

JEFFERSON COUNTY DISTRICT COURT 100 JEFFERSON COUNTY PARKWAY GOLDEN CO 80401	▲ COURT USE ONLY ▲
Plaintiffs: DAVID DALEIDEN, an individual; THE CENTER FOR MEDICAL PROGRESS, INC. v. Defendant: DR. SAVITA GINDE, an individual.	
Andrew Contiguglia, #26901 Attorney for Plaintiffs The Contiguglia Law Firm, P.C. 138 W. 5 th Ave. Denver, CO 80204 Ph: (303) 780-7333 Fax: (303) 780-7337 E-Mail: ajc@contiguglia.com	Case No. Division
VERIFIED COMPLAINT AND JURY DEMAND	

Plaintiffs, David Daleiden and The Center for Medical Progress, by and through their counsel, Andrew Contiguglia of the Contiguglia Law Firm, P.C., state and allege the following as their Complaint:

INTRODUCTION

1. Defendant Dr. Savita Ginde is a former Planned Parenthood abortion provider, whose discussions concerning abortion procedures and fetal tissue harvesting were recorded and exposed to the public by virtue of the undercover reporting of Plaintiffs David Daleiden and The Center for Medical Progress. Plaintiffs' reporting captured disturbing statements on hidden camera by Dr. Ginde about abortion procedures and fetal tissue harvesting at her then-employer, Planned Parenthood of the Rocky Mountains.

2. As but one example, when Mr. Daleiden (posing as an interested buyer of harvested fetal tissue) asked Dr. Ginde her thoughts about a flat fee payment for aborted fetuses versus a cumulative fee per number of organs harvested, Dr. Ginde's responded: *"I think a per-item thing works a little better, just because we can see how much we can get out of it."* During her discussions with Mr. Daleiden, Dr. Ginde also opined about how frequently an intact fetal specimen could be harvested in the second trimester (*"If someone delivers before we are able to see them for a procedure, then we are intact,"* and *"Intact is probably less than 10 percent"*), and stated that *"with the 2nd-tris, we won't even put water because*

it's so big you can just put your hand in there and pick it up, the parts, and so, I don't think it would be as, war-torn," as she showed Mr. Daleiden fetal body parts from a recent abortion.¹

3. Plaintiffs recorded Dr. Ginde's disturbing statements and ultimately exposed them to the public. In the wake of the release of these damning videos, out of desperation to rehabilitate her image, Dr. Ginde published a book and made a TEDx presentation, in which she falsely claims that the videos were "dubbed" and "spliced and diced" by Plaintiffs, and that they did not reflect her actual statements. In reality – and as has been confirmed by Planned Parenthood itself in federal court proceedings – Dr. Ginde made each of the statements recorded in the videos.

4. Plaintiffs Daleiden and CMP bring this action to be made whole for the substantial reputational, emotional, financial, and other damages they have suffered as a result of Dr. Ginde's bald-face lies about them, and for injunctive relief to prevent ongoing harm resulting from Dr. Ginde's false statements.

PARTIES

5. Plaintiff David Daleiden is an individual residing in the state of California. He is an investigative journalist who founded The Center for Medical Progress to monitor and report on medical ethics and advances.

6. Plaintiff The Center for Medical Progress, Inc. ("CMP") is a California-based non-profit public benefit corporation, comprising a group of citizen journalists dedicated to monitoring and reporting on medical ethics and advances with a special focus on bioethical issues impacting human dignity.

7. Defendant Dr. Savita Ginde is an individual who works and resides in Jefferson County, Colorado. Dr. Ginde is a physician who has formerly worked as the Vice President and Chief Medical Officer for Planned Parenthood of the Rocky Mountains.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to Article VI of the Constitution of the State of Colorado as the court of plenary jurisdiction in the State of Colorado.

9. This Court has personal jurisdiction over Defendant Ginde because she is a citizen of Colorado, has sufficient minimum contacts in Colorado, and because the events in dispute occurred in Jefferson County, Colorado pursuant to C.R.S. 13-1-124(1)(b).

10. Venue is proper in this Court, because Defendant Ginde resides in Jefferson County, and some or all of the events in dispute occurred in Jefferson County pursuant to C.R.C.P. Rule 98(c).

¹ See <https://www.youtube.com/watch?v=GWQuZMvcFA8>.

GENERAL ALLEGATIONS

The Ginde Videos

11. David Daleiden is an investigative journalist from California. Mr. Daleiden founded The Center for Medical Progress, Inc. (“CMP”) to monitor and report on medical issues and advances.

12. In 2013, Daleiden and CMP launched an investigative reporting project, released in 2015 as the “Human Capital Project,” to investigate, document, and report on questionable practices involving the trade in aborted fetal tissue and organs – including the sale of fetal tissue for profit, the modification of abortion procedures to obtain fetal tissue for federally-funded research, partial-birth abortions, and the killing of babies born alive following abortion procedures.

13. As part of the Human Capital Project, Mr. Daleiden performed undercover investigations, including attending abortion industry tradeshows under an assumed name, and speaking with abortion providers and fetal tissue procurement company executives. Mr. Daleiden video recorded much of his undercover investigation.

14. As part of the Human Capital Project, and in or around October 2014 and April 2015, Mr. Daleiden spoke with Defendant Ginde, who at the time was the Chief Medical Officer for Planned Parenthood of the Rocky Mountains.

15. Mr. Daleiden made a video recording of his discussions with Dr. Ginde, during which Dr. Ginde discussed abortion procedures and fetal tissue harvesting, including per-body-part pricing for aborted fetal remains.

16. CMP subsequently released a series of videos reflecting the undercover investigations, including videos of Mr. Daleiden’s and Dr. Ginde’s discussions (the “Ginde Videos”).

17. The Ginde Videos truly and accurately memorialized the statements Dr. Ginde had made to Mr. Daleiden and other CMP investigators during their discussions.

18. The videos released by CMP, including the Ginde Videos, generated a tremendous amount of attention and controversy, including: considerable negative publicity for abortion providers that engage in fetal tissue transfers, such as Planned Parenthood of Rocky Mountain, Dr. Ginde’s then-employer; investigations and criminal referrals by two Congressional committees; and reforms to federally-sponsored fetal experimentation programs.

Dr. Ginde’s Book

19. In December 2018, Dr. Ginde published a book entitled “The Real Cost of Fake News: The Hidden Truth Behind the Planned Parenthood Video Scandal” (the “Book”). The Book purports to tell the “real” story of Plaintiffs’ 2015 investigative reporting project, by falsely claiming

that Plaintiffs deceptively edited, dubbed, and otherwise tampered with or even fabricated the recordings featured in the Ginde Videos, such that the recordings would not authentically or accurately reproduce the actual discussions with Dr. Ginde.

20. The Book contains numerous provably false statements of fact, including the following (emphases added in bold):

a. “As I give you a glimpse into the impact of **these fictional videos**, I am writing this as a multifaceted human because the videos have impacted all areas of my life.” (Book, p. 4);

b. “In July of 2015, following a multiyear infiltration led by a well-known anti-abortion extremist named David Daleiden, a series of **deceptively edited videos** were released attempting to implicate Planned Parenthood in the selling of fetal tissue. These allegations are not only completely false, but **in the videos in which I am featured** many of my words are taken out of context, **other words are actually dubbed in, and actions are attributed to me that never actually happened. The words and actions are completely false**—literally, FAKE NEWS—and nevertheless, the immediate aftermath of the infiltration was devastating.” (Book, p. 5);

c. “I wouldn't lie. I wasn't good at it because it never felt right to me. Then there is **David Daleiden, who knowingly built a house of cards based on lies.**” (Book, pp. 39-40);

d. “After people spoke to Deborah directly and re-watched the video, it became clear that this wasn't just a video. **It was a *spliced-and-diced* video; it was fake.**” (Book, p.40, *italics* in original);

e. “Mary has a very dry sense of humor, and this was merely an example of that, but **David spliced that line into the video** to make it look like she would be open to selling fetal body parts for profit.” (Book, p. 43);

f. “**The entire video campaign that David Daleiden and the Center for Medical Progress created is based on lies. The facts were fabricated. The videos that included me were edited to manipulate context, with words and phrases that I never said dubbed in and attributed to me.**” (Book, p 101);

g. “**David Daleiden manipulated the audio and added words to make it look like I did something that I have actually never done and said things I actually never said.**” (Book, p. 103);

h. “After penetrating both the national office and many local Planned Parenthood organizations, these undercover and dishonorable CMP agents took surreptitious video of meetings and medical procedures, **which they subsequently edited (*even dubbing in their own audio!*)** to make it appear that Planned Parenthood was engaged in the sale of fetal tissue and body parts from human fetuses.” (Amazon.com back cover for the Book,

available at <https://www.amazon.com/Real-Cost-Fake-News-Parenthood/dp/0578404311/> (emphasis in italics in original).

21. Each of these statements is provably false. The Ginde Videos accurately portray the discussions that Dr. Ginde had with Mr. Daleiden during the undercover investigations. No facts were fabricated or added to the video. Neither the context of Dr. Ginde's statements, nor the accompanying audio, was manipulated. The Ginde Videos were not dubbed, nor were they "spliced and diced." Their contents are true and accurate.

22. That Dr. Ginde did, in fact, make all of the statements attributed to her in the video, is beyond reasonable dispute. In an October 2019 federal jury trial of a lawsuit concerning CMP's released videos, *Planned Parenthood et al. v. CMP et al.*, the court noted on the record that "...the parties [which included Plaintiff Planned Parenthood of the Rocky Mountains and Defendant CMP and Mr. Daleiden, among others] have agreed on a stipulation, which is that the words used by plaintiffs' personnel and the defendants in the video recorded by the defendants were spoken by those persons." See **Exhibit A**, relevant excerpts from *Planned Parenthood et al. v. CMP et al.*, C16-0236-WHO, United States District Court, Northern District of California, Transcript of Jury Trial Proceedings dated November 6, 2019, 7:30 a.m., at 3465:13-16. That the accuracy of CMP's recordings has been formally acknowledged even by Planned Parenthood of the Rocky Mountains – Dr. Ginde's employer at the time she was recorded by Plaintiffs – demonstrates that Dr. Ginde's allegations about Plaintiffs are provably false.

23. Dr. Ginde published the above statements about Plaintiffs with actual malice. Her reputation had been negatively impacted by the accurate reporting of her own statements concerning abortion procedures and fetal tissue harvesting, and she desperately sought to rehabilitate her public image, which she chose to do by publishing a book that demonized CMP and Mr. Daleiden as the perpetrators of an evil plan to disseminate false and misleading information about her to the American public.²

24. Dr. Ginde's malice in publishing the statements is apparent from the fact that, while Dr. Ginde repeatedly describes the Ginde Videos as "false" and states as fact that they were doctored and deceptively manipulated to depict events that never took place, she also concedes that she "*never fully watched any of my videos and [] had no intention of ever doing so.*" Book at p. 70 (emphasis added).

25. Dr. Ginde further concedes that she "didn't care to watch the videos in their entirety. I know more about the videos because of what I've been told and from snippets I've been forced to watch to deliver my perspective and recollection of what really happened versus the sensationalized fiction that David created." Book, p. 47.

26. Dr. Ginde further concedes that "[t]hey sent me the link for whatever compilation they created from all the fake videos, but I never clicked on it. I am still not interested in anything related to Daleiden's fiction." Book, p. 70.

² On the back cover of the Book, Dr. Ginde refers to Plaintiffs as "dishonorable shysters."

27. Dr. Ginde's factually unsupported, bombastic statements regarding Plaintiffs is in keeping with the general tenor of the Book, in which Dr. Ginde repeatedly labels Mr. Daleiden as a "false prophet," "a liar," "a man without honor," and a pusher of "propaganda" on "anyone who wasn't going to join [his] fictional bandwagon as someone who was a less-than-perfect Christian," among many other derogatory things. Book, p. 96.

28. Regrettably, Dr. Ginde's wildly false statements about CMP and Mr. Daleiden have resulted in substantial harm to both Plaintiffs.

29. Dr. Ginde's statements accuse Plaintiffs of rampant dishonesty, including intentionally lying to the American public by manipulating evidence and misrepresenting material facts concerning the subject of their work. These statements have affected Plaintiffs' reputations on a national scale, as well as in the California-based professional and social communities of which they are a part.

30. Plaintiffs' entire livelihoods are built on their reputations for accurate, truthful reporting, and Dr. Ginde substantially impaired these relationships with her false accusations about Plaintiffs.

31. Indeed, following the publication of Dr. Ginde's statements, media outlets routinely labelled Plaintiffs' videos as "fake" or "doctored," which was not the case prior to Dr. Ginde's statements (at worst, these same media outlets had previously described Plaintiffs' videos as "heavily edited"). As a result, CMP has had to divert substantial additional personnel time and resources to address and seek correction of the myriad news articles that inaccurately reported that the videos were "fake" or "doctored," in reliance on Dr. Ginde's assertion. This work continues on an ongoing basis.

32. Dr. Ginde's statements have resulted in special damages to Plaintiffs, including pecuniary loss stemming from lost donor support; reduced investment from outside organizations; and increased public relations expenditures to counter the false narrative about Plaintiffs spread by Dr. Ginde.

33. Dr. Ginde's conduct has also resulted in personal humiliation, mental anguish, emotional stress, anxiety, embarrassment, and impairment of quality of life to Mr. Daleiden.

Dr. Ginde's TEDx Talk

34. In December 2018, following publication of the Book, Dr. Ginde presented a TEDx talk (the "TEDx Talk"). The TEDx Talk was given from Colorado, and was made publicly available on YouTube. *See* <https://www.youtube.com/watch?v=CSrfNOZlymw>.

35. In her TEDx Talk, Dr. Ginde repeated the same types of provably false and statements about Plaintiffs that were made in her Book, including but not limited to:

- a. Referring to the Ginde Videos: "...a series of **deceptively edited videos** were released attempting to implicate me in the selling of fetal tissue";
- b. "And then he [Mr. Daleiden] went back home, and **he spliced and diced, and he created the story that he wanted to tell**";
- c. "In the videos in which I'm featured, **some words are taken out of context, others are even dubbed in, and actions are attributed to me that never actually happened**;"
- d. "...**fake videos** were all over social media."

36. These statements are provably false and damaging to the Plaintiffs, for the same reasons as discussed above.

FIRST CLAIM FOR RELIEF

Defamation *Per Se*

(By Both Plaintiffs against Defendant)

37. Plaintiffs incorporate every allegation in the preceding paragraphs, as though set forth fully herein.

38. Dr. Ginde published the statements set forth above in paragraphs 20 (a) – (h) and 35 (a) – (c) (collectively, the "Statements"), to multiple third parties by virtue of publishing the Book and the TEDx Talk.

39. The Statements falsely accuse Plaintiffs of fabricating and/or deceptively tampering with the Ginde Videos in such a way as to render them an inauthentic memorialization of the words that Dr. Ginde had spoken. The Statements accuse Mr. Daleiden and CMP of being liars, which is "clearly defamatory" under Colorado law. *Churchey v. Adolph Coors Co.* (1988) 759 P.2d 1336, 1341.

40. The substance or gist of the Statements were false at the time they were published. The Ginde Videos were true and accurate recordings of the actual statements made by Dr. Ginde during her discussions with Mr. Daleiden, as discussed above.

41. The Statements are defamatory *per se*, as they impute to Plaintiffs a matter incompatible with their business, trade, profession, or office, and this imputation is apparent from the face of the Statements. Specifically, Plaintiffs are in the business of truthful and accurate investigatory reporting with authentic undercover video footage, and the Statements accused them of false and deceitful reporting and producing inauthentic video footage.

42. No privilege attaches to the Statements.

43. At the time of the publication, Dr. Ginde knew that the Statements were false, as she was aware of her discussions with Mr. Daleiden, and could confirm that the Ginde Videos accurately recorded those discussions. Alternatively, Dr. Ginde made the Statements with reckless disregard as

to whether they were false, including in light of her concessions that she “never fully watched” the Ginde Videos to confirm whether or not they were deceptively manipulated.

44. The Statements caused CMP and Mr. Daleiden general, specific, and actual damage, as discussed above.

SECOND CLAIM FOR RELIEF

Trade Libel

(By Plaintiff CMP Against Defendant)

45. Plaintiffs incorporate every allegation in the preceding paragraphs, as though set forth fully herein.

46. As described above, Dr. Ginde intentionally communicated to multiple third parties false and derogatory statements (the “Statements”) about CMP’s services and business, including that CMP, through its agents, fabricated and/or deceptively tampered with the Ginde Videos in such a way as to render them an inauthentic memorialization of the words that Dr. Ginde had spoken. The Statements accuse CMP of fraudulent and deceptive business practices.

47. The substance or gist of the Statements were false at the time they were published. The Ginde Videos were true and accurate recordings of the actual statements made by Dr. Ginde during her discussions with Mr. Daleiden, as discussed above.

48. No privilege attaches to the Statements.

49. The Statements caused CMP significant reputational harm as well as special damages including pecuniary loss stemming from lost donor support; reduced investment from outside organizations; and increased public relations expenditures to counter the false narrative about both Plaintiffs spread by Dr. Ginde.

RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for judgment against the Defendant and the following relief:

- A. For judgment in favor of Plaintiffs and against Defendant;
- B. For actual, general, and compensatory damages, including damages necessary to make Plaintiffs whole for the impairment to their reputation, personal humiliation, mental anguish and suffering, and pecuniary and business losses, in an amount to be proven at trial;
- C. For special damages, including specific monetary losses which Plaintiffs, or either of them, suffered as a result of Defendant’s statements, in an amount to be proven at trial;
- D. For punitive and exemplary damages, in an amount necessary to punish Dr. Ginde for her malicious conduct toward Plaintiffs;

E. For an injunction ordering Dr. Ginde to retract and remove all false statements concerning CMP or Mr. Daleiden contained her Book and her TEDx Talk, and to issue a publicly accessible correction of these statements.

F. For pre-judgment and post-judgment interest;

G. For costs of suit incurred herein; and

H. For such other and further relief as the Court deems just and proper.

THE PLAINTIFFS DEMAND A JURY TRIAL ON ALL COUNTS.

Dated this 27th day of November 2019.

Respectfully submitted,
THE CONTIGUGLIA LAW FIRM, P.C.

Andrew Contiguglia, #26901
Attorney for Plaintiffs

Plaintiffs' Address: 15333 Culver Drive, Ste 340-819 Irvine, CA 92604

VERIFICATION

I, DAVID DALEIDEN, individually and on behalf of the THE CENTER FOR MEDICAL PROGRESS, INC. hereby affirm that the information contained in the above VERIFIED COMPLAINT AND JURY DEMAND is true and accurate to the best of my information, knowledge, and belief.

David Daleiden, individually and
on behalf of the Center for Medical Progress, Inc.