

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5 PLANNED PARENTHOOD FEDERATION)
6 OF AMERICA, INC., et al,)
7)
8 Plaintiffs,))
9)
10 vs.) Case No. 3:16-cv-00236
11) (WHO)
12 CENTER FOR MEDICAL PROGRESS,)
13 et al.,)
14)
15 Defendants.)
16)
17)
18)
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25)

HIGHLY CONFIDENTIAL -- ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF

MARY GATTER, M.D.

IRVINE, CALIFORNIA

TUESDAY, APRIL 9, 2019

Reported by:
CHERYL M. HAAB, RPR, CCRR, CLR
CSR No. 13600
No. 19-76861

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1 BY MR. BREEN:

2 Q And just so that I'm clear, the rupturing of
3 the membranes and removing the fetus, that -- that
4 is a method as against aspiration being a different
5 method?

6 A I believe so.

7 Q And then how would you -- is there a
8 shorthand that you would use for the rupturing of
9 the membranes and removing the fetus?

10 MS. BOMSE: Objection. Misstates her answer,
11 her testimony.

12 THE WITNESS: Well, the broad rubric of D&E
13 would cover most of those methods. So I'm not sure
14 what you're asking.

15 BY MR. BREEN:

16 Q I'm not sure if there was a shorter way to
17 describe rupturing the membranes and removing the
18 fetus.

19 A They're both D&E procedures.

20 Q And are they D&E procedures because they are
21 performed after 12 weeks gestational age?

22 A Well, D&E stands for dilation and evacuation,
23 and you can dilate and evacuate with suction, or you
24 can dilate and evacuate with curettes, forceps.

25 Q And then in terms of the changing -- in terms

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1 of the technique -- so we had talked about
2 techniques. You said that your thinking had evolved
3 on changes in techniques.

11:25:46

4 If could tell me when did your thinking begin
5 to evolve on changing of the techniques that you
6 referenced earlier.

11:26:08

7 A Sometime -- evolution is a process, as we
8 know. I would say that -- when I was at PPLA, there
9 was question marks about whether it was permissible
10 to obtain tissue by using different techniques
11 because the legal regulations were not at all clear,
12 nor did they define things.

11:26:22

13 By the time I was at PP Pasadena, many of us
14 were moving in the direction of making this
15 distinction between method and procedure --
16 procedure, method and technique. And so I was very
17 comfortable at that time that the difference in
18 technique did not -- doing different techniques,
19 aspiration versus -- manual aspiration versus

11:26:41

20 electronic aspiration, did not really affect the
21 procedure or the method; so it was, therefore,
22 permissible in terms of fetal tissue donation.

11:26:59

23 Q As well, for the method where one ruptures
24 the membranes and removes the parts of the fetus,
25 would a permissible technique change involve placing