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the Center for Medical Progress
BioMax Procurement Services, LLC
and David Daleiden*

Attorneys for Defendant David Daleiden

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

15 NATIONAL ABORTION FEDERATION)
16 (NAF),)

17 Plaintiff,

18 vs.

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

24 Defendants.)

) Case No. 3:15-CV-3522 (WHO)

) Judge William H. Orrick, III

) Declaration of David Daleiden in support
) of Motion to Dissolve or Modify the
) Preliminary Injunction, and Motion for
) Clarification

) Hearing Date: Oct. 3, 2018, 2:00 p.m.
) Courtroom 2, 17th Floor

25
26 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
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1 I, David Daleiden, declare:

2 1. I am a defendant in the above-captioned action. I am the Executive Director of the
3 Center for Medical Progress (CMP), also a defendant in this action. I make this declaration based
4 on personal knowledge in support of my and CMP's Motion to Dissolve or Modify the Preliminary
5 Injunction.

6 **Background**

7 2. I am an investigative journalist and the founder and director of the Center for
8 Medical Progress (CMP). CMP is a California not-for-profit corporation formed for the purpose of
9 monitoring and reporting on medical ethics and advances with an especial concern for
10 contemporary bioethical issues that impact human dignity, such as induced abortion and aborted
11 fetal tissue and organ harvesting. To this end, CMP seeks to educate and inform the public and
12 thereby serve as a catalyst for reform of unethical and inhuman practices. CMP carries out its work
13 by means of investigative journalism that complies with all applicable laws.

14 3. Since 2013, I have been investigating fetal tissue and organ procurement practices. I
15 inaugurated the Human Capital Project at CMP to investigate, document, and report on the
16 procurement, transfer, and sale of aborted fetal tissue. These practices include the sale of fetal
17 tissue, the altering of abortion procedures to obtain fetal tissue for research, the commission of
18 partial birth abortions, and the killing of babies born alive following abortion procedures, all of
19 which are violations of federal and/or state law.

20 4. In the process of gathering information about these illegal activities, I also became
21 aware of and gathered information on other issues surrounding these practices, issues that are a
22 topic of discussion and debate among abortion providers themselves at their gatherings. These
23 issues include the difficulties of disposing of fetal tissue, both legally and economically; the practical
24 difficulties of fetal tissue procurement and ways abortion providers can, in their own words,
25 "facilitate the process;" the fear of late-term abortion providers that babies will be born alive
26 following an abortion procedure; the steps taken by abortion providers to, as one put it, "kill the
27 baby" before he or she is taken from the womb; the fact that, contrary to public perception created
28 by abortion advocates, women having late-term abortions rarely do so for reasons of health or fetal

1 anomaly; the stigma abortion providers, particularly late-term abortion providers, frequently feel is
2 attached to their work; the mental and physical toll both the stigma and their work exacts from
3 them; and the perceived harms caused by laws regulating abortions and abortion providers and how
4 these laws can be circumvented.

5 5. In the course of my investigation, I also witnessed and documented the de-
6 sensitizing and traumatizing effect of performing late-term abortions on the abortion providers and
7 those who work with them, as evidenced most dramatically in their firsthand descriptions of
8 abortion procedures, their feelings about them, and the disposition of fetal tissue and organs.

9 **The Court’s conclusion that CMP’s investigation lacked legitimacy, and its**
10 **conclusions lacked veracity, has been proven false by two congressional investigations.**

11 6. On July 14, 2015, CMP began publicly releasing the results of the Human Capital
12 Project. The next day, July 15, 2015, the U.S. House of Representatives Energy and Commerce
13 Committee and the House Judiciary Committee began investigations into illegal fetal tissue
14 procurement practices.

15 7. Attached hereto as **Exhibit 1** is a true and correct copy of the press release published
16 by the U.S. House of Representatives Energy & Commerce Committee dated July 15, 2015, and
17 titled “Energy and Commerce Committee Launches Investigation Following ‘Abhorrent’ Planned
18 Parenthood Video,” as downloaded from the Energy & Commerce Committee website at this link:
19 [https://energycommerce.house.gov/news/press-release/energy-and-commerce-committee-](https://energycommerce.house.gov/news/press-release/energy-and-commerce-committee-launches-investigation-following-abhorrent/)
20 [launches-investigation-following-abhorrent/](https://energycommerce.house.gov/news/press-release/energy-and-commerce-committee-launches-investigation-following-abhorrent/).

21 8. Attached hereto as **Exhibit 2** is a true and correct copy of the press release published
22 by the U.S. House of Representatives Judiciary Committee dated July 15, 2015, and titled
23 “Chairman Goodlatte Announces House Judiciary Committee Investigation into Horrific Abortion
24 Practices,” as downloaded from the Judiciary Committee website at this link:
25 [https://judiciary.house.gov/press-release/chairman-goodlatte-announces-house-judiciary-](https://judiciary.house.gov/press-release/chairman-goodlatte-announces-house-judiciary-committee-investigation-into-horrific-abortion-practices/)
26 [committee-investigation-into-horrific-abortion-practices/](https://judiciary.house.gov/press-release/chairman-goodlatte-announces-house-judiciary-committee-investigation-into-horrific-abortion-practices/).

27 9. Two weeks later, on August 14, 2015, the U.S. House of Representatives Oversight
28 and Government Reform Committee began its own investigation.

1 10. Attached hereto as **Exhibit 3** is a true and correct copy of a letter from Hon. Jason
2 Chaffetz, Chairman, U.S. House of Representatives Committee on Oversight and Government
3 Reform and Hon. Jim Jordan, Chairman, U.S. House of Representatives Subcommittee on Health
4 Care, Benefits and Administrative Rules, to Cecile Richards, President, Planned Parenthood
5 Federation of America, Inc., dated August 14, 2015, as downloaded from Committee on Oversight
6 and Government Reform website at this link: [https://oversight.house.gov/wp-content/uploads/
7 2015/08/2015-08-14-JC-JJ-to-Richards-PP-Planned-Parenthood.pdf](https://oversight.house.gov/wp-content/uploads/2015/08/2015-08-14-JC-JJ-to-Richards-PP-Planned-Parenthood.pdf).

8 11. On October 7, 2015, the U.S. House of Representatives voted to create the Select
9 Investigative Panel within the Energy and Commerce Committee. This Panel was created for the
10 purpose of consolidating the various House investigations into illegal fetal tissue procurement
11 practices. The Senate retained its own investigation, conducted by the Senate Judiciary Committee.

12 12. Attached hereto as **Exhibit 4** is a true and correct copy of a Washington Post article
13 dated September 27, 2015, and titled “Boehner: There will be no government shutdown; select
14 committee will probe Planned Parenthood,” as downloaded from the Washington Post website at this
15 link: [https://www.washingtonpost.com/news/post-politics/wp/2015/09/27/boehner-there-will-be-no-
16 government-shutdown-select-committee-will-probe-planned-parenthood/?utm_term=.5fbf39456f58](https://www.washingtonpost.com/news/post-politics/wp/2015/09/27/boehner-there-will-be-no-government-shutdown-select-committee-will-probe-planned-parenthood/?utm_term=.5fbf39456f58).

17 13. On December 13 and 30, 2016, respectively, the Senate Judiciary Committee and the
18 House Select Investigative Panel, released their 541-page and 427-page final reports (hereafter
19 “Senate Report” and “House Report” but with page citations to the page numbers provided by the
20 ECF filing stamp).

21 14. A true and correct copy of the Majority Staff Report of the U.S. Senate Judiciary
22 Committee titled “Human Fetal Tissue Research: Context and Controversy,” and dated
23 December 2016, as downloaded from the Senate Judiciary Committee website at this link:
24 <https://www.grassley.senate.gov/sites/default/files/judiciary/upload/22920%20-%20FTR.pdf>, has
25 been filed in the docket in the related case to this one, *Planned Parenthood Federation of America, et*
26 *al. v. Center for Medical Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236. It is located at **Docket No.**
27 **307** in that case.

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1 15. A true and correct copy of the Final Report of the Select Investigative Panel of the
2 U.S. House of Representatives Energy & Commerce Committee, dated December 30, 2016, along
3 with its exhibits, as downloaded from the Select Investigative Panel website at this link:
4 <https://energycommerce.house.gov/news/letter/select-investigative-panel-final-report/>, has been
5 filed in the docket in the related case to this one, *Planned Parenthood Federation of America, et al. v.*
6 *Center for Medical Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236. The Final Report is located at
7 **Docket No. 303-3** in that case. The Final Report Exhibits are located at **Docket Nos. 304, 305,**
8 **and 306** in that case.

9 16. These two investigative bodies both issued hundreds of pages of detailed reports
10 documenting extensive evidence of criminal, unlawful, and unethical acts by abortion providers and
11 fetal tissue procurement companies, such as:

- 12 □ profiting from the sale of fetal organs;
- 13 □ altering abortion procedures for financial gain;
- 14 □ performing illegal partial-birth abortions;
- 15 □ killing newborns who survived attempted abortions;
- 16 □ failing to obtain informed consent for fetal tissue donations;
- 17 □ violating the Health Insurance Portability and Accountability Act of 1996 (HIPAA);
- 18 □ violating federal regulations regarding Institutional Review Boards (IRBs);
- 19 □ fraudulent overbilling practices; and
- 20 □ destroying documents that were the subject of congressional inquiries.

21 17. The House Panel and Senate Committee issued numerous criminal and regulatory
22 referrals to federal, state, and local law enforcement entities, including for several abortion
23 providers and fetal tissue procurement companies that are NAF members and/or NAF conference
24 attendees. Both investigative bodies noted that their findings were consistent with CMP's public
25 videos, which were "the impetus for" the investigations. Senate Report at 8, 55; House Report
26 at 415.

27 18. As a result of its investigation, the Senate Judiciary Committee referred eight
28 entities to the Federal Bureau of Investigation and the U.S. Department of Justice for criminal

1 prosecution, including Planned Parenthood Federation of America, Planned Parenthood Mar
2 Monte, Planned Parenthood Northern California, Planned Parenthood Los Angeles, Planned
3 Parenthood of the Pacific Southwest, Novogenix Laboratories, LLC, Advanced Bioscience
4 Resources, Inc., and StemExpress, LLC. The illegal conduct identified by the Senate investigation
5 was that all of those entities violated, or conspired to violate, the federal ban on profiteering from
6 the transfer of human fetal tissue—the key criminal conduct which CMP’s investigation
7 uncovered, and which NAF disputes. *See* FAC, Dkt. 131 at ¶171 (Defendants’ “pattern of
8 fraudulent and malicious conduct, include[es] ... portraying NAF and its constituent members in a
9 false light by ... falsely portray[ing] the victims of their campaign as profiting from fetal tissue
10 donation programs, when the exact opposite is true”).

11 19. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from Hon. Charles
12 Grassley, Chairman, Senate Judiciary Committee, to Hon. Loretta Lynch, Attorney General, U.S.
13 Department of Justice and Hon. James Comey, Director, Federal Bureau of Investigation, dated
14 December 13, 2016, as downloaded from the Senate Judiciary Committee website at this link:
15 [https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-12-
16 16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf](https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Life%2C%2012-12-16%2C%20Referral%20letter%20to%20DoJ%20Fetal%20Tissue%20oversight.pdf).

17 20. The House investigation referred those same entities to federal agencies for
18 prosecution, but added additional entities, including NAF-member abortion clinics in Texas,
19 Florida, and Arkansas, NAF members the University of New Mexico, Southwestern Women’s
20 Options, and Planned Parenthood Gulf Coast, and NAF-member Planned Parenthood Orange &
21 San Bernardino Counties’ business partners DV Biologics and DaVinci Biosciences—many of
22 which were referred to state or local entities for prosecution. House Report at 94-194. The clinics in
23 New Mexico, Florida, and Arkansas subject to the criminal referrals are all run by current or former
24 NAF Board Members. In addition, NAF-member Planned Parenthood Gulf Coast’s Regional
25 Medical and Surgical Services Director is longtime NAF Board Member [REDACTED] The House
26 investigation vindicated some of the other, less publicized, allegations of illegality which CMP’s
27 investigation uncovered, including that numerous reproductive health clinics were violating HIPAA
28 regulations and failing to obtain informed consent in their effort to profit from the sale of fetal

1 tissue. *See* House Report at 106-112.

2 21. The status of most of these referrals is necessarily unknown because law
3 enforcement refuse to comment on, or even confirm, active investigations. However, in a rare
4 move, the U.S. Department of Justice has confirmed that it has an ongoing and active investigation
5 based on the referrals made to it.

6 22. Attached hereto as **Exhibit 6** is a true and correct copy of a CNN article dated
7 December 8, 2017, and titled “Justice Dept. is investigating the use of fetal tissue,” as downloaded
8 from the CNN website at this link: [https://www.cnn.com/2017/12/07/politics/justice-](https://www.cnn.com/2017/12/07/politics/justice-department-fetal-tissue-investigation/index.html)
9 [department-fetal-tissue-investigation/index.html](https://www.cnn.com/2017/12/07/politics/justice-department-fetal-tissue-investigation/index.html).

10 23. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from Assistant
11 Attorney General Stephen E. Boyd, U.S. Department of Justice, to Hon. Charles E. Grassley,
12 Chairman, Senate Judiciary Committee, dated December 7, 2017, as downloaded from the CNN
13 website at this link: <http://cdn.cnn.com/cnn/2017/images/12/07/pp.pdf>.

14 24. Importantly, one investigation flowing from the House referrals has concluded. On
15 December 8, 2017, two companies DV Biologics and DaVinci Biosciences—referred by the House
16 to the Orange County District Attorneys’ Office for prosecution (House Report at 132-137)—
17 admitted guilt in a \$7.8 million settlement with the OCDA. Those companies admitted to selling
18 fetal body parts obtained from NAF-member Planned Parenthood Orange & San Bernardino
19 Counties for profit. The OCDA’s office credited CMP’s investigative journalism with prompting
20 the case, stating “In September 2015, the OCDA opened an investigation into DaVinci Biosciences
21 and DV Biologics after a complaint was submitted by the Center for Medical Progress regarding the
22 illegal sale of aborted fetal tissue by both companies.”

23 25. Attached hereto as **Exhibit 8** is a true and correct copy of a Los Angeles Times
24 article dated December 9, 2017, and titled “Firms reach \$7.8-million settlement over allegations of
25 selling fetal tissue,” as downloaded from the Los Angeles Times website at this link:
26 <http://www.latimes.com/local/lanow/la-me-fetal-tissue-20171209-story.html#>.

27 26. Attached hereto as **Exhibit 9** is a true and correct copy of the final judgment in the
28 California Superior Court case *The People of the State of California v. DV Biologics, LLC, et al.*, No.

1 30-2016-00880665-CU-BT-CJC (Cal. Super. Ct., Oct. 11, 2016), as downloaded from the docket
2 for the case maintained by the Orange County Superior Court website.

3 27. Attached hereto as **Exhibit 10** is a true and correct copy of an Orange County
4 District Attorney Press Release dated December 8, 2017, and titled “OCDA Obtains \$7.8 Million
5 Settlement and Admission of Liability in Lawsuit Against Two Companies Who Unlawfully Sold
6 Fetal Tissue and Cells for Profit,” as downloaded from the Orange County District Attorney
7 website at this link: <http://orangecountyda.org/civica/press/display.asp?layout=2&Entry=5406>.

8 28. The enjoined CMP videos corroborate the findings of the House and Senate
9 investigations. The House Panel received the enjoined videos pursuant to a subpoena, and *the*
10 *House Report repeatedly quotes portions of the enjoined videos*, but did not publish the video files. Thus,
11 this Court’s preliminary injunction now appears to bar me and CMP from publishing—or
12 voluntarily providing to government investigators or using in my defense in my criminal case—
13 videos that a congressional investigative report has repeatedly quoted as evidence of the
14 commission of numerous felonies and other illegal and unethical acts.

15 **Congress has determined that both public and enjoined CMP materials show**
16 **illegal profiteering from the sale of fetal organs**

17 29. Both the Senate and House reports verified CMP’s conclusions that various entities
18 within the fetal tissue procurement industry were selling fetal tissue for profit. In verifying CMP’s
19 conclusions, those reports cited to much CMP evidence, including evidence currently enjoined
20 from publication by this Court.

21 30. The acquisition, receipt, or transfer of “any human fetal tissue for valuable
22 consideration”—which includes any money other than “reasonable payments associated with the
23 transportation, implantation, processing, preservation, quality control, or storage of human fetal
24 tissue”—is illegal under federal law. 42 U.S.C. §§ 289g-2(a), (e)(3). Congressman Waxman and
25 other sponsors of this law declared that “[i]t would be abhorrent to allow for a sale of fetal tissue and a
26 market to be created for that sale” and “repeated over and over that ‘fetal tissue may not be sold.’”
27 House Report at 382-83 (quoting 139 Cong. Rec. H1099 (1993)).

28 ///

1 31. The Senate report concluded that three tissue procurement companies (including
2 NAF conference exhibitors, sponsors, members, and attendees)—StemExpress, LLC, Advanced
3 Bioscience Resources, Inc. (ABR), and Novogenix Laboratories, LLC—sold fetal tissue at
4 substantially higher prices than their documented costs. Senate Report at 10; *see also* House Report
5 at 31, 248, 259-60 (another company “charged considerably more for fetal tissue and cell lines
6 derived from that tissue than the costs it incurs”); *id.* at 80, 87, 90 (one procurement business
7 received payments at least three times higher than its reimbursable costs; “a competent and ethical
8 federal prosecutor could establish probable cause that both the abortion clinics and the procurement
9 businesses” violated the law).

10 32. For instance, NAF-member “ABR received \$423,622.08 more from customers than
11 it paid to the clinics for the fetal tissue.” House Report at 283. From one 20-week-old fetus that
12 ABR obtained from a clinic for “a mere \$60, ABR charged its customers a total of \$2,275 for tissue
13 specimens, plus additional charges for shipping and disease screening.” Senate Report at 42; *id.* at
14 45 (ABR apparently “charg[ed] thousands of dollars in fees beyond the actual direct costs it
15 incurred.... Its attempts to justify the fees after being challenged appear to be *post hoc*
16 rationalizations in an attempt to avoid criminal liability.”).

17 33. Additionally, NAF-meeting sponsor StemExpress:

18 developed an aggressive marketing strategy directed toward abortion
19 clinics.... [and] had a half-page advertisement in the program for
20 both the 2014 and 2015 NAF meetings. At the conferences,
21 StemExpress distributed a brochure to NAF members that promised
22 abortion clinics they would be “[f]inancially profitable” if they
23 allowed StemExpress to procure tissue from the clinics. The
24 brochure stated: “By partnering with StemExpress” the clinics will
25 not only help research “but [they] will also be contributing to the
26 fiscal growth of [their] own clinic[s].”

24 House Report at 202.

25 34. The House Report includes redacted versions of several StemExpress ads, [REDACTED]
26 [REDACTED], that use the words “Financially Profitable” and that state,
27 “Join our partner program that fiscally rewards clinics for contributing to the advancement of lifesaving
28 research.” *Compare* House Report at 202-06, *with* Dkt. 270 at NAF0000228, NAF0000283; House

1 Report at 381 (StemExpress’s “marketing materials offered a profit to clinics”).

2 35. The House report also heavily refers to other enjoined materials in support of its
3 conclusions. In an enjoined video that is quoted by the House Report, “an executive from a clinic at
4 which StemExpress procured fetal tissue” admitted that “the clinic made approximately \$250,000
5 a year from fetal tissue and blood donations.” House Report at 233. Additionally, although
6 StemExpress paid several NAF-member abortion clinics “a total of \$152,640 for fetal tissue,” “the
7 Planned Parenthood affiliates at which StemExpress procured fetal tissue had no legally
8 reimbursable costs.” *Id.* at 30. In fact, StemExpress and its NAF-member clinic partners *would both*
9 *claim the same expenses as their own costs* in an effort to show a loss on their fetal tissue sales. *Id.* at 40,
10 386, 395-96.

11 36. Furthermore, “StemExpress’ tissue technicians had a financial incentive to procure
12 the most body parts and fetal tissue possible” since they “were ‘compensated at a rate of \$10 per
13 hour plus a per tissue or blood bonus’ that varied depending upon the type of tissues and the
14 amount they procured.” *Id.* at 228-29. According to a StemExpress “Procurement Technician
15 Compensation Policy for Tissue and Blood Procurement,” a three-tiered bonus structure was used;
16 Category A, for which the highest bonus amounts were paid, included fetal organs highly coveted
17 by researchers, such as brain, heart, liver, and thymus. *Id.* at 229-30.

18 37. In line with the conclusions of the House and Senate, [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
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[REDACTED]

38. The House report quotes several conversations recorded by CMP that evidence illegal profiting from the sale of fetal organs, and some of these recordings are covered by the injunction. For instance, one individual admitted in public CMP videos that Planned Parenthood Federation of America (PPFA) “cannot prevent affiliates from entering into contracts with tissue procurement companies in order to increase revenue” and also noted that some of her colleagues “generate a fair amount of income doing this.” House Report at 363. In the enjoined videos, the same individual “seem[ed] to agree with the journalists that fetal tissue programs are indeed profitable to clinics.” *Id.* at 363-64.

39. In another public CMP video, a doctor admitted that PPFA was concerned with avoiding the *appearance* of profiteering, not the reality:

They just want to do it in a way that is not *perceived* as, “This clinic is selling tissue, this clinic is making money off of this. . . . [T]hey want to come to a number that doesn’t *look like* they’re making money.” . . .

I think for affiliates, at the end of the day, they’re a non-profit, they just don’t want to—they want to break even. And *if they can do a little better than break even*, and do so in a way that *seems* reasonable, they’re happy with that.

Dkt. 3-20 at 4-5 (emphasis added). “Accounting documents from middleman tissue organizations showed that several PPFA affiliates made a profit from the transfer of fetal tissue.” House Report at 368.

40. The House report quoted another video subject to the injunction in which a NAF-member abortion provider expressed excitement at the idea of receiving a “financial incentive” for fetal tissue sales. House Report at 364; [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Congress has determined that both public and enjoined CMP materials show illegal alterations of abortion procedures to procure fetal organs for research

41. Similar to above, the House report verified CMP’s conclusions that various entities within the fetal tissue procurement industry were illegally altering abortion procedures for the purpose of procuring fetal organs to sell. In verifying CMP’s conclusions, the House report cited to much CMP evidence, including evidence currently enjoined from publication by this Court.

42. Federal law prohibits the “alteration of the timing, method, or procedures used to terminate the pregnancy . . . solely for the purposes of obtaining the tissue.” 42 U.S.C. § 289g-1. Much of the enormous public outrage generated by CMP’s investigation sprang from the recordings of abortion providers callously discussing the ways in which they and other individuals alter abortion techniques for the sole purpose of procuring fetal organs for research. For example, in

1 a public CMP video, an abortion provider stated:

2 [A] lot of people want liver. And for that reason, most providers will
3 do this case under ultrasound guidance, so they'll know where
4 they're putting their forceps.

5 ...

6 [Y]ou're just kind of cognizant of where you put your graspers, you
7 try to intentionally go above and below the thorax, so that, you know,
8 we've been very good at getting heart, lung, liver, because we know
9 that, so I'm not gonna crush that part, I'm going to basically crush
below, I'm gonna crush above, and I'm gonna see if I can get it all
intact. And with the calvarium, in general, some people will actually
try to change the presentation so that it's not vertex. . . .

10 House Report at 412-13 (emphasis omitted); *see also* Dkt. 3-24 at 23 (a doctor expressed interest in
11 using “a ‘less crunchy’ technique to get more whole specimens”).

12 43. The House report “found evidence that some abortion providers altered abortion
13 procedures in a manner that substitutes patient welfare with a financial benefit for both the abortion
14 clinic and the procurement business . . . [which] violates federal law.” House Report at 48. One
15 clinic director “admitted that the abortion clinic changed its clinical practices to procure more liver.
16 A Planned Parenthood executive acknowledged making changes to obtain tissue as well.” *Id.* at 30;
17 *id.* at 368 (“[A] PPFPA executive . . . admitted that she regularly changed the method of abortion to
18 facilitate intact fetal specimens”).

19 44. The House report noted that, in one CMP video [REDACTED], a
20 doctor admitted to changing her abortion techniques to preserve fetal tissue for research:

21 I let the tech tell me what it is that they need, I usually don't let the
22 trainee do those cases, I try to do everything as intact as possible,
23 because I know it's a research case. She seems to be getting what she
24 needs. Sometimes she'll tell me she needs brain, and we'll leave the
25 calvarium until last, and then try to basically take it, or, actually, you
26 know, catch everything and even keep it separate from the rest of the
tissue, so it doesn't get lost. There will probably be providers who
just want to keep doing things the way that they do them, and others
who kind of want to help facilitate the process.

27 *Compare* House Report at 413-14 (emphasis omitted), [REDACTED].

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45. [REDACTED]

46. Additionally, the House report quoted another enjoined video in which an abortion provider admitted that her facility reduced the use of digoxin in order to meet increased demand for fetal livers: “Liver’s a big thing right now. We just actually increased our gestation for dig[oxin], so that we could be able to get more liver, bigger liver.” House Report at 214; [REDACTED]

Congress has determined that both public and enjoined CMP materials show illegal non-consenting prior to harvesting fetal tissue

47. The House report also verified CMP’s conclusions that various entities within the fetal tissue procurement industry were illegally failing to obtain consent to harvest fetal tissue. In verifying CMP’s conclusions, the House report again cited to much CMP evidence, including evidence currently enjoined from publication by this Court.

48. The House report noted that, in an enjoined CMP video, an individual stated concerning her prospective involvement in fetal tissue procurement:

“If I’m involved, it would have to go through my University of Michigan IRB, and they tend to be pretty easy about stuff and *actually not require informed consent. . . . [T]heir feeling is you don’t even need to consent people.*” . . . This admission obviously raises serious questions about UMich’s compliance with IRB and informed consent requirements.

Compare House Report at 337 (emphasis added), [REDACTED]. Informed consent is a universal ethical standard for participation in medical research.

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1 **NAF’s examples of irreparable harm have been proven false**

2 49. NAF chose not to release their 2015 statistics on “Violence and Disruption” until
3 April 2016—two months after this Court made its preliminary injunction findings. Those statistics,
4 along with NAF’s statistics for 2016 and 2017, show that there was no *increase* in actual threats of
5 harm attributable to CMP whatsoever.

6 50. Attached hereto as **Exhibit 11** is a true and correct copy of Plaintiff National
7 Abortion Federation’s publication titled “2015 Violence and Disruption Statistics,” dated April
8 2016, as downloaded from the NAF website at this link: [https://prochoice.org/wp-](https://prochoice.org/wp-content/uploads/2015-NAF-Violence-Disruption-Stats.pdf)
9 [content/uploads/2015-NAF-Violence-Disruption-Stats.pdf](https://prochoice.org/wp-content/uploads/2015-NAF-Violence-Disruption-Stats.pdf).

10 51. NAF’s 2015 statistics reveal that 98.6% of NAF’s recorded instances consisted of
11 First Amendment assemblies, protest speech, and Internet commentary. In reviewing documents
12 obtained from Planned Parenthood, it is clear that this is constitutionally protected activity. For
13 example, Planned Parenthood makes clear in their communications to their staff that they should
14 report “[REDACTED].” Harassment further includes all “[REDACTED].”

15 52. Attached hereto as **Exhibit 12** is a true and correct copy of Planned Parenthood
16 Federation of America’s publication titled “[REDACTED]
17 [REDACTED]” dated 2015, encouraging “[REDACTED],” and bates-stamped PP0000960-61, as
18 produced by Planned Parenthood Federation of America in the related case to this one, *Planned*
19 *Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*, N.D. Cal. Case No. 3:16-
20 cv-236.

21 53. Only 0.67% of the instances listed on NAF’s 2015 report were even categorized by
22 NAF as “violence.” (325 instances of violence divided by 48,578 instances total). But this is
23 significantly less than the percentage of “violen[t]” instances recorded by NAF in the preceding
24 two years—in which NAF recorded that 1.6% and 4.6% of all instances were “violen[t].” It is also
25 comparable to the number of actual instances of violence. 2015 only saw an 8% increase in NAF-
26 recorded instances of violence in comparison to 2013.

27 54. The lack of increase is corroborated by Planned Parenthood Federation of America,
28 who reported a minor increase in July and August 2015, but by September 2015, “[REDACTED]

1 [REDACTED]” with “[REDACTED].”
2 Planned Parenthood Federation of America further stated that their reports about the number of
3 “[REDACTED]” cannot be completely dispositive. Planned Parenthood stated that, with respect to the
4 public outrage over Planned Parenthood’s documented wrongdoing, “[REDACTED]
5 [REDACTED].” They further
6 stated that “[REDACTED]” is due to increased “[REDACTED]
7 [REDACTED]” instead of actual [REDACTED].” This is why [REDACTED]
8 [REDACTED].”

9 55. Attached hereto as **Exhibit 13** is a true and correct copy of the “Special Summer of
10 2015 Edition” of Planned Parenthood Federation of America’s “Hot Spots” reports, bates-
11 stamped PP0001216-21, as produced by Planned Parenthood Federation of America in the related
12 case to this one, *Planned Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*,
13 N.D. Cal. Case No. 3:16-cv-236.

14 56. Attached hereto as **Exhibit 14** is a true and correct copy of the “HotSpots for the
15 period January 1-31, 2016” edition of Planned Parenthood Federation of America’s “Hot Spots”
16 reports, bates-stamped PP0011648-51, as produced by Planned Parenthood Federation of America
17 in the related case to this one, *Planned Parenthood Federation of America, et al. v. Center for Medical
18 Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

19 57. Attached hereto as **Exhibit 15** is a true and correct copy of an email from Planned
20 Parenthood Federation of America’s Security Program Coordinator dated January 22, 2016,
21 7:08:03 a.m., bates-stamped PP0011222, as produced by Planned Parenthood Federation of
22 America in the related case to this one, *Planned Parenthood Federation of America, et al. v. Center for
23 Medical Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

24 58. Attached hereto as **Exhibit 16** is a true and correct copy of the “HotSpots for the
25 period February 1-29, 2016” edition of Planned Parenthood Federation of America’s “Hot Spots”
26 reports, with email commentary by Planned Parenthood personnel, bates-stamped PP0011959-62,
27 as produced by Planned Parenthood Federation of America in the related case to this one, *Planned
28 Parenthood Federation of America, et al. v. Center for Medical Progress, et al.*, N.D. Cal. Case No. 3:16-

1 cv-236.

2 59. Even looking at NAF's 2015 statistics directly shows that 2015 contained little of
3 note. Approximately a third (36%) of NAF's "violence" statistics concern trespassing. But it is easy
4 to routinely accuse or accidentally fault protesters or passersby for trespassing. Based on my
5 experience in the pro-life community, accusations of "trespassing" are primarily accusations
6 against lawful sidewalk pregnancy counselors and patient advocates—a nonviolent group.

7 60. NAF lists four instances of Arson in 2015—but this is actually less than in 2012.
8 Moreover, at least one Arson in 2015, the Thousand Oaks clinic, was caused by a domestic feud—a
9 fight between a man and his girlfriend who worked at the clinic—showing how CMP's speech has
10 no bearing on such instances. *See* Dkt. 322-1.

11 61. NAF also lists three murders and nine attempted murders. All of these refer to the
12 attack on the Planned Parenthood Rocky Mountains clinic in Colorado Springs, which the Court
13 cited and viewed as dispositive. Dkt. 254 at 37 n.42. We now know, however, that that the attack
14 had nothing whatsoever to do with CMP. Not only have subsequent interviews with the criminally
15 insane shooter disproven the connection, but both Planned Parenthood Federation of America and
16 Planned Parenthood of the Rocky Mountains have declared in court filings that the shooting attack
17 was "random" and "unforeseeable." Dkt. 488 at 9-10 & n.1; Dkt. 489-1. The shooter was most
18 recently held incompetent to stand trial on July 27, 2018. Even in Planned Parenthood's own
19 internal email communications about the shooting, Planned Parenthood nowhere connects the
20 shooting to CMP. Indeed, in the HotSpots report for November 2015, CMP is not mentioned at all.

21 62. Attached hereto as **Exhibit 17** is a true and correct copy of a The Gazette article
22 dated July 27, 2018, and updated August 2, 2018, and titled "Planned Parenthood shooter Robert
23 Dear remains incompetent for trial, judge says," as downloaded from The Gazette website at this
24 link: [https://gazette.com/news/planned-parenthood-shooter-robert-dear-remains-incompetent-](https://gazette.com/news/planned-parenthood-shooter-robert-dear-remains-incompetent-for-trial-judge/article_64ddd2ea-91b6-11e8-a84e-1f5069d71e6a.html)
25 [for-trial-judge/article_64ddd2ea-91b6-11e8-a84e-1f5069d71e6a.html](https://gazette.com/news/planned-parenthood-shooter-robert-dear-remains-incompetent-for-trial-judge/article_64ddd2ea-91b6-11e8-a84e-1f5069d71e6a.html).

26 63. Attached hereto as **Exhibit 18** is a true and correct copy of the "HotSpots for the
27 period November 1-30, 2015" edition of Planned Parenthood Federation of America's "Hot
28 Spots" reports, bates-stamped PP0010904-06, as produced by Planned Parenthood Federation of

1 America in the related case to this one, *Planned Parenthood Federation of America, et al. v. Center for*
2 *Medical Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

3 64. NAF also lists six instances of “invasion”—but this is actually less than in 2013.
4 Similarly, NAF’s “assault & battery” statistics are less than in 2012; NAF’s “burglary” statistics
5 are less than in 2010; NAF’s “stalking” statistics are less than half the recorded number in 2013.

6 65. In truth, there are only two categories with any noticeable increases, “vandalism”
7 and “death threats/threats of harm.” With respect to the latter, NAF expanded the prior category
8 of “death threats” to begin including “threats of harm” in 2015. As a result, the apparent increase
9 in the category is artificial. *See* Ex. 10, n. 3.

10 66. With respect to “vandalism,” it did approximately double from 27 in 2011 to 67 in
11 2015. But this is probably simply the result of greater sensitivity and reporting than any actual
12 increase in harm. Moreover, vandalism is perfectly reparable with measurable monetary damages.

13 67. Thus, far from showing the “dramatic increase in the volume and extent of threats”
14 and “significant increase in harassment, threats, and violence” that the Court found based on a
15 preliminary record in February 2016 (Dkt. 354 at 2:12, 36:3-4), NAF’s 2015 statistics, first
16 published two months later in April, and Planned Parenthood’s internal reporting, confirm that
17 NAF members saw no bona fide increase in actual threats of harm compared to previous years.

18 **Statements by Superior Court Judge Christopher Hite**

19 68. In my criminal case, *The People of the State of California v. David Robert Daleiden, et*
20 *al.*, No. 2502505 (Cal. Super. Ct., Mar. 28, 2017), Judge Hite has repeatedly stated that he will not
21 close the hearings in that case. My criminal defense counsel intend to play most, if not all, of the
22 enjoined video at my preliminary hearing to establish my innocence of the criminal charges brought
23 against me, at which point the material will enter the public domain.

24 69. On June 21, 2017, my criminal defense counsel demurred to the complaint in my
25 criminal case on the basis this Court’s preliminary injunction precluded them from being able to
26 defend me adequately. That demurrer was overruled and a preliminary, oral, protective order was
27 entered with the purpose of preserving the identities of the fourteen complaining witnesses as
28 anonymous Does. But Judge Hite did take judicial notice of the preliminary injunction.

1 70. On December 6, 2017, Judge Hite entered a written protective order in my criminal
2 case. That protective order specifically references a hard drive containing all of the enjoined NAF
3 materials. The only restriction Judge Hite’s written protective order places on the contents of the
4 hard drive is on the disclosure of those materials that “portray, relate to, or mention the fourteen
5 Does named in the complaint.”

6 71. Importantly, Judge Hite was aware of this Court’s preliminary injunction and of my
7 constitutional right to have my criminal defense counsel use enjoined videos in my defense when he
8 issued the protective order. Further, in issuing the protective order, Judge Hite expressly stated:
9 “There will be no blanket protective order as to all the issues in this case. The Court will address
10 any concerns by the Attorney General’s Office or anyone else regarding specific requests for
11 protective order materials on an individual basis rather than a blanket basis.”

12 72. On January 10, 2018, my criminal defense counsel moved to set aside the protective
13 order on the basis that it improperly limited their ability to defend me in the criminal case. My
14 criminal defense counsel especially raised the concern that they needed to be able to counter the
15 public statements of the complaining witnesses because they were publicly disparaging me. In
16 response, Judge Hite denied the motion on the basis that the protective order was sufficiently
17 limited and would only effectively last until the preliminary hearing.

18 73. Attached hereto as **Exhibit 19** is a true and correct copy of the written protective
19 order issued by Judge Hite in my criminal case, *The People of the State of California v. David Robert*
20 *Daleiden, et al.*, No. 2502505 (Cal. Super. Ct., Mar. 28, 2017).

21 74. Attached hereto as **Exhibit 20** is a true and correct copy of the relevant portions of
22 the transcript of the June 21, 2017, hearing in my criminal case, *The People of the State of California v.*
23 *David Robert Daleiden, et al.*, No. 2502505 (Cal. Super. Ct., Mar. 28, 2017).

24 75. Attached hereto as **Exhibit 21** is a true and correct copy of the relevant portions of
25 the transcript of the December 6, 2017, hearing in my criminal case, *The People of the State of*
26 *California v. David Robert Daleiden, et al.*, No. 2502505 (Cal. Super. Ct., Mar. 28, 2017).

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76. Attached hereto as **Exhibit 22** is a true and correct copy of the relevant portions of the transcript of the January 10, 2018, hearing in my criminal case, *The People of the State of California v. David Robert Daleiden, et al.*, No. 2502505 (Cal. Super. Ct., Mar. 28, 2017).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

DATE: August 15, 2018


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 signatory.

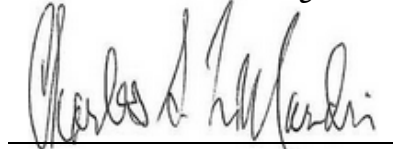

Charles S. LiMandri
Counsel for Defendants CMP, BioMax, and Daleiden

EXHIBIT 1

PRESS RELEASE

Energy and Commerce Committee Launches Investigation Following “Abhorrent” Planned Parenthood Video

07.15.15

WASHINGTON, DC – House Energy and Commerce Committee leaders today began an investigation following the release of a video revealing the Planned Parenthood Senior Director of Medical Services discussing the sale of fetal body parts. The sale of fetal body parts for profit is illegal.

“This video is abhorrent and rips at the heart. The committee will get to the bottom of this appalling situation,” commented full committee Chairman Fred Upton (R-MI), Vice Chairman Marsha Blackburn (R-TN), Oversight and Investigations Subcommittee Chairman Tim Murphy (R-PA), and Health Subcommittee Chairman Joe Pitts (R-PA).

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EXHIBIT 2



House of Representatives
Judiciary Committee
Chairman Bob Goodlatte

PRESS RELEASE (PRESS-RELEASES) | JULY 15, 2015

Chairman Goodlatte Announces House Judiciary Committee Investigation into Horrorific Abortion Practices



Washington, D.C.— House Judiciary Committee Chairman Bob Goodlatte (R-Va.) today announced a Committee investigation into allegations that Planned Parenthood abortion doctors altered abortion procedures in order to harvest the organs and body parts of aborted children for money.

The Committee’s investigation will focus on the inhumane acts detailed by an executive of Planned Parenthood in several reports

(http://www.washingtonpost.com/politics/undercover-video-shows-planned-parenthood-exec-discussing-organ-harvesting/2015/07/14/ae330e34-2a4d-11e5-bd33-395c05608059_story.html?hpid=z4) and a video (<https://www.youtube.com/watch?v=jjxwVuozMnU>).

House Judiciary Committee Chairman Bob Goodlatte issued the following statement:

Chairman Goodlatte: “Every human life is sacred and should be protected from the atrocities allegedly undertaken by Planned Parenthood. The House Judiciary Committee is investigating these horrific acts including ascertaining how Congress might act.

“The prospects of altering an abortion procedure in order to preserve intact the organs of aborted children, including their brains, reminds us yet again of the horrors of late-term abortions, and the need for the Senate to pass the *Pain-Capable Unborn Child Protection Act*.

“Members of the House Judiciary Committee have been committed to the preservation of human life, including the lives of unborn children. We will continue to fight for the rights of the unborn.”

2138 Rayburn House Office Bldg
Washington, DC 20515
202.225.3951

Minority Site (<https://democrats-judiciary.house.gov/>)

EXHIBIT 3

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>
August 14, 2015

Ms. Cecile Richards
President
Planned Parenthood Federation of America, Inc.
434 West 33rd Street
New York, NY 10001

Dear Ms. Richards:

Recently released videos implicate Planned Parenthood Federation of America and its affiliates in potentially unlawful transactions involving fetal tissue.¹ In the videos, Planned Parenthood representatives discuss the demand for certain body parts, the manner in which patient consent is solicited, pricing considerations, and the methods by which doctors manipulate procedures to ensure that tissues remain intact.² The disturbing content of these videos raises questions as to whether federal funds are being used to finance the potentially illegal conduct described therein.

For the fiscal year ending June 30, 2014, Planned Parenthood reported approximately \$1.3 billion in total revenue, of which \$528.4 million is attributed to “government health services grants and reimbursements.”³ To help the Committee understand the role of federal funding in Planned Parenthood operations, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on August 28, 2015:

1. For each year from 2010 through present, provide the cumulative amount of funding that Planned Parenthood received from the federal government, and identify all program(s), grant(s), and other sources of the federal funds.
2. For each year from 2010 through present, provide all financial statements and annual reports, including, but not limited to Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax.
3. For each year from 2010 through present, identify and provide an accounting of all Planned Parenthood activities that were financed with federal funds, to include the specific amount of federal funds used for each expenditure.
4. For each year from 2010 through present, provide the cumulative amount of funding that Planned Parenthood received from Medicaid programs by state.

¹ Center for Medical Progress, “Investigative Footage,” *available at* <http://www.centerformedicalprogress.org/cmp/investigative-footage/> (last accessed Aug. 11, 2015).

² Cheryl Wetzstein, *5th video on Planned Parenthood discusses boosting reimbursements*, WASH. POST (Aug. 4, 2015).

³ *Planned Parenthood 2013-2014 Annual Report* at 19-21, *available at* <http://plannedparenthood.org/about-us/annual-report> (last accessed Aug. 11, 2015).

Ms. Cecile Richards
August 14, 2015
Page 2

5. For each year from 2010 through present, provide a list of the 50 highest-paid Planned Parenthood employees. Include the individual's title, annual salary, bonuses, and any other compensation.
6. According to the 2013-2014 Annual Report, Planned Parenthood "supports 66 independently incorporated affiliates, operating approximately 700 health centers across the U.S."⁴ Provide a list of these affiliates and health centers including a contact with phone number or email for each.
7. Identify, specifically, what procedures, services, or other medical treatments are available only or exclusively at a Planned Parenthood affiliate or health center that are covered by either a state's Medicaid program or a health plan sold via a state exchange or HealthCare.gov under the Patient Protection and Affordable Care Act. Do not include services or procedures that could otherwise be provided by a private health care provider.

In addition, please provide Committee staff with a briefing on these issues as soon as possible, but no later than 5:00 p.m. on August 28, 2015. An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

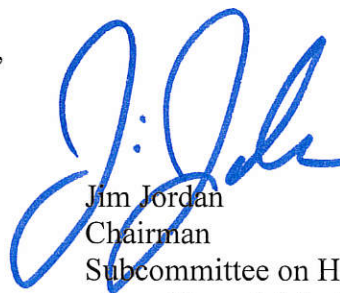
The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

If you have any questions, please contact Committee staff at (202) 225-5074. Thank you for your timely attention to this request.



Jason Chaffetz
Chairman

Sincerely,



Jim Jordan
Chairman
Subcommittee on Health Care,
Benefits and Administrative Rules

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Matthew Cartwright, Ranking Member
Subcommittee on Healthcare, Benefits and Administrative Rules

⁴ *Id.* at 3.

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

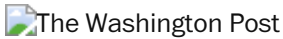
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

EXHIBIT 4

[Post Politics](#)

Boehner: There will be no government shutdown; select committee will probe Planned Parenthood

By [Wesley Lowery](#) and [Mike DeBonis](#) September 27, 2015 [✉ Email the author](#)

In his first major interview since announcing his pending resignation, House Speaker John A. Boehner vowed Sunday that there will be no government shutdown at the end of the month — adding that he will impanel a select committee to investigate Planned Parenthood after "["undercover" videos](#) renewed outrage among conservatives about government funding for the women's health provider.

"The Senate is expected to pass a continuing resolution next week," Boehner told "Face the Nation" moderator John Dickerson. "We'll also take up a select committee to investigate these horrific videos that we've seen from abortion clinics that we've seen in several states."

House Democrats and Planned Parenthood were quick to decry the formation of the new select committee.

"House Republicans already have three standing committees with subpoena power conducting one-sided, biased attacks against Planned Parenthood, so it is unclear why they need a fourth," Rep. Elijah Cummings, the ranking Democrat on the House Oversight and Government Reform Committee, said in a statement provided to The Washington Post on Sunday.

"House Republicans either have no confidence in their sitting chairmen, or they are willing to waste millions of taxpayer dollars just to placate extremists within their own party."

CONTENT FROM CISCO WEBEX

Can you dive into the global talent pool?

Find out if you've got the right digital tools to engage with remote workers.

In a statement on Sunday, Dawn Laguens, executive vice president of Planned Parenthood Federation of America, called the move to impanel a select committee a "five-ring circus."

"We will, of course, cooperate with any fact-finding inquiry — even though these investigations are all based on false and discredited claims, without a shred of evidence of wrongdoing by Planned Parenthood," Laguens said. "This is really an attempt of to ban abortion and defund Planned Parenthood. It's an assault on every woman whose breast cancer was caught early because of Planned Parenthood and every woman who has made her own decision about whether and when to have a child."

[What John Boehner told me the night before he said he was quitting]

Earlier this year, anti-abortion activists released secret video recordings of conversations with Planned Parenthood officials about the use of fetal tissue for medical research. The recordings of the frank conversations outraged many who oppose legalized abortion, who said the videos raised new questions about whether Planned Parenthood was profiting from the sale of fetal tissue.

ADVERTISING



In light of the videos, many Republicans have vowed to defund Planned Parenthood, and a group of conservative lawmakers said they would refuse to vote for any spending bill that included funding for the organization. Those vows stirred speculation that the government could shut down temporarily over the funding disagreement, but Boehner's announcement that he will resign from Congress is widely expected to have limited the chances of a shutdown.

"The commitment has been made that there will not be any way that a shutdown will occur," Rep. John Fleming (R-La.) [told The Post](#) last week.

[\[Here's what happens if Congress ends funding for Planned Parenthood\]](#)

The announcement of a select committee was first made on Friday by Rep. Marsha Blackburn (R-Tenn.), prompting immediate scorn from House Democrats.

"House Republicans are planning yet another taxpayer-funded Select Committee to burn more of the millions of taxpayer dollars they've already spent playing politics — this time with the goal of taking lifesaving preventative care away from millions of American women," House Minority Leader Nancy Pelosi (D-Calif.) said in a statement on Saturday. "Make no mistake: House Republicans have renewed their war on women's health. With this Committee, Republicans are trying to make it easier to shut down the government and harder for millions of women to access the lifesaving health care they need. Hard-working families deserve better than a taxpayer-funded Republican Committee fixated on dismantling women's health."



343 Comments

Wesley Lowery

Wesley Lowery is a national correspondent covering law enforcement, justice and their intersection with politics and policy for The Washington Post. He previously covered Congress and national politics. In 2015, he was a lead reporter on the "Fatal Force" project awarded the Pulitzer Prize and George Polk award.

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Mike DeBonis

Mike DeBonis covers Congress, with a focus on the House, for The Washington Post. He previously covered D.C. politics and government from 2007 to 2015. Follow

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EXHIBIT 5

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

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

EXHIBIT 6

Justice Dept. is investigating the use of fetal tissue

By [Laura Jarrett](#), CNN

Updated 4:32 PM ET, Fri December 8, 2017

What does Planned Parenthood do? 01:36

STORY HIGHLIGHTS

The use of human fetal tissue has been a political flashpoint since the 1990s

Grassley's 2016 report claimed US agencies had failed to monitor the industry

(CNN) — The Justice Department is looking into Planned Parenthood's practices related to human fetal tissue, according to a letter obtained by CNN on Thursday.

The [letter](#) -- from the Justice Department's head of its Office of Legislative Affairs -- does not mention Planned Parenthood by name but asks the Senate Judiciary Committee to turn over unredacted documentation supporting a December 2016 report titled "Human Fetal Tissue Research," which purports to describe the organization's practices.

"At this point, the records are intended for investigative use only," Assistant Attorney General Stephen Boyd wrote. "We

understand that a resolution from the Senate may be required if the Department were to use any of the unredacted materials in a formal legal proceeding, such as a grand jury."

"Yesterday evening the committee received the Justice Department's request and we're going to work to comply with that request," Taylor Foy, a spokesman for Senate Judiciary Chairman Chuck Grassley, confirmed to CNN on Friday.

The use of human fetal tissue -- which is used to study a number of diseases -- has proved to be a political flashpoint for decades.

Federal law prohibits the receipt of any "valuable consideration" for fetal tissue, while permitting "reasonable payments" for costs, including "transportation, implantation, processing, preservation, quality control or storage of human fetal tissue."

Grassley's 2016 report claimed that executive branch agencies had failed to monitor the industry and -- after reviewing 20,000 documents voluntarily submitted by Planned Parenthood and a number of other organizations -- called on the Justice Department to investigate.



Related Article: Planned Parenthood: Fast facts

"The report documents the failure of the Department of Justice, across multiple administrations, to enforce the law that bans the buying and selling of human fetal tissue," the Iowa Republican wrote. "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."

Sen. Dianne Feinstein of California, the top Democrat on the Judiciary Committee, said multiple committees have found Planned Parenthood did nothing wrong, however.

"The Justice Department's letter is in response to Chairman Grassley's requests that the department review a December 2016 majority staff report, a document that was never brought before the full committee," Feinstein said in a statement to CNN on Friday.

"Multiple congressional committees, 13 states and a grand jury in Texas all investigated Planned Parenthood, and all of them found the organization did nothing wrong," she added. "I hope that there isn't a partisan purpose in taking this action and that the department handles the chairman's request in a professional and ethical manner."

Last month, in response to reports that the FBI had asked the Senate for documents it obtained from abortion providers, Planned Parenthood's vice president of government affairs, Dana Singiser, said: "Planned Parenthood strongly disagrees with the recommendations of the Senate Republican staff to refer this matter to the Justice Department, especially in light of the fact that investigations by three other Congressional committees, and investigations in 13 states including a Grand Jury in Texas, have all shown that Planned Parenthood did nothing wrong."

Singiser added: "Planned Parenthood has never, and would never, profit while facilitating its patients' choice to donate fetal tissue for use in important medical research."

CNN is told that Grassley said in order to turn over the documentation he needed to receive a letter from DOJ explaining that the materials underlying his report would be used for investigative purposes, according a source with knowledge of the discussions.

The Justice Department declined to comment.

EXHIBIT 7



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

DEC 07 2017

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Senator Feinstein:

In December 2016, majority staff of the Senate Judiciary Committee prepared a report for the Committee entitled, "Human Fetal Tissue Research: Context and Controversy" (report). The Chairman provided a link to this report, which contained redactions of selected information, in a letter to the Attorney General and then-Director of the Federal Bureau of Investigation (FBI) dated April 24, 2017. In this letter, the Chairman asked that we contact the Committee in writing if we determine that we need to seek access to unredacted copies of any of these records in order to further investigate these matters.

The Department of Justice (Department) appreciates the offer of assistance in obtaining these materials, and would like to request that the Committee provide unredacted copies of records contained in the report in order to further the Department's ability to conduct a thorough and comprehensive assessment of that report based on the full range of information available. At this point, the records are intended for investigative use only—we understand that a resolution from the Senate may be required if the Department were to use any of the unredacted materials in a formal legal proceeding, such as a grand jury.

Thank you for your time and assistance in this matter. The Department looks forward to coordinating with the Committee to obtain the requested unredacted records. Please do not hesitate to contact this office if we may provide any additional information in furtherance of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen E. Boyd", written over a blue circular stamp or seal.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

DEC 07 2017

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Senator Feinstein:

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Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen E. Boyd".

Stephen E. Boyd
Assistant Attorney General

EXHIBIT 8

TOPICS

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SALE! | 12 WEEKS FOR 99¢

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Enjoy Clayton Kershaw now, because he may not be here much longer



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L.A. NOW LOCAL

Firms reach \$7.8-million settlement over allegations of selling fetal tissue

By DANIEL LANGHORNE
DEC 09, 2017 | 9:25 AM



"These companies will never be able to operate again in Orange County or the state of California," Dist. Atty. Tony Rackauckas, above, said in a statement. (Mark Boster / Los Angeles Times)



Two bioscience companies have reached a \$7.785-million settlement with the Orange County district attorney's office over allegations that they illegally sold fetal tissue to companies around the world, prosecutors said Friday.

According to the settlement signed Monday, DV Biologics LLC and sister company DaVinci Biosciences LLC, both based in Yorba Linda, must cease all operations in California within 60 to 120 days. The agreement also requires the companies to admit liability for violations of state and federal laws prohibiting the sale or purchase of fetal tissue for research purposes, prosecutors said.



ADVERTISEMENT

Also named as defendants in the settlement were company principals Estefano Isaias Sr., Estefano Isaias Jr. and Andres Isaias.



"This settlement seized all profits from DV Biologics and DaVinci Biosciences, which they acquired by viewing body parts as a commodity and illegally selling fetal tissues for valuable consideration. These companies will never be able to operate again in Orange County or the state of California," Dist. Atty. Tony Rackauckas said in a statement.



PAID POST What's This?



Take to the water.

A message from Tahoe South

Summer is here to stay at Tahoe South. Well, at least until fall arrives.

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About \$7.5 million of the settlement is the estimated scientific value of a planned donation of the company's adult biological samples, tissues and cells to a nonprofit academic and scientific teaching institution affiliated with a major U.S. medical school, according to the agreement. Prosecutors did not disclose the name of the medical school.



The defendants also will donate and transfer laboratory storage containers and equipment estimated to be worth more than \$10,000.

DV Biologics will pay the county \$195,000 in civil penalties.

Michael Tein, an attorney for the defendants, did not return a call seeking comment.



Prosecutors opened an investigation into the companies in September 2015 after a complaint was submitted by Irvine-based Center for Medical Progress. The anti-abortion group gained national attention in 2015 after releasing a video showing Planned Parenthood affiliates discussing the sale of aborted fetuses.



In October 2016, prosecutors filed a complaint against the companies in Orange County Superior Court alleging unlawful, unfair and fraudulent business practices.

The lawsuit accused the companies of illegally selling cells from fetal brain tissue for up to \$1,100 per vial from 2009 to 2015, prosecutors said. Fetal tissue and cells were sold to pharmaceutical companies and academic institutions in Japan, China, Singapore, South Korea, Germany, Switzerland, Australia, the Netherlands, Canada and the United Kingdom, authorities said.

Langhorne writes for Times Community News.



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BE THE FIRST TO COMMENT

EXHIBIT 9

1 TONY RACKAUCKAS, DISTRICT ATTORNEY
2 COUNTY OF ORANGE, STATE OF CALIFORNIA
3 BY: KELLY A. ERNBY, SBN 222969
4 Deputy District Attorney
5 POST OFFICE BOX 808
6 SANTA ANA, CALIFORNIA 92702
7 TELEPHONE: (714) 834-3600

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
DEC 19 2017
DAVID H. YAMASAKI, Clerk of the Court
BY: NTM/C21 DEPUTY

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)

vs.)

DV BIOLOGICS, LLC; DAVINCI BIOSCIENCES,)
LLC; ANDRES ISAIAS; ESTEFANO ISAIAS, SR;)
ESTEFANO ISAIAS, JR; and DOES 1-10,)
Defendants)

Case No.: 30-2016-00880665-CU-BT-CJC

Assigned for all purposes to:
HON. DEBORAH C. SERVINO
DEPT. C22

FINAL JUDGMENT PURSUANT TO STIPULATION

Complaint Filed: October 11, 2016
Trial Date: February 5, 2018

Filing Fees Exempt (Govt. Code § 6103)

IT IS HEREBY STIPULATED between the People of the State of California, having filed the Complaint herein, and appearing though its attorney, Tony Rackauckas, District Attorney of the County of Orange, by Kelly A. Ernby, Deputy District Attorney; and the Defendants, DV Biologics, LLC, DaVinci Biosciences, LLC, Andres Isaias, Estefano Isaias, Sr. and Estefano Isaias, Jr. ("Defendants") appearing with and through their counsel, Michael Tein from Lewis Tein PL, that the parties desire to resolve this action and all issues raised by the Civil Complaint for Violation of Business and Professions Code Section 17200 (Unlawful, Unfair and Fraudulent Business Practices) (the "Complaint") without further litigation.

1 Plaintiff and Defendants have further stipulated that this Final Judgment Pursuant to
2 Stipulation (hereinafter referred to as "Final Judgment") may be entered without taking any
3 evidence and without the trial or adjudication of any issue of law or fact. The parties will be
4 deemed to have waived their right of appeal upon entry of the Order in the form provided, and
5 to have approved the Final Judgment as to form and content. As such, the parties, after
6 opportunity for review by their respective counsel, hereby stipulate and consent to the entry of
7 this Final Judgment as set forth below.
8

9 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

10 **JURISDICTION**

11 1. The parties stipulate and agree that the Superior Court of California, County of
12 Orange, has subject matter jurisdiction over the matters alleged in this action and personal
13 jurisdiction over the parties to this Final Judgment.
14

15 **INTENT**

16 2. The People and Defendants enter into this Final Judgment pursuant to a
17 compromise and settlement of disputed claims for purposes of furthering the public interest.
18 Defendants enter into this Final Judgment solely for the purpose of avoiding the incurrence of
19 any further costs and expenses of litigation. The People believe that the resolution embodied
20 in this Final Judgment is fair and reasonable and fulfills the People's enforcement objectives;
21 that except as provided in this Final Judgment, no further action is warranted or will be taken
22 against any of the Defendants or their Affiliates (as defined herein) concerning the allegations
23 contained in the Complaint; and that entry of this Final Judgment is in the best interests of the
24 public. Defendants agree that this Final Judgment is a fair and reasonable resolution of the
25 matters alleged in the Complaint.
26
27
28

APPLICABILITY

1
2 3. The provisions of this Final Judgment are applicable to the Defendants and each of
3 their officers, directors, managers, successors and assigns, and any employees, representatives,
4 and all other persons, corporations, agents, or entities who are or were acting in concert or in
5 participation with any Defendant (collectively "Affiliates") that has actual or constructive notice
6 of this Final Judgment.
7

EFFECTIVE DATE

8
9 4. The Effective Date of this Final Judgment is the date this Judgment is entered and
10 filed as an order of the Court in this action.
11

ALLEGATIONS

12
13 5. The parties have engaged in settlement discussions in order to resolve alleged
14 violations by the Defendants of California law, namely, California Business and Professions
15 Code Section 17200 (Unlawful, Unfair and Fraudulent Business Practices). Specifically, the
16 Complaint alleges that Defendants engaged in the unlawful "sale of fetal tissue for valuable
17 consideration in violation of California Health and Safety Code Section 125320 and 42 U.S.C.
18 Section 289g-2." The Complaint further alleges that Defendants illegally operated their business
19 in California while their "powers, rights and privileges" to do business in the state were forfeited
20 by the California Franchise Tax Board in violation of various provisions of the Corporations and
21 Revenue and Tax Codes. (*See, e.g.,* Cal. Rev. & Tax Code § 23001 *et seq.* & § 25101; Cal.
22 Corp. Code § 1500 *et seq.*, § 2100 *et seq.*, § 2200 *et seq.*, §§ 2258-2259, § 17701.01 *et seq.*, & §
23 17708.01 *et seq.*)
24
25

26 6. Plaintiff contends Defendants' alleged failure to follow the above stated laws
27 amounts to an unlawful, unfair and fraudulent business practice under California Business and
28

1 Professions Code Section 17200, warranting civil penalties, injunctive relief and restitution as
2 prayed for in the Complaint.

3 **SETTLEMENT OF CLAIMS**

4 7. Based on the foregoing allegations, the parties have agreed to settle the matters
5 alleged in the Complaint without further litigation pursuant to the terms in this Stipulated Final
6 Judgment. This Final Judgment is intended to fully, finally, and forever resolve, discharge and
7 settle these allegations and any and all claims, administrative, civil or criminal, relating to these
8 allegations, upon and subject to the terms and conditions set forth in this Final Judgment. This
9 Final Judgment may be pled as an absolute bar to any further legal actions by Plaintiff against
10 Defendants relating to the allegations of the Complaint, and pled as an affirmative defense
11 against any other subsequent state, government or private party alleging claims relating to the
12 alleged violations in the Complaint under the doctrines of Res Judicata, Collateral Estoppel and
13 any other applicable law. Nothing in this Final Judgment limits the ability of the People to
14 enforce the terms of this Final Judgment.
15

16 **ADMISSION OF LIABILITY**

17 8. For the purpose of resolving the Complaint without the expense of further
18 proceedings, DV Biologics, LLC and DaVinci Biosciences, LLC admit that they unlawfully sold
19 fetal tissue for valuable consideration in violation of California Health and Safety Code Section
20 125320; and that DV Biologics, LLC and DaVinci Biosciences, LLC unlawfully operated in
21 California for a period of time while their "powers, rights and privileges" to do business in the
22 state were forfeited by the California Franchise Tax Board for having failed to pay the required
23 franchise taxes and annual registration fees.
24
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1 9. Individual Defendants Andres Isaias, Estefano Isaias, Sr. and Estefano Isaias, Jr.
2 neither admit nor deny the allegations of wrongdoing with respect to them individually.

3 10. The admission of liability herein is only for the purposes of this proceeding and
4 shall not be admissible in any other administrative, criminal or civil proceeding. Except for its
5 express terms herein, the admission of liability is not otherwise an admission of the allegations in
6 the Complaint.
7

8 **INJUNCTIVE RELIEF AND COMPLIANCE TERMS**

9 11. Defendants are permanently enjoined from operating any business, or place of
10 business in the State of California in violation of California Health and Safety Code Section
11 125320 and 42 U.S.C. Section 289g-2, as well as operating any business in violation of
12 California's corporations, revenue and tax codes, including, but not limited to, California
13 Corporations Code Section 1500 *et seq.*, Section 2100 *et seq.*, Section 2200 *et seq.*, Sections
14 2258-2259, Section 17701.01 *et seq.*, and Section 17708.01 *et seq.*, as well as California
15 Revenue and Taxation Code Section 23001 *et seq.* and Section 25101.
16
17

18 12. With the exception of any actions necessary to comply with the donation
19 requirements of Paragraph 14 below, Defendants are permanently enjoined from the acquisition,
20 transfer or sale of Fetal Tissue.

21 13. Defendants further acknowledge and agree that within sixty (60) days of the
22 Effective Date of this Final Judgment, DV Biologics, LLC will permanently close and cease all
23 business operations in the State of California and that within one hundred and twenty (120) days
24 of this Final Judgment, Da Vinci Biosciences, LLC will permanently close and cease all business
25 operations in the State of California.
26
27
28

PENALTIES AND RESTITUTION

1
2 14. Defendants shall, jointly and severally, pay a total settlement amount of seven
3 million, seven hundred eighty-five thousand dollars (\$7,785,000) through the donation of assets,
4 and the payment of civil penalties, as set forth below.

5 (a) Biological Material Donations. No later than sixty (60) days after the
6 Effective Date, Defendants shall donate and transfer the inventory of biological material, tissues
7 and cells described in **Exhibit A** attached hereto to a non-profit academic scientific and teaching
8 institution affiliated with a major U.S. Medical School that operates under the scrutiny of the
9 National Institutes of Health. This inventory includes the biological materials previously offered
10 for sale by the Defendants, including, not only the unlawfully sold fetal tissue and cells but also a
11 substantial inventory of: (1) adult biological samples, tissues and cells (with an estimated
12 current scientific research value of \$7,551,613); and (2) other associated biological cultures and
13 reagents (with an estimated current scientific research value of \$28,068). Defendants shall bear
14 all costs, including all costs to prepare, package and safely transport the materials, as necessary
15 to complete this donation. A total of \$7,579,681 shall be credited to the Defendants towards the
16 payment of the total settlement amount upon proof of completion of this donation; proof of
17 completion shall be provided to Plaintiff no later than sixty-five (65) days after the Effective
18 Date.

19
20
21
22 (b) Laboratory Storage Containers and Equipment Donations. No later than
23 sixty (60) days after the Effective Date, Defendants shall donate and transfer the portable and
24 permanent biological storage equipment, fixtures, freezers, glassware and containers (including
25 any and all available technical manuals and warranty materials) sufficient to permanently store,
26 preserve and maintain the inventory listed on **Exhibit A**. The inventory of such storage
27
28

1 containers and equipment to be donated is described in **Exhibit B**. Defendants shall bear all
2 costs, including all costs to prepare, package and transport the items, as necessary to complete
3 this donation. A total of \$10,319 shall be credited to the Defendants towards the payment of the
4 total settlement amount upon proof of completion of this donation; proof of completion shall be
5 provided to Plaintiff no later than sixty-five (65) days after the Effective Date.

6
7 (c) Civil Penalties. One hundred ninety-five thousand dollars (\$195,000),
8 which is the estimated valuable consideration alleged by Plaintiff to have been earned by DV
9 Biologics, LLC for the sale of Fetal Tissue described in the Complaint, shall be paid to the
10 County of Orange as civil penalties pursuant to Business and Professions Code Section 17207 no
11 later than sixty-five (65) days after the Effective Date.

12
13 (d) Payment Instructions: The total payment required pursuant to paragraph
14 14(c) above, in the amount of one hundred ninety-five thousand dollars (\$195,000), shall be paid
15 in the form of a cashier's check or money order made payable to the "Orange County District
16 Attorney's Office" (with reference to "*People v. DV Biologics, LLC et al.*" and this Final
17 Judgment) no later than sixty-five (65) days after the Effective Date. For purposes of the proper
18 distribution of the funds specified herein, the check shall be delivered to the following address:
19

20 Orange County District Attorney's Office
21 Consumer and Environmental Protection Unit
22 401 Civic Center Drive West
23 Santa Ana, California 92701
24 Attn: Judith Lepez

25 15. In the event of default by Defendants as to any of the donations to be made or
26 amounts to be paid, the whole amount of seven million, seven hundred eighty-five thousand
27 dollars (\$7,785,000) shall be deemed immediately due and payable, and Plaintiff shall be entitled
28 to pursue any and all remedies provided by law for the enforcement of this Final Judgment.

1 Furthermore, any amount in default shall bear interest at the prevailing legal rate from the date of
2 default until paid. However, in the event of a default by Defendants with respect to the
3 donations required under Paragraphs 14(a) and/or (b) that is caused by the refusal of a qualified
4 non-profit institution to accept the intended donations, the parties agree to permit Defendants
5 sixty (60) additional days within which to cure the default. If the donations are completed by the
6 end of the 60-day cure period, no further penalty or interest shall accrue in relation to the
7 donation amount in default during the agreed-upon cure period.
8

9 **ENFORCEMENT OF FINAL JUDGMENT**

10 16. The People have the right to enforce this Final Judgment as provided herein and
11 pursuant to applicable law.
12

13 17. Before pursuing any action to enforce any of the terms of this Final Judgment, the
14 People shall meet and confer with Defendants in a good faith attempt to resolve the issue without
15 judicial intervention. Pursuant to this Final Judgment, the People will identify at least ten (10)
16 days in advance of the meet and confer, as specifically as the available information allows, the
17 grounds for the motion and the actions that the People believe Defendants must take to remedy
18 their non-compliance and the specific relief, if any, sought by the People. Unless otherwise
19 agreed, Defendants shall have sixty (60) days to take the requested remedial steps before any
20 action may be taken. If the requested remedial steps are completed by the end of this 60-day
21 cure period, or such other period as may be agreed to between the parties, no civil penalty shall
22 be assessed in relation to the alleged violation, breach or default during the cure period.
23

24 18. Defendants reserve all rights to oppose any motion brought by the People to
25 enforce any provision of this Final Judgment, including but not limited to the ability to assert
26 that they are not liable for any alleged violation of the Final Judgment.
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MATTERS COVERED BY THIS FINAL JUDGMENT

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19. This Final Judgment is a final and binding resolution and settlement of only claims, violations or causes of action expressly known by the People at the time of the filing of the Complaint against Defendants through the date of entry of this Final Judgment. The matters and incidents described in the Complaint are “Covered Matters.” The People have conducted a good faith investigation into the activities of Defendants and have no present knowledge of any other violation of California Health and Safety Code Section 125320, California Revenue and Tax Code Sections 23001 *et seq.* or Section 25101, or California Corporations Code Section 1500 *et seq.*, Section 2100 *et seq.*, Section 2200 *et seq.*, Sections 2258-2259, Section 17701.01 *et seq.* or Section 17708.01 *et seq.* committed by Defendants other than those alleged in the Complaint. The parties reserve the right to pursue any claim, violations or causes of action that are not a Covered Matter (“Reserved Claim”) and to defend against any Reserved Claim.

20. Defendants covenant not to pursue any civil or administrative claims against the People, any counties in the State of California or any local agency, or against their officers, employees, representatives, agents or attorneys arising out of or related to any Covered Matter.

NOTICE

21. All submissions and notices required by this Final Judgment shall be sent to:

For the People, County of Orange:

Kelly A. Ernby
Deputy District Attorney
Orange County District Attorney’s Office
401 Civic Center Dr. West
Santa Ana, CA 92701
kelly.ernby@da.ocgov.com

1 For Defendants:

2 Michael R. Tein, Esq.
3 Lewis Tein PL
4 3059 Grand Avenue, Suite 340
5 Coconut Grove, FL 33133
6 tein@lewistein.com

7 **NO LIABILITY OF THE PEOPLE**

8 22. The People shall not be liable for any injury or damage to persons or property
9 resulting from acts or omissions by Defendants, its directors, officers, employees, agents,
10 representatives, contractors, successors, or assigns, in carrying out activities pursuant to this
11 Final Judgment, nor shall the People be held as a party to or guarantor of any contract entered
12 into by Defendants or their respective officers, directors, employees, agents, representatives,
13 contractors, successors, or assigns, in carrying out the requirements of this Final Judgment.

14 **NO WAIVER OF RIGHT TO ENFORCE**

15 23. The failure of the People to enforce any provision of this Final Judgment shall
16 neither be deemed a waiver of such provision nor in any way affect the validity of this Final
17 Judgment. The failure of the People to enforce any such provision shall not preclude it from
18 later enforcing the same or any other provision of this Final Judgment. No oral advice,
19 guidance, suggestions or comments by employees or officials of the People, any government
20 agency, licensing Board of the State of California, Defendants, or any person or entities acting
21 on behalf of Defendants, regarding matters covered in this Final Judgment, shall be construed to
22 relieve any party of its obligations under this Final Judgment.
23

24 **CONTINUING JURISDICTION**

25
26 24. The parties agree that this court has exclusive jurisdiction to interpret and
27 enforce the Final Judgment. The court shall retain continuing jurisdiction to enforce the terms
28

1 of this Final Judgment and to address any other matters arising out of or regarding this Final
2 Judgment. Jurisdiction is retained for the purpose of enabling any party to this Final Judgment
3 to apply to the Court at any time for such further orders and directions as may be deemed
4 necessary or appropriate for the construction of or the carrying out of this Final Judgment, the
5 enforcement of the compliance with the injunctive provisions hereof, and for the punishment of
6 violations of the injunctive provisions hereof.
7

8 **ABILITY TO INSPECT AND COPY RECORDS AND DOCUMENTS**

9 25. On reasonable notice and subject to Defendants' defenses to requests for
10 documents made by subpoena or other formal legal process or discovery, Defendants shall
11 permit any duly authorized representative of the People to inspect and copy Defendants'
12 records and documents to determine whether Defendants are in compliance with the terms of
13 this Final Judgment. Defendants shall have twenty (20) days to respond to a request to inspect
14 or copy records after a demand for inspection pursuant to this paragraph is made. Nothing in
15 this paragraph is intended to require access to or production of any documents that are
16 protected from production or disclosure by the attorney-client privilege, attorney work product
17 doctrine or any other applicable privilege afforded to Defendants under applicable law.
18
19

20 **PAYMENT OF LITIGATION EXPENSES AND FEES**

21 26. Each party shall pay its own attorney fees and all other costs of litigation and
22 investigation incurred by said party in connection with this matter.
23

24 **EFFECT OF JUDGMENT**

25 27. Except as expressly provided in this Final Judgment, nothing herein is intended,
26 nor shall it be construed, to preclude the People or any government agency from exercising its
27 authority under any law, statute or regulation.
28

FUTURE REGULATORY CHANGES

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2 28. Nothing in this Final Judgment shall excuse Defendants from meeting any more
3 stringent requirements that may be imposed by changes in applicable law.

INTERPRETATION

4
5 29. This Final Judgment was drafted equally by all parties. The parties agree that
6 the rule of construction holding that ambiguity is construed against the drafting party shall not
7 apply to the interpretation of this Final Judgment.
8

INTEGRATION

9
10 30. This Final Judgment constitutes the sole and entire Final Judgment between the
11 parties and supersedes all prior or contemporaneous agreements or judgments. No oral
12 representations have been made or relied upon other than as expressly set forth herein.
13

DISCLAIMER OF REPRESENTATIONS

14
15 31. Except as specifically set forth herein, in executing this Final Judgment, no party
16 has received nor relied upon any representation of any other party. Each party is relying on its
17 own judgment and each has been represented by legal counsel in this matter.
18

SEVERABILITY

19
20 32. Should any provision of this Final Judgment be held invalid or illegal, such
21 provision shall not give rise to invalidate the Final Judgment but shall be construed as if to omit
22 any invalid or illegal part, and all remaining rights and obligations of the parties shall be
23 construed and enforced accordingly.
24

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MODIFICATION OF FINAL JUDGMENT

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2 33. This Final Judgment may be modified only on noticed motion by one of the
3 parties with approval of the court, or upon written agreement by all of the parties and the
4 approval of the court.

AUTHORITY

5
6
7 34. All parties have full power and authority to execute this Final Judgment and to
8 agree to all its terms.

MULTIPLE COUNTERPARTS

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10 35. This Final Judgment may be executed in multiple counterparts, each of which
11 may be deemed an original.

ASSURANCES

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14 36 From time to time, the parties will execute and deliver such additional documents
15 and will produce such additional information as the other party may reasonably require to carry
16 out the terms of this Final Judgment.

TERMINATION OF FINAL JUDGMENT AND INJUNCTION

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20 37. If Defendants have made all required donations and paid any and all amounts due
21 and owing under the Final Judgment, and have not committed a violation of the terms of the
22 Injunction, this Final Judgment shall automatically expire sixty (60) months from the date of
23 entry of this Final Judgment. The injunctive provisions in the Final Judgment will expire at that
24 time and be of no further force and effect. The termination of the injunctive provisions of the
25 Final Judgment shall have no effect on Defendants' obligation to comply with any requirements
26 imposed by statute, regulation, ordinance, or law.
27
28

1 38. The People reserve the right to contest the automatic termination exclusively on the
 2 grounds that Defendants have not complied with the donation, payment or injunctive terms by
 3 filing a noticed motion with the court prior to the date of termination. The parties agree that the
 4 court retains jurisdiction to hear any such motion and make any orders necessary to modify the
 5 terms of this Final Judgment in the interest of justice. If no such motion is brought, the Final
 6 Judgment and injunction will automatically expire as set forth in Paragraph 37 with no further
 7 notice or action required by any party.

9 **STIPULATION AND JUDGMENT**

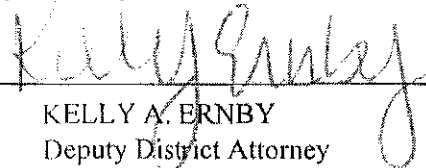
10 39. Plaintiff, the People of the State of California, by and through its attorney, Tony
 11 Rackauckas, District Attorney of the County of Orange, by Kelly A. Ernby, Deputy District
 12 Attorney; and Defendants, appearing by and through their Counsel, Michael Tein of Lewis Tein
 13 PL, hereby stipulate and agree that judgment may be entered in this case in accordance with the
 14 Final Judgment herein set forth.

16 **IT IS SO STIPULATED.**

17 On Behalf of the People:


18 TONY RACKAUCKAS, District Attorney
 19 County of Orange, State of California

20 DATED: 12/18/17

21 By: 
 22 KELLY A. ERNBY
 23 Deputy District Attorney

24 On Behalf of Defendants, DV Biologics, LLC and DaVinci Biosciences, LLC:

25 DATED: December 4, 2017

26 By: 
 27 ANDRES ISAIAS,
 28 President, With Full Authority

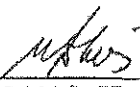
1 On Behalf of Defendant. Andres Isaias:

2 DATED: December 4, 2017

3 By: 
4 ANDRES ISAIAS, Individually

5 On Behalf of Defendant. Estefano Isaias, Sr.:

6
7 DATED: December 8, 2017

8 By: 
9 ESTEFANO ISAIAS, SR., Individually


10 On Behalf of Defendant. Estefano Isaias, Jr.:

11 DATED: December 4, 2017

12 By: 
13 ESTEFANO ISAIAS, JR., Individually

14 *Approved as to form:*

15 Dec 4, 2017

16 DATED: _____
17 By: 
18 MICHAEL R. TEIN, Esq., Pro Hac Vice
Lewis Tein PL
Attorneys for Defendants

19 **EFFECT AND ENTRY**

20 40. The Court finds that the parties have stipulated and consented to the entry of
21 judgment without the taking of proof, and the Court having considered the matter and the
22 pleadings and good cause appearing, the Clerk is ordered to enter this Final Judgment Pursuant
23 to Stipulation.

24 DATED: 12/19/2017

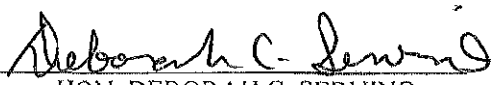
25
26 By: 
27 HON. DEBORAH C. SERVINO
JUDGE OF THE SUPERIOR COURT

EXHIBIT A

Adult	AA001-F (Human Adipose Cells (postnatal) 500,000 cells/vial)	74
Adult	AA002-F-RA (Adipose Stromal Cells (RA))	43
Adult	AA003-R (Human Adipose Tissue Total RNA)	1
Adult	AA004-F (Human Brown Adipocyte (postnatal derived) 500,000 cells/vial)	2
Adult	AC003-CD (Human Heart cDNA)	2
Adult	AC001-F (Heart Cells (uncultured) post natal)	35
Adult	AC005-CD (Human Umbilical Vein Endothelial Cells cDNA (postnatal derived) 20 rx..)	5
Adult	AC006-CP (Human Umbilical Vein Endothelial Cells Pellet)	18
Adult	AC005-F (Umbilical Vein Endothelial Cells (HUVEC) (postnatal derived))	66
Adult	AC005-F-TS (Human Umbilical Cord Vein Cells (TS))	4
Adult	AC005-R (Human Umbilical Vein Endothelial Cells Total RNA)	17
Adult	AC006-R (Human Umbilical Cord Cells, Wharton's Jelly, cDNA (postnatal derived) ...)	2
Adult	AC006-CP (Human Umbilical Cord Cell Pellet (Wharton's Jelly))	251
Adult	AC006-CP-F (Human Umbilical Cord Cell Pellet (Wharton's Jelly))	23
Adult	AC006-CP-TS (Human Wharton's Jelly Stem Cell Pellet (TS))	78
Adult	AC006-L (Human Umbilical Cord Cell Lysate (Wharton's Jelly))	10
Adult	AC006-R (Human Umbilical Cord Cells (Wharton's Jelly) Total RNA)	16
Adult	AC007-F (Umbilical Cord Tissue - postnatal)	8
Adult	AC007-L (Human Umbilical Cord Tissue Lysate (postnatal derived) 100 µg/vial)	7
Adult	AC008-CD (Human Cardiomyocytes cDNA)	7
Adult	AC008-F (Human Cardiomyocytes (postnatal derived) 500,000 cells/vial)	84
Adult	AC008-F-MCD (Cardiomyocytes, Multivessel Coronary Disease (postnatal derived) 500..)	48
Adult	AC008-R (Human Adult Cardiac Myocyte Total RNA (postnatal derived) 10 µg/vial)	2
Adult	AC009-F (Human Cardiac Stromal Cells)	42
Adult	AC011-F (Cardiac Right Ventricle Cells - postnatal)	4
Adult	AC013-F (Cardiac Right Atrium Cells - postnatal)	1
Adult	AC015-CD (Human Adult Cardiac Progenitor Cells cDNA)	4
Adult	AC015-CD-MVS (Human Adult Cardiac Progenitor Cells cDNA)	1
Adult	AC015-CP (Human Cardiac Progenitor Cell Pellets)	5
Adult	AC015-F (Human Cardiac Progenitor Cells (postnatal derived) 500,000 cells/vial)	234
Adult	AC015-F-MCD (Cardiac Progenitor Cells, Multivessel Coronary Disease (postnatal de..)	31
Adult	AC015-R (Human Adult Cardiac Progenitor Cells Total RNA (postnatal derived) 10 µ..)	3
Adult	AC015-R-MVS (Human Adult Cardiac Progenitor Cells Total RNA (postnatal derived) ...)	2
Adult	AC017-CP (Heart Auricle Cell Pellet)	7
Adult	AC017-F (Heart Auricle Cells)	68
Adult	AC017-F-DT2 (Heart Auricle Cells)	1
Adult	AC018-CP-TS (Cardiac Microvascular Endothelial Cell Pellets (Turner's Syndrome) ...)	1
Adult	AC018-F (Cardiac Microvascular Endothelial Cells - postnatal)	13
Adult	AC019-F (Mammary Artery Cells)	11
Adult	AC020-CD (Human Right Atrium Tissue cDNA)	6
Adult	AC020-CD-AR (Human Right Atrium Tissue Aortic Regurgitation cDNA)	2
Adult	AC020-R (Human Right Atrium Tissue Total RNA (postnatal derived) 1 µg/vial)	4
Adult	AC020-R-AR (Human Right Atrium Tissue Aortic Regurgitation Total RNA (postnatal ...)	4
Adult	AC021-CD (Human Pericardium cDNA)	1
Adult	AC021-R (Human Pericardium Total RNA)	3
Adult	AC022-F5-DLA (Aortic Valve, dilated aorta)	5
Adult	AC023-CD (Human Heart Auricle Tissue cDNA)	4
Adult	AC023-R (Human Heart Auricle Tissue Total RNA)	12
Adult	AC024-CP (Human Mitral Valve Cell Pellet)	4
Adult	AC024-F (Valvular Interstitial Cells (postnatal derived))	166
Adult	AC024-F-RA (Valvular Interstitial Cells Rheumatoid Arthritis (postnatal derived))	3
Adult	AC025-CD-POOLED	2
Adult	AC026-CD (Mitral Valve cDNA)	1
Adult	AD001-F (Liver Cells (Uncultured))	121
Adult	AD003-F (CD133+ Liver Cells)	1
Adult	AD005-F (Human Whole Stomach Frozen Cells)	1
Adult	AD007-F (Small Intestine Cells - postnatal)	3
Adult	AD008-F (Large Intestine Cells (postnatal))	7
Adult	AD008-F-CA (Large Intestine Cells (postnatal) CA)	16
Adult	AD010-CP-MR (Human Dental Pulp Cell Pellet (MR))	27
Adult	AD010-CP-RA (Human Dental Pulp Cell Pellet (RA))	8
Adult	AD010-CP-SD (Human Dental Pulp Cell Pellet (SD))	27
Adult	AD010-F (Human Dental Pulp Cells (postnatal derived) 500,000 cells/vial)	50
Adult	AD010-F-RA (Human Dental Pulp Cells (RA))	22
Adult	AD013-F (CD34 (-) Liver Cells)	5
Adult	AD015-F (Small Intestine Epithelial Cells - postnatal)	3
Adult	AD017-F (Omentum Tissue - postnatal)	1
Adult	AD018-F (Large Intestine Epithelial Cells - postnatal)	8
Adult	AD019-F (Stomach Cells)	1
Adult	AD029-F (Colon Cells)	2
Adult	AD032-F (Hepatic Sinusoidal Frozen Cells (uncultured) - postnatal)	7
Adult	AD033-F (Hepatic Sinusoidal Endothelial Frozen Cells (uncultured) - postnatal)	61

Adult	AD036-F (CD33(+)) Liver Cells - postnatal)	30
Adult	AD036-F-2.5 (CD33(+)) Liver Cells - postnatal - 2.5 x 10 ⁶ cells/vial)	5
Adult	AD037-F (CD31(+)) Liver Endothelial Cells - postnatal)	59
Adult	AE002-F (Pancreas Tissue - postnatal)	4
Adult	AE004-F (15 Human Pituitary Tumor Cells)	30
Adult	AE005-F (Adrenal Gland Cells)	16
Adult	AE008-F (Thyroid Cells (uncultured))	25
Adult	AE009-F (Thyroid Fibroblasts)	121
Adult	AH001-CP (Human Whole Unprocessed Bone Marrow Cell Pellets)	30
Adult	AH001-F (Human Whole Unprocessed Bone Marrow Frozen Cells)	19
Adult	AH002-F-10 (Human Bone Marrow Mononuclear Cells, (postnatal derived) 10 x 10 ⁶ cells/vial)	40
Adult	AH002-F-2.5 (Human Bone Marrow Mononuclear Cells, (postnatal derived) 2.5 x 10 ⁶ cells/vial)	24
Adult	AH002-F-25 (Human Bone Marrow Mononuclear Cells, (postnatal derived) 25 x 10 ⁶ cells/vial)	262
Adult	AH002-F-5 (Bone Marrow Mononuclear Cells, (postnatal derived) 5x10 ⁶ cells/vial)	1
Adult	AH002-F-ALL (Human Bone Marrow Mononuclear Cells (ALL))	16
Adult	AH002-F-ALL-10 (Human Bone Marrow Mononuclear Cells, Acute Lymphoblastic Leukemia, ...)	19
Adult	AH002-F-ALL-2.5 (Human Bone Marrow Mononuclear Cells, Acute Lymphoblastic Leukemia, ...)	2
Adult	AH002-F-ALS (Bone Marrow Mononuclear Cells (ALS))	34
Adult	AH002-F-ALS-10 (Human Bone Marrow Mononuclear Cells (ALS))	14
Adult	AH002-F-ALS-2.5 (Human Bone Marrow Mononuclear Cells, Amyotrophic Lateral Sclerosis, ...)	5
Adult	AH002-F-ALS-50 (Human Bone Marrow Mononuclear Cells (ALS))	23
Adult	AH002-F-AML (Human Bone Marrow Mononuclear Cells (AML))	2
Adult	AH002-F-AML-2.5 (Human Bone Marrow Mononuclear Cells (AML))	1
Adult	AH002-F-AR (Bone Marrow Mononuclear Cells (AR))	1
Adult	AH002-F-AUT (Bone Marrow Mononuclear Cells (UT))	13
Adult	AH002-F-CLL (Human Bone Marrow Mononuclear Cells, (CLL))	5
Adult	AH002-F-CLL-10 (Human Bone Marrow Mononuclear Cells, (CLL))	39
Adult	AH002-F-CML(-)-10 (Human Bone Marrow Mononuclear Cells (CML-))	8
Adult	AH002-F-CML(+)-10 (Human Bone Marrow Mononuclear Cells, Chronic Myeloid Leukemia, ...)	1
Adult	AH002-F-CML-10 (Human Bone Marrow Mononuclear Cells, Chronic Myeloid Leukemia, Ph...)	19
Adult	AH002-F-CML-2.5 (Human Bone Marrow Mononuclear Cells (CML))	17
Adult	AH002-F-CML-25 (Human Bone Marrow Mononuclear Cells (CML))	6
Adult	AH002-F-DCM (Human Bone Marrow Mononuclear Cells, (DCM))	5
Adult	AH002-F-DCM-10 (Human Bone Marrow Mononuclear Cells (DCM))	10
Adult	AH002-F-DCM-2.5 (Human Bone Marrow Mononuclear Cells (DCM))	8
Adult	AH002-F-DT1-20 (Human Bone Marrow Mononuclear Cells, (DT1))	10
Adult	AH002-F-DT2/PS-50 (Human Bone Marrow Mononuclear Cells (DT2)(PS))	24
Adult	AH002-F-DT2-25 (Human Bone Marrow Mononuclear Cells (DT2))	10
Adult	AH002-F-HL (Bone Marrow Mononuclear Cells (HL))	6
Adult	AH002-F-ITP (Human Bone Marrow Mononuclear Cells, (ITP))	10
Adult	AH002-F-ITP-2.5 (Human Bone Marrow Mononuclear Cells (ITP))	11
Adult	AH002-F-LPS-2.5 (Human Bone Marrow Mononuclear Cells (LPS))	2
Adult	AH002-F-MO (Bone Marrow Mononuclear Cells (MO))	24
Adult	AH002-F-MDS (Human Bone Marrow Mononuclear Cells, (MDS))	6
Adult	AH002-F-MDS-10 (Human Bone Marrow Mononuclear Cells, Myelodysplastic Syndrome, (po...)	8
Adult	AH002-F-MDS-2.5 (Human Bone Marrow Mononuclear Cells (MDS))	1
Adult	AH002-F-MDS-25 (Human Bone Marrow Mononuclear Cells (MDS))	2
Adult	AH002-F-MDS-5 (Human Bone Marrow Mononuclear Cells, Myelodysplastic Syndrome, (pos...)	2
Adult	AH002-F-MS (Human Bone Marrow Mononuclear Cells, (MS))	23
Adult	AH002-F-MS-5 (Human Bone Marrow Mononuclear Cells, (MS))	9
Adult	AH002-F-NHL (Bone Marrow Mononuclear Cells (NHL))	1
Adult	AH002-F-OA (Human Bone Marrow Mononuclear Cells (OA))	22
Adult	AH002-F-PCP (Human Bone Marrow Mononuclear Cells (PCP))	1
Adult	AH002-F-PCP-10 (Human Bone Marrow Mononuclear Cells (PCP))	6
Adult	AH002-F-PCT (Human Bone Marrow Mononuclear Cells (PCT))	9
Adult	AH002-F-PCT/TP (Human Bone Marrow Mononuclear Cells (PCT/TP))	15
Adult	AH002-F-PCT-10 (Human Bone Marrow Mononuclear Cells (PCT))	14
Adult	AH002-F-RL (Human Bone Marrow Mononuclear Cells (RL))	6
Adult	AH002-F-TP-2.5 (Human Bone Marrow Mononuclear Cells (TP))	3
Adult	AH002-R (Bone Marrow Mononuclear Cells Total RNA)	2
Adult	AH003-F (Human CD 34+ Bone Marrow Cells, (postnatal derived) 500,000 cells/vial)	2
Adult	AH003-F-DT2 (CD34 (+) Bone Marrow Cells, Diabetes Type 2)	1
Adult	AH003-F-OA (CD34 (+) Bone Marrow Cells, Osteoarthritis)	1
Adult	AH005-CD (Human Bone Marrow Stromal Cells cDNA)	11
Adult	AH005-CD-MO (6 Human Bone Marrow Stromal Cells cDNA (MO))	6
Adult	AH005-CP (Human Bone Marrow Stromal Cells Pellet)	122
Adult	AH005-CP-ALS (Human Bone Marrow Stromal Cell Pellet, Amyotrophic Lateral Sclerosis, ...)	25
Adult	AH005-CP-DT2 (Human Bone Marrow Stromal Cell Pellet (DT2))	37
Adult	AH005-CP-MD (Human Bone Marrow Stromal Cell Pellet (MD))	41
Adult	AH005-F-ALL-2.5 (Human Bone Marrow Stromal Cells, Acute lymphoblastic leukemia, ...)	1
Adult	AH005-F-ALS-2.5 (Human Bone Marrow Stromal Cells, Amyotrophic Lateral Sclerosis, ...)	3
Adult	AH005-F-CML (Human Bone Marrow Stromal Cells, CML, (postnatal derived) 500,000 cells/vial)	4
Adult	AH005-F-MD (Human Bone Marrow Stromal Cells, Muscular Dystrophy, NON DUCHENNE (pos...)	102

Adult	AH005-F-MDS-2.5 (Human Bone Marrow Stromal Cells, MDS (postnatal derived) 2,500,00...	6
Adult	AH005-L-ALS (Human Bone Marrow Stromal Cell Lysate (ALS))	10
Adult	AH005-R (Human Bone Marrow Stromal Cells Total RNA)	22
Adult	AH005-R-ALS (Human Bone Marrow Stromal Cells Total RNA (ALS))	31
Adult	AH005-R-DT2 (Human Bone Marrow Stromal Cells Total RNA (DT2))	18
Adult	AH005-R-MD (3 Human Bone Marrow Stromal Cell Total RNA (MD))	5
Adult	AH006-F (Endothelial Progenitor Cells - postnatal derived)	6
Adult	AH007-F (Spleen Cells)	8
Adult	AH007-F-10 (Spleen Cells)	40
Adult	AH008-F (15 Human CD34+ Bone Marrow Cells)	10
Adult	AH008-F-DT2 (CD34 (-) Bone Marrow Cells, Diabetes Type II (postnatal derived))	9
Adult	AH008-F-OA (CD34 (-) Bone Marrow Cells, Osteoarthritis (postnatal derived))	4
Adult	AH008-F-POOLED (CD34+ Bone Marrow Cells (POOLED))	17
Adult	AH011-FL (Human Bone Marrow Plasma)	328
Adult	AH011-FL-ALL (Human Bone Marrow Plasma (ALL))	9
Adult	AH011-FL-ALS (16 Human Bone Marrow Plasma (ALS))	5
Adult	AH011-FL-AML (16 Human Bone Marrow Plasma (AML))	5
Adult	AH011-FL-AR (Bone Marrow Plasma (AR))	1
Adult	AH011-FL-CLL (Bone Marrow Plasma (CLL))	4
Adult	AH011-FL-CML (Bone Marrow Plasma, Chronic Myeloid Leukemia (postnatal derived))	7
Adult	AH011-FL-DT1 (Human Bone Marrow Plasma (DT1))	5
Adult	AH011-FL-DT2PS (Human Bone Marrow Plasma (DT2/PS))	6
Adult	AH011-FL-M5 (Human Bone Marrow Plasma (M5))	1
Adult	AH011-FL-NHL (Human Bone Marrow Plasma (NHL))	1
Adult	AH011-FL-RA (Bone Marrow Plasma (RA))	32
Adult	AH012-F-P (Human CD34+ Umbilical Cord Blood Cells (Pooled))	2
Adult	AH013-CD-DT1	2
Adult	AH013-F-10 (Blood Mononuclear Cells, 10.0 x 10 ⁶ Cells/vial)	5
Adult	AH013-F-2.5 (Blood Mononuclear Cells, 2.5 x 10 ⁶ Cells/vial)	5
Adult	AH013-F-5.0 (Blood Mononuclear Cells, 5.0 x 10 ⁶ Cells/vial)	20
Adult	AH013-F-ALL-10 (Human Peripheral Blood Mononuclear Cells, Acute Lymphoblastic Leu...	3
Adult	AH013-F-AR (Peripheral Blood Mononuclear Cells (AR))	3
Adult	AH013-F-AS-2.5 (Peripheral Blood Mononuclear Cells (AS), 2.5 x 10 ⁶ cells/vial)	4
Adult	AH013-F-AS-5 (Peripheral Blood Mononuclear Cells (AS), 5.0 x 10 ⁶ cells/vial)	4
Adult	AH013-F-CLL-10 (Human Peripheral Blood Mononuclear Cells, (CLL))	18
Adult	AH013-F-CM-14 (Peripheral Blood Mononuclear Cells (CM))	2
Adult	AH013-F-CML (Peripheral Blood Mononuclear Cells (CML))	1
Adult	AH013-F-DT1 (Peripheral Blood Mononuclear Cells (DT1))	1
Adult	AH013-F-DT2 (Peripheral Blood Mononuclear Cells (DT2))	1
Adult	AH013-F-IS-2.5 (Peripheral Blood Mononuclear Cells (IS) 2.5 x 10 ⁶ cells/vial)	1
Adult	AH013-F-IS-5 (Peripheral Blood Mononuclear Cells (IS) 5.0 x 10 ⁶ cells/vial)	1
Adult	AH013-F-MS-5 (Human Peripheral Blood Mononuclear Cells (MS) 5.0 x 10 ⁶ cells/vial)	1
Adult	AH013-F-NHL (Peripheral Blood Mononuclear Cells (NHL))	1
Adult	AH013-F-OA (Peripheral Blood Mononuclear Cells (OA))	4
Adult	AH013-F-OA-10 (Peripheral Blood Mononuclear Cells, Osteoarthritis, (postnatal der...	2
Adult	AH013-F-OA-2.5 (Peripheral Blood Mononuclear Cells, Osteoarthritis, (postnatal de...	9
Adult	AH013-F-RA (Peripheral Blood Mononuclear Cells (RA))	82
Adult	AH013-F-RA-10 (Peripheral Blood Mononuclear Cells, Rheumatoid Arthritis, (postna...	3
Adult	AH013-F-RA-2.5 (Peripheral Blood Mononuclear Cells, Rheumatoid Arthritis, (postn...	29
Adult	AH013-F-RA-5 (Peripheral Blood Mononuclear Cells, Rheumatoid Arthritis, (postnat...	16
Adult	AH013-F-RN-8.7 (Peripheral Blood Mononuclear Cells (RN))	2
Adult	AH013-F-SLE (Peripheral Blood Mononuclear Cells (SLE))	1
Adult	AH013-F-SLE/PCP (Peripheral Blood Mononuclear Cells, Systemic Lupus Erythematosus...	3
Adult	AH013-F-SLE-2.5 (Peripheral Blood Mononuclear Cells (SLE) 2.5 x 10 ⁶ CELLS/VIAL)	2
Adult	AH014-FL (Peripheral Blood Mononuclear Cells Plasma)	27
Adult	AH014-FL-ALL (Peripheral Blood Mononuclear Cells Plasma (ALL))	1
Adult	AH014-FL-AML (Peripheral Blood Mononuclear Cells Plasma (AML))	1
Adult	AH014-FL-AR (Peripheral Blood Mononuclear Cells Plasma (AR))	2
Adult	AH014-FL-AS (Peripheral Blood Mononuclear Cells Plasma (AS))	10
Adult	AH014-FL-CLL (Peripheral Blood Mononuclear Cells Plasma (CLL))	3
Adult	AH014-FL-CML (Peripheral Blood Plasma, Chronic Myeloid Leukemia (postnatal derived))	1
Adult	AH014-FL-MS (Peripheral Blood Mononuclear Cells Plasma (MS))	2
Adult	AH014-FL-NHL (Peripheral Blood Mononuclear Cells Plasma (NHL))	1
Adult	AH014-FL-OA (11 Human Peripheral Blood Mononuclear Cells Plasma (OA))	23
Adult	AH014-FL-PCP (Peripheral Blood Mononuclear Cells Plasma (PCP))	2
Adult	AH014-FL-RA (8 Human Peripheral Blood Mononuclear Cells Plasma (RA))	172
Adult	AH014-FL-SLE (3 Human Peripheral Blood Mononuclear Cells Plasma (SLE))	10
Adult	AH015-FL-AR (Serum (AR))	2
Adult	AH015-FL-AS (Serum (AS))	11
Adult	AH015-FL-AVS (Serum (AVS))	1
Adult	AH015-FL-AVS/MVS (Serum (AVS/MVS))	4
Adult	AH015-FL-CM (Serum Cardiomyocyte (CM))	4
Adult	AH015-FL-DS (Serum Down's Syndrome)	3

Adult	AH015-FL-MCD (Serum (MCD))	1
Adult	AH015-FL-MS (Serum (MS))	1
Adult	AH015-FL-OA (8 Human Serum (OA))	18
Adult	AH015-FL-RA (2 Human Serum (RA))	52
Adult	AH015-FL-RF-CM (2 Human Serum (RF-CM))	3
Adult	AH015-FL-SLE (Serum (SLE))	5
Adult	A1001-CD (Human Skin Fibroblast cDNA)	7
Adult	A1001-CP (Human Skin Cell Pellet (Dermal Fibroblasts))	95
Adult	A1001-CP-AC (Human Skin Cell Pellet (Dermal Fibroblasts) (AC))	9
Adult	A1001-CP-ALS (Human Skin Cells (Dermal Fibroblasts) Pellet (ALS))	47
Adult	A1001-CP-AR (Human Skin Cell Pellet (Dermal Fibroblasts) (AR))	24
Adult	A1001-CP-DMD (Human Skin Cell Pellet (Fibroblasts) (DMD))	25
Adult	A1001-CP-DT1 (Human Skin Cell Pellet (Dermal Fibroblasts) (DT1))	13
Adult	A1001-CP-GBS (Human Skin Cell Pellet (Dermal Fibroblasts) (GBS))	34
Adult	A1001-CP-GM (Human Skin Cell Pellet (Dermal Fibroblasts) (GM))	24
Adult	A1001-CP-LCP (Human Skin Cell (Dermal Fibroblasts) Pellet (LCP))	1
Adult	A1001-CP-MD (Human Skin Fibroblasts Cell Pellets (MD))	25
Adult	A1001-CP-MPS (Human Skin Cell Pellet (Dermal Fibroblasts) (MPS))	38
Adult	A1001-CP-NC (Skin Cell (Dermal Fibroblasts) Pellet (NC))	9
Adult	A1001-CP-ND (Skin Cell (Dermal Fibroblasts) Pellet (ND))	41
Adult	A1001-CP-NF (Human Skin Cell Pellet (Dermal Fibroblasts) (NF))	37
Adult	A1001-CP-PK (Skin Cell (Dermal Fibroblasts) Pellet (PK))	2
Adult	A1001-CP-PS (Human Skin Cell Pellet (Dermal Fibroblasts) (Ps))	8
Adult	A1001-CP-RA (Human Skin Cell Pellet (Dermal Fibroblasts) (RA))	6
Adult	A1001-CP-SLE (Human Skin Cell Pellet (Dermal Fibroblasts) (SLE))	27
Adult	A1001-CP-TM (Human Skin Cell Pellet (Dermal Fibroblasts) (TM))	7
Adult	A1001-F-AC (Human Skin Cells (Dermal Fibroblasts) (AC))	5
Adult	A1001-F-ALS (Human Skin Cells, Dermal Fibroblasts, Amyotrophic Lateral Sclerosis...)	125
Adult	A1001-F-AVM (Human Skin Cells (Dermal Fibroblasts) (AVM))	13
Adult	A1001-F-DMD (Human Skin Cells (Fibroblasts) (DMD))	142
Adult	A1001-F-DMT (Human Skin Cells (Fibroblasts) (DMT))	95
Adult	A1001-F-DT1 (Human Skin Cells (Dermal Fibroblasts) (DT1))	27
Adult	A1001-F-DT2 (Human Skin Cells, Dermal Fibroblasts, Diabetes Type II, (postnatal d...)	45
Adult	A1001-F-FP (Human Skin Cells (Fibroblasts) (FP))	174
Adult	A1001-F-GBS (Human Skin Cells (Dermal Fibroblasts) (GBS))	29
Adult	A1001-F-GM (Human Skin Cells (Fibroblasts) (GM))	30
Adult	A1001-F-HD (Human Skin Cells, Dermal Fibroblasts, Huntington's Disease, (postnat...)	59
Adult	A1001-F-LCP (Human Skin Cells (Dermal Fibroblasts) (LCP))	36
Adult	A1001-F-MD (Human Skin Cells (Fibroblasts) (MD))	393
Adult	A1001-F-MPS (Human Skin Cells (Dermal Fibroblasts) (MPS))	28
Adult	A1001-F-NC (Human Skin Cells (Fibroblasts) (NC))	78
Adult	A1001-F-ND (Human Skin Cells (Fibroblasts) (ND))	52
Adult	A1001-F-NF (Human Skin Cells (Dermal Fibroblasts) (NF))	9
Adult	A1001-F-PK (Human Skin Cells (Fibroblasts) (PK))	130
Adult	A1001-F-PS (Human Skin Cells (Dermal Fibroblasts) (Ps))	32
Adult	A1001-F-RA (Human Skin Cells (Dermal Fibroblasts) (RA))	24
Adult	A1001-F-SLE (Human Skin Cells, Dermal Fibroblasts, Systemic Lupus Erythematosus, ...)	31
Adult	A1001-F-TM (Human Skin Cells (Dermal Fibroblasts) (TM))	31
Adult	A1001-L (Human Skin Fibroblast Lysate)	1
Adult	A1001-R (Skin Fibroblast Total RNA)	47
Adult	A1001-R-MD (Skin Fibroblast Total RNA (MD))	25
Adult	A1001-R-RA (Human Skin Cells (Dermal Fibroblasts) Total RNA (RA))	10
Adult	A1002-F-GBS (Keratinocytes - GBS)	1
Adult	A1004-L (Human Skin Tissue Lysate)	16
Adult	A1004-R (Human Skin RNA)	5
Adult	A1005-CD (Human Epidermis cDNA)	5
Adult	A1002-CD (Tonsil Tissue cDNA)	3
Adult	AM001-F (Skeletal Muscle Cells (Uncultured) (postnatal derived))	99
Adult	AM002-CD (Human Adult Muscle Progenitor Cells cDNA)	2
Adult	AM002-CD-DMD (Human Skeletal Muscle Progenitor Cells cDNA (DMD))	2
Adult	AM002-CP (Human Skeletal Muscle Progenitor Cell Pellets (Myoblast Pellets))	18
Adult	AM002-CP-DMD (Human Skeletal Muscle Progenitor Cell Pellets (Myoblast Pellets) (D...)	31
Adult	AM002-CP-MD (Human Skeletal Muscle Progenitor Cell Pellets (Myoblast Pellets) (MD))	1
Adult	AM002-F (Human Skeletal Muscle Progenitor Cells, Myoblasts, (postnatal derived) ...)	365
Adult	AM002-F-DMD (Human Skeletal Muscle Myoblasts (DMD) 500,000 cells/vial)	98
Adult	AM002-R (Human Adult Muscle Progenitor Cells Total RNA)	1
Adult	AM002-R-DMD (Human Skeletal Muscle Progenitor Cells Total RNA (DMD))	1
Adult	AM003-CD (Human Skeletal Muscle Cells cDNA)	1
Adult	AM003-CD-DMD (Human Skeletal Muscle Cells cDNA (DMD))	4
Adult	AM003-CP (Human Skeletal Muscle Cell Pellet)	68
Adult	AM003-CP-DMD (Human Skeletal Muscle Cell Pellet (DMD))	4
Adult	AM003-CP-MD (Cultured Skeletal Muscle Cells Pellets (MD))	8
Adult	AM003-F (Human Skeletal Muscle Cells, Cultured, (postnatal derived) 500,000 cells...)	274

Adult	AM003-F-DMD (Human Skeletal Muscle Cells (DMD))	134
Adult	AM003-F-MD (Cultured Skeletal Muscle Cells (MD))	9
Adult	AM003-L (Skeletal Muscle Cell Lysate)	9
Adult	AM003-L-DMD (Human Skeletal Muscle Cell Lysate (DMD))	9
Adult	AM003-R (Human Skeletal Muscle Cells Total RNA)	2
Adult	AM003-R-DMD (Human Skeletal Muscle Cells Total RNA, Duchenne Muscular Dystrophy, ...)	2
Adult	AM003-R-MD (Cultured Skeletal Muscle Total RNA (MD))	23
Adult	AM005-CD (Human Osteoblast cDNA)	5
Adult	AM005-F (Human Osteoblast Cells)	91
Adult	AM005-F-AR (Osteoblast Cells (AR))	10
Adult	AM005-R (Human Osteoblast Total RNA, (postnatal derived) 10 µg/vial)	4
Adult	AM008-CP (Human Muscle Fibroblast Cell Pellets)	2
Adult	AM008-CP-DMD (Human Muscle Fibroblast Cell Pellets (DMD))	9
Adult	AM008-CP-MD (Human Muscle Fibroblast Cell Pellets (MD))	2
Adult	AM008-F (Human Muscle Fibroblast Cells)	55
Adult	AM008-F-DMD (Human Muscle Fibroblast Cells (DMD))	44
Adult	AM010-CD-RA (Synovial Tissue Total cDNA (RA))	2
Adult	AM010-R-RA (Synovial Tissue Total RNA (RA))	9
Adult	AM011-FL (Human Synovial Fluid, (postnatal derived) 1 ml)	1
Adult	AM011-FL-AR (1 Human Synovial Fluid (AR))	13
Adult	AM011-FL-OA (Human Synovial Fluid (OA))	41
Adult	AM011-FL-RA (Human Synovial Fluid, Frozen, Rheumatoid Arthritis, (postnatal deriv...)	241
Adult	AM011-FL-RA/DT2 (Synovial Fluid)	5
Adult	AM013-F-AR (Synovial Fluid Cells, Arthritis (postnatal derived))	7
Adult	AM013-F-DMD (Synovial Fluid Cells, DMD (postnatal derived))	10
Adult	AM013-F-OA (5 Human Synovial Fluid Cells (OA))	6
Adult	AM013-F-RA (43 Human Synovial Fluid Cells (RA))	87
Adult	AM013-F-RA/DT2 (Synovial Fluid Cells)	1
Adult	AM014-F (Tenocytes)	31
Adult	AM014-F-AR (Tenocytes (AR))	44
Adult	AM014-F-RA (Tenocytes (RA))	6
Adult	AM014-F-TR (Tenocytes (TR))	1
Adult	AM015-CD (Skeletal Muscle Tissue cDNA)	2
Adult	AM015-R (Skeletal Muscle Tissue Total RNA)	9
Adult	AN001-CD (Neural Cells (Uncultured) CDNA (postnatal derived))	18
Adult	AN001-F (Uncultured Neural Cells)	4
Adult	AN003-L-DMD (Neural Progenitor Cell Lysate (DMD))	1
Adult	AN010-CP (Glioblastoma Multiforme Cell Pellets (uncultured))	2
Adult	AN010-F (Glioblastoma Multiforme Cells (uncultured))	8
Adult	AN010-L-GM (Human Glioblastoma Multiforme Cell Lysate (adult-derived), 100 µg)	7
Adult	AN012-F (Meningioma Cells)	14
Adult	AR001-CP-RTL (Male Gonad Tissue (RTL))	25
Adult	AR001-F (Male Gonad Cells)	2
Adult	AR005-CD (Human Gonadal Stromal Cells cDNA, (postnatal derived) 20 rxns/vial)	10
Adult	AR005-CP (Human Gonadal Stromal Cell Pellet)	13
Adult	AR005-CP-AZ (Male Gonadal Stromal Cell Pellet (AZ))	12
Adult	AR005-CP-MD (Human Male Gonadal Stromal Cells Pellet (MD))	45
Adult	AR005-CP-RTL (Human Gonadal Stromal Cell Pellet (RTL))	21
Adult	AR005-F (Human Gonadal Stromal Cells)	57
Adult	AR005-F-AZ (Human Male Gonadal Stromal Cells (AZ))	18
Adult	AR005-F-CB (Human Male Gonadal Stromal Cells (CB))	24
Adult	AR005-F-MD (Human Male Gonadal Stromal Cells (MD))	143
Adult	AR005-F-RTL (Human Gonadal Stromal Cells (RTL))	34
Adult	AR005-R (Human Gonadal Stromal Cells Total RNA)	11
Adult	AR005-R-MD (10 Human Male Gonadal Stromal Cell Total RNA (MD))	10
Adult	AR006-F-CA (Female Gonadal Stromal Cells, Cancer (postnatal derived))	53
Adult	AR007-CP (Human Endometrial Menstrual Cell Pellet)	25
Adult	AR007-F (Human Endometrial Menstrual Cells, (postnatal derived) 500,000 cells/vial)	24
Adult	AR007-L (Human Endometrial Menstrual Cell Lysate, (postnatal derived) 100 µg/vial)	4
Adult	AR007-R (Human Endometrial Menstrual Cell Total RNA, (postnatal derived) 10 µg/v...)	1
Adult	AR008-F-TU (Human Mammary Cells, Fibroblasts, (TU) (postnatal derived) 500,000 cel...)	8
Adult	AR009-CP-CA (Uterine Myoma (CA) Cell Pellets)	1
Adult	AR009-F-CB (Uterine Myoma Cells - Cancer Benign)	23
Adult	AR013-F (Male Gonadal Cells (uncultured))	1
Adult	AR014-F (Myometrium Cells)	31
Adult	AT001-F (Adult Cancerous Cells)	89
Adult	AU001-F (Kidney Cells)	126
Adult	AU001-R (Kidney Cells Total RNA)	2
Adult	AU003-F (Kidney Cells)	21
Adult	AU008-CD (Kidney Tissue cDNA)	1
Adult	AU008-R (Kidney Tissue Total RNA)	5
Adult	AU009-CD (Kidney Fibroblasts cDNA)	2
Adult	AU009-F (Kidney Fibroblasts)	84

Adult	AUG11-F (Kidney Cells)	147
Adult	AUG12-F (Kidney Medulla Cells (Uncultured))	77
Adult	AUG17-F (Kidney Cells)	48
Adult	AUG18-F (Kidney Cortex Cells)	53
	Total	325

AB

DESCRIPTION	QUANTITY
Adult Froz Tissue Block AA003-FS-RF	6
Adult Froz Tissue Block AC003-FS-DLA (Aortic tissue, dilated aorta)	3
Adult Froz Tissue Block AD020-FS	16
Adult Froz Tissue Block AM010-FS (Human Synovial Tissue Frozen Tissue Block)	36
Adult Froz Tissue Block AM010-FS-AR (Arthrosis synovial tissue)	98
Adult Froz Tissue Block AM010-FS-CRA (Chondroma, Synovial tissue)	10
Adult Froz Tissue Block AM010-FS-OA (Osteoarthritis synovial tissue)	19
Adult Froz Tissue Block AM010-FS-PS (Psoriasis synovial tissue)	5
Adult Froz Tissue Block AM010-FS-RA (Rheumatoid Arthritis synovial tissue)	359
Adult Froz Tissue Block AM010-FS-RA/DT2 (Synovial Tissue Frozen Section (RA/DT2))	7
Adult Froz Tissue Block AN002-FS	1
Adult Froz Tissue Block AN002-FS-CA	1
Total	561

Adult FFPE	AC003-7nocode-PS (Aorta Tissue FFPE Block)	1
Adult FFPE	AC027-PS-SRA (Heart Sarcoma Tissue FFPE Block)	3
Adult FFPE	AD022-PS-CA	20
Adult FFPE	AED05-PS-CA Thyroid Tissue (FFPE Block)	11
Adult FFPE	AH001-PS (Human Bone Marrow Biopsy, Formalin Fixed Paraffin Embedded (FFPE), (pos...	6
Adult FFPE	AH001-PS-ALL	4
Adult FFPE	AH001-PS-AUT	2
Adult FFPE	AH001-PS-CML (Bone Marrow Chronic Myeloid Leukemia - postnatal FFPE Block)	1
Adult FFPE	AH001-PS-ITP	1
Adult FFPE	AH001-PS-MDS (Human Bone Marrow Trefine Biopsy FFPE (MDS))	1
Adult FFPE	AH001-PS-MM	4
Adult FFPE	AH001-PS-NHL	4
Adult FFPE	AH001-PS-OA	3
Adult FFPE	AH001-PS-TP	5
Adult FFPE	A1004-PS-SLE	6
Adult FFPE	A1002-PS-TO (Tonsil Tissue FFPE Block)	3
Adult FFPE	AM007-PS-AR	6
Adult FFPE	AM007-PS-RA	5
Adult FFPE	AM009-PS (Cartilage Tissue FFPE Block (postnatal derived))	2
Adult FFPE	AM009-PS-AR	36
Adult FFPE	AM009-PS-CRA	6
Adult FFPE	AM009-PS-RA	164
Adult FFPE	AM010-PS (Human Synovial Tissue Paraffin Embedded)	39
Adult FFPE	AM010-PS-AR	66
Adult FFPE	AM010-PS-CRA	12
Adult FFPE	AM010-PS-OA	16
Adult FFPE	AM010-PS-PS	4
Adult FFPE	AM010-PS-RA (Human Synovial Tissue (Paraffin Embedded) (RA))	371
Adult FFPE	AM010-PS-RA/DT2 (Synovial Tissue Paraffin Section (RA/DT2))	5
Adult FFPE	AM012-PS (Tendon Tissue FFPE Block)	4
Adult FFPE	AM012-PS-AR (Tendon Tissue FFPE Block (AR))	10
Adult FFPE	AM012-PS-RA (Tendon Tissue FFPE Block (RA))	5
Adult FFPE	AM015-PS-CA	7
Adult FFPE	AN002-PS-CA	5
Adult FFPE	AN010-PS-GM (Glioblastoma FFPE Block- human postnatal derived)	7
Adult FFPE	AN013-7no code-PS	9
Adult FFPE	AN013-PS-CA	3
Adult FFPE	AN013-PS-MG	5
Adult FFPE	AP006-PS	2
Adult FFPE	AR010-PS-CA (Malignant Breast Neoplasm (Unk) FFPE Block)	6
Adult FFPE	AR017-PS-CA (Breast Tumor FFPE Block)	3
Adult FFPE	AR018-PS-CA (Uterus FFPE Block)	3
Adult FFPE	AU008-PS	4
Adult FFPE	AU008-PS-CA (Kidney Tissue FFPE Block CA)	3
Adult FFPE	AU010-PS-7nocode (FFPE Block from Prastate - Chronic Prostatitis)	10
Total		893

Prenatal Froz Tissue Block	PD020-FS (Liver Tissue OCT Block)	12
Prenatal Froz Tissue Block	PD029-FS (Cartilage Tissue FPPE Block)	6
Prenatal Froz Tissue Block	PD015-FS (Skeletal Muscle Tissue OCT Block)	6
Prenatal Froz Tissue Block	PD003-FS (Human Whole Lung Frozen Tissue Block. (prenatal derived))	9
	Total	33

AB

Produced Pursuant to Protective Order

Prentiss FFPE PU008-PS-CA

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Prenatal PA001-F (PreNatal Adipose Stromal Vascular Fraction (Uncultured))	7
Prenatal PA002-F (PreNatal Adipose Stromal Cells)	22
Prenatal PC001-CD (Human Heart cDNA, (prenatal derived) 20 rxns/vial)	1
Prenatal PC001-CP (Human Cardiac Cell Pellet)	5
Prenatal PC001-F (Heart Cells (Uncultured) (prenatal derived))	16
Prenatal PC001-L (Human Heart Tissue Lysate, (prenatal derived) 100 µg/vial)	18
Prenatal PC001-R (Human Heart Total RNA, (prenatal derived) 10 µg/vial)	20
Prenatal PC003-L (Human Whole Aorta Tissue Lysate)	5
Prenatal PC003-R (Human Whole Aorta Total RNA)	2
Prenatal PC004-F (Human Prenatal Aortic Endothelial Cells)	19
Prenatal PC005-CP (Human Prenatal Wharton's Jelly Stem Cells Pellet)	81
Prenatal PC005-F (Human Prenatal Wharton's Jelly Stem Cells)	205
Prenatal PC008-CP (Cardiomyocytes Cell Pellets)	5
Prenatal PC008-F (Cardiomyocytes)	64
Prenatal PC008-R (Human Cardiomyocytes Total RNA, (prenatal derived) 10 µg/vial)	11
Prenatal PC009-CP (Prenatal Cardiac Stromal Cell Pellet)	8
Prenatal PC009-F (Cardiac Stromal Cells)	169
Prenatal PC010-CP (Human Prenatal Left Ventricle cardiac Stromal Cell Pellet)	76
Prenatal PC010-F (Prenatal Left Ventricle Cardiac Stromal Cells)	23
Prenatal PC011-CP (Human Prenatal Right Ventricle Cardiac Stromal Cell Pellet)	33
Prenatal PC011-F (Prenatal Right Ventricle Cardiac Stromal Cells)	28
Prenatal PC012-CP (Prenatal Left Atrium Stromal Cells Pellet)	18
Prenatal PC012-F (Prenatal Left Atrium Stromal Cells)	11
Prenatal PC013-CP (Human Prenatal Right Atrium Stromal Cell Pellet)	32
Prenatal PC013-F (Prenatal Right Atrium Stromal Cells)	13
Prenatal PC015-CP (Human Cardiac Progenitor Cell Pellet)	3
Prenatal PC015-F (Cardiac Progenitor Cells)	599
Prenatal PC015-R (Human Cardiac Progenitor Cells Total RNA (prenatal derived) 10 µg/vial)	5
Prenatal PC016-CD (Aortic Cell cDNA)	4
Prenatal PC016-CP (Aortic Cells Pellet (postnatal derived))	59
Prenatal PC016-R (Aortic Cell Total RNA)	3
Prenatal PC027-R (Heart Tissue Total RNA (prenatal derived))	2
Prenatal PD001-CD (Human Whole Liver cDNA, (prenatal derived) 20 rxns/vial)	4
Prenatal PD001-CP (Human Whole Liver Cell Pellet)	17
Prenatal PD001-F (Liver Cells (Uncultured))	87
Prenatal PD001-L (Human Whole Liver Tissue Lysate, (prenatal derived) 100 µg/vial)	37
Prenatal PD002-CD (Human CD34+ Liver Cells cDNA)	1
Prenatal PD002-F (CD34 + Liver Cells)	71
Prenatal PD002-R (Human CD34+ Liver Cells Total RNA, (prenatal derived) 1 µg/vial)	3
Prenatal PD003-F (CD133+ Liver Cells)	8
Prenatal PD005-CD (Human Whole Stomach cDNA)	2
Prenatal PD005-F (Stomach Cells (Uncultured))	15
Prenatal PD007-CD (Human Whole Small Intestine cDNA, (prenatal derived))	1
Prenatal PD007-L (Human Whole Small Intestine Tissue Lysate, (prenatal derived) 100 µg/vial)	7
Prenatal PD008-CD (Human Whole Large Intestine cDNA)	1
Prenatal PD008-F (Large Intestine Cells (Uncultured))	29
Prenatal PD009-F (Tongue Cells (Uncultured))	7
Prenatal PD012-CD (Human Endothelial Liver Cells cDNA)	2
Prenatal PD012-F (CD34+ Endothelial Liver Cells)	36
Prenatal PD012-R (Human Endothelial Liver Cells Total RNA)	2
Prenatal PD013-CD (CD34 - Liver Cells cDNA)	39
Prenatal PD013-F (CD34- Liver Cells)	132
Prenatal PD014-F (CD34 (+) Liver Stromal Cells (prenatal derived))	26
Prenatal PD015-CD (Human Small Intestine Epithelial Cells cDNA)	3
Prenatal PD015-L (Small Intestines Epithelial Cell Lysate)	1
Prenatal PD016-CD (Human Esophagus Epithelial Cells cDNA)	2
Prenatal PD016-F (Esophagus Epithelial Cells)	8
Prenatal PD020-CD (Liver Tissue cDNA)	2
Prenatal PD020-R (Liver Tissue Total RNA)	55
Prenatal PD021-F (CD133- Liver Cells)	4
Prenatal PD022-CD (Stomach Tissue cDNA)	2
Prenatal PD022-R (Stomach Tissue Total RNA)	18

AB

Prenatal PDD23-L (Intestines Tissue Lysate)	6
Prenatal PDD23-R (Intestines Tissue Total RNA)	9
Prenatal PDD25-R (Large Intestines Tissue Total RNA)	1
Prenatal PDD27-F (Small Intestine Fibroblast (uncultured) Prenatal)	3
Prenatal PE001-L (Human Whole Adrenal Gland Tissue Lysate. (prenatal derived) 100 µg/vial)	3
Prenatal PE003-CD (Human Whole Thymus cDNA. (prenatal derived) 20 rxns/vial)	4
Prenatal PE003-R (Human Whole Thymus Total RNA)	7
Prenatal PH001-F (Bone Marrow Cells (uncultured) Prenatal)	9
Prenatal PH001-R (Human Whole Unprocessed Bone Marrow Total RNA)	5
Prenatal PH005-CP (Human Bone Marrow Stromal Cell Pellet)	130
Prenatal PH005-F (Bone Marrow Stromal Cells)	138
Prenatal PH005-F-POOLED (Bone Marrow Stromal Cells)	13
Prenatal PH005-R (Human Bone Marrow Stromal Cells Total RNA)	5
Prenatal PH007-L (Human Whole Spleen Tissue Lysate)	10
Prenatal PH007-R (Human Whole Spleen Total RNA)	12
Prenatal PH008-F-POOLED (Human Prenatal CD34-Bone Marrow Cells (POOLED))	24
Prenatal PH009-CP (Endothelial Bone Marrow Cells (prenatal derived))	6
Prenatal PH024-CD (Spleen Tissue cDNA)	2
Prenatal PH024-R (Spleen Tissue RNA)	12
Prenatal PIC01-CP (Human Skin Cell Pellet (Fibroblasts))	109
Prenatal PIC01-F (Skin Fibroblasts)	150
Prenatal PIC04-CD (Human Skin cDNA)	5
Prenatal PIC04-L (Human Skin Lysate)	4
Prenatal PIC04-R (Human Skin Total RNA. (prenatal derived) 10 µg/vial)	1
Prenatal PM001-CD (Human Whole Skeletal Muscle cDNA. (prenatal derived) 20 rxns/vial)	6
Prenatal PM001-F (Skeletal Muscle Cells (Uncultured))	3
Prenatal PM001-L (Human Whole Skeletal Muscle Tissue Lysate)	1
Prenatal PM002-CP (Human Skeletal Muscle Progenitor Cell Pellet)	14
Prenatal PM002-F (Human Skeletal Muscle Cells, Myoblasts ENRICHED. (prenatal derived) 500,...	106
Prenatal PM003-F (Human Skeletal Muscle Cells, Cultured. (prenatal derived) 500,000 cells/...	58
Prenatal PM005-CP (Human Osteoblast Pellet)	11
Prenatal PM005-F (Human Osteoblast Cells (prenatal derived) 500,000 cells/vial)	132
Prenatal PM005-CD (Chondrocyte cDNA)	2
Prenatal PM005-F (Chondrocytes)	141
Prenatal PM006-R (Chondrocyte RNA)	3
Prenatal PM007-CD (Human Whole Bone cDNA)	4
Prenatal PM007-L (Human Whole Bone Tissue Lysate. (prenatal derived) 100 µg/vial)	5
Prenatal PM007-R (Human Whole Bone Total RNA)	6
Prenatal PM007-R-POOLED (Human Whole Bone Total RNA)	4
Prenatal PM008-F (Muscle Fibroblasts (prenatal derived))	8
Prenatal PM009-CD (Cartilage Tissue cDNA)	2
Prenatal PM009-R (Human Cartilage Total RNA. (prenatal derived) 5 µg/vial)	5
Prenatal PM015-R (Skeletal Muscle Tissue Total RNA)	53
Prenatal PNO01-CP (Human Neural Cell Pellet. (prenatal derived) 2.5 x 10 ⁶ cells/vial)	40
Prenatal PNO01-F (Neural Cells (Uncultured))	124
Prenatal PNO01-L (Human Neural Tissue Lysate)	15
Prenatal PNO02-CD (Human Spinal Cord cDNA. (prenatal derived) 20 rxns/vial)	6
Prenatal PNO02-L (Human Spinal Cord Tissue Lysate. (prenatal derived) 100 µg/vial)	9
Prenatal PNO02-R (Human Spinal Cord Total RNA. (prenatal derived))	3
Prenatal PNO03-CD (Human Neural Progenitor Cells cDNA)	1
Prenatal PNO03-CP (Human Neural Progenitor Cell Pellet)	19
Prenatal PNO03-F (Neural Progenitor Cells)	18
Prenatal PNO03-R (Human Neural Progenitor Cells Total RNA (prenatal derived) 1 µg/vial)	2
Prenatal PNO04-F (PSA-NCAM+ Cells)	102
Prenatal PNO06-CP (Human Glial Progenitor Cell (A2B5+) Pellet)	7
Prenatal PNO06-F (A2B5 + Neural Cells)	171
Prenatal PNO09-CP (Human Prenatal Cultured Neural Cell Pellets)	1
Prenatal PNO09-F (Human Prenatal Cultured Neural Cells)	50
Prenatal PNO13-R (Neural Tissue Total RNA)	38
Prenatal PPO01-CP (Lung Cells Pellet (Uncultured) (prenatal derived))	10
Prenatal PPO01-F (Human Lung Cells, Uncultured (prenatal derived) 500,000 cells/vial)	31
Prenatal PPO01-R (Human Whole Lung Total RNA. (prenatal derived) 10 µg/vial)	2
Prenatal PPO02-CD (Human Pulmonary Fibroblast cDNA)	2

Prenatal	PF002-F (Pulmonary Fibroblasts, (prenatal derived) 500,000 cells/vial)	17
Prenatal	PF002-R (Human Pulmonary Fibroblast Total RNA)	2
Prenatal	PF005-F (Lung Cell Uncultured (prenatal derived))	4
Prenatal	PR001-CP (Male Gonad Tissue)	10
Prenatal	PR001-F (Prenatal Whole Male Gonadal Cells)	29
Prenatal	PR005-CP (Male Gonadal Stromal Cells Pellet (prenatal derived))	9
Prenatal	PR005-P (Prenatal Male Gonadal Stromal Cells)	28
Prenatal	PU001-CP (Kidney Cells Pellet (Uncultured) (prenatal derived))	12
Prenatal	PU001-F (Human Kidney Cells (Uncultured))	52
Prenatal	PU001-L (Human Whole Kidney Tissue Lysate)	11
Prenatal	PU001-R (Human Whole Kidney Total RNA)	12
Prenatal	PU002-F (Human Kidney Epithelial Cells,500,000 cells/vial)	12
Prenatal	PU005-CD (Kidney Tissue cDNA)	2
Prenatal	PU005-R (Kidney Tissue Total RNA)	7
Prenatal	PU005-F (Kidney Fibroblast , (prenatal))	89
	Total	4318

Level	Product	Quantity
Medium	CCS101	29
Medium	CCS102	21
Medium	I-GRO-001-S100	4
Medium	I-GRO-001-S500	12
Medium	I-GRO-002-S500	1
Medium	U-PRO-001-500	8
	Total	75

Handwritten mark

EXHIBIT B

EXHIBIT B

Any and all portable and permanent biological storage equipment, fixtures, freezers, glassware and containers (including any and all available technical manuals and warranty materials) which accompany the items identified on Exhibit A, including but not limited to two ThermoFisher Locators (Locators types 4 & 6).

AX

EXHIBIT 10

[Print this page](#)

ORANGE COUNTY DISTRICT ATTORNEY
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FOR IMMEDIATE RELEASE

Case # 30-2016-00880665-CU-BT-CJC

Date: December 8, 2017

OCDA OBTAINS \$7.8 MILLION SETTLEMENT AND ADMISSION OF LIABILITY IN LAWSUIT AGAINST TWO COMPANIES WHO UNLAWFULLY SOLD FETAL TISSUE AND CELLS FOR PROFIT

***Both companies ordered to cease business in California**

SANTA ANA, Calif. – Orange County District Attorney (OCDA) Tony Rackauckas obtained a \$7.8 million settlement and an admission of liability in a civil lawsuit against two sister companies for their role in the unlawful sale of fetal tissue and stem cells for profit. As part of the settlement, DV Biologics, LLC, and DaVinci Biosciences, LLC, must permanently close and cease all business operations in the State of California within 60 and 120 days, respectively, pay a settlement amount of \$7,785,000 through the donation of assets and biological materials to a non-profit academic and scientific teaching institution affiliated with a major U.S. medical school, and pay \$195,000 in civil penalties. The settlement was filed today in the Orange County Superior Court.

"This settlement seized all profits from DV Biologics and DaVinci Biosciences, which they acquired by viewing body parts as a commodity and illegally selling fetal tissues for valuable consideration. These companies will never be able to operate again in Orange County or the State of California," stated District Attorney Rackauckas.

Background

DaVinci Biosciences was incorporated in Delaware in November 2007, and DV Biologics was incorporated in March 2009, with their principal place of business in Orange County, including Costa Mesa and in June 2015, in Yorba Linda. DaVinci Biosciences was jointly owned and operated by the same individuals who also owned and operated DV Biologics. The two companies shared office space, management, and employees. The California Franchise Tax Board forfeited DaVinci Biosciences, and DV Biologics' powers, rights, and privileges in July 2015 and November 2014, respectively, and both companies continued to operate illegally until December 2016.

In September 2015, the OCDA opened an investigation into DaVinci Biosciences and DV Biologics after a complaint was submitted by the Center for Medical Progress regarding the illegal sale of aborted fetal tissue by both companies.

Based on the evidence uncovered in its investigation, the OCDA filed a Complaint for Violations for unlawful, unfair, and fraudulent business practices in the Superior Court of the State of California in Orange County on

Oct. 12, 2016.

Defendants' Unlawful and Unfair Business Practices

- In early 2009, DaVinci Biosciences expanded its business to include a revenue-driven unit by selling products derived from the cells and tissues they were already collecting, processing, storing and using for research purposes. A few months later, DV Biologics launched its first marketing campaign to start producing sales.
- The defendants hired an outside marketing consultant to develop marketing materials, including a catalog posted on the company's website in January 2010, and sent them to various sales leads. The two companies advertised prices in a range as low as \$40 a vial for the "total RNA" cells from several fetal tissue sources to as high as \$1,100 a vial for specific cells derived from fetal brain tissue. They priced the products in a middle range from \$300 to \$375 a vial for fetal lung derived products, \$300 to \$450 a vial for fetal kidney derived products, \$500 to \$700 a vial for fetal heart derived products, and \$250 to \$700 a vial for fetal liver derived products.
- Between 2009 and 2011, the defendants nearly tripled sales revenues. The defendants unlawfully sold fetal-derived products to pharmaceutical companies and academic institutions around the world through a network of distributors. By the end of 2011, the defendants unlawfully sold fetal-derived tissues and cells worldwide to countries including Japan, China, Singapore, Korea, Germany, Switzerland, Spain, Australia, Netherlands, Canada, and the United Kingdom.
- By 2012, the defendants had over 500 products in inventory "with some 13,900 units available," for sale – an inventory the defendants "valued at much greater than \$4.4 million dollars."
- The companies also regularly offered "sales" pricing promotions, including, for example, a "25% off" summer sale and "25% off" fall promotion in 2013. Sales staff was given wide flexibility in using discounts in order to close a sale, because they all knew they still ended up "on top."
- In both 2013 and 2014, the companies grossed in excess of \$400,000 in revenue, which was double the gross revenue earned in 2012. From August 2012 to October 2015, the defendants unlawfully sold approximately 500 fetal tissue "products" for valuable consideration and reached over \$550,000 in gross revenues.
- In July 2014, the companies discussed the pricing of prenatal renal fibroblasts via email, explaining they were currently selling the "product" for \$350/vial, and suggesting they raise the price to \$375 per vial, stating, "1000% gross does not seem unreasonable based on infrastructure and lack of competition." In that email exchange, they further stated, "If the market can handle a higher price then we will go with [that] since we will be giving discounts to the distributors." After this discussion, the 2015 list price for prenatal renal fibroblasts was set at \$450 per vial.

The Law Regarding Sales of Fetal Tissue and Cells

Under California law:

- **HSC §125320** (a) A person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes pursuant to this chapter, (b) For purposes of this section, "valuable consideration" does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part.
- **Business and Professions Code § 17200** – unlawful, unfair, and fraudulent business practices.

Under Federal law:

- **42 USC § 289g-2(a) Purchase of tissue:** it shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

The term "valuable consideration" does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

- **42 USC § 289g-1(g) "Human fetal tissue" defined:** for purposes of this section, the term "human fetal tissue" means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.

Legislative History and Case Law:

Legislative history and case law recognizes that "stem cell research, including the use of embryonic stem cells for medical research, raises significant ethical and policy concerns, and, while not unique, the ethical and policy considerations associated with stem cell research must be carefully considered." (Stats 2002, ch. 789 [S.B. No. 253] sec. 1 (g)-(h).)

There is a "societal belief" based thereon that "rejects commercialization of human organs and tissues and tolerates only an altruistic system of voluntary donation." (*Id.*) Thus, any such "commerce is generally seen as revolting." (*Flynn v. Holder* (9th Cir. 2012) 684 F.3d 852, 861 [quoting Congressional legislative history regarding organ donations and noting the widely held belief that: "Human Organs should not be treated like fenders in an auto junkyard"; "Human body parts should not be viewed as commodities"].) "People tend to have an instinctive revulsion at denial of bodily integrity, particularly removal of flesh from a human being for use by another and most particularly 'commodification' of such conduct, which is the sale of one's bodily tissues." (*Id.*)

The OCDA Bureau of Investigations investigated this case.

Prosecutor: Deputy District Attorney Kelly Ernby, Consumer Protection Unit.

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EXHIBIT 11



2015 VIOLENCE AND DISRUPTION STATISTICS

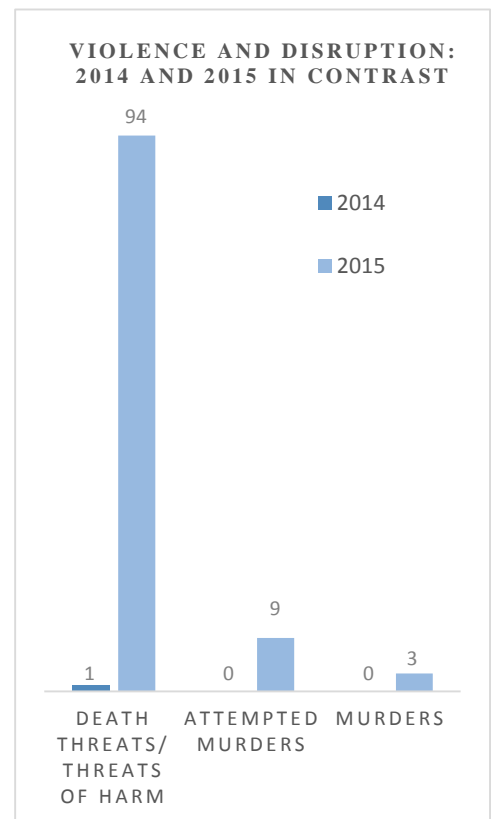
A dramatic escalation in hate speech, threats, and violence

The National Abortion Federation (NAF) has been compiling statistics on incidents of violence and disruption against abortion providers for almost 40 years. Our comprehensive database is an invaluable resource that enables us to report incidents of violence to law enforcement and detect patterns and trends in anti-abortion criminal activities.

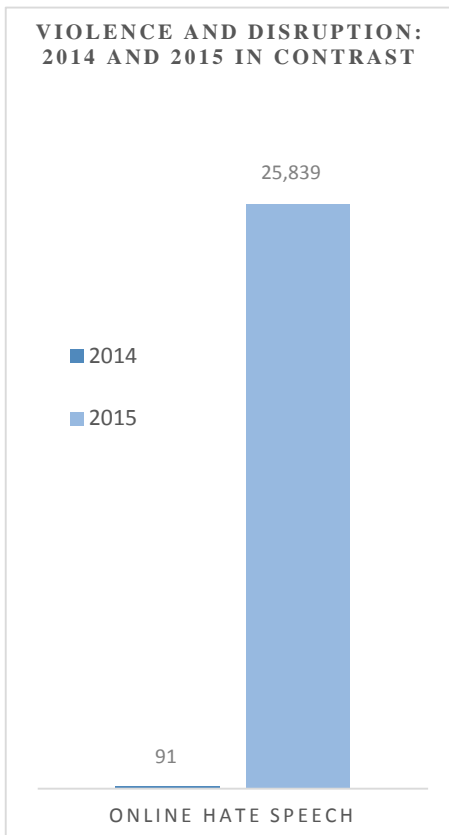
Our 2015 statistics reflect a dramatic increase in hate speech and internet harassment, death threats, attempted murder, and murder, which coincided with the release of heavily-edited, misleading, and inflammatory videos beginning in July. Since 1977, there have been 11 murders, 26 attempted murders, 42 bombings, 185 arsons, and thousands of incidents of criminal activities directed at abortion providers. Three of those murders happened in November 2015, when Robert Dear opened fire at an abortion facility in Colorado Springs, killing three people and wounding nine others. This clinic is part of the Planned Parenthood Rocky Mountains affiliate, which was featured in the highly-edited, inflammatory videos. When police arrested Dear, he made a reference to part of the video smear campaign.

This attack in Colorado followed a documented and unprecedented increase in hate speech and threats immediately following the release of the misleading videos. After each video, social media, blogs, and news websites were filled with inflammatory comments about the doctors who were misrepresented in the videos, including that they were “evil,” “vile,” “inhuman,” “murderers,” and that abortion providers “deserve everything they have coming” to them.

The online hate speech took many forms, including clear threats of harm to individuals. After the CEO of a tissue procurement organization was featured in one of the inflammatory videos, an individual leveled death threats against her online. He stated that the CEO “is a death-profitteer” and “should be hung by the neck using piano wire and propped up on the lawn in front of the building. . .” The person went on to identify where the CEO lived and stated: “I’m going there . . . I’ll pay ten grand to whomever beats me to [CEO] . . . [CEO] must die . . .” The same individual offered a reward online for the murder of a doctor, posting, “I’ll pay ten large to whomever kills [Doctor]. Anyone. Go for it.” Both of these targeted individuals had to employ extensive security measures to protect themselves as a result of these postings. NAF uncovered and provided these threats to the Department of Justice (DOJ). The FBI investigated, and the individual who made the threats was arrested and is now being prosecuted.



The number of reported death threats increased dramatically from one in 2014 to 94 threats of direct harm in 2015. Following the videos, one member received a voicemail that said someone planned to, “...pull a Columbine and wipe everyone out...” and an unknown male called a hospital switchboard in North Carolina saying, “We will kill all [hospital] abortion doctors...”



Recognizing that NAF staff could not adequately document or retrieve all of the threats, NAF hired an outside security firm to specifically track online threats. They began their work in mid-November. With increased tracking capabilities, we were able to identify more than 25,000 incidents of hate speech and threats in just six weeks. We estimate that if enhanced tracking had begun immediately following the release of the illegally recorded videos, the number of online threats and hate postings would be well over 100,000.


Through our monitoring work, we uncovered another anti-abortion extremist who called for arsons at every abortion clinic in the country. He posted online, “One person setting fire to an abortion clinic will not do anything but thousands setting fire to an abortion clinic will speak volumes....It is not violent to set a building on fire...If thousands rallied together to set each murder house on fire, we would see the end of abortion...” NAF identified the perpetrator and shared this threat with law enforcement officials who were able to investigate and interview the perpetrator. This type of rhetoric incites some to take the law into their own hands by firebombing clinics and threatening abortion clinic staff. Within three months of the post, facilities in Washington, Louisiana, California, and Illinois were victims of arson. Additionally, a facility in New Hampshire experienced extreme vandalism when an individual broke into the facility and used a hatchet to destroy medical equipment, exam rooms, computers, phones, and plumbing fixtures, flooding the entire clinic. The clinic was closed for nearly six weeks for repairs.

NAF members reported more harassment and threats in 2015. The number of clinic blockades nearly doubled from 2014 to 2015. Incidents of picketing at facilities, which had been decreasing in previous years, increased from 5,402 in 2014 to 21,715 reported incidents in 2015—a number larger than numbers reported for any other year.

After a doctor was secretly recorded and featured in one of the misleading videos, anti-abortion extremists began picketing in front of her personal residence. Not only did abortion opponents cause disruption in her neighborhood, they also distributed flyers that said, “[Doctor] murders children at Planned Parenthood with your consent.” As a result of these direct threats and acts of intimidation, this doctor had to take extraordinary measures to help ensure her and her family’s safety.

Additionally, the number of hoax devices or suspicious packages found in or around abortion facilities increased four-fold in 2015. These threats have the potential to shut down facilities, sometimes for an entire day, thereby preventing women from obtaining abortion care.

The sharp rise in threats and violence in 2015 is alarming, and directly correlates to the release of inflammatory videos aimed at demonizing providers. We cannot continue to allow anti-abortion extremists to use violence to advance their own personal, political agendas. Nor can we continue to allow them to contribute to a climate that encourages violence against abortion providers. We’ve seen firsthand what can happen when abortion providers are targeted and demonized: clinic staff are threatened, facilities are set on fire, and doctors are murdered. Law enforcement and communities across the country need to seriously address these threats so that violence doesn’t continue to escalate. We cannot be silent or ignore this dangerous, unacceptable, and often criminal behavior.

	NAF VIOLENCE AND DISRUPTION STATISTICS (Summary by Decade)				
	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS				
	1977 to 89	1990 to 99	2000 to 09	2010 to 15	Totals
Violence					
Murder ¹	0	7	1	3	11
Attempted Murder	0	16	1	9	26
Bombing	25	15	1	1	42
Arson ¹	64	96	14	11	185
Attempted Bombing/Arson ¹	37	39	20	2	98
Invasion	247	117	25	15	404
Vandalism	244	575	570	145	1,534
Trespassing ²		193	1,864	621	2,678
Butyric Acid Attacks	0	100	0	0	100
Anthrax/Bioterrorism Threats	0	47	614	2	663
Assault & Battery	58	53	71	21	203
Death Threats/Threats of Harm ³	70	247	88	111	516
Kidnapping	2	1	1	0	4
Burglary	20	35	98	36	189
Stalking ⁴		404	110	45	561
Totals	767	1,945	3,478	1,024	7,214
Disruption					
Hate Mail/Harassing Calls	192	6,327	6,210	2,381	15,110
Hate Email/Internet Harassment ⁵			345	26,120	26,465
Hoax Devices/Suspicious Packages ⁶			160	63	223
Bomb Threats	237	245	129	22	634
Picketing ⁷	847	29,937	110,600	49,524	190,908
Obstruction ⁸				968	968
Totals	1,276	36,509	117,444	79,079	234,308
Clinic Blockades					
Number of Incidents	385	289	87	83	844
Number of Arrests ⁹	24,380	9,447	4	5	33,836

All numbers represent incidents reported to or obtained by NAF. Actual incidents are likely much higher.

¹ Incidents recorded are those classified as such by the appropriate law enforcement agency. Incidents that were ruled inconclusive or accidental are not included.

² Tabulation of trespassing began in 1999.

³ Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

⁴ Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.


⁵ Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to uncover Hate Email/Internet Harassment.

⁶ Tabulation of hoax devices began in 2002.

⁷ NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

⁸ Tabulation of Obstruction began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

⁹ The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many blockaders are arrested multiple times.

	NAF VIOLENCE AND DISRUPTION STATISTICS (1990 - 1999) INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Totals 1990-99
Violence											
Murder ¹	0	0	0	1	4	0	0	0	2	0	7
Attempted Murder	0	2	0	1	8	1	1	2	1	0	16
Bombing	1	1	0	1	1	1	2	6	1	1	15
Arson ¹	10	8	19	12	11	14	3	8	4	7	96
Attempted Bombing/Arson ¹	3	1	13	7	3	1	4	2	5	0	39
Invasion	19	29	26	24	2	4	0	7	5	1	117
Vandalism	26	44	116	113	42	31	29	105	46	23	575
Trespassing ²										193	193
Butyric Acid Attacks	0	0	57	15	8	0	1	0	19	0	100
Anthrax/Bioterrorism Threats	0	0	0	0	0	0	0	0	12	35	47
Assault & Battery	6	6	9	9	7	2	1	9	4	0	53
Death Threats/Threats of Harm ³	7	3	8	78	59	41	13	11	25	2	247
Kidnapping	0	0	0	0	0	0	0	0	1	0	1
Burglary	2	1	5	3	3	3	6	6	6	0	35
Stalking ⁴				188	22	61	52	67	13	1	404
Totals	15	10	22	278	91	107	72	93	49	3	1,945
Disruption											
Hate Mail/Harassing Calls	21	142	469	628	381	255	605	2,829	915	82	6,327
Hate Email/Internet Harassment ⁵											
Hoax Devices/Suspicious Packages ⁶											
Bomb Threats	11	15	12	22	14	41	13	79	31	7	245
Picketing ⁷	45	292	2,898	2,279	1,407	1,356	3,932	7,518	8,402	1,808	29,937
Obstruction ⁸											
Totals	77	449	3,379	2,929	1,802	1,652	4,550	10,426	9,348	1,897	36,509
Clinic Blockades											
Number of Incidents	34	41	83	66	25	5	7	25	2	1	289
Number of Arrests ⁹	1,363	3,885	2,580	1,236	217	54	65	29	16	2	9,447

¹ Incidents recorded are those classified as such by the appropriate law enforcement agency. Incidents that were ruled inconclusive or accidental are not included.

² Tabulation of trespassing began in 1999.

³ Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

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⁶ Tabulation of hoax devices began in 2002.

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⁸ Tabulation of Obstruction began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

⁹ The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many blockaders are arrested multiple times.

	NAF VIOLENCE AND DISRUPTION STATISTICS (2000 - 2009) INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Totals 2000-09
Violence											
Murder ¹	0	0	0	0	0	0	0	0	0	1	1
Attempted Murder	1	0	0	0	0	0	0	0	0	0	1
Bombing	0	1	0	0	0	0	0	0	0	0	1
Arson ¹	2	2	1	3	2	2	0	2	0	0	14
Attempted Bombing/Arson ¹	3	2	0	0	1	6	4	2	1	1	20
Invasion	4	2	1	0	0	0	4	7	6	1	25
Vandalism	56	58	60	48	49	83	72	59	45	40	570
Trespassing ²	81	144	163	66	67	633	336	122	148	104	1,864
Butyric Acid Attacks	0	0	0	0	0	0	0	0	0	0	0
Anthrax/Bioterrorism Threats	30	554	23	0	1	0	0	1	3	2	614
Assault & Battery	7	2	1	7	8	8	11	12	6	9	71
Death Threats/Threats of Harm ³	9	14	3	7	4	10	10	13	2	16	88
Kidnapping	0	0	0	0	0	0	1	0	0	0	1
Burglary	5	6	1	9	5	11	30	12	7	12	98
Stalking ⁴	17	10	12	3	15	8	6	19	19	1	110
Totals	215	795	265	143	152	761	474	249	237	187	3,478
Disruption											
Hate Mail/Harassing Calls	1,011	404	230	432	453	515	548	522	396	1,699	6,210
Hate Email/Internet Harassment ⁵			24	70	51	77	25	38	44	16	345
Hoax Devices/Suspicious Packages ⁶			41	13	9	16	17	23	24	17	160
Bomb Threats	20	31	7	17	13	11	7	6	13	4	129
Picketing ⁷	8,478	9,969	10,241	11,348	11,640	13,415	13,505	11,113	12,503	8,388	110,600
Obstruction ⁸											
Totals	9,509	10,404	10,543	11,880	12,166	14,034	14,102	11,702	12,980	10,124	117,444
Clinic Blockades											
Number of Incidents	4	2	4	10	34	4	13	7	8	1	87
Number of Arrests ⁹	0	0	0	0	0	0	0	3	1	0	4

¹ Incidents recorded are those classified as such by the appropriate law enforcement agency. Incidents that were ruled inconclusive or accidental are not included.

² Tabulation of trespassing began in 1999.

³ Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

⁴ Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.


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⁹ The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many blockaders are arrested multiple times.

	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS						
	2010	2011	2012	2013	2014	2015	Totals 2010-15
Violence							
Murder ¹	0	0	0	0	0	3	3
Attempted Murder	0	0	0	0	0	9	9
Bombing	0	1	0	0	0	0	1
Arson ¹	0	1	5	0	1	4	11
Attempted Bombing/Arson ¹	1	1	0	0	0	0	2
Invasion	0	0	0	8	1	6	15
Vandalism	22	27	12	5	12	67	145
Trespassing ²	45	69	47	264	78	118	621
Butyric Acid Attacks	0	0	0	0	0	0	0
Anthrax/Bioterrorism Threats	1	1	0	0	0	0	2
Assault & Battery	4	3	7	0	1	6	21
Death Threats/Threats of Harm ³	2	2	6	2	1	94	111
Kidnapping	0	0	0	0	0	0	0
Burglary	13	8	5	0	1	9	36
Stalking ⁴	7	1	6	20	4	9	47
Totals	95	114	88	299	99	325	1,024
Disruption							
Hate Mail/Harassing Calls	404	365	452	420	367	373	2,381
Hate Email/Internet Harassment ⁵	44	17	41	88	91	25,839	26,120
Hoax Devices/Suspicious Packages ⁶	8	2	7	2	9	35	63
Bomb Threats	12	1	1	4	1	4	23
Picketing ⁷	6,347	4,780	5,706	5,574	5,402	21,715	49,524
Obstruction ⁸			79	396	251	242	968
Totals	6,815	5,165	6,286	6,484	6,121	48,208	79,079
Clinic Blockades							
Number of Incidents	1	5	6	3	23	45	83
Number of Arrests ⁹	0	0	4	1	0	0	5

¹ Incidents recorded are those classified as such by the appropriate law enforcement agency. Incidents that were ruled inconclusive or accidental are not included.

² Tabulation of trespassing began in 1999.

³ Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

⁴ Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

⁵ Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to uncover Hate Email/Internet Harassment.

⁶ Tabulation of hoax devices began in 2002.

⁷ NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

⁸ Tabulation of Obstruction began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

⁹ The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many blockaders are arrested multiple times.

EXHIBIT 12

EXHIBIT 12

Planned Parenthood Federation of America's publication produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0000960-61

FILED UNDER SEAL

EXHIBIT 13

EXHIBIT 13

Planned Parenthood Federation of America's publication produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0001216-21

FILED UNDER SEAL

EXHIBIT 14

EXHIBIT 14

Planned Parenthood Federation of America's publication produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0011648-51

FILED UNDER SEAL

EXHIBIT 15

EXHIBIT 15

Planned Parenthood Federation of America's e-mail produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0011222

FILED UNDER SEAL

EXHIBIT 16

EXHIBIT 16

Planned Parenthood Federation of America's publication and e-mail produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0011959-62

FILED UNDER SEAL

EXHIBIT 17

https://gazette.com/news/planned-parenthood-shooter-robert-dear-remains-incompetent-for-trial-judge/article_64ddd2ea-91b6-11e8-a84e-1f5069d71e6a.html

Planned Parenthood shooter Robert Dear remains incompetent for trial, judge says

By: Lance Benzel Jul 27, 2018 Updated Aug 2, 2018



Caption +

Robert Dear

Andy Cross

Show More>Show Less

Admitted Planned Parenthood shooter Robert Lewis Dear Jr. remains incompetent to stand trial, an El Paso County District judge ruled Friday.

Dear, 60, will remain in custody at the Colorado Mental Health Institute at Pueblo pending a 90-day review of his mental state set for Oct. 26, 4th Judicial District Chief Judge William Bain said at a hearing at which Dear wasn't present.

The defendant, who has been diagnosed with delusional disorder, was initially found mentally incompetent in May 2016, meaning that he doesn't have a "rational" understanding of the charges against him or the court process.

His legal team has waived Dear's right to appear after a long history of disruptions in court in which he taunted judges and made incriminating statements.

📄 Colorado Supreme Court clears way for admitted Planned Parenthood shooter to be forcibly medicated

Dear's treatment team at the state hospital has been granted authorization to force Dear to take medication under a Colorado Court of Appeals decision. The Supreme Court declined to review the decision, potentially paving the way for medications to be administered. Whether Dear is being medicated is unclear because of privacy rules.

The Hartsel transplant called himself a "warrior for the babies" after opening fire at the lone Planned Parenthood Clinic in Colorado Springs on Nov. 27, 2015. He killed three people, including a police officer, and wounded nine during a five-hour rampage before his surrender.

Lance Benzel
Reporter

I cover legal affairs for The Gazette, with an emphasis on the criminal courts. Tips to lance.benzel@gazette.com

EXHIBIT 18

EXHIBIT 18

Planned Parenthood Federation of America's publication produced in *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*, N.D. Cal. Case No. 3:16-cv-236.

Bates-stamped PP0010904-06

FILED UNDER SEAL

EXHIBIT 19

ENDORSED
FILED
Superior Court of California
County of San Francisco

DEC 06 2017

CLERK OF THE COURT
BY: HOSPITALIA PONCE
Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff,

v.

**DAVID ROBERT DALEIDEN; SANDRA
SUSAN MERRITT,**

Defendants.

Case No. 2502505/17006621

COURT ORDER

In this case, both defendants are charged with one count of Conspiracy and fourteen felony violations of Penal Code section 632, Surreptitiously Recording a Confidential Communication Without Consent. In that Defendant Daleiden has claimed confidential and privileged material within the seized evidence in this case, the Attorney General is ordered to copy the entirety of the digital evidence seized under CA DOJ Report BI-LA2015-00057 to a portable device for Defendant Daleiden to review.

IT IS HEREBY ORDERED that the Attorney General make available to Defendant Daleiden's Counsel now, one Apricorn Aegis Padlock, 6 Terabyte External Hard Drive containing a forensically acquired image of all 3.3 Terabytes of digital evidence seized pursuant to search warrant from David Daleiden on April 5, 2016 (72887), from Google on April 1, 2016 (16 SW00604) and on May 19, 2016 (SW38461), and from Bluehost on June 16, 2016 (SW348461), subject to the following restrictions:

1 1. The above-described materials that portray, relate to, or mention the
2 fourteen Does named in the complaint shall not be disclosed to anyone except the
3 defendant, his counsel of record and any defense investigators or experts working on the
4 case, absent further order of the Court. These materials shall be used only in preparation of
5 the defense in this proceeding.

6 2. No picture, screenshot or other visual representation shall be made,
7 exhibited, displayed or used in any fashion by the defendant of materials that portray, relate
8 to, or mention the fourteen Does except in a judicial proceeding or as may be directly
9 necessary in the preparation of the defense of this action.

10 3. The above-described materials that portray, relate to, or mention the
11 fourteen Does shall not be put on the Internet for any reason.

12 4. This order shall be applicable to the defendant, any attorney for the
13 defendant and any investigator, expert witness, agent or representative of the defense.

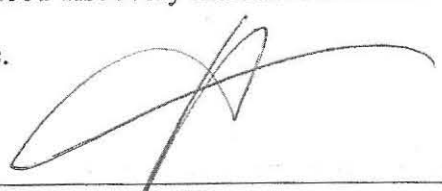
14 5. The above-described materials that portray, relate to, or mention the
15 fourteen Does shall not be copied at all, unless copying is necessary for preparation of the
16 defense in this proceeding. Any copy of the materials that is made shall be accompanied at
17 all times by a copy of this Order and all materials shall be returned to the Court at the
18 conclusion of these proceedings.

19 6. Any person to whom these materials or their contents are disclosed,
20 which portray, relate to, or mention the fourteen Does, must be provided with a copy of
21 this Order and must execute an Agreement to be Bound by it in the form attached hereto as
22 Exhibit A, which shall be maintained by the defense attorney of record, and is subject to
23 the demand of the court.

24 7. Any violation of this order shall be punishable as contempt.

25 8. This order shall be continuing in nature, and shall apply whether the case
26 is pending before a trial court or an appellate court.

1 Good cause appearing therefore, it is HEREBY ORDERED that disclosure of
2 the above-described discovery materials shall be restricted as set forth in Paragraphs 1
3 through 8 above.

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6 Hon. Christopher Hite
7 Judge of the San Francisco Superior Court

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EXHIBIT "A"

AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

I, the undersigned, _____ (print or type name), hereby acknowledge that I have received a copy of the Protective Order (the "Protective Order") entered on _____, 2017 in that certain matter entitled People v. Daleiden, San Francisco City and County Case No. 2502505, and People v. Merritt, San Francisco City and County Case Number 17006621. I have read and understand the Order and agree to be bound by all the provisions thereof. My business/residence address and telephone number is as follows:

I consent to personal jurisdiction over me by the San Francisco County Superior Court for purposes of enforcing the Protective Order.

I declare under penalty of perjury under the State of California that the foregoing is true and correct, and that this Agreement was executed on the _____ day of _____, 2017, in _____,

signed, _____.

EXHIBIT 20

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
HONORABLE CHRISTOPHER C. HITE, JUDGE PRESIDING
DEPARTMENT NO. 9

---oOo---

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
)
Plaintiff,)
) Court No. 2502505
) 17006621
vs.)
)
DAVID ROBERT DALEIDEN AND)
SANDRA SUSAN MERRITT,)
)
Defendants.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday, June 21, 2017

Please note Government Code Section 69954(d):

"Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule, or for internal use, but shall not otherwise provide or sell a copy or copies to any other party or person."

Reported by: Janet S. Pond, CSR No. 5292, RMR, CRR
Official Reporter

A P P E A R A N C E S O F C O U N S E L

For the People:

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
BY: **JOHNETTE JAURON**, Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

For Defendant David Daleiden:

STEVE COOLEY & ASSOCIATES
BY: BRENTFORD J. FERREIRA, Attorney At Law
5318 E. 2nd Street, #399
Long Beach, CA 90803

For Defendant Sandra Merritt:

LAW OFFICE OF NIC COCIS & ASSOCIATES
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38975 Sky Canyon Drive, No. 211
Murrieta, CA 92563

LIBERTY COUNSEL
BY: **HORATIO G. MIHET**, Attorney at Law (Pro Hac Vice)
P. O. Box 540774
Orlando, FL 32854

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1 Ms. Merritt in this criminal matter in association with
2 Mr. Cocis.

3 In addition, counsel has been granted pro hac vice
4 status in the associated federal case before the Honorable
5 Judge William Orrick, and therefore he has a history with
6 Ms. Merritt and knowledge of the facts and circumstances of
7 this case. Therefore, the pro hac vice motion is granted.

8 **MS. COCIS:** Thank you.

9 **MR. FERREIRA:** Your Honor, we have with us today
10 Thomas Brejcha, who is one of the counsels of record in the
11 case before Judge Orrick and who has appeared before
12 pro hac vice in many of Mr. Daleiden's cases.

13 We would like to have him make an appearance today and
14 we will supply the Court with the form after.

15 **THE COURT:** Well, I won't have him make an appearance
16 today since I don't have the pro hac vice request. I
17 assumed he was a California attorney.

18 **MR. FERREIRA:** No. He's from Chicago.

19 **THE COURT:** So if he files a similar motion, I will
20 evaluate it at that time.

21 **MR. FERREIRA:** Thank you, Your Honor.

22 **THE COURT:** The next issue was mainly presented by
23 Mr. Daleiden and then eventually joined by Ms. Merritt, and
24 that was with regards to judicial notice.

25 There was a request, at least according to the Court,
26 for judicial notice of the federal injunction as well as the
27 videos. Tentatively, and I will just hear quick argument on
28 this, but tentatively the Court will take judicial notice of

1 the federal injunction pursuant to Evidence Code Section
2 452(d). Tentatively, the Court will not take judicial
3 notice of the videos.

4 And my belief is that the videos were at some point
5 attached to a motion, is that correct?

6 **MR. FERREIRA:** The videos were embedded in Footnote 1
7 of the demurrer that we filed.

8 **THE COURT:** Footnote 1 or Exhibit 1?

9 **MR. FERREIRA:** They were identified. The URL to go to
10 was in Footnote 1. We also gave the Court a flash drive
11 with the videos. In any event, the videos are with the
12 Court anyway pursuant to the search warrant as evidence in
13 this case.

14 **THE COURT:** Right. My concern is more whether it has
15 been attached to a motion with the Court.

16 **MR. FERREIRA:** Yes, it was attached to the demurrer.

17 **THE COURT:** Okay.

18 **MS. JAURON:** If I may clear it up.

19 I believe, as I understood it, the URL was a YouTube
20 link created by defense counsel that was ordered taken down
21 by the federal court the same day on that May 25th order.

22 **MR. FERREIRA:** There has never been any order
23 concerning flash drives that we gave to the Court that
24 contains the exact same documents.

25 **THE COURT:** The same material.

26 **MR. FERREIRA:** Yes.

27 **THE COURT:** Well, the Court is going to order that that
28 particular -- the zip drive that contains any of the videos,

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REPORTER'S CERTIFICATE

I, Janet S. Pond, CSR No. 5292, Official Court Reporter for the Superior Court of California, County of San Francisco, do hereby certify:

That I was present at the time of the above proceedings and took down in machine shorthand notes all proceedings had and testimony given;

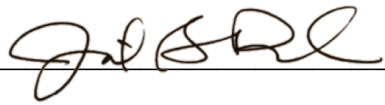
That I thereafter transcribed said shorthand notes with the aid of a computer;

That the above and foregoing is a full, true, and correct transcription of said shorthand notes, and a full, true and correct transcript of all proceedings had and testimony taken;

That I am not a party to the action or related to a party or counsel;

That I have no financial or other interest in the outcome of the action.

Dated: June 23, 2017



Janet S. Pond, CSR No. 5292

EXHIBIT 21

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
HONORABLE CHRISTOPHER C. HITE, JUDGE PRESIDING
DEPARTMENT NO. 9

---oOo---

THE PEOPLE OF THE STATE OF)	
CALIFORNIA,)	
)	
Plaintiff,)	
)	Court No. 2502505
)	17006621
vs.)	
)	
DAVID ROBERT DALEIDEN AND)	
SANDRA SUSAN MERRITT,)	
)	
Defendants.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday, December 6, 2017

Please note Government Code Section 69954(d):

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Reported by: Janet S. Pond, CSR No. 5292, RMR, CRR
Official Reporter

A P P E A R A N C E S O F C O U N S E L

For the People:

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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BENNIE MACKEY, Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
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For Defendant David Daleiden:

STEVE COOLEY & ASSOCIATES
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For Defendant Sandra Merritt:

LAW OFFICE OF NIC COCIS & ASSOCIATES
BY: **NIC COCIS**, Attorney at Law
38975 Sky Canyon Drive, No. 211
Murrieta, CA 92563

LIBERTY COUNSEL
BY: **HORATIO G. MIHET**, Attorney at Law (Pro Hac Vice)
P. O. Box 540774
Orlando, FL 32854

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P R O C E E D I N G S

Wednesday, December 6, 2017

---oOo---

MR. COCIS: David Daleiden, Line 20, and Sandra Merritt, looks like Line 21.

THE COURT: Line 21, Sandra Merritt. Counsel's appearance.

MS. JAURON: Johnette Jauron, Deputy Attorney General, on behalf of the People.

MR. MACKEY: Bennie Mackey, Deputy Attorney General, for the People. B-e-n-n-i-e, M-a-c-k-e-y.

MR. COCIS: Nicolaie Cocis on behalf of Ms. Merritt. She is present out of custody, along with my co-counsel, Mr. Mihet.

MR. COOLEY: Steve Cooley for defendant David Daleiden.

THE COURT: We had some brief discussions about what we were going to handle on the record today.

Initially we discussed the proposed order, protective order in connection with the additional discovery items that the Attorney General's Office is going to be providing initially, and with more specific regard to Mr. Daleiden's case. And the defense has provided the Court with a red line tracking proposed order.

I discussed that with counsel, and I discussed the changes that I was going to make and then provide a copy to all counsel through email, and then I'll sign it and file it.

Does that appear to be agreed to by all the parties?

1 **MS. JAURON:** Yes, Your Honor. Thank you.

2 **MR. COCIS:** Yes, Your Honor, on behalf of Ms. Merritt.

3 **MR. COOLEY:** Yes, Your Honor.

4 **THE COURT:** Thank you. So I will do that and get that
5 to all counsel today.

6 **MS. JAURON:** And, for the record, discovery has now
7 been provided to both counsel.

8 **THE COURT:** Certainly in relationship to -- and there
9 will be more provided in light of the protective order.

10 **MS. JAURON:** Correct.

11 **THE COURT:** So that was the first issue we had.

12 Once the items are gone through by counsel,
13 specifically with regards to Mr. Daleiden's case, the
14 non-privileged material should be provided to all
15 parties.

16 If there is something in the non-privileged information
17 that's going to be provided to all parties that the
18 Attorney General believes needs a further protective order,
19 that should be brought to the attention of all parties and
20 the Court, and I will rule on that independently, which is
21 what we had discussed with regards to that issue.

22 Is that correct?

23 **MS. JAURON:** Yes, Your Honor.

24 **MR. COCIS:** Yes.

25 **MR. COOLEY:** Correct.

26 **THE COURT:** All right. As mentioned throughout some of
27 the discovery motions and proceedings in relationship to
28 obtaining all of the discovery in this case, there have been

1 statements by the defense that the Court shouldn't accept a
2 blanket protective order as to the issues in this case.

3 The Court agrees with that assertion. There will be no
4 blanket protective order as to all the issues in this case.

5 The Court will address any concerns by the
6 Attorney General's Office or anyone else regarding specific
7 requests for protective order materials on an individual
8 basis rather than a blanket basis.

9 **MS. JAURON:** Yes, Your Honor.

10 **THE COURT:** Then with regard to Ms. Merritt's informal
11 discovery request dated December 6, 2017, I understand the
12 parties are now in agreement that that will be addressed now
13 with this particular protective order as well as the
14 previous protective order.

15 **MS. JAURON:** From the People's position, yes.

16 **MR. MIHET:** We received some documents or a CD rom with
17 documents today, Your Honor.

18 We will assess to determine whether that is responsive
19 to what we've asked for, and if there are any issues
20 outstanding, we will alert the Attorney General's Office and
21 the Court, if necessary.

22 **THE COURT:** Okay.

23 **MR. COCIS:** Your Honor, just to clarify. So the
24 protective order that the Court is signing applies only to
25 the terabytes that were supplied to Mr. Daleiden. That
26 doesn't apply to the discovery which they were just provided
27 on a CD rom, right?

28 **MS. JAURON:** No, that's incorrect. I believe the

1 protective order applies to the 14 Does as named so the
2 protective information of those Does that are named in the
3 complaint.

4 **MR. COCIS:** So for the time being, we're willing to
5 agree to that statement and when we come back on January,
6 with the Court's permission, if we need to address it, we'll
7 address it with the Court.

8 **THE COURT:** That's fine.

9 And then with regard to Mr. Daleiden's
10 October 2nd informal discovery request, this particular
11 issue, the Court consulted with counsel in chambers, and
12 it's my understanding that the Attorney General's Office is
13 in the process of complying with those informal discovery
14 requests, that it's coming along. There may not be a
15 completion of that yet, but there's also not a dispute that
16 the Court needs to address, at least at this time, regarding
17 that.

18 If that becomes an issue, we should have it somewhat
19 keyed up through email so I can address it on January 10th.

20 **MS. JAURON:** Understood.

21 **THE COURT:** So if there is an outstanding issue with
22 regards to the October 2nd, 2017 informal discovery request,
23 please narrow that down for the Court and the Court will
24 address it individually on whatever remains outstanding.

25 That was basically what the Court has as far as
26 informal discovery and more formal motions to compel, which
27 appear to mainly have been addressed at this time.

28 The Court will just also note that Department 22 did

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REPORTER'S CERTIFICATE

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That I was present at the time of the above proceedings and took down in machine shorthand notes all proceedings had and testimony given;

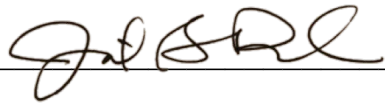
That I thereafter transcribed said shorthand notes with the aid of a computer;

That the above and foregoing is a full, true, and correct transcription of said shorthand notes, and a full, true and correct transcript of all proceedings had and testimony taken;

That I am not a party to the action or related to a party or counsel;

That I have no financial or other interest in the outcome of the action.

Dated: August 10, 2018



Janet S. Pond, CSR No. 5292

EXHIBIT 22

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

BEFORE THE HONORABLE CHRISTOPHER C. HITE, JUDGE PRESIDING

DEPARTMENT NUMBER 9

---oOo---

PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

SANDRA SUSAN MERRITT and DAVID)

ROBERT DALEIDEN,)

Defendant.)

Court Nos. 17006621

2502505

PROTECTIVE ORDER

Pages 1 - 23

Reporter's Transcript of Proceedings

Wednesday, January 10, 2018

APPEARANCES OF COUNSEL:

For the People:

Department of Justice, Attorney General's Office

455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94102-7004

BY: JOHNETTE JAURON, Deputy Attorney General

BY: **BENNIE J. MACKEY, II**, Deputy Attorney General

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For the Defendant DAVID ROBERT DALEIDEN

Law Offices of Brentford Ferreira
5318 E. 2nd Street
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Long Beach, California 90803
BY: **BRENTFORD FERREIRA**, Attorney at Law

For the Defendant SANDRA SUSAN MERRITT

Law Offices of Nic Cocis
38975 Sky Canyon Drive
No. 211
Murrieta, California 92563
BY: **NIC COCIS**, Attorney at Law

Reported By: Patricia Dowling, CSR # 5388

1 Does. That's completely different from the defense attorney in
2 Alvarado who didn't get the Does, the Does' s names until the
3 day of trial, or sometime right before trial.

4 You have all of that information.

5 All of this is -- all this Order has to do with his using
6 the term "Doe" in the Complaint.

7 That's it. I think that that --

8 **MR. FERREIRA:** Well, and the unfettered use of the videos.

9 **THE COURT:** Pardon me?

10 **MR. FERREIRA:** Unfettered use of the videos, being able to
11 put those videos on our website.

12 **THE COURT:** Submitted?

13 **MR. FERREIRA:** Submitted.

14 **THE COURT:** Okay. Thank you.

15 **MS. JAURON:** Your Honor, I will be brief.

16 I think the Court took issue that there would be some well
17 taken points to counsel's argument if he didn't have the
18 information he is complaining about.

19 He has the information.

20 He has the ability to do the research. He made those
21 videos. He was there.

22 He has more information than anyone else there to do his own
23 investigation and his own research for his defense.

24 The concern that the People have had and continue to have
25 for these privacy victims, and that's exactly what they are
26 victims of is the privacy statute, is the information that was
27 given to Judge Yaggy that once their names were released
28 publicly on the Internet, that was when they became threatened,

1 that was when they were subjected to harassment and abuse and
2 vitriol based on the drama that has been created surrounding the
3 issues.

4 So the People's concern here is that we maintain those
5 victims' safety.

6 The concern, again, that the Court seems to have -- that the
7 counsel seems to have is using the videos in any way they see
8 fit, appears to be placing them on their website.

9 The concern I have there, your Honor, is the evidence, the
10 original, unedited, unredacted evidence belongs to the Court.

11 It was seized under search warrant.

12 I have never seen it. The Court has never seen it. Law
13 enforcement never seen it.

14 The only one who has seen the videos based on these are the
15 law enforcement officer who did the charging -- all of the
16 charging these 14 cases, 14 counts.

17 What I mean by that is there is a whole plethora of evidence
18 nobody has even looked at yet.

19 I would absolutely object basing evidence on the website,
20 particularly when there has been evidence that once that
21 information and those names are made public, the targets of
22 those privacy violations are then threatened based on the
23 vitriol and abuse and drama that the situation has created.

24 That's why we are asking the Court to protect the names from
25 the public record.

26 **THE COURT:** Okay.

27 **MS. JAURON:** Finally if I may also.

28 The remedy here, what I see to be the easiest remedy for all

1 concerned is put on the preliminary hearing and present the
2 evidence to the Court.

3 That's what the People are asking for.

4 **THE COURT:** Okay.

5 **MR. FERREIRA:** One last thing.

6 **THE COURT:** Last point.

7 **MR. FERREIRA:** Thank you.

8 The Statute 1054.7 says: Good cause is limited to threats
9 or possible danger to the safety of a victim or witness.

10 Good cause, good cause requires evidence.

11 They have none.

12 **THE COURT:** Well, they have -- even under your own
13 concession, they have Does five, nine and twelve.

14 **MR. FERREIRA:** Yes. Since in 2015 ...

15 **THE COURT:** But the Court is not in its discretion limited
16 to Does five, and Nine and Twelve.

17 If those three Does are threatened, isn't there a reasonable
18 possibility that the other Does could be based on the
19 circumstances of this particular case?

20 **MR. FERREIRA:** Here's how not threatened Doe twelve is.

21 On July the 27th...

22 **MS. JAURON:** I object to any evidence coming in at this
23 hearing.

24 That's hearsay and not relevant to this particular --

25 **MR. FERREIRA:** This is a lawsuit.

26 **THE COURT:** Overruled. Go ahead.

27 **MR. FERREIRA:** And on July the 27, 2015, Doe twelve, filed a
28 lawsuit in LA Superior Court, a civil suit based on the same

1 statute, 632.

2 **THE COURT:** In other words, you know who Doe Twelve is,
3 right?

4 **MR. FERREIRA:** Doe Twelve put her name out there in public.

5 **THE COURT:** Exactly.

6 **MR. FERREIRA:** She wasn't afraid of anything.

7 **THE COURT:** Exactly. The only thing this Order is doing is
8 putting the word Doe in the Complaint.

9 It doesn't hurt your client at all. Your client knows who
10 Doe Twelve is.

11 This isn't like Alvarado where not either the defendant, the
12 defense counsel or anybody else related to the defense, even
13 knew who the people were charging them with or the witnesses.

14 They knew nothing.

15 That's way more of a Constitutional barrier to effective
16 assistance of counsel than this case where you have everything
17 to defend your client other than the charging document uses the
18 word "Doe" of which you have a list of all the names for the
19 Does.

20 Okay? Submitted?

21 **MS. JAURON:** Submitted.

22 **MR. FERREIRA:** No, the Does go out in public and denigrate
23 Mr. Daleiden.

24 **THE COURT:** That's a different issue.

25 **MR. FERREIRA:** We cannot go out in public and discuss them
26 by name. You won't let us.

27 And we have a right to do that. He is presumed innocent.
28 He has First Amendment rights. There is not sufficient good

1 cause.

2 These people have been out there putting their names out
3 themselves since they allegedly said they have threats.

4 One of them as we put in our papers, reply papers, one of
5 them even says: I don't get threats from the pro life people.

6 I get love letters. They pray for me and tell me to please
7 change my actions so I don't go to hell.

8 **THE COURT:** I do have some concerns, but I don't think still
9 under the balance that...

10 **MR. FERREIRA:** There has to be...

11 **THE COURT:** The way this is structured...

12 **MR. FERREIRA:** There has to be an overriding concern of
13 danger. There isn't that here.

14 Thank you very much.

15 **THE COURT:** Thank you. All right.

16 Initially, the Court finds that it already somewhat
17 addressed this issue back June 21, 2017, and there has been
18 really no new circumstances since that ruling.

19 However, based on the circumstances of the motion, the Court
20 will again address the defendant Daleiden' s motion.

21 The Court agrees with the defendant Daleiden' s argument
22 that the Does are not confidential informants or victims of sex
23 crimes.

24 Therefore, its order it not reliant upon People versus
25 Hobbs, 7 Cal. 4th 948.

26 Evidence Code Section 1040, et seq., Penal Code Section
27 293.5, or People versus Ramirez, 55 Cal. Appellate 4th 47.

28 The Court's Order is based solely upon Penal Code Section

1 1054.7, and Alvarado versus Superior Court, 23 Cal. 4th 1121.

2 The Court finds that the California Rules of Court, Rule
3 2.551 is not applicable at this point since the Complaint is not
4 under seal.

5 The People have simply requested to provide the names of the
6 complaining witnesses to the defense directly under a Protective
7 Order while filing the Complaint with the use of the term
8 "Does."

9 The Complaint itself is not under seal.

10 In contrast, the Alvarado Court permitted the sealing of the
11 names of witnesses and the victims in a gang-related case from
12 both the defendant and the defense counsel until the victims and
13 witnesses were called to testify at trial.

14 As such, Alvarado went much further than this Court's Order
15 in restricting access to discovery.

16 In our case, the defense counsel know the names of the
17 victims and witnesses, know how to contact them, and are in no
18 way limited in its investigation of the witnesses and
19 preparation of cross-examination of the witnesses for
20 preliminary hearing and/or trial.

21 The only thing the Court in this case has done is permit the
22 People to use the term "Does" in the Complaint.

23 Similarly, and in Reed versus Superior Court, 55 Cal.
24 Appellate 4, 1326 at Page 1335, the Trial Court prohibited the
25 Defense from obtaining the names and witnesses of victims or
26 even attempting to interview them based on insufficient evidence
27 of harassment or threats.

28 This is clearly distinguishable from this case where the

1 Defense has the names and contact information for the victims
2 and is not prohibited from contacting them or any other
3 witnesses related to the case.

4 There are no Constitutional restraints raised by this
5 preliminary Protective Order permitting the use of the term
6 "Does" in the Complaint.

7 The defendant Daleiden suffers absolutely no prejudice in
8 either presenting his affirmative defenses or cross-examining
9 the People's witnesses.

10 There are no issues of ineffective assistance of counsel
11 because defense counsel has the names of the Does and the
12 videos.

13 The defendant Daleiden is not in any way limited from
14 interviewing or investigating the Does or any other witnesses by
15 the Court's protective order.

16 The defendant Daleiden argues that unless the Attorney
17 General can establish the Does face actual danger from the
18 publication of their names or the videos that form the basis of
19 the Complaint, there is no grounds upon which this Court can
20 continue with its protective order.

21 However, defendant Daleiden misstates the legal standards.

22 California Penal Code Section 1054.7 permits the delay or
23 restriction of the discovery where a party can show good cause
24 under 1054.7.

25 Good cause is limited to threats or possible danger to the
26 safety of a victim or a witness, which is relevant to this
27 Court's discussion.

28 The Court may determine whether good cause existed in an in

1 camera setting, and the cases replied upon by the defense, Reed
2 Lopez and Alvarado do not require otherwise.

3 The Court is making a good cause finding to delay and
4 restrict the names of the victims in the Complaint to the use of
5 the term "Does" based on the allegations set forth in the arrest
6 warrant affidavit by San Francisco Police Officer Brian Cardwell
7 attached as Exhibit A to the AG's response to the motion.

8 First, the AG has established actual threats against Does
9 Five, Nine and Twelve.

10 Second, the fact that the other Does have not received
11 actual threats does not diminish the good cause finding under
12 1054.7.

13 And based on the actual threats received by Does Five, Nine
14 and Twelve, there is a strong possibility of threats or danger
15 to the safety of the other Does or witnesses in this case, and
16 based on the nature and circumstances of the case, which has
17 actually been pointed out by both the Defense and the Attorney
18 General during argument.

19 In addition, in balancing the limited delay and/or
20 restriction of the disclosure in this case, where the Defense
21 has the names and contact information of the victims and
22 witnesses, the limited protective order allowing the use of the
23 term Does in the Complaint is reasonable under the
24 circumstances.

25 Lastly, the Court is not ruling upon the actions of Judge
26 Yaggy, as this Court is not a reviewing court.

27 Neither this Court's previous ruling on this issue nor
28 today's ruling is based upon the validity of Judge Yaggy's

1 Order.

2 This Judge's ruling is based only upon Penal Code Section
3 1054.7 and the Alvarado line of cases.

4 The Court is not relying upon reviewing Judge Yaggy' s
5 sealing order, nor is it relying upon any other Code of Civil
6 Procedure Sections or cases discussed in discovery in a civil
7 context.

8 Penal Code Section 1054, et seq. the exclusive means of
9 discovery in criminal cases, and generally speaking, the CCP
10 does not apply to criminal cases.

11 The defendant Daleiden has or at least had -- has at this
12 point appropriate remedies to address Judge Yaggy's sealing
13 order.

14 **The motion to set aside the Court's protective Order issued**
15 **on June 21, 2017 is denied.**

16 All right.

17 We also discussed some of the finalized discovery issues in
18 the case.

19 I think both sides are working on that.

20 At this time, the Court -- it was also in receipt of the
21 First Appellate District Court's decision regarding the writ
22 that was filed by Ms. Merritt, that that was denied, but I
23 believe that they are going to attempt to go to the California
24 Supreme Court.

25 Have the parties decided what date they would like to come
26 back for a status?

27 **MS. JAURON:** The People are requesting February the 21st if
28 that's available to the Court.