:** Thursday, July 13, 2017 4:58:53 PM

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**U.S. District Court**

**California Northern District**

### **Notice of Electronic Filing**

The following transaction was entered on 7/13/2017 at 4:57 PM and filed on 7/13/2017

**Case Name:** Planned Parenthood Federation of America, Inc. et al v. Center for Medical Progress et al

**Case Number:** [3:16-cv-00236-WHO](#)

**Filer:**

**Document Number:** 175(No document attached)

#### **Docket Text:**

**ORDER re [164] Motion for Disqualification. For the parties' clarification, Judge Donato did not set a hearing date on this motion. In light of the Court's order denying disqualification in the related case, the parties are directed simultaneously to file briefs addressing whether that order resolves this motion, and if not, what the material differences are. The briefs may not exceed 10 pages each and must be filed by August 14, 2017. No opposition briefs may be filed unless requested by the Court. Signed by Judge James Donato on 7/13/2017. (This is a text-only entry. There is no document associated with this entry.) (jdlc2S, COURT STAFF) (Filed on 7/13/2017)**

**3:16-cv-00236-WHO Notice has been electronically mailed to:**

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3:16-cv-00236-WHO Please see [Local Rule 5-5](#); Notice has NOT been electronically  
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July 17, 2017

The Honorable James Donato  
 United States District Court  
 Northern District of California  
 San Francisco Courthouse  
 Courtroom 11, 19<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

Re: *Planned Parenthood Federation of America et al., v. Center for Medical Progress et al.*, Case No. 3:16-cv-00236-WHO

Your Honor:

On Thursday, July 13, 2017 we received the Court's order directing the parties to file briefs on August 14, 2017 addressing whether the Court's order denying Defendants' motion for disqualification in the related NAF case resolves Defendants' motion for disqualification in the above-referenced case (the "Planned Parenthood case"), and if not, to identify the material differences. Plaintiffs filed their opposition to Defendants' motion on June 26, in which they identified the single difference between the motions in the NAF case and here and explained why that difference is immaterial. Plaintiffs respectfully request that the Court decide the motion based on the existing briefs (subject to Plaintiffs' motion to strike portions of Defendants' reply) with or without oral argument. Docket Numbers 170 (Plaintiffs' Opposition), 171 (Defendants' Reply) and 174 (Plaintiffs' Motion to Strike).

As a result of this motion, a case management conference originally scheduled for June 27 has been rescheduled twice, most recently to September 19. Thus, Defendants' tardy motion has now created a nearly three month delay in administering a complicated case. This delay is creating real difficulties in the underlying case. There are discovery issues currently pending before Judge Orrick that cannot be resolved until this disqualification motion is resolved. Moreover, the delay is due to Defendants' bringing these motions serially and then agreeing that this Court could decide both motions based on the argument in the NAF case only to changing their minds after the hearing.

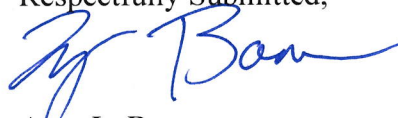
# ARNOLD & PORTER KAYE SCHOLER

July 17, 2017

Page 2

Plaintiffs are prepared to submit on the filed papers or to appear at the Court's convenience.

Respectfully Submitted,



Amy L. Bomse



# FREEDOM of CONSCIENCE

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July 20, 2017

The Honorable James Donato  
 United States District Court  
 Northern District of California  
 Courtroom 11, 19th Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

**Re: *Planned Parenthood Federation of America et al. v. Center for Medical Progress et al.***  
**Case No. 3:16-cv-00236-WHO**

Dear Judge Donato:

We write in response to Amy Bomse's letter dated July 17, 2017, regarding Defendants' motion to disqualify pending in the Planned Parenthood case.

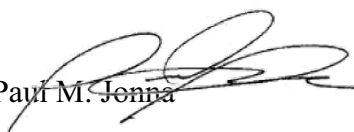
There are material differences between the disqualification motions in the NAF and Planned Parenthood cases. Defendants agree with the Court that supplemental briefing explaining those differences is appropriate.

Discovery in the Planned Parenthood case is partially stayed pending the Defendants' appeal of the Court's ruling on Defendants' anti-SLAPP motions. Thus, Plaintiffs cannot credibly argue that a brief delay of the Case Management Conference has caused them to suffer any prejudice. Plaintiffs' current position also contradicts their prior request to file a sur-reply (Docket No. 174).

Defendants therefore respectfully request that the Court maintain the current schedule for supplemental briefing on the pending disqualification motion and schedule a hearing for oral argument.

Respectfully Submitted,

FREEDOM OF CONSCIENCE DEFENSE FUND



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PMJ/kad



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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC., PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA  
 BARBARA, VENTURA AND SAN LUIS OBISPO  
 COUNTIES, INC; PLANNED PARENTHOOD  
 PASADENA AND SAN GABRIEL VALLEY,  
 INC.; PLANNED PARENTHOOD OF THE  
 ROCKY MOUNTAINS; PLANNED  
 PARENTHOOD GULF COAST; AND PLANNED  
 PARENTHOOD CENTER FOR CHOICE;

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, BIOMAX  
 PROCUREMENT SERVICES, LLC, DAVID  
 DALEIDEN (aka "ROBERT SARKIS"), TROY  
 NEWMAN, ALBIN RHOMBERG, PHIL CRONIN,  
 SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"), GERARDO ADRIAN LOPEZ,  
 and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFFS' BRIEF RE ORDER  
 IN RELATED CASE DENYING  
 DEFENDANTS' MOTION TO  
 DISQUALIFY THE HON.  
 WILLIAM H. ORRICK III**

## I. INTRODUCTION

The Court invited briefing on whether its Order denying Defendants' motion to disqualify Judge Orrick in *NAF v. CMP*, Case No. 15-cv-03522-WHO ("*NAF* case"), also resolved Defendants' motion to disqualify Judge Orrick in this related case. *See* ECF No. 167.

The answer is: Yes. In fact, Defendants' counsel acknowledged at the hearing on their motion in the *NAF* case that Defendants filed nearly identical motions in the two cases. 2017.06.22 Transcript, *NAF* case, at 22:10-23:24. Accordingly, all of the arguments set forth in *NAF*'s opposition (*NAF* case, ECF No. 447) and the Court's conclusion apply with equal force in this case. That conclusion, as the Court put it, was that "[e]ach of defendants' arguments adds up to a zero." Order re Motion For Disqualification of District Judge Under 28 USC §§ 144 and 455 ("Order"), *NAF* case, ECF No. 452 at 10.

There is one difference between the motions filed in each of the cases, but that difference also is a "zero" and does not warrant a different outcome. In both motions, Defendants place great weight on the fact that Judge Orrick previously served on the board of Good Samaritan and that Planned Parenthood Northern California ("PPNC") currently operates a clinic within a building owned by Good Samaritan. While PPNC is not a party in the *NAF* case, PPNC is a Plaintiff here.

This difference is not material, however, because Good Samaritan is not a party to the case. PPNC, as counsel for Defendants' admitted (Order at 8:9-11), is a separate legal entity from Good Samaritan. Defendants therefore seek to portray Good Samaritan and PPNC as so deeply intertwined that Judge Orrick's past relationship with non-party Good Samaritan effectively became a past relationship with party PPNC. Defendants grasp at the colloquial use of the term "partner" on Good Samaritan's current website in reference to PPNC, claiming it creates a partnership in the legal sense. They cite evidence of an immigration "know your rights card," a job posting, and by-laws. However, notwithstanding multiple briefs and declarations, Defendants still have not come close to demonstrating a relationship so close as to give cause for disqualification, nor certainly that Judge Orrick had access to any material, extrajudicial information.

The actual facts are that the two non-profit organizations have a business relationship, and even that did not exist at the time Judge Orrick served as a director of Good Samaritan—when its

1 relationship was with Planned Parenthood Golden Gate (“PPGG”), not PPNC. Plaintiffs are not  
2 aware of, and Defendants have not cited to, any authority that supports the notion that a judge is  
3 disqualified from a case because he formerly had a relationship with a non-party that, at a later  
4 point, had a business relationship with a party.

5 For the same reasons this Court denied the nearly identical motion filed in the *NAF* case, this  
6 Motion should be denied. It is untimely, was brought for tactical reasons, and has no merit.

## 7 **II. BACKGROUND**

### 8 **A. Procedural History**

9 In January 2016, Planned Parenthood Federation of America (“PPFA”) and eleven Planned  
10 Parenthood affiliates, including PPNC, filed the above captioned lawsuit against Defendants. The  
11 lawsuit alleges that Defendants and coconspirators engaged in a fraudulent scheme to infiltrate  
12 conferences and health centers, and secretly record Planned Parenthood staff for the purpose of  
13 unleashing a smear campaign against Planned Parenthood. The underlying factual allegations are  
14 similar to those in the *NAF* case, brought by NAF six months earlier. Judge Orrick related the case.

15 In April and May 2016, Defendants brought four separate dispositive motions: two motions  
16 to dismiss and two anti-SLAPP motions. On September 30, 2016, Judge Orrick denied all four  
17 motions, finding that Plaintiffs had sufficiently pled all causes of action. Order on Motions to  
18 Dismiss and Strike, ECF No. 124. Meanwhile, in April 2016, the parties began engaging in  
19 discovery, and ensuing discovery disputes have required Judge Orrick to issue several orders. ECF  
20 Nos. 90 (Order Denying Motion to Quash), 114 (Protective Order), 156 (minute entry compelling  
21 production of video). Seventeen discovery disputes are briefed and pending before Judge Orrick in  
22 discovery motions filed on June 14. Omnibus Joint Discovery Dispute Letters, ECF No. 166.

### 23 **B. *NAF* Order**

24 The motion in the *NAF* case sought disqualification on four grounds: (1) Mrs. Orrick’s  
25 Facebook activity; (2) Judge Orrick’s relationship with Good Samaritan; (3) Judge Orrick’s  
26 comments at a May 25, 2017 telephonic hearing; and (4) the cumulative effect of each of these  
27 reasons. After briefing by the parties, the Court heard oral argument on June 22, 2017. On June 26,  
28 2017, the Court entered the Order in the *NAF* case denying the motion to disqualify Judge Orrick.

1 *NAF* case, ECF No. 452. Among other things, the Court concluded that:

- 2 (1) “[T]he sum total of defendants’ concerns with respect to Mrs. Orrick [] do not  
3 amount to a reason to disqualify Judge Orrick.” *Id.* at 6:4-5.
- 4 (2) Defendants’ allegation that “Judge Orrick must ‘necessarily’ have been involved in  
5 the [Good Samaritan] board’s decision to initiate that partnership [with PPNC] and  
6 he must have ‘had access to confidential, extrajudicial information which will or  
7 could bias or affect his decision’ is “purely conclusory and speculative.” *Id.* at 8:1-  
8 5. And, “even by defendants’ own potentially overbroad measure, Judge Orrick’s  
9 service as an active board member of Good Samaritan ended no later than 2006,  
10 almost a decade before this case was filed. That he continued to be listed by Good  
11 Samaritan as an ‘emeritus’ board member in recognition of his past service would  
12 not cause the well-informed, thoughtful observer to have doubts about Judge  
13 Orrick’s impartiality.” *Id.* at 8:19-23.
- 14 (3) Judge Orrick’s comments at the telephonic hearing in the *NAF* case were an “on-the-  
15 record admonition, which was based on facts contained not only in Judge Orrick’s  
16 preliminary injunction order but also in the circuit court’s order affirming it.” *Id.* at  
17 9:7-11.
- 18 (4) “[T]here is no ‘effect’ to ‘cumulate.’ Each of defendants’ arguments adds up to a  
19 zero, and the whole is not greater than the sum of these parts.” *Id.* at 10:3-5.

20 Defendants have not filed a notice of appeal with respect to the Order.

### 21 **C. Wohlford Family Clinic**

22 PPNC operates 23 health centers across 20 counties in Northern California, ranging from  
23 San Francisco to Del Norte County. Declaration of Erin Harr Yee In Support of Plaintiffs’  
24 Opposition to Defendants’ Motion for Disqualification (“Yee Decl.”), ECF No. 170-1 ¶ 3. Of these,  
25 20 are full service health centers. *Id.* The remaining 3 are satellite clinics, which provide  
26 reproductive health care for less than 20 hours per week. *Id.* One of those satellite clinics, known  
27 as the Wohlford Family Clinic, operates out of the Good Samaritan Family Resource Center (“Good  
28 Samaritan”) located at 1294 Potrero Avenue in San Francisco. *Id.* ¶ 4. The Wohlford Family  
Clinic is open to the public. *Id.* It operates part-time and provides reproductive health services to a  
low-income population. *Id.* The Wohlford Family Clinic does not provide abortion services. *Id.*

PPNC (previously known as PPSP) has operated the Wohlford Family Clinic at Good  
Samaritan since 2010. *Id.* ¶ 5. Prior to that, the Clinic was operated by Planned Parenthood Golden  
Gate (“PPGG”). *Id.* The terms of the relationship are governed by a Memorandum of  
Understanding (“MOU”). *Id.* The MOU states that “Planned Parenthood is an independent  
agency” and that the MOU does not create a partnership relationship. *Id.* (“[The MOU] is not

intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or associate”). Since August 2016, PPNC has paid monthly rent to Good Samaritan for the use of the space for the Wohlford Family Clinic. *Id.* PPNC does not share staff with Good Samaritan. *Id.* All staff members working at the Wohlford Family Clinic are PPNC employees, paid by PPNC. *Id.* Patients who use the services of the Wohlford Family Clinic pay PPNC. *Id.* PPNC does not share those payments with Good Samaritan. *Id.* Good Samaritan plays no role in managing the Wohlford Family Clinic that is housed within its facilities. *Id.*

The staff members of the Wohlford Family Clinic were not victims of Defendants’ scheme. *Id.* ¶ 7. None of the staff of the Wohlford Family Clinic attended any of the conferences that Defendants infiltrated, and Defendants did not meet with or contact any of that staff. *Id.* The Wohlford Family Clinic has not been subject to attacks arising from Defendants’ smear campaign, and PPNC is not seeking any damages arising out of harm to that clinic. *Id.*

### III. ARGUMENT

PPNC’s status as a party in no way bears upon Defendant’s arguments with respect to Mrs. Orrick’s Facebook activity and Judge Orrick’s comments at the May 25, 2017 hearing. With respect to those two points, the arguments in this case are identical to those in the *NAF* case, and, therefore, require the same conclusion. The fact that PPNC is a party in this action only conceivably affects the Court’s consideration of Judge Orrick’s relationship with Good Samaritan.

But as discussed in further detail below, this difference does not alter the outcome in this case. The standard for recusal is “whether a reasonable person with knowledge of all facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Hernandez*, 109 F.3d 1450, 1453 (9th Cir. 1997) (citation omitted). The “reasonable person is not someone who is hypersensitive or unduly suspicious, but rather is a well-informed, thoughtful observer.” *United States v. Holland*, 519 F.3d 909, 913 (9th Cir. 2008) (citations and quotations omitted). No such reasonable person would be any more likely to conclude that Judge Orrick’s impartiality should be questioned in this case rather than the *NAF* case simply because PPNC is a party here. *See* Part III(A), *infra*. In any event, the motion is untimely. *See* Part III(B), *infra*. Finally, to the extent Defendants again try to reargue the Order as they did in their reply brief, such

argument is improper, and in any event, wrong. *See* Part III(C), *infra*.

**A. Judge Orrick’s Former Relationship With A Non-Party That In Turn Has A Business Relationship With A Party Is Not A Basis For Disqualification.**

The single difference between the motions in the *NAF* case and this case is that PPNC, which currently leases space from Good Samaritan, is a party in this case. That difference is immaterial.

First, Defendants have not yet offered any evidence that Judge Orrick has or had any relationship with PPNC itself. They argue that Judge Orrick had a former relationship with Good Samaritan, which “even by defendants’ own potentially overbroad measure . . . ended no later than 2006.” Order at 8:19-21. Despite Defendants’ efforts to conflate PPNC and Good Samaritan, *see* Motion For Disqualification, ECF 164 at 6:17-18 (“Judge Orrick did not disclose his *relationship with PPSP*, a named plaintiff and putative ‘victim’ in this case, before issuing rulings in it.”) (emphasis added), Defendants have not shown, and cannot show, that Judge Orrick had any relationship with PPNC or even PPGG, which ran the Woford Clinic until 2010.

Second, Good Samaritan and PPNC are distinct entities. Defendants’ counsel even acknowledged that fact at the hearing in the *NAF* case. *See* Order at 8:9-11 (“Good Samaritan is, as counsel acknowledged at the hearing, a separate legal entity from Planned Parenthood Shasta Pacific”). PPNC and Good Samaritan have a simple contractual relationship whereby PPNC rents space in Good Samaritan’s building for one of PPNC’s satellite clinics. The Wohlford Family Clinic is open to the public. Yee Decl. ¶4. Employees who work at the Wohlford Family Clinic are PPNC employees, paid by PPNC. *Id.* ¶ 5. Good Samaritan does not, as Defendants contend, provide a receptionist for the clinic. *Id.* ¶ 6. Patients who use the services of the Wohlford Family Clinic pay PPNC. *Id.* ¶ 5. PPNC does not share those payments with Good Samaritan. *Id.* Good Samaritan plays no role in managing the clinic that is housed within its facilities. *Id.*

Lacking evidence of a relationship between Judge Orrick and PPNC, Defendants have tried to show that PPNC and Good Samaritan are either partners or so “deeply intertwined” that they may be treated as interchangeable. Yet, in the multiple briefs Defendants filed in connection with the two motions, Defendants could not establish any fact to support this claim. The Court need not alter



1 its decision on disqualification for any of the reasons previously advanced by Defendants, including  
2 the following:

3 Use of the word “partner” on Good Samaritan’s website. The colloquial use of the word  
4 “partner” in Good Samaritan’s description of its relationship with PPNC does not transform PPNC  
5 and Good Samaritan into partners in any legal sense. Defendants have latched onto the use of the  
6 word “partner” on the Good Samaritan website, arguing that it demonstrates the entities are “deeply  
7 intertwined.” The actual facts do not bear this out. The Clinic rents its office space from Good  
8 Samaritan and pays rent to Good Samaritan each month. Yee Decl. ¶5. The two organizations do  
9 not share profits, debts, expenses, management or legal obligations. *Id.* That Good Samaritan and  
10 PPNC both serve low income immigrant women and do so out of the same building owned by one  
11 of the two entities hardly makes them one and the same for conflicts purposes.

12 Planned Parenthood “know your rights” card. Defendants also pointed to an information  
13 card bearing Planned Parenthood’s logo and explaining to patients certain of their rights if stopped  
14 by immigration officials or the police. Defendants claimed that the card indicated a close  
15 relationship between PPNC and Good Samaritan. It is immaterial that the building reception desk,  
16 operated by Good Samaritan, contains Planned Parenthood forms or information cards. It is entirely  
17 unremarkable that a front lobby reception desk carries materials that may be helpful to the  
18 population it serves.

19 Good Samaritan job posting. Defendants pointed to a 2008 job posting from the Good  
20 Samaritan website for a Family Advocate - Family Planning Specialist, claiming it establishes a  
21 “close relationship” between Good Samaritan and PPNC sufficient to create a fiduciary duty. To  
22 begin, as of 2008, the Wohlford Family Clinic was operated by PPGG, which is neither affiliated  
23 with PPNC nor a party to this case. Yee Decl. ¶ 5. And in any event, Judge Orrick had ceased his  
24 service to Good Samaritan in 2006 at the latest. Thus, even if the job posting supported  
25 Defendants’ characterization of the two entities as “deeply intertwined” (it does not), it would only  
26 do so as of 2008—after the time during which Judge Orrick actually had a relationship with Good  
27 Samaritan.

28 Even putting aside these issues of timing, the posting does not support Defendants’

1 characterization. Defendants highlighted two of the 22 listed job responsibilities. The first is to  
 2 “[w]ork as a member of the Family Planning Clinic and Family Support Department teams.”  
 3 Declaration of David Daleiden (“Daleiden Decl.”), ECF No. 171-2 Ex. 1. This is of no  
 4 consequence: Good Samaritan is a “Family Resource Center,” whose “mission is to help immigrant  
 5 *families* access needed services, develop self sufficiency, and participate fully as members of the  
 6 community.” *Id.* (emphasis added). The position posted was not to assist Planned Parenthood.  
 7 Rather, as set forth in the posting, the position was to assist Good Samaritan’s (non-health related)  
 8 mission to “promote[] the well-being of immigrant families through family-centered, strength-based  
 9 services including education, support, advocacy, case management and awareness of community  
 10 services and resources.” *Id.* The second job responsibility highlighted is to “[s]erve as a liaison  
 11 between Planned Parenthood Golden Gate and Good Samaritan.” *Id.* This, too, is of no  
 12 consequence. First, as noted, Defendants conflate Planned Parenthood Golden Gate with PPNC.  
 13 The two entities were entirely distinct corporate entities that operated the Wohlford Clinic at  
 14 entirely different times. There is no overlap between them. Second, the fact that Good Samaritan  
 15 was in need of a “liaison” with a Planned Parenthood affiliate proves Plaintiffs’ point that Good  
 16 Samaritan was and remains an independent entity.

17 The Good Samaritan bylaws. Defendants also pointed to two provisions within the current  
 18 Good Samaritan bylaws.

19 As an initial matter, Defendants have not demonstrated that the same bylaws existed when  
 20 Judge Orrick served as Director or Secretary. Assuming arguendo that the same bylaws existed,  
 21 neither of the two provisions shows that Judge Orrick would have had access to any extrajudicial  
 22 information, let alone information that has any relevance to this case. The first provision  
 23 Defendants point to is that, as Secretary, Judge Orrick would have supervised the maintenance of  
 24 Good Samaritan’s records. The second provision grants directors the right to inspect Good  
 25 Samaritan’s books, records, and physical properties. Even if Judge Orrick as Secretary had this  
 26 right, it does not mean he could have or did inspect leased properties, much less a tenant’s books  
 27 and records.

28 Most critically, however, even assuming Judge Orrick had access to confidential information



at the Wohlford Family Clinic ten years ago, the Clinic's confidential information that Judge Orrick could have conceivably have had access to is not relevant to this case. The Clinic has no involvement in the facts of this case. None of the staff attended any of the conferences that are at issue in this case or were subject to any of Defendants' illegal conduct. Yee Decl. ¶ 7. None of the damages claimed by PPNC were suffered by its part-time satellite clinic in the Good Samaritan building. *Id.* The Clinic does not perform abortions, meaning that any confidential information that Judge Orrick might possibly have accessed at the Clinic would have nothing to do with the fetal tissue procurement allegations at issue in this case. Finally, PPNC only began operating the Clinic in 2010. Yee Decl. ¶ 5. Before that time, including during Judge Orrick's tenure as Director and Secretary, the Clinic was operated by PPGG. *Id.* That entity is not a party in this action. In fact, it no longer exist. Thus, even if Judge Orrick had access to confidential information at the Clinic through 2006, that purported access would have ended years before the alleged facts of this case and also years before PPNC had any involvement with the Clinic.

\* \* \*

In short, Judge Orrick served on the Board of Good Samaritan until no later than 2006 and for one year as Secretary, which in turn houses a clinic that at the time was run by non-party PPGG and is currently, when Judge Orrick is no longer Secretary or on the Board, operated by party PPNC. This is "miles away from the kinds of entanglements that would support recusal." Order at 8:25-26. The thread of connection (if any) can hardly be followed. It certainly would not cause a well-informed, thoughtful observer to doubt Judge Orrick's impartiality. *Id.* at 8:21-23. No reasonable person knowing all of these facts would conclude that Judge Orrick's former relationship with Good Samaritan or Good Samaritan's current business relationship with PPNC would render Judge Orrick unable to preside over this case in an impartial manner.

**B. In Any Event, Defendants' Motion Is Untimely.**

Like the *NAF* case, this case has been pending for a substantial period of time and Defendants have been aware of all of the key facts since before the action was filed. *See* Order at 4:2-4 ("a good case could be made that this motion should be terminated [for lack of timeliness] on that ground alone"). Moreover, the timing of the filing of this motion only underscores the tactical

1 nature of this entire exercise. Defendants initially filed a motion only in the *NAF* case and while  
 2 Judge Orrick was to hear a contempt proceeding concerning Defendants' violation of the injunction  
 3 in the *NAF* case. At that time, they curiously did nothing to challenge Judge Orrick's involvement  
 4 in this case even though their disqualification motion is predicated on an alleged bias in favor of  
 5 Planned Parenthood. Defendants waited a week before filing the same motion in this case. This  
 6 belated attempt to whitewash their true motivation for seeking to disqualify Judge Orrick is  
 7 transparent and should be rejected. For this reason alone, the motion should be denied.

8 **C. Reargument Of The Court's Order Is Improper, But In Any Event Defendants**  
 9 **Ignore Binding Ninth Circuit Authority Regarding The Social Or Political**  
 10 **Activity Of A Judge's Spouse.**

11 As mentioned above, Defendants have not filed a notice of appeal with respect to the Order,  
 12 the time for which has now passed. Portions of Defendants' reply brief in this case (ECF No. 171)  
 13 reargue the *NAF* Order, but Defendants have not sought reconsideration by seeking leave to file an  
 14 appropriate motion in the *NAF* case. *See* Civil L.R. 7-9(a) (leave of court required to file a motion  
 15 for reconsideration). Nor could they. Defendants cite no new law nor new evidence to which they  
 16 did not have access previously. *See* Fed. R. Civ. P. 54(b); Civil L.R. 7-9(b) (moving party must  
 17 show that "a material difference in fact or law exists" and that "the party applying for  
 18 reconsideration did not know such fact or law at the time of the interlocutory order"). Any such  
 19 reargument should be rejected. Plaintiffs reserve the right to brief any issues relevant to  
 20 reconsideration.

21 To the extent that the Court is inclined to consider such arguments here, Plaintiffs highlight  
 22 that Defendants failed to acknowledge Ninth Circuit authority. Judge Reinhardt's Order and  
 23 analysis in *Perry v. Schwarzenegger*, 630 F.3d 909 (9th. Cir. 2011), and a decision from this district  
 24 in *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, No. C 84-20642 RPA, 1988 WL 281561 (N.D.  
 25 Cal. Aug. 1, 1988), both support the position that Mrs. Orrick's Facebook activity has no bearing on  
 26 Judge Orrick's ability to be impartial in this case.

27 Instead of addressing *Perry* and *Hewlett-Packard*, Defendants pointed to authority that is not  
 28 only nonbinding, but also inapposite. Only two cases even consider the relationship of a judge and  
 the judge's spouse in connection with recusal, though neither is close to the facts here. *See Smith v.*

1 *Beckman*, 683 P.2d 1214, 1216 (Colo. App. 1984) (recusal required under Colorado law where  
 2 judge's wife worked as deputy district attorney in the office prosecuting the action); *Tyson v. Ind.*,  
 3 622 N.E.2d 457, 458-59 (Ind. 1993) (recusal appropriate under Indiana law where judge's wife had  
 4 direct conversation with defendant's counsel advising on his legal strategy). Other cases cited  
 5 consider other relationships and whether they warrant a judge's recusal. *See Melendres v. Arpaio*,  
 6 No. CV-07-2513-PHX-MHM, 2009 WL 2132693 (D. Ariz. July 15, 2009) (considering recusal  
 7 based on relationship between parties and judge's sister, who as the President and CEO of the  
 8 National Council of La Raza, oversaw campaign against parties and acts at issue in case pending  
 9 before court); *Mathis v. Huff & Puff Trucking, Inc.*, 787 F.3d 1297, 1313 (10th Cir. 2015) (holding  
 10 no recusal required where law clerk's husband monitored trial on behalf of interested non-party);  
 11 *U.S. v. DeTemple*, 162 F.3d 279, 287 (4th Cir. 1998) (holding no recusal required where judge had  
 12 represented a non-party in a prior, related dispute with defendant). And the remaining cases cited  
 13 have nothing to do with a judge's recusal in any way. *See, e.g., Nichols v. Thomas*, 788 F. Supp.  
 14 570, 572 (N.D. Ga. 1992) (considering implied bias with respect to juror); *Planned Parenthood of*  
 15 *Wis. v. Doyle*, 162 F.3d 463 (7th Cir. 1998) (considering standing of parties to bring suit); *In re*  
 16 *Boggia*, 998 A.2d 949 (NJ 2010) (considering whether political contributions by part-time  
 17 municipal judge and his law partners violated ethics rules).

#### 18 **IV. CONCLUSION**

19 For the reasons set forth herein and in this Court's Order in the *NAF* Case, the Motion  
 20 should be denied.

21  
 22 Dated: August 14, 2017

ARNOLD & PORTER KAYE SCHOLER  
 LLP

25 By: /s/ Amy L. Bomse

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**PROOF OF SERVICE**

I, Geraldine F. Ferrer, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within-entitled action; my business address is Three Embarcadero Center, Tenth Floor, San Francisco, California 94111-4024. On August 14, 2017, I served the following document(s) described as:

**PLAINTIFFS' BRIEF RE ORDER IN RELATED CASE DENYING  
DEFENDANTS' MOTION TO DISQUALIFY THE HON. WILLIAM H.  
ORRICK III**

- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth on the attached **SERVICE LIST**.
- ☐ by transmitting via email the document(s) listed above to the email address(es) set forth below on this date before 5:00 p.m.
- ☒ BY ELECTRONIC FILING/SERVICE; I caused such document(s) to be Electronically Filed/and or Served using the ECF/CM System for filing and transmittal of the above documents to all ECF/CM registrants.
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Dated: August 14, 2017

  
Geraldine F. Ferrer

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**UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
 OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL  
 PROGRESS, et al.,

Defendants.

) Case No. 3:16-CV-00236 (WHO) (JD)  
 )  
 ) Judge James Donato  
 )  
 ) Defendants David Daleiden and the  
 ) Center for Medical Progress'  
 ) Supplemental Brief Filed in Support of  
 ) Motion for Disqualification of the  
 ) Honorable William H. Orrick III,  
 ) Pursuant to 28 U.S.C. §§ 144 and 455  
 )  
 ) Courtroom 11, 19th Floor  
 )  
 )  
 )

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1 Pursuant to the Court’s July 13, 2017 Order (Dkt. No. 175), Defendants David Daleiden and  
2 the Center for Medical Progress hereby submit this supplemental brief addressing why *Nat’l Abortion*  
3 *Fed’n v. Ctr. for Med. Progress*, No. 15-CV-03522-WHO (JD), 2017 WL 2766173 (N.D. Cal. June  
4 26, 2017), does not resolve the present motion, and identifying the material differences between the  
5 present motion and the motion adjudicated by that order.

## 6 INTRODUCTION

7 There is an ongoing debate at the highest levels of American political discourse over whether  
8 Planned Parenthood – which receives over 500 million dollars in federal taxpayer money annually –  
9 is a praiseworthy organization providing care to the needy, or a criminal organization that needs to be  
10 defunded. That debate was caused largely by Defendants’ investigative reporting. It came to a head  
11 on July 28, 2017, when Senator John McCain cast the deciding vote that saved taxpayer funding for  
12 Planned Parenthood.<sup>1</sup> Planned Parenthood retained its funding by a single vote, but the fight is not  
13 over. In the larger, long-running debate over Planned Parenthood’s worth, Judge Orrick has publicly  
14 picked a side. In contrast to Defendants who “advocate[] for Congress to take legislative action to  
15 defund Planned Parenthood,” Dkt. No. 58-1 at ¶58, Judge Orrick has a history of opening up and  
16 funding a Planned Parenthood clinic – for a named plaintiff in this case.

17 In the present action, unlike in *Nat’l Abortion Fed’n*, 2017 WL 2766173, Judge Orrick has a  
18 professional and ideological prior relationship with one of the *named plaintiffs*, Planned Parenthood  
19 Shasta Pacific (PPSP).<sup>2</sup> That relationship was not just a typical work relationship with Plaintiff PPSP;  
20 rather Judge Orrick gave his leisure and charitable time to promote its success, indicating that he has  
21 a personal interest in its success. The nature of his relationship with Plaintiff PPSP also indicates that  
22 he has ongoing *fiduciary* duties to PPSP—including, at the very least, to keep confidential its  
23

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24 <sup>1</sup> See Kimberly Leonard, ‘Skinny repeal’ bill includes defunding Planned Parenthood, eliminating  
25 *Obamacare’s individual mandate*, THE WASHINGTON EXAMINER (July 27, 2017, 2:24 PM),  
26 [http://www.washingtonexaminer.com/skinny-repeal-bill-includes-defunding-planned-parenthood-](http://www.washingtonexaminer.com/skinny-repeal-bill-includes-defunding-planned-parenthood-eliminating-obamacares-individual-mandate/article/2629891)  
27 [eliminating-obamacares-individual-mandate/article/2629891](http://www.washingtonexaminer.com/skinny-repeal-bill-includes-defunding-planned-parenthood-eliminating-obamacares-individual-mandate/article/2629891); Susan Berry, *Planned Parenthood*  
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[defund-abortion-giant/](http://www.breitbart.com/big-government/2017/07/31/planned-parenthood-celebrates-gop-failure-defund-abortion-giant/).

<sup>2</sup> Planned Parenthood Shasta Diablo dba Planned Parenthood Shasta Pacific (PPSP) and Planned  
Parenthood Northern California (PPNC).

1 proprietary information which he accessed, and to protect the safety and security of the PPSP clinic  
2 he helped open up, and to protect the safety and security of PPSP clinic clients, staff, and office  
3 equipment and supplies.

4 In addition, unlike in *Nat'l Abortion Fed'n*, 2017 WL 2766173, Judge Orrick's ideological  
5 affinity with Plaintiff PPSP is underscored by his spouse's<sup>3</sup> public promotion of Planned Parenthood  
6 Federation of America (PPFA), another *named plaintiff*,<sup>4</sup> and public denigration of Defendants, which  
7 was accompanied by a photograph of Judge Orrick. One spouse's views on a subject is perhaps only a  
8 minor indication of the other spouse's views, but in this specific situation, there is ample evidence that  
9 would convince the public that Mrs. Orrick's opinion is shared by Judge Orrick.

10 The public perceives that Congress is on the verge of inflicting a mortal wound on the  
11 Planned Parenthood organization. At the same time, the public sees that Defendants are being  
12 attacked from all corners: by Planned Parenthood, by the National Abortion Federation, by  
13 universities,<sup>5</sup> and by the California Attorney General. The public deserves to see that there is *no*  
14 *evidence* that politics is influencing the court actions involving Defendants. "No Court should tolerate  
15 even the slightest chance that its continued participation in a high profile lawsuit could taint the  
16 public's perception of the fairness of the outcome." *Melendres v. Arpaio*, No. CV-07-2513-PHX-  
17 MHM, 2009 WL 2132693, at \*15 (D. Ariz. July 15, 2009).

18 It strains credulity to think Judge Orrick could be impartial under these circumstances, but  
19 even if he could, certainly a reasonable person would have good reason to question his impartiality.  
20 Because of his actual fiduciary duty to Plaintiff PPSP, the appearance of impropriety that comes from  
21 the fact that he helped open a Planned Parenthood clinic that Defendants are trying to shut down, and  
22

---

23 <sup>3</sup> Defendants wish to respectfully state that their argument, presently and in *Nat'l Abortion Fed'n*,  
24 2017 WL 2766173, is not that the activity of "wives" can be attributed to their husbands, but rather  
25 concerns the importance of marriage to the lives of "spouses." See generally *Obergefell v. Hodges*,  
135 S.Ct. 2584, 2593-94 (2015) ("[T]he annals of human history reveal the transcendent importance  
of marriage"); see also *id.* at 2599 ("The nature of marriage is that, through its enduring bond, two  
persons together can find other freedoms, such as expression, intimacy, and spirituality").

26 <sup>4</sup> PPFA is the first named plaintiff in the complaint; PPSP is the second.

27 <sup>5</sup> *Jane Does 1-10, et al. v. David Daleiden, et al.*, No. 2:16-cv-01212-JLR (W.D. Wash. Aug. 3,  
2016) (University of Washington and Washington Attorney General supporting Plaintiffs Does, who  
28 include Planned Parenthood senior leadership and staff, in seeking preliminary injunction requiring  
heavy redaction of public government documents before disclosure to Daleiden).

his spouse's biased public comments on issues in this case, Judge Orrick must be recused. "If it is a close case, the balance tips in favor of recusal." *U.S. v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008).

## ARGUMENT

### I. FACTUAL BACKGROUND

#### A. Judge Orrick's Relationship with GSFRC and Planned Parenthood Shasta Pacific.

Good Samaritan Family Resource Center (GSFRC) is a non-profit organization, incorporated by Judge Orrick, that provides educational and development opportunities for low-income Latino immigrant families, including services for children, youth, and adults. Dkt. No. 164-1 at 11; Supp. Daleiden Decl., Ex. 5.<sup>6</sup> One of the services which GSFRC provides is a "family planning clinic" on its premises operated by Plaintiff PPSP. Dkt. No. 164-1 at 13. Judge Orrick was GSFRC's Secretary when GSFRC performed a study to determine the need for a family planning clinic in 2000, and also when the Planned Parenthood clinic was founded in 2001. Dkt. No. 164-1 at 73; Supp. Daleiden Decl., Ex. 3. He and Mrs. Orrick also donated \$5,072 to it in 2007. Dkt. No. 164-1 at 136.

Since the clinic was founded, it has existed as a joint venture between Planned Parenthood and GSFRC with extensive intermingling. See Supp. Daleiden Decl., Ex. 3, (Form 990 for 2000: Goal is to "[i]ntegrat[e] family planning into the fabric of the agency[.]"); Dkt. No. 164-1 at 80 (Form 990 for 2001: "In collaboration with Planned Parenthood, an on-site family planning clinic is open one day per week"). For example, since its founding until August 2016, the Planned Parenthood clinic was operated on the GSFRC premises rent-free. Dkt. No. 170-1 at 1:24-26. The clinic has also not had a receptionist; GSFRC donates the services of its receptionist, who also distributes Planned Parenthood promotional material. Dkt. No. 170-1 at 2:3-5, 171-1 at 2, 4.

Plaintiff PPSP alleges that recently it has changed its policy so that it "does not share staff with [GSFRC]" and that "[a]ll staff working at the Clinic are [PPSP] employees, paid by [PPSP]." Dkt. No. 170-1 at 1:26-27. But this change is recent. In 2008, GSFRC advertised for an employee

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<sup>6</sup> Motions to disqualify judges must "be made in a timely fashion." *Nat'l Abortion Fed'n*, 2017 WL 2766173, at \*2. This requires the immediate presentation of all newly discovered relevant evidence. *United States v. Kelley*, 712 F.2d 884, 887 (1st Cir. 1983) (Motion to disqualify untimely because party did not "notify the district court of the new evidence when he came before it on three different occasions").



whose job was to work in the “Family Planning Clinic” and who had the additional duty of furthering the bonds between the two organizations. Dkt. No. 171-2 at 1, 4-5. That employee’s necessary qualifications included “[k]nowledge of reproductive health and family planning services” and “[e]ducation or training in Family Planning and Reproductive Health or related field[.]” Dkt. No. 171-2 at 5.

**B. PPSP’s Claimed Damages before Judge Orrick.**

In this action, Plaintiff PPSP has alleged “financial losses . . . , including the costs of hiring additional security to protect [its] offices, clinics, and staff” and more broadly “being forced to expend additional, extensive resources on security.” Dkt. No. 59 at ¶¶161, 188; *see also id.* at ¶¶201, 216, 230, 236. These damages have been the subject of extensive discovery. Supp. Daleiden Decl., Exs. 6-7, ¶10.

**C. Mrs. Orrick’s Comments on Issues in this Case.**

In 2015, Mrs. Orrick “pinkified” her Facebook page and added “I stand with Planned Parenthood” as a Facebook profile picture overlay. Plaintiff PPFA urged its supporters to add these elements to their Facebook pages as part of a campaign orchestrated specifically in response to the release of videos by Defendants. “Pinkifying” showed one’s support for Planned Parenthood and one’s belief that the videos were fraudulent. Dkt. No. 164-1 at ¶12, Ex. 9, Ex. 10.

Once again, a group of anti-abortion activists has attacked Planned Parenthood doctors, nurses, and patients with false accusations. And once again, their political allies are seizing on these accusations as an excuse to push the same dangerous agenda – shut down health centers and cut women off from care.

Show them you aren’t fooled by the latest smear job. Show them you won’t stop fighting for women’s health and rights. Add your name to the millions who stand proudly with Planned Parenthood.

Show your support for Planned Parenthood in the face of continued attacks by anti-women’s health extremists and politicians by changing your profile picture and/or cover photo on Facebook and Twitter.

PINK ME FOR PP

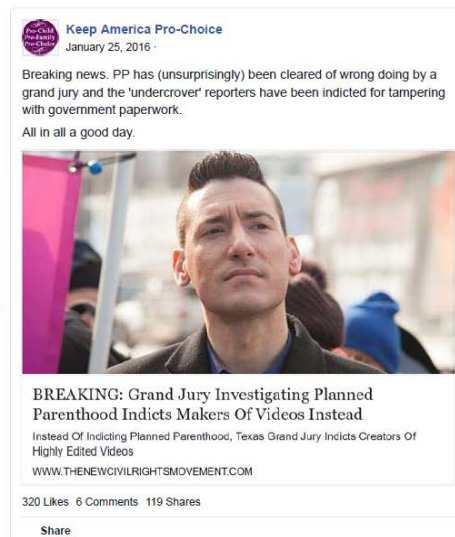


<https://www.liveaction.org/news/wp-content/uploads/2016/10/caroline-farru-orrick.jpg>

Mrs. Orrick also “liked” a Facebook post by the National Abortion Rights Action League that described Defendants’ work as “heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.”<sup>7</sup> Mrs. Orrick also liked a Facebook Post by

<sup>7</sup> *Grutzmacher v. Howard Cty.*, 851 F.3d 332, 340, fn. 3 (4th Cir. 2017) (“[T]he act of ‘liking’ a Facebook post makes the post attributable to the ‘liker, even if he or she did not author the original

“Keep America Pro-Choice” that applauded Mr. Daleiden’s indictment in Texas. Both “likes” were juxtaposed with a photo featuring Judge Orrick and Mrs. Orrick. Dkt. No. 164-1 at ¶13, Exs. 11-13.



Importantly, Mrs. Orrick’s Facebook activity, including that accompanied by a photograph featuring Judge Orrick, was not the expression of views about an abstract “issue” or “cause.” It contained: (1) defense of an organization against alleged “attacks” which *were the subject of a lawsuit pending before Judge Orrick*; (2) applause for the criminal prosecution of *a party before Judge Orrick for activity that is the subject of that lawsuit*; and (3) accusations that the *defendants appearing before Judge Orrick* were a “sham organization run by extremists” that published “heavily edited videos” that were responsible for violence directed at the opposing party – hotly disputed assertions that formed the cornerstone of Judge Orrick’s later issuance of a preliminary injunction.<sup>8</sup>

## II. LEGAL STANDARD

### A. Fiduciary Duties in California.

In California, a close, intermingling relationship between parties creates a fiduciary duty. *See Comm. On Children’s Television, Inc. v. Gen. Foods Corp.*, 35 Cal.3d 197, 222, fn. 22 (1983) (“[A]

post.”); *Buker v. Howard Cty.*, No. CIV.A. MJG-13-3046, 2015 WL 3456750, at \*22 (D. Md. May 27, 2015) (“[T]he content and effect of each of the January 20 Facebook posts is attributable to Buker, regardless of who ‘authored’ the post and who ‘liked’ it”).

<sup>8</sup> *See Nat’l Abortion Fed’n v. Ctr. for Med. Progress*, No. 15-CV-03522-WHO, 2016 WL 454082, at \*23, fn. 42 (N.D. Cal. Feb. 5, 2016) (“[T]he misleading nature of the Project videos . . . have had tragic consequences, including the attack [on a Planned Parenthood clinic] in Colorado”); *see also id.* at \*23, fn. 43 (noting as “exceptional facts” justifying prior restraint the “extensive and repeated fraudulent conduct,” “misleading characterizations about the information procured,” and the “strong showing of irreparable harm”).



close and trusting relationship between [parties], in which the [first party] relied on the [second party] and the [second party] recognized that reliance, justified imposing fiduciary duties.”) An attorney owes the fiduciary duty to his former client to not “act[] in a way which will injure the former client in matters involving [the attorney’s] former representation.” *Styles v. Mumbert*, 164 Cal.App.4th 1163, 1167 (2008). A former director of an organization owes the organization the duty of loyalty “to protect and preserve confidential information received during service as a director.” *In re Mortg. & Realty Trust*, 195 B.R. 740, 751 (Bankr. C.D. Cal. 1996). Finally, when the directors of an organization make a business decision, the presumption is that they acted on an “informed basis.” *Potter v. Hughes*, 546 F.3d 1051, 1059, fn. 3 (9th Cir. 2008); *Lee v. Interinsurance Exch.*, 50 Cal.App.4th 694, 715 (1996); *Jones v. Martinez*, 230 Cal.App.4th 1248, 1254 (2014).

**B. Appearance of Bias and Partiality.**

“While the procedure for motions under [28 U.S.C] Section 144 and Section 455, respectively, is slightly different, the governing standard is the same.” *Nat’l Abortion Fed’n*, 2017 WL 2766173, at \*2. “That standard is an objective one and asks whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *Id.* (citations and quotation marks omitted). “In deciding a motion made pursuant to 28 U.S.C. § 144[,] . . . [n]either the truth of the allegations nor the good faith of the pleader may be questioned.” *Mims v. Shapp*, 541 F.2d 415, 417 (3d Cir. 1976). “Section 455(a) does not require recusal based on speculation,” *Nat’l Abortion Fed’n*, 2017 WL 2766173, at \*4, but when evaluating a movant’s affidavit, “all facts stated with particularity are to be taken as true,” *United States v. Haldeman*, 559 F.2d 31, 131 (D.C. Cir. 1976).

**C. Comments by Judges’ Spouses.**

It is not the case that “a wife’s communicative activity *necessarily* represents the views of, or should be attributed to, her husband. . . . It is beyond question that a woman’s *right* to speak out on the issues she cares about does not end when she says ‘I do,’ . . . No . . . person would simply assume that one spouse’s views should *always* be ascribed or attributed to the other[.]” *Nat’l Abortion Fed’n*, 2017 WL 2766173, at \*3 (emphasis added); *see also id.* (“spouses do not give up their freedom of thought and expression”). This general principle, however, is not always applicable in the context of abortion, where courts presume that spouses share the same views because the issue is so important. *See Planned*

1 *Parenthood of Wis. v. Doyle*, 162 F.3d 463, 465 (7th Cir. 1998) (refusing standing to anti-abortion  
 2 “intervening defendants, two husbands of pregnant women” and placing on them the burden of showing  
 3 “that their wives disagree with them about the issue and so might consider undergoing” an abortion).

4 Judges’ spouses have the right to speak out on the issues they care about regardless of the  
 5 other spouse’s views, and are not required to abide by the restrictions set forth in the Canons of  
 6 Judicial Ethics. However, if the spouse fully exercises those rights, it does have ramifications for  
 7 the judge. For example, when the Supreme Court of New Jersey finally abolished the rule  
 8 prohibiting judges’ spouses from holding political office, it did so with the explicit warning that a  
 9 judge’s spouse’s political activity was only permissible because a judge has to recuse himself or  
 10 herself whenever there is even the appearance of impropriety due to *any* of the spouse’s interests.  
 11 *Application of Gaulkin*, 69 N.J. 185, 198, fn. 6 (1976); *see also* U.S. Advisory Opinion 53 (2009)  
 12 (“A spouse’s involvement in political activities . . . may increase the frequency with which a judge  
 13 is required to recuse. Judges should pay attention to that increased likelihood”); Canon 2(B), Code  
 14 of Conduct for United States Judges (“A judge should . . . not convey or permit others to convey  
 15 the impression that they are in a special position to influence the judge.”)<sup>9</sup>

### 16 **III. BASES FOR RECUSAL IN THE PRESENT ACTION**

#### 17 **A. Judge Orrick’s Fiduciary Duties Require Recusal.**

18 Unlike in *Nat’l Abortion Fed’n*, 2017 WL 2766173, as a former incorporator of, Secretary of,  
 19 and attorney for, and current Emeritus Board Member of, GSFRC, Judge Orrick has ongoing  
 20 fiduciary duties to it *which implicate the interests of a named plaintiff*. In 2000, GSFRC performed a

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21  
 22 <sup>9</sup> *See also In re Boggia*, 203 N.J. 1, 14 (2010) (“[F]or spouses of judges, ‘certain amenities of life, and  
 23 perhaps even some legal rights, have to be sacrificed or curtailed for the larger purpose of avoiding the  
 24 fact or appearance of participation by the judge in the political effort of a spouse.’”); *Tyson v. State*, 622  
 25 N.E.2d 457, 459-60 (Ind. 1993) (Supreme Court justice recused himself after his wife verbally  
 26 expressed support to counsel for one party, observing that whether he later held for or against that party,  
 27 his decision could be interpreted as a response to his wife’s conduct, and noting that “[s]ubstantial  
 28 concerns about fairness arise when a judge who arguably should disqualify remains as a voting  
 participant”); *Greenberg v. Kimmelman*, 99 N.J. 552, 575-76 (1985) (“In a modern marriage, both a  
 wife and a husband enjoy equivalent rights to pursue careers. . . . [Nevertheless, t]he state interest in  
 preserving the integrity of the judiciary outweighs [a judge’s spouse’s] interest in unrestricted  
 employment opportunities”); *Smith v. Beckman*, 683 P.2d 1214, 1216 (Colo. App. 1984) (disqualifying  
 a judge who was married to a deputy district attorney, despite the fact that she had not worked on the  
 case at bar: “[A]n appearance of impropriety is created by the close nature of the marriage relationship.  
 Generally, the public views married people as ‘a couple,’ as ‘a partnership,’ and as participants in a  
 relationship more intimate than any other kind of relationship between individuals.”).

1 “community needs study to see if there was a need” for a family planning clinic in its area, and  
2 decided to “open a clinic with Planned Parenthood.” Dkt. No. 164-1 at 104. As Secretary, Judge  
3 Orrick was responsible for “supervis[ing] the maintenance of [GSFRC’s] . . . records of the  
4 proceedings of the Board and its committees” and thus was directly responsible for overseeing the  
5 records of the “community needs study” to open the Planned Parenthood clinic. Dkt. No. 171-1 at 11.  
6 In addition, as Secretary, Judge Orrick had “the right at any reasonable time to inspect [GSFRC’s] . . .  
7 physical properties” on which exists the PPSP clinic, including “the right to copy and make extracts.”  
8 Dkt. No. 171-1 at 13. Plaintiff PPSP could not have excluded GSFRC’s directors from its donated  
9 premises because the Planned Parenthood clinic was staffed by GSFRC employees, and it was a joint  
10 venture between GSFRC and Planned Parenthood. *See* Dkt. No. 171-2 at 4-5; Dkt. No. 164-1 at 104.

11 As noted *supra* at section II.A., as GSFRC’s Counsel/Secretary at the time of the formation  
12 of GSFRC’s partnership with Plaintiff PPSP, the law presumes that Judge Orrick accessed  
13 confidential information of both GSFRC and Plaintiff PPSP to perform his duties. Now, he has the  
14 duty to protect and preserve that information, as well as the duty to not injure GSFRC in a way  
15 relating to his legal representation of it – i.e., its partnership with Plaintiff PPSP.

16 Further, as noted *supra* at section I.B., Plaintiff PPSP seeks recovery for “being forced to  
17 expend additional, extensive resources on security” because Defendants’ “conspiracy has cost Plaintiffs  
18 millions of dollars and put the safety and security of Planned Parenthood’s personnel and patients at  
19 serious risk, as witnessed most horrifically in the shootings at a Planned Parenthood health center in  
20 Colorado Springs on November 27, 2015.” Dkt. No. 59 at ¶¶10, 188. This directly implicates Judge  
21 Orrick’s fiduciary duties to GSFRC because the security interests of Plaintiff PPSP are inextricably  
22 intertwined with those of GSFRC. If Plaintiff PPSP’s clinic at GSFRC were the subject of vandalism or  
23 picketing, GSFRC employees to whom Judge Orrick has fiduciary duties will necessarily be affected.  
24 Judge Orrick will necessarily be ruling on discovery regarding GSFRC’s security measures, and  
25 whether Plaintiff PPSP can recover any increased security costs which GSFRC passes on to it – but due  
26 to his fiduciary duties to GSFRC, he must rule in Plaintiff PPSP’s favor. This cannot be.

27 **B. Judge Orrick’s Appearance of Bias Requires Recusal.**

28 Here, unlike in *Nat’l Abortion Fed’n*, 2017 WL 2766173, Mr. Daleiden has provided non-

speculative<sup>10</sup> evidence that a relationship exists between Judge Orrick and a named plaintiff that would make a reasonable observer question Judge Orrick's impartiality. Mr. Daleiden has alleged with particularity, and provided evidence of, such a relationship, including: (1) that from 1986 to 2009, Judge Orrick "assisted [GSFRC] on many legal issues" which the law presumes includes assisting GSFRC to research the need for, and then start up, a Planned Parenthood clinic which operates to this day under Plaintiff PPSP's banner and GSFRC's tutelage; (2) that he is publicly held out as an "emeritus board member" of GSFRC, in mailings as recently as September 2015, indicating his patronage of a Planned Parenthood clinic; and (3) that Mrs. Orrick commented on this case in defense of all named plaintiffs generally, and Plaintiff PPFA specifically, and intentionally placed a picture of Judge Orrick next to her comments on this case condemning Defendants. Dkt. No. 164-1 at ¶¶3, 7, 8, 12, 13, Exs. 3, 5, 6, 9-14. These allegations are supported by documentary evidence, and the Court is required to "take[] as true" these well-pled and substantiated facts. *See Haldeman*, 559 F.2d at 131.

As noted *supra* at section II.C., no person should simply assume that one spouse's views should *always* be ascribed or attributed to the other. However, here the public would assume that Judge Orrick approved of his wife's public comments, and shares her beliefs. First, courts presume that spouses share the same views on abortion. *Doyle*, 162 F.3d at 465. Second, because spouses are independent actors, one would expect that Mrs. Orrick assumed Judge Orrick's agreement before using his likeness online to comment on issues in this case. Third, as noted *supra* at section I.A., in 2007 Judge and Mrs. Orrick made a significant donation to GSFRC *together*. As one would expect, because GSFRC was donating staff, space, and a receptionist to Plaintiff PPSP, the next year GSFRC listed Plaintiff PPSP's "family planning" work as one of its own "program accomplishments." Supp. Daleiden Decl., Ex. 4. Fourth, Judge and Mrs. Orrick bundled<sup>11</sup> over

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<sup>10</sup> The facts which Defendants have provided are distinct from cases where courts have found the evidence speculative. In *Yagman v. Republic Insurance*, the affiant had alleged an "invidious motive" for a certiorari petition but "pointed to no evidence other than [the Judge's] pursuit of the petition for certiorari itself." 987 F.2d 622, 626 (9th Cir. 1993). In *Clemens v. U.S. District Court for Central District of California*, the affiant had "speculate[d]—but [did] not tender any evidence—about personal relationships among the judges of the Central District that might give rise for a reasonable observer to question the impartiality of the judges." 428 F.3d 1175, 1180 (9th Cir. 2005); *see also In re Lebbos*, No. 06 22225 D 7, 2007 WL 1129189, at \*4 (Bankr. E.D. Cal. Apr. 13, 2007) (a debtor's accusation that the court had acted out of "financial self-interest" was speculation where there was no evidence whatsoever to support it).

<sup>11</sup> *See* Peter Overby, *Explainer: What is a Bundler?*, NATIONAL PUBLIC RADIO (Sep. 14, 2007, 7:04

1 \$200,000 of political contributions for President Obama, the first ever sitting President to make a  
 2 speech to Planned Parenthood (long before Defendants’ investigation).<sup>12</sup> These four things are  
 3 evidence *to the public* of their similar views, so that it would be reasonable for the public to infer  
 4 that Mrs. Orrick was not speaking only for herself when she commented on issues in this case.

5 Independent of Mrs. Orrick, however, Judge Orrick’s continued public association with  
 6 GSFRC as an “emeritus board member” communicates to the public – and is no doubt intended to  
 7 communicate to the public – his approval of its work, including the operation of the Plaintiff PPSP  
 8 clinic that he opened on GSFRC’s premises as one of its most touted services. Such an identification  
 9 of Judge Orrick with the work – and security, property, and business harms alleged to be caused by  
 10 Defendants – of a Plaintiff who is both accuser and accused in this lawsuit and in the public debate  
 11 cannot help but raise questions about his impartiality in the mind of a reasonable person. The  
 12 standard is “whether a reasonable person with knowledge of all the facts would conclude that the  
 13 judge’s impartiality might reasonably be questioned.” *Holland*, 519 F.3d at 913-14. Defendants have  
 14 provided ample non-speculative, well-pled, and thoroughly substantiated allegations to satisfy that  
 15 standard. Judge Orrick’s impartiality might reasonably be questioned in a case in which the  
 16 ramifications of his rulings might shut down the Planned Parenthood clinic that he helped open.

## 17 CONCLUSION

18 Judge Orrick’s connections to Plaintiff Planned Parenthood Shasta Pacific are much stronger  
 19 than they were to the National Abortion Federation in *Nat’l Abortion Fed’n*, 2017 WL 2766173. In  
 20 light of his actual connections to Plaintiff PPSP, and the significance of this case to the national  
 21 political dialogue on abortion, the Court should order recusal. Anything less would undermine the  
 22 integrity of the federal judiciary and erode confidence in the impartiality of the Court.

23  
 24 \_\_\_\_\_  
 25 PM), <http://www.npr.org/templates/story/story.php?storyId=14434721>.

26 <sup>12</sup> Mollie Hemingway, *Obama Appointee And Bundler Blocks More Video Releases By Group Behind Planned Parenthood Sting*, THE FEDERALIST (July 31, 2016) <http://thefederalist.com/2015/07/31/obama-appointee-blocks-more-video-releases-by-group-behind-planned-parenthood-sting/>  
 27 (citing <https://www.citizen.org/william-orrick-2008>); Dave Boyer, *Obama all in on abortion, defends government funding to Planned Parenthood*, THE WASHINGTON TIMES (April 26, 2013) <http://www.washingtontimes.com/news/2013/apr/26/obama-all-abortion-defends-government-funding-plan/>.  
 28

1  
2 Respectfully submitted,  
3 August 14, 2017,

4   
5

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**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.



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**UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION )  
 OF AMERICA, INC., et al., )

Plaintiff,

vs.

THE CENTER FOR MEDICAL )  
 PROGRESS, et al., )

Defendants. )

) Case No. 3:16-CV-00236 (WHO) (JD)

) Judge James Donato

) Supplemental Declaration of David

) Daleiden in Support of Defendants'

) Motion for Disqualification of the

) Honorable William H. Orrick III,

) pursuant to 28 U.S.C. §§ 144 and 455

) Courtroom 11, 19th Floor



1           1.       I, David Daleiden, am a defendant in this action. I am the Chief Executive Officer of  
2 the Center for Medical Progress (CMP), which is also a defendant in this action. I submit this  
3 declaration on my own behalf and on behalf of the Center for Medical Progress.

4           2.       In 2008, the Good Samaritan Family Resource Center (GSFRC) advertised for an  
5 employee whose job was to work in the “Family Planning Clinic” at GSFRC, and who had the  
6 additional duty to “serve as a liaison” between GSFRC and the exact Planned Parenthood affiliate  
7 that ran the GSFRC family planning clinic at that time (as documented in the news article that is  
8 Exhibit 7 to the Daleiden Affidavit, Dkt. No. 164-1 at 104). That employee’s necessary  
9 qualifications included “[k]nowledge of reproductive health and family planning services” and  
10 “[e]ducation or training in Family Planning and Reproductive Health or related field[.]” Attached  
11 hereto as **Exhibit 1** is a true and correct copy of the GSFRC Job Posting which I reference above  
12 and which I found on the GSFRC website at [http://www.goodsamfrc.org/files/FamilyAdvocate](http://www.goodsamfrc.org/files/FamilyAdvocateFamilyPlanningSpecialist-2008.pdf)  
13 [FamilyPlanningSpecialist-2008.pdf](http://www.goodsamfrc.org/files/FamilyAdvocateFamilyPlanningSpecialist-2008.pdf).

14           3.       The GSFRC website is located at <http://goodsamfrc.org>. I searched that website for  
15 the term “Family Planning Clinic.” The term only appears on the website four times that I could  
16 find. In the first instance, it is used as a descriptor for the family planning clinic run by Plaintiff  
17 Planned Parenthood Shasta Pacific (PPSP), on the web page [http://goodsamfrc.org/wohlford-](http://goodsamfrc.org/wohlford-family-clinic/)  
18 [family-clinic/](http://goodsamfrc.org/wohlford-family-clinic/). That page is also Exhibit 2 to the Daleiden Affidavit, Dkt. No. 164-1 at 13. The  
19 second time it appears is on the job posting from 2008 referenced above. The third time it appears  
20 is on another job posting, this time from 2016. That job posting is located at  
21 [http://goodsamfrc.org/wp-content/uploads/2014/05/Website-Posting-Revised-6-2-16-Family-](http://goodsamfrc.org/wp-content/uploads/2014/05/Website-Posting-Revised-6-2-16-Family-Advocate-DRL-6-2016.pdf)  
22 [Advocate-DRL-6-2016.pdf](http://goodsamfrc.org/wp-content/uploads/2014/05/Website-Posting-Revised-6-2-16-Family-Advocate-DRL-6-2016.pdf). A true and correct copy of that job posting is also attached hereto as  
23 **Exhibit 2**. The fourth time it appears is on the “About Us” page for GSFRC at  
24 <http://goodsamfrc.org/about-us/>, which specifies “family planning services” are provided “in  
25 partnership with Planned Parenthood[.]” That page is also Exhibit 2 to the Daleiden Affidavit, Dkt.  
26 No. 164-1 at 12.

27           4.       Based on the above, I am informed and believe that the “Family Planning Clinic”  
28 referenced in Exhibits 1 and 2 attached hereto is the family planning clinic referenced in Exhibits 2

1 and 4 attached to the Daleiden Affidavit, and staffed by Plaintiff PPSP.

2 5. Attached hereto as **Exhibit 3** is a true and correct copy of the IRS Forms 990 of  
3 GSFRC for 2000, which list Judge Orrick as Secretary of the Board of Directors.

4 6. Attached hereto as **Exhibit 4** is a true and correct copy of the IRS Forms 990 of  
5 GSFRC for 2008, which list Plaintiff PPSP's "family planning" work as one of GSFRC's "program  
6 accomplishments."

7 7. Attached hereto as **Exhibit 5** is a true and correct copy of GSFRC's original articles  
8 of incorporation from 1992, listing Judge Orrick as GSFRC's incorporator.

9 8. Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiffs' Amended  
10 Response to Defendant Gerardo Adrian Lopez's Interrogatories 1-9 (Set One) which requests  
11 Plaintiff PPSP to "[s]tate all facts upon which you base your contention that the Defendants, or any  
12 of them, caused Plaintiffs to suffer damages in the form of costs of [vandalism to Plaintiffs' offices  
13 and clinics/additional physical security at clinics]."

14 9. Attached hereto as **Exhibit 7** is a true and correct copy of Plaintiff Planned  
15 Parenthood Federation of America, Inc.'s response to Defendant Rhomberg's Interrogatories (Set  
16 One) which requests Plaintiff PPFA to "IDENTIFY all costs related to security measures for clinics  
17 and conferences for which Plaintiffs seek recovery in this action."

18 10. Defendant Newman has also propounded written discovery related to Plaintiff  
19 PPSP's damages related to its physical locations, but Plaintiff PPSP's responses have been marked  
20 confidential, so I have not attached them hereto.

21 I declare under penalty of perjury under the laws of the United States and the State of  
22 California that the foregoing is true and correct and that this declaration was executed in Orange  
23 County, California on August 14, 2017.

24 

25 David Daleiden

**EXHIBIT 1**



## Job Description

### Good Samaritan Family Resource Center, Inc.

**Position:** Family Advocate – Family Planning Specialist (Bilingual/Spanish)  
**Reports To:** Family Support Director  
**Salary Range:** \$17.25 an hour- 40 hours a week, non-exempt union position  
**Benefits:** Health and Dental Insurance provided for employee and their dependents.  
 Life and disability insurance provided for employee.

#### The Organization

Good Samaritan is an innovative multi-service non-profit agency in the Mission District of San Francisco. Our mission is to help immigrant families access needed services, develop self sufficiency, and participate fully as members of the community. Our staff is a diverse team willing to take different and unique approaches to the challenges facing our families.

#### Position Summary

Working with the Family Planning Clinic of Good Samaritan, the advocate promotes the well-being of immigrant families through family-centered, strength-based services including education, support, advocacy, case management and awareness of community services and resources.

#### Specific Responsibilities

##### Advocacy/Case Management

- Provide intake, referral and advocacy work on behalf of participants with immediate or short term needs, providing comprehensive case management to 25 participants per year
- Work directly with each participant for 3-18 months, assisting them to identify their own needs and strengths and to set and reach their own goals
- Work as a member of the Family Planning Clinic and Family Support Department teams
- Work with the teen Promotores program
- Teach and model skills and strategies for accessing services, goal setting, problem solving, conflict resolution, communication, parenting, and other areas relevant to family's well-being
- Attend meetings, appointments and hearings with participants as needed
- Maintain intakes, assessments, case files and other relevant reports and data
- Participate in a variety of case-related meetings at family, agency and multi-agency levels

##### Other Responsibilities:

- Help design, coordinate, and facilitate family planning and reproductive health classes, support groups and other activities
- Serve as a liaison between Planned Parenthood Golden Gate and Good Samaritan
- Help and support the Family Planning Clinic as advocate
- Conduct community and family outreach and education
- Assist other GS participants with immediate or short term needs as time permits
- Explain GS classes and programs to new participants
- Assist families at the reception desk as needed
- Be responsible for determined admin tasks for Good Sam
- Actively participate in or lead staff/program/team/committee meetings and trainings
- Assist Family Support Director in the coordination of current programs
- Assist Family Support Director in developing new programs, as needed

- Attend team and committee meetings as scheduled
- Ensure that daily decisions, communication, interaction and activities incorporate the Good Sam Values (Respect, Trust, Integrity, Corazon, Participation, Innovation)
- Ensure that programs and services are aligned with Good Sam's Mission and Vision

**Qualifications**

- BA or MA in Social Work/related field or equivalent years of experience
- At least one year experience in Case Management or related case work
- Bilingual Spanish/English required (in reading, writing, and speaking), bicultural preferred
- Knowledge of reproductive health and family planning services
- Experience working with Latino immigrant population and understanding of immigrant issues
- Education or training in Family Planning and Reproductive Health or related field
- Education, experience or willingness to be trained in domestic violence field
- Familiarity of child abuse reporting laws
- Knowledge of Mission District and citywide resources
- Experience with facilitation of support groups, workshops and/or classes
- Share GS values (Innovation, Participation, Integrity, Trust, Respect, and Corazón)
- Strong understanding of relationship building, confidentiality and professional boundaries
- Excellent written and verbal communication skills and computer literacy
- Valid CA drivers license

**Skills and Abilities**

- Ability to communicate effectively with strong verbal and writing skills
- Culturally competent interviewing skills
- Ability to establish strong working relationships with families experiencing chaos, stress and severe emotional disturbances
- Ability to conduct assessments and develop appropriate plans of care
- Ability to balance roles of counselor, advocate and teacher

**Please email a cover letter and resume to:**

**[vcastro@goodsamfrc.org](mailto:vcastro@goodsamfrc.org)**

**EXHIBIT 2**

## Family Advocate-Differential Response Liaison Spanish/English

**Posting Date:** June 6, 2016  
**Rate:** \$21 per hour  
**Work Schedule:** 40 hours per week – Includes some evenings and weekends  
**Classification:** Regular full-time, non-exempt, union position  
**Benefits:** Medical, dental, 401(k), supplemental short term disability, life insurance, vacation, sick, and float holiday

### Position Summary

Family Advocates promote the well-being of immigrant families through culturally relevant, strength-based services including education, support, advocacy, case management and awareness to community services and resources. Focus is on families of children 0-5 years old. The following represents some of the responsibilities:

### Differential Response Liaison:

- Provide immediate and efficient follow-up to 12 differential response referrals per year
- Conduct joint home visits with Child Welfare Workers to engage clients
- Conduct intake, assessment and service plan development collaboratively with families
- Provide comprehensive case management to each family for 3-18 months, assisting them to identify their own needs and strengths and to set and reach their own goals
- Provide supportive services in the home, the office and/or other community locations
- Teach and model skills and strategies for accessing services, goal setting, problem solving, conflict resolution, communication, parenting, and other areas relevant to family's well-being
- Provide timely and accurate monthly and quarterly reports and comply with all contract requirements

### Family Advocate:

- Assist front desk staff with the intake, assessment and referral of new clients
- Assist family planning clinic in supporting clients as needed and connecting them to appropriate services
- Do advocacy work on behalf of Good Samaritan participants with immediate or short term needs
- Make appropriate referrals to Good Samaritan services and other community resources, and encourage/facilitate successful and continued access to those services
- Provide case management to participants referred from within Good Samaritan programs, as time permits
- Work closely with staff of all departments to ensure integration of resources and services
- Participate in a variety of case-related meetings at family, agency and multi-agency levels
- Maintain and submit intakes, assessments, case files, and other relevant documentation in an organized and timely manner
- Other duties as assigned

### Minimum Qualifications

BA in Social Work or related field/ or equivalent years of Family Support experience  
 Bilingual Spanish/English required (reading, writing, and speaking)  
 Minimum two years' experience in Case Management or related case work  
 Must have a understanding of principles, methods and approaches in Family Support and Parenting Education  
 Experience or familiarity in client interviewing, assessment, and service plan development  
 Experience or familiarity working in or with SF Human Services Agency and community based agencies  
 Proven ability to develop trusting relationships, maintain confidentiality and establish professional boundaries  
 Experience working with Latino immigrant population and understanding of immigrant issues  
 Experience with facilitation of support groups, workshops and/or classes  
 Excellent written and verbal communication and computer skills

### Desired Qualifications

Education or training in Child, Adolescent and/or Family Development, or related field  
 Experience or familiarity with the Family Development Matrix tool  
 Education, training and/or experience in domestic violence field, certified preferred

**To Apply:** Please email resume and cover letter to [jobs@goodsamfrc.org](mailto:jobs@goodsamfrc.org)

### Good Samaritan Family Resource Center is an Equal Opportunity Employer

Pursuant to the San Francisco Fair Chance Ordinance, we will consider for employment qualified applicants with arrest and conviction records. Employment is contingent upon meeting the above minimum qualification and verification of previous employment and education.

**EXHIBIT 3**



Form **990**Department of the Treasury  
Internal Revenue Service**Return of Organization Exempt From Income Tax**

Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation), section 527, or section 4947(a)(1) nonexempt charitable trust

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

**2000**Open to Public  
Inspection**A** For the 2000 calendar year, OR tax year period beginning

and ending

2000

**B** Check if applicable:

- ☐ Change of address  
☐ Change of name  
☐ Initial return  
☐ Final return  
☐ Amended return (use also for state reporting)

Please use IRS label or print or type. See Specific Instructions.

**C** Name of organization

Good Samaritan Family Resource Center, Inc.

Number and street (or P.O. box if mail is not delivered to street address)

1294 Potrero Avenue

City or town, state or country, and ZIP

San Francisco, CA 94110

**D** Employer identification number

94-3154078

**E** Telephone number

415-824-9475

**F** Check ☐ if application pending**G** Organization type (check only one) ▶ ☒ 501(c) ( 3 ) ◀ (insert no.) ☐ 527  
OR ☐ 4947(a)(1)

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

**J** Accounting method:☐ Cash ☒ Accrual ☐ Other (specify) ▶

(H and I are not applicable to section 527 orgs.)

**H(a)** Is this a group return for affiliates? ☐ Yes ☒ No**H(b)** If "Yes," enter number of affiliates ▶**H(c)** Are all affiliates included? ☐ Yes ☒ No (If "No," attach a list.)**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Enter 4-digit group exemption no. (GEN) ▶**L** Check this box if the organization is not required to attach Schedule B (Form 990 or 990-EZ) ▶ ☐**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

Revenue	<b>1</b> Contributions, gifts, grants, and similar amounts received:			
	<b>a</b> Direct public support	1a	685,848.	
	<b>b</b> Indirect public support	1b		
	<b>c</b> Government contributions (grants)	1c	273,078.	
	<b>d</b> Total (add lines 1a through 1c) (cash \$ 944,811. noncash \$ 14,115.)	1d	958,926.	
	<b>2</b> Program service revenue including government fees and contracts (from Part VII, line 93)	2	123,239.	
	<b>3</b> Membership dues and assessments	3		
	<b>4</b> Interest on savings and temporary cash investments	4	19,272.	
	<b>5</b> Dividends and interest from securities	5		
	<b>6 a</b> Gross rents	6a		
<b>b</b> Less: rental expenses	6b			
<b>c</b> Net rental income or (loss) (subtract line 6b from line 6a)	6c			
<b>7</b> Other investment income (describe ▶ )	7			
	<b>8 a</b> Gross amount from sale of assets other than inventory	(A) Securities	(B) Other	
		22,828.	8a	
	<b>b</b> Less: cost or other basis and sales expenses	22,606.	8b	
	<b>c</b> Gain or (loss) (attach schedule)	222.	8c	
	<b>d</b> Net gain or (loss) (combine line 8c, columns (A) and (B))	Stmt 2	8d	222.
	<b>9</b> Special events and activities (attach schedule)			
	<b>a</b> Gross revenue (not including \$ of contributions reported on line 1a)	9a		
	<b>b</b> Less: direct expenses other than fundraising expenses	9b		
	<b>c</b> Net income or (loss) from special events (subtract line 9b from line 9a)	9c		
	<b>10 a</b> Gross sales of inventory, less returns and allowances	10a		
<b>b</b> Less: cost of goods sold	10b			
<b>c</b> Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	10c			
<b>11</b> Other revenue (from Part VII, line 103)	11			
<b>12</b> Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	12	1,101,659.		
Expenses	<b>13</b> Program services (from line 44, column (B))	13	919,463.	
	<b>14</b> Management and general (from line 44, column (C))	14	113,338.	
	<b>15</b> Fundraising (from line 44, column (D))	15	61,691.	
	<b>16</b> Payments to affiliates (attach schedule)	16		
	<b>17</b> Total expenses (add lines 16 and 44, column (A))	17	1,094,492.	
Net Assets	<b>18</b> Excess or (deficit) for the year (subtract line 17 from line 12)	18	7,167.	
	<b>19</b> Net assets or fund balances at beginning of year (from line 73, column (A))	19	3,784,545.	
	<b>20</b> Other changes in net assets or fund balances (attach explanation)	20	0.	
	<b>21</b> Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21	3,791,712.	

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Attorney General's  
Registry of Charitable Trusts

**Part II Statement of Functional Expenses**

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule) .....				
cash \$ _____ noncash \$ _____	22			
23 Specific assistance to individuals (attach schedule) .....	23 12,685.	12,685.	Statement 4	
24 Benefits paid to or for members (attach schedule) .....	24			
25 Compensation of officers, directors, etc. ....	25 102,875.	90,467.	6,519.	5,889.
26 Other salaries and wages .....	26 460,898.	405,308.	29,205.	26,385.
27 Pension plan contributions .....	27			
28 Other employee benefits .....	28 68,430.	60,176.	4,336.	3,918.
29 Payroll taxes .....	29 48,480.	42,633.	3,072.	2,775.
30 Professional fundraising fees .....	30			
31 Accounting fees .....	31 25,069.	3,000.	22,069.	
32 Legal fees .....	32			
33 Supplies .....	33 37,289.	34,985.	1,812.	492.
34 Telephone .....	34 19,818.	16,185.	3,004.	629.
35 Postage and shipping .....	35 1,863.	1,548.	105.	210.
36 Occupancy .....	36 10,658.	10,338.	213.	107.
37 Equipment rental and maintenance .....	37 11,297.	10,901.	267.	129.
38 Printing and publications .....	38 9,414.	6,585.	2,651.	178.
39 Travel .....	39 12,556.	5,282.	7,274.	
40 Conferences, conventions, and meetings .....	40			
41 Interest .....	41			
42 Depreciation, depletion, etc. (attach schedule) ...	42 106,236.	97,109.	6,899.	2,228.
43 Other expenses (itemize):				
a .....	43a			
b .....	43b			
c .....	43c			
d .....	43d			
e See Statement 3	43e 166,924.	122,261.	25,912.	18,751.
44 Total functional expenses (add lines 22 through 43) Organizations completing columns (B)-(D), carry these totals to lines 13-15 .....	44 1,094,492.	919,463.	113,338.	61,691.

Reporting of Joint Costs. Did you report in column (B) (Program services) any joint costs from a combined educational campaign and fundraising solicitation? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$ \_\_\_\_\_; (ii) the amount allocated to Program services \$ \_\_\_\_\_;

(iii) the amount allocated to Management and general \$ \_\_\_\_\_; and (iv) the amount allocated to Fundraising \$ \_\_\_\_\_

**Part III Statement of Program Service Accomplishments**What is the organization's primary exempt purpose? ☐ ☒ Help to immigrant families

Help to immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses  
(Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)

a Child Development Center (statement attached)				
(Grants and allocations \$ _____)				377,042.
b Case Management (statement attached)				
(Grants and allocations \$ _____)				189,719.
c Family Services (statement attached)				
(Grants and allocations \$ _____)				352,702.
d				
(Grants and allocations \$ _____)				
e Other program services (attach schedule)				
(Grants and allocations \$ _____)				
f Total of Program Service Expenses (should equal line 44, column (B), Program services)				919,463.

**Part IV Balance Sheets**

**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

		(A) Beginning of year		(B) End of year
<b>Assets</b>	45 Cash - non-interest-bearing .....	200,310.	45	39,876.
	46 Savings and temporary cash investments .....	302,568.	46	438,287.
	47 a Accounts receivable ..... 47a 108,060.			
	b Less: allowance for doubtful accounts ..... 47b 4,500.	49,027.	47c	103,560.
	48 a Pledges receivable ..... 48a			
	b Less: allowance for doubtful accounts ..... 48b	2,000.	48c	
	49 Grants receivable .....	69,442.	49	120,775.
	50 Receivables from officers, directors, trustees, and key employees .....		50	
	51 a Other notes and loans receivable ..... 51a			
	b Less: allowance for doubtful accounts ..... 51b		51c	
	52 Inventories for sale or use .....		52	
	53 Prepaid expenses and deferred charges .....	14,381.	53	8,128.
	54 Investments - securities Stmt 5 <input checked="" type="checkbox"/> Cost <input type="checkbox"/> FMV	14,037.	54	3,775.
	55 a Investments - land, buildings, and equipment: basis ..... 55a			
	b Less: accumulated depreciation ..... 55b		55c	
56 Investments - other .....	0.	56	0.	
57 a Land, buildings, and equipment: basis ..... 57a 3,539,645.				
b Less: accumulated depreciation ..... 57b 351,329.	3,180,903.	57c	3,188,316.	
58 Other assets (describe ..... )		58		
59 <b>Total assets</b> (add lines 45 through 58) (must equal line 74) .....	3,832,668.	59	3,902,717.	
<b>Liabilities</b>	60 Accounts payable and accrued expenses .....	48,123.	60	111,005.
	61 Grants payable .....		61	
	62 Deferred revenue .....		62	
	63 Loans from officers, directors, trustees, and key employees .....		63	
	64 a Tax-exempt bond liabilities .....		64a	
	b Mortgages and other notes payable .....		64b	
	65 Other liabilities (describe ..... )		65	
66 <b>Total liabilities</b> (add lines 60 through 65) .....	48,123.	66	111,005.	
<b>Net Assets or Fund Balances</b>	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74.			
	67 Unrestricted .....	3,471,239.	67	3,491,042.
	68 Temporarily restricted .....	284,958.	68	272,322.
	69 Permanently restricted .....	28,348.	69	28,348.
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74.			
	70 Capital stock, trust principal, or current funds .....		70	
	71 Paid-in or capital surplus, or land, building, and equipment fund .....		71	
	72 Retained earnings, endowment, accumulated income, or other funds .....		72	
	73 <b>Total net assets or fund balances</b> (add lines 67 through 69 OR lines 70 through 72; column (A) must equal line 19 and column (B) must equal line 21) .....	3,784,545.	73	3,791,712.
	74 <b>Total liabilities and net assets / fund balances</b> (add lines 66 and 73) .....	3,832,668.	74	3,902,717.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.





Part VI Other Information		N/A	Yes	No
76	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	76		X
77	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.	77		X
78 a	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return?	78a		X
b	If "Yes," has it filed a tax return on Form 990-T for this year? N/A	78b		
79	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement.	79		X
80 a	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	80a		X
b	If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt.			
81 a	Enter the amount of political expenditures, direct or indirect, as described in the instructions for line 81	81a	0.	
b	Did the organization file Form 1120-POL for this year?	81b		X
82 a	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	82a	X	
b	If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions for reporting in Part III.)	82b		
83 a	Did the organization comply with the public inspection requirements for returns and exemption applications?	83a	X	
b	Did the organization comply with the disclosure requirements relating to quid pro quo contributions?	83b	X	
84 a	Did the organization solicit any contributions or gifts that were not tax deductible? N/A	84a		
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? N/A	84b		
85	501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members? N/A	85a		
b	Did the organization make only in-house lobbying expenditures of \$2,000 or less? N/A	85b		
	If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.			
c	Dues, assessments, and similar amounts from members	85c	N/A	
d	Section 162(e) lobbying and political expenditures	85d	N/A	
e	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices	85e	N/A	
f	Taxable amount of lobbying and political expenditures (line 85d less 85e)	85f	N/A	
g	Does the organization elect to pay the section 6033(e) tax on the amount in 85f? N/A	85g		
h	If section 6033(e)(1)(A) dues notice were sent, does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? N/A	85h		
86	501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12	86a	N/A	
b	Gross receipts, included on line 12, for public use of club facilities	86b	N/A	
87	501(c)(12) organizations. Enter: a Gross income from members or shareholders	87a	N/A	
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	87b	N/A	
88	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	88		X
89 a	501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 0.; section 4912 0.; section 4955 0.			
b	501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	89b		X
c	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958			0.
d	Enter: Amount of tax on line 89c, above, reimbursed by the organization			0.
90 a	List the states with which a copy of this return is filed California			
b	Number of employees employed in the pay period that includes March 12, 2000	90b		18

91 The books are in care of **David Matchett** Telephone no. **415-206-7280**  
 Located at **1294 Potrero Ave, San Francisco, CA** ZIP code **94110**

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here ☐  
 and enter the amount of tax-exempt interest received or accrued during the tax year **92** N/A

**Part VII Analysis of Income-Producing Activities**

Enter gross amounts unless otherwise indicated.

	Unrelated business income		Excluded by section 512, 513, or 514		(E) Related or exempt function income
	(A) Business code	(B) Amount	(C) Exclu- sion code	(D) Amount	
93 Program service revenue:					
a <u>Preschool</u>					53,255.
b <u>Sports program</u>					2,250.
c <u>Other program fees</u>					1,635.
d _____					
e _____					
f Medicare/Medicaid payments _____					
g Fees and contracts from government agencies _____					66,099.
94 Membership dues and assessments _____					
95 Interest on savings and temporary cash investments _____			14	19,272.	
96 Dividends and interest from securities _____					
97 Net rental income or (loss) from real estate:					
a debt-financed property _____					
b not debt-financed property _____					
98 Net rental income or (loss) from personal property _____					
99 Other investment income _____					
100 Gain or (loss) from sales of assets other than inventory _____			18	222.	
101 Net income or (loss) from special events _____					
102 Gross profit or (loss) from sales of inventory _____					
103 Other revenue:					
a _____					
b _____					
c _____					
d _____					
e _____					
104 Subtotal (add columns (B), (D), and (E)) _____		0.		19,494.	123,239.
105 Total (add line 104, columns (B), (D), and (E)) _____					142,733.

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes**

Line No.	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
93a	Fees from Child Development Center bilingual preschool program
93b	Fees from child/youth sports program
93c	Fees from other family services
93g	Preschool subsidies

**Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities**

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
N/A	%			
	%			
	%			
	%			

**Part X Information Regarding Transfers Associated with Personal Benefit Contracts**

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge. (Important: See General Instruction W.)

Please Sign Here: Linda Udall 11/13/01 LINDA UDALL, Treasurer  
Signature of officer Date Type or print name and title

Paid Preparer's signature: Nini Charles McCone Date: 11/13/01 Check if self-employed: ☒ Preparer's SSN or PTIN: \_\_\_\_\_  
Firm's name (or yours if self-employed) and address, and ZIP code: Nini Charles McCone  
61 Fifth Avenue  
San Francisco, CA 94118  
EIN: \_\_\_\_\_ Phone no.: (415) 751-8556

**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service

\*\* PUBLIC DISCLOSURE COPY \*\*

Case 3:17-cv-03036-MH Document 63-1 Filed 08/12/17 Page 27 of 29

**Organization Exempt Under Section 501(c)(3)**

(Except Private Foundation) and Section 501(e), 501(f), 501(k),  
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust

OMB No. 1545-0047

**2000****Supplementary Information**▶ **MUST** be completed by the above organizations and attached to their Form 990 or 990-EZ.Name of the organization **Good Samaritan Family Resource  
Center, Inc.**Employer identification number  
**94 3154078****Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
Hector Melendez San Francisco, CA	Prog Director 40	50,495.	0.	0.
Total number of other employees paid over \$50,000 ▶	0			

**Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than \$50,000	(b) Type of service	(c) Compensation
None		
Total number of others receiving over \$50,000 for professional services ▶	0	

LHA For Paperwork Reduction Act Notice, see page 1 of the Instructions for Form 990 and Form 990-EZ.

Schedule A (Form 990 or 990-EZ) 2000



**Part III Statements About Activities****Yes No**

<b>1</b>	During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? .....	<b>1</b>		<b>X</b>
	If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities ► \$ .....			
	Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.			
<b>2</b>	During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary:			
<b>a</b>	Sale, exchange, or leasing of property? .....	<b>2a</b>		<b>X</b>
<b>b</b>	Lending of money or other extension of credit? .....	<b>2b</b>		<b>X</b>
<b>c</b>	Furnishing of goods, services, or facilities? .....	<b>2c</b>		<b>X</b>
<b>d</b>	Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)? <b>See Part V, Form 990</b> .....	<b>2d</b>	<b>X</b>	
<b>e</b>	Transfer of any part of its income or assets? .....	<b>2e</b>		<b>X</b>
	If the answer to any question is "Yes," attach a detailed statement explaining the transactions.			
<b>3</b>	Does the organization make grants for scholarships, fellowships, student loans, etc.? .....	<b>3</b>	<b>X</b>	
<b>4 a</b>	Do you have a section 403(b) annuity plan for your employees? .....	<b>4a</b>		<b>X</b>
<b>b</b>	Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See page 2 of the instructions.) <b>See Statement 9</b>			

**Part IV Reason for Non-Private Foundation Status** (See pages 2 through 5 of the instructions.)The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5** ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6** ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 5.)
- 7** ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8** ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9** ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state ► .....
- 10** ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a** ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b** ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12** ☐ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13** ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations. (See page 5 of the instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

- 14** ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 5 of the instructions.)

**Part IV-A Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) Use cash method of accounting.  
**Note:** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in) ▶	(a) 1999	(b) 1998	(c) 1997	(d) 1996	(e) Total
<b>15</b> Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.)	600,086.	727,830.	1,456,998.	1,081,347.	3,866,261.
<b>16</b> Membership fees received					
<b>17</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is not a business unrelated to the organization's charitable, etc., purpose	294,466.	200,533.	182,315.	162,251.	839,565.
<b>18</b> Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	20,130.	23,780.	4,361.	21,316.	69,587.
<b>19</b> Net income from unrelated business activities not included in line 18					
<b>20</b> Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
<b>21</b> The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge					
<b>22</b> Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets					
<b>23</b> Total of lines 15 through 22	914,682.	952,143.	1,643,674.	1,264,914.	4,775,413.
<b>24</b> Line 23 minus line 17	620,216.	751,610.	1,461,359.	1,102,663.	3,935,848.
<b>25</b> Enter 1% of line 23	9,147.	9,521.	16,437.	12,649.	
<b>26</b> Organizations described on lines 10 or 11: <b>a</b> Enter 2% of amount in column (e), line 24					78,717.
<b>b</b> Attach a list (which is not open to public inspection) showing the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1996 through 1999 exceeded the amount shown in line 26a. Enter the sum of all these excess amounts					1,834,500.
<b>c</b> Total support for section 509(a)(1) test: Enter line 24, column (e)					3,935,848.
<b>d</b> Add: Amounts from column (e) for lines: 18 <u>69,587.</u> 19 <u>1,834,500.</u> 22 <u>                    </u> 26b <u>                    </u>					1,904,087.
<b>e</b> Public support (line 26c minus line 26d total)					2,031,761.
<b>f</b> Public support percentage (line 26e (numerator) divided by line 26c (denominator))					51.6219%
<b>27</b> Organizations described on line 12: <b>a</b> For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," attach a list (which is not open to public inspection) to show the name of, and total amounts received in each year from, each "disqualified person." Enter the sum of such amounts for each year: (1999) <u>N/A</u> (1998) <u>                    </u> (1997) <u>                    </u> (1996) <u>                    </u>					
<b>b</b> For any amount included in line 17 that was received from a nondisqualified person, attach a list to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: (1999) <u>N/A</u> (1998) <u>                    </u> (1997) <u>                    </u> (1996) <u>                    </u>					
<b>c</b> Add: Amounts from column (e) for lines: 15 <u>                    </u> 16 <u>                    </u> 17 <u>                    </u> 20 <u>                    </u> 21 <u>                    </u>					N/A
<b>d</b> Add: Line 27a total <u>                    </u> and line 27b total <u>                    </u>					N/A
<b>e</b> Public support (line 27c total minus line 27d total)					N/A
<b>f</b> Total support for section 509(a)(2) test: Enter amount on line 23, column (e)					N/A
<b>g</b> Public support percentage (line 27e (numerator) divided by line 27f (denominator))					N/A %
<b>h</b> Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))					N/A %

**28 Unusual Grants:** For an organization described in line 10, 11, or 12, that received any unusual grants during 1996 through 1999, attach a list (which is not open to public inspection) for each year showing the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not include these grants in line 15. (See page 5 of the instructions.)

None

**Part V****Private School Questionnaire****(To be completed ONLY by schools that checked the box on line 6 in Part IV)**

N/A

		Yes	No
<b>29</b>	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? .....		
<b>30</b>	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? .....		
<b>31</b>	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? .....		
	If "Yes," please describe; if "No," please explain. (If you need more space, attach a separate statement.)		
	.....		
	.....		
	.....		
<b>32</b>	Does the organization maintain the following:		
<b>a</b>	Records indicating the racial composition of the student body, faculty, and administrative staff? .....		
<b>b</b>	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? .....		
<b>c</b>	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? .....		
<b>d</b>	Copies of all material used by the organization or on its behalf to solicit contributions? .....		
	If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.)		
	.....		
<b>33</b>	Does the organization discriminate by race in any way with respect to:		
<b>a</b>	Students' rights or privileges? .....		
<b>b</b>	Admissions policies? .....		
<b>c</b>	Employment of faculty or administrative staff? .....		
<b>d</b>	Scholarships or other financial assistance? .....		
<b>e</b>	Educational policies? .....		
<b>f</b>	Use of facilities? .....		
<b>g</b>	Athletic programs? .....		
<b>h</b>	Other extracurricular activities? .....		
	If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.)		
	.....		
	.....		
<b>34 a</b>	Does the organization receive any financial aid or assistance from a governmental agency? .....		
<b>b</b>	Has the organization's right to such aid ever been revoked or suspended? .....		
	If you answered "Yes" to either 34a or b, please explain using an attached statement.		
<b>35</b>	Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," attach an explanation .....		

Schedule A (Form 990 or 990-EZ) 2000

**Part VI-A Lobbying Expenditures by Electing Public Charities**

(To be completed ONLY by an eligible organization that filed Form 5768)

N/A

- Check here ☐ If the organization belongs to an affiliated group.
- Check here ☐ If you checked "a" above and "limited control" provisions apply.

**Limits on Lobbying Expenditures**

(The term "expenditures" means amounts paid or incurred.)

(a)  
Affiliated group  
totals(b)  
To be completed for ALL  
electing organizations

		(a)	(b)
		Affiliated group totals	To be completed for ALL electing organizations
		N/A	
36	Total lobbying expenditures to influence public opinion (grassroots lobbying) .....	36	
37	Total lobbying expenditures to influence a legislative body (direct lobbying) .....	37	
38	Total lobbying expenditures (add lines 36 and 37) .....	38	
39	Other exempt purpose expenditures .....	39	
40	Total exempt purpose expenditures (add lines 38 and 39) .....	40	
41	Lobbying nontaxable amount. Enter the amount from the following table -		
	If the amount on line 40 is -                      The lobbying nontaxable amount is -		
	Not over \$500,000 ..... 20% of the amount on line 40 .....		
	Over \$500,000 but not over \$1,000,000 ..... \$100,000 plus 15% of the excess over \$500,000 .....		
	Over \$1,000,000 but not over \$1,500,000 ..... \$175,000 plus 10% of the excess over \$1,000,000 .....	41	
	Over \$1,500,000 but not over \$17,000,000 ..... \$225,000 plus 5% of the excess over \$1,500,000 .....		
	Over \$17,000,000 ..... \$1,000,000 .....		
42	Grassroots nontaxable amount (enter 25% of line 41) .....	42	
43	Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36 .....	43	
44	Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38 .....	44	

**Caution:** If there is an amount on either line 43 or line 44, you must file Form 4720.**4-Year Averaging Period Under Section 501(h)**

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 45 through 50 on page 9 of the instructions.)

Calendar year (or fiscal year beginning in) ▶	Lobbying Expenditures During 4-Year Averaging Period				N/A
	(a) 2000	(b) 1999	(c) 1998	(d) 1997	(e) Total
45 Lobbying nontaxable amount .....					0.
46 Lobbying ceiling amount (150% of line 45(e)) .....					0.
47 Total lobbying expenditures .....					0.
48 Grassroots nontaxable amount .....					0.
49 Grassroots ceiling amount (150% of line 48(e)) .....					0.
50 Grassroots lobbying expenditures .....					0.

**Part VI-B Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:

	Yes	No	Amount
a Volunteers .....			
b Paid staff or management (include compensation in expenses reported on lines c through h) .....			
c Media advertisements .....			
d Mailings to members, legislators, or the public .....			
e Publications, or published or broadcast statements .....			
f Grants to other organizations for lobbying purposes .....			
g Direct contact with legislators, their staffs, government officials, or a legislative body .....			
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means .....			
i Total lobbying expenditures (add lines c through h) .....			0.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.

## Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

**51** Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

**a** Transfers from the reporting organization to a noncharitable exempt organization of:

(i) Cash

(II) Other assets

b Other transactions:

**(i) Sales or exchanges of assets with a noncharitable exempt organization**

(ii) **Purchases of assets from a noncharitable exempt organization**

(iii) Rental of facilities, equipment, or other assets

(iv) Reimbursement arrangements

(v) Loans or loan guarantees

**(vi) Performance of services or membership or fundraising solicitations**

**c** Sharing of facilities, equipment, mailing lists, other assets, or paid employees

**d** If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received:

N/A

[illegible]

**52 a** Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐

► ☐ Yes ☒ No

b If "Yes," complete the following schedule:

N/A

[illegible]



Good Samaritan Family Resource Center, Inc.

94-3154078

Footnotes		Statement	1
FORM 990, PART IV, LINE 57	FORM 199, SCH L, LINE 10		
PROPERTY AND EQUIPMENT			
Building and improvements		3,065,789.	
Equipment		173,856.	
Accumulated depreciation		<351,329.>	
		<hr/>	
		2,888,316.	
Land		300,000.	
		<hr/>	
		3,188,316.	
		<hr/>	

Form 990      Gain (Loss) From Publicly Traded Securities      Statement      2

Description	Gross Sales Price	Cost or Other Basis	Expense of Sale	Net Gain or (Loss)
Publicly traded securities	22,828.	22,606.	0.	222.
To Form 990, Part I, line 8	22,828.	22,606.	0.	222.

Form 990      Other Expenses      Statement      3

Description	(A) Total	(B) Program Services	(C) Management and General	(D) Fundraising
Professional fees	80,836.	48,817.	15,423.	16,596.
Outside services	3,149.	2,660.	374.	115.
Insurance	19,277.	17,457.	1,080.	740.
License and fees	5,225.	5,134.	80.	11.
Field trips	4,906.	4,906.		
Events	5,883.	3,637.	1,391.	855.
Food	22,858.	21,198.	1,481.	179.
Local transportation	10,957.	9,270.	1,583.	104.
Staff development	3,729.	2,383.	1,221.	125.
Advertising	1,133.	1,016.	114.	3.
Direct support	191.		191.	
Bad debt	4,500.	4,500.		
Miscellaneous	4,280.	1,283.	2,974.	23.
Total to Form 990, line 43	166,924.	122,261.	25,912.	18,751.

Form 990      Specific Assistance to Individuals      Statement      4

Description	Amount
Critical needs assistance	12,685.
Total to Form 990, Part II, line 23	12,685.

Good Samaritan Family Resource Center, Inc.

94-3154078

Form 990	Non-Government Securities	Statement	5
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Description	Corporate Stocks	Corporate Bonds	Other Publicly Traded Securities	Other Securities	Total Non-Gov't Securities
	3,775.				3,775.
To Form 990, ln 54 Col B	3,775.				3,775.

Form 990	Other Expenses Not Included on Form 990	Statement	6
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Description	Amount
Realized gains netted to investment expense	<222.>
Total to Form 990, Part IV-B	<222.>

Form 990	Other Revenue Included on Form 990	Statement	7
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Description	Amount
Realized gains netted to investment expense	222.
Total to Form 990, Part IV-A	222.



Form 990

**Part V - List of Officers, Directors,  
Trustees and Key Employees**

Statement 8

Name and Address	Title and Avg Hrs/Wk	Compensation	Employee Ben Plan Contrib	Expense Account
John Bullock San Francisco, CA	Director 2	0.	0.	0.
Kay Bishop San Francisco, CA	Director 2	0.	0.	0.
Frank De Rosa San Francisco, CA	President 5	0.	0.	0.
Betsy Dixon San Francisco, CA	Director .1	0.	0.	0.
Barbara Gault San Francisco, CA	Director 2	0.	0.	0.
Martha Jennings San Francisco, CA	Director 1	0.	0.	0.
Alan Levinson Sausalito, CA	Director .1	0.	0.	0.
Alicia Lieberman, Ph.D. San Francisco, CA	Director .1	0.	0.	0.
G.W. Lorton San Francisco, CA	Director 16	32,202.	0.	0.
William H. Orrick III San Francisco, CA	Secretary 5	0.	0.	0.
The Rev. Ivan Ramirez San Francisco, CA	Director .1	0.	0.	0.

Kat Taylor	Vice President			
San Francisco, CA	5	0.	0.	0.
Linda Udall	Treasurer			
San Francisco, CA	5	0.	0.	0.
Dr. Fernando Viteri	Director			
Piedmont, CA	.1	0.	0.	0.
Ede Zollman	Director			
San Francisco, CA	.1	0.	0.	0.
Chris Block	Executive Director			
San Francisco, CA	40	70,673.	0.	0.
Totals Included on Form 990, Part V		102,875.	0.	0.

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Schedule A      Explanation of Qualifications to Receive Payments      Statement      9  
Part III, Line 4

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The Good Sam Critical Needs fund was established to address the detrimental effects of unexpected financial difficulties on a client's ability to achieve self-sufficiency. Each client may receive critical needs assistance once per lifetime. Acceptable uses for emergency financial assistance include, but are not limited to, emergencies related to:

- a. Childcare services not covered by other programs.
- b. Uninsured medical payments.
- c. Student related expenses not covered by other funding arrangements.
- d. Transportation (bus/cab fare, towing/impounded fees, vehicle repair).
- e. Supplemental training or social services not provided by Good Sam.
- f. Rent assistance

## **Good Samaritan Family Resource Center, Inc.**

### **Program Descriptions**

Good Samaritan Family Resource Center (GSFRC) has been serving the needs of newly arrived families in San Francisco for 106 years. Our mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency and participate constructively in the community.

The agency of GSFRC offers a comprehensive, early intervention package of services and programs for the whole family. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

GSFRC has three main program areas:

- 1) **Family Services Division**, which includes Parent Support Groups, Parenting Classes, Adult Literacy, Individual and Group Therapy, After School Academic Enrichment, Soccer Program, Asthma and Dental Screenings and Education for children of elementary public schools, Emergency Assistance, Summer Youth Programs, English as a Second Language classes; Computer Trainings and In-home Support.
- 2) **Case Management**, which includes a collaboration with all child, youth and adult programming in an effort to synthesize our services and work with the entire family toward financial security and healthy lifestyles.
- 3) **Child Development Center**, which provides fully enriched childcare to 33 low-income children and daily drop-in childcare for community classes.

### ***TECHNOLOGY***

GSFRC's approach to making technology accessible to clients is consistent with its approach of serving the whole family in a safe and welcoming environment. Our goal is to make technology accessible to low-income families who otherwise will be left off the communications superhighway; for example, we have evening computer classes to be highly accessible to our families. We also aim to bridge the technological divide between generations so parents are aware and understand what and how their children are learning about technology by having activities that involve the whole family.

**Computer lab:** The lab is equipped with 10 Pentium computers, with multimedia capabilities. The lab is used by the After-school program to help children from elementary schools with their homework and to work on their math and writing skills. It is also used by the Adult Literacy program to improve their English as Second Language skills. Clients currently receiving employment services use the lab to learn to type and acquire basic computer skills. The summer youth program also incorporates a photography and multi-media component that makes use of the computers in the lab.

### *CHILDREN AND YOUTH*

GSFRC offers four different services to children and youth: 1) Soccer Program, 2) After School Academic Support Program, 3) Asthma and Dental Screenings at elementary schools, and 4) Summer Youth Programs. All together, these programs serve over 1000 children and youth.

### *CASE MANAGEMENT*

Case management provides the necessary integration of services provided to our families at GSFRC to assist them in becoming self empowered and self sufficient. Through case management, and a specifically devised data base, our case managers are better able to locate and work with the needs of the entire family. Good Samaritan currently provides to our clients a user-friendly job board for independent job searches, brokered services, goal setting, counseling, evening computer classes, and referrals for education, vocational training, childcare, healthcare, mental health services, legal and housing services. GSFRC also provides the resources for our families to have the necessary space to network, create community, and to share ideas, support, and knowledge about the availability and quality of local services.

### *FAMILY PLANNING*

Good Sam has a unique opportunity to introduce family planning education and services in a culturally sensitive and appropriate manner at multiple levels within its existing integrated program structure. We have a variety of excellent resources available to us in our community from which to draw expertise and to share information. Integrating family planning into the fabric of the agency's community-focused model will strengthen our capacity to provide comprehensive family support to our clients.

### *CHILD DEVELOPMENT CENTER*

The Child Development Center at Good Sam is currently serving 33 multi-cultural youth in its model center. As we recognize that there is a great need for care for toddlers we are currently looking to expand.

## Good Samaritan Family Resource Center

Number of Clients Served in 2000

### Adults

Parenting Classes – 24

Child Development Classes – 73

Domestic Violence Support Group – 16

Information and Referral – 360

Case Management – 59

English as a Second Language Classes – 118

Total – 650

### Children and Youth

Dental Screenings – 1318

Asthma Screenings – 330

Tutoring – 124

Summer Youth Program – 20

Child Development Center – 46

Play Therapy – 12

Sports Program – 74

Total – 1,924

**EXHIBIT 4**



Form **990**

OMB No. 1545-0047

**Return of Organization Exempt From Income Tax****2008**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)Department of the Treasury  
Internal Revenue Service

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

Open to Public Inspection

For the 2008 calendar year, or tax year beginning 7/01, 2008, and ending 6/30, 2009

<b>B</b> Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Termination <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	Please use IRS label or print or type. See specific instruc- tions.	<b>Good Samaritan Family Resource Center</b> 1294 Potrero Ave San Francisco, CA 94110		<b>D</b> Employer Identification Number 94-3154078
				<b>E</b> Telephone number 415-824-9475
				<b>G</b> Gross receipts \$ 2,065,183.
		<b>F</b> Name and address of principal officer: Same As C Above		<b>H(a)</b> Is this a group return for affiliates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>H(b)</b> Are all affiliates included? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach a list. (see instructions)
<b>I</b> Tax-exempt status <input checked="" type="checkbox"/> 501(c) ( 3 ) (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527				
<b>J</b> Website: ▶ http://www.goodsamfrc.org				
<b>K</b> Type of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶				
<b>L</b> Year of Formation: 1894 <b>M</b> State of legal domicile: CA				

**Part I Summary**

Activities & Governance	<b>1</b> Briefly describe the organization's mission or most significant activities: <u>Since 1894, GSFRC has helped immigrant families access needed services, develop self-sufficiency, and participate fully as members of the San Francisco community, through services including ESL, and child development, youth, family advocacy, and parenting</u>		
	<b>2</b> Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its assets.		
	<b>3</b> Number of voting members of the governing body (Part VI, line 1a).....	<b>3</b>	13
	<b>4</b> Number of independent voting members of the governing body (Part VI, line 1b).....	<b>4</b>	0
	<b>5</b> Total number of employees (Part V, line 2a).....	<b>5</b>	31
	<b>6</b> Total number of volunteers (estimate if necessary).....	<b>6</b>	0
	<b>7a</b> Total gross unrelated business revenue from Part VIII, line 12, column (C).....	<b>7a</b>	0.
<b>b</b> Net unrelated business taxable income from Form 990-T, line 34.....	<b>7b</b>	0.	
Revenue	<b>8</b> Contributions and grants (Part VIII, line 1h).....	Prior Year	Current Year
	<b>9</b> Program service revenue (Part VIII, line 2g).....	751,737.	938,984.
	<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d).....	907,813.	1,057,933.
	<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e).....	11,502.	6,414.
	<b>12</b> Total revenue — add lines 8 through 11 (must equal Part VIII, column (A), line 12).....	11,036.	61,852.
Expenses	<b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3).....	1,682,088.	2,065,183.
	<b>14</b> Benefits paid to or for members (Part IX, column (A), line 4).....		
	<b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10).....	863,689.	1,094,983.
	<b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e).....		16,913.
	<b>b</b> Total fundraising expenses (Part IX, column (D), line 25) ▶ 98,003.		
	<b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24f).....	740,432.	683,098.
	<b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25).....	1,604,121.	1,794,994.
<b>19</b> Revenue less expenses. Subtract line 18 from line 12.....	77,967.	270,189.	
Net Assets or Fund Balances	<b>20</b> Total assets (Part X, line 16).....	Beginning of Year	End of Year
	<b>21</b> Total liabilities (Part X, line 26).....	3,668,524.	3,954,602.
	<b>22</b> Net assets or fund balances. Subtract line 21 from line 20.....	136,746.	152,635.
		3,531,778.	3,801,967.

**Part II Signature Block**

<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.		
	Signature of officer: <u>CLIENT'S COPY</u> Date: _____		
<b>Paid Preparer's Use Only</b>	Type or print name and title: _____		
	Preparer's signature: <u>[Signature]</u>	Date: <u>3/26/10</u>	Check if self-employed <input type="checkbox"/>
	Firm's name (or yours if self-employed), address, and ZIP + 4: <u>LAMORENA &amp; CHANG CPA</u> <u>22 BATTERY ST STE 412</u> <u>SAN FRANCISCO, CA 94111</u>		Preparer's identifying number (see instructions): EIN ▶ <u>94-3317142</u> Phone no. ▶ <u>415-781-8441</u>
	May the IRS discuss this return with the preparer shown above? (see instructions)..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		



TAXABLE YEAR

2008

California Exempt Organization  
Annual Information Return

FORM

199

Calendar year 2008 or fiscal year beginning month 07 day 01 year 2008, and ending month 06 day 30 year 2009

**A** First Return Filed? ☐ Yes ☒ No **B** Type of organization Exempt under Section 23701 **D** (insert letter) **CORP #**  
 IRC Section 4947(a)(1) trust ☐ **1522670**

Corporation/Organization Name **FEIN**  
**GOOD SAMARITAN FAMILY RESOURCE CENTER** **94-3154078**

Address

1294 POTRERO AVE

City State ZIP Code

SAN FRANCISCO, CA 94110

**C** Amended Return? ☐ Yes ☒ No  
**D** Are you a subordinate/affiliate in a group exemption? ☐ Yes ☒ No  
**a** Is this a group filing for affiliates? See General Instruction L ☐ Yes ☒ No  
**b** If 'Yes,' enter the number of affiliates.  
**c** Are all affiliates included? ☒ Yes ☐ No  
 (If 'No,' attach a list. See instructions.)  
**d** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No  
**e** Federal Group Exemption Number.  
**f** Is a roster of subordinates attached? ☐ Yes ☒ No  
**E** Final return?  
☐ Dissolved ☐ Surrendered (Withdrawn)  
☐ Merged/Reorganized (attach explanation)  
 If a box is checked, enter date.  
**F** Check the box if the organization filed: **1** ☐ 990T **2** ☐ 990PF  
**3** ☐ 990H  
**G** If organization is exempt under R&TC Section 23701d and is exclusively religious, educational, or charitable, and is supported primarily (50% or more) by public contributions, check box. See General Instruction F. No filing fee is required. ☒  
**H** Accounting method used **1** ☐ Cash **2** ☒ Accrual **3** ☐ Other  
**I** If exempt under R&TC Section 23701d, has the organization during the year: (1) participated in any political campaign or (2) attempted to influence legislation or any ballot measure, or (3) made an election under R&TC Section 23704.5 (relating to lobbying by public charities)? If 'Yes,' complete and attach form FTB 3509, Political or Legislative Activities by Section 23701d Organizations. ☐ Yes ☒ No  
**J** Did the organization have any changes in its activities, governing instrument, articles of incorporation, or bylaws that have not been reported to the Franchise Tax Board? If 'Yes,' complete an explanation and attach copies of revised documents. ☐ Yes ☒ No  
**K** Is the organization exempt under R&TC Section 23701g? ☐ Yes ☒ No  
 If 'Yes,' enter amount of gross receipts from nonmember sources \$  
**L** Is the organization under audit by the IRS or has the IRS audited in a prior year? ☐ Yes ☒ No  
**M** Is the organization a Limited Liability Corporation? ☐ Yes ☒ No  
**N** Did the organization file Form 100 or Form 109 to report taxable income? ☐ Yes ☒ No

**Part I** Complete Part I unless not required to file this form. See General Instructions B and C.

<b>Receipts and Revenues</b>	<b>1</b> Gross sales or receipts from other sources. From Side 2, Part II, line 8.	<b>1</b>	1,126,199.	
	<b>2</b> Gross dues and assessments from members and affiliates.	<b>2</b>		
	<b>3</b> Gross contributions, gifts, grants, and similar amounts received. SEE SCH. B	<b>3</b>	938,984.	
	<b>4</b> Total gross receipts for filing requirement test. Add line 1 through line 3. This line must be completed. If the result is less than \$25,000, see General Instruction C.	<b>4</b>	2,065,183.	
	<b>5</b> Cost of goods sold.	<b>5</b>		
	<b>6</b> Cost or other basis, and sales expenses of assets sold.	<b>6</b>		
	<b>7</b> Total costs. Add line 5 and line 6.	<b>7</b>		
	<b>8</b> Total gross income. Subtract line 7 from line 4.	<b>8</b>	2,065,183.	
<b>Expenses</b>	<b>9</b> Total expenses and disbursements. From Side 2, Part II, line 18.	<b>9</b>	1,794,994.	
	<b>10</b> Excess of receipts over expenses and disbursements. Subtract line 9 from line 8.	<b>10</b>	270,189.	
<b>Filing Fee</b>	<b>11</b> Filing fee \$10 or \$25. See General Instruction F.	<b>11</b>		
	<b>12</b> Total Payments.	<b>12</b>		
	<b>13</b> Penalties and Interest. See General Instruction J.	<b>13</b>		
	<b>14</b> Use tax. See General Instruction K.	<b>14</b>		
	<b>15</b> Balance due. Add line 11, line 13, and line 14. Then subtract line 12 from the result.	<b>15</b>		
<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
	Signature of officer	Title	Date	Telephone
<b>Paid Preparer's Use Only</b>	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's SSN/PTIN
	Firm's name (or yours, if self-employed) and address	Telephone		
	LAMORENA & CHANG CPA			94-3317142
	22 BATTERY ST STE 412			415-781-8441
	SAN FRANCISCO, CA 94111			
May the FTB discuss this return with the preparer shown above? See instructions. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				



**Part III Statement of Program Service Accomplishments** (see instructions)

1 Briefly describe the organization's mission:

See Schedule O

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If 'Yes,' describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If 'Yes,' describe these changes on Schedule O.

4 Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code: ) (Expenses \$ 536,207. including grants of \$ ) (Revenue \$ )

**EARLY CHILDHOOD DEVELOPMENT PROGRAMS**

Good Samaritan's Child Development Center provided year-round, high-quality bilingual Spanish/English early childhood development program for 30 preschoolers and their parents, as well as school readiness support for other families. Toddler childcare is also offered at our Kids' Club for children of parents participating in programs on-site.

4b (Code: ) (Expenses \$ 903,601. including grants of \$ ) (Revenue \$ )

See Schedule O

4c (Code: ) (Expenses \$ including grants of \$ ) (Revenue \$ )

4d Other program services. (Describe in Schedule O.)

(Expenses \$ including grants of \$ ) (Revenue \$ )

4e Total program service expenses ▶ \$ 1,439,808. (Must equal Part IX, Line 25, column (B).)

**Part IV Checklist of Required Schedules**

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If 'Yes,' complete Schedule A .....	X	
2 Is the organization required to complete Schedule B, Schedule of Contributors? .....	X	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If 'Yes,' complete Schedule C, Part I .....		X
4 <b>Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities? If 'Yes,' complete Schedule C, Part II .....		X
5 <b>Section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.</b> Is the organization subject to the section 6033(e) notice and reporting requirement and proxy tax? If 'Yes,' complete Schedule C, Part III .....		
6 Did the organization maintain any donor advised funds or any accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If 'Yes,' complete Schedule D, Part I .....		X
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas or historic structures? If 'Yes,' complete Schedule D, Part II .....		X
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? If 'Yes,' complete Schedule D, Part III .....		X
9 Did the organization report an amount in Part X, line 21; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If 'Yes,' complete Schedule D, Part IV .....		X
10 Did the organization hold assets in term, permanent, or quasi-endowments? If 'Yes,' complete Schedule D, Part V .....		X
11 Did the organization report an amount in Part X, lines 10, 12, 13, 15, or 25? If 'Yes,' complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable .....	X	
12 Did the organization receive an audited financial statement for the year for which it is completing this return that was prepared in accordance with GAAP? If 'Yes,' complete Schedule D, Parts XI, XII, and XIII .....	X	
13 Is the organization a school described in section 170(b)(1)(A)(ii)? If 'Yes,' complete Schedule E .....		X
14a Did the organization maintain an office, employees, or agents outside of the U.S.? .....		X
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, and program service activities outside the U.S.? If 'Yes,' complete Schedule F, Part I .....		X
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or assistance to any organization or entity located outside the United States? If 'Yes,' complete Schedule F, Part II .....		X
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or assistance to individuals located outside the United States? If 'Yes,' complete Schedule F, Part III .....		X
17 Did the organization report more than \$15,000 on Part IX, column (A), line 11e? If 'Yes,' complete Schedule G, Part I .....	X	
18 Did the organization report more than \$15,000 total on Part VIII, lines 1c and 8a? If 'Yes,' complete Schedule G, Part II .....		X
19 Did the organization report more than \$15,000 on Part VIII, line 9a? If 'Yes,' complete Schedule G, Part III .....		X
20 Did the organization operate one or more hospitals? If 'Yes,' complete Schedule H .....		X
21 Did the organization report more than \$5,000 on Part IX, column (A), line 1? If 'Yes,' complete Schedule I, Parts I and II .....		X
22 Did the organization report more than \$5,000 on Part IX, column (A), line 2? If 'Yes,' complete Schedule I, Parts I and III .....		X
23 Did the organization answer 'Yes' to Part VII, Section A, questions 3, 4, or 5? If 'Yes,' complete Schedule J .....		X
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, and that was issued after December 31, 2002? If 'Yes,' answer questions 24b-24d and complete Schedule K. If 'No,' go to question 25 .....		X
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception? .....		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds? .....		
d Did the organization act as an 'on behalf of' issuer for bonds outstanding at any time during the year? .....		
25a <b>Section 501(c)(3) and 501(c)(4) organizations.</b> Did the organization engage in an excess benefit transaction with a disqualified person during the year? If 'Yes,' complete Schedule L, Part I .....		X
b Did the organization become aware that it had engaged in an excess benefit transaction with a disqualified person from a prior year? If 'Yes,' complete Schedule L, Part I .....		X
26 Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? If 'Yes,' complete Schedule L, Part II .....		X
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, or substantial contributor, or to a person related to such an individual? If 'Yes,' complete Schedule L, Part III .....		X

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Form 990 (2008)

**Part IV Checklist of Required Schedules** (continued)

	Yes	No
<b>28</b> During the tax year, did any person who is a current or former officer, director, trustee, or key employee:		
<b>a</b> Have a direct business relationship with the organization (other than as an officer, director, trustee, or employee), or an indirect business relationship through ownership of more than 35% in another entity (individually or collectively with other person(s) listed in Part VII, Section A)? <i>If 'Yes,' complete Schedule L, Part IV.</i>	<b>28a</b>	X
<b>b</b> Have a family member who had a direct or indirect business relationship with the organization? <i>If 'Yes,' complete Schedule L, Part IV.</i>	<b>28b</b>	X
<b>c</b> Serve as an officer, director, trustee, key employee, partner, or member of an entity (or a shareholder of a professional corporation) doing business with the organization? <i>If 'Yes,' complete Schedule L, Part IV.</i>	<b>28c</b>	X
<b>29</b> Did the organization receive more than \$25,000 in non-cash contributions? <i>If 'Yes,' complete Schedule M.</i>	<b>29</b>	X
<b>30</b> Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If 'Yes,' complete Schedule M.</i>	<b>30</b>	X
<b>31</b> Did the organization liquidate, terminate, or dissolve and cease operations? <i>If 'Yes,' complete Schedule N, Part I.</i>	<b>31</b>	X
<b>32</b> Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If 'Yes,' complete Schedule N, Part II.</i>	<b>32</b>	X
<b>33</b> Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If 'Yes,' complete Schedule R, Part I.</i>	<b>33</b>	X
<b>34</b> Was the organization related to any tax-exempt or taxable entity? <i>If 'Yes,' complete Schedule R, Parts II, III, IV, and V, line 1.</i>	<b>34</b>	X
<b>35</b> Is any related organization a controlled entity within the meaning of section 512(b)(13)? <i>If 'Yes,' complete Schedule R, Part V, line 2.</i>	<b>35</b>	X
<b>36</b> <b>Section 501(c)(3) organizations.</b> Did the organization make any transfers to an exempt non-charitable related organization? <i>If 'Yes,' complete Schedule R, Part V, line 2.</i>	<b>36</b>	X
<b>37</b> Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If 'Yes,' complete Schedule R, Part VI.</i>	<b>37</b>	X

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Form 990 (2008)

**Part V Statements Regarding Other IRS Filings and Tax Compliance**

		Yes	No
<b>1a</b>	Enter the number reported in Box 3 of form 1096, Annual Summary and Transmittal of U.S. Information Returns. Enter -0- if not applicable. . . . .	0	
<b>1b</b>	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable. . . . .	0	
<b>1c</b>	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? . . . . .		
<b>2a</b>	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return. . . . .	31	
<b>2b</b>	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? . . . . .		X
<b>Note.</b> If the sum of lines 1a and 2a is greater than 250, you may be required to e-file this return. (see instructions)			
<b>3a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? . . . . .		X
<b>3b</b>	If 'Yes' has it filed a Form 990-T for this year? If 'No,' provide an explanation in Schedule O. . . . .		
<b>4a</b>	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . .		X
<b>4b</b>	If 'Yes,' enter the name of the foreign country: See the instructions for exceptions and filing requirements for <b>Form TD F 90-22.1</b> , Report of Foreign Bank and Financial Accounts. . . . .		
<b>5a</b>	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year? . . . . .		X
<b>5b</b>	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction? . . . . .		X
<b>5c</b>	If 'Yes,' to question 5a or 5b, did the organization file Form 8886-T, Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction? . . . . .		
<b>6a</b>	Did the organization solicit any contributions that were not tax deductible? . . . . .		X
<b>6b</b>	If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not deductible? . . . . .		
<b>7</b>	<b>Organizations that may receive deductible contributions under section 170(c).</b>		
<b>7a</b>	Did the organization provide goods or services in exchange for any quid pro quo contribution of more than \$75? . . . . .		X
<b>7b</b>	If 'Yes,' did the organization notify the donor of the value of the goods or services provided? . . . . .		
<b>7c</b>	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282? . . . . .		X
<b>7d</b>	If 'Yes,' indicate the number of Forms 8282 filed during the year. . . . .		
<b>7e</b>	Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? . . . . .		X
<b>7f</b>	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? . . . . .		X
<b>7g</b>	For all contributions of qualified intellectual property, did the organization file Form 8899 as required? . . . . .		X
<b>7h</b>	For all contributions of cars, boats, airplanes, and other vehicles, did the organization file a Form 1098-C as required? . . . . .		X
<b>8</b>	<b>Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.</b> Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year? . . . . .		
<b>9</b>	<b>Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds.</b>		
<b>9a</b>	Did the organization make any taxable distributions under section 4966? . . . . .		
<b>9b</b>	Did the organization make any distribution to a donor, donor advisor, or related person? . . . . .		
<b>10</b>	<b>Section 501(c)(7) organizations.</b> Enter:		
<b>10a</b>	Initiation fees and capital contributions included on Part VIII, line 12 . . . . .		
<b>10b</b>	Gross Receipts, included on Form 990, Part VIII, line 12, for public use of club facilities. . . . .		
<b>11</b>	<b>Section 501(c)(12) organizations.</b> Enter:		
<b>11a</b>	Gross income from other members or shareholders . . . . .		
<b>11b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.) . . . . .		
<b>12a</b>	<b>Section 4947(a)(1) nonexempt charitable trusts.</b> Is the organization filing Form 990 in lieu of Form 1041? . . . . .		
<b>12b</b>	If 'Yes,' enter the amount of tax-exempt interest received or accrued during the year. . . . .		

BAA

Form 990 (2008)

**Part VI Governance, Management and Disclosure** (Sections A, B, and C request information about policies not required by the Internal Revenue Code.)**Section A. Governing Body and Management**

		Yes	No
For each 'Yes' response to lines 2-7b below, and for a 'No' response to lines 8 or 9b below, describe the circumstances, processes, or changes in Schedule O. See instructions.			
1a	Enter the number of voting members of the governing body	13	
1b	Enter the number of voting members that are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee or key employee?		X
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?		X
4	Did the organization make any significant changes to its organizational documents since the prior Form 990 was filed?		X
5	Did the organization become aware during the year of a material diversion of the organization's assets?		X
6	Does the organization have members or stockholders?		X
7a	Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body?		X
7b	Are any decisions of the governing body subject to approval by members, stockholders, or other persons?		X
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
8a	The governing body?		X
8b	Each committee with authority to act on behalf of the governing body?		X
9a	Does the organization have local chapters, branches, or affiliates?		X
9b	If 'Yes,' does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization?		
10	Was a copy of the Form 990 provided to the organization's governing body before it was filed? All organizations must describe in Schedule O the process, if any, the organization uses to review the Form 990. See Schedule O.	X	
11	Is there any officer, director or trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If 'Yes,' provide the names and addresses in Schedule O.		X

**Section B. Policies**

		Yes	No
12a	Does the organization have a written conflict of interest policy? If 'No,' go to line 13.		X
12b	Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts?		X
12c	Does the organization regularly and consistently monitor and enforce compliance with the policy? If 'Yes,' describe in Schedule O how this is done.		X
13	Does the organization have a written whistleblower policy?	X	
14	Does the organization have a written document retention and destruction policy?		X
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision:		
15a	The organization's CEO, Executive Director, or top management official?	X	
15b	Other officers of key employees of the organization? See Schedule O. Describe the process in Schedule O. (see instructions)	X	
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?		X
16b	If 'Yes,' has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements?		

**Section C. Disclosures**

17 List the states with which a copy of this Form 990 is required to be filed ► CA

18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.

☒ Own website ☐ Another's website ☒ Upon request

19 Describe in Schedule O whether (and if so, how) the organization makes its governing documents, conflict of interest policy, and financial statements available to the public.

20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization:

► Good Samaritan Family Resource 1294 Potrero Ave San Francisco CA 94110 415-824-9475

**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors****Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees**

1a Complete this table for all persons required to be listed. Use Schedule J-2 if additional space is needed.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation, and **current** key employees. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) or more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if the organization did not compensate any officer, director, trustee, or key employee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
Kat Taylor President	1	X						0.	0.	0.
Frank De Rosa Treasurer	1	X						0.	0.	0.
Bob Hernandez Secretary	1	X						0.	0.	0.
Michael Barlowe Director	1	X						0.	0.	0.
Kay Bishop Director	1	X						0.	0.	0.
John Gannon Director	1	X						0.	0.	0.
Alan Levinson Director	1	X						0.	0.	0.
Alicia Lieberman Director	1	X						0.	0.	0.
Vangie Lopez Director	1	X						0.	0.	0.
Anamaria Loya Director	1	X						0.	0.	0.
Stanley Mackewicz Director	1	X						0.	0.	0.
Sandra Vivanco Director	1	X						0.	0.	0.
Mario Paz Executive Direc	40			X				99,500.	0.	0.

<b>Part VII</b>	<b>Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees</b> <i>(cont.)</i>
-----------------	--

[illegible]

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<b>1 b Total</b> .....▶	99,500.	0.	0.
-------------------------	---------	----	----

2 Total number of individuals (including those in 1a) who received more than \$100,000 in reportable compensation from the organization ▶ 0

		Yes	No
<b>3</b>	Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If 'Yes,' complete Schedule J for such individual.		X
<b>4</b>	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If 'Yes' complete Schedule J for such individual.		X
<b>5</b>	Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? If 'Yes,' complete Schedule J for such person.		X

## Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization.

[illegible]

2 Total number of independent contractors (including those in 1) who received more than \$100,000 in compensation from the organization ▶ 0



**Part VIII Statement of Revenue**

			(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514
<b>CONTRIBUTIONS, GIFTS, GRANTS AND OTHER SIMILAR AMOUNTS</b>	<b>1 a</b> Federated campaigns . . . . .	<b>1 a</b>				
	<b>b</b> Membership dues . . . . .	<b>1 b</b>				
	<b>c</b> Fundraising events . . . . .	<b>1 c</b>				
	<b>d</b> Related organizations . . . . .	<b>1 d</b>				
	<b>e</b> Government grants (contributions) . . . .	<b>1 e</b>				
	<b>f</b> All other contributions, gifts, grants, and similar amounts not included above . . . .	<b>1 f</b> 938,984.				
	<b>g</b> Noncash contribns included in lns 1a-1f: . . . \$	230,691.				
	<b>h Total.</b> Add lines 1a-1f. . . . .		938,984.			
<b>PROGRAM SERVICE REVENUE</b>	<b>Business Code</b>					
	<b>2 a</b> Parent Fees . . . . .		98,249.	98,249.		
	<b>b</b> Government Contract & Fee . . . . .		951,820.	951,820.		
	<b>c</b> Other Contracts . . . . .		7,864.	7,864.		
	<b>d</b> . . . . .					
	<b>e</b> . . . . .					
	<b>f</b> All other program service revenue . . . .					
	<b>g Total.</b> Add lines 2a-2f. . . . .		1,057,933.			
<b>OTHER REVENUE</b>	<b>3</b> Investment income (including dividends, interest and other similar amounts) . . . . .		6,414.			6,414.
	<b>4</b> Income from investment of tax-exempt bond proceeds . . . .					
	<b>5</b> Royalties . . . . .					
	<b>6 a</b> Gross Rents . . . . .	(i) Real 9,041. (ii) Personal				
	<b>b</b> Less: rental expenses . . . . .					
	<b>c</b> Rental income or (loss) . . . . .	9,041.				
	<b>d</b> Net rental income or (loss) . . . . .		9,041.	9,041.		
	<b>7 a</b> Gross amount from sales of assets other than inventory . . . . .	(i) Securities (ii) Other				
	<b>b</b> Less: cost or other basis and sales expenses . . . . .					
	<b>c</b> Gain or (loss) . . . . .					
	<b>d</b> Net gain or (loss) . . . . .					
	<b>8 a</b> Gross income from fundraising events (not including \$ of contributions reported on line 1c). See Part IV, line 18 . . . . .	<b>a</b>				
	<b>b</b> Less: direct expenses . . . . .	<b>b</b>				
	<b>c</b> Net income or (loss) from fundraising events . . . . .					
	<b>9 a</b> Gross income from gaming activities. See Part IV, line 19 . . . . .	<b>a</b>				
	<b>b</b> Less: direct expenses . . . . .	<b>b</b>				
	<b>c</b> Net income or (loss) from gaming activities . . . . .					
	<b>10 a</b> Gross sales of inventory, less returns and allowances . . . . .	<b>a</b>				
<b>b</b> Less: cost of goods sold . . . . .	<b>b</b>					
<b>c</b> Net income or (loss) from sales of inventory . . . . .						
<b>Miscellaneous Revenue</b>		<b>Business Code</b>				
<b>11 a</b> Other Income . . . . .		52,811.			52,811.	
<b>b</b> . . . . .						
<b>c</b> . . . . .						
<b>d</b> All other revenue . . . . .						
<b>e Total.</b> Add lines 11a-11d. . . . .		52,811.				
<b>12 Total Revenue.</b> Add lines 1h, 2g, 3, 4, 5, 6d, 7d, 8c, 9c, 10c, and 11e . . . . .		2,065,183.	1,066,974.	0.	59,225.	



**Part IX Statement of Functional Expenses**

Section 501(c)(3) and 501(c)(4) organizations must complete all columns.

All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21.				
2 Grants and other assistance to individuals in the U.S. See Part IV, line 22.				
3 Grants and other assistance to governments, organizations, and individuals outside the U.S. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members.				
5 Compensation of current officers, directors, trustees, and key employees.	99,500.	78,613.	15,286.	5,601.
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1) and persons described in section 4958(c)(3)(B).	0.	0.	0.	0.
7 Other salaries and wages.	759,925.	600,403.	116,748.	42,774.
8 Pension plan contributions (include section 401(k) and section 403(b) employer contributions).				
9 Other employee benefits.	154,341.	120,228.	25,490.	8,623.
10 Payroll taxes.	81,217.	63,266.	13,414.	4,537.
11 Fees for services (non-employees).				
a Management.				
b Legal.				
c Accounting.	64,594.	44,589.	14,708.	5,297.
d Lobbying.				
e Prof fundraising svcs. See Part IV, ln 17.	16,913.			16,913.
f Investment management fees.				
g Other.	7,463.	225.	7,142.	96.
12 Advertising and promotion.	1,994.	819.	1,175.	
13 Office expenses.				
14 Information technology.	13,636.	9,413.	3,105.	1,118.
15 Royalties.				
16 Occupancy.				
17 Travel.				
18 Payments of travel or entertainment expenses for any federal, state, or local public officials.				
19 Conferences, conventions, and meetings.	4,396.	4,142.	254.	
20 Interest.				
21 Payments to affiliates.				
22 Depreciation, depletion, and amortization.	88,872.	78,917.	7,474.	2,481.
23 Insurance.				
24 Other expenses. Itemize expenses not covered above. (Expenses grouped together and labeled miscellaneous may not exceed 5% of total expenses shown on line 25 below.)				
a <u>Consultants / Contractors</u>	225,466.	167,316.	55,178.	2,972.
b <u>Maintenance &amp; Repair</u>	49,894.	819.	49,075.	
c <u>Food</u>	43,560.	42,451.	792.	317.
d <u>Insurance</u>	39,633.	32,252.	6,021.	1,360.
e <u>Supplies</u>	34,894.	31,040.	3,764.	90.
f All other expenses.	108,696.	165,315.	-62,443.	5,824.
25 Total functional expenses. Add lines 1 through 24f.	1,794,994.	1,439,808.	257,183.	98,003.
26 Joint Costs. Check here <input type="checkbox"/> if following SOP 98-2. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation.				

Form 990 (2008) Good Samaritan Family Resource Center

94-3154078

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**Part X Balance Sheet**

		(A) Beginning of year		(B) End of year
<b>ASSETS</b>	1 Cash — non-interest-bearing .....	528,418.	1	597,161.
	2 Savings and temporary cash investments .....		2	
	3 Pledges and grants receivable, net .....	162,734.	3	172,188.
	4 Accounts receivable, net .....	293,065.	4	265,701.
	5 Receivables from current and former officers, directors, trustees, key employees, or other related parties. Complete Part II of Schedule L .....		5	
	6 Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B). Complete Part II of Schedule L .....		6	
	7 Notes and loans receivable, net .....		7	
	8 Inventories for sale or use .....		8	
	9 Prepaid expenses and deferred charges .....	15,954.	9	18,162.
	10a Land, buildings, and equipment: cost basis .....	10a 4,093,335.		
	b Less: accumulated depreciation. Complete Part VI of Schedule D .....	10b 1,193,033.	10c 2,664,721.	2,900,302.
	11 Investments — publicly-traded securities .....		11	
	12 Investments — other securities. See Part IV, line 11 .....		12	
	13 Investments — program-related. See Part IV, line 11 .....		13	
	14 Intangible assets .....		14	
	15 Other assets. See Part IV, line 11 .....	3,632.	15	1,088.
16 <b>Total assets.</b> Add lines 1 through 15 (must equal line 34) .....	3,668,524.	16	3,954,602.	
<b>LIABILITIES</b>	17 Accounts payable and accrued expenses .....	123,836.	17	126,441.
	18 Grants payable .....		18	
	19 Deferred revenue .....		19	
	20 Tax-exempt bond liabilities .....		20	
	21 Escrow account liability. Complete Part IV of Schedule D .....		21	
	22 Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L .....		22	
	23 Secured mortgages and notes payable to unrelated third parties .....		23	
	24 Unsecured notes and loans payable .....		24	
	25 Other liabilities. Complete Part X of Schedule D .....	12,910.	25	26,194.
	26 <b>Total liabilities.</b> Add lines 17 through 25 .....	136,746.	26	152,635.
<b>NET ASSETS OR FUND BALANCES</b>	<b>Organizations that follow SFAS 117, check here</b> <input checked="" type="checkbox"/> <b>and complete lines 27 through 29 and lines 33 and 34.</b>			
	27 Unrestricted net assets .....	2,949,687.	27	3,230,536.
	28 Temporarily restricted net assets .....	553,743.	28	543,083.
	29 Permanently restricted net assets .....	28,348.	29	28,348.
	<b>Organizations that do not follow SFAS 117, check here</b> <input type="checkbox"/> <b>and complete lines 30 through 34.</b>			
	30 Capital stock or trust principal, or current funds .....		30	
	31 Paid-in or capital surplus, or land, building, and equipment fund .....		31	
	32 Retained earnings, endowment, accumulated income, or other funds .....		32	
	33 <b>Total net assets or fund balances.</b> .....	3,531,778.	33	3,801,967.
	34 <b>Total liabilities and net assets/fund balances.</b> .....	3,668,524.	34	3,954,602.

**Part XI Financial Statements and Reporting**

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? .....	2a	X
b Were the organization's financial statements audited by an independent accountant? .....	2b	X
c If 'Yes' to 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? .....	2c	X
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? .....	3a	X
b If 'Yes,' did the organization undergo the required audit or audits? .....	3b	

BAA

Form 990 (2008)

**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service**Public Charity Status and Public Support**To be completed by all section 501 (c)(3) organizations and section 4947(a)(1)  
nonexempt charitable trusts.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No. 1545-0047

**2008**Open to Public  
Inspection

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Part I Reason for Public Charity Status** (All organizations must complete this part.) (see instructions)The organization is not a private foundation because it is: (Please check only **one** organization.)

- 1 ☐ A church, convention of churches or association of churches described in **section 170(b)(1)(A)(i)**.
- 2 ☐ A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E.)
- 3 ☐ A hospital or cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**. (Attach Schedule H.)
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state: \_\_\_\_\_
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- 7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 9 ☐ An organization that normally receives: (1) more than 33-1/3 % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions — subject to certain exceptions, and (2) no more than 33-1/3 % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**. (see instructions)
- 11 ☒ An organization organized and operated exclusively for the benefit of, to perform the functions of, or carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See **section 509(a)(3)**. Check the box that describes the type of supporting organization and complete lines 11e through 11h.
- a ☐ Type I      b ☐ Type II      c ☐ Type III — Functionally integrated      d ☐ Type III — Other
- e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).
- f ☐ If the organization received a written determination from the IRS that is a Type I, Type II or Type III supporting organization, check this box.
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
- |  | Yes | No |
|--|-----|----|
| (i) a person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? ..... |     | X  |
| (ii) a family member of a person described in (i) above? .....   |     | X  |
| (iii) a 35% controlled entity of a person described in (i) or (ii) above? .....  |     | X  |

h Provide the following information about the organizations the organization supports.

(i) Name of Supported Organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col. (i) listed in your governing document?		(v) Did you notify the organization in col. (i) of your support?		(vi) Is the organization in col. (i) organized in the U.S.?		(vii) Amount of Support
			Yes	No	Yes	No	Yes	No	
<b>Total</b>									0.

BAA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990.

Schedule A (Form 990 or 990-EZ) 2008

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include 'unusual grants'.)	1,127,591.	1,195,209.	1,352,784.	751,737.	938,984.	5,366,305.
2 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf.						0.
3 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge.						0.
4 <b>Total.</b> Add lines 1-3.	1,127,591.	1,195,209.	1,352,784.	751,737.	938,984.	5,366,305.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f).						712,358.
6 <b>Public support.</b> Subtract line 5 from line 4.						4,653,947.

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
7 Amounts from line 4	1,127,591.	1,195,209.	1,352,784.	751,737.	938,984.	5,366,305.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.	1,090.	2,843.	13,226.	11,502.	6,414.	35,075.
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						0.
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) See Part IV.	3,189.	3,196.	10,366.	11,036.	61,852.	89,639.
11 <b>Total support.</b> Add lines 7 through 10.						5,491,019.
12 Gross receipts from related activities, etc. (see instructions).					12	0.

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ☐

**Section C. Computation of Public Support Percentage**

14 Public support percentage for 2008 (line 6, column (f) divided by line 11, column (f)).	14	84.8 %
15 Public support percentage for 2007 Schedule A, Part IV-A, line 26f.	15	99.1 %

16a **33-1/3 support test – 2008.** If the organization did not check the box on line 13, and the line 14 is 33-1/3 % or more, check this box and stop here. The organization qualifies as a publicly supported organization. ☒

b **33-1/3 support test – 2007.** If the organization did not check a box on line 13, or 16a, and line 15 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ☐

17a **10%-facts-and-circumstances test – 2008.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ☐

b **10%-facts-and-circumstances test – 2007.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions. ☐

BAA

Schedule A (Form 990 or 990-EZ) 2008

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I.)

**Section A. Public Support**

Calendar year (or fiscal yr beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in a activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 <b>Total.</b> Add lines 1-5						
7a Amounts included on lines 1, 2, 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of 1% of the total of lines 9, 10c, 11, and 12 for the year or \$5,000						
c Add lines 7a and 7b						
8 <b>Public support</b> (Subtract line 7c from line 6.)						

**Section B. Total Support**

Calendar year (or fiscal yr beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included on line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
13 <b>Total support.</b> (add lines 9, 10c, 11, and 12.)						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ☐

**Section C. Computation of Public Support Percentage**

15 Public support percentage for 2008 (line 8, column (f) divided by line 13, column (f)).	15	%
16 Public support percentage from 2007 Schedule A, Part IV-A, line 27g	16	%

**Section D. Computation of Investment Income Percentage**

17 Investment income percentage for 2008 (line 10c, column (f) divided by line 13, column (f)).	17	%
18 Investment income percentage from 2007 Schedule A, Part IV-A, line 27h	18	%

19a **33-1/3 support tests – 2008.** If the organization did not check the box on line 14, and line 15 is more than 33-1/3%, and line 17 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ☐

b **33-1/3 support tests – 2007.** If the organization did not check a box on line 14 or 19a, and line 16 is more than 33-1/3%, and line 18 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization. ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions. ☐

**Part IV** **Supplemental Information.** Complete this part to provide the explanation required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Provide any other additional information. (see instructions)

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**2008****Schedule A, Part IV - Supplemental Information****Page 5****Client GSFRC****Good Samaritan Family Resource Center****94-3154078**

3/29/10

12:53PM

**Part II, Line 10 - Other Income**

<u>Nature and Source</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Other Income	61,852.	11,036.	10,366.	3,196.	3,189.
Total	<u>\$ 61,852.</u>	<u>\$ 11,036.</u>	<u>\$ 10,366.</u>	<u>\$ 3,196.</u>	<u>\$ 3,189.</u>

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**Schedule B**  
**(Form 990, 990-EZ,**  
**or 990-PF)**Department of the Treasury  
Internal Revenue Service**Schedule of Contributors**

- ▶ **Attach to Form 990, 990-EZ and 990-PF**  
▶ **See separate instructions.**

OMB No. 1545-0047

**2008****Name of the organization**

Good Samaritan Family Resource Center

**Employer identification number**

94-3154078

**Organization type** (check one):**Filers of:**

Form 990 or 990-EZ

**Section:**

- ☒ 501(c)( 3 ) (enter number) organization  
☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation  
☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation  
☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation  
☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (**Note:** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.)

**General Rule –**

- ☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on Form 990, Part VIII, line 1h or 2% of the amount on Form 990-EZ, line 1. Complete Parts I and II.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year.) ..... ▶ \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** answer 'No' on Part IV, line 2 of their Form 990, or check the box in the heading of their Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990. These instructions will be issued separately.**

**Schedule B** (Form 990, 990-EZ, or 990-PF) (2008)



Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 1 of 3 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	<div>██████████</div> <div>████████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	<div>██████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
3	<div>████████████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
4	<div>████████████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
5	<div>██████████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
6	<div>██████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 08/05/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 2 of 3 of Part I

Employer identification number

94-3154078

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
9			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
10			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
11			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
12			Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Page 3 of 3 of Part I

Employer identification number

94-3154078

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
13	[REDACTED]	\$ [REDACTED]	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input checked="" type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
—		\$ —	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

---

Page 1 of 1 of **Part II**

Employer identification number

94-3154078

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
13	Solar Panels		
		\$ 230,691.	6/30/09
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$	

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 1 of 1 of Part III

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part III Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year.** (Complete cols (a) through (e) and the following line entry.)For organizations completing Part III, enter total of *exclusively* religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this information once — see instructions.)

N/A

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	N/A		
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee

BAA

TEEA0704L 04/01/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

**SCHEDULE D  
(Form 990)**Department of the Treasury  
Internal Revenue Service**Supplemental Financial Statements****Attach to Form 990. To be completed by organizations that  
answered 'Yes,' to Form 990, Part IV, lines 6, 7, 8, 9, 10, 11, or 12.**

OMB No. 1545-0047

**2008****Open to Public  
Inspection**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts** Complete if  
the organization answered 'Yes' to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year. ....		
2 Aggregate contributions to (during year). ....		
3 Aggregate grants from (during year) ....		
4 Aggregate value at end of year. ....		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ..... ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds may be used only for charitable purposes and not for the benefit of the donor or donor advisor or other impermissible private benefit? ..... ☐ Yes ☐ No

**Part II Conservation Easements** Complete if the organization answered 'Yes' to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or pleasure) ☐ Preservation of an historically important land area

☐ Protection of natural habitat ☐ Preservation of certified historic structure

☐ Preservation of open space

2 Complete lines 2a-2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

	Held at the End of the Year
a Total number of conservation easements. ....	2a
b Total acreage restricted by conservation easements. ....	2b
c Number of conservation easements on a certified historic structure included in (a). ....	2c
d Number of conservation easements included in (c) acquired after 8/17/06. ....	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the taxable year ▶ \_\_\_\_\_

4 Number of states where property subject to conservation easement is located ▶ \_\_\_\_\_

5 Does the organization have a written policy regarding the periodic monitoring, inspection, violations, and enforcement of the conservation easement it holds? ..... ☐ Yes ☐ No

6 Staff or volunteer hours devoted to monitoring, inspecting, and enforcing easements during the year ▶ \_\_\_\_\_

7 Amount of expenses incurred in monitoring, inspecting, and enforcing easements during the year ▶ \$ \_\_\_\_\_

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and 170(h)(4)(B)(ii)? ..... ☐ Yes ☐ No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets**  
Complete if the organization answered 'Yes' to Form 990, Part IV, line 8.

1 a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1. .... ▶ \$ \_\_\_\_\_

(ii) Assets included in Form 990, Part X. .... ▶ \$ \_\_\_\_\_

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items:

a Revenues included in Form 990, Part VIII, line 1. .... ▶ \$ \_\_\_\_\_

b Assets included in Form 990, Part X. .... ▶ \$ \_\_\_\_\_

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

3 Using the organization's accession and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a ☐ Public exhibition  
 b ☐ Scholarly research  
 c ☐ Preservation for future generations

- d ☐ Loan or exchange programs  
 e ☐ Other \_\_\_\_\_

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Trust, Escrow and Custodial Arrangements** Complete if organization answered 'Yes' to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1 a Is the organization an agent, trustee, custodian, or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

b If 'Yes,' explain the arrangement in Part XIV and complete the following table:

c Beginning balance

d Additions during the year

e Distributions during the year

f Ending balance

	Amount
1 c	
1 d	
1 e	
1 f	

2 a Did the organization include an amount on Form 990, Part X, line 21? ☐ Yes ☐ No

b If 'Yes,' explain the arrangement in Part XIV.

**Part V Endowment Funds** Complete if organization answered 'Yes' to Form 990, Part IV, line 10.

1 a Beginning of year balance

b Contributions

c Investment earnings or losses

d Grants or scholarships

e Other expenditures for facilities and programs

f Administrative expenses

g End of year balance

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1 a					
1 b					
1 c					
1 d					
1 e					
1 f					
1 g					

2 Provide the estimated percentage of the year end balance held as:

a Board designated or quasi-endowment ☐ %

b Permanent endowment ☐ %

c Term endowment ☐ %

3 a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

(i) unrelated organizations

(ii) related organizations

b If 'Yes' to 3a(ii), are the related organizations listed as required on Schedule R?

	Yes	No
3a(i)		
3a(ii)		
3b		

4 Describe in Part XIV the intended uses of the organization's endowment funds.

**Part VI Investments—Land, Buildings, and Equipment.** See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Depreciation	(d) Book Value
1 a Land		300,000.		300,000.
b Buildings		2,985,926.	899,923.	2,086,003.
c Leasehold improvements		517,782.	39,429.	478,353.
d Equipment		289,627.	253,681.	35,946.
e Other				
<b>Total.</b> Add lines 1a-1e (Column (d) should equal Form 990, Part X, column (B), line 10(c).)				2,900,302.

BAA

Schedule D (Form 990) 2008

<b>Part VII</b>	<b>Investments—Other Securities</b> See Form 990, Part X, line 12.	N/A
-----------------	--	-----

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Financial derivatives and other financial products . . . . .		
Closely-held equity interests . . . . .		
Other _____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
Total. (Column (b) should equal Form 990 Part X, col. (B) line 12.) ▶		

<b>Part VIII</b>	<b>Investments—Program Related</b> (See Form 990, Part X, line 13)	N/A
------------------	--	-----

(a) Description of investment type	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Total. Column (b)(should equal Form 990, Part X, Col. (B) line 13.) ▶		

<b>Part IX</b>	<b>Other Assets</b> (See Form 990, Part X, line 15)	N/A
----------------	---	-----

(a) Description	(b) Book value
Total. Column (b) Total (should equal Form 990, Part X, col.(B), line 15).	

<b>Part X</b>	<b>Other Liabilities</b> (See Form 990, Part X, line 25)
---------------	--

(a) Description of Liability	(b) Amount
Federal Income Taxes	
Due to SDE	17,879.
Other Current Liabilities	8,315.
<b>Total. Column (b) Total (should equal Form 990, Part X, col. (B) line 25)</b>	<b>26,194.</b>

In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48.



**Part XI Reconciliation of Change in Net Assets from Form 990 to Financial Statements**

1	Total revenue (Form 990, Part VIII, column (A), line 12)	2,065,183.
2	Total expenses (Form 990, Part IX, column (A), line 25)	1,794,994.
3	Excess or (deficit) for the year. Subtract line 2 from line 1	270,189.
4	Net unrealized gains (losses) on investments	
5	Donated services and use of facilities	
6	Investment expenses	
7	Prior period adjustments	
8	Other (Describe in Part XIV)	
9	Total adjustments (net). Add lines 4-8	
10	Excess or (deficit) for the year per financial statements. Combine lines 3 and 9	270,189.

**Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return**

1	Total revenue, gains, and other support per audited financial statements	1	2,065,183.
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains on investments	2a	
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIV)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	2,065,183.
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
a	Investments expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIV)	4b	
c	Add lines 4a and 4b	4c	
5	Total revenue. Add lines 3 and 4c. (This should equal Form 990, Part I, line 12.)	5	2,065,183.

**Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return**

1	Total expenses and losses per audited financial statements	1	1,794,994.
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
a	Donated services and use of facilities	2a	
b	Prior year adjustments	2b	
c	Losses reported on Form 990, Part IX, line 25	2c	
d	Other (Describe in Part XIV)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	1,794,994.
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
a	Investments expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIV)	4b	
c	Add lines 4a and 4b	4c	
5	Total expenses. Add lines 3 and 4c. (This should equal Form 990, Part I, line 18.)	5	1,794,994.

**Part XIV Supplemental Information**

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X; Part XI, line 8; Part XII, lines 2d and 4b; and Part XIII, lines 2d and 4b.

**Part XIV** Supplemental Information *(continued)*

CLIENT COPY

**SCHEDULE G**  
**(Form 990 or 990-EZ)**

Department of the Treasury  
Internal Revenue Service

## Supplemental Information Regarding Fundraising or Gaming Activities

► Must be completed by organizations that answer 'Yes' to Form 990, Part IV, lines 17, 18, or 19, and by organizations that enter more than \$15,000 on Form 990-EZ, line 6a.

OMB No. 1545-0047

2008

**Open to Public Inspection**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

<b>Part I</b>	<b>Fundraising Activities.</b> Complete if the organization answered 'Yes' to Form 990, Part IV, line 17.
---------------	---

**1** Indicate whether the organization raised funds through any of the following activities. Check all that apply.

- |                                     |                         |                                     |                                       |
|-------------------------------------|-------------------------|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | Mail solicitations      | <input checked="" type="checkbox"/> | Solicitation of non-government grants |
| <input type="checkbox"/>            | Email solicitations     | <input checked="" type="checkbox"/> | Solicitation of government grants     |
| <input type="checkbox"/>            | Phone solicitations     | <input type="checkbox"/>            | Special fundraising events            |
| <input type="checkbox"/>            | In-person solicitations |                                     |                                       |

**2a** Did the organization have written or oral agreement with any individual (including officers, directors, trustees or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? ☒ Yes ☐ No

**b** If 'Yes,' list the ten highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least \$5,000 by the organization. Form 990EZ filers are not required to complete this table.

(i) Name of individual or entity (fundraiser)	(ii) Activity	(iii) Did fundraiser have custody or control of contributions?		(iv) Gross receipts from activity	(v) Amount paid to (or retained by) fundraiser listed in col.(i)	(vi) Amount paid to (or retained by) organization
		Yes	No			
Christine Comella	Grant-writing		X	925,741.	16,913.	908,828.
<b>Total</b> .....				925,741.	16,913.	908,828.

**3** List all states in which the organization is registered or licensed to solicit funds or has been notified it is exempt from registration or licensing.

**Part II Fundraising Events.** Complete if the organization answered 'Yes' to Form 990, Part IV, line 18, or reported more than \$15,000 on Form 990-EZ, line 6a. List events with gross receipts greater than \$5,000.

		(a) Event #1	(b) Event #2	(c) Other Events	(d) Total Events
		(event type)	(event type)	(total number)	(Add col. (a) through col. (c))
REVENUE	1 Gross receipts .....				
	2 Less: Charitable contributions .....				
	3 Gross revenue (line 1 minus line 2) .....				
DIRECT EXPENSES	4 Cash prizes .....				
	5 Non-cash prizes .....				
	6 Rent/facility costs .....				
	7 Other direct expenses .....				
	8 Direct expense summary. Add lines 4- through 7 in column (d) .....				
9 Net income summary. Combine lines 3 and 8 in column (d) .....					

**Part III Gaming.** Complete if the organization answered 'Yes' to Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

	(a) Bingo	(b) Pull tabs/Instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming
				(Add col. (a) through col. (c))
REVENUE				
1 Gross revenue .....				
DIRECT EXPENSES	2 Cash prizes .....			
	3 Non-cash prizes .....			
	4 Rent/facility costs .....			
	5 Other direct expenses .....			
6 Volunteer labor .....	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	
7 Direct expense summary. Add lines 2 through 5 in column (d) .....				
8 Net gaming income summary. Combine lines 1 and 7 in column (d) .....				

9 Enter the state(s) in which the organization operates gaming activities: \_\_\_\_\_

a Is the organization licensed to operate gaming activities in each of these states? .....

b If 'No,' Explain:

10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? .....

b If 'Yes,' Explain:

11 Does the organization operate gaming activities with nonmembers? .....

12 Is the organization a grantor, beneficiary or trustee of a trust or a member of a partnership or other entity formed to administer charitable gaming? .....

YES NO

9a

10a

11

12

**13** Indicate the percentage of gaming activity operated in:

- |                                     | 13a | % |
|-------------------------------------|-----|---|
| a The organization's facility. .... |     |   |
| b An outside facility. ....         | 13b | % |

**14** Provide the name and address of the person who prepares the organization's gaming/special events books and records:

Name: ▶ \_\_\_\_\_

Address: ▶ \_\_\_\_\_

**15a** Does the organization have a contact with a third party from whom the organization receives gaming revenue? ..... **15a**

- b** If 'Yes,' enter the amount of gaming revenue received by the organization \$ \_\_\_\_\_ and the amount of gaming revenue retained by the third party \$ \_\_\_\_\_.

- c** If 'Yes,' enter name and address:

Name: ▶ \_\_\_\_\_

Address: ▶ \_\_\_\_\_

**16** Gaming manager information

Name: ▶ \_\_\_\_\_

Gaming manager compensation ▶ \$ \_\_\_\_\_

Description of services provided: ▶ \_\_\_\_\_

☐

Director/officer

☐

Employee

☐

Independent contractor

**17** Mandatory distributions

- a** Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? ..... **17a**

- b** Enter the amount of distributions required under state law distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year: ▶ \$ \_\_\_\_\_

BAA

TEEA3703L 07/18/08

Schedule G (Form 990 or 990-EZ) 2008

**SCHEDULE M  
(Form 990)**Department of the Treasury  
Internal Revenue Service**Non-Cash Contributions**

► To be completed by organizations that answered 'Yes'  
on Form 990, Part IV, lines 29 or 30.  
► Attach to Form 990.

OMB No. 1545-0047

**2008****Open to Public  
Inspection**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Part I Types of Property**

	(a) Check if applicable	(b) Number of Contributions	(c) Revenues reported on Form 990, Part VIII, line 1g	(d) Method of determining revenues
1 Art—Works of art .....				
2 Art—Historical treasures .....				
3 Art—Fractional interests .....				
4 Books and publications .....				
5 Clothing and household goods .....				
6 Cars and other vehicles .....				
7 Boats and planes .....				
8 Intellectual property .....				
9 Securities—Publicly traded .....				
10 Securities—Closely held stock .....				
11 Securities—Partnership, LLC, or trust interests .....				
12 Securities—Miscellaneous .....				
13 Qualified conservation contribution (historic structures) .....				
14 Qualified conservation contribution (other) .....				
15 Real estate—Residential .....				
16 Real estate—Commercial .....				
17 Real estate—Other .....				
18 Collectibles .....				
19 Food inventory .....				
20 Drugs and medical supplies .....				
21 Taxidermy .....				
22 Historical artifacts .....				
23 Scientific specimens .....				
24 Archeological artifacts .....				
25 Other ► (Solar Panels) .....		1	230,691.	Donated FMV
26 Other ► ( ) .....				
27 Other ► ( ) .....				
28 Other ► ( ) .....				

29 Number of Forms 8283 received by the organization during the tax year for contributions for which the organization completed Form 8283, Part IV, Donee Acknowledgement .....

29

30a During the year, did the organization receive by contribution any property reported in Part I, lines 1-28 that it must hold for at least three years from the date of the initial contribution, and which is not required to be used for exempt purposes for the entire holding period? .....

	Yes	No
30a		X
31		X
32a		X
33		

b If 'Yes,' describe the arrangement in Part II.

31 Does the organization have a gift acceptance policy that requires the review of any non-standard contributions? .....

32a Does the organization hire or use third parties or related organizations to solicit, process, or sell noncash contributions? .....

b If 'Yes,' describe in Part II.

33 If the organization did not report revenues in column (c) for a type of property for which column (a) is checked, describe in Part II.

**BAA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990.**

Schedule M (Form 990) 2008

**Part II** **Supplemental Information.** Complete this part to provide the information required by Part I, lines 30b, 32b, and 33. Also complete this part for any additional information.

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**SCHEDULE O**  
**(Form 990)**Department of the Treasury  
Internal Revenue Service**Supplemental Information to Form 990**

OMB No. 1545-0047

**2008****Open to Public  
Inspection**▶ Attach to Form 990. To be completed by organizations to provide  
additional information for responses to specific questions for the  
Form 990 or to provide any additional information.

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Form 990, Part III, Line 1 - Organization Mission**

Since 1894, GSFRC has helped immigrant families access needed services, develop self-sufficiency, and participate fully as members of the San Francisco community, through services including ESL, and child development, youth, family advocacy, and parenting programs.

**Form 990, Part III, Line 4b - Program Service Accomplishments****FAMILY SUPPORT SERVICES**

Services included support groups, parenting classes, family advocacy, mental health counseling, family planning, English as a Second Language and computer literacy classes.

**YOUTH SERVICES**

Our youth services included after-school activities, school-based services, and summer programs, which support the social, physical and mental development of youth and promote their academic success.

**OTHER INFORMATION AND COMMUNITY RESOURCES**

Families in need of information and referrals to local community resources and public benefits are invited to call or visit us for assistance.

**Form 990, Part VI, Line 10 - Form 990 Review Process**

The organization has not yet finalized a written policy to have the Form 990 reviewed by the board before the filing. However, it is the practice of the organization to have the Finance Committee to discuss the Form 990 and to present their findings to the full board for approval. We are currently updating our policy.



Schedule O (Form 990) 2008

Page 2

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

**Form 990, Part VI, Line 15b - Compensation Review & Approval Process for Officers & Key Employees**

The executive directors compensation is determined by board review and approval based on performance. Key employee compensation is determined by the executive director and the Human Resources manager based on comparable rates for the position as well as performance and experience.

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TAXABLE YEAR

2008

California Exempt Organization  
Annual Information Return

FORM

199

Calendar year 2008 or fiscal year beginning month 07 day 01 year 2008, and ending month 06 day 30 year 2009

**A** First Return Filed? ☐ Yes ☒ No **B** Type of organization Exempt under Section 23701 **D** (insert letter) **CORP #**  
 IRC Section 4947(a)(1) trust ☐ **1522670**

Corporation/Organization Name **FEIN**  
**GOOD SAMARITAN FAMILY RESOURCE CENTER** **94-3154078**

Address

1294 POTRERO AVE

City State ZIP Code

SAN FRANCISCO, CA 94110

**C** Amended Return? ☐ Yes ☒ No  
**D** Are you a subordinate/affiliate in a group exemption? ☐ Yes ☒ No  
**a** Is this a group filing for affiliates? See General Instruction L ☐ Yes ☒ No  
**b** If 'Yes,' enter the number of affiliates.  
**c** Are all affiliates included? ☒ Yes ☐ No  
 (If 'No,' attach a list. See instructions.)  
**d** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No  
**e** Federal Group Exemption Number.  
**f** Is a roster of subordinates attached? ☐ Yes ☒ No  
**E** Final return?  
☐ Dissolved ☐ Surrendered (Withdrawn)  
☐ Merged/Reorganized (attach explanation)  
 If a box is checked, enter date.  
**F** Check the box if the organization filed: 1 ☐ 990T 2 ☐ 990PF  
 3 ☐ 990H  
**G** If organization is exempt under R&TC Section 23701d and is exclusively religious, educational, or charitable, and is supported primarily (50% or more) by public contributions, check box. See General Instruction F. No filing fee is required. ☒  
**H** Accounting method used... 1 ☐ Cash 2 ☒ Accrual 3 ☐ Other  
**I** If exempt under R&TC Section 23701d, has the organization during the year: (1) participated in any political campaign or (2) attempted to influence legislation or any ballot measure, or (3) made an election under R&TC Section 23704.5 (relating to lobbying by public charities)? If 'Yes,' complete and attach form FTB 3509, Political or Legislative Activities by Section 23701d Organizations. ☐ Yes ☒ No  
**J** Did the organization have any changes in its activities, governing instrument, articles of incorporation, or bylaws that have not been reported to the Franchise Tax Board? If 'Yes,' complete an explanation and attach copies of revised documents. ☐ Yes ☒ No  
**K** Is the organization exempt under R&TC Section 23701g? ☐ Yes ☒ No  
 If 'Yes,' enter amount of gross receipts from nonmember sources \$  
**L** Is the organization under audit by the IRS or has the IRS audited in a prior year? ☐ Yes ☒ No  
**M** Is the organization a Limited Liability Corporation? ☐ Yes ☒ No  
**N** Did the organization file Form 100 or Form 109 to report taxable income? ☐ Yes ☒ No

**Part I** Complete Part I unless not required to file this form. See General Instructions B and C.

Receipts and Revenues	1	Gross sales or receipts from other sources. From Side 2, Part II, line 8.	1	1,126,199.
	2	Gross dues and assessments from members and affiliates.	2	
	3	Gross contributions, gifts, grants, and similar amounts received. SEE SCH. B	3	938,984.
	4	Total gross receipts for filing requirement test. Add line 1 through line 3. This line must be completed. If the result is less than \$25,000, see General Instruction C.	4	2,065,183.
	5	Cost of goods sold.	5	
	6	Cost or other basis, and sales expenses of assets sold.	6	
	7	Total costs. Add line 5 and line 6.	7	
	8	Total gross income. Subtract line 7 from line 4.	8	2,065,183.
Expenses	9	Total expenses and disbursements. From Side 2, Part II, line 18.	9	1,794,994.
	10	Excess of receipts over expenses and disbursements. Subtract line 9 from line 8.	10	270,189.
Filing Fee	11	Filing fee \$10 or \$25. See General Instruction F.	11	
	12	Total Payments.	12	
	13	Penalties and Interest. See General Instruction J.	13	
	14	Use tax. See General Instruction K.	14	
	15	Balance due. Add line 11, line 13, and line 14. Then subtract line 12 from the result.	15	
Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
	Signature of officer	Title	Date	Telephone
Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed	Preparer's SSN/PTIN
	Firm's name (or yours, if self-employed) and address			FEIN
				Telephone

May the FTB discuss this return with the preparer shown above? See instructions. ☒ Yes ☐ No

GOOD SAMARITAN FAMILY RESOURCE CENTER

94-3154078

**Part II Organizations with gross receipts of more than \$25,000 and private foundations regardless of amount of gross receipts—complete Part II or furnish substitute information. See Specific Line Instructions.**

<b>Receipts from Other Sources</b>	<b>1</b>	Gross sales or receipts from all business activities. See instructions.....	<b>1</b>	
	<b>2</b>	Interest .....	<b>2</b>	6,414.
	<b>3</b>	Dividends .....	<b>3</b>	
	<b>4</b>	Gross rents .....	<b>4</b>	9,041.
	<b>5</b>	Gross royalties .....	<b>5</b>	
	<b>6</b>	Gross amount received from sale of assets (See Instructions).....	<b>6</b>	
	<b>7</b>	Other income. Attach schedule ..... SEE STATEMENT 1	<b>7</b>	1,110,744.
	<b>8</b>	<b>Total</b> gross sales or receipts from other sources. Add line 1 through line 7. Enter here and on Side 1, Part I, line 1 .....	<b>8</b>	1,126,199.
	<b>9</b>	Contributions, gifts, grants, and similar amounts paid. Attach schedule .....	<b>9</b>	
	<b>10</b>	Disbursements to or for members .....	<b>10</b>	
	<b>11</b>	Compensation of officers, directors, and trustees. Attach schedule .... SEE STATEMENT 2	<b>11</b>	99,500.
	<b>12</b>	Other salaries and wages .....	<b>12</b>	759,925.
	<b>13</b>	Interest .....	<b>13</b>	
	<b>14</b>	Taxes .....	<b>14</b>	81,217.
	<b>15</b>	Rents .....	<b>15</b>	
	<b>16</b>	Depreciation and depletion (See Instructions) .....	<b>16</b>	88,872.
	<b>17</b>	Other. Attach schedule .....	<b>17</b>	765,480.
	<b>18</b>	<b>Total</b> expenses and disbursements. Add line 9 through line 17. Enter here and on Side 1, Part I, line 9 .....	<b>18</b>	1,794,994.
<b>Expenses and Disbursements</b>				

**Schedule L Balance Sheets**

		Beginning of taxable year		End of taxable year	
		(a)	(b)	(c)	(d)
<b>Assets</b>					
<b>1</b>	Cash .....		528,418.		597,161.
<b>2</b>	Net accounts receivable .....		455,799.		437,889.
<b>3</b>	Net notes receivable. Attach schedule .....				
<b>4</b>	Inventories .....				
<b>5</b>	Federal and state government obligations .....				
<b>6</b>	Investments in other bonds. Attach sch .....				
<b>7</b>	Investments in stock. Attach schedule .....				
<b>8</b>	Mortgage loans (number of loans .....)				
<b>9</b>	Other investments. Attach schedule .....				
<b>10a</b>	Depreciable assets .....	3,468,882.		3,793,335.	
<b>b</b>	Less accumulated depreciation .....	1,104,161.	2,364,721.	1,193,033.	2,600,302.
<b>11</b>	Land .....		300,000.		300,000.
<b>12</b>	Other assets. Attach schedule .....		19,586.		19,250.
<b>13</b>	<b>Total assets</b> .....		3,668,524.		3,954,602.
<b>Liabilities and net worth</b>					
<b>14</b>	Accounts payable .....		123,836.		126,441.
<b>15</b>	Contributions, gifts, or grants payable .....				
<b>16</b>	Bonds and notes payable. Attach schedule .....				
<b>17</b>	Mortgages payable .....				
<b>18</b>	Other liabilities. Attach schedule .....		12,910.		26,194.
<b>19</b>	Capital stock or principle fund .....		3,531,778.		3,801,967.
<b>20</b>	Paid-in or capital surplus. Attach reconciliation .....				
<b>21</b>	Retained earnings or income fund .....				
<b>22</b>	<b>Total liabilities and net worth</b> .....		3,668,524.		3,954,602.

**Schedule M-1 Reconciliation of income per books with income per return**

Do not complete this schedule if the amount on Schedule L, line 13, column (d), is less than \$25,000

<b>1</b>	Net income per books .....	<b>7</b>	Income recorded on books this year not included in this return. Attach schedule .....
<b>2</b>	Federal income tax .....	<b>8</b>	Deductions in this return not charged against book income this year. Attach schedule .....
<b>3</b>	Excess of capital losses over capital gains .....	<b>9</b>	Total. Add line 7 and line 8 .....
<b>4</b>	Income not recorded on books this year. Attach schedule .....	<b>10</b>	Net income per return. Subtract line 9 from line 6 .....
<b>5</b>	Expenses recorded on books this year not deducted in this return. Attach schedule .....		
<b>6</b>	<b>Total.</b> Add line 1 through line 5 .....		
	270,189.		270,189.

**Schedule B**  
**(Form 990, 990-EZ,**  
**or 990-PF)**Department of the Treasury  
Internal Revenue Service

California Copy

**Schedule of Contributors**

- ▶ **Attach to Form 990, 990-EZ and 990-PF**  
▶ **See separate instructions.**

OMB No. 1545-0047

**2008**

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):

**Filers of:**

Form 990 or 990-EZ

**Section:**

- ☒ 501(c)( 3 ) (enter number) organization  
☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation  
☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation  
☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation  
☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (**Note:** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.)

**General Rule –**

- ☒ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

**Special Rules –**

- ☐ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on Form 990, Part VIII, line 1h or 2% of the amount on Form 990-EZ, line 1. Complete Parts I and II.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year.) ..... ▶ \$ \_\_\_\_\_

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** answer 'No' on Part IV, line 2 of their Form 990, or check the box in the heading of their Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

**BAA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990. These instructions will be issued separately.**

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 1 of 4 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	<div>██████████</div> <div>████████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2	<div>██████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
3	<div>██████████</div> <div>██████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
4	<div>██████████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
5	<div>████████████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
6	<div>██████████████</div> <div>██████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 08/05/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)



Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 2 of 4 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
8	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
9	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
10	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
11	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
12	<div>██████████</div> <div>██████████</div> <div>██████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 08/05/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 3 of 4 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
13	<div>██████████</div> <div>████████████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
14	<div>██████</div> <div>██████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
15	<div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
16	<div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
17	<div>██████████████</div> <div>████████████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
18	<div>████████████████████</div> <div>██████████████</div> <div>████████████████████</div>	\$ ██████████	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 4 of 4 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part I Contributors** (see instructions.)

(a) Number	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
19	<div>██████████</div> <div>████████████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
20	<div>██████████████████</div> <div>██████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
21	<div>██████████████████</div> <div>██████████████</div> <div>██████████████████</div>	\$ <div>██████████</div>	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input checked="" type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

BAA

TEEA0702L 08/05/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)



Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 1 of 1 of Part II

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part II** Noncash Property (see instructions.)

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
21	Solar Panels		
		\$ 230,691.	6/30/09
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

BAA

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

Page 1 of 1 of Part III

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

**Part III Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year.** (Complete cols (a) through (e) and the following line entry.)For organizations completing Part III, enter total of *exclusively* religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this information once — see instructions.) ..... \$ N/A

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	N/A		
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee
	(e) Transfer of gift		
	Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee

BAA

TEEA0704L 04/01/08

Schedule B (Form 990, 990-EZ, or 990-PF) (2008)

**2008****California Statements****Page 1****Client GSFRC****Good Samaritan Family Resource Center****94-3154078**

3/29/10

12:53PM

**Statement 1  
Form 199, Part II, Line 7  
Other Income**

Other Income ..... \$ 52,811.  
 Total \$ 52,811.

**Statement 2  
Form 199, Part II, Line 11  
Compensation of Officers, Directors, and Trustees****Current Officers:**

<u>Name and Address</u>	<u>Title and Average Hours Per Week Devoted</u>	<u>Compen- sation</u>	<u>Contri- bution to EBP &amp; DC</u>	<u>Expense Account/ Other</u>
Kat Taylor 1294 Potrero Ave San Francisco, CA 94110	President 1.00	\$ 0.	\$ 0.	\$ 0.
Frank De Rosa 1294 Potrero Ave San Francisco, CA 94110	Treasurer 1.00	0.	0.	0.
Bob Hernandez 1294 Potrero Ave San Francisco, CA 94110	Secretary 1.00	0.	0.	0.
Michael Barlowe 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Kay Bishop 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
John Gannon 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Alan Levinson 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Alicia Lieberman 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Vangie Lopez 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Anamaria Loya 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.

2008

## California Statements

Page 2

Client GSFRC

Good Samaritan Family Resource Center

94-3154078

3/29/10

12:53PM

**Statement 2 (continued)**  
**Form 199, Part II, Line 11**  
**Compensation of Officers, Directors, and Trustees**

**Current Officers:**

Name and Address	Title and Average Hours Per Week Devoted	Compensation	Contri- bution to EBP & DC	Expense Account/ Other
Stanley Mackewicz 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	\$ 0.	\$ 0.	\$ 0.
Sandra Vivanco 1294 Potrero Ave San Francisco, CA 94110	Director 1.00	0.	0.	0.
Mario Paz 1294 Potrero Ave San Francisco, CA 94110	Executive Direc 40.00	99,500.	0.	0.
	Total	\$ 99,500.	\$ 0.	\$ 0.

**Statement 3**  
**Form 199, Part II, Line 17**  
**Other Expenses**

Accounting Fees.....	\$ 64,594.
Advertising and Promotion.....	1,994.
Conferences, Conventions, and Meetings.....	4,396.
Consultants / Contractors.....	225,466.
Direct Support.....	3,100.
Events.....	11,530.
Field Trips.....	6,338.
Food.....	43,560.
Information Technology.....	13,636.
Insurance.....	39,633.
License & Fees.....	7,932.
Local Transportation.....	4,813.
Maintenance & Repair.....	49,894.
Miscellaneous.....	3,692.
Other Employee Benefit.....	154,341.
Other fees.....	7,463.
Participant Incentives.....	12,860.
Postage and Shipping.....	2,297.
Printing and Publications.....	13,402.
Professional Fundraising Fees.....	16,913.
Staff Development.....	6,582.
Supplies.....	34,894.
Telephone & Online Service.....	13,835.
Utilities.....	22,315.
Total	\$ 765,480.

**2008****California Statements****Page 3****Client GSFRC****Good Samaritan Family Resource Center****94-3154078**

3/29/10

12:53PM

**Statement 4  
Form 199, Schedule L, Line 12  
Other Assets**

Other Assets .....	1,088.
Prepaid Expenses and Deferred Charges .....	18,162.
Total	<u>\$ 19,250.</u>

**Statement 5  
Form 199, Schedule L, Line 18  
Other Liabilities**

Due to SDE .....	17,879.
Other Current Liabilities .....	8,315.
Total	<u>\$ 26,194.</u>

CLIENT COPY

**EXHIBIT 5**

1522670

ENDORSED  
FILED

in the office of the Secretary of State  
of the State of California

MAR 13 1992

**ARTICLES OF INCORPORATION**

OF

**GOOD SAMARITAN FAMILY RESOURCE CENTER  
OF SAN FRANCISCO**

MARCH FONG ELL, Secretary of State

A California Nonprofit Public Benefit Corporation

**I**

The name of this corporation is: GOOD SAMARITAN FAMILY  
RESOURCE CENTER OF SAN FRANCISCO.

**II**

- A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable and public purposes.
- B. The specific purpose of this corporation is the settlement of recently arrived immigrants and the development, maintenance and operation of a facility to assist and further such settlement.

**III**

The name and address in the State of California of this corporation's initial agent for service of process is:

William H. Orrick, III

**IV**

- A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended, and

Sections 23701 and 214 of the California Revenue and Taxation Code.

- B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
- C. Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law), (b) a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law) or (c) a corporation which qualifies for exemption under Sections 23701 and 214 of the California Revenue and Taxation Code.

## V

The property, assets, profits and net income of this corporation are irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment or provision for payment of all debts and liabilities of this corporation, shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes meeting the requirements for exemption provided by Sections 23701 and 214 of the California Revenue and Taxation Code and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, of 1986, as amended, or such similar section as may then be in effect.

## VI

The name of the existing unincorporated association now being incorporated by the filing of these Articles is Good Samaritan Community Center.



IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of California, I, the undersigned incorporator, have executed these Articles of Incorporation this 12th day of February, 1992.

*W. H. Orrick*

William H. Orrick, III,  
Incorporator

DECLARATION

I declare that I am the person who executed the foregoing Articles of Incorporation and that said instrument is my act and deed.

Executed at San Francisco, California this 12th day of February, 1992.

W. H. Orrick, III  
 William H. Orrick, III

DECLARATION

The undersigned declare under penalty of perjury under the laws of the State of California that they are the President and Secretary, respectively, of Good Samaritan Community Center, which is referred to in the Articles of Incorporation to which this Declaration is attached, and that the association has duly authorized and approved in accordance with its rules and procedures its incorporation by means of those Articles.

Executed at San Francisco, California this 12th day of February, 1992.

Kathryn A. Taylor  
W. H. Orrick, III

STATE OF CALIFORNIA

85169



## FRANCHISE TAX BOARD

P.O. BOX 1286  
RANCHO CORDOVA, CA. 95741-1286

February 2, 1993

In reply refer to  
340:G :BC

GOOD SAMARITAN FAMILY RESOURCE CENTER OF  
SAN FRANCISCO  
2871 - 24TH STREET  
SAN FRANCISCO CA 94110

Purpose : CHARITABLE  
Code Section : 23701d  
Form of Organization : Corporation  
Accounting Period Ending: December 31  
Organization Number : 1522670 GS0FR

You are exempt from state franchise or income tax under the section of the Revenue and Taxation Code indicated above.

This decision is based on information you submitted and assumes that your present operations continue unchanged or conform to those proposed in your application. Any change in operation, character, or purpose of the organization must be reported immediately to this office so that we may determine the effect on your exempt status. Any change of name or address must also be reported.

In the event of a change in relevant statutory, administrative, judicial case law, a change in federal interpretation of federal law in cases where our opinion is based upon such an interpretation, or a change in the material facts or circumstances relating to your application upon which this opinion is based, this opinion may no longer be applicable. It is your responsibility to be aware of these changes should they occur. This paragraph constitutes written advice, other than a chief counsel ruling, within the meaning of Revenue and Taxation Code Section 21012(a)(2).

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. Please see annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

February 2, 1993

GOOD SAMARITAN FAMILY RESOURCE CENTER OF

Corporate Number 1522670 GS0FR

Page 2

Please note that an exemption from federal income or other taxes and other state taxes requires separate applications.

THIS EXEMPTION IS GRANTED ON THE EXPRESS CONDITION THAT THE ORGANIZATION WILL SECURE FEDERAL EXEMPT STATUS WITH THE INTERNAL REVENUE SERVICE. THE ORGANIZATION IS REQUIRED TO FURNISH A COPY OF THE FINAL DETERMINATION LETTER TO THE FRANCHISE TAX BOARD WITHIN 9 MONTHS FROM THE DATE OF THIS LETTER.

A copy of this letter has been sent to the Registry of Charitable Trusts.

B CLARK

EXEMPT ORGANIZATION UNIT

CORPORATION AUDIT SECTION

Telephone (916) 369-4171

EO :

cc: JAMES P. MITCHELL

COPY

**EXHIBIT 6**

ORIGINAL

AMY L. BOMSE (No. 218669)  
 SHARON D. MAYO (No. 150469)  
 JEE YOUNG YOU (No. 241658)  
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HELENE T. KRASNOFF (*pro hac vice*)  
 PLANNED PARENTHOOD FEDERATION OF  
 AMERICA  
 1110 Vermont Avenue, NW, Suite 300  
 Washington, DC 20005  
 Telephone: (202) 973-4800  
 Email: helene.krasnoff@ppfa.org

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC.; PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA BARBARA,  
 VENTURA AND SAN LUIS OBISPO COUNTIES,  
 INC.; PLANNED PARENTHOOD PASADENA AND  
 SAN GABRIEL VALLEY, INC.; PLANNED  
 PARENTHOOD OF THE ROCKY MOUNTAINS;  
 PLANNED PARENTHOOD GULF COAST; and  
 PLANNED PARENTHOOD CENTER FOR CHOICE

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS; BIOMAX  
 PROCUREMENT SERVICES, LLC; DAVID  
 DALEIDEN (aka "ROBERT SARKIS"); TROY  
 NEWMAN; ALBIN RHOMBERG; PHILLIP S.  
 CRONIN; SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"); GERARDO ADRIAN LOPEZ; and  
 UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFFS' AMENDED  
 RESPONSE TO DEFENDANT  
 GERARDO ADRIAN LOPEZ'S  
 INTERROGATORIES 1-9 (SET  
 ONE)**

1 PROPOUNDING PARTIES: Defendant Gerardo Adrian Lopez

2 RESPONDING PARTIES: Plaintiffs Planned Parenthood Federation of America, Inc.;  
 3 Planned Parenthood: Shasta-Diablo, Inc. dba Planned Parenthood  
 4 Northern California; Planned Parenthood Mar Monte, Inc.;  
 5 Planned Parenthood of the Pacific Southwest; Planned Parenthood  
 6 Los Angeles; Planned Parenthood/Orange and San Bernardino  
 7 Counties, Inc.; Planned Parenthood of Santa Barbara, Ventura and  
 8 San Luis Obispo Counties, Inc.; Planned Parenthood Pasadena and  
 9 San Gabriel Valley, Inc.; Planned Parenthood of the Rocky  
 10 Mountains; Planned Parenthood Gulf Coast; and Planned  
 11 Parenthood Center for Choice (collectively "Plaintiffs")

12 SET NUMBER: ONE (Nos. 1 – 11)

13 Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Civil Rules of the  
 14 United States District Court for the Northern District of California, Plaintiffs Planned Parenthood  
 15 Federation of America, Inc.; Planned Parenthood: Shasta-Diablo, Inc. dba Planned Parenthood  
 16 Northern California; Planned Parenthood Mar Monte, Inc.; Planned Parenthood of the Pacific  
 17 Southwest; Planned Parenthood Los Angeles; Planned Parenthood/Orange and San Bernardino  
 18 Counties, Inc.; Planned Parenthood of Santa Barbara, Ventura and San Luis Obispo Counties, Inc.;  
 19 Planned Parenthood Pasadena and San Gabriel Valley, Inc.; Planned Parenthood of the Rocky  
 20 Mountains; Planned Parenthood Gulf Coast; and Planned Parenthood Center for Choice  
 21 (collectively "Plaintiffs") hereby object and provide amended responses to Defendant Gerardo  
 22 Adrian Lopez's Interrogatories (the "Interrogatories"), served by Defendant Gerardo Adrian  
 23 Lopez ("Defendant" and collectively with Defendants David Daleiden, BioMax Procurement  
 24 Services LLC, Center for Medical Progress LLC, Sandra Susan Merritt, Phillip S. Cronin, Albin  
 25 Rhomberg, and Troy Newman, "Defendants") on Plaintiffs on September 2, 2016.

### 26 PRELIMINARY STATEMENT

27 Plaintiffs provide these objections and responses based upon the investigation conducted in  
 28 the time available since service of the Interrogatories. As of the date of these objections and  
 responses, Plaintiffs have not had a sufficient opportunity to review all documents, interview all  
 personnel and/or otherwise obtain information that may prove relevant in objecting and  
 responding to the Interrogatories. As a consequence, these objections and responses are based

1 upon information now known to Plaintiffs and that Plaintiffs believe to be pertinent in objecting  
2 and responding to the Interrogatories. In the future, Plaintiffs may discover or acquire additional  
3 information bearing on the Interrogatories, and Plaintiffs' objections and responses thereto.  
4 Without in any way obligating itself to do so, Plaintiffs reserve the right: (a) to make subsequent  
5 revisions or amendments to its objections or these Responses based upon information, evidence,  
6 documents, facts, and/or other things that hereafter may be discovered, or the relevance of which  
7 may hereafter be discovered; and (b) to produce, introduce, or rely upon additional or  
8 subsequently acquired or discovered writings, evidence, and information in any proceedings or at  
9 any trial held hereafter.

10 Further, any response by Plaintiffs to a particular Interrogatory is not intended, and shall  
11 not be construed, as an admission of the existence of any fact, of any assertion, or of any other  
12 matters expressed or implied in the Interrogatory. Plaintiffs' objection to, or failure to object to,  
13 any particular Interrogatory is not, and shall not be construed as, an admission that responsive  
14 information exists. Moreover, Plaintiffs' decision to consent to the disclosure of information  
15 pursuant to any specific Interrogatory, notwithstanding the objectionable nature of any such  
16 Interrogatory, or its related definitions or instructions, also should not be construed as: (a) a  
17 stipulation that the material is relevant to any proceeding, (b) a waiver of the general or specific  
18 objections asserted to the Interrogatory, or (c) an agreement that future requests for similar  
19 information will be treated in a similar manner. Subject to and without waiving these objections,  
20 Plaintiffs agree to meet and confer with Defendant to attempt to resolve these objections and  
21 appropriately narrow the scope of these Interrogatories.

22 Plaintiffs incorporate this Preliminary Statement into each objection and response below as  
23 if set forth in its entirety.



## GENERAL OBJECTIONS

Plaintiffs make the following General Objections, which are expressly incorporated into each of the Objections to the Definitions and Specific Interrogatories below as though set forth in full and without waiving these General Objections

1. Plaintiffs object that the Interrogatories seek information that is non-public and confidential or highly confidential, and which includes proprietary and confidential business information, including information constituting or pertaining to personnel information. Disclosure of such information would be harmful to Plaintiffs' legitimate business interests. Plaintiffs will provide confidential information and documents solely in accordance with the terms of the Protective Order entered in this case (*see* Dkt. No. 114).

2. Plaintiffs object to the Interrogatories to the extent that they call for the disclosure of information previously disclosed pursuant to, and protected by, protective orders and/or confidentiality agreements entered in prior litigations or investigations. Plaintiffs will comply with those protective orders and/or confidentiality agreements in responding to the Interrogatories.

3. Plaintiffs object to the Interrogatories to the extent that they call for the disclosure of information covered by non-disclosure and/or confidentiality agreements with third-parties and/or would violate the privacy interests of others. Plaintiffs will produce such materials only after providing notice and opportunity for such third-parties to object, or pursuant to the terms of the Protective Order in this case (*see* Dkt. No. 114) if such notice and opportunity to object has already been provided.

4. Plaintiffs object that the Interrogatories seek information that is available through less burdensome means of discovery or other sources in that the information requested is: (a) in the possession, custody, or control of other parties or non-parties; and/or (b) publicly available or otherwise equally available to Defendant. Plaintiffs will provide responses only to the extent that such information is in the possession, custody, or control of Plaintiffs.

5. Plaintiffs object to the Interrogatories to the extent that they are vague, ambiguous, oppressive, designed to annoy or harass, impose on Plaintiffs an unreasonable burden of inquiry,

1 or require Plaintiffs to incur substantial expense in order to comply.

2 6. Plaintiffs object to the Interrogatories to the extent that they call for the disclosure  
3 of information that is not relevant to the subject matter of this action, not relevant to a claim or  
4 defense of any party to this action, or not reasonably calculated to lead to the discovery of  
5 admissible evidence.

6 7. Plaintiffs object that the Interrogatories do not contain any assurance that Plaintiffs  
7 will be compensated for any of the costs, including attorneys' fees, they will incur in responding.

8 8. Plaintiffs object to the Interrogatories to the extent that they seek information  
9 protected from disclosure by the attorney-client privilege, the attorney work-product doctrine,  
10 and/or other privileges, immunities, and legal protections against disclosure. Nothing contained  
11 herein is intended to be, nor shall in any way be construed as, a waiver of any attorney-client  
12 privilege, work-product doctrine, right to privacy, or any other applicable privilege, doctrine, law,  
13 immunity, or rule protecting information from disclosure.

14 9. Plaintiffs object to the Interrogatories to the extent that they purport to impose  
15 requirements, burdens, and/or discovery obligations that exceed those permitted by the Federal  
16 Rules of Civil Procedure and Judge Orrick's individual practices.

17 10. Plaintiffs object to the Interrogatories to the extent that they are unreasonably  
18 cumulative or duplicative.

19 11. Plaintiffs object to the Interrogatories to the extent that they are based on incorrect  
20 factual assertions and therefore lack foundation.

21 12. Plaintiffs object to the Interrogatories to the extent they seek information, or the  
22 compilation of data, that may be derived or ascertained from business records, where the burden of  
23 deriving or ascertaining the answers thereto is substantially the same for Defendant as for  
24 Plaintiffs.

25 13. Plaintiffs' objection to or failure to object to any particular Interrogatory is not, and  
26 shall not be construed as, an admission that responsive information exists.

27 14. Plaintiffs incorporate by reference every General Objection into each and every  
28

1 specific response to the Interrogatories set forth below. A specific response may repeat a General  
2 Objection for emphasis or some other reason. The failure to include any General Objection in any  
3 specific response shall in no way waive any General Objection to that Interrogatory.

#### 4 **OBJECTIONS TO DEFINITIONS**

5 Recognizing that parties generally may define terms as they wish for purposes of their  
6 discovery requests, Plaintiffs set forth below objections to Defendant's definitions for the reasons  
7 stated, which objections are applicable to each of Plaintiffs' specific objections and responses to  
8 the Interrogatories and are incorporated therein.

9 **DEFINITION NO. 1:** "documents or electronically stored information," as used in these  
10 Requests for Production [sic] are intended to be defined as in Rule 34 and to include any printed,  
11 handwritten, recorded, electronically stored or graphic matter of every type and description,  
12 however and by whomever made, reproduced or disseminated, in your actual or constructive  
13 custody or control.

14 **OBJECTIONS:** Plaintiffs object to this Definition on the grounds that it renders each  
15 Interrogatory in which it appears vague, ambiguous, overbroad, and unduly burdensome.  
16 Plaintiffs further object to this Definition on the grounds that it renders each Interrogatory in  
17 which it appears as an Interrogatory seeking documents protected by the attorney-client privilege  
18 and the attorney work product doctrine. Plaintiffs further object that this Definition is irrelevant  
19 because it is not used in the Interrogatories.

20 **DEFINITION NO. 2:** "person or entity," as used in these Requests for Production [sic],  
21 are intended to include any individual, corporation, partnership, association, joint venture, estate,  
22 trust, or other form of entity, including the parties to this litigation and their officers, agents,  
23 employees and representatives.

24 **OBJECTIONS:** Plaintiffs object to this Definition on the grounds that it renders each  
25 Interrogatory in which it appears vague, ambiguous, overbroad, and unduly burdensome.  
26 Plaintiffs further object to this Definition on the grounds that it renders each Interrogatory in  
27 which it appears as an Interrogatory seeking documents protected by the attorney-client privilege  
28

1 and the attorney work product doctrine.

2       **DEFINITION NO. 3:** "Planned Parenthood conference" means the North American  
3 Forum on Family Planning that was held October 12 -14, 2014 in Miami, Florida, and/or the  
4 PPFA Medical Directors' Council Conference that was held February 25 - March 2, 2015, in  
5 Orlando Florida [sic], and/or the PPFA National Conference that was held March 16-20, 2015, in  
6 Washington, D.C.

7       **OBJECTIONS:** Plaintiffs object to this Definition on the grounds that it renders each  
8 Interrogatory in which it appears vague and ambiguous as Plaintiffs are not able to ascertain which  
9 of the three conferences are being referenced by this Definition. Plaintiffs further object that this  
10 Definition is irrelevant because it is not used in the Interrogatories.

11       **RESPONSE TO DEFENDANT LOPEZ'S FIRST SET OF INTERROGATORIES**

12       **AMENDED INTERROGATORY NO. 1:<sup>1</sup>**

13       Identify by name, title, position, and employer every employee of a plaintiff whose name  
14 was published by any of the Defendants since July 14, 2015 and who Plaintiffs allege was  
15 harmed by the publication of his or her name.

16       **AMENDED RESPONSE TO INTERROGATORY NO. 1:**

17       Plaintiffs incorporate by reference each General Objection and their Objections to  
18 Definitions into their Specific Objections to this Interrogatory. Plaintiffs object to this  
19 Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome  
20 because it is not limited to the CMP website and therefore, without admitting that no others were  
21 \_\_\_\_\_

22  
23       <sup>1</sup> See email from K. Short to Amy Bomse dated 11/22/2016 ("Along the same lines,  
24 Defendants require a response to Lopez's interrogatory No. 1, seeking the identity of every  
25 employee whose name was published by Defendants since July 14, 2015. Defendants agree  
26 to narrow the interrogatory to seek the identities of only those employees the publication of  
27 whose name allegedly caused harm to the Plaintiffs.")  
28

1 harmed, Plaintiffs limit their response to those employees whose images were published on the  
 2 CMP website. Plaintiff objects to this Interrogatory on the grounds that the Interrogatory seeks  
 3 information regarding current title and employer, which is irrelevant. Information provided will  
 4 be as of the time that Defendants wrongfully published the individual names and faces. Plaintiffs  
 5 further object to this Interrogatory on the grounds that it seeks information equally available to  
 6 Defendant. Plaintiffs further to this Interrogatory to the extent it requests a summary or  
 7 compilation of information from the videos, which Defendants themselves made, and have  
 8 possession, custody and control over.

9 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

10 Plaintiffs contend that any current or former staff member whose image and name was  
 11 published on the CMP website without his or her consent was harmed by such publication. To  
 12 Plaintiffs knowledge at this time, images and/or names of the following staff of Plaintiffs' were  
 13 published without consent by Defendants:

<u>Name / ID Number</u>	<u>Employer</u>	<u>Position</u>
Melissa Farrell	PPGC	Research Director
DOE9003	PPCFC	ASC Administrator
Dr. Mary Gatter	PPPSGV	Medical Director
DOE7001	PPPSGV	Senior Director of Medical Services
Dr. Deborah Nucatola	PPFA/PPLA	PPFA Senior Director, Medical Services / PPLA Physician
DOE1003	PPFA	National Director, Consortium of Abortion Providers
Dr. Savita Ginde	PPRM	Vice President, Chief Medical Officer
Dr. Carolyn Westhoff	PPFA	Senior Medical Advisor for Medical Affairs
Dr. Jennefer Russo	PPOSBC	Medical Director
Dr. Katharine Sheehan	PPPSW	Medical Director
Cecile Richards	PPFA	President
Melaney Linton	PPGC/PPCFC	Chief Executive Officer
DOE1006	PPFA	Associate Director of Training & Resource Development, Consortium of Abortion Providers

## 23 INTERROGATORY NO. 2:

24 Identify by name, title, position, and employer every employee of a plaintiff whose face  
 25 was published, by photograph or other image, by any of the Defendants since July 14, 2015 and  
 26  
 27  
 28

1 who Plaintiffs allege was harmed by Defendants' publication of his or her photograph or other  
2 image.<sup>2</sup>

### 3 **AMENDED RESPONSE TO INTERROGATORY NO. 2:**

4 Plaintiffs incorporate by reference each General Objection and their Objections to  
5 Definitions into their Specific Objections to this Interrogatory. Plaintiffs object to this  
6 Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome  
7 because it is not limited to the CMP website and therefore, without admitting that no others were  
8 harmed, Plaintiffs limit their response to those employees whose images were published on the  
9 CMP website. Plaintiff objects to this Interrogatory on the grounds that the Interrogatory seeks  
10 information regarding current title and employer, which is irrelevant. Information provided will  
11 be as of the time that Defendants wrongfully published the individual names and faces. Plaintiffs  
12 further object to this Interrogatory on the grounds that it seeks information equally available to  
13 Defendant. Plaintiffs further to this Interrogatory to the extent it requests a summary or  
14 compilation of information from the videos, which Defendants themselves made, and have  
15 possession, custody and control over.

16 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

17 Plaintiffs contend that any current or former staff member whose image and name was  
18 published on the CMP website without his or her consent was harmed by such publication. To  
19 Plaintiffs knowledge at this time, images and/or names of the following staff of Plaintiffs' were  
20 published without consent by Defendants:

<u>Name / ID Number</u>	<u>Employer</u>	<u>Position</u>
Melissa Farrell	PPGC	Research Director
DOE9003	PPCFC	ASC Administrator
Dr. Mary Gatter	PPPSGV	Medical Director
DOE7001	PPPSGV	Senior Director of Medical Services
Dr. Deborah Nucatola	PPFA/PPLA	PPFA Senior Director, Medical Services / PPLA Physician

26  
27 <sup>2</sup> See *id.*

DOE1003	PPFA	National Director, Consortium of Abortion Providers
Dr. Savita Ginde	PPRM	Vice President, Chief Medical Officer
Dr. Carolyn Westhoff	PPFA	Senior Medical Advisor for Medical Affairs
Dr. Jennefer Russo	PPOSBC	Medical Director
Dr. Katharine Sheehan	PPPSW	Medical Director
Cecile Richards	PPFA	President
Melaney Linton	PPGC/PPCFC	Chief Executive Officer
DOE1006	PPFA	Associate Director of Training & Resource Development, Consortium of Abortion Providers

### INTERROGATORY NO. 3:

State all facts upon which you base your contention that the Defendants, or any of them, caused Plaintiffs to suffer damages in the form of costs of responding to state and federal investigations and inquiries.

### AMENDED RESPONSE TO INTERROGATORY NO. 3:

Plaintiffs incorporate by reference each General Objection and their Objections to Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will respond with the principle facts of which they are currently aware that support the contention.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Defendants obtained information through illegal conduct as alleged in the First Amended Complaint, some of which was subject to contractual non-disclosure agreements. The illegally-obtained confidential information was packaged by Defendants in short videos denominated as the "Human Capital Project" to support certain claims against Plaintiffs. On information and belief, such videos and longer "unedited" footage were provided to various state and federal elected officials directly as well as made publicly available online. Defendants' conduct, including fraud, trespass, non-consensual taping in violation of state and federal laws, prompted



1 inquiries into policies and practices related to the fetal tissue donation program and abortion at  
2 PPFA and certain Planned Parenthood affiliates. There were five such inquiries at the federal  
3 level: investigations by the Senate Judiciary Committee, House Judiciary, Energy & Commerce,  
4 and Oversight and Government Reform Committees, and by the Select Investigative Panel of the  
5 Energy & Commerce Committee (“Select Committee”). In letters and other public statements,  
6 those instigating these investigation stated repeatedly that such investigations were prompted by  
7 Defendants’ videotapes. For example, on July 17, 2015, Senator Charles Grassley, on behalf of  
8 the Senate Judiciary Committee sent a letter to the President of PPFA demanding various  
9 information. Senator Grassley’s letter explained that the requests were prompted by a video that  
10 “had surfaced” in which Dr. Nucatola appeared. Senator Grassley’s letter was sent just three  
11 days after the Defendants’ first publicly disclosed the illegally obtained confidential information.  
12 The Select Committee’s Final Report (Dec. 30, 2016) also makes it clear that its investigation  
13 was prompted by Defendants’ conduct. . *See e.g.*, pp. 2; 269.

14 In addition to the five federal investigations, investigations into fetal tissue procurement  
15 and related issues were instigated in 19 states. State officials initiating such investigations, like  
16 their federal counterparts, regularly cited Defendants’ illegally obtained secret recordings as the  
17 basis for such inquires.

18 Plaintiff PPGC has been the subject of 11 investigations and other state actions directly  
19 tied to Defendants wrongful disclosure of illegally obtained confidential information that was  
20 protected by an NDA signed by certain Defendants. In addition to the five Congressional  
21 investigations discussed above, PPGC has been the subject of five investigations in Texas and  
22 one in Louisiana:

- 23 • Texas Attorney General
- 24 • Texas Department of State Health Services
- 25 • Texas Senate Committee on Health and Human Services
- 26 • Harris County District Attorney (cleared)
- 27 • Texas Health and Human Services Commission



- 1 • Louisiana Department of Health

2 The Texas Attorney General was provided with a copy of what was purported to be an  
3 unedited version of tapes illegally recorded at PPGC's health center in breach of the PPGC NDA  
4 that Defendants Daleiden and Merritt signed. In July 2015, officials from the state Attorney  
5 General's office and the department of State Health Services ("DSHS") visited PPGC's  
6 Ambulatory Surgical Center, and demanded information regarding, among other things, fetal  
7 tissue donation and disposal. Soon after the visit, the Texas AG's office and the DSHS requested  
8 information regarding fetal tissue donation over the past seven years. In late July, the Texas  
9 AG's office sent a request to examine referencing potential violations of Texas law related to  
10 fetal tissue as the reason for the requests. PPGC complied fully with all requests by state and  
11 federal authorities, and incurred significant expenses to do so.

12 Prompting burdensome investigations in order to harm Plaintiffs and undermine their  
13 ability to provide services to patients was the stated goal of Defendants. Mr. Newman stated (in  
14 a TIME interview) that the express "goal" of the Human Capital Project from the very beginning  
15 was to force hearings about Planned Parenthood. As the Court found in the Order Granting  
16 Motion For Preliminary Injunction in the related matter, "[t]he result of the Project, Newman  
17 hoped, would be prosecution of abortion providers, state and Congressional investigations, the  
18 defunding of Planned Parenthood by the government, and the closure of abortion clinics."  
19 *National Abortion Federation, et al. v. Center for Medical Progress, et al.*, No. 15-cv-03522-  
20 WHO (N.D. Cal., Feb. 5, 2016) (ECF No. 354) at 4. Defendants CMP and BioMax's admit in  
21 interrogatory responses that Defendants "provided information learned at NAF ANNUAL  
22 MEETINGS to Congress." Consistent with that purpose, Plaintiffs are informed and believe that  
23 Defendants provided copies of illegally obtained material to certain members of Congress  
24 including before the videotapes were publicly released.

25 Plaintiffs also incorporate by reference facts contained in documents in its production that  
26 further support Plaintiffs' contention that Defendants caused Plaintiffs to suffer damages related to  
27 government investigations and inquiries.

**INTERROGATORY NO. 4:**

State all facts upon which you base your contention that the Defendants, or any of them, caused Plaintiffs to suffer damages in the form of costs of vandalism to Plaintiffs' offices and clinics.

**AMENDED RESPONSE TO INTERROGATORY NO. 4:**

Plaintiffs incorporate by reference each General Objection and their Objections to Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will respond with the principle facts of which they are currently aware that support the contention.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Beginning on July 14, 2015, Defendants' began posting a series of video recordings denominated as the Human Capital Project, which included confidential information subject to non-disclosure agreements and which information was obtained through illegal conduct detailed in Plaintiffs' First Amended Complaint. Immediately thereafter, Planned Parenthood affiliates experienced a dramatic increase in security incidents. California Planned Parenthood affiliates experienced over a five-fold increase in the number of security incidents between July 2015-2016 compared to the prior year. PPRM experienced a two-fold increase in security incidents between July 2015-2016 compared to the prior year. PPGC experienced a five-fold increase in security incidents July 2015-2016 compared to the prior year.

The increase in harassment, suspicious communications, and protesters corresponded to the affiliates whose staff were highlighted in Defendants' videos. PPGC, PPRM and PPPGSV all saw sharp jumps in total incidents compared to prior months. PPPGSV, where Dr. Gatter, the subject of one of Defendants' videos is employed, experienced more than twice as many reported

1 security incidents in the second half of 2015 as compared with the first half of 2015 before CMP  
2 published its videos. Security notes for at least six of the incidents recorded after the release of  
3 the videos indicate that protestors held signs referring to “baby parts” or “Dr. Gatter” or involved  
4 harassing phone calls referring to the same.

5 PPRM, also a target of Defendants’ fraud, trespassing and illegal taping, It experienced  
6 a sharp increase in the number of security incidents across its various locations as a result of  
7 Defendants’ unlawful infiltration of Planned Parenthood and NAF conferences, and the resulting  
8 illegal taping of Planned Parenthood staff at those and other private meetings. For instance, in  
9 the month following the release of a video that focused on Plaintiff PPRM, PPRM responded to  
10 at least 70 security events, when in a typical period it would have responded to approximately 20  
11 events. PPRM’s Chief Medical Officer (“CMO”), whose image and name were published by  
12 Defendants, was subject to significant harassment and threats as a result of her exposure in the  
13 video regarding PPRM, leading to 22 security incident reports in July and August 2015 related  
14 solely to the CMO. For instance, anti-abortion protestors targeted the CMO’s home in August  
15 2015 and throughout the month of September 2015, and her home was subject to incidents of  
16 trespassing and illicit photography by anti-abortion activists.

17 PPGC, also a target of Defendants’ fraud, trespassing, and illegal taping, experienced a  
18 sharp spike in number of security incidents. On August 4, 2015, Defendants released a video  
19 they illegally taped at a PPGC facility. That month PPGC experienced approximately three  
20 times more security incidents than it had in the entire six months prior. PPGC and its director of  
21 research, whose image and name were published by Defendants, received numerous threats and  
22 harassing calls and messages, including on the director of research’s personal cell phone. In  
23 addition, that month, one of PPGC’s construction site was subject to arson, which resulted in  
24 damage to the site as well as to the personal property of the security guard on site.

25 Plaintiffs also incorporate by reference facts contained in documents in its production that  
26 further support Plaintiffs’ contention that Defendants caused Plaintiffs to suffer damages related  
27 to vandalism and other security incidents in light of Defendants’ illegal acts, including, but not  
28

1 limited to, reports regarding security incidents both before and after July 2015, invoices for costs  
2 incurred to enhance security, and security grant applications from the affiliates.

3 **INTERROGATORY NO. 5:**

4 State all facts upon which you base your contention that the Defendants, or any of them,  
5 caused Plaintiffs to suffer damages in the form of costs and lost revenue resulting from loss of  
6 vendors.

7 **AMENDED RESPONSE TO INTERROGATORY NO. 5:**

8 Plaintiffs incorporate by reference each General Objection and their Objections to  
9 Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this  
10 Interrogatory to the extent that it seeks third-parties' private information that is protected from  
11 disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to  
12 this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of  
13 their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time  
14 because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will  
15 respond with the principle facts of which they are currently aware that support the contention.

16 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

17 Discovery is ongoing. However, at this time, Plaintiffs are not claiming damages resulting  
18 from loss of vendors.

19 **INTERROGATORY NO. 6:**

20 State all facts upon which you base your contention that the Defendants, or any of them,  
21 caused Plaintiffs to suffer damages in the form of costs and lost revenue resulting from loss of  
22 staff.

23 **AMENDED RESPONSE TO INTERROGATORY NO. 6:**

24 Plaintiffs incorporate by reference each General Objection and their Objections to  
25 Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this  
26 Interrogatory to the extent that it seeks third-parties' private information that is protected from  
27 disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to  
28

1 this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of  
2 their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time  
3 because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will  
4 respond with the principle facts of which they are currently aware that support the contention.

5 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

6 Beginning on July 14, 2015, Defendants began posting a series of video recordings  
7 denominated as the Human Capital Project. Plaintiffs and their staff learned in the months  
8 following that Defendants had engaged in a broad campaign of deception, secretly infiltrating  
9 private conferences, health centers, and meetings while wearing hidden cameras. Victims of  
10 Defendants' secret taping had their names and faces published on websites and became the target  
11 of death threats, protests at their homes and ongoing harassment to their security and that of their  
12 families. As a result, Plaintiff-Affiliates experienced dramatic increase in staff attrition and  
13 difficulty in recruiting to fill the openings due to the fear that by working at Planned Parenthood  
14 one was potentially subject to being secretly taped, vilified on the internet and subject to death  
15 threats. In particular, PPLA and PPPSGV, which employed Dr. Nucatola and Dr. Gatter who  
16 were victims of Defendants' actions, experienced sharp attrition of its clinicians, who feared that  
17 they too may be targeted and illegally taped. This resulted in the loss of clinicians at more than  
18 twice the normal rate of attrition.

19 Plaintiffs also incorporate by reference facts contained in documents in its production that  
20 further support Plaintiffs' contention that Defendants caused Plaintiffs to suffer damages related  
21 to staff attrition and retention after Defendants' illegal acts came to light.

22 **INTERROGATORY NO. 7:**

23 State all facts upon which you base your contention that the Defendants, or any of them,  
24 caused Plaintiffs to suffer damages in the form of costs and lost revenue resulting from loss of  
25 opportunity to treat clients.

**AMENDED RESPONSE TO INTERROGATORY NO. 7:**

Plaintiffs incorporate by reference each General Objection and their Objections to Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will respond with the principle facts of which they are currently aware that support the contention.

Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Beginning on July 14, 2015, Defendants' began posting a series of video recordings denominated as the Human Capital Project. Plaintiffs and their staff learned in the months following that Defendants had engaged in a broad campaign of deception, secretly infiltrating private conferences, health centers, and meetings while wearing hidden cameras. Victims of Defendants' secret taping had their names and faces published on websites and became the target of death threats, protests at their homes, and ongoing harassment. As a result of these events, Plaintiff-Affiliates experienced dramatic increase in staff attrition and difficulty in recruiting to fill the openings due to the fear that by working at Planned Parenthood one was potentially subject to being secretly taped, vilified on the internet and subject to death threats. The significant decrease in availability of clinicians led to an inability to timely serve patients and a consequent loss in opportunity to serve patients. In addition, from July to August 2015, concerns about its ability to protect sensitive patient data in the wake of a newly discovered and still unfolding massive infiltration of private Planned Parenthood spaces forced PPFA to shut down the Planned Parenthood online appointment scheduling system for days and longer for some affiliates. This event also lead to loss of opportunity to treat patients.

Plaintiffs also incorporate by reference facts contained in documents in its production that further support Plaintiffs' contention that Defendants caused Plaintiffs to suffer damages related



1 to loss in patient volume after Defendants' illegal acts came to light.

2 **INTERROGATORY NO. 8:**

3 State all facts upon which you base your contention that the Defendants, or any of them,  
4 caused Plaintiffs to suffer damages in the form of costs for additional IT-related security.

5 **AMENDED RESPONSE TO INTERROGATORY NO. 8:**

6 Plaintiffs incorporate by reference each General Objection and their Objections to  
7 Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this  
8 Interrogatory to the extent that it seeks third-parties' private information that is protected from  
9 disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to  
10 this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of  
11 their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time  
12 because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will  
13 respond with the principle facts of which they are currently aware that support the contention.

14 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

15 Beginning on July 14, 2015, Defendants' began posting a series of video recordings  
16 denominated as the Human Capital Project. The first two of these videos were posted on July 14  
17 and July 21. On July 27, PPFA's website was hacked. The hackers obtained and publicly posted  
18 sensitive information and made reference to the harvesting of babies. Additional serious  
19 attempts to hack the website were identified by professionals hired by PPFA. PPFA was also  
20 subject to multiple distributed denial of service attacks that disabled the website. Concerns about  
21 the data security in the wake of these cyberattacks and the newly discovered and still unfolding  
22 massive infiltration of private Planned Parenthood physical spaces by Defendants forced PPFA  
23 to shut down its Planned Parenthood online appointment scheduling system because of concerns  
24 as to its ability to ensure the security of sensitive data including patient data. PPFA took  
25 immediate steps to identify the risks and remediate, incurring substantial expenses as a result.

26 Plaintiffs also incorporate by reference facts contained in documents in its production that  
27 further support Plaintiffs' contention that Defendants caused Plaintiffs to suffer damages related  
28

1 to IT-related security incidents after Defendants' illegal acts came to light.

2 **INTERROGATORY NO. 9:**

3 State all facts upon which you base your contention that the Defendants, or any of them,  
4 caused Plaintiffs to suffer damages in the form of costs of additional physical security at clinics.

5 **AMENDED RESPONSE TO INTERROGATORY NO. 9:**

6 Plaintiffs incorporate by reference each General Objection and their Objections to  
7 Definitions into their Specific Objections to this Interrogatory. Plaintiffs further object to this  
8 Interrogatory to the extent that it seeks third-parties' private information that is protected from  
9 disclosure pursuant to the United States and California Constitutions. Plaintiffs further objects to  
10 this Interrogatory on the grounds that requiring Plaintiffs to state every single fact in support of  
11 their contention is unduly burdensome, overly broad, and, at a minimum, premature at this time  
12 because document discovery is incomplete and deposition discovery has not begun. Plaintiffs will  
13 respond with the principle facts of which they are currently aware that support the contention.

14 Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

15 Beginning on July 14, 2015, Defendants' began posting a series of video recordings  
16 denominated as the Human Capital Project, which included confidential information subject to  
17 non-disclosure agreements and which information was obtained through illegal conduct detailed  
18 in Plaintiffs' First Amended Complaint. Immediately thereafter, Planned Parenthood affiliates  
19 experienced a dramatic increase in security incidents. California Planned Parenthood affiliates  
20 experienced over a five-fold increase in the number of security incidents between July 2015-  
21 2016 compared to the prior year. PPRM experienced a two-fold increase in security incidents  
22 between July 2015-2016 compared to the prior year. PPGC experienced a five-fold increase in  
23 security incidents July 2015-2016 compared to the prior year.

24 The increase in harassment, suspicious communications, and protesters corresponded  
25 directly to the affiliates whose staff were highlighted in Defendants' videos. PPGC, PPRM and  
26 PPPGSV all saw sharp jumps in total incidents compared to prior months. PPPGSV, where Dr.  
27 Gatter who was the subject of one of Defendants' videos is employed, experienced more than  
28



twice as many reported security incidents in the second half of 2015 as compared with the first half of 2015 before CMP published its videos. Security notes for at least six of the incidents recorded after the release of the videos indicate that protestors held signs referring to “baby parts” or “Dr. Gatter” or involved harassing phone calls referring to the same.

PPRM was also a target of Defendants’ fraud, trespassing and illegal taping. This affiliate experienced a sharp increase in the number of security incidents it experienced across its various locations as a result of Defendants’ unlawful infiltration of Planned Parenthood and NAF conferences, and the resulting illegal taping of Planned Parenthood staff at those and other private meetings. For instance, in the month following the release of a video that focused on Plaintiff PPRM, PPRM responded to at least 70 security events, when in a typical period it would have responded to approximately 20 events. PPRM’s Chief Medical Officer (“CMO”), whose image and name were published by Defendants, was subject to significant harassment and threats as a result of her exposure in the video regarding PPRM, leading to 22 security incident reports in July and August 2015 related solely to the CMO. For instance, anti-abortion protestors targeted the CMO’s home in August 2015 and throughout the month of September 2015, and her home was subject to incidents of trespassing and illicit photography by anti-abortion activists.

PPGC, also a target of Defendants’ fraud, trespassing, and illegal taping, experienced a sharp spike in number of security incidents. The month following the release of the first video, PPGC experienced approximately three times more security incidents than it had in the entire six months prior. On August 4, 2015, Defendants released a video they illegally taped at a PPGC facility. PPGC and its director of research, whose image and name were published by Defendants, received numerous threats and harassing calls and messages, including on her personal cell phone. In addition, that month, one of PPGC’s construction site was subject to arson, which resulted in damage to the site as well as to the personal property of the security guard on site.

Plaintiffs also incorporate by reference facts contained in documents in its production that further support Plaintiffs’ contention that Defendants caused Plaintiffs to suffer damages related

1 to security incidents in light of Defendants' illegal acts, including, but not limited to, reports  
2 regarding security incidents both before and after July 2015, invoices for costs incurred to  
3 enhance security, and security grant applications from the affiliates.

4 Defendants' infiltrated Planned Parenthood and NAF conferences and private meetings  
5 using fake IDs, fake names and fake titles. To prevent further similar conduct, Plaintiffs  
6 implemented enhanced security measures at clinics, offices, and conferences including  
7 enhancements to the visitor check-in and registration system.

8 Plaintiffs also incorporate by reference facts contained in documents in its production that  
9 further support Plaintiffs' contention that Defendants caused Plaintiffs to suffer damages related  
10 to security incidents in light of Defendants' illegal acts, including, but not limited to, reports  
11 regarding security incidents both before and after July 2015, invoices for costs incurred to  
12 enhance security, and security grant applications from the affiliates.

13  
14 DATED: January 30, 2017

Respectfully submitted,

ARNOLD & PORTER LLP

15  
16 By:

  
Amy L. Bomse

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18 Attorneys for Plaintiffs

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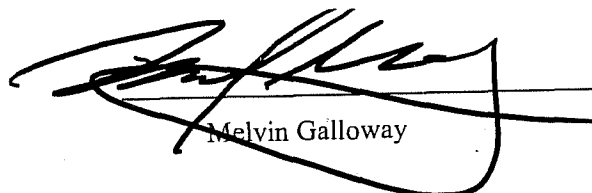
VERIFICATION

I, Melvin Galloway declare as follows:

I am Chief Operating Officer of Planned Parenthood Federation of America, Inc. ("PPFA"). I am authorized to make this verification for and on behalf of PPFA in the above-captioned matter. I have read the **PLAINTIFFS' AMENDED RESPONSE TO DEFENDANT GERARDO ADRIAN LOPEZ'S INTERROGATORIES 1-9 (SET ONE)** and know the contents thereof. Not all of the matters in those responses are within my personal knowledge, and I am informed and believe that no single officer or employee of PPFA has personal knowledge of all such matters. All facts stated in the above-referenced responses have been assembled by authorized employees and counsel of PPFA. I am informed and believe that the matters stated therein are true and correct, and on that basis verify the responses on behalf of PPFA, reserving the right, in the event new additional or different information is discovered, to revise or supplement the responses as warranted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30 day of January, 2017 at New York, New York,



Melvin Galloway

PPFA VERIFICATION TO PLAINTIFFS' AMENDED RESP. TO LOPEZ'S INTERROGATORIES 1-9 (SET ONE)

**EXHIBIT 7**

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 SHARON D. MAYO (No. 150469)  
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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
 AMERICA, INC.; PLANNED PARENTHOOD:  
 SHASTA-DIABLO, INC. dba PLANNED  
 PARENTHOOD NORTHERN CALIFORNIA;  
 PLANNED PARENTHOOD MAR MONTE, INC.;  
 PLANNED PARENTHOOD OF THE PACIFIC  
 SOUTHWEST; PLANNED PARENTHOOD LOS  
 ANGELES; PLANNED PARENTHOOD/ORANGE  
 AND SAN BERNARDINO COUNTIES, INC.;  
 PLANNED PARENTHOOD OF SANTA BARBARA,  
 VENTURA AND SAN LUIS OBISPO COUNTIES,  
 INC.; PLANNED PARENTHOOD PASADENA AND  
 SAN GABRIEL VALLEY, INC.; PLANNED  
 PARENTHOOD OF THE ROCKY MOUNTAINS;  
 PLANNED PARENTHOOD GULF COAST; and  
 PLANNED PARENTHOOD CENTER FOR CHOICE

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS; BIOMAX  
 PROCUREMENT SERVICES, LLC; DAVID  
 DALEIDEN (aka "ROBERT SARKIS"); TROY  
 NEWMAN; ALBIN RHOMBERG; PHILLIP S.  
 CRONIN; SANDRA SUSAN MERRITT (aka "SUSAN  
 TENNENBAUM"); GERARDO ADRIAN LOPEZ; and  
 UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFF PLANNED  
 PARENTHOOD FEDERATION OF  
 AMERICA, INC.'S RESPONSE TO  
 DEFENDANT RHOMBERG'S  
 INTERROGATORIES (SET ONE)**

1 PROPOUNDING PARTIES: Defendant Albin Rhomberg

2 RESPONDING PARTIES: Plaintiff Planned Parenthood Federation of America, Inc.

3 SET NUMBER: ONE (Nos. 1 – 11)

4  
5 Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Civil Rules of the  
6 United States District Court for the Northern District of California, Plaintiff Planned Parenthood  
7 Federation of America, Inc. (“Plaintiff” or “Plaintiff PPFA”) hereby objects and responds to  
8 Defendant Albin Rhomberg’s (“Defendant”) Interrogatories (the “Interrogatories”), on Plaintiff on  
9 April 12, 2017.

10 **PRELIMINARY STATEMENT**

11 Plaintiff provides these objections and responses based upon the investigation conducted in  
12 the time available since service of the Interrogatories. As of the date of these objections and  
13 responses, Plaintiff has not had a sufficient opportunity to review all documents, interview all  
14 personnel and/or otherwise obtain information that may prove relevant in objecting and responding  
15 to the Interrogatories. As a consequence, these objections and responses are based upon  
16 information now known to Plaintiff and that Plaintiff believes to be pertinent in objecting and  
17 responding to the Interrogatories. In the future, Plaintiff may discover or acquire additional  
18 information bearing on the Interrogatories, and Plaintiff’s objections and responses thereto.  
19 Without in any way obligating itself to do so, Plaintiff reserves the right: (a) to make subsequent  
20 revisions or amendments to its objections or these responses based upon information, evidence,  
21 documents, facts, and/or other things that hereafter may be discovered, or the relevance of which  
22 may hereafter be discovered; and (b) to produce, introduce, or rely upon additional or subsequently  
23 acquired or discovered writings, evidence, and information in any proceedings or at any trial held  
24 hereafter.

25 Further, any response by Plaintiff to a particular Interrogatory is not intended, and shall not  
26 be construed, as an admission of the existence of any fact, of any assertion, or of any other matters  
27 expressed or implied in the Interrogatory. Plaintiff’s objection to, or failure to object to, any  
28 particular Interrogatory is not, and shall not be construed as, an admission that responsive

1 information exists. Moreover, Plaintiff's decision to consent to the disclosure of information  
2 pursuant to any specific Interrogatory, notwithstanding the objectionable nature of any such  
3 Interrogatory, or its related definitions or instructions, also should not be construed as: (a) a  
4 stipulation that the material is relevant to any proceeding, (b) a waiver of the general or specific  
5 objections asserted to the Interrogatory, or (c) an agreement that future requests for similar  
6 information will be treated in a similar manner.

7 Plaintiff incorporates this Preliminary Statement into each objection and response below as  
8 if set forth in its entirety.

### 9 GENERAL OBJECTIONS

10 Plaintiff makes the following General Objections, which are expressly incorporated into  
11 each of the Objections to the Definitions and Specific Interrogatories below as though set forth in  
12 full and without waiving these General Objections

13 1. Plaintiff objects to the Interrogatories to the extent they are duplicative of other  
14 discovery requests already propounded in this litigation. Plaintiff (and plaintiff-affiliates) have  
15 already provided information and documents responsive to many, if not all, of the Interrogatories  
16 herein. Accordingly, because that information and those documents are equally available to  
17 Defendant via his co-defendants, Plaintiff objects to the Interrogatories on the ground that they are  
18 intended solely to harass Plaintiff and needlessly increase the cost of litigation. *See* Fed. R. Civ. P.  
19 26(g)(1)(B)(ii).

20 2. Plaintiff objects that the Interrogatories seek information that is non-public and  
21 confidential or highly confidential, and which includes proprietary and confidential business  
22 information, including information constituting or pertaining to personnel information. Disclosure  
23 of such information would be harmful to Plaintiff's legitimate business interests. Plaintiff will  
24 provide confidential information and documents solely in accordance with the terms of the  
25 Protective Order entered in this case (*see* Dkt. No. 117).

26 3. Plaintiff objects to the Interrogatories to the extent that they call for the disclosure of  
27 information previously disclosed pursuant to, and protected by, protective orders and/or  
28 confidentiality agreements entered in prior litigations or investigations. Plaintiff will comply with



1 those protective orders and/or confidentiality agreements in responding to the Interrogatories.

2 4. Plaintiff objects to the Interrogatories to the extent that they call for the disclosure of  
3 information covered by non-disclosure and/or confidentiality agreements with third-parties and/or  
4 would violate the privacy interests of others. Plaintiff will produce such materials only after  
5 providing notice and opportunity for such third-parties to object, or pursuant to the terms of the  
6 Protective Order in this case (*see* Dkt. No. 117) if such notice and opportunity to object has already  
7 been provided.

8 5. Plaintiff objects that the Interrogatories seek information that is available through  
9 less burdensome means of discovery or other sources in that the information requested is: (a) in the  
10 possession, custody, or control of other parties or non-parties; and/or (b) publicly available or  
11 otherwise equally available to Defendant. Plaintiff will provide responses only to the extent that  
12 such information is in the possession, custody, or control of Plaintiff.

13 6. Plaintiff objects to the Interrogatories to the extent that they are vague, ambiguous,  
14 oppressive, designed to annoy or harass, impose on Plaintiff an unreasonably burden of inquiry, or  
15 require Plaintiff to incur substantial expense in order to comply.

16 7. Plaintiff objects to the Interrogatories to the extent that they call for the disclosure of  
17 information that is not relevant to the subject matter of this action, not relevant to a claim or defense  
18 of any party to this action, or not reasonably calculated to lead to the discovery of admissible  
19 evidence.

20 8. Plaintiff objects to the Interrogatories to the extent that they seek information  
21 protected from disclosure by the attorney-client privilege, the attorney work-product doctrine,  
22 and/or other privileges, immunities, and legal protections against disclosure. Nothing contained  
23 herein is intended to be, nor shall in any way be construed as, a waiver of any attorney-client  
24 privilege, work-product doctrine, right to privacy, or any other applicable privilege, doctrine, law,  
25 immunity, or rule protecting information from disclosure.

26 9. Plaintiff objects to the Interrogatories to the extent that they purport to impose  
27 requirements, burdens, and/or discovery obligations that exceed those permitted by the Federal  
28 Rules of Civil Procedure and/or the Court's Civil Local Rules and/or Standing Orders.

10. Plaintiff objects to the Interrogatories to the extent that they are based on incorrect factual assertions and therefore lack foundation.

11. Plaintiff objects to the Interrogatories to the extent they seek information, or the compilation of data, that may be derived or ascertained from business records, where the burden of deriving or ascertaining the answers thereto is substantially the same for Defendant as for Plaintiff.

12. Plaintiff's objection to or failure to object to any particular Interrogatory is not, and shall not be construed as, an admission that responsive information exists.

13. Plaintiff incorporates by reference every General Objection into each and every specific response to the Interrogatories set forth below. A specific response may repeat a General Objection for emphasis or some other reason. The failure to include any General Objection in any specific response shall in no way waive any General Objection to that Interrogatory.

#### **OBJECTIONS TO DEFINITIONS**

Recognizing that parties generally may define terms as they wish for purposes of their discovery requests, Plaintiffs set forth below objections to Defendant's definitions for the reasons stated, which objections are applicable to each of Plaintiffs' specific objections and responses to the Interrogatories and are incorporated therein.

**DEFINITION NO. 3:** The terms "DOCUMENT" or "DOCUMENTS" are to be given the broadest possible definition to include, but not limited to, any papers, or writings, including drafts, and any mechanical or electronic recordings or records of any kind in your possession, custody or control, wherever located, whether an original or a copy, including agreements, financial statements, e-mail, invoices, minutes, memoranda, notes, records, recordings, interoffice communications, computer data files, tape or other records, telegrams, letters, photographs, drawings, cave paintings, data, reports, printed matter, publications, offers, bids, proposals or statements. Any copy containing or attached to it, any alterations, notes, comments, or other material not included in the originals or copies referred to in the preceding sentence shall be deemed a separate document within this definition.

**OBJECTIONS:** Plaintiff objects to this Definition on the grounds that it renders Interrogatory in which it appears vague, ambiguous, overbroad, unduly burdensome, and

1 unintelligible. Plaintiff further objects to this Definition on the grounds that it renders each  
2 Interrogatory in which it appears as an Interrogatory seeking documents protected by the attorney-  
3 client privilege and the attorney work product doctrine.

4 **DEFINITION NO. 4:** The terms “REFER” or “RELATE TO “ means ALL  
5 DOCUMENTS, as defined above, which reflect, record, memorialize, discuss, evaluate, mention,  
6 consider, review, report on the subject matter of the request, including without limitation documents  
7 that were compared explicitly and/or implicitly with, were referred to or reviewed in conjunction  
8 with, or were generated as a result of the subject matter of the request.

9 **OBJECTIONS:** Plaintiff objects to this Definition on the grounds that it renders  
10 Interrogatory in which it appears vague, ambiguous, overbroad, unduly burdensome, and  
11 unintelligible. Plaintiff further objects to this Definition on the grounds that it renders each  
12 Interrogatory in which it appears as an Interrogatory seeking documents protected by the attorney-  
13 client privilege and the attorney work product doctrine.

14  
15 **RESPONSE TO DEFENDANT RHOMBERG’S FIRST SET OF INTERROGATORIES**

16 **INTERROGATORY NO. 1:**

17 **IDENTIFY** all costs related to security measures for clinics and conferences for which  
18 **Plaintiffs seek recovery in this action.**

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
21 this Interrogatory. Plaintiff further objects to this Interrogatory on the ground that it is duplicative  
22 of other discovery requests already propounded in this litigation. Plaintiff further objects to this  
23 Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome.

24 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

25 Plaintiff identifies, and directs Defendant to, Plaintiffs’ First Amended Response to  
26 Defendant Newman’s Interrogatories, Set Two, No. 20 and also to the documents that have already  
27 been produced by plaintiffs during this litigation, including PP0000288-1423 and PP0001510-  
28 0003038.

**INTERROGATORY NO. 2:**

What was the earliest date that any Plaintiff learned that Defendants had entered any PPFA conference under assumed names?

**RESPONSE TO INTERROGATORY NO. 2:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff first learned that Defendants had entered any PPFA conference under assumed names sometime on or after July 14, 2015.

**INTERROGATORY NO. 3:**

What was the earliest date that any Plaintiff learned that Defendants had visited the PPRM clinic under assumed names?

**RESPONSE TO INTERROGATORY NO. 3:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff first learned that Defendants had visited the PPRM clinic under assumed names sometime on or after July 14, 2015.

**INTERROGATORY NO. 4:**

What was the earliest date that any Plaintiff learned that Defendants had visited the PPGC clinic under assumed names?

**RESPONSE TO INTERROGATORY NO. 4:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff first learned that Defendants had visited the PPGC clinic under assumed names sometime on or after July 14, 2015

**INTERROGATORY NO. 5:**

Plaintiffs' Response to Daleiden's Interrogatory No. 1 states in part, "*If an exhibitor did not have a pre-existing relationship with PPFA, PPFA required a reference from a Planned Parenthood affiliate, a like-minded organization, and/or the Society of Family Planning for the exhibitor to be invited to the conferences.*" Describe any "pre-existing relationship" that BioMax Procurement Services, LLC, had with any entity on the basis of which it (BioMax) was invited to attend the North American Forum on Family Planning.

**RESPONSE TO INTERROGATORY NO. 5:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

BioMax was invited to the 2014 North American Forum on Family Planning based on the fact that BioMax was known to Dr. Deborah Nucatola (Plaintiff's then-Senior Director of Medical Services). Dr. Nucatola came to know of BioMax and to know certain of its "representatives" at the 2014 National Abortion Federation conference held in San Francisco, California. *See, e.g.,* CMP-000731 ("The infiltration was successful, and BioMax is now a known and trusted entity to many key individuals in the upper echelons of the abortion industry.").

**INTERROGATORY NO. 6:**

Plaintiffs' Response to Daleiden's Interrogatory No. 1 states in part, "*If an exhibitor did not have a pre-existing relationship with PPFA, PPFA required a reference from a Planned Parenthood affiliate, a like-minded organization, and/or the Society of Family Planning for the exhibitor to be invited to the conferences.*" Describe any references provided to PPFA which influenced PPFA to invite BioMax Procurement Services, LLC, to the North American Family Forum.

**RESPONSE TO INTERROGATORY NO. 6:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff did not require a reference for BioMax to exhibit at the 2014 North American Forum on Family Planning due to the fact that BioMax was known to Dr. Debroah Nucatola (Plaintiff's then-Senior Director of Medical Services). Dr. Nucatola came to know of BioMax and to know certain of its "representatives" at the 2014 National Abortion Federation conference held in San Francisco, California. *See, e.g.,* CMP-000731 ("The infiltration was successful, and BioMax is now a known and trusted entity to many key individuals in the upper echelons of the abortion industry.").

**INTERROGATORY NO. 7:**

Plaintiffs' Response to Daleiden's Interrogatory No. 1 states in part, "*If requested, exhibitors had to provide a description of the services or products they intended to show at the PPFA conference so that PPFA could approve or disapprove the exhibit.*" Describe all requests that PPFA made to BioMax Procurement Services ("BioMax") to provide a description of the services or products BioMax intended to exhibit at any PPFA conference.

**RESPONSE TO INTERROGATORY NO. 7:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff did not make any such request to BioMax.

**INTERROGATORY NO. 8:**

Plaintiffs' Amended Response to Defendant Lopez's Interrogatories, Set One, No. 6, states in part, "*In particular, PPLA and PPPSGV, which employed Dr. Nucatola and Dr. Garter who were victims of Defendants' actions, experienced sharp attrition of its clinicians, who feared that they too may be targeted and illegally taped. This resulted in the loss of clinicians at more than*



1 *twice the normal rate of attrition.*” Please quantify the “normal rate of attrition” referenced in the  
2 response.

3 **RESPONSE TO INTERROGATORY NO. 8:**

4 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
5 this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to  
6 answer on behalf of other plaintiffs in this action.

7 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

8 Plaintiff does not have this information. Plaintiff PPFA does not contend that it experienced  
9 staff attrition as a result of Defendants’ conduct alleged in this lawsuit.

10 **INTERROGATORY NO. 9:**

11 Plaintiffs’ Amended Response to Defendant Lopez’s Interrogatories, Set One, No. 6, states  
12 in part, *“In particular, PPLA and PPPSGV, which employed Dr. Nucatola and Dr. Garter who*  
13 *were victims of Defendants’ actions, experienced sharp attrition of its clinicians, who feared that*  
14 *they too may be targeted and illegally taped. This resulted in the loss of clinicians at more than*  
15 *twice the normal rate of attrition.*” Please quantify the “normal rate of attrition” referenced in the  
16 response for staff clinicians at PPPGSV, attached as Exhibit A.

17 **RESPONSE TO INTERROGATORY NO. 9:**

18 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
19 this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to  
20 answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory to  
21 the extent that it seeks third-parties’ private information that is protected from disclosure pursuant  
22 to the United States and California Constitutions.

23 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

24 Plaintiff does not have this information. Plaintiff PPFA does not contend that it experienced  
25 staff attrition as a result of Defendants’ conduct alleged in this lawsuit.

**INTERROGATORY NO. 10:**

IDENTIFY every individual who left the employ of any Plaintiff, whose departure Plaintiffs include in the staff attrition for which Plaintiffs seek recovery in this action.

**RESPONSE TO INTERROGATORY NO. 10:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff does not have this information. Plaintiff PPFA does not contend that it experienced staff attrition as a result of Defendants' conduct alleged in this lawsuit.

**INTERROGATORY NO. 11:**

For each individual identified in response to Interrogatory No. 10, state his or her employer and last day of employment.

**RESPONSE TO INTERROGATORY NO. 11:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Not applicable.

**INTERROGATORY NO. 12:**

For each individual identified in response to Interrogatory No.10, IDENTIFY any communications, written or oral, referring or relating to the reasons for their departure from employment by any Plaintiff.



**RESPONSE TO INTERROGATORY NO. 12:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Not applicable.

**INTERROGATORY NO. 13:**

IDENTIFY every discrete element of damage for which Plaintiffs seek recovery in this action arising from Defendants' surreptitious recording at any PPFA conference.

**RESPONSE TO INTERROGATORY NO. 13:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory on the ground that it is duplicative of other discovery requests already propounded in this litigation. Plaintiff further objects on the ground that the phrase "element of damage" is unintelligible. Plaintiff further objects that it cannot possibly respond fully to this Interrogatory as it does not have access to Defendants' recordings.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Defendants' interrogatory is unanswerable because it is undergirded by the false premise that Defendants engaged in a series of discrete acts that caused discrete harm. That is not what Plaintiff has pled or what happened. To the contrary, Plaintiff alleges that Defendants knowingly and deliberately engaged in a scheme involving many interrelated tortious and illegal acts that violated its rights and the rights of its staff. Plaintiff's damages flowed in various ways from the scheme. Those harms have been described in responses to interrogatories propounded by Defendant's co-defendants which are incorporated here by reference. *See, e.g.*, Plaintiff's Responses to Interrogatories of Arian Lopez, Set 1, Nos. 3-9. As to the specifics of Plaintiff's damages, Plaintiff

1 has already provided Defendant with specific categories of damages it seeks in this action and also  
2 with statements asserting how each of those categories of damages were caused by defendants'  
3 actions and documents reflecting those damages. *See, e.g.*, Plaintiffs' First Amended Responses to  
4 Defendant Newman's Interrogatories, Set Two, No. 20. Therefore, Plaintiff identifies, and directs  
5 Defendant to, the discovery responses and documents that have already been provided during this  
6 litigation.

7 **INTERROGATORY NO. 14:**

8 IDENTIFY every discrete element of damage for which Plaintiffs seek recovery in this  
9 action arising from Defendants' release of any recording made at any PPFA conference.

10 **RESPONSE TO INTERROGATORY NO. 14:**

11 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
12 this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to  
13 answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory on  
14 the ground that it is overbroad, premature, and duplicative of other discovery requests already  
15 propounded in this litigation. Plaintiff further objects on the ground that the phrase "discrete  
16 element" is vague and ambiguous. Plaintiff further objects to this Interrogatory to the extent that it  
17 seeks information protected by the attorney-client privilege and the attorney work product doctrine.

18 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

19 Defendants' interrogatory is unanswerable because it is undergirded by the false premise  
20 that Defendants engaged in a series of discrete acts that caused discrete harm. That is not what  
21 Plaintiff has pled or what happened. To the contrary, Plaintiff alleges that Defendants knowingly  
22 and deliberately engaged in a scheme involving many interrelated tortious and illegal acts that  
23 violated its rights and the rights of its staff. Plaintiff's damages flowed in various ways from the  
24 scheme. Those harms have been described in responses to interrogatories propounded by Defendant's  
25 co-defendants which are incorporated here by reference. *See, e.g.*, Plaintiff's Responses to  
26 Interrogatories of Arian Lopez, Set 1, Nos. 3-9. As to the specifics of Plaintiff's damages, Plaintiff  
27 has already provided Defendant with specific categories of damages it seeks in this action and also  
28 with statements asserting how each of those categories of damages were caused by defendants'

actions and documents reflecting those damages. *See, e.g.*, Plaintiffs' First Amended Responses to Defendant Newman's Interrogatories, Set Two, No. 20. Therefore, Plaintiff identifies, and directs Defendant to, the discovery responses and documents that have already been provided during this litigation.

**INTERROGATORY NO. 15:**

IDENTIFY every discrete element of damage for which Plaintiffs seek recovery in this action arising from Defendants' surreptitious recording at any NAF Annual Meeting.

**RESPONSE TO INTERROGATORY NO. 15:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory on the ground that it is overbroad, premature, and duplicative of other discovery requests already propounded in this litigation. Plaintiff further objects on the ground that the phrase "discrete element" is vague and ambiguous. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and the attorney work product doctrine. Plaintiff further objects that it cannot possibly respond fully to this Interrogatory as it does not have access to Defendants' recordings.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Defendants' interrogatory is unanswerable because it is undergirded by the false premise that Defendants engaged in a series of discrete acts that caused discrete harm. That is not what Plaintiff has pled or what happened. To the contrary, Plaintiff alleges that Defendants knowingly and deliberately engaged in a scheme involving many interrelated tortious and illegal acts that violated its rights and the rights of its staff. Plaintiff's damages flowed in various ways from the scheme. Those harms have been described in responses to interrogatories propounded by Defendant's co-defendants which are incorporated here by reference. *See, e.g.*, Plaintiff's Responses to Interrogatories of Arian Lopez, Set 1, Nos. 3-9. As to the specifics of Plaintiff's damages, Plaintiff has already provided Defendant with specific categories of damages it seeks in this action and also with statements asserting how each of those categories of damages were caused by defendants'

actions and documents reflecting those damages. *See, e.g.*, Plaintiffs' First Amended Responses to Defendant Newman's Interrogatories, Set Two, No. 20. Therefore, Plaintiff identifies, and directs Defendant to, the discovery responses and documents that have already been provided during this litigation.

**INTERROGATORY NO. 16:**

State all facts upon which you base any contention that Plaintiffs suffered damages because Defendants publicly released a recording made of their meeting with Catherine Dyer.

**RESPONSE TO INTERROGATORY NO. 16:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory on the ground that it is overbroad, premature, and duplicative of other discovery requests already propounded in this litigation. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Defendants' interrogatory is unanswerable because it is undergirded by the false premise that Defendants engaged in a series of discrete acts that caused discrete harm. That is not what Plaintiff has pled or what happened. To the contrary, Plaintiff alleges that Defendants knowingly and deliberately engaged in a scheme involving many interrelated tortious and illegal acts that violated its rights and the rights of its staff. Plaintiff's damages flowed in various ways from the scheme. Those harms have been described in responses to interrogatories propounded by Defendant's co-defendants which are incorporated here by reference. *See, e.g.*, Plaintiff's Responses to Interrogatories of Arian Lopez, Set 1, Nos. 3-9. As to the specifics of Plaintiff's damages, Plaintiff has already provided Defendant with specific categories of damages it seeks in this action and also with statements asserting how each of those categories of damages were caused by defendants' actions and documents reflecting those damages. *See, e.g.*, Plaintiffs' First Amended Responses to Defendant Newman's Interrogatories, Set Two, No. 20. Therefore, Plaintiff identifies, and directs Defendant to, the discovery responses and documents that have already been provided during this

litigation. Moreover, to the extent this Interrogatory asks whether, hypothetically, Plaintiff PPFA would have been damaged had Daleiden and CMP solely released the recording of the meeting with Catherine Dyer, Plaintiff PPFA cannot answer because that is not what Defendants did.

**INTERROGATORY NO. 17:**

State all facts upon you base any contention that Plaintiffs suffered damages because Defendants released the documentary "Human Capital."

**RESPONSE TO INTERROGATORY NO. 17:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it asks Plaintiff to answer on behalf of other plaintiffs in this action. Plaintiff further objects to this Interrogatory on the ground that it is duplicative of other discovery requests already propounded in this litigation. Plaintiff further objects to this Interrogatory on the ground that the term "the documentary 'Human Capital'" is unintelligible.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Defendants' interrogatory is undergirded by the false premise that Defendants engaged in a series of discrete acts that caused discrete harm. That is not what Plaintiff has pled or what happened. To the contrary, Plaintiff alleges that Defendants knowingly and deliberately engaged in a scheme involving many interrelated tortious and illegal acts that violated its rights and the rights of its staff. Plaintiff's damages flowed in various ways from the scheme. Those harms have been described in responses to interrogatories propound by Defendant's co-defendants which are incorporated here by reference. *See, e.g.*, Plaintiff's Responses to Interrogatories of Arian Lopez, Set 1, Nos. 3-9. As to the specifics of Plaintiff's damages, Plaintiff has already provided Defendant with specific categories of damages it seeks in this action and also with statements asserting how each of those categories of damages were caused by defendants' actions and documents reflecting those damages. *See, e.g.*, Plaintiffs' First Amended Responses to Defendant Newman's Interrogatories, Set Two, No. 20. Therefore, Plaintiff identifies, and directs Defendant to, the discovery responses and documents that have already been provided during this litigation.

**INTERROGATORY NO. 18:**

Describe every step YOU have taken to advise your staff not to make public their employment at Planned Parenthood.

**RESPONSE TO INTERROGATORY NO. 18:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory to the extent that it seeks third-parties' private information that is protected from disclosure pursuant to the United States and California Constitutions. Plaintiff further objects that the word "step" is vague and ambiguous. Plaintiff further objections that the request to describe "every step" renders this Interrogatory overbroad, and unduly burdensome. Plaintiff further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff PPFA has security specialists who advise its staff members on an as needed basis. Plaintiff will also produce a copy of its Social Media Policy.

**INTERROGATORY NO. 19:**

IDENTIFY, including by date and amount, every proposal for a security grant submitted to PPFA by any affiliate, from July 1, 2014, to the date of responding to these interrogatories.

**RESPONSE TO INTERROGATORY NO. 19:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this Interrogatory. Plaintiff further objects to this Interrogatory on the grounds that it seeks information that is irrelevant to this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

In FY2014, PPFA awarded its affiliates a total of \$112,021.27 in security grants; in FY2015 it awarded its affiliates a total of \$188,301.84 in security grants; and in FY2016 it awarded its affiliates a total of \$849,330.84 in security grants. Plaintiff does not have similar totals available for FY2017. With respect to Plaintiff-affiliates, Plaintiffs have already produced the grants which



1 Plaintiff-affiliates received, and, accordingly, Plaintiff identifies, and directs Defendants to, the  
2 documents that have already been produced during this litigation.

3 **INTERROGATORY NO. 20:**

4 For each grant proposal identified in Interrogatory No. 19, identify the dollar amount, if any,  
5 YOU granted to that affiliate.

6 **RESPONSE TO INTERROGATORY NO. 20:**

7 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
8 this Interrogatory.

9 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
10 See Plaintiff's Response to Interrogatory No. 19.

11 DATED: May 30, 2017

Respectfully submitted,

12 ARNOLD & PORTER KAYE SCHOLER LLP

13 By:   
14 Amy L. Bomse

15 Attorneys for Plaintiffs  
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**VERIFICATION**

I, Melvin Galloway, declare as follows:

I am Chief Operating Officer of Planned Parenthood Federation Of America, Inc. ("PPFA").

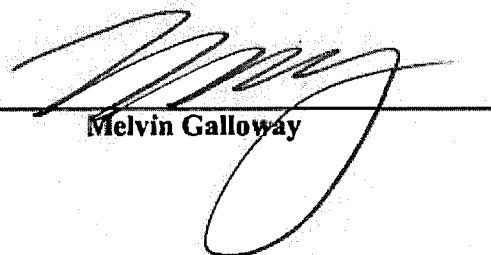
I am authorized to make this verification for and on behalf of PPFA in the above-captioned matter.

I have read **PLAINTIFF PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.'S RESPONSE TO DEFENDANT RHOMBERG'S INTERROGATORIES (SET ONE)** and

know the contents thereof. Not all of the matters in those responses are within my personal knowledge, and I am informed and believe that no single officer or employee of PPFA has personal knowledge of all such matters. All facts stated in the above-referenced responses have been assembled by authorized employees and counsel of PPFA. I am informed and believe that the matters stated therein are true and correct, and on that basis verify the responses on behalf of PPFA, reserving the right, in the event new additional or different information is discovered, to revise or supplement the responses as warranted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of MAY, 2017 at NEW YORK, NY.

  
Melvin Galloway