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

THE CENTER FOR MEDICAL
PROGRESS, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, et al.,

Defendants.

)
) Case No. 3:20-CV-07978 (WHO)
)
) Judge William H. Orrick, III
)
) Motion for Stay Pending Ninth Circuit
) Resolution of Appeal in *PPFA v. CMP*
) and for Disqualification of the Honorable
) William H. Orrick III, Pursuant to 28
) U.S.C. §§ 144 and 455; Affidavit of
) Prejudice by David Daleiden; Certificate
) of Good Faith by Counsel of Record.
)
)
) Hearing Date: February 3, 2021, 2:00
) p.m.
)
) Courtroom 2, 17th Floor

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NOTICE OF MOTION

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on February 3, 2021, at 2:00 p.m. in Courtroom 2 of the Honorable William H. Orrick III at the United States District Court for the Northern District of California, 17th Floor, 450 Golden Gate Ave., San Francisco, CA 94102, Plaintiffs David Daleiden (Daleiden) and The Center for Medical Progress (CMP) will, and hereby do, move for a stay of this case pending the Ninth Circuit's resolution of the current appeal in *Planned Parenthood Federation of America (PPFA) v. CMP*, Appeal No. 20-16068, and for Disqualification of the Honorable William H. Orrick III, pursuant to 28 U.S.C. Sections 144 and 455, on the grounds that there is evidence supporting an appearance of bias and/or actual bias in favor of the Defendants and prejudice against the Plaintiffs. This motion will be based upon the attached points and authorities, the Affidavit of David Daleiden and the exhibits attached thereto, the Certificate of Counsel, and all pleadings and records on file in this action.

INTRODUCTION

Plaintiffs previously filed motions to disqualify in the two other cases which this Court has adjudged to be “related” to this case.¹ One of those cases, *PPFA v. CMP* is now on appeal, and Plaintiffs intend to seek relief from the Ninth Circuit from the order denying their motion to disqualify in *PPFA v. CMP* and for reassignment on remand (if remand is necessary). Should the Ninth Circuit grant Plaintiffs their requested relief in *PPFA v. CMP*, that decision would necessarily impact litigation of this Motion and impact and possibly complicate further proceedings in this case. Plaintiffs thus urge that this case be stayed pending decision of the Ninth Circuit on the issue of disqualification and/or reassignment in *PPFA*, to preserve judicial and party resources and promote the orderly course of justice. This case is in its earliest stages, with all discovery and disclosures stayed by agreement. The requested stay will not prejudice Defendants—several of them have even urged staying these proceedings.² However, if this stay is not entered, significant court and party resources will be expended on this motion, Defendants’ initial round of seven motions to dismiss and stay, and any further proceedings thereafter.

Defendants David Daleiden (Daleiden) and the Center for Medical Progress (CMP) further move, as they did in the two cases adjudged to be “related,” to disqualify the Honorable William H. Orrick III as the sitting judge in the present case on the grounds of 28 USC Sections 144³ and 455.⁴

¹ *Planned Parenthood Federation of America v. Center for Medical Progress (PPFA v. CMP)*, Case No. 3:16-cv-00236-WHO, and *National Abortion Federation v. Center for Medical Progress (NAF v. CMP)*, Case No. 3:15-cv-03522-WHO.

² Those Defendants have urged a stay in view of the criminal trial, disposition of which may impact the issues at bar in this case. Plaintiffs’ Counsel expects the criminal trial will be conducted in late 2021, prior to expected resolution of the *PPFA* appeal at the Ninth Circuit. While Plaintiffs do not agree with Defendants’ grounds for stay, their request is noted to further demonstrate the lack of prejudice to Defendants in staying these proceedings.

³ In relevant part, section 144 states: “Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time.”

⁴ In relevant part, section 455 states: “(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be

(Continued...)

As set forth in more detail below, this motion is based on evidence contained in the supporting Affidavit of Daleiden. The evidence includes the Judge's lengthy and intimate involvement with Good Samaritan Family Resource Center—an organization for which he served as a founder, attorney, officer, Board member, major donor, and Board member emeritus.—and his role in helping the Center establish and support a Planned Parenthood clinic⁵ inside its own headquarters.

The evidence also includes the Judge's image being publicly attached (by his spouse) to extra-judicial statements calling Plaintiffs “extremists,” criticizing their undercover videos, and blaming them for “domestic terrorism” and statements applauding the indictment of Daleiden for his undercover work—all while Plaintiffs were before the Judge in the midst of heated litigation about that same undercover work. The evidence further includes the Judge's prior personal fundraising for and support of Defendant Harris to obtain the position of California Attorney General, which as alleged in the Complaint, is the public perch from which she conspired with Planned Parenthood to persecute Plaintiffs and violate their constitutional rights. For these reasons, and the others set forth below and in the Affidavit of David Daleiden, Plaintiffs respectfully request that Judge Orrick be recused from this case.

STATEMENT OF FACTS

Plaintiffs filed this lawsuit in the Central District of California. Over their objections, the suit was transferred to this District and then adjudged a “related case” to *PPFA v. CMP* and *NAF v. CMP*, and thus brought before the current judge presiding herein, the Honorable William H. Orrick III. In the prior two cases, Plaintiffs (who were defendants therein) presented motions to disqualify

(...Continued)

questioned. (b) He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.”

⁵ The clinic is under the auspices of Planned Parenthood Shasta Pacific, dba Planned Parenthood Northern California, which is the same entity as Planned Parenthood Shasta Diablo dba Planned Parenthood Northern California—a member of Defendant Planned Parenthood Affiliates of California and an affiliate of Defendant Planned Parenthood Federation of America. This entity has undergone multiple name changes over time. Where necessary, the entity is referred to “PPSP” throughout this Motion.

1 Judge Orrick, which were decided against them. No substantive rulings have yet been issued by
 2 Judge Orrick in this case.

3 *PPFA v. CMP* is currently on appeal before the Ninth Circuit, with Plaintiffs' Opening
 4 Brief due January 27, 2021. Plaintiffs intend to challenge the denial of their motion to disqualify
 5 and to seek a reassignment on remand (if remand is necessary).

6 Judge Orrick has a longstanding leadership and advocacy relationship with Good Samaritan
 7 Family Resource Center (GSFRC) in San Francisco. (Aff, ¶¶ 3-10). GSFRC has had for many years
 8 a Planned Parenthood clinic on its premises, in what GSFRC describes as a "key partnership" with
 9 the clinic. (*Id.*, ¶¶ 3-4, 7). GSFRC even advertises "Planned Parenthood hours of operation" on its
 10 answering service (*Id.*, ¶ 3).

11 From 1986 to 2009, according to his 2012 Senate Judiciary Committee Questionnaire,
 12 Judge Orrick "assisted the Good Samaritan Family Resource Center on many legal issues." (*Id.*, ¶
 13 10, 14). In that questionnaire, Judge Orrick indicated that he had ceased being a Board member of
 14 GSFRC in 1999, just prior to GSFRC partnering with PPSP to open a Planned Parenthood
 15 abortion-referral clinic on site at GSFRC. However, Plaintiffs learned in 2017 that this was false;
 16 Judge Orrick was on the Board until at least 2003. (*Id.*, ¶¶ 5, 14).

17 Judge Orrick had not only been on the Board of GSFRC as of 2001 (and later), but was
 18 Secretary of the Board of GSFRC, when GSFRC entered into its "key partnership" with PPSP in
 19 2001 and founded a Planned Parenthood abortion-referral clinic inside GSFRC. (*Id.*) Pursuant to
 20 that partnership, GSFRC donated the space for PPSP's Planned Parenthood clinic and a
 21 receptionist. (*Id.*, ¶ 7). Further, according to the 2006 IRS Form 990 of GSFRC, Judge and Mrs.
 22 Orrick are represented as being among the most generous donors supporting GSFRC (and its
 23 Planned Parenthood clinic) with donations to GSFRC totaling at least \$5,072. (*Id.*, ¶ 8).

24 In January 2016, Planned Parenthood Federation of America and several Planned
 25 Parenthood affiliates, including PPSP, sued Mr. Daleiden and CMP. The matter was assigned to
 26 Judge Orrick as related to the *NAF v. CMP* case. Planned Parenthood and NAF asserted throughout
 27 those lawsuits that they are seeking to protect their members and the staff of their members. The
 28 video recordings that are the subject of the *PPFA v. CMP* case include recordings of PPSP staff

1 members. Plaintiffs’ investigation revealed that, beginning no later than May 2012, PPSP violated
2 ethical and legal standards in selling the aborted fetal tissue of its patients to StemExpress, a
3 California tissue procurement business, a fact at issue in this and the related cases. (*Id.*, ¶ 12). And
4 as a PPSP abortion-referral clinic, patients of GSFRC Planned Parenthood who were referred for
5 abortions at PPSP would have been at risk of being victimized by this illegal fetal tissue trafficking
6 scheme. (*Id.*).

7 In this case, Defendant Planned Parenthood Affiliates of California directs public policy on
8 behalf of PPSP and the six other California Planned Parenthood affiliates, and PPSP is an affiliate
9 of Defendant Planned Parenthood Federation of America. PPSP’s CEO, Heather Estes, is also
10 expected to be a key witness in this case, as Defendants Parker and Habig are alleged to have held
11 out Estes to the California Department of Justice as part of their effort to target Plaintiffs’ protected
12 speech activities. (*Id.*, ¶ 9).

13 During the litigation of the related cases, Judge Orrick continued to be publicly associated
14 with GSFRC, with GSFRC holding him out to the public as a “Board Member Emeritus” for
15 GSFRC in materials it disseminated to donors. (*Id.*, ¶ 6, 21). But at no time did Judge Orrick
16 disclose to CMP or Daleiden that he had helped found—and had a continuing relationship and title
17 with an organization that housed—a Planned Parenthood abortion-referral clinic, and had as a “key
18 partner” an organization CMP and Daleiden alleged, both in public statements and as part of their
19 defense, was involved in violations of state and federal law. All this despite the allegations by
20 Planned Parenthood in *PPFA v. CMP* that its clinics and staff are in physical danger from “anti-
21 abortion extremists” incited by CMP and Daleiden’s video reporting.

22 Sometime in the summer or fall of 2015, Planned Parenthood urged its supporters to
23 “pinkify” their Facebook pages as part of a campaign orchestrated specifically in response to the
24 release of videos by Mr. Daleiden and CMP. (*Id.*, ¶¶ 15). “Pinkifying” showed one’s support for
25 Planned Parenthood and one’s belief that the CMP videos were fraudulent. In response, Mrs.
26 Orrick’s public Facebook account “pinkified” her Facebook page and added “I stand with Planned
27 Parenthood” as a Facebook profile picture overlay. (*Id.*)

28 Later, an image of Judge Orrick and Mrs. Orrick was placed by her account as a “like” in

support of a Facebook petition by the National Abortion Rights Action League (NARAL) that described Daleiden’s and CMP’s work as “heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.” (*Id.*, ¶ 16). That same image of Judge Orrick and Mrs. Orrick was then placed by her account as a “like” in support of a Facebook post by “Keep America Pro-Choice” that applauded Mr. Daleiden being indicted in Texas. (*Id.*, ¶ 16). Both “likes” clearly showed an image of Judge Orrick, and neither “like” was removed, explained, or disclaimed, even after they were brought to the attention of Judge Orrick. The Facebook account of Mrs. Orrick regularly features Judge Orrick in its profile pictures, and Judge Orrick has no known public Facebook account of his own. (*Id.*, ¶ 17). Moreover, over the years, the Orricks have publicly acted jointly in donating and raised significant funds for politicians and causes supportive of Planned Parenthood. (*Id.*, ¶ 18).

In the first related cases, after Plaintiffs filed their motion to disqualify and affidavit, Judge Orrick stated in his referral order that he did “not think that [the affidavit] is legally sufficient. In other words, a reasonable person with knowledge of all the facts would *not* conclude that my impartiality might reasonably be questioned.” *NAF v. CMP*, dkt. 430 (emphasis in original). However, Judge Orrick provided no support for his opinion—no citations, answers, or explanations to any of the specific factual allegations—and declined to actually enter his opinion as a ruling on the affidavits. Instead, with his opinion of the matter attached, Judge Orrick passed further consideration of the motion and affidavit to another judge. *See also* Aff., ¶ 20.

New to this case is former California Attorney General Kamala Harris, for whose Attorney General campaign Judge Orrick directly fundraised in 2009 and with whom Judge Orrick worked from early on to elect Barack Obama to the presidency in 2008. (*Id.*, ¶ 23). Defendant Harris’s conduct is a significant focus of the Complaint in this case. (*Id.*).

ARGUMENT

I. THE PROCEEDINGS HERE SHOULD BE STAYED PENDING THE NINTH CIRCUIT’S RESOLUTION OF THE *PPFA v. CMP* APPEAL.

“The power to stay proceedings is incidental to the power inherent in every court to control disposition of the causes on its docket with economy of time and effort for itself, counsel, and

litigants.” *Elec. Frontier Found. v. Office of Dir. of Nat’l Intelligence*, 2009 U.S. Dist. LEXIS 27461, at *4 (N.D. Cal. Mar. 23, 2009) (White, J.) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)).

A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case. This rule applies whether the separate proceedings are judicial, administrative, or arbitral in character, and does not require that the issues in such proceedings are necessarily controlling of the action before the court. In such cases the court may order a stay of the action pursuant to its power to control its docket and calendar and to provide for a just determination of the cases pending before it.

Leyva v. Certified Grocers of Cal., Ltd., 593 F.2d 857, 863-864 (9th Cir. 1979) (internal citations omitted).

In determining whether a discretionary stay is warranted, a district court balances competing interests and considers:

(1) possible damage which may result from the granting of a stay; (2) the hardship or inequity which a party may suffer in being required to go forward; and (3) the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.

Elec. Frontier Found., 2009 U.S. Dist. LEXIS 27461 at *4 (citations omitted). Courts have interpreted the third factor as a question of judicial economy. *Fuller v. Amerigas Propane, Inc.*, 2009 U.S. Dist. LEXIS 71413, at *4 (N.D. Cal. Aug. 3, 2009). All three of these factors support a stay of proceedings here.

A. Defendants are not Damaged by a Stay of Proceedings.

Certain Defendants have moved for a stay of proceedings herein, based on the upcoming Superior Court trial in *People v. Daleiden*, which is expected in late 2021. The California state Defendants urge their stay in the alternative to dismissal, while the remaining Defendants either urge or do not object to a stay but only after consideration of Defendants’ various motions to dismiss.⁶ Undoubtedly, the evidence adduced and outcome of the criminal trial may have some bearing on certain of the claims in this case. However, it makes no sense for the Defendants to

⁶ As a practical matter, Plaintiffs expect that a stay of proceedings until the Ninth Circuit decides the *PPFA v. CMP* appeal will push these proceedings past the trial in *People v. Daleiden*.

1 urge the Court to press forward on all their numerous motions to dismiss (and *only* on their
 2 motions to dismiss), while on the other hand seeking a stay because the criminal proceedings may
 3 impact the merits of this case. Either way, since no discovery or disclosures have been made, nor
 4 any substantive rulings issued by this Court, delay is the only possible grounds to claim “damage”
 5 from the instant stay request. And Defendants’ own positions implicitly concede they will suffer
 6 no harm by the delay brought on by the requested stay. *Cf.*, *CMAX, Inc. v. Hall*, 300 F.2d 265, 269
 7 (9th Cir. 1962) (where harm of delay limited only to possible interest accrued over the period of
 8 delay, such delay is insufficient).

9 Indeed, all parties will benefit from a stay, as they would have the guidance of the Ninth
 10 Circuit on the recusal issues presented in this motion. Presumably, Defendants will also receive the
 11 incidental benefit of having in hand the results of the trial in *People v. Daleiden*. Depending on
 12 how the Ninth Circuit and Superior Court proceedings go, the parties may see fit to withdraw some
 13 or all of their pending motions, or at least significantly amend them, preserving court and party
 14 resources that otherwise may have been expended unnecessarily adjudicating entire motions or
 15 issues within those motions.

16 **B. Denial of a Stay Will Cause Hardship and Inequity to the Parties.**

17 If the Court does not stay these proceedings, the parties will suffer hardships in the form of
 18 potentially unnecessary and duplicative motion practice, including on the instant recusal motion
 19 and Defendants’ various motions to dismiss. In particular, should the Ninth Circuit grant Plaintiffs
 20 their requested relief of recusal or reassignment in *PPFA v. CMP*, the parties risk having to redo
 21 some or all of their various motions.

22 **C. A Stay Will Promote Judicial Economy and the Orderly Course of Justice.**

23 A stay clearly would result in increased judicial economy. First, should the Ninth Circuit
 24 grant Plaintiffs’ requested relief in *PPFA v. CMP*, that ruling would necessarily impact and inform
 25 the proceedings here on the issue of recusal. Second, if a stay were not granted and the proceedings
 26 went forward through the recusal motion, motions to dismiss, and into discovery, all the Court’s
 27 efforts in those various areas may be held for naught, or at least put at significant risk.

1 And as noted above, because the results of the Ninth Circuit and Superior Court
 2 proceedings may significantly impact the claims here and motions to dismiss, pressing forward
 3 may put the court in a position of adjudicating unnecessary motions, or motions that otherwise do
 4 not properly meet the facts and law as they will stand after those proceedings. The Court would
 5 thus preserve its scarce resources by staying this case, which is in its infancy.

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

8 Since the United States District Court for the Northern District of California does not sit in
 9 specific sessions or terms, but is deemed to be in continuous session, there is no specific “timely”
 10 period for filing an Affidavit pursuant to 28 U.S.C. § 144.

11 The case was reassigned to this Court roughly three weeks ago, and the Court has issued no
 12 substantive rulings since taking the case. Plaintiffs apprised Defendants they would be filing this
 13 motion to stay and disqualify two weeks ago, to allow Defendants time to consider stipulating to a
 14 stay of proceedings. Those negotiations were ultimately unsuccessful. At this time, Plaintiffs
 15 maintain their belief that recusal is appropriate in this and the related cases, all of which involve
 16 similar parties and relate to CMP’s Human Capital Project and the responses to it. “Counsel for a
 17 party who believes a judge’s impartiality is reasonably subject to question has not only a
 18 professional duty to the client to raise the matter, but an independent responsibility as an officer of
 19 the court. . . . A lawyer who reasonably believes that the judge before whom he is appearing should
 20 not sit must raise the issue so it may be confronted and put to rest. Any other course would risk
 21 undermining public confidence in our judicial system.” *Bernard v. Coyne (In re Bernard)*, 31 F.3d
 22 842, 847 (9th Cir. 1994).

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

24 **III. CMP AND DALEIDEN SET FORTH SUFFICIENT FACTS IN THEIR**
 25 **AFFADAVIT TO REQUIRE RECUSAL.**

26 A legally sufficient declaration under 28 U.S.C. § 144 must meet the following
 27 requirements: (1) the facts are material and stated with particularity; (2) the facts are such that, if
 28 true, they would convince a reasonable person that a bias exists; and (3) the facts show that the bias

1 is personal, as opposed to judicial, in nature. *Reiffen v. Microsoft Corp.*, 158 F.Supp.2d 1016, 1022
2 (N.D. Cal. 2001).

3 Section 144 requires a district judge to accept the moving party's affidavit as true. *In re*
4 *Martinez-Catala*, 129 F.3d 213, 218 (1st Cir. 1997). While a trial judge may not pass upon the truth
5 of the matters asserted in the moving party's affidavit, a trial judge is not required to recuse himself
6 immediately, because the "judge must pass upon the legal sufficiency of the affidavit." *United*
7 *States v. Kelley*, 712 F.2d 884, 889 (1st Cir. 1983). Furthermore, "[s]ince sections 144 and 455 of
8 28 U.S.C. use similar language, and are intended to govern the same area of conduct, they have
9 been construed *in pari materia*, and the test of the legal sufficiency of a motion for disqualification
10 is the same under both statutes." *Id.*

11 If an affidavit of bias or prejudice complies with the statutory standards set forth in the
12 sections concerning timeliness and legal sufficiency, then the judge against whom it is directed is
13 obligated to recuse himself. A judge is required to recuse himself even if the judge believes (or
14 knows with certainty) that the allegations of bias and prejudice made against him are false. *United*
15 *States v. Partin*, 312 F.Supp. 1355, 1359 (D. La. 1970).

16 The facts stated in Mr. Daleiden's affidavit are material and are stated with particularity. As
17 to their sufficiency to show bias for or against a party, Judge Orrick's participation on the Board
18 and as an officer of GSFRC when it embarked upon its partnership with Planned Parenthood,
19 including donating space and staff resources to found and run a Planned Parenthood clinic on
20 GSFRC's premises, shows support for Defendant California Planned Parenthood Affiliates, of
21 which PPSP is a member, and Defendant Planned Parenthood Federation of America, of which
22 PPSP is an affiliate. Further, PPSP and/or its staff either have or had membership in or access to the
23 annual conferences of Defendant National Abortion Federation.

24 The public associations of Judge Orrick's image with vicious extra-judicial statements
25 against Plaintiffs, made in the midst of high-profile litigation, also supports a finding of bias here.
26 Those associations, by the Mrs. Orrick Facebook account, have never been acknowledged, never
27 explained, and never disclaimed by Judge Orrick. They remained online for a year or more after
28 being raised with Judge Orrick. In fact, the relationship between Judge Orrick and the Mrs. Orrick

Facebook account has never been explained, at all. In light of this, the Mrs. Orrick account's further statement of support for Planned Parenthood and against CMP and its videos, while CMP was before Judge Orrick, should be held to support a finding of bias.

Moreover, the role of Judge Orrick in founding a Planned Parenthood abortion-referral clinic was omitted from his United States Senate questionnaire. Based on a review of the available record, it also appears the Senators (and the public) did not know prior to the vote on his confirmation about the close connection between Judge Orrick and the founding of a Planned Parenthood clinic. This omission and close connection have never been explained or repudiated, nor were they disclosed to the parties in this or the related cases. *Cf., In re Al-Nashiri*, 921 F.3d 224, 237 (D.C. Cir. 2019) ("Given this lack of candor, a reasonable observer might wonder whether the judge had done something worth concealing.").

The instant Complaint alleges that NAF and various Planned Parenthood entities and individuals and government agents conspired to violate Plaintiffs' constitutional rights and silence their pro-life speech and publications. In their related cases, Planned Parenthood Federation of America, PPSP and other relevant affiliates, and NAF alleged that the work of Daleiden and CMP poses a grave danger to Planned Parenthood personnel and NAF members and meeting attendees, including threats to the physical safety of Planned Parenthood personnel and NAF member personnel and facilities. However, Judge Orrick did not disclose his relationship with PPSP, a named plaintiff and a direct putative "victim" in the related case, before issuing rulings in it. And Judge Orrick remained publicly associated with the Planned Parenthood hosting and partnered GSFRFC, even after he began presiding over the related cases, and after entering a restraining order in favor of NAF and its members and meeting attendees, including PPSP personnel, in the related matter.

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

In 1974, Congress rewrote 28 U.S.C. § 455 to correct perceived problems in the disqualification statutes. Prior to 1974, both the technical and legal sufficiency requirements of section 144 had been construed strictly in favor of judges. Courts also operated under the so-called

1 “duty to sit” doctrine which required a judge to hear a case unless a clear demonstration of extra-
 2 judicial bias or prejudice was made. Consequently, disqualification of a judge was difficult under
 3 section 144. In passing the amended 28 U.S.C. § 455, Congress broadened the grounds and
 4 loosened the procedure for disqualification in the federal courts.⁷

5 Section 455 “is directed to the judge, rather than the parties, and is self-enforcing on the
 6 part of the judge.” *United States v. Sibla*, 624 F.2d 864, 867-68 (9th Cir. 1980). It “modifies section
 7 144 in requiring the judge to go beyond the section 144 affidavit and consider the merits of the
 8 motion pursuant to section 455(a) & (b)(1).” *Id.* at 868.

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

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

16 In sum, under section 455, “it is the appearance of bias or partiality that matters here, not actual
 17 bias.” *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996). “If the appearance of bias or
 18 prejudice is a close call, recusal is appropriate.” *In re Marshall*, 403 B.R. 668, 679 (C.D. Cal.
 19 2009), *aff’d*, 721 F.3d 1032 (9th Cir. 2013).

20 Impartiality might reasonably be questioned particularly in higher profile cases. *In re*
 21 *Bernard*, 31 F.3d at 845; *Tucker*, 78 F.3d at 1325; *Nichols v. Alley*, 71 F.3d 347, 352 (10th Cir.
 22 1995). In *Tucker*, for example, prosecutors, relying “primarily on news articles,” sought the recusal
 23 of District Court Judge Woods from the trial of Governor Tucker, because of Woods’s close
 24 association with Hillary Clinton, wife of then-President Bill Clinton. Governor Tucker was indicted

26 ⁷ Plaintiffs respectfully reassert their Section III § 144 arguments here, in further support of their §
 27 455 arguments, as evidence or a finding of actual bias would necessarily support a finding of
 28 appearance of bias.

1 for financial crimes related to an investigation of President and Mrs. Clinton. *Id.* at 1315, 1316. The
 2 news articles indicated that not only did the Clintons have a close relationship with Judge Woods,
 3 but also they had expressed their support of Governor Tucker, including after he was indicted.

4 The *Tucker* court held:

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

12 *Id.* at 1324-25 (citations omitted).

13 This case and the “related” cases are high-profile cases. Judge Orrick has a longstanding
 14 and close relationship with an entity deeply intertwined with and housing a Planned Parenthood
 15 abortion-referral clinic, which claimed in its related case to be a “victim” of a Daleiden/CMP
 16 “conspiracy.” Indeed, the timing of Judge Orrick’s Board membership with GSFRC, timing not
 17 disclosed in his Senate Judiciary Committee questionnaire, would necessarily require him to have
 18 been involved in the Board’s decision to initiate the partnership between GSFRC and PPSP and to
 19 have helped effectuate the decision and support the PPSP clinic as it launched and grew. As legal
 20 counsel for GSFRC, he would have been called upon to review the joint venture between GSFRC
 21 and PPSP. And GSFRC has continued to publicly hold out Judge Orrick as an Emeritus Board
 22 Member on its letterhead during at least the pendency of the related cases.

23 A reasonable person would well question the ability of Judge Orrick to be impartial in
 24 deciding whether Daleiden and CMP should be able to recover against Planned Parenthood when
 25 any such judgment would necessarily strike against the public claims of the Planned Parenthood
 26 Defendants to be the “victims” here.

27 Moreover, as in the related case, Planned Parenthood’s compliance with federal and state
 28 laws related to fetal tissue donation and other abortion-related laws will be at issue. Again, a

1 reasonable person would easily question whether Judge Orrick is able to impartially assess the
2 evidence that Plaintiffs assert shows that PPSP, a key partner of GSFRC, was for years violating
3 state and federal laws—including in relation to abortion-seeking women whose private medical
4 information was compromised and who were not told that their fetal tissue would be exchanged for
5 money—especially considering GSFRC’s PPSP clinic provided such women with abortion
6 referrals to PPSP abortion services accessed by StemExpress. This evidence has led to referrals for
7 prosecution of PPSP from two congressional committees. These referrals relate to PPSP’s
8 contractual arrangements, dating back to May 2012, with StemExpress, LLC, a tissue procurement
9 company, also referred for prosecution by the U.S. Senate and House committees. Having returned
10 from government employment to private practice with the firm representing GSFRC in 2012-2013,
11 Judge Orrick presumably would have been called upon at that time to assist GSFRC with any legal
12 issues arising at that same time.

13 In addition, Judge Orrick’s impartiality reasonably can be questioned on the basis of
14 publicly stated positions on matters directly at issue in this case. As noted above, Judge Orrick’s
15 own image has been repeatedly placed, by his spouse’s Facebook account, in support of posts
16 attacking Plaintiffs and supporting Planned Parenthood. And that account is the only known
17 account for either Judge or Mrs. Orrick. The actions of that account indicate an extra-judicial
18 opposition to Plaintiffs and affinity for Planned Parenthood. That account expressly published the
19 statement that, “I stand with Planned Parenthood,” in relation to the CMP video project. The
20 account put Judge Orrick’s picture on endorsements of the position that the videos were “heavily
21 edited,” that CMP is “run by extremists,” and that Mr. Daleiden and CMP “will stop at nothing to
22 deny women legal abortion services.” The integrity of the videos, the Plaintiffs’ history of
23 nonviolence, and their intentions in launching the Human Capital Project are all issues that may
24 impact the proceedings in this and the related cases. That account also put Judge Orrick’s picture
25 on an endorsement of Mr. Daleiden’s criminal prosecution in Texas. *Cf. Melendres v. Arpaio*, No.
26 CV-07-2513-PHX-MHM, 2009 WL 2132693, at *15, 2009 U.S. Dist. LEXIS 65069, at *52-53 (D.
27 Ariz. July 15, 2009) (recusal appropriate where court’s impartiality might reasonably be questioned
28 based on judge’s sister’s publicly held positions “highly disparaging of specific Defendants” and

1 “tak[ing] a strong stand on disputed factual matters lying at the heart of the litigation”). Whether
 2 the online statements and endorsements are sufficient evidence of actual bias, or merely raise a
 3 question about Judge Orrick’s impartiality, they are more than enough to require recusal.

4 Moreover, while judicial remarks during the course of litigation are not usually sufficient
 5 for recusal, they may support a bias or partiality challenge, “if they reveal an opinion that derives
 6 from an extrajudicial source.” *Liteky v. United States*, 510 U.S. 540, 555 (1994). At the telephonic
 7 hearing on May 25, 2017, Judge Orrick stated that Mr. Daleiden would be “well advised . . . that he
 8 is obligated to follow the Court’s orders not try to skate around them and cause real harm to human
 9 beings. . . .” By stating that Mr. Daleiden is seeking to “cause real harm to human beings” by
 10 releasing videos—a position not demonstrated by the evidence adduced in over 5 years of litigation
 11 in the related cases—Judge Orrick provided further evidence that supports a finding that his
 12 impartiality may be questioned and otherwise adds to the evidence demonstrating bias.

13 Courts have also noted, in the context of recusal motions, that “the whole is sometimes
 14 greater than the sum of the parts. The cumulative effect of a judge’s individual actions, comments
 15 and past associations could raise some question about impartiality, even though none (taken alone)
 16 would require recusal.” *In re Martinez-Catala*, 129 F.3d at 221. Plaintiffs present numerous
 17 specific facts, both in the Affidavit and throughout this Motion, which together require recusal.

18 Even more, Judge Orrick has a personal relationship with and history of support for
 19 Defendant Harris, particularly in connection with her campaign to obtain the Attorney General’s
 20 office. While she is sued in her personal capacity, this case directly challenges her actions while
 21 holding that office. Whether under the standards of Section 144 or Section 455, this relationship
 22 weighs in favor of recusal, and even more so when added to the numerous other facts about the
 23 other Defendants alleged herein.

24 “[A] judge may *not* sit in cases in which his impartiality might reasonably be questioned.”
 25 *United States v. Holland*, 519 F.3d 909, 911 (9th Cir. 2008) (original emphasis) (internal quotation
 26 marks omitted). “If it is a close case, the balance tips in favor of recusal.” *Id.* For that reason, the
 27 court in *Melendres* decided that recusal was appropriate: “No Court should tolerate even the
 28 slightest chance that its continued participation in a high profile lawsuit could taint the public’s

1 perception of the fairness of the outcome. Certainly, this Court is unwilling to take such a risk.”
 2 *Melendres*, 2009 WL 2132693, at *15, 2009 U.S. Dist. LEXIS 65069, at *52-53.

3 CONCLUSION

4 The Court should stay this case pending resolution of the *PPFA v. CMP* appeal. Judge
 5 Orrick should be disqualified for the reasons stated in this Motion and the attached Affidavit. The
 6 instant case is not only high profile but involves one of the most persistently debated moral and
 7 political issues of our times. The public is well aware that abortion is a topic on which many
 8 people, including judges, are apt to have very strong feelings they would find difficult to set aside
 9 in order to be impartial. Against that backdrop, there is considerably more than the “slightest
 10 chance” that Judge Orrick’s associations and the publicly-held opinions attached to him, and never
 11 explained or repudiated, “could taint the public’s perception of the fairness of the outcome.”

12
 13 December 29, 2020

Respectfully submitted,

14
 15 /s Mark P. Meuser
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 24
 25
 26
 27
 28

Certificate of Counsel

I certify that I am counsel of record for Plaintiffs Center for Medical Progress and David Daleiden in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

Dated: December 29, 2020

/s Mark P. Meuser

Mark P. Meuser (SBN: 231335)
DHILLON LAW GROUP INC.

To the Clerk of the Court:

Application is here made, for the reasons set forth in the concurrently submitted affidavit and certificate, that appropriate proceedings be taken under 28 U.S.C. § 144 to assign another judge to hear the proceeding.

Dated: December 29, 2020

/s Mark P. Meuser

Mark P. Meuser (SBN: 231335)
DHILLON LAW GROUP INC.

Certificate of Counsel

I certify that I am counsel of record for Plaintiffs Center for Medical Progress and David Daleiden in the above-entitled cause, that I am informed as to the proceedings, and that the affidavit and application are made in good faith and not for the purpose of hindrance or delay.

Dated: December 29, 2020

/s Peter Preen

Peter Breen, *pro hac vice*
THOMAS MORE SOCIETY

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Dated: December 29, 2020

/s Peter Preen

Peter Breen, *pro hac vice*
THOMAS MORE SOCIETY

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

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

Dated: December 29, 2020

/s Mark P. Meuser

Mark P. Meuser (SBN: 231335)
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*Attorney for Plaintiffs the Center for
Medical Progress and David Daleiden*

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

THE CENTER FOR MEDICAL
PROGRESS, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, et al.,

Defendants.

)
) Case No. 3:20-CV-07978 (WHO)
)
) Judge William H. Orrick, III
)
) Affidavit of Prejudice by David Daleiden
) in Support of Motion for Disqualification
) of the Honorable William H. Orrick III,
) Pursuant to 28 U.S.C. §§ 144 and 455
)
)
) Hearing Date: February 3, 2021, 2:00
) p.m.
)
) Courtroom 2, 17th Floor
)

1 I, David Daleiden, declare and state as follows:

2 1. I, David Daleiden, am a Plaintiff in this proceeding. I am the founder and Chief
3 Executive Officer of The Center for Medical Progress, Inc. (CMP), which is also a Plaintiff in this
4 proceeding. I make and submit this affidavit on behalf of myself and CMP. The following are the
5 facts, supporting Exhibits, and reasons for my belief—which I believe would be the shared belief
6 of any reasonable person—that Judge Orrick has a personal bias and prejudice against me and
7 CMP and in favor of the adverse Parties, and that he is unable to proceed impartially in this case.

8 2. CMP is a citizen journalism non-profit dedicated to monitoring and reporting on
9 bioethical issues that impact human dignity. Under my leadership, from 2013 to 2015 CMP
10 conducted a 30-month-long investigative journalism study on the trafficking of aborted fetuses and
11 their organs and tissues for experimentation, with extensive undercover video reporting on the
12 leadership of Planned Parenthood, the abortion industry, and fetal tissue entrepreneurs. Our
13 findings were released in July 2015 and beyond. Those findings led to massive public outcry over
14 the issues of fetal experimentation and tissue trafficking, including significantly impacting the 2016
15 presidential and other elections and leading to a variety of legislative, administrative, and law
16 enforcement responses. Two comprehensive congressional investigations led to criminal referrals
17 of Planned Parenthood to the FBI and U.S. Department of Justice, significant reforms of federal
18 research programs at the Health and Human Services Department, and the successful prosecution
19 of two southern California biotech companies partnered with Planned Parenthood. Planned
20 Parenthood and the National Abortion Federation (NAF) retaliated against me and CMP with
21 federal civil lawsuits¹, and they also conspired with then-California Attorney General Kamala
22 Harris to target Plaintiffs' speech critical of Planned Parenthood and fetal experimentation, leading
23 to the instant lawsuit.

24
25
26 ¹ *Planned Parenthood Federation of America v. Center for Medical Progress (PPFA v. CMP)*,
27 Case No. 3:16-cv-00236-WHO, and *National Abortion Federation v. Center for Medical Progress*
(*NAF v. CMP*), Case No. 3:15-cv-03522-WHO.

1 3. Judge Orrick is the founder of the Good Samaritan Family Resource Center
2 (GSFRC), which he incorporated in 1992 (Exhibit 1). In 2001, GSFRC opened a Planned
3 Parenthood abortion-referral clinic inside of GSFRC's headquarters at 1294 Potrero Ave in San
4 Francisco, and GSFRC sponsored and supported the Planned Parenthood clinic thereafter. GSFRC
5 has listed the California Planned Parenthood affiliate that operates the clinic, Planned Parenthood
6 Shasta Pacific (PPSP), d/b/a Planned Parenthood Northern California (PPNC), among GSFRC's
7 "Key Partnerships" and "service partnerships" on its website, and on GSFRC's "Contact Us" page
8 it includes the phone number and website address for Planned Parenthood. (Exhibit 2). When one
9 calls GSFRC, its recorded answering service advertises to callers, "For information on Planned
10 Parenthood hours of operation and to make an appointment with the clinic, please press 4".

11 4. From 1999 to 2001, GSFRC began and developed its key partnership initiative with
12 Planned Parenthood and with the Mary Wohlford Foundation (MWF), a major Planned Parenthood
13 financial donor, in order to establish the Planned Parenthood abortion-referral clinic at GSFRC
14 (Exhibit 3). Indeed, the Planned Parenthood abortion-referral clinic at GSFRC was MWF's flagship
15 project. According to MWF's 990s, MWF contributing nearly \$100,000 to GSFRC in 2000 to
16 launch the clinic—MWF's largest grant during the Foundation's first operating year—and nearly
17 \$500,000 to GSFRC in MWF's first five years of operation.

18 5. Judge Orrick served as President of the Board of GSFRC and later Vice President of
19 GSFRC until 1999, and then as Secretary of the Board until at least 2003 (Exhibit 4). As an Officer
20 of GSFRC responsible for GSFRC's corporate records and as a GSFRC board member, Judge
21 Orrick directly assisted and participated in the founding, opening, and maintenance of the Planned
22 Parenthood abortion-referral clinic at GSFRC. As a lawyer for GSFRC, Judge Orrick was also in a
23 position to provide his legal expertise to the Planned Parenthood clinic. During this time period,
24 Judge Orrick served on the GSFRC board together with Planned Parenthood activist and major
25 donor Sheana Butler, the sister of Mary Wohlford, for whom the Planned Parenthood- and GSFRC-
26 funding MWF was named (Exhibit 5).

27 6. During the litigation of the *NAF v. CMP* and *PPFA v. CMP* cases, at least as
28 recently as 2017, GSFRC has held out Judge Orrick to the public as one of its "Board Members

1 Emeritus”. GSFRC prominently has featured Judge Orrick alongside Sheana Butler as “Board
2 Members Emeritus” on its public letterhead used to promote GSFRC and its programs such as the
3 Planned Parenthood clinic.

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

10 8. Judge Orrick and his spouse were among those donors described by PPSP/PPNC’s
11 CEO, Ms. Estes, as so important to maintaining the Planned Parenthood clinic. In the 2006-2007
12 fiscal year, for example, Judge Orrick and Mrs. Orrick donated \$5,072 to GSFRC, continuing to
13 help support the Planned Parenthood clinic that Judge Orrick had helped open (Exhibit 3).

14 9. Ms. Estes will be a key witness in this instant case, because Ms. Estes was one of
15 the first Planned Parenthood officials held out to the California Department of Justice by
16 Defendants Beth Parker and Jill Habig in their efforts to target my and CMP’s speech.

17 10. Newsletters from GSFRC show that Coblenz Patch Duffy & Bass LLP was another
18 major donor supporting GSFRC’s programs, including the Planned Parenthood clinic (Exhibit 8).
19 At the time, Judge Orrick was employed as a partner at Coblenz Patch Duffy. Judge Orrick’s
20 Senate Judiciary Questionnaire, dated June 6, 2012, discloses that he “assisted” GSFRC “on many
21 legal issues” from its founding through 2009, when he left his position at Coblenz Patch Duffy and
22 joined the U.S. Department of Justice (Exhibit 4). GSFRC’s founding documents and government
23 filings show that Coblenz Patch Duffy has represented GSFRC as early as 1992, when Judge
24 Orrick incorporated GSFRC, and correspondence (including in this case) indicates that Coblenz
25 Patch Duffy has continued to represent GSFRC. For about 10 months from 2012 to 2013, after his
26 Senate Questionnaire was submitted, Judge Orrick left the Department of Justice and returned to
27 Coblenz Patch Duffy. Upon his return to Coblenz Patch Duffy, Judge Orrick had continuing
28 attorney-client obligations to GSFRC and its programs and would have again been in a position to

1 assist GSFRC with any “legal issues” it may have encountered, including with GSFRC’s Planned
2 Parenthood clinic, just as he did during the 17 years from 1992-2009.

3 11. From 1985 to 2010, Defendant Beth Parker was legal counsel for Planned
4 Parenthood Golden Gate, the Planned Parenthood regional office that ran GSFRC’s Planned
5 Parenthood clinic from 2005 to 2010 (Exhibit 9). In 2010, operation of GSFRC’s Planned
6 Parenthood clinic changed back to PPSP. On information and belief, Judge Orrick worked with
7 Defendant Beth Parker on “legal issues” implicating GSFRC’s Planned Parenthood clinic in the
8 2005 to 2009 time frame.

9 12. One of the “legal issues” implicating GSFRC’s Planned Parenthood Shasta Pacific
10 clinic is Planned Parenthood Shasta Pacific’s sale of aborted fetal tissue to StemExpress, LLC, a
11 for-profit wholesaler of fetal organs and tissues. The relationship between PPSP and StemExpress,
12 which began no later than May 2012, was first exposed by my and CMP’s investigative reporting
13 in 2015. At the time, according to GSFRC’s 9990s, GSFRC’s Planned Parenthood clinic saw over
14 1,000 patients for “family planning services” each year, including the abortion referrals offered by
15 the clinic. Some pregnant women at GSFRC’s Planned Parenthood clinic, which Judge Orrick
16 helped open, fund, and maintain, would necessarily have been referred to PPSP’s Bay Area
17 surgical abortion clinics, where my investigation uncovered that PPSP sold the organs and tissues
18 of their aborted fetuses to StemExpress and disclosed private patient medical information to
19 StemExpress without disclosure or consent, in violation of multiple state and federal laws and
20 regulations (Exhibit 10). Any repercussions or risk (legal or public relations or otherwise) visited
21 on PPSP or StemExpress related to their illegal transactions would necessarily negatively impact
22 GSFRC, especially in relation to those patients who trusted their medical care to GSFRC and its
23 Planned Parenthood clinic.

24 13. On July 31, 2015, Defendant NAF filed a lawsuit against me and CMP in retaliation
25 for our investigative reporting, and on January 14, 2016, Defendant PPFA did the same. Both cases
26 came in front of Judge Orrick, but at no time in either of these cases did Judge Orrick (or the
27 plaintiffs) disclose Judge Orrick’s work establishing a Planned Parenthood abortion-referral clinic
28 (Exhibit 11).

1 14. Moreover, Judge Orrick’s Senate Judiciary Committee Questionnaire omits his work
2 establishing a Planned Parenthood clinic. It excludes his time serving as a GSFRC officer and
3 board member during the critical time that GSFRC established a Planned Parenthood clinic,
4 erroneously stating his service as an officer and board member ended in 1999, when in fact it
5 continued until 2003 (Exhibit 4). Based on my decade-long experience with federal lawmakers and
6 policy officials, I am convinced that the fact that a nominee for a lifetime appointment to the
7 federal judiciary helped open, run, and fund a Planned Parenthood abortion-referral clinic would be
8 material to one or more members of the United States Senate, but after careful review, I have not
9 seen that fact revealed or discussed in any of the public files related to Judge Orrick’s nomination.
10 The public record available to me does not show whether Judge Orrick disclosed his foundational
11 role in establishing and promoting a Planned Parenthood clinic to then-President Obama.

12 15. After my and CMP’s investigative video reporting began to be released and after the
13 NAF lawsuit had come before Judge Orrick, Planned Parenthood urged its supporters to add certain
14 elements to their Facebook pages as part of a social media campaign to oppose the video releases
15 and investigative reporting of myself and CMP. “Pinkifying” showed one’s support for Planned
16 Parenthood and one’s belief that my reporting was fraudulent (Exhibit 13). At that time, the
17 Facebook account for Mrs. Orrick “pinkified” its page and added the official “I stand with Planned
18 Parenthood” overlay across a profile picture of Mrs. Orrick (Exhibit 12).

19 16. At some time during the “related” litigations, on two separate occasions, I
20 discovered that an image of Judge Orrick (with Mrs. Orrick) was deployed in support of Facebook
21 posts that viciously attacked me and my work. The images were placed there by Mrs. Orrick’s
22 account as “likes,” accompanied by a profile picture featuring Judge and Mrs. Orrick (Exhibit 16).
23 The image of Judge Orrick was first used in support of a petition by the National Abortion Rights
24 Action League (NARAL) that falsely described my and CMP’s reporting as “heavily edited videos
25 by a sham organization run by extremists who will stop at nothing to deny women legal abortion
26 services.” The Facebook petition also falsely conflated my video reporting with “domestic
27 terrorism” (Exhibit 14). The image of Judge Orrick was next used in support of a Facebook post by
28 “Keep America Pro-Choice” that applauded the (unfounded) indictment against me in Harris

1 County, Texas, which had been pressed by Planned Parenthood Gulf Coast (Exhibit 15), but which
2 was ultimately dismissed by two different Texas judges.

3 17. Mrs. Orrick's Facebook account has frequently used joint profile photos of her and
4 Judge Orrick together, making it appear that the account represents both of them—or that, at the
5 very least, Judge Orrick does not disapprove of the use of his image in connection with the
6 activities of the account. Even after I raised this fact in connection with the issue of Judge Orrick's
7 disqualification in the *PPFA v. CMP* and *NAF v. CMP* cases in June 2017, the Facebook account's
8 pictures of Judge Orrick in support of these vicious attacks remained on Facebook for at least a
9 year or more.² Moreover, this account appears to be the only personal Facebook account of the
10 Orricks—it is not known whether Judge Orrick uses Mrs. Orrick's account to access Facebook or
11 has a separate private Facebook account—and this account often features a profile picture of Judge
12 and Mrs. Orrick accompanying the account's public online activities. Because of this, I believe it is
13 reasonable to conclude the account accurately represents both Judge and Mrs. Orrick's views about
14 me and CMP, and about Planned Parenthood. Either way, based on these never retracted and never
15 rebutted extra-judicial endorsements of articles written against me and CMP, I believe Judge Orrick
16 harbors a bias and prejudice that should disqualify him from hearing this case.

17 18. Public reports also show that Judge Orrick and Mrs. Orrick have together been
18 extremely high-dollar “bundlers” for national political campaigns, for example raising over half a
19 million dollars for Obama for America and the DNC in the 2008 campaign cycle (Exhibit 17).
20 Because of their significant joint and highly public campaign financing, I believe that Judge and
21 Mrs. Orrick share substantially the same political and activist viewpoints, including regarding
22 Planned Parenthood, the abortion industry, and my and CMP's reporting.

23 19. In his February 2016 order granting NAF a preliminary injunction, barring me from
24 releasing any of my footage filmed during the time period of NAF's annual trade shows, Judge
25 Orrick stated that he believed the releases of my videos “have had tragic consequences” and

26
27 ² As of today, Mrs. Orrick's account appears to have been scrubbed of at least some activity from
28 2013 to 2017. *See* <https://www.facebook.com/caroline.orrick> (accessed December 28, 2020).

1 blamed my reporting on the illegal sale of fetal body parts for an insane gunman's attack in
2 Colorado (Exhibit 18). In a May 2017 teleconference hearing, Judge Orrick asserted that I "try to
3 skate around [his orders] and cause real harm to human beings" (Exhibit 19). But in five years of
4 litigation in front of Judge Orrick, the record in neither the NAF case nor the PPFA case includes
5 any evidence whatsoever that I or CMP have ever supported, encouraged, or participated in
6 violence toward human beings, or have any causal link to the Colorado shooting whatsoever. I
7 believe strongly in non-violent approaches to solving conflicts and I do not support, have never
8 supported, and will never support vigilante violence against abortion providers. I do not believe
9 instilling fear for public safety is an acceptable tactic in public discourse about controversial issues.
10 CMP's videos communicate a strong message of non-violence and respect for human dignity, and
11 it is impossible to derive from them any logical or moral justification for causing violence towards
12 other human beings, because the videos expose and condemn violence towards other human
13 beings.

14 20. When I moved to disqualify Judge Orrick per 28 U.S.C. 144 and 455 on a more
15 limited set of facts in 2017, Judge Orrick did not refute the specifics of my factual allegations and
16 invoked Local Rule 3-14 to have another judge consider my affidavit rather than ruling on it
17 himself. However, even though Judge Orrick stated he was declining to rule on my affidavit, when
18 he sent it out for determination, Judge Orrick also made comments questioning the legal
19 sufficiency of the affidavit, without explanation or evidence, even as to factual matters about which
20 he would necessarily have better knowledge of than me. By choosing this way to respond to my
21 disqualification affidavit without addressing any of the specific facts or allegations or ruling on
22 those allegations in the first instance, I believe Judge Orrick improperly denigrated my affidavit
23 and sought to influence the outside judge's decision on my affidavit and motion to disqualify
24 (Exhibit 20).

25 21. In opposition to the disqualification, NAF submitted a declaration from Mario Paz,
26 the longtime executive director of GSFRC. *See* Paz Declaration, *NAF v. CMP* dkt. 447-2 (Exhibit
27 22). Despite having full access to the records of GSFRC—and presumably to at least some of the
28 staff and board members from Judge Orrick's time in leadership of GSFRC—Mr. Paz did not

1 refute any of the material facts I presented, then or now, as reasons to question Judge Orrick's
2 impartiality in these cases. He even confirmed that Judge Orrick was still an "Emeritus Board
3 Member" of GSFRC, a position which Mr. Paz alleges was awarded to him in recognition of his
4 service to the organization. That service included opening and supporting GSFRC's Planned
5 Parenthood abortion-referral clinic.

6 22. Furthermore, in ruling on PPFA's request for an injunction against further
7 undercover video reporting by me and CMP, Judge Orrick discounted the fact that the Orange
8 County District Attorney relied on CMP's undercover reporting to obtain the guilty plea of
9 DaVinci Biosciences, Planned Parenthood's southern California fetal tissue partners, for illegally
10 selling fetal tissue from Planned Parenthood Orange & San Bernardino Counties, because he said
11 we had not submitted any evidence that "any Planned Parenthood affiliate violated any law in
12 connection with the transfer of tissue to the company that entered the plea deal." However, it was
13 Judge Orrick who did not allow us to seek such evidence in discovery, and who instead ruled
14 multiple times that it was irrelevant to the case. When Judge Orrick considered the threat of future
15 injury prong, he concluded, because I and CMP have a pro-life viewpoint, that we are "likely" to
16 investigate Planned Parenthood again, necessitating an injunction against us, but approved Planned
17 Parenthood's exception for my colleague Gerardo Lopez because Mr. Lopez does not have a pro-
18 life viewpoint. I believe that Judge Orrick's actions show his viewpoint discrimination against me
19 and CMP because of his own extrajudicial bias and prejudice about the parties and issues in our
20 cases (Exhibit 21).

21 23. Judge Orrick's Senate Judiciary Committee Questionnaire discloses that in June
22 2009, he "raised money and sponsored an event for the campaign of Kamala Harris for Attorney
23 General," and that he spoke at the event introducing Defendant Harris as a candidate (Exhibit 4).
24 Judge Orrick was an early supporter of Defendant Harris—the primary election for Attorney
25 General would not be for another year, in June 2010. At the time, Defendant Harris was San
26 Francisco's District Attorney and Judge Orrick was one of San Francisco's most prominent local
27 attorneys. Previously, Judge Orrick and Defendant Harris were both early supporters of the 2008
28 Obama campaign: Judge Orrick founded Lawyers for Obama, gave speeches and debates for

Obama, and served on his national fundraising committee. Defendant Harris served as California co-chair for the 2008 Obama campaign, organizing for him during the primaries in Iowa and acting as his surrogate on the campaign trail. Claire Cooper, *Campaign Lawyers—May the Best Candidate Win*, San Francisco Attorney (Fall 2008), at 43 (found at <https://en.calameo.com/read/00050025515d7cbb6dc7a>). Because of the past personal relationship between Defendant Harris and Judge Orrick, I believe it is more than reasonable to question the ability of Judge Orrick to impartially judge this case. The conduct of Defendant Harris while Attorney General is at issue in this case, and that is the precise office Judge Orrick raised money and personally campaigned to secure for her. Especially in view of the potential for a Vice President (or President) Harris to impact future federal judicial appointments, I believe it is beyond question that Judge Orrick cannot impartially judge this case with its extensive focus on Defendant Harris's conduct.

24. I also firmly believe that CMP and I are not able to receive fair, equal, and impartial consideration of our arguments before Judge Orrick, in part because we do not have the close personal and professional relationship with him, forged over many years, that the Defendants do, and also because the attachment Judge Orrick has demonstrated throughout his life and career to these Defendants is too committed to be able to be waived or set aside.

25. Attached hereto as Exhibit 1 is a true and correct copy of the founding documents of GSFRC, to wit the Articles of Incorporation signed by Judge Orrick.

26. Attached hereto as Exhibit 2 is a true and correct copy of select portions of GSFRC website that were downloaded in 2017 and 2020.

27. Attached hereto as Exhibit 3 is a true and correct copy of the IRS Form 990s for GSFRC for the tax years 2000, 2001, 2002-2003, and 2006.

28. Attached hereto as Exhibit 4 is a true and correct copy of Judge Orrick's 2012 Senate Judiciary Committee Questionnaire.

29. Attached hereto as Exhibit 5 is a true and correct copy of Planned Parenthood fundraising advertisements acknowledging the Mary Wohlford Foundation as a major donor, and

1 photographs showing GSFRC's Sheana Butler and Mario Paz and MWF's Mardi Kildebeck
2 attending multiple Planned Parenthood fundraising events.

3 30. Attached hereto as Exhibit 6 is a true and correct copy of a GSFRC public
4 announcement from September 2015, on which GSFRC held out Judge Orrick and Ms. Butler
5 together as Emeritus Board Members in support of GSFRC's programs.

6 31. Attached hereto as Exhibit 7 is a true and correct copy of the July 2015 *Potrero*
7 *Review* article "The Wohlford Family Clinic Caters to a Diverse Population at Good Sam" by
8 Jessica Zimmer.

9 32. Attached hereto as Exhibit 8 is a true and correct copy of the Fall 2007 and Winter
10 2008 newsletters of GSFRC, which identify the law firm Coblenz Patch Duffy Bass and MWF as
11 significant donors to GSFRC's programs.

12 33. Attached hereto as Exhibit 9 is a true and correct copy of Defendant Beth Parker's
13 LinkedIn profile.

14 34. Attached hereto as Exhibit 10 is a true and correct copy of Planned Parenthood
15 Shasta Pacific's fetal tissue contract with StemExpress, LLC.

16 35. Attached hereto as Exhibit 11 is a true and correct copy of the transcripts of the first
17 hearings before Judge Orrick in the NAF and PPFA cases, respectively.

18 36. Attached hereto as Exhibit 12 is a true and correct copy of the "pinkified" Facebook
19 profile photo of Mrs. Orrick, Judge Orrick's wife, in support of Planned Parenthood in response to
20 my and CMP's videos.

21 37. Attached hereto as Exhibit 13 is a true and correct copy of archived versions of
22 Planned Parenthood's IStandWithPP.org campaign website and of Planned Parenthood's Facebook
23 "pinkify" campaign microsite from August 2015, explaining the significance of these campaigns in
24 opposition to my and CMP's videos.

25 38. Attached hereto as Exhibit 14 is a true and correct copy of the Facebook post of a
26 NARAL campaign that appeared to describe my and CMP's videos as connected to "domestic
27 terrorism," which post was "Liked" on Facebook by Mrs. Orrick's account, and a true and correct
28 copy of a screenshot of the Orricks' account's "Like" of the Facebook post.

1 39. Attached hereto as Exhibit 15 is a true and correct copy of the Facebook post about
2 my since-dismissed indictment in Harris County, Texas, which post was “Liked” on Facebook by
3 Mrs. Orrick’s account, and a true and correct copy of a screenshot of the Orricks’ account’s “Like”
4 of the Facebook post.

5 40. Attached hereto as Exhibit 16 is a true and correct copy of a screenshot of Mrs.
6 Orrick’s Facebook profile, which frequently shows her profile picture with her husband Judge
7 Orrick, which appears next to the account’s “Likes” of posts attacking me and CMP on Facebook.

8 41. Attached hereto as Exhibit 17 is a true and correct copy of a spreadsheet of Obama
9 campaign National Finance Committee bundlers and their contribution levels.

10 42. Attached hereto as Exhibit 18 is a true and correct copy of Judge Orrick’s
11 Preliminary Injunction order in the NAF case.

12 43. Attached hereto as Exhibit 19 is a true and correct copy of the transcript of the May
13 25, 2017 teleconference with Judge Orrick.

14 44. Attached hereto as Exhibit 20 is a true and correct copy of Judge Orrick’s orders
15 referring his disqualification to Judge Donato.

16 45. Attached hereto as Exhibit 21 is a true and correct copy of Judge Orrick’s
17 Permanent Injunction order in the PPFA case.

18 46. Attached hereto as Exhibit 22 is a true and correct copy of Mario Paz’s declaration
19 in opposition to the disqualification of Judge Orrick.

20 I declare under penalty of perjury under the laws of the United States and the State of
21 California that the foregoing is true and correct. Executed on 29 December 2020.

22
23 

24 David Daleiden

EXHIBIT 1

1522670

ENDORSED
FILED

in the office of the Secretary of State
of the State of California

ARTICLES OF INCORPORATION

OF

MAR 13 1992

**GOOD SAMARITAN FAMILY RESOURCE CENTER
OF SAN FRANCISCO**

MARCH FONG ELL, Secretary of State

A California Nonprofit Public Benefit Corporation

I

The name of this corporation is: GOOD SAMARITAN FAMILY
RESOURCE CENTER OF SAN FRANCISCO.

II

- A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable and public purposes.
- B. The specific purpose of this corporation is the settlement of recently arrived immigrants and the development, maintenance and operation of a facility to assist and further such settlement.

III

The name and address in the State of California of this corporation's initial agent for service of process is:

William H. Orrick, III

IV

- A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended, and

Sections 23701 and 214 of the California Revenue and Taxation Code.

- B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
- C. Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law), (b) a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law) or (c) a corporation which qualifies for exemption under Sections 23701 and 214 of the California Revenue and Taxation Code.

V

The property, assets, profits and net income of this corporation are irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment or provision for payment of all debts and liabilities of this corporation, shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes meeting the requirements for exemption provided by Sections 23701 and 214 of the California Revenue and Taxation Code and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, of 1986, as amended, or such similar section as may then be in effect.

VI

The name of the existing unincorporated association now being incorporated by the filing of these Articles is Good Samaritan Community Center.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of California, I, the undersigned incorporator, have executed these Articles of Incorporation this 12th day of February, 1992.

W. H. Orrick

William H. Orrick, III,
Incorporator

DECLARATION

I declare that I am the person who executed the foregoing Articles of Incorporation and that said instrument is my act and deed.

Executed at San Francisco, California this 12th day of February, 1992.

Wm H. Orrick
William H. Orrick, III

DECLARATION

The undersigned declare under penalty of perjury under the laws of the State of California that they are the President and Secretary, respectively, of Good Samaritan Community Center, which is referred to in the Articles of Incorporation to which this Declaration is attached, and that the association has duly authorized and approved in accordance with its rules and procedures its incorporation by means of those Articles.

Executed at San Francisco, California this 12th day of February, 1992.

Kathryn A. Taylor
Wm H. Orrick



STATE OF CALIFORNIA

FRANCHISE TAX BOARD

P.O. BOX 1286
RANCHO CORDOVA, CA. 95741-1286

February 2, 1993

In reply refer to
340:G :BC

GOOD SAMARITAN FAMILY RESOURCE CENTER OF
SAN FRANCISCO
2871 - 24TH STREET
SAN FRANCISCO CA 94110

Purpose : CHARITABLE
Code Section : 23701d
Form of Organization : Corporation
Accounting Period Ending: December 31
Organization Number : 1522670 GS0FR

You are exempt from state franchise or income tax under the section of the Revenue and Taxation Code indicated above.

This decision is based on information you submitted and assumes that your present operations continue unchanged or conform to those proposed in your application. Any change in operation, character, or purpose of the organization must be reported immediately to this office so that we may determine the effect on your exempt status. Any change of name or address must also be reported.

In the event of a change in relevant statutory, administrative, judicial case law, a change in federal interpretation of federal law in cases where our opinion is based upon such an interpretation, or a change in the material facts or circumstances relating to your application upon which this opinion is based, this opinion may no longer be applicable. It is your responsibility to be aware of these changes should they occur. This paragraph constitutes written advice, other than a chief counsel ruling, within the meaning of Revenue and Taxation Code Section 21012(a)(2).

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. Please see annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

February 2, 1993

GOOD SAMARITAN FAMILY RESOURCE CENTER OF

Corporate Number 1522670 GS0FR

Page 2

Please note that an exemption from federal income or other taxes and other state taxes requires separate applications.

THIS EXEMPTION IS GRANTED ON THE EXPRESS CONDITION THAT THE ORGANIZATION WILL SECURE FEDERAL EXEMPT STATUS WITH THE INTERNAL REVENUE SERVICE. THE ORGANIZATION IS REQUIRED TO FURNISH A COPY OF THE FINAL DETERMINATION LETTER TO THE FRANCHISE TAX BOARD WITHIN 9 MONTHS FROM THE DATE OF THIS LETTER.

A copy of this letter has been sent to the Registry of Charitable Trusts.

B CLARK

EXEMPT ORGANIZATION UNIT

CORPORATION AUDIT SECTION

Telephone (916) 369-4171

EO :

cc: JAMES P. MITCHELL

COPY

EXHIBIT 2



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

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About Good Samaritan Family Resource Center



[DONATE NOW](#)

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

Learn more about how we manage our funds.

Key Partnerships:

MEDA
Mission Beacon
Mission Promise Neighborhood
Planned Parenthood Shasta-Pacific
Refugee Transitions
Vision Academy

Subscribe to Our E-Newsletter

Email Address:

First Name:

Last Name:

[Join Now](#)

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

Early Childhood Development

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

Youth Development Services

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

Adult Education and Family Strengthening

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

How are we making a Difference Today?

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

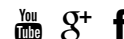
- Child Development programs track attendance and support services accessed by parents, and also administers and analyzes a parent survey at the end of each semester to document and evaluate changes in children's behavior. In addition, staff are trained to administer screenings, such as the Ages and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

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



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Wohlford Family Clinic

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

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

History



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

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

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

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

About the Clinic

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

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

Mire este video en español [aquí](#).



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DONATE NOW

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

Learn more about how we manage our funds.

Key Partnerships:

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

Subscribe to Our E-Newsletter

Email Address:

First Name:

Last Name:

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



GOOD SAMARITAN
ABOUT US | WHAT WE DO
FAMILY RESOURCE CENTER, INC.

DONATE

EN ESPAÑOL

*We're Helping Families Stay Healthy, Housed, and Sane During the COVID-19 Crisis: **DONATE TODAY***

Good Samaritan Family Resource Center
(headquarters) & Wohlford Family Clinic

description

goodsamfrc.org

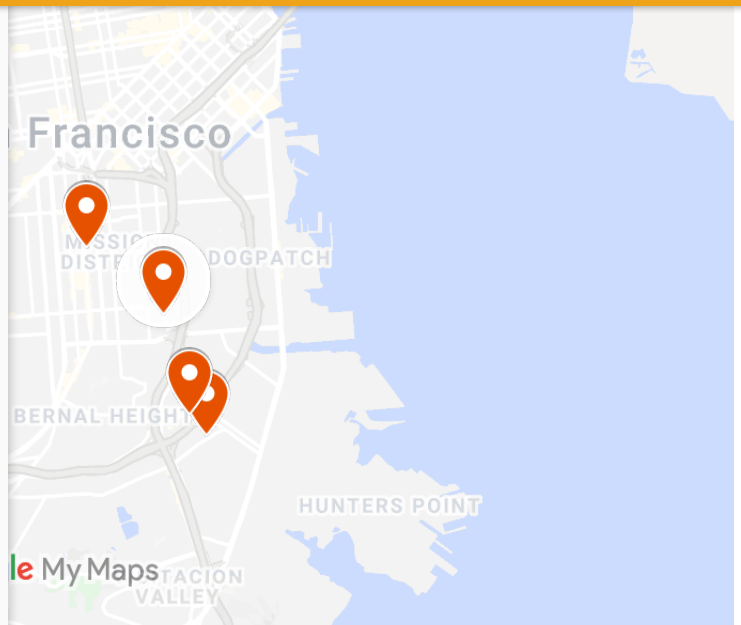
Details from Google Maps

1294 Potrero Ave, San Francisco, CA
94110

+1 415-401-8737

www.plannedparenthood.org

3.2 ★★★★★



MAIN PHONE LINE

For questions or to make an
appointment in Spanish or English,
please contact Good Samaritan's main
line at:

(415) 401-4253

**WE'RE OPEN
FOR
BUSINESS
DURING
COVID-19**

MAIL/DONATION

Please send mail to:

**Good Samaritan Family Resource
Center**

1294 Potrero Ave

San Francisco, CA 94110

PROGRAM LOCATIONS

**Family Services in English and
Spanish:**

Mission neighborhood – Potrero

9:00 am – 4:00 pm

Monday – Friday

1294 Potrero Ave, San Francisco,
CA 94110

*Due to COVID-19 safety
measures, visits to Potrero require
an appointment. Please call for
more information **(415) 401-4253**.

Bayview neighborhood –

Satellite site:

El Centro Bayview Family Resource
Center

10 am – 3:00 pm

Mondays or Fridays*

In person Services

- Good Sam's Child Development Center is open at $\frac{1}{3}$ capacity.
- Our new Community Hub in the Bayview is open to SFUSD students who need in-person support and services.
- Our Family Resource Centers are open for those with scheduled appointments with our bilingual Family Advocates.
- Scheduled distributions of food, diapers, and more (outside our front door) for those who pre-qualify.

Virtual Programs

- Good Sam's Child Development Center is operating virtually for families who prefer a remote option.
- Kids' Club, a preschool readiness program, is virtual this semester.
- Our bilingual, parent support groups are online.
- The Vision Academy and Willie L. Brown Beacon are virtual

141 Industrial Street, San
Francisco, CA 94110
Located within the Calvary Hill
Community Church complex.

*Visits to El Centro Bayview on
days other than Mondays or
Fridays require an appointment.
Please schedule one at **(415) 647-
5313**.

until further notice.

- Our parent/child interactive
groups are online

Child Development

Center/Preschool:

(415) 401-4252

Immigrant Youth Services:

(415) 401-4253

gsfrcys@gmail.com

Vision Academy:

(415) 647-5308

thevisionacademy.org

Willie Brown Beacon:

Willie L. Brown Jr. Middle School

(415) 786-7654

williebrowbeacon@gmail.com

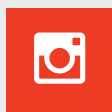
2055 Silver Ave. San Francisco, CA
94124

Office Located on campus in Room
A225

Williebrowbeacon.org

GOOD SAMARITAN FAMILY RESOURCE CENTER

1294 Potrero Avenue
San Francisco CA, 94110
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EXHIBIT 3

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**

Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation), section 527, or section 4947(a)(1) nonexempt charitable trust

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2000Open to Public
Inspection**A** For the 2000 calendar year, OR tax year period beginning

and ending

12/00

B Check if applicable:

- ☐ Change of address
☐ Change of name
☐ Initial return
☐ Final return
☐ Amended return (use also for state reporting)

Please use IRS label or print or type. See Specific Instructions.

C Name of organization

Good Samaritan Family Resource Center, Inc.

Number and street (or P.O. box if mail is not delivered to street address)

1294 Potrero Avenue

Room/suite

City or town, state or country, and ZIP

San Francisco, CA 94110

D Employer identification number

94-3154078

E Telephone number

415-824-9475

F Check ☐ if application pending**G** Organization type (check only one) ▶ ☒ 501(c) (3) ◀ (insert no.) ☐ 527
OR ☐ 4947(a)(1)

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

J Accounting method:☐ Cash ☒ Accrual ☐ Other (specify) ▶

(H and I are not applicable to section 527 orgs.)

H(a) Is this a group return for affiliates? ☐ Yes ☒ No**H(b)** If "Yes," enter number of affiliates ▶**H(c)** Are all affiliates included? ☐ Yes ☒ No
(If "No," attach a list.)**H(d)** Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Enter 4-digit group exemption no. (GEN) ▶**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.**L** Check this box if the organization is not required to attach Schedule B (Form 990 or 990-EZ) ▶ ☐**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances**

| | | 1a | | 1b | | 1c | | 1d | |
|------------|---|--|--|-----------|--|----|--|------------|------------|
| Revenue | 1 | Contributions, gifts, grants, and similar amounts received: | | | | | | | |
| | a | Direct public support | | | | | | | 685,848. |
| | b | Indirect public support | | | | | | | |
| | c | Government contributions (grants) | | | | | | | 273,078. |
| | d | Total (add lines 1a through 1c) (cash \$ 944,811. noncash \$ 14,115.) | | | | | | | 958,926. |
| | 2 | Program service revenue including government fees and contracts (from Part VII, line 93) | | | | | | | 123,239. |
| | 3 | Membership dues and assessments | | | | | | | |
| | 4 | Interest on savings and temporary cash investments | | | | | | | 19,272. |
| | 5 | Dividends and interest from securities | | | | | | | |
| | 6a | Gross rents | | | | | | | |
| 6b | Less: rental expenses | | | | | | | | |
| 6c | Net rental income or (loss) (subtract line 6b from line 6a) | | | | | | | | |
| 7 | Other investment income (describe ▶) | | | | | | | | |
| Expenses | 8a | (A) Securities | | (B) Other | | | | | |
| | | 22,828. | | 8a | | | | | |
| | b | Less: cost or other basis and sales expenses | | 22,606. | | 8b | | | |
| | c | Gain or (loss) (attach schedule) | | 222. | | 8c | | | |
| | d | Net gain or (loss) (combine line 8c, columns (A) and (B)) Stmt 2 | | | | | | | 222. |
| | 9 | Special events and activities (attach schedule) | | | | | | | |
| | a | Gross revenue (not including \$ of contributions reported on line 1a) | | | | | | | |
| | 9a | | | | | | | | |
| | b | Less: direct expenses other than fundraising expenses | | | | | | | |
| | 9b | | | | | | | | |
| 9c | Net income or (loss) from special events (subtract line 9b from line 9a) | | | | | | | | |
| Net Assets | 10a | Gross sales of inventory, less returns and allowances | | | | | | | |
| | 10b | Less: cost of goods sold | | | | | | | |
| | 10c | Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a) | | | | | | | |
| | 11 | Other revenue (from Part VII, line 103) | | | | | | | |
| | 12 | Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11) | | | | | | | 1,101,659. |
| | 13 | Program services (from line 44, column (B)) | | | | | | | 919,463. |
| | 14 | Management and general (from line 44, column (C)) | | | | | | | 113,338. |
| | 15 | Fundraising (from line 44, column (D)) | | | | | | | 61,691. |
| | 16 | Payments to affiliates (attach schedule) | | | | | | | |
| | 17 | Total expenses (add lines 16 and 44, column (A)) | | | | | | | 1,094,492. |
| 18 | Excess or (deficit) for the year (subtract line 17 from line 12) | | | | | | | 7,167. | |
| 19 | Net assets or fund balances at beginning of year (from line 73, column (A)) | | | | | | | 3,784,545. | |
| 20 | Other changes in net assets or fund balances (attach explanation) | | | | | | | 0. | |
| 21 | Net assets or fund balances at end of year (combine lines 18, 19, and 20) | | | | | | | 3,791,712. | |

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Part II Statement of Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

| Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I. | | (A) Total | (B) Program services | (C) Management and general | (D) Fundraising |
|---|---|-----------|----------------------|----------------------------|-----------------|
| 22 | Grants and allocations (attach schedule) | | | | |
| | cash \$ noncash \$ | 22 | | | |
| 23 | Specific assistance to individuals (attach schedule) | 23 | 12,685. | 12,685. | Statement 4 |
| 24 | Benefits paid to or for members (attach schedule) | 24 | | | |
| 25 | Compensation of officers, directors, etc. | 25 | 102,875. | 90,467. | 6,519. |
| 26 | Other salaries and wages | 26 | 460,898. | 405,308. | 29,205. |
| 27 | Pension plan contributions | 27 | | | |
| 28 | Other employee benefits | 28 | 68,430. | 60,176. | 4,336. |
| 29 | Payroll taxes | 29 | 48,480. | 42,633. | 3,072. |
| 30 | Professional fundraising fees | 30 | | | |
| 31 | Accounting fees | 31 | 25,069. | 3,000. | 22,069. |
| 32 | Legal fees | 32 | | | |
| 33 | Supplies | 33 | 37,289. | 34,985. | 1,812. |
| 34 | Telephone | 34 | 19,818. | 16,185. | 3,004. |
| 35 | Postage and shipping | 35 | 1,863. | 1,548. | 105. |
| 36 | Occupancy | 36 | 10,658. | 10,338. | 213. |
| 37 | Equipment rental and maintenance | 37 | 11,297. | 10,901. | 267. |
| 38 | Printing and publications | 38 | 9,414. | 6,585. | 2,651. |
| 39 | Travel | 39 | 12,556. | 5,282. | 7,274. |
| 40 | Conferences, conventions, and meetings | 40 | | | |
| 41 | Interest | 41 | | | |
| 42 | Depreciation, depletion, etc. (attach schedule) ... | 42 | 106,236. | 97,109. | 6,899. |
| 43 | Other expenses (itemize): | | | | |
| | a | 43a | | | |
| | b | 43b | | | |
| | c | 43c | | | |
| | d | 43d | | | |
| e | See Statement 3 | 43e | 166,924. | 122,261. | 25,912. |
| 44 | Total functional expenses (add lines 22 through 43) | 44 | 1,094,492. | 919,463. | 113,338. |
| | Organizations completing columns (B)-(D), carry these totals to lines 13-15 | | | | 61,691. |

Reporting of Joint Costs. Did you report in column (B) (Program services) any joint costs from a combined educational campaign andfundraising solicitation? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$; (ii) the amount allocated to Program services \$;

(iii) the amount allocated to Management and general \$; and (iv) the amount allocated to Fundraising \$

Part III Statement of Program Service AccomplishmentsWhat is the organization's primary exempt purpose? ☐ Help to immigrant families

Help to immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

Program Service Expenses
(Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)

| | | | | | |
|---|--|--|--|--|----------|
| a | Child Development Center (statement attached) | | | | |
| | (Grants and allocations \$ | | | | 377,042. |
| b | Case Management (statement attached) | | | | |
| | (Grants and allocations \$ | | | | 189,719. |
| c | Family Services (statement attached) | | | | |
| | (Grants and allocations \$ | | | | 352,702. |
| d | | | | | |
| | (Grants and allocations \$ | | | | |
| e | Other program services (attach schedule) | | | | |
| | (Grants and allocations \$ | | | | |
| f | Total of Program Service Expenses (should equal line 44, column (B), Program services) | | | | 919,463. |

Note: Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

| | |
|------------------|---|
| Part IV-B | Reconciliation of Expenses per Audited Financial Statements With Expenses per Return |
|------------------|---|

| | | | |
|----------|--|----------|------------|
| a | Total expenses and losses per audited financial statements | a | 1,094,270. |
| b | Amounts included on line a but not on line 17, Form 990: | | |
| (1) | Donated services and use of facilities ... \$ | | |
| (2) | Prior year adjustments reported on line 20, Form 990 ... \$ | | |
| (3) | Losses reported on line 20, Form 990 ... \$ | | |
| (4) | Other (specify): | | |
| | Stmt 6 \$ <222.> | | |
| | Add amounts on lines (1) through (4) ... | b | <222.> |
| c | Line a minus line b | c | 1,094,492. |
| d | Amounts included on line 17, Form 990 but not on line a : | | |
| (1) | Investment expenses not included on line 6b, Form 990 ... \$ | | |
| (2) | Other (specify): | | |
| | \$ | | |
| | Add amounts on lines (1) and (2) ... | d | |
| e | Total expenses per line 17, Form 990 (line c plus line d) | e | 1,094,492. |

| (A) Name and address | (B) Title and average hours per week devoted to position | (C) Compensation (if not paid, enter -0-.) | (D) Contributions to employee benefit plans & deferred compensation | (E) Expense account and other allowances |
|--|--|--|---|--|
| <div>-----</div> <div>See Statement 8</div> <div>-----</div> | | 102,875. | 0. | 0. |
| <div>-----</div> | | | | |
| <div>-----</div> | | | | |
| <div>-----</div> | | | | |
| <div>-----</div> | | | | |
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| <div>-----</div> | | | | |

☐ Yes ☒ No

| | N/A | Yes | No |
|--|-----|-----|----|
|--|-----|-----|----|

| | | | | |
|------|--|-----|-----|----|
| 76 | Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity | 76 | | X |
| 77 | Were any changes made in the organization or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes. | 77 | | X |
| 78 a | Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? | 78a | | X |
| b | If "Yes," has it filed a tax return on Form 990-T for this year? N/A | 78b | | |
| 79 | Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement. | 79 | | X |
| 80 a | Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization? | 80a | | X |
| b | If "Yes," enter the name of the organization and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt. | | | |
| 81 a | Enter the amount of political expenditures, direct or indirect, as described in the instructions for line 81 | 81a | 0. | |
| b | Did the organization file Form 1120-POL for this year? | 81b | | X |
| 82 a | Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value? | 82a | X | |
| b | If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions for reporting in Part III.) | 82b | | |
| 83 a | Did the organization comply with the public inspection requirements for returns and exemption applications? | 83a | X | |
| b | Did the organization comply with the disclosure requirements relating to quid pro quo contributions? | 83b | X | |
| 84 a | Did the organization solicit any contributions or gifts that were not tax deductible? | 84a | | |
| b | If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? | 84b | | |
| 85 | 501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members? | 85a | | |
| b | Did the organization make only in-house lobbying expenditures of \$2,000 or less? | 85b | | |
| | If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year. | | | |
| c | Dues, assessments, and similar amounts from members | 85c | N/A | |
| d | Section 162(e) lobbying and political expenditures | 85d | N/A | |
| e | Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices | 85e | N/A | |
| f | Taxable amount of lobbying and political expenditures (line 85d less 85e) | 85f | N/A | |
| g | Does the organization elect to pay the section 6033(e) tax on the amount in 85f? | 85g | | |
| h | If section 6033(e)(1)(A) dues notice were sent, does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? | 85h | | |
| 86 | 501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12 | 86a | N/A | |
| b | Gross receipts, included on line 12, for public use of club facilities | 86b | N/A | |
| 87 | 501(c)(12) organizations. Enter: a Gross income from members or shareholders | 87a | N/A | |
| b | Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.) | 87b | N/A | |
| 88 | At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX | 88 | | X |
| 89 a | 501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 0.; section 4912 0.; section 4955 0. | | | |
| b | 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction | 89b | | X |
| c | Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 | | | 0. |
| d | Enter: Amount of tax on line 89c, above, reimbursed by the organization | | | 0. |
| 90 a | List the states with which a copy of this return is filed California | | | |
| b | Number of employees employed in the pay period that includes March 12, 2000 | 90b | | 18 |

91 The books are in care of ► David Matchett Telephone no. ► 415-206-7280

Located at ► 1294 Potrero Ave, San Francisco, CA ZIP code ► 94110

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here ☐ **92** N/A

Part VII Analysis of Income-Producing Activities

Enter gross amounts unless otherwise indicated.

| | Unrelated business income | | Excluded by section 512, 513, or 514 | | (E) Related or exempt function income |
|--|---------------------------|---------------|--------------------------------------|---------------|---|
| | (A) Business code | (B) Amount | (C) Exclu- sion code | (D) Amount | |
| 93 Program service revenue: | | | | | |
| a <u>Preschool</u> | | | | | 53,255. |
| b <u>Sports program</u> | | | | | 2,250. |
| c <u>Other program fees</u> | | | | | 1,635. |
| d _____ | | | | | |
| e _____ | | | | | |
| f Medicare/Medicaid payments | | | | | |
| g Fees and contracts from government agencies | | | | | 66,099. |
| 94 Membership dues and assessments | | | | | |
| 95 Interest on savings and temporary cash investments | | | 14 | 19,272. | |
| 96 Dividends and interest from securities | | | | | |
| 97 Net rental income or (loss) from real estate: | | | | | |
| a debt-financed property | | | | | |
| b not debt-financed property | | | | | |
| 98 Net rental income or (loss) from personal property | | | | | |
| 99 Other investment income | | | | | |
| 100 Gain or (loss) from sales of assets other than inventory | | | 18 | 222. | |
| 101 Net income or (loss) from special events | | | | | |
| 102 Gross profit or (loss) from sales of inventory | | | | | |
| 103 Other revenue: | | | | | |
| a _____ | | | | | |
| b _____ | | | | | |
| c _____ | | | | | |
| d _____ | | | | | |
| e _____ | | | | | |
| 104 Subtotal (add columns (B), (D), and (E)) | | 0. | | 19,494. | 123,239. |
| 105 Total (add line 104, columns (B), (D), and (E)) | | | | | 142,733. |

Note: Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes

| Line No. | Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes). |
|----------|---|
| 93a | Fees from Child Development Center bilingual preschool program |
| 93b | Fees from child/youth sports program |
| 93c | Fees from other family services |
| 93g | Preschool subsidies |

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities

| (A) Name, address, and EIN of corporation, partnership, or disregarded entity | (B) Percentage of ownership interest | (C) Nature of activities | (D) Total income | (E) End-of-year assets |
|--|---|-----------------------------|---------------------|---------------------------|
| N/A | % | | | |
| | % | | | |
| | % | | | |
| | % | | | |

Part X Information Regarding Transfers Associated with Personal Benefit Contracts

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).

Please Sign Here: Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge. (Important: See General Instruction W.)

Signature of officer: Linda Udall Date: 11/13/01 Type or print name and title: LINDA UDALL, Treasurer

Paid Preparer's signature: Nini Charles McCone Date: 11/13/01 Check if self-employed: ☒ Preparer's SSN or PTIN: _____

Preparer's Use Only: Firm's name (or yours if self-employed) and address, and ZIP code: Nini Charles McCone
61 Fifth Avenue
San Francisco, CA 94118 EIN: _____ Phone no.: (415) 751-8556

SCHEDULE A
(Form 990 or 990-EZ)**Organization Exempt Under Section 501(c)(3)**

OMB No. 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust**2000**Department of the Treasury
Internal Revenue Service**Supplementary Information**▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**Name of the organization **Good Samaritan Family Resource
Center, Inc.**Employer identification number
94 3154078**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See instructions. List each one. If there are none, enter "None.")

| (a) Name and address of each employee paid more than \$50,000 | (b) Title and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans & deferred compensation | (e) Expense account and other allowances |
|---|--|------------------|---|--|
| Hector Melendez San Francisco, CA | Prog Director 40 | 50,495. | 0. | 0. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total number of other employees paid over \$50,000 ▶ | 0 | | | |

Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services

(See instructions. List each one (whether individuals or firms). If there are none, enter "None.")

| (a) Name and address of each independent contractor paid more than \$50,000 | (b) Type of service | (c) Compensation |
|---|---------------------|------------------|
| None | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Total number of others receiving over \$50,000 for professional services ▶ | 0 | |

LHA For Paperwork Reduction Act Notice, see page 1 of the Instructions for Form 990 and Form 990-EZ.

Schedule A (Form 990 or 990-EZ) 2000

Part III Statements About Activities

| | Yes | No |
|---|--------------------|----------|
| 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities \$ _____ Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities. | 1 | X |
| 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: | | |
| a Sale, exchange, or leasing of property? | 2a | X |
| b Lending of money or other extension of credit? | 2b | X |
| c Furnishing of goods, services, or facilities? | 2c | X |
| d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)? See Part V, Form 990 | 2d X | |
| e Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. | 2e | X |
| 3 Does the organization make grants for scholarships, fellowships, student loans, etc.? | 3 X | |
| 4 a Do you have a section 403(b) annuity plan for your employees? | 4a | X |
| b Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See page 2 of the instructions.) See Statement 9 | | |

Part IV Reason for Non-Private Foundation Status (See pages 2 through 5 of the instructions.)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5** ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6** ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 5.)
- 7** ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8** ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9** ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state **▶** _____
- 10** ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a** ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b** ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12** ☐ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13** ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations. (See page 5 of the instructions.)

| (a) Name(s) of supported organization(s) | (b) Line number from above |
|--|----------------------------|
| | |
| | |
| | |

- 14** ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 5 of the instructions.)

Part IV-A Support Schedule (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.**
Note: You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

| Calendar year (or fiscal year beginning in) ▶ | (a) 1999 | (b) 1998 | (c) 1997 | (d) 1996 | (e) Total |
|---|----------|----------|------------|------------|------------|
| 15 Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.) | 600,086. | 727,830. | 1,456,998. | 1,081,347. | 3,866,261. |
| 16 Membership fees received | | | | | |
| 17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is not a business unrelated to the organization's charitable, etc., purpose | 294,466. | 200,533. | 182,315. | 162,251. | 839,565. |
| 18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975 | 20,130. | 23,780. | 4,361. | 21,316. | 69,587. |
| 19 Net income from unrelated business activities not included in line 18 | | | | | |
| 20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf | | | | | |
| 21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge | | | | | |
| 22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets | | | | | |
| 23 Total of lines 15 through 22 | 914,682. | 952,143. | 1,643,674. | 1,264,914. | 4,775,413. |
| 24 Line 23 minus line 17 | 620,216. | 751,610. | 1,461,359. | 1,102,663. | 3,935,848. |
| 25 Enter 1% of line 23 | 9,147. | 9,521. | 16,437. | 12,649. | |
| 26 Organizations described on lines 10 or 11: a Enter 2% of amount in column (e), line 24 | | | | | 78,717. |
| b Attach a list (which is not open to public inspection) showing the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1996 through 1999 exceeded the amount shown in line 26a. Enter the sum of all these excess amounts | | | | | 1,834,500. |
| c Total support for section 509(a)(1) test: Enter line 24, column (e) | | | | | 3,935,848. |
| d Add: Amounts from column (e) for lines: 18 <u>69,587.</u> 19 <u></u> 22 <u></u> 26b <u>1,834,500.</u> | | | | | 1,904,087. |
| e Public support (line 26c minus line 26d total) | | | | | 2,031,761. |
| f Public support percentage (line 26e (numerator) divided by line 26c (denominator)) | | | | | 51.6219% |
| 27 Organizations described on line 12: a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," attach a list (which is not open to public inspection) to show the name of, and total amounts received in each year from, each "disqualified person." Enter the sum of such amounts for each year: (1999) <u>N/A</u> (1998) <u></u> (1997) <u></u> (1996) <u></u> | | | | | |
| b For any amount included in line 17 that was received from a nondisqualified person, attach a list to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: (1999) <u>N/A</u> (1998) <u></u> (1997) <u></u> (1996) <u></u> | | | | | |
| c Add: Amounts from column (e) for lines: 15 <u></u> 16 <u></u> 17 <u></u> 20 <u></u> 21 <u></u> | | | | | N/A |
| d Add: Line 27a total <u></u> and line 27b total <u></u> | | | | | N/A |
| e Public support (line 27c total minus line 27d total) | | | | | N/A |
| f Total support for section 509(a)(2) test: Enter amount on line 23, column (e) | | | | | N/A |
| g Public support percentage (line 27e (numerator) divided by line 27f (denominator)) | | | | | N/A % |
| h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) | | | | | N/A % |
| 28 Unusual Grants: For an organization described in line 10, 11, or 12, that received any unusual grants during 1996 through 1999, attach a list (which is not open to public inspection) for each year showing the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not include these grants in line 15. (See page 5 of the instructions.) | | | | | None |

Part V Private School Questionnaire

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

N/A

| | | Yes | No |
|-------------|---|-----|----|
| 29 | Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? | | |
| 30 | Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? | | |
| 31 | Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? | | |
| | If "Yes," please describe; if "No," please explain. (If you need more space, attach a separate statement.) | | |
| | | | |
| | | | |
| 32 | Does the organization maintain the following: | | |
| a | Records indicating the racial composition of the student body, faculty, and administrative staff? | | |
| b | Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? | | |
| c | Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? | | |
| d | Copies of all material used by the organization or on its behalf to solicit contributions? | | |
| | If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.) | | |
| | | | |
| 33 | Does the organization discriminate by race in any way with respect to: | | |
| a | Students' rights or privileges? | | |
| b | Admissions policies? | | |
| c | Employment of faculty or administrative staff? | | |
| d | Scholarships or other financial assistance? | | |
| e | Educational policies? | | |
| f | Use of facilities? | | |
| g | Athletic programs? | | |
| h | Other extracurricular activities? | | |
| | If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.) | | |
| | | | |
| | | | |
| 34 a | Does the organization receive any financial aid or assistance from a governmental agency? | | |
| b | Has the organization's right to such aid ever been revoked or suspended? | | |
| | If you answered "Yes" to either 34a or b, please explain using an attached statement. | | |
| 35 | Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," attach an explanation | | |

Schedule A (Form 990 or 990-EZ) 2000

Part VI-A Lobbying Expenditures by Electing Public Charities

(To be completed ONLY by an eligible organization that filed Form 5768)

N/A

- Check here ☐ If the organization belongs to an affiliated group.
 Check here ☐ If you checked "a" above and "limited control" provisions apply.

| Limits on Lobbying Expenditures | | (a) Affiliated group totals | (b) To be completed for ALL electing organizations | | | | | | | | | | | | |
|---|---|--------------------------------------|--|--------------------------|------------------------------------|---|---|---|---|--|--|-------------------------|-------------------|----|--|
| (The term "expenditures" means amounts paid or incurred.) | | | | | | | | | | | | | | | |
| | | N/A | | | | | | | | | | | | | |
| 36 | Total lobbying expenditures to influence public opinion (grassroots lobbying) | 36 | | | | | | | | | | | | | |
| 37 | Total lobbying expenditures to influence a legislative body (direct lobbying) | 37 | | | | | | | | | | | | | |
| 38 | Total lobbying expenditures (add lines 36 and 37) | 38 | | | | | | | | | | | | | |
| 39 | Other exempt purpose expenditures | 39 | | | | | | | | | | | | | |
| 40 | Total exempt purpose expenditures (add lines 38 and 39) | 40 | | | | | | | | | | | | | |
| 41 | Lobbying nontaxable amount. Enter the amount from the following table - | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>If the amount on line 40 is -</td> <td>The lobbying nontaxable amount is -</td> </tr> <tr> <td>Not over \$500,000</td> <td>20% of the amount on line 40</td> </tr> <tr> <td>Over \$500,000 but not over \$1,000,000</td> <td>\$100,000 plus 15% of the excess over \$500,000</td> </tr> <tr> <td>Over \$1,000,000 but not over \$1,500,000</td> <td>\$175,000 plus 10% of the excess over \$1,000,000</td> </tr> <tr> <td>Over \$1,500,000 but not over \$17,000,000</td> <td>\$225,000 plus 5% of the excess over \$1,500,000</td> </tr> <tr> <td>Over \$17,000,000</td> <td>\$1,000,000</td> </tr> </table> | | If the amount on line 40 is - | The lobbying nontaxable amount is - | Not over \$500,000 | 20% of the amount on line 40 | Over \$500,000 but not over \$1,000,000 | \$100,000 plus 15% of the excess over \$500,000 | Over \$1,000,000 but not over \$1,500,000 | \$175,000 plus 10% of the excess over \$1,000,000 | Over \$1,500,000 but not over \$17,000,000 | \$225,000 plus 5% of the excess over \$1,500,000 | Over \$17,000,000 | \$1,000,000 | 41 | |
| If the amount on line 40 is - | The lobbying nontaxable amount is - | | | | | | | | | | | | | | |
| Not over \$500,000 | 20% of the amount on line 40 | | | | | | | | | | | | | | |
| Over \$500,000 but not over \$1,000,000 | \$100,000 plus 15% of the excess over \$500,000 | | | | | | | | | | | | | | |
| Over \$1,000,000 but not over \$1,500,000 | \$175,000 plus 10% of the excess over \$1,000,000 | | | | | | | | | | | | | | |
| Over \$1,500,000 but not over \$17,000,000 | \$225,000 plus 5% of the excess over \$1,500,000 | | | | | | | | | | | | | | |
| Over \$17,000,000 | \$1,000,000 | | | | | | | | | | | | | | |
| 42 | Grassroots nontaxable amount (enter 25% of line 41) | 42 | | | | | | | | | | | | | |
| 43 | Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36 | 43 | | | | | | | | | | | | | |
| 44 | Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38 | 44 | | | | | | | | | | | | | |

Caution: If there is an amount on either line 43 or line 44, you must file Form 4720.

4-Year Averaging Period Under Section 501(h)

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 45 through 50 on page 9 of the instructions.)

| Calendar year (or fiscal year beginning in) ▶ | Lobbying Expenditures During 4-Year Averaging Period | | | | N/A |
|---|--|-------------|-------------|-------------|--------------|
| | (a) 2000 | (b) 1999 | (c) 1998 | (d) 1997 | (e) Total |
| 45 Lobbying nontaxable amount | | | | | 0. |
| 46 Lobbying ceiling amount (150% of line 45(e)) | | | | | 0. |
| 47 Total lobbying expenditures | | | | | 0. |
| 48 Grassroots nontaxable amount | | | | | 0. |
| 49 Grassroots ceiling amount (150% of line 48(e)) | | | | | 0. |
| 50 Grassroots lobbying expenditures | | | | | 0. |

Part VI-B Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI-A)

N/A

| During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of: | Yes | No | Amount |
|---|-----|----|--------|
| a Volunteers | | | |
| b Paid staff or management (include compensation in expenses reported on lines c through h) | | | |
| c Media advertisements | | | |
| d Mailings to members, legislators, or the public | | | |
| e Publications, or published or broadcast statements | | | |
| f Grants to other organizations for lobbying purposes | | | |
| g Direct contact with legislators, their staffs, government officials, or a legislative body | | | |
| h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means | | | |
| i Total lobbying expenditures (add lines c through h) | | | 0. |

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.

Part VII

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section

a Transfers from the reporting organization to a noncharitable exempt organization of:

(i) Cash

(II) Other assets

b Other transactions:

(i) Sales or exchanges of assets with a noncharitable exempt organization

(ii) Purchases of assets from a noncharitable exempt organization

(III) Rental of facilities, equipment, or other assets

(iv) Reimbursement arrangements

(v) Loans or loan guarantees

(vi) Performance of services or membership or fundraising solicitations

c Sharing of facilities, equipment, mailing lists, other assets, or paid employees

d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received:

N/A

[illegible]

52 a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐

☒ Yes

☒ No

b If "Yes," complete the following schedule:

N/A

[illegible]

| Footnotes | | Statement | 1 |
|----------------------------|--------------------------|------------|---|
| FORM 990, PART IV, LINE 57 | FORM 199, SCH L, LINE 10 | | |
| PROPERTY AND EQUIPMENT | | | |
| Building and improvements | | 3,065,789. | |
| Equipment | | 173,856. | |
| Accumulated depreciation | | <351,329.> | |
| | | 2,888,316. | |
| Land | | 300,000. | |
| | | 3,188,316. | |

| | | | |
|----------|---|-----------|---|
| Form 990 | Gain (Loss) From Publicly Traded Securities | Statement | 2 |
|----------|---|-----------|---|

| Description | Gross Sales Price | Cost or Other Basis | Expense of Sale | Net Gain or (Loss) |
|-----------------------------|----------------------|------------------------|--------------------|-----------------------|
| Publicly traded securities | 22,828. | 22,606. | 0. | 222. |
| To Form 990, Part I, line 8 | 22,828. | 22,606. | 0. | 222. |

| | | | |
|----------|----------------|-----------|---|
| Form 990 | Other Expenses | Statement | 3 |
|----------|----------------|-----------|---|

| Description | (A) Total | (B) Program Services | (C) Management and General | (D) Fundraising |
|--------------------------|--------------|----------------------------|----------------------------------|--------------------|
| Professional fees | 80,836. | 48,817. | 15,423. | 16,596. |
| Outside services | 3,149. | 2,660. | 374. | 115. |
| Insurance | 19,277. | 17,457. | 1,080. | 740. |
| License and fees | 5,225. | 5,134. | 80. | 11. |
| Field trips | 4,906. | 4,906. | | |
| Events | 5,883. | 3,637. | 1,391. | 855. |
| Food | 22,858. | 21,198. | 1,481. | 179. |
| Local transportation | 10,957. | 9,270. | 1,583. | 104. |
| Staff development | 3,729. | 2,383. | 1,221. | 125. |
| Advertising | 1,133. | 1,016. | 114. | 3. |
| Direct support | 191. | | 191. | |
| Bad debt | 4,500. | 4,500. | | |
| Miscellaneous | 4,280. | 1,283. | 2,974. | 23. |
| Total to Form 990, ln 43 | 166,924. | 122,261. | 25,912. | 18,751. |

| | | | |
|----------|------------------------------------|-----------|---|
| Form 990 | Specific Assistance to Individuals | Statement | 4 |
|----------|------------------------------------|-----------|---|

| Description | Amount |
|-------------------------------------|---------|
| Critical needs assistance | 12,685. |
| Total to Form 990, Part II, line 23 | 12,685. |

| | | | |
|----------|---------------------------|-----------|---|
| Form 990 | Non-Government Securities | Statement | 5 |
|----------|---------------------------|-----------|---|

| Description | Corporate Stocks | Corporate Bonds | Other Publicly Traded Securities | Other Securities | Total Non-Gov't Securities |
|------------------------|---------------------|--------------------|---|---------------------|----------------------------------|
| | 3,775. | | | | 3,775. |
| To Fm 990, ln 54 Col B | 3,775. | | | | 3,775. |

| | | | |
|----------|---|-----------|---|
| Form 990 | Other Expenses Not Included on Form 990 | Statement | 6 |
|----------|---|-----------|---|

| Description | Amount |
|---|--------|
| Realized gains netted to investment expense | <222.> |
| Total to Form 990, Part IV-B | <222.> |

| | | | |
|----------|------------------------------------|-----------|---|
| Form 990 | Other Revenue Included on Form 990 | Statement | 7 |
|----------|------------------------------------|-----------|---|

| Description | Amount |
|---|--------|
| Realized gains netted to investment expense | 222. |
| Total to Form 990, Part IV-A | 222. |

Form 990

**Part V - List of Officers, Directors,
Trustees and Key Employees**

Statement 8

| Name and Address | Title and Avg Hrs/Wk | Compen- sation | Employee Ben Plan Expense Contrib Account |
|--|---------------------------------|---------------------------|--|
| John Bullock San Francisco, CA | Director 2 | 0. | 0. 0. |
| Kay Bishop San Francisco, CA | Director 2 | 0. | 0. 0. |
| Frank De Rosa San Francisco, CA | President 5 | 0. | 0. 0. |
| Betsy Dixon San Francisco, CA | Director .1 | 0. | 0. 0. |
| Barbara Gault San Francisco, CA | Director 2 | 0. | 0. 0. |
| Martha Jennings San Francisco, CA | Director 1 | 0. | 0. 0. |
| Alan Levinson Sausalito, CA | Director .1 | 0. | 0. 0. |
| Alicia Lieberman, Ph.D. San Francisco, CA | Director .1 | 0. | 0. 0. |
| G.W. Lorton San Francisco, CA | Director 16 | 32,202. | 0. 0. |
| William H. Orrick III San Francisco, CA | Secretary 5 | 0. | 0. 0. |
| The Rev. Ivan Ramirez San Francisco, CA | Director .1 | 0. | 0. 0. |

Good Samaritan Family Resource Center, Inc.

94-3154078

| | | | | |
|-------------------------------------|--------------------|----------|----|----|
| Kat Taylor | Vice President | | | |
| San Francisco, CA | 5 | 0. | 0. | 0. |
| Linda Udall | Treasurer | | | |
| San Francisco, CA | 5 | 0. | 0. | 0. |
| Dr. Fernando Viteri | Director | | | |
| Piedmont, CA | .1 | 0. | 0. | 0. |
| Ede Zollman | Director | | | |
| San Francisco, CA | .1 | 0. | 0. | 0. |
| Chris Block | Executive Director | | | |
| San Francisco, CA | 40 | 70,673. | 0. | 0. |
| Totals Included on Form 990, Part V | | 102,875. | 0. | 0. |

Schedule A Explanation of Qualifications to Receive Payments Statement 9
Part III, Line 4

The Good Sam Critical Needs fund was established to address the detrimental effects of unexpected financial difficulties on a client's ability to achieve self-sufficiency. Each client may receive critical needs assistance once per lifetime. Acceptable uses for emergency financial assistance include, but are not limited to, emergencies related to:

- a. Childcare services not covered by other programs.
- b. Uninsured medical payments.
- c. Student related expenses not covered by other funding arrangements.
- d. Transportation (bus/cab fare, towing/impounded fees, vehicle repair).
- e. Supplemental training or social services not provided by Good Sam.
- f. Rent assistance

Good Samaritan Family Resource Center, Inc.

Program Descriptions

Good Samaritan Family Resource Center (GSFRC) has been serving the needs of newly arrived families in San Francisco for 106 years. Our mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency and participate constructively in the community.

The agency of GSFRC offers a comprehensive, early intervention package of services and programs for the whole family. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

GSFRC has three main program areas:

- 1) **Family Services Division**, which includes Parent Support Groups, Parenting Classes, Adult Literacy, Individual and Group Therapy, After School Academic Enrichment, Soccer Program, Asthma and Dental Screenings and Education for children of elementary public schools, Emergency Assistance, Summer Youth Programs, English as a Second Language classes; Computer Trainings and In-home Support.
- 2) **Case Management**, which includes a collaboration with all child, youth and adult programming in an effort to synthesize our services and work with the entire family toward financial security and healthy lifestyles.
- 3) **Child Development Center**, which provides fully enriched childcare to 33 low-income children and daily drop-in childcare for community classes.

TECHNOLOGY

GSFRC's approach to making technology accessible to clients is consistent with its approach of serving the whole family in a safe and welcoming environment. Our goal is to make technology accessible to low-income families who otherwise will be left off the communications superhighway; for example, we have evening computer classes to be highly accessible to our families. We also aim to bridge the technological divide between generations so parents are aware and understand what and how their children are learning about technology by having activities that involve the whole family.

Computer lab: The lab is equipped with 10 Pentium computers, with multimedia capabilities. The lab is used by the After-school program to help children from elementary schools with their homework and to work on their math and writing skills. It is also used by the Adult Literacy program to improve their English as Second Language skills. Clients currently receiving employment services use the lab to learn to type and acquire basic computer skills. The summer youth program also incorporates a photography and multi-media component that makes use of the computers in the lab.

CHILDREN AND YOUTH

GSFRC offers four different services to children and youth: 1) Soccer Program, 2) After School Academic Support Program, 3) Asthma and Dental Screenings at elementary schools, and 4) Summer Youth Programs. All together, these programs serve over 1000 children and youth.

CASE MANAGEMENT

Case management provides the necessary integration of services provided to our families at GSFRC to assist them in becoming self empowered and self sufficient. Through case management, and a specifically devised data base, our case managers are better able to locate and work with the needs of the entire family. Good Samaritan currently provides to our clients a user-friendly job board for independent job searches, brokered services, goal setting, counseling, evening computer classes, and referrals for education, vocational training, childcare, healthcare, mental health services, legal and housing services. GSFRC also provides the resources for our families to have the necessary space to network, create community, and to share ideas, support, and knowledge about the availability and quality of local services.

FAMILY PLANNING

Good Sam has a unique opportunity to introduce family planning education and services in a culturally sensitive and appropriate manner at multiple levels within its existing integrated program structure. We have a variety of excellent resources available to us in our community from which to draw expertise and to share information. Integrating family planning into the fabric of the agency's community-focused model will strengthen our capacity to provide comprehensive family support to our clients.

CHILD DEVELOPMENT CENTER

The Child Development Center at Good Sam is currently serving 33 multi-cultural youth in its model center. As we recognize that there is a great need for care for toddlers we are currently looking to expand.

Good Samaritan Family Resource Center

Number of Clients Served in 2000

Adults

Parenting Classes – 24

Child Development Classes – 73

Domestic Violence Support Group – 16

Information and Referral – 360

Case Management – 59

English as a Second Language Classes – 118

Total – 650

Children and Youth

Dental Screenings – 1318

Asthma Screenings – 330

Tutoring – 124

Summer Youth Program – 20

Child Development Center – 46

Play Therapy – 12

Sports Program – 74

Total – 1,924

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

(D) Fundraising

819,063.

Part IV Balance Sheets

Note Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

| | | (A) Beginning of year | | (B) End of year |
|---|---|--------------------------|----------------|--------------------|
| Assets | 45 Cash - non-interest-bearing | 39,876. | 45 | 37,022. |
| | 46 Savings and temporary cash investments | 438,287. | 46 | 344,705. |
| | 47 a Accounts receivable | 47a 114,635. | | |
| | b Less allowance for doubtful accounts | 47b 3,000. | 103,560. | 47c 111,635. |
| | 48 a Pledges receivable | 48a | | |
| | b Less allowance for doubtful accounts | 48b | | 48c |
| | 49 Grants receivable | 120,775. | 49 | 88,542. |
| | 50 Receivables from officers, directors, trustees, and key employees | | 50 | |
| | 51 a Other notes and loans receivable | 51a | | |
| | b Less allowance for doubtful accounts | 51b | | 51c |
| | 52 Inventories for sale or use | | 52 | |
| | 53 Prepaid expenses and deferred charges | 8,128. | 53 | 13,938. |
| | 54 Investments - securities Stmt 5 <input checked="" type="checkbox"/> Cost <input type="checkbox"/> FMV | 3,775. | 54 | 10,398. |
| | 55 a Investments - land buildings and equipment basis | 55a | | |
| | b Less accumulated depreciation | 55b | | 55c |
| 56 Investments - other | 0. | 56 | 0. | |
| 57 a Land buildings, and equipment basis | 57a 3,694,485. | | | |
| b Less accumulated depreciation | 57b 464,541. | 3,188,316. | 57c 3,229,944. | |
| 58 Other assets (describe <input type="checkbox"/>) | | 58 | | |
| 59 Total assets (add lines 45 through 58) (must equal line 74) | 3,902,717. | 59 | 3,836,184. | |
| Liabilities | 60 Accounts payable and accrued expenses | 111,005. | 60 | 91,439. |
| | 61 Grants payable | | 61 | |
| | 62 Deferred revenue | | 62 | |
| | 63 Loans from officers, directors, trustees, and key employees | | 63 | |
| | 64 a Tax-exempt bond liabilities | | 64a | |
| | b Mortgages and other notes payable | | 64b | |
| | 65 Other liabilities (describe <input type="checkbox"/>) | | 65 | |
| 66 Total liabilities (add lines 60 through 65) | 111,005. | 66 | 91,439. | |
| Net Assets or Fund Balances | Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74 | | | |
| | 67 Unrestricted | 3,491,042. | 67 | 3,427,272. |
| | 68 Temporarily restricted | 272,322. | 68 | 289,125. |
| | 69 Permanently restricted | 28,348. | 69 | 28,348. |
| | Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74 | | | |
| | 70 Capital stock, trust principal, or current funds | | 70 | |
| | 71 Paid-in or capital surplus or land, building, and equipment fund | | 71 | |
| | 72 Retained earnings endowment, accumulated income or other funds | | 72 | |
| | 73 Total net assets or fund balances (add lines 67 through 69 OR lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21) | 3,791,712. | 73 | 3,744,745. |
| | 74 Total liabilities and net assets / fund balances (add lines 66 and 73) | 3,902,717. | 74 | 3,836,184. |

Form 990 is available for public inspection and for some people serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III the organization's programs and accomplishments.

| Yes | No |
|-----|----|
|-----|----|

| | | | |
|-------------|--|------------|-----|
| 76 | Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity | 76 | X |
| 77 | Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes | 77 | X |
| 78 a | Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? | 78a | X |
| b | If "Yes," has it filed a tax return on Form 990-T for this year? | 78b | |
| 79 | Was there a liquidation, dissolution, termination or substantial contraction during the year? If "Yes," attach a statement | 79 | X |
| 80 a | Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc. to any other exempt or nonexempt organization? | 80a | X |
| b | If "Yes," enter the name of the organization _____ and check whether it is <input type="checkbox"/> exempt OR <input type="checkbox"/> nonexempt | | |
| 81 a | Enter direct or indirect political expenditures See line 81 instructions | 81a | 0. |
| b | Did the organization file Form 1120-POL for this year? | 81b | X |
| 82 a | Did the organization receive donated services or the use of materials, equipment or facilities at no charge or at substantially less than fair rental value? | 82a | X |
| b | If "Yes," you may indicate the value of these items here Do not include this amount as revenue in Part I or as an expense in Part II (See instructions in Part III) | 82b | |
| 83 a | Did the organization comply with the public inspection requirements for returns and exemption applications? | 83a | X |
| b | Did the organization comply with the disclosure requirements relating to quid pro quo contributions? | 83b | X |
| 84 a | Did the organization solicit any contributions or gifts that were not tax deductible? | 84a | |
| b | If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? | 84b | |
| 85 | 501(c)(4), (5), or (6) organizations a Were substantially all dues nondeductible by members? | 85a | |
| b | Did the organization make only in-house lobbying expenditures of \$2,000 or less? | 85b | |
| | If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year | | |
| c | Dues, assessments, and similar amounts from members | 85c | N/A |
| d | Section 162(e) lobbying and political expenditures | 85d | N/A |
| e | Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices | 85e | N/A |
| f | Taxable amount of lobbying and political expenditures (line 85d less 85e) | 85f | N/A |
| g | Does the organization elect to pay the section 6033(e) tax on the amount in 85f? | 85g | |
| h | If section 6033(e)(1)(A) dues notices were sent does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? | 85h | |
| 86 | 501(c)(7) organizations Enter a Initiation fees and capital contributions included on line 12 | 86a | N/A |
| b | Gross receipts, included on line 12 for public use of club facilities | 86b | N/A |
| 87 | 501(c)(12) organizations Enter a Gross income from members or shareholders | 87a | N/A |
| b | Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them) | 87b | N/A |
| 88 | At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes" complete Part IX | 88 | X |
| 89 a | 501(c)(3) organizations Enter Amount of tax imposed on the organization during the year under section 4911 ▶ 0., section 4912 ▶ 0., section 4955 ▶ 0. | | |
| b | 501(c)(3) and 501(c)(4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction | 89b | X |
| c | Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912 4955 and 4958 | | 0. |
| d | Enter Amount of tax on line 89c, above, reimbursed by the organization | | 0. |
| 90 a | List the states with which a copy of this return is filed ▶ California | | |
| b | Number of employees employed in the pay period that includes March 12, 2001 | 90b | 21 |

91 The books are in care of ► Hector Melendez, ED Telephone no ► 415-401-4242

Located at ► 1294 Potrero Ave, San Francisco, CA ZIP +4 ► 94110-3570

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here
and enter the amount of tax-exempt interest received or accrued during the tax year

▶ | 92

N/A

Part VII Analysis of Income-Producing Activities (See Specific Instructions on page 32.)

Note Enter gross amounts unless otherwise indicated

| | Unrelated business income | | Excluded by section 512 513 or 514 | | (E) Related or exempt function income |
|--|---------------------------|---------------|------------------------------------|---------------|---|
| | (A) Business code | (B) Amount | (C) Exclu- sion code | (D) Amount | |
| 93 Program service revenue | | | | | |
| a <u>Preschool</u> | | | | | 67,023. |
| b <u>Sports program</u> | | | | | 2,570. |
| c <u>Other program fees</u> | | | | | 8,291. |
| d | | | | | |
| e | | | | | |
| f Medicare/Medicaid payments | | | | | |
| g Fees and contracts from government agencies | | | | | 27,403. |
| 94 Membership dues and assessments | | | | | |
| 95 Interest on savings and temporary cash investments | | | 14 | 13,127. | |
| 96 Dividends and interest from securities | | | | | |
| 97 Net rental income or (loss) from real estate | | | | | |
| a debt-financed property | | | | | |
| b not debt-financed property | | | | | |
| 98 Net rental income or (loss) from personal property | | | | | |
| 99 Other investment income | | | | | |
| 100 Gain or (loss) from sales of assets other than inventory | | | 18 | <1,226.> | |
| 101 Net income or (loss) from special events | | | | | |
| 102 Gross profit or (loss) from sales of inventory | | | | | |
| 103 Other revenue | | | | | |
| a | | | | | |
| b | | | | | |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| 104 Subtotal (add columns (B), (D), and (E)) | | 0. | | 11,901. | 105,287. |
| 105 Total (add line 104, columns (B), (D), and (E)) | | | | | 117,188. |

Note Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See Specific Instructions on page 32.)

| Line No | Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes) |
|---------|--|
| 93a | Fees from Child Development Center bilingual preschool program |
| 93b | Fees from child/youth sports program |
| 93c | Fees from other family services |
| 93g | Preschool subsidies |

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See Specific Instructions on page 33.)

| (A) Name, address, and EIN of corporation, partnership, or disregarded entity | (B) Percentage of ownership interest | (C) Nature of activities | (D) Total income | (E) End-of-year assets |
|--|---|-----------------------------|---------------------|---------------------------|
| N/A | % | | | |
| | % | | | |
| | % | | | |
| | % | | | |

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See Specific Instructions on page 33.)

(a) Did the organization, during the year, receive any funds directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note If "Yes" to (b), file Form 8870 and Form 4720 (see instructions)

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Please Sign Here: Linda Udall Date: 11/5/02 Type or print name and title: LINDA UDALL Treasurer

Paid Preparer's Use Only: Preparer's signature: Nini Charles McCone Date: 10/31/02 Check if self-employed: ☒ Preparer's SSN or PTIN:

Firm's name (or yours if self-employed), address and ZIP + 4: Nini Charles McCone
61 Fifth Avenue
San Francisco, CA 94118

EIN: Phone no: (415) 751-8556

SCHEDULE A
(Form 990 or 990-EZ)**Organization Exempt Under Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust**2001**Department of the Treasury
Internal Revenue Service**Supplementary Information-(See separate instructions.)**
▶ **MUST** be completed by the above organizations and attached to their Form 990 or 990-EZName of the organization **Good Samaritan Family Resource
Center, Inc.**Employer identification number
94 3154078**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See page 1 of the instructions. List each one. If there are none, enter "None.")

| (a) Name and address of each employee paid more than \$50,000 | (b) Title and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans & deferred compensation | (e) Expense account and other allowances |
|---|--|------------------|---|--|
| Teresa Carias ----- 1294 Potrero Avenue, SF CA 94110 | Program Dir. 40 | 51,186. | | |
| Pedro Menendez ----- 1294 Potrero Avenue, SF CA 94110 | Tech. Dir. 40 | 51,154. | | |
| ----- ----- ----- ----- ----- ----- | | | | |
| Total number of other employees paid over \$50,000 ▶ | 0 | | | |

Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

| (a) Name and address of each independent contractor paid more than \$50,000 | (b) Type of service | (c) Compensation |
|--|---------------------|------------------|
| None ----- ----- ----- ----- ----- ----- ----- ----- ----- ----- | | |
| Total number of others receiving over \$50,000 for professional services ▶ | 0 | |

Part III Statements About Activities (See page 2 of the instructions)

Yes No

1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities **\$** _____ **\$** _____ (Must equal amounts on line 38, Part VI-A, or line 1 of Part VI-B)

1 X

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities

2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions)

a Sale, exchange, or leasing of property?

2a X

b Lending of money or other extension of credit?

2b X

c Furnishing of goods, services, or facilities?

2c X

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

2d X

e Transfer of any part of its income or assets?

2e X

3 Does the organization make grants for scholarships, fellowships, student loans, etc.? (See Note below)

3 X

4 Do you have a section 403(b) annuity plan for your employees?

4 X

Note. Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs "qualify" to receive payments

See Statement 9

Part IV Reason for Non-Private Foundation Status (See pages 3 through 6 of the instructions)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box)

5 ☐ A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)

6 ☐ A school Section 170(b)(1)(A)(ii) (Also complete Part V)

7 ☐ A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)

8 ☐ A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(v)

9 ☐ A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(iii) Enter the hospital's name, city, and state **▶** _____

10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(iv) (Also complete the **Support Schedule** in Part IV-A)

11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV-A)

11b ☐ A community trust Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV-A)

12 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the **Support Schedule** in Part IV-A)

13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2) (See section 509(a)(3))

Provide the following information about the supported organizations (See page 5 of the instructions)

| (a) Name(s) of supported organization(s) | (b) Line number from above |
|--|----------------------------|
| | |
| | |
| | |
| | |

14 ☐ An organization organized and operated to test for public safety Section 509(a)(4) (See page 6 of the instructions)

Support Schedule (Complete only if you checked a box on line 10, 11, or 12) **Use cash method of accounting**
Note You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting

Part V Private School Questionnaire (See page 7 of the instructions)

N/A

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

| | Yes | No |
|---|-----|----|
| 29 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter bylaws, other governing instrument, or in a resolution of its governing body? | | |
| 30 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures catalogues and other written communications with the public dealing with student admissions, programs, and scholarships? | | |
| 31 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe, if "No," please explain (If you need more space, attach a separate statement) | | |
| 32 Does the organization maintain the following | | |
| a Records indicating the racial composition of the student body, faculty and administrative staff? | | |
| b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? | | |
| c Copies of all catalogues brochures, announcements, and other written communications to the public dealing with student admissions programs, and scholarships? | | |
| d Copies of all material used by the organization or on its behalf to solicit contributions? If you answered "No" to any of the above please explain (If you need more space attach a separate statement) | | |
| 33 Does the organization discriminate by race in any way with respect to | | |
| a Students rights or privileges? | | |
| b Admissions policies? | | |
| c Employment of faculty or administrative staff? | | |
| d Scholarships or other financial assistance? | | |
| e Educational policies? | | |
| f Use of facilities? | | |
| g Athletic programs? | | |
| h Other extracurricular activities? If you answered "Yes" to any of the above, please explain (If you need more space attach a separate statement) | | |
| 34 a Does the organization receive any financial aid or assistance from a governmental agency? | | |
| b Has the organization's right to such aid ever been revoked or suspended? If you answered "Yes" to either 34a or b, please explain using an attached statement | | |
| 35 Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev Proc 75-50 1975-2 C B 587, covering racial nondiscrimination? If "No," attach an explanation | | |

Schedule A (Form 990 or 990-EZ) 2001

Part VI-A Lobbying Expenditures by Electing Public Charities (See page 9 of the instructions)

N/A

(To be completed ONLY by an eligible organization that filed Form 5768)

Check ☐ a ☐ if the organization belongs to an affiliated groupCheck ☐ b ☐ if you checked "a" and "limited control" provisions apply**Limits on Lobbying Expenditures**

(The term "expenditures" means amounts paid or incurred)

- 36 Total lobbying expenditures to influence public opinion (grassroots lobbying)
- 37 Total lobbying expenditures to influence a legislative body (direct lobbying)
- 38 Total lobbying expenditures (add lines 36 and 37)
- 39 Other exempt purpose expenditures
- 40 Total exempt purpose expenditures (add lines 38 and 39)
- 41 Lobbying nontaxable amount Enter the amount from the following table -
- | | |
|--|---|
| If the amount on line 40 is - | The lobbying nontaxable amount is - |
| Not over \$500 000 | 20% of the amount on line 40 |
| Over \$500 000 but not over \$1 000 000 | \$100 000 plus 15% of the excess over \$500 000 |
| Over \$1 000 000 but not over \$1,500 000 | \$175 000 plus 10% of the excess over \$1 000 000 |
| Over \$1,500 000 but not over \$17 000 000 | \$225 000 plus 5% of the excess over \$1 500 000 |
| Over \$17 000 000 | \$1 000 000 |
- 42 Grassroots nontaxable amount (enter 25% of line 41)
- 43 Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36
- 44 Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38

| | | (a) Affiliated group totals | (b) To be completed for ALL electing organizations |
|----|--|-----------------------------------|--|
| | | N/A | |
| 36 | | | |
| 37 | | | |
| 38 | | | |
| 39 | | | |
| 40 | | | |
| 41 | | | |
| 42 | | | |
| 43 | | | |
| 44 | | | |

Caution If there is an amount on either line 43 or line 44, you must file Form 4720**4-Year Averaging Period Under Section 501(h)**

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below See the instructions for lines 45 through 50 on page 11 of the instructions)

| Calendar year (or fiscal year beginning in) ▶ | Lobbying Expenditures During 4-Year Averaging Period | | | | N/A |
|--|--|-------------|-------------|-------------|--------------|
| | (a) 2001 | (b) 2000 | (c) 1999 | (d) 1998 | (e) Total |
| 45 Lobbying nontaxable amount | | | | | 0. |
| 46 Lobbying ceiling amount (150% of line 45(e)) | | | | | 0. |
| 47 Total lobbying expenditures | | | | | 0. |
| 48 Grassroots nontaxable amount | | | | | 0. |
| 49 Grassroots ceiling amount (150% of line 48(e)) | | | | | 0. |
| 50 Grassroots lobbying expenditures | | | | | 0. |

Part VI-B Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a Volunteers
- b Paid staff or management (Include compensation in expenses reported on lines c through h)
- c Media advertisements
- d Mailings to members legislators or the public
- e Publications, or published or broadcast statements
- f Grants to other organizations for lobbying purposes
- g Direct contact with legislators, their staffs, government officials, or a legislative body
- h Rallies, demonstrations, seminars, conventions, speeches, lectures or any other means
- i Total lobbying expenditures (Add lines c through h)

| Yes | No | Amount |
|-----|----|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | 0. |

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities

Exempt Organizations (See page 12 of the instructions)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

a Transfers from the reporting organization to a noncharitable exempt organization of

| Yes | No |
|-----|----|
|-----|----|

| | |
|--------|---|
| 51a(l) | X |
|--------|---|

| | |
|-------|---|
| a(11) | X |
|-------|---|

b Other transactions

| | | |
|------|--|---|
| b(1) | | X |
|------|--|---|

| | | |
|-------|--|---|
| b(11) | | X |
|-------|--|---|

| | | |
|--------|--|---|
| b(111) | | X |
|--------|--|---|

| | | |
|-------|--|---|
| b(1v) | | X |
|-------|--|---|

| $b(v)$ | X |
|--------|-----|
|--------|-----|

| | | |
|-------|--|---|
| b(vl) | | X |
|-------|--|---|

| | | |
|---|--|---|
| C | | X |
|---|--|---|

c Sharing of facilities, equipment, mailing lists, other assets, or paid employees

d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

N/A

[illegible]

52 a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐

▶ ☐ Yes ☒ No

b If "Yes," complete the following schedule

N/A

[illegible]

Schedule B
(Form 990, 990-EZ, or 990-PF)Department of the Treasury
Internal Revenue Service**Schedule of Contributors**Supplementary Information for
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No 1545-0047

2001

Name of organization

Good Samaritan Family Resource
Center, Inc.

Employer identification number

94-3154078

Organization type (check one)

Filers of

Section

Form 990 or 990-EZ

☒ 501(c)(3) (enter number) organization☐ 4947(a)(1) nonexempt charitable trust not treated as a private foundation☐ 527 political organization

Form 990-PF

☐ 501(c)(3) exempt private foundation☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation☐ 501(c)(3) taxable private foundationCheck if your organization is covered by the **General rule** or a **Special rule** (Note Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General rule and a Special rule-see instructions)**General Rule-**☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor (Complete Parts I and II)**Special Rules-**☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms (Complete Parts I and II)☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals (Complete Parts I, II, and III)☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000 (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the General rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year) ▶ \$ _____**Caution** Organizations that are not covered by the General rule and/or the Special rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they must check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)

Name of organization
 Good Samaritan Family Resource
 Center, Inc.

Employer identification number

94-3154078

Part I Contributors (See Specific Instructions)

| (a) No | (b) Name, address and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|-----------|----------------------------------|--------------------------------|---|
| 1 | | \$ 53,275. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 2 | | \$ 95,781. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 3 | | \$ 27,500. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 4 | | \$ 80,000. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 5 | | \$ 152,000. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 6 | | \$ 177,836. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |

Schedule B (Form 990 990-EZ, or 990-PF) (2001)

Page 2 to 2 of Part I

Name of organization
 Good Samaritan Family Resource
 Center, Inc.

Employer identification number

94-3154078

Part I Contributors (See Specific Instructions)

| (a) No | (b) Name, address and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|-----------|----------------------------------|--------------------------------|---|
| 7 | | \$ 37,750. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 8 | | \$ 86,821. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 9 | | \$ 40,000. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 10 | | \$ 50,000. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 11 | | \$ 73,796. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |
| 12 | | \$ 20,000. | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution) |

Footnotes

Statement 1

FORM 990, PART IV, LINE 57

FORM 199, SCH L, LINE 10

PROPERTY AND EQUIPMENT

Building and improvements

2,985,926.

Equipment

214,590.

Construction in progress

193,969.

Accumulated depreciation

<464,541.>

Land

2,929,944.

300,000.

3,229,944.

| | | | |
|----------|---|-----------|---|
| Form 990 | Gain (Loss) From Publicly Traded Securities | Statement | 2 |
|----------|---|-----------|---|

| Description | Gross Sales Price | Cost or Other Basis | Expense of Sale | Net Gain or (Loss) |
|-----------------------------|----------------------|------------------------|--------------------|-----------------------|
| Publicly traded securities | 6,393. | 7,619. | 0. | <1,226.> |
| To Form 990, Part I, line 8 | 6,393. | 7,619. | 0. | <1,226.> |

| | | | |
|----------|----------------|-----------|---|
| Form 990 | Other Expenses | Statement | 3 |
|----------|----------------|-----------|---|

| Description | (A) Total | (B) Program Services | (C) Management and General | (D) Fundraising |
|------------------------|--------------|----------------------------|----------------------------------|--------------------|
| Professional fees | 79,593. | 74,711. | 2,956. | 1,926. |
| Outside services | 3,079. | | 3,079. | |
| Insurance | 19,278. | 16,650. | 2,628. | |
| License and fees | 6,876. | 6,410. | 466. | |
| Field trips | 7,983. | 7,983. | | |
| Events | 5,810. | 4,534. | 5. | 1,271. |
| Food | 28,319. | 26,240. | 1,878. | 201. |
| Local transportation | 6,298. | 5,948. | 251. | 99. |
| Staff development | 2,923. | 1,349. | 1,324. | 250. |
| Advertising | 2,423. | 2,183. | 240. | |
| Bad debt | 1,364. | 1,364. | | |
| Miscellaneous | 670. | 123. | 497. | 50. |
| Total to Fm 990, ln 43 | 164,616. | 147,495. | 13,324. | 3,797. |

| | | | |
|----------|------------------------------------|-----------|---|
| Form 990 | Specific Assistance to Individuals | Statement | 4 |
|----------|------------------------------------|-----------|---|

| Description | Amount |
|-------------------------------------|--------|
| Critical needs assistance | 2,385. |
| Total to Form 990, Part II, line 23 | 2,385. |

| | | | |
|----------|---------------------------|-----------|---|
| Form 990 | Non-Government Securities | Statement | 5 |
|----------|---------------------------|-----------|---|

| Security Description | Corporate Stocks | Corporate Bonds | Other Publicly Traded Securities | Other Securities | Total Non-Gov't Securities |
|----------------------------|---------------------|--------------------|---|---------------------|----------------------------------|
| Publicly traded securities | 10,398. | | | | 10,398. |
| To 990, ln 54 Col B | 10,398. | | | | 10,398. |

| | | | |
|----------|---|-----------|---|
| Form 990 | Other Expenses Not Included on Form 990 | Statement | 6 |
|----------|---|-----------|---|

| Description | Amount |
|--|--------|
| Realized losses netted to investment expense | 1,226. |
| Total to Form 990, Part IV-B | 1,226. |

| | | | |
|----------|------------------------------------|-----------|---|
| Form 990 | Other Revenue Included on Form 990 | Statement | 7 |
|----------|------------------------------------|-----------|---|

| Description | Amount |
|--|----------|
| Realized losses netted to investment expense | <1,226.> |
| Total to Form 990, Part IV-A | <1,226.> |

Form 990 Part V - List of Officers, Directors, Trustees and Key Employees Statement 8

| Name and Address | Title and Avrg Hrs/Wk | Compen- sation | Employee Ben Plan Expense Contrib Account |
|--|--------------------------|-------------------|---|
| John Bullock San Francisco, CA | Director 2 | 0. | 0. 0. |
| Kay Bishop San Francisco, CA | Director 2 | 0. | 0. 0. |
| Frank De Rosa San Francisco, CA | President 5 | 0. | 0. 0. |
| Betsy Dixon San Francisco, CA | Director .1 | 0. | 0. 0. |
| Barbara Gault San Francisco, CA | Director 2 | 0. | 0. 0. |
| Martha Jennings San Francisco, CA | Director 1 | 0. | 0. 0. |
| Alan Levinson Sausalito, CA | Director .1 | 0. | 0. 0. |
| Alicia Lieberman, Ph.D. San Francisco, CA | Director .1 | 0. | 0. 0. |
| G.W. Lorton San Francisco, CA | Director 1 | 0. | 0. 0. |
| William H. Orrick III San Francisco, CA | Secretary 5 | 0. | 0. 0. |
| Kat Taylor San Francisco, CA | Vice President 5 | 0. | 0. 0. |

Good Samaritan Family Resource Center, I

94-3154078

| | | | | |
|-------------------------------------|--------------------|---------|----|----|
| Linda Udall | Treasurer | | | |
| San Francisco, CA | 5 | 0. | 0. | 0. |
| Dr. Fernando Viteri | Director | | | |
| Piedmont, CA | .1 | 0. | 0. | 0. |
| Ede Zollman | Director | | | |
| San Francisco, CA | .1 | 0. | 0. | 0. |
| Hector Melendez | Executive Director | | | |
| San Francisco, CA | 40 | 73,969. | 0. | 0. |
| Totals Included on Form 990, Part V | | 73,969. | 0. | 0. |

| Schedule A | Explanation of Qualifications to Receive Payments | Statement | 9 |
|------------|---|-----------|---|
| | Part III, Line 4 | | |

The Good Sam Critical Needs fund was established to address the detrimental effects of unexpected financial difficulties on a client's ability to achieve self-sufficiency. Each client may receive critical needs assistance once per lifetime. Acceptable uses for emergency financial assistance include, but are not limited to, emergencies related to:

- a. Childcare services not covered by other programs.
- b. Uninsured medical payments.
- c. Student related expenses not covered by other funding arrangements.
- d. Transportation (bus/cab fare, towing/impounded fees, vehicle repair).
- e. Supplemental training or social services not provided by Good Sam.
- f. Rent assistance

Good Samaritan Family Resource Center, Inc.

Program Descriptions

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived families in San Francisco for 107 years. Our mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency and participate constructively in the community.

The agency of Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

Good Sam has two main program areas:

- 1) **Family Support Advocacy**, which uses the Family Support Principles as a framework for all child, youth and adult programming in an effort to synthesize our services and work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting classes, Adult literacy, Individual and group therapy, After School Academic Enrichment, Soccer Program, Asthma and dental screenings and Education for children of elementary public schools, Emergency assistance, Summer Youth Program, English for Beginners language classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for families with separated or divorced parents, and In-home support.
- 2) **Child Development Center**, which provides fully enriched childcare to 36 low-income children and daily drop-in childcare for community classes.

Good Samaritan Family Resource Center

Family Support Services -- Program Descriptions

Good Samaritan Family Resource Center (Good Sam) has been serving the needs of newly arrived immigrant families in San Francisco for 107 years. Our Mission is to help immigrant families, especially the newly arrived, access needed services, stabilize in the country, develop self-sufficiency, and participate constructively in the community.

Good Sam offers a comprehensive, early intervention package of services and programs for the whole family using the Family Support Principles. The services are offered in collaboration with many public and community agencies. The aim is to provide a one-stop center for services and information, and a place that is safe and welcoming for families in need of support for their success.

The following programs currently exist to meet our mission

Services for adults:

1. Intakes, Assessment, and Follow-Up:

Provide preliminary needs assessment to new families. Orient and refer families to GSFRC Programs and Services, or to other community agencies. Do follow-up with families to assure they are receiving appropriate services.

Clients Served New families to the GSFRC

Hours Monday – Friday from 9 a.m. to 5 p.m.

2. Family Advocacy:

Provide assistance, advocacy and case management to families who need extra support. Family Advocates assist families dealing with difficult circumstances or who want support in setting and reaching goals.

Clients Served Any adult or family from the community

Hours As needed, on-going through year

3. Adult Literacy Program:

Introductory English classes offered to adults needing basic, "survival" English. Students learn through large and small classroom settings, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community ESL classes.

Clients Served Capacity for 30 Adults (18 y.o. and over)

Hours Monday - Friday from 10 a.m. to 11:30 a.m. Afternoons T B D

4. Technology Program:

Introductory computer classes offered to adults who have had no previous access to computers. Students receive basic instruction and tutoring, as well as using self-taught computer programs. Students wishing to continue their education are referred to other community computer courses.

Clients Served 30 Adults per year (18 y o and over)

Hours Monday - Friday from 11 30 a m to 1 00 p m , Evenings T B D

5. Parenting Classes:

Classes offered to parents who want to learn positive discipline techniques and child development practices. This program is open to all Spanish speaking parents, and is a certified program for parents who are mandated by court to participate.

Clients Served Parents in need of support (some are mandated), capacity of 15

Hours Ten-week series, one 2-hour session a week, specific time T B D (3/yr)

6. Domestic Violence Support Group:

In collaboration with Casa de las Madres, women are provided with a safe and comfortable space to discuss and work through their experiences of domestic violence. The women in the group are supported in their decisions to improve their situations.

Clients Served Women experiencing domestic violence (open group)

Hours Once a week, on-going, Wednesdays 9 30 am to 11 30 a m

7. Community Development “Horas Felices”:

Provide forum for adults to discuss issues stemming from the immigrant experience. Different workshops and presentations are provided that address self-esteem, sexuality, health, children’s development, community resources, etc. Participants are encouraged to create curriculum and share their knowledge with others, thereby building community.

Clients Served Any adult (18 and over) from the community

Hours Ten-week series, one 2-hour session a week, time T B D (3 /yr)

8. Child Development Classes:

In collaboration with City College, provide Continuing Education Units in Child Development to child-care providers. This is one of two Spanish course of this kind that City College provides in the community.

Clients Served 20 Child-care providers in need of C E Units

Hours Weekly 3-hour class, specific time T B D (Spring and Fall Semester)

9. Cultural/Generational Language Exchange Program:

In collaboration with Buena Vista Elementary School, our E S L adults and Buena Vista's 2nd Graders come together to exchange cultural and generational pride and knowledge (through reading, interviewing, and doing "cultural" show-and-tell), while being able to practice the other culture's language

Clients Served 10 to 15 E S L adults and 20 Second Graders

Hours Once a week, for a 5 week series (hours T B D Spring & Fall Semesters)

10. Parent Support Groups:

Parents are provided with a comfortable and friendly place where they can discuss any difficulties, challenges and successes that come from being a parent. Parents are given support and assisted by facilitator to share their experiences. Facilitator is employed on a contract basis.

Clients Served All parents of children enrolled in the Child Dev Center

Hours T B D , on-going through scholastic year

11. Critical Needs (Monetary):

Provide financial assistance (up to \$250 a year) to families in critical need. Need assessed by Family Services Director and final approval given by the E D.

Clients Served Any family/client of the G S F R C who is in critical need

Hours Monday – Friday from 9 a m to 5 p m

12. Critical Needs (Food):

In collaboration with the San Francisco Food bank, families in critical need for food are provided with a Food Box that is culturally sensitive and appropriate for the size of the family (limited to one box a year per family)

Clients Served Any family/client of the G S F R C who is in critical need

Hours Monday – Friday from 9 a m to 5 p m

Services for youth:

1. Academic Support Program:

Provide educational assistance and support to children living in the Mission neighborhood who are performing below academic potential (as identified by teachers, parents, and/or Program Coordinators). By providing a comfortable and friendly place, students will develop better self-esteem and skills for academic success. Program operates on-site.

Clients Served Approximately 45 students, 7 to 11 years old

Hours Monday - Friday, 3 00 p m to 5 30 p m

2. Soccer Program:

Promote self-esteem, leadership, and team-building skills by providing a safe and trusting environment for boys and girls to practice and participate in competitions within the Mission Soccer League, Police Athletic League, and the Viking League. Parent involvement is highly encouraged, and has been successful.

Clients Served Over 80 kids, ages 5 to 16

Hours Mon – Thurs after-school practice, Saturday Competitions (hrs vary)

3. Summer Youth Program:

Provide Mission neighborhood youth with a safe, welcoming, educational and culturally sensitive space during the summer. Participants have fun while continuing to gain educational, social, and emotional skills through technology, photography and arts, community, and leadership development programs. Fieldtrips and other cultural experiences are part of the curriculum. Self-esteem, leadership, and team-building skills are also promoted, as curriculum is created and implemented by elected youth coordinators, leaders, and tutors.

Clients Served 20 youth ages 13 to 17

Hours July to August, 9 a.m. to 5 p.m.

4. Kids' Turn Divorce Program:

In collaboration with Kids' Turn, this program focuses on helping kids express and manage their feelings when their parents separate. Children meet in age appropriate groups and do fun, creative activities with other kids going through the same things. Parents meet and find ways to communicate with and support their children during this difficult time.

Clients Served Capacity for 20 children and their parents, per session

Hours One 2 hour group a week, for a 6 week series (hours T B D , 3 times/yr)

5. Cultural/Generational Language Exchange Program:

In collaboration with Buena Vista Elementary School, our Child Development Center and Buena Vista's 2nd Graders come together to exchange cultural and age-specific pride and knowledge (through reading, singing, and interviewing), while being able to practice the other culture's language.

Clients Served C D C Children and 20 Second Graders

Hours Once a week, for a 5 week series (hours T B D , Spring & Fall Semesters)

6. Therapeutic Playgroup:

Provide therapeutic playgroups for children of our Child Development Center in need of support and assistance. Children develop their self-esteem, social skills, and are able to work through many difficulties they may be experiencing.

Clients Served 6 children enrolled in the Child Development Center

Hours T B D 2 groups a year (Spring & Fall Semesters)

Health Department:

1. Family Planning Clinic:

In collaboration with Planned Parenthood, an on-site family planning clinic is open one day per week. Adults and youth without health insurance receive services free of charge.

Clients Served Any sexually active adult or youth from the community

Hours Wednesdays 12:00 p.m. - 6:30 p.m., throughout the year

2. Dental Screenings:

Provide dental screenings to children of five San Francisco Elementary Schools (in collaboration with the Dental Bureau of the Department of Public Health). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

Clients Served Numbers vary depending on Parents' consent K - 6th Grade

Hours Spring Semester, specific hours determined with individual schools

3. Asthma Screenings:

Provide asthma screenings to children of five San Francisco Elementary Schools (in collaboration with St. Luke's Hospital). Follow-up with families of children needing further attention is also offered through the collaboration as a means to assure appropriate services are provided.

Clients Served Numbers vary depending on Parents' consent K - 6th Grade

Hours Spring Semester, specific hours determined with individual schools

4. Health Workshops:

In collaboration with St. Luke's Hospital, provide health workshops in Spanish. Workshops are geared towards specific health needs in the community.

Clients Served Any Clients of the G S F R C (numbers vary)

Hours Saturday workshops, specific hours T B D, approximately 5 a year

Child Development Center:

The Good Samaritan Family Resource Center Child Development Program is dedicated to providing quality multicultural programs for children ages 2 ½ through 5, from diverse backgrounds, to insure future academic success. The Child Development Center also advises and orients parents as they face the challenges of raising children in a complex, and sometimes unfamiliar, cultural milieu. The staff of the Child Development Center educates, works with, and learns from the child's entire family.

Early Learning Program Philosophy: We believe that a quality child development program focuses on the whole child, including social, emotional, intellectual and physical development. Our commitment includes the understanding that a child exists within the social and cultural worlds of home and community.

Clients Served 36 children ages 2 ½ through 5 years old

Hours Monday – Friday from 7:00 a.m. to 6:00 p.m.

Community Events:

Provide the community with a welcoming, safe, and culturally sensitive environment to celebrate the diversity, unity, and traditions of the area. Provide the community with a sense of enrichment, appreciation, and self-esteem.

Clients Served All clients, and the community at large (numbers vary)

Hours T B D (approximately 4 a year)

Form 8868 (12-2000)

Page 2

• If you are filing for an Additional (not automatic) 3-Month Extension, complete only Part II and check this box ☒

Note Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.

• If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1)

Part II Additional (not automatic) 3-Month Extension of Time - Must file Original and One Copy.

| | | |
|--|---|--------------------------------|
| Type or print. File by the extended due date for filing the return. See instructions. | Name of Exempt Organization | Employer identification number |
| | Good Samaritan Family Resource Center, Inc. | 94-3154078 |
| | Number, street, and room or suite no. If a P.O. box, see instructions | For IRS use only |
| | 1294 Potrero Avenue | |
| | City, town or post office, state, and ZIP code. For a foreign address, see instructions | |
| | San Francisco, CA 94110 | |

Check type of return to be filed (File a separate application for each return)

☒ Form 990 ☐ Form 990 EZ ☐ Form 990 T (sec. 401(a) or 408(a) trust) ☐ Form 1041 A ☐ Form 5227 ☐ Form 8870
☐ Form 990 BL ☐ Form 990 PF ☐ Form 990 T (trust other than above) ☐ Form 4720 ☐ Form 6069

STOP Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

• If the organization does not have an office or place of business in the United States, check this box ☐

• If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____ If this is for the whole group, check this box ☐ If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension is for

4 I request an additional 3 month extension of time until November 15, 2002
 5 For calendar year 2001, or other tax year beginning _____ and ending _____
 6 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period
 7 State in detail why you need the extension
Information required to complete the return is not yet available.

8a If this application is for Form 990 BL, 990 PF, 990 T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions \$ _____
 b If this application is for Form 990 PF, 990 T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868 \$ _____
 c **Balance Due** Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions \$ N/A

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature Nini M. Cone Title CPA Date 8/3/02

Notice to Applicant - To Be Completed by the IRS

☒ We have approved this application. Please attach this form to the organization's return.
☐ We have not approved this application. However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions). This grace period is considered to be a valid extension of time for elections otherwise required to be made on a timely return. Please attach this form to the organization's return.
☐ We have not approved this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to file. We are not granting the 10-day grace period.
☐ We cannot consider this application because it was filed after the due date of the return for which an extension was requested.
☐ Other _____

Director _____ By _____ Date _____

Alternate Mailing Address - Enter the address if you want the copy of this application for an additional 3-month extension returned to an address different than the one entered above

| | | |
|---------------|---|--|
| Type or print | Name | APPROVED |
| | Nini Charles McCone | |
| | Number and street (include suite, room, or apt. no.) Or a P.O. box number | AUG 24 2002 |
| | 61 Fifth Avenue | |
| | City or town, province or state, and country (including postal or ZIP code) | |
| | San Francisco, CA 94118 | LINDA WEISKOPF, FIELD DIRECTOR SUBMISSION PROCESSING CODE |

123832
07-18-01

Form **990****Return of Organization Exempt from Income Tax**

OMB No 1545-0047

2002

Open to Public Inspection

Department of the Treasury
Internal Revenue ServiceUnder section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
(except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the **2002** calendar year, or tax year beginning **7/01**, 2002, and ending **6/30**, 2003**B** Check if applicable

- ☐ Address change
☐ Name change
☐ Initial return
☐ Final return
☐ Amended return
☐ Application pending

Please use
IRS label
or print
or type
See
specific
instruc-
tions

Good Samaritan Family Resource Center of
 San Francisco
 2871 24th Street
 San Francisco, CA 94110

D Employer Identification Number

94-3154078

E Telephone number

(415) 824-9475

F Accounting method☐ Cash☒ Accrual

Other (specify) _____

Section 501(c)(3) organizations and 4947(a)(1) nonexempt
 charitable trusts must attach a completed Schedule A
 (Form 990 or 990-EZ)

H and I are not applicable to section 527 organizations

H (a) Is this a group return for affiliates? ☐ Yes ☒ No**H (b)** If Yes, enter number of affiliates **H (c)** Are all affiliates included? ☐ Yes ☐ No

(If No, attach a list. See instructions.)

H (d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Enter 4 digit GEN _____**M** Check ☒ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)**G** Web site **N/A****J** Organization type (check only one)☒ 501(c) 3 (insert no) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.**L** Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12 **979,720****Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (See instructions)**1** Contributions, gifts, grants, and similar amounts received**a** Direct public support**1a** 388,435.**b** Indirect public support**1b****c** Government contributions (grants)**1c** 480,798.**d** Total (add lines 1a through 1c) (cash \$ 869,233. noncash \$)**1d** 869,233.**2** Program service revenue including government fees and contracts (from Part VII, line 93)**2** 105,335.**3** Membership dues and assessments**3****4** Interest on savings and temporary cash investments**4****5** Dividends and interest from securities**5** 1,241.**6a** Gross rents**6a****b** Less rental expenses**6b****c** Net rental income or (loss) (subtract line 6b from line 6a)**6c****7** Other investment income (describe _____)**7****8a** Gross amount from sales of assets other than inventory

(A) Securities

(B) Other

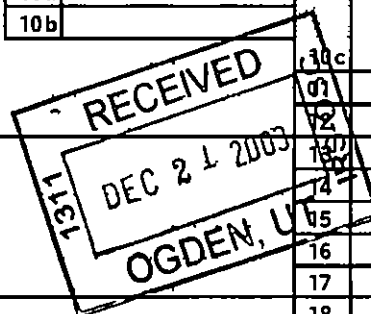
8a**b** Less cost or other basis and sales expenses**8b****c** Gain or (loss) (attach schedule)**8c****d** Net gain or (loss) (combine line 8c, columns (A) and (B))**8d****9** Special events and activities (attach schedule)**a** Gross revenue (not including \$ _____ of contributions reported on line 1a)**9a****b** Less direct expenses other than fundraising expenses**9b****c** Net income or (loss) from special events (subtract line 9b from line 9a)**9c****10a** Gross sales of inventory, less returns and allowances**10a****b** Less cost of goods sold**10b****c** Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)**10c****11** Other revenue (from Part VII, line 103)**11** 3,911.**12** Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)**12** 979,720.**13** Program services (from line 44, column (B))**13** 849,780.**14** Management and general (from line 44, column (C))**14** 312,154.**15** Fundraising (from line 44, column (D))**15** 119,133.**16** Payments to affiliates (attach schedule)**16****17** Total expenses (add lines 16 and 44, column (A))**17** 1,281,067.**18** Excess or (deficit) for the year (subtract line 17 from line 12)**18** -301,347.**19** Net assets or fund balances at beginning of year (from line 73, column (A))**19** 3,658,882.**20** Other changes in net assets or fund balances (attach explanation)**20****21** Net assets or fund balances at end of year (combine lines 13, 19, and 20)**21** 3,357,535

BAA For Paperwork Reduction Act Notice, see the separate instructions

TEEA0107L 09/04/02

Form 990 (2002)

SCANNED JAN 07 2004



Part II Statement of Functional Expenses All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others

| Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I | | (A) Total | (B) Program services | (C) Management and general | (D) Fundraising |
|---|-----|-----------|----------------------|----------------------------|-----------------|
| 22 Grants and allocations (att sch) (cash \$ _____ non cash \$ _____) | 22 | | | | |
| 23 Specific assistance to individuals (att sch) | 23 | | | | |
| 24 Benefits paid to or for members (att sch) | 24 | | | | |
| 25 Compensation of officers, directors, etc | 25 | | | | |
| 26 Other salaries and wages | 26 | 643,361 | 463,805 | 101,192 | 78,364 |
| 27 Pension plan contributions | 27 | | | | |
| 28 Other employee benefits | 28 | 92,481 | 66,452 | 14,801 | 11,228 |
| 29 Payroll taxes | 29 | 51,165 | 37,104 | 7,792 | 6,269 |
| 30 Professional fundraising fees | 30 | | | | |
| 31 Accounting fees | 31 | | | | |
| 32 Legal fees | 32 | | | | |
| 33 Supplies | 33 | 27,247 | 22,711 | 3,945 | 591 |
| 34 Telephone | 34 | 12,964 | 9,403 | 3,070 | 491 |
| 35 Postage and shipping | 35 | 1,628 | 395 | 306 | 927 |
| 36 Occupancy | 36 | | | | |
| 37 Equipment rental and maintenance | 37 | 36,480 | 452 | 34,075 | 1,953 |
| 38 Printing and publications | 38 | 7,616 | 4,823 | 1,659 | 1,134 |
| 39 Travel | 39 | | | | |
| 40 Conferences, conventions, and meetings | 40 | 851 | 691 | 160 | |
| 41 Interest | 41 | | | | |
| 42 Depreciation, depletion, etc (attach schedule) | 42 | 116,462 | 14,942 | 98,772 | 2,748 |
| 43 Other expenses not covered above (itemize) | | | | | |
| a See Statement 1 | 43a | 290,812 | 229,002 | 46,382 | 15,428 |
| b | 43b | | | | |
| c | 43c | | | | |
| d | 43d | | | | |
| e | 43e | | | | |
| 44 Total functional expenses (add lines 22-43). Organizations completing columns (B) - (D), carry these totals to lines 13 - 15 | 44 | 1,281,067 | 849,780 | 312,154 | 119,133 |

Joint Costs. Check ☐ if you are following SOP 98.2Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If 'Yes,' enter (i) the aggregate amount of these joint costs \$ _____, (ii) the amount allocated to program services \$ _____, (iii) the amount allocated to management and general \$ _____, and (iv) the amount allocated to fundraising \$ _____

Part III Statement of Program Service AccomplishmentsWhat is the organization's primary exempt purpose? Help immigrant families

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) & (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants & allocations to others.)

Program Service Expenses
(Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts, but optional for others.)

| | | | |
|--|--|--|---------|
| a See Statement 2 | | | |
| (Grants and allocations \$ _____) | | | 849,780 |
| b | | | |
| (Grants and allocations \$ _____) | | | |
| c | | | |
| (Grants and allocations \$ _____) | | | |
| d | | | |
| (Grants and allocations \$ _____) | | | |
| e Other program services (Grants and allocations \$ _____) | | | |
| f Total of Program Service Expenses (should equal line 44, column (B), program services) | | | 849,780 |

Part IV Balance Sheets (See Instructions)**Note** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only

| | | (A) Beginning of year | | (B) End of year |
|---|--|---|-------------|----------------------|
| ASSETS | 45 Cash – non interest bearing | 9,362. | 45 | 167,402. |
| | 46 Savings and temporary cash investments | 249,064 | 46 | |
| | 47 a Accounts receivable | 47 a 100,600 | | |
| | b Less allowance for doubtful accounts | 47 b | 9,953 | 47 c 100,600. |
| | 48 a Pledges receivable | 48 a 10,500. | | |
| | b Less allowance for doubtful accounts | 48 b | | 48 c 10,500 |
| | 49 Grants receivable | 260,634. | 49 | |
| | 50 Receivables from officers, directors, trustees, and key employees (attach schedule) | | 50 | |
| | 51 a Other notes & loans receivable (attach sch) | 51 a | | |
| | b Less allowance for doubtful accounts | 51 b | | 51 c |
| | 52 Inventories for sale or use | | 52 | |
| | 53 Prepaid expenses and deferred charges | | 53 | 9,192 |
| | 54 Investments – securities (attach schedule) | <input type="checkbox"/> Cost <input type="checkbox"/> FMV 17,221 | 54 | |
| | 55 a Investments – land, buildings, & equipment basis | 55 a | | |
| | b Less accumulated depreciation (attach schedule) | 55 b | | 55 c |
| 56 Investments – other (attach schedule) | | 56 | | |
| 57 a Land, buildings, and equipment basis | 57 a 3,751,831. | | | |
| b Less accumulated depreciation (attach schedule) | 57 b 638,871. | 3,206,970. | 57 c | 3,112,960 |
| 58 Other assets (describe ▶) | | 58 | | |
| 59 Total assets (add lines 45 through 58) (must equal line 74) | 3,753,204. | 59 | 3,400,654. | |
| LIABILITIES | 60 Accounts payable and accrued expenses | 94,322 | 60 | 43,119 |
| | 61 Grants payable | | 61 | |
| | 62 Deferred revenue | | 62 | |
| | 63 Loans from officers, directors, trustees, and key employees (attach schedule) | | 63 | |
| | 64 a Tax exempt bond liabilities (attach schedule) | | 64 a | |
| | b Mortgages and other notes payable (attach schedule) | | 64 b | |
| | 65 Other liabilities (describe ▶) | | 65 | |
| | 66 Total liabilities (add lines 60 through 65) | 94,322. | 66 | 43,119. |
| NET ASSETS OR FUND BALANCES | Organizations that follow SFAS 117, check here ▶ <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74 | | | |
| | 67 Unrestricted | 3,328,057. | 67 | 3,150,173. |
| | 68 Temporarily restricted | 302,477. | 68 | 179,014 |
| | 69 Permanently restricted | 28,348. | 69 | 28,348. |
| | Organizations that do not follow SFAS 117, check here ▶ <input type="checkbox"/> and complete lines 70 through 74 | | | |
| | 70 Capital stock, trust principal, or current funds | | 70 | |
| | 71 Paid in or capital surplus, or land, building, and equipment fund | | 71 | |
| | 72 Retained earnings, endowment, accumulated income, or other funds | | 72 | |
| | 73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72, column (A) must equal line 19, column (B) must equal line 21) | 3,658,882. | 73 | 3,357,535. |
| | 74 Total liabilities and net assets/fund balances (add lines 66 and 73) | 3,753,204 | 74 | 3,400,654 |

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

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| | |
|------------------|---|
| Part IV-B | Reconciliation of Expenses per Audited Financial Statements with Expenses per Return |
|------------------|---|

Part V List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated, see instructions)

► ☐ Yes ☒ No

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Part VI Other Information (See instructions)

Yes No

| | | | | |
|------------|---|------------|-----|-----|
| 76 | Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' attach a detailed description of each activity | 76 | | X |
| 77 | Were any changes made in the organizing or governing documents but not reported to the IRS? If 'Yes,' attach a conformed copy of the changes | 77 | | X |
| 78a | Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? | 78a | | X |
| b | If 'Yes,' has it filed a tax return on Form 990-T for this year? | 78b | N/A | |
| 79 | Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement | 79 | | X |
| 80a | Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization? | 80a | | X |
| b | If 'Yes,' enter the name of the organization <u>N/A</u> and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt | | | |
| 81a | Enter direct or indirect political expenditures. See line 81 instructions. | 81a | 0. | |
| b | Did the organization file Form 1120-POL for this year? | 81b | | X |
| 82a | Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value? | 82a | | X |
| b | If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.) | 82b | N/A | |
| 83a | Did the organization comply with the public inspection requirements for returns and exemption applications? | 83a | X | |
| b | Did the organization comply with the disclosure requirements relating to quid pro quo contributions? | 83b | X | |
| 84a | Did the organization solicit any contributions or gifts that were not tax deductible? | 84a | | X |
| b | If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? | 84b | N/A | |
| 85 | 501(c)(4), (5), or (6) organizations a Were substantially all dues nondeductible by members? | 85a | N/A | |
| b | Did the organization make only in house lobbying expenditures of \$2,000 or less? If 'Yes' was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year | 85b | N/A | |
| c | Dues, assessments, and similar amounts from members | 85c | N/A | |
| d | Section 162(e) lobbying and political expenditures | 85d | N/A | |
| e | Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices | 85e | N/A | |
| f | Taxable amount of lobbying and political expenditures (line 85d less 85e) | 85f | N/A | |
| g | Does the organization elect to pay the section 6033(e) tax on the amount on line 85f? | 85g | N/A | |
| h | If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? | 85h | N/A | |
| 86 | 501(c)(7) organizations Enter a Initiation fees and capital contributions included on line 12 | 86a | N/A | |
| b | Gross receipts, included on line 12, for public use of club facilities | 86b | N/A | |
| 87 | 501(c)(12) organizations Enter a Gross income from members or shareholders | 87a | N/A | |
| b | Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.) | 87b | N/A | |
| 88 | At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX | 88 | | X |
| 89a | 501(c)(3) organizations Enter Amount of tax imposed on the organization during the year under section 4911 <u>0.</u> , section 4912 <u>0.</u> , section 4955 <u>0.</u> | | | |
| b | 501(c)(3) and 501(c)(4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction | 89b | | X |
| c | Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 | | 0 | |
| d | Enter Amount of tax on line 89c, above, reimbursed by the organization | | 0. | |
| 90a | List the states with which a copy of this return is filed <u>None</u> | | | |
| b | Number of employees employed in the pay period that includes March 12, 2002 (See instructions) | 90b | 0 | |
| 91 | The books are in care of <u>Hector Melandez</u> Telephone number <u>(415) 824-9475</u> Located at <u>2871 24th St. S F, CA</u> ZIP + 4 <u>94110</u> | | | |
| 92 | Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here <input type="checkbox"/> and enter the amount of tax exempt interest received or accrued during the tax year <u>92</u> | | N/A | N/A |

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Part VII Analysis of Income-Producing Activities (See instructions)

Note Enter gross amounts unless otherwise indicated

| | Unrelated business income | | Excluded by section 512, 513, or 514 | | (E) Related or exempt function income |
|--|---------------------------|---------------|--------------------------------------|---------------|---|
| | (A) Business code | (B) Amount | (C) Exclusion code | (D) Amount | |
| 93 Program service revenue | | | | | |
| a Childcare & Family Sv | | | | | 105,335 |
| b | | | | | |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| f Medicare/Medicaid payments | | | | | |
| g Fees & contracts from government agencies | | | | | |
| 94 Membership dues and assessments | | | | | |
| 95 Interest on savings & temporary cash invmnts | | | | | |
| 96 Dividends & interest from securities | | | 14 | 1,241. | |
| 97 Net rental income or (loss) from real estate | | | | | |
| a debt-financed property | | | | | |
| b not debt-financed property | | | | | |
| 98 Net rental income or (loss) from pers prop | | | | | |
| 99 Other investment income | | | | | |
| 100 Gain or (loss) from sales of assets other than inventory | | | | | |
| 101 Net income or (loss) from special events | | | | | |
| 102 Gross profit or (loss) from sales of inventory | | | | | |
| 103 Other revenue | | | | | |
| a | | | | | |
| b Miscellaneous | | | 1 | 3,911. | |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| 104 Subtotal (add columns (B), (D), and (E)) | | | | 5,152 | 105,335. |
| 105 Total (add line 104, columns (B), (D), and (E)) | | | | | 110,487. |

Note Line 105 plus line 1d, Part I, should equal the amount on line 12 Part I

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See instructions)

| Line No | Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes) |
|---------|--|
| 93 a | Preschool & Family Support Advocacy |
| | |
| | |

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See instructions)

| (A) Name, address, and EIN of corporation, partnership, or disregarded entity | (B) Percentage of ownership interest | (C) Nature of activities | (D) Total income | (E) End of year assets |
|--|---|-----------------------------|---------------------|---------------------------|
| N/A | % | | | |
| | % | | | |
| | % | | | |
| | % | | | |

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See instructions)

a Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?

☐ Yes ☒ No

b Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?

☐ Yes ☒ No

Note If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions)

| | | |
|------------------|---|---------------|
| Please Sign Here | Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge. | |
| | Signature of officer | Date 12/17/03 |
| | Hector Melendez, Executive Director | |
| | Type or print name and title | |

| | | | | |
|--------------------------|---|--|--|--|
| Paid Preparer's Use Only | Preparer's signature | Date 12/12/03 | Check if self-employed <input checked="" type="checkbox"/> | Preparer's SSN or PTIN (see General instruction W) |
| | Firm's name (or yours if self-employed) address and ZIP + 4 | Cho Accountancy 810 Gonzalez Drive, Suite 10K San Francisco, CA 94132-2230 | EIN | P00176926 (415) 452-0530 |

SCHEDULE A
(Form 990 or 990-EZ)**Organization Exempt Under
Section 501(c)(3)**

OMB No 1545-0047

(Except Private Foundation) and Section 501(e), 501(f), 501(k),
501(n), or Section 4947(a)(1) Nonexempt Charitable Trust
Supplementary Information — (See separate instructions)**2002**Department of the Treasury
Internal Revenue Service▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**Name of the organization **Good Samaritan Family Resource Center of
San Francisco**Employer identification number
94-3154078**Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**
(See instructions List each one If there are none, enter None)

| (a) Name and address of each employee paid more than \$50,000 | (b) Title and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account and other allowances |
|---|--|------------------|---|--|
| <u>Hector Melendez</u> | Executive Dir | | | |
| 1294 Potrero Ave , S F , CA 94110 | 40 | 80,000. | 0. | 0. |
| <u>Teresa Carias</u> | Program Dir. | | | |
| 1294 Potrero Ave , S F , CA 94110 | 40 | 54,000. | 0 | 0. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total number of other employees paid over \$50,000 ▶ | 0 | | | |

Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services
(See instructions List each one (whether individuals or firms) If there are none, enter None)

| (a) Name and address of each independent contractor paid more than \$50,000 | (b) Type of service | (c) Compensation |
|---|---------------------|------------------|
| <u>None</u> | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Total number of others receiving over \$50,000 for professional services ▶ | 0 | |

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ

Schedule A (Form 990 or 990-EZ) 2002

Part III Statements About Activities (See instructions)

Yes No

- 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities ▶ \$ N/A

(Must equal amounts on line 38, Part VI A, or line 1 of Part VI-B)

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI A. Other organizations checking 'Yes,' must complete Part VI B AND attach a statement giving a detailed description of the lobbying activities

- 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)

a Sale, exchange, or leasing of property?

b Lending of money or other extension of credit?

c Furnishing of goods, services, or facilities?

d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)?

e Transfer of any part of its income or assets?

- 3 Does the organization make grants for scholarships, fellowships, student loans, etc? (See Note below.)

- 4 Do you have a section 403(b) annuity plan for your employees?

Note Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs 'qualify' to receive payments

Part IV Reason for Non-Private Foundation Status (See instructions)

The organization is not a private foundation because it is (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)
- 6 ☐ A school Section 170(b)(1)(A)(ii) (Also complete Part V)
- 7 ☐ A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)
- 8 ☐ A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(v)
- 9 ☐ A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(iii) Enter the hospital's name, city, and state ▶ _____
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(iv) (Also complete the **Support Schedule** in Part IV A)
- 11 a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV A)
- 11 b ☐ A community trust Section 170(b)(1)(A)(vi) (Also complete the **Support Schedule** in Part IV A)
- 12 ☐ An organization that normally receives (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc, functions — subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the **Support Schedule** in Part IV A)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2) (See section 509(a)(3))

Provide the following information about the supported organizations (See instructions.)

| (a) Name(s) of supported organization(s) | (b) Line number from above |
|--|----------------------------|
| | |
| | |
| | |
| | |

- 14 ☐ An organization organized and operated to test for public safety Section 509(a)(4) (See instructions.)

Part IV-A Support Schedule (Complete only if you checked a box on line 10, 11, or 12.) *Use cash method of accounting***Note** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting

| Calendar year (or fiscal year beginning in) | (a) 2001 | (b) 2000 | (c) 1999 | (d) 1998 | (e) Total |
|--|-------------|-------------|-------------|-------------|--------------|
| 15 Gifts, grants, and contributions received (Do not include unusual grants. See line 28.) | 415,569. | 924,699. | 848,069. | 600,086. | 2,788,423 |
| 16 Membership fees received | | | | | |
| 17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose | 58,969. | 108,681. | 130,231. | 294,466. | 592,347 |
| 18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975 | 2,171. | 13,127. | 19,272. | 20,130. | 54,700 |
| 19 Net income from unrelated business activities not included in line 18 | | | | | |
| 20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf | | | | | |
| 21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge. | | | | | |
| 22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets. | | | | | |
| 23 Total of lines 15 through 22 | 476,709. | 1,046,507 | 997,572. | 914,682. | 3,435,470. |
| 24 Line 23 minus line 17 | 417,740. | 937,826 | 867,341 | 620,216. | 2,843,123. |
| 25 Enter 1% of line 23 | 4,767. | 10,465. | 9,976. | 9,147 | |

| | | | |
|---|--|------------|------------|
| 26 Organizations described on lines 10 or 11 | a Enter 2% of amount in column (e), line 24 | 26a | 56,862. |
| b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1998 through 2001 exceeded the amount shown in line 25a. Do not file this list with your return. Enter the total of all these excess amounts | | 26b | |
| c Total support for section 509(a)(1) test. Enter line 24, column (e). | | 26c | 2,843,123. |
| d Add: Amounts from column (e) for lines 18 <u>54,700.</u> 19 <u> </u> | | 26d | 54,700. |
| | 22 <u> </u> 26b <u> </u> | 26e | 2,788,423. |
| e Public support (line 26c minus line 26d total) | | 26f | 98.08 % |
| f Public support percentage (line 26e (numerator) divided by line 26c (denominator)) | | | |

| | |
|--|------------|
| 27 Organizations described on line 12 | N/A |
| a For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year: (2001) _____ (2000) _____ (1999) _____ (1998) _____ | |
| b For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: (2001) _____ (2000) _____ (1999) _____ (1998) _____ | |
| c Add: Amounts from column (e) for lines 15 <u> </u> 16 <u> </u> 17 <u> </u> 20 <u> </u> 21 <u> </u> | 27c |
| d Add: Line 27a total _____ and line 27b total _____ | 27d |
| e Public support (line 27c total minus line 27d total) | 27e |
| f Total support for section 509(a)(2) test. Enter amount from line 23, column (e) | 27f |
| g Public support percentage (line 27e (numerator) divided by line 27f (denominator)) | 27g |
| h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) | 27h |

28 Unusual Grants For an organization described in line 10, 11, or 12 that received any unusual grants during 1998 through 2001, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.

Part V Private School Questionnaire (See instructions)
(To be completed ONLY by schools that checked the box on line 6 in Part IV)

| | | N/A | Yes | No |
|--|--|-----|-----|----|
| 29 | Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? | 29 | | |
| 30 | Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? | 30 | | |
| 31 | Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If 'Yes,' please describe, if 'No,' please explain (If you need more space, attach a separate statement) | 31 | | |
| ----- | | | | |
| ----- | | | | |
| ----- | | | | |
| 32 | Does the organization maintain the following | | | |
| a | Records indicating the racial composition of the student body, faculty, and administrative staff? | 32a | | |
| b | Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? | 32b | | |
| c | Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? | 32c | | |
| d | Copies of all material used by the organization or on its behalf to solicit contributions? | 32d | | |
| If you answered 'No' to any of the above, please explain (If you need more space, attach a separate statement) | | | | |
| ----- | | | | |
| ----- | | | | |
| 33 | Does the organization discriminate by race in any way with respect to | | | |
| a | Students' rights or privileges? | 33a | | |
| b | Admissions policies? | 33b | | |
| c | Employment of faculty or administrative staff? | 33c | | |
| d | Scholarships or other financial assistance? | 33d | | |
| e | Educational policies? | 33e | | |
| f | Use of facilities? | 33f | | |
| g | Athletic programs? | 33g | | |
| h | Other extracurricular activities? | 33h | | |
| If you answered 'Yes' to any of the above, please explain (If you need more space, attach a separate statement) | | | | |
| ----- | | | | |
| ----- | | | | |
| 34a | Does the organization receive any financial aid or assistance from a governmental agency? | 34a | | |
| b | Has the organization's right to such aid ever been revoked or suspended? | 34b | | |
| If you answered 'Yes' to either 34a or b, please explain using an attached statement | | | | |
| 35 | Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev Proc 75 50, 1975 2 C B 587, covering racial nondiscrimination? If 'No,' attach an explanation | 35 | | |

Schedule A (Form 990 or 990-EZ) 2002 Good Samaritan Family Resource Center

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Part VI-A Lobbying Expenditures by Electing Public Charities (See instructions)
(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check ☐ **a** if the organization belongs to an affiliated group Check ☐ **b** if you checked 'a' and limited control provisions apply**Limits on Lobbying Expenditures**

(The term 'expenditures' means amounts paid or incurred)

| | (a) Affiliated group totals | (b) To be completed for ALL electing organizations | | | | | | | | | | | | |
|---|---|---|--------------------|------------------------------|---|---|---|---|--|--|-------------------|-------------|-----------|--|
| 36 Total lobbying expenditures to influence public opinion (grassroots lobbying) | 36 | | | | | | | | | | | | | |
| 37 Total lobbying expenditures to influence a legislative body (direct lobbying) | 37 | | | | | | | | | | | | | |
| 38 Total lobbying expenditures (add lines 36 and 37) | 38 | | | | | | | | | | | | | |
| 39 Other exempt purpose expenditures | 39 | | | | | | | | | | | | | |
| 40 Total exempt purpose expenditures (add lines 38 and 39) | 40 | | | | | | | | | | | | | |
| 41 Lobbying nontaxable amount Enter the amount from the following table — | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>If the amount on line 40 is —</td> <td>The lobbying nontaxable amount is —</td> </tr> <tr> <td>Not over \$500,000</td> <td>20% of the amount on line 40</td> </tr> <tr> <td>Over \$500,000 but not over \$1,000,000</td> <td>\$100,000 plus 15% of the excess over \$500,000</td> </tr> <tr> <td>Over \$1,000,000 but not over \$1,500,000</td> <td>\$175,000 plus 10% of the excess over \$1,000,000</td> </tr> <tr> <td>Over \$1,500,000 but not over \$17,000,000</td> <td>\$225,000 plus 5% of the excess over \$1,500,000</td> </tr> <tr> <td>Over \$17,000,000</td> <td>\$1,000,000</td> </tr> </table> | If the amount on line 40 is — | The lobbying nontaxable amount is — | Not over \$500,000 | 20% of the amount on line 40 | Over \$500,000 but not over \$1,000,000 | \$100,000 plus 15% of the excess over \$500,000 | Over \$1,000,000 but not over \$1,500,000 | \$175,000 plus 10% of the excess over \$1,000,000 | Over \$1,500,000 but not over \$17,000,000 | \$225,000 plus 5% of the excess over \$1,500,000 | Over \$17,000,000 | \$1,000,000 | 41 | |
| If the amount on line 40 is — | The lobbying nontaxable amount is — | | | | | | | | | | | | | |
| Not over \$500,000 | 20% of the amount on line 40 | | | | | | | | | | | | | |
| Over \$500,000 but not over \$1,000,000 | \$100,000 plus 15% of the excess over \$500,000 | | | | | | | | | | | | | |
| Over \$1,000,000 but not over \$1,500,000 | \$175,000 plus 10% of the excess over \$1,000,000 | | | | | | | | | | | | | |
| Over \$1,500,000 but not over \$17,000,000 | \$225,000 plus 5% of the excess over \$1,500,000 | | | | | | | | | | | | | |
| Over \$17,000,000 | \$1,000,000 | | | | | | | | | | | | | |
| 42 Grassroots nontaxable amount (enter 25% of line 41) | 42 | | | | | | | | | | | | | |
| 43 Subtract line 42 from line 36 Enter 0 if line 42 is more than line 36 | 43 | | | | | | | | | | | | | |
| 44 Subtract line 41 from line 38 Enter -0 if line 41 is more than line 38 | 44 | | | | | | | | | | | | | |
| Caution If there is an amount on either line 43 or line 44, you must file Form 4720 | | | | | | | | | | | | | | |

4-Year Averaging Period Under Section 501(h)(Some organizations that made a section 501(h) election do not have to complete all of the five columns below
See the instructions for lines 45 through 50)

| Lobbying Expenditures During 4-Year Averaging Period | | | | | |
|---|-------------|-------------|-------------|-------------|--------------|
| Calendar year (or fiscal year beginning in) ▶ | (a) 2002 | (b) 2001 | (c) 2000 | (d) 1999 | (e) Total |
| 45 Lobbying nontaxable amount | | | | | |
| 46 Lobbying ceiling amount (150% of line 45(e)) | | | | | |
| 47 Total lobbying expenditures | | | | | |
| 48 Grassroots non taxable amount | | | | | |
| 49 Grassroots ceiling amount (150% of line 48(e)) | | | | | |
| 50 Grassroots lobbying expenditures | | | | | |

Part VI-B Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI A) (See instructions)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

| Yes | No | Amount |
|-----|----|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

- a** Volunteers
- b** Paid staff or management (Include compensation in expenses reported on lines c through h)
- c** Media advertisements
- d** Mailings to members, legislators, or the public
- e** Publications, or published or broadcast statements
- f** Grants to other organizations for lobbying purposes
- g** Direct contact with legislators, their staffs, government officials, or a legislative body
- h** Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means
- i** Total lobbying expenditures (add lines c through h)

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities

BAA

Schedule A (Form 990 or 990-EZ) 2002

Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See instructions)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

■ Transfers from the reporting organization to a noncharitable exempt organization of

(i) Cash

(ii) Other assets

b Other transactions

(i) Sales or exchanges of assets with a noncharitable exempt organization

(ii) Purchases of assets from a noncharitable exempt organization.

(iii) Rental of facilities, equipment, or other assets.

(iv) Reimbursement arrangements

(v) Loans or loan guarantees

(vi) Performance of services or membership or fundraising solicitations

c Sharing of facilities, equipment, mailing lists, other assets, or paid employees.

d. If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

| | Yes | No |
|----------|-----|----|
| 51 a (i) | | X |
| a (ii) | | X |
| b (i) | | X |
| b (ii) | | X |
| b (iii) | | X |
| b (iv) | | X |
| b (v) | | X |
| b (vi) | | X |
| c | | X |

[illegible]

52a Is the organization directly or indirectly affiliated with, or related to, one or more tax exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?

► ☐ Yes ☒ No

b If 'Yes,' complete the following schedule

[illegible]

2002

Federal Statements

Page 1

Good Samaritan Family Resource Center of
San Francisco

94-3154078

Statement 1
Form 990, Part II, Line 43
Other Expenses

| | (A) Total | (B) Program Services | (C) Management & General | (D) Fundraising |
|-------------------------|--------------------|----------------------------|--------------------------------|--------------------|
| Consultants/Contractors | 164,993. | 85,135. | 70,968. | 8,890. |
| Direct support | 1,750 | 1,650. | 100. | |
| Events | 11,700. | 7,254. | 302. | 4,144 |
| Field trip | 5,092. | 5,092. | | |
| Food | 24,512. | 24,359. | 153. | |
| Insurance | 27,140 | 499. | 26,641. | |
| License & fees | 10,220 | 9,232. | 882 | 106. |
| Local transportation | 3,536. | 3,374. | 146. | 16. |
| Miscellaneous | 9,103 | 5,695. | 3,088. | 320 |
| Outside services | 3,617. | | 3,364. | 253. |
| Staff development | 2,395. | 1,686. | 674. | 35. |
| Use allowance | | 85,026 | -86,690. | 1,664. |
| Utilities | 26,754. | | 26,754 | |
| Total | <u>\$ 290,812.</u> | <u>\$ 229,002</u> | <u>\$ 46,382.</u> | <u>\$ 15,428.</u> |

Statement 2
Form 990, Part III, Line a
Statement of Program Service Accomplishments

| Description | Grants and Allocations | Program Service Expenses |
|---|---------------------------|--------------------------------|
| Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes. | | 267,718 |
| Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include Parent Support Groups, Parenting Classes, Adult Literacy, Individual and Group Therapy, After School Academic Enrichment, Soccer Program, Asthema and Dental Screening and Education for Children of Eclementary Public Schools, Emergency Assistance, Summer Youth Program, English for Beginners Language Classes, Basic Computer Classes, Loan Program, Family Planning Clinic, Kid's Turn for Families with Separated or Divorced Parents, and In-home Support. | | 582,062. |
| | <u>\$ 0.</u> | <u>\$ 849,780.</u> |

2002

Federal Statements

Page 2

Good Samaritan Family Resource Center of
San Francisco

94-3154078

Statement 3
Form 990, Part IV, Line 57
Land, Buildings, and Equipment

| Category | Basis | Accum. Deprec | Book Value |
|-------------------------|----------------------|--------------------|----------------------|
| Machinery and Equipment | \$ 394,136. | \$ 0 | \$ 394,136. |
| Buildings | 3,057,695. | 0. | 3,057,695. |
| Land | 300,000. | | 300,000. |
| Miscellaneous | 0. | 638,871. | -638,871. |
| Total | <u>\$ 3,751,831.</u> | <u>\$ 638,871.</u> | <u>\$ 3,112,960.</u> |

Statement 4
Form 990, Part V
List of Officers, Directors, Trustees, and Key Employees

| Name and Address | Title and Average Hours Per Week Devoted | Compen- sation | Contri- bution to EBP & DC | Expense Account/ Other |
|--|--|-------------------|----------------------------------|------------------------------|
| Kay Bishop 1294 Potrero Ave San Francisco, CA 94110 | Director None | \$ 0 | \$ 0. | \$ 0. |
| Frank De Rosa 1294 Potrero Ave San Francisco, CA 94110 | President None | 0. | 0. | 0 |
| Alan Levinson 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0. | 0. |
| Alicia Lieberman 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0. | 0. |
| G. W. (Bill) Lorton 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0 | 0. |
| William H Orrick III 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0. | 0. |
| Lorenzo Llanillo, Jr. 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0 | 0. |
| Jesus Roman 1294 Potrero Ave San Francisco, CA 94110 | Secretary None | 0 | 0 | 0 |
| Kat Taylor 1294 Potrero Ave San Francisco, CA 94110 | Treasurer None | 0 | 0. | 0 |

2002

Federal Statements

Page 3

Good Samaritan Family Resource Center of
San Francisco

94-3154078

Statement 4 (continued)

Form 990, Part V

List of Officers, Directors, Trustees, and Key Employees

| <u>Name and Address</u> | <u>Title and Average Hours Per Week Devoted</u> | <u>Compen- sation</u> | <u>Contri- bution to EBP & DC</u> | <u>Expense Account/ Other</u> |
|--|---|---------------------------|---|---------------------------------------|
| Linda Udall 1294 Potrero Ave San Francisco, CA 94110 | Treasurer None | \$ 0. | \$ 0 | \$ 0 |
| Dr. Fernando Viteri 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0. | 0. |
| Ede Zollman 1294 Potrero Ave San Francisco, CA 94110 | Director None | 0. | 0. | 0 |
| Total | | <u>\$ 0.</u> | <u>\$ 0</u> | <u>\$ 0.</u> |

Form **8868**

(December 2000)

Application for Extension of Time to File an Exempt Organization Return

OMB No 1545 1709

Department of the Treasury
Internal Revenue Service

▶ File a separate application for each return

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form)

Note Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.**Part I Automatic 3-Month Extension of Time** — Only submit original (no copies needed)**Note** Form 990-T corporations requesting an automatic 6 month extension — check this box and complete Part I only ☐

All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041

| | | | |
|---|--|--|--------------------------------|
| Type or print File by the due date for filing your return See instructions | Name of Exempt Organization | | Employer identification number |
| | San Francisco Good Samaritan Family Resource Center of | | 94-3154078 |
| | Number street and room or suite number If a P O box see instructions | | |
| | 2871 24th Street | | |
| City, town or post office For a foreign address, see instructions | | | state ZIP code |
| San Francisco, CA 94110 | | | |

Check type of return to be filed (file a separate application for each return)

- | | | |
|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation) | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990 BL | <input type="checkbox"/> Form 990 T (Section 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ | <input type="checkbox"/> Form 990 T (trust other than above) | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990 PF | <input type="checkbox"/> Form 1041 A | <input type="checkbox"/> Form 8870 |

- If the organization does **not** have an office or place of business in the United States, check this box. ☐
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the **whole** group, check this box ☐. If it is for part of the group, check this box ☐ and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6 month, for **990-T corporation**) extension of time until 2/15, 20 04, to file the exempt organization return for the organization named above. The extension is for the organization's return for▶ ☐ calendar year 20 ____ or▶ ☒ tax year beginning 7/01, 20 02, and ending 6/30, 20 032 If this tax year is for less than 12 months, check reason ☐ Initial return ☐ Final return ☐ Change in accounting period

3a If this application is for Form 990 BL, 990 PF, 990 T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions \$ _____ 0

b If this application is for Form 990 PF or 990 T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit \$ _____ 0

c **Balance Due** Subtract line 2b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions \$ _____ 0.**Signature and Verification**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete, and that I am authorized to prepare this form.

Signature ▶

Title ▶ **Executive Director**

Date ▶

BAA For Paperwork Reduction Act Notice, see instructionsForm **8868** (12 2000)

Form **990**

OMB No. 1545-0047

Return of Organization Exempt From Income Tax**2006**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
(except black lung benefit trust or private foundation)**Open to Public Inspection**Department of the Treasury
Internal Revenue Service

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2006 calendar year, or tax year beginning 7/01, **2006, and ending** 6/30, **2007****B** Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Final return
☐ Amended return
☐ Application pending

Please use
IRS label
or print
or type.
See
specific
instruc-
tions.

C Good Samaritan Family Resource Center
 1294 Potrero Avenue
 San Francisco, CA 94110

D Employer Identification Number

94-3154078

E Telephone number

(415) 824-9475

F Accounting method:☐ Cash ☒ Accrual☐ Other (specify) ▶

• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

H and I are not applicable to section 527 organizations.

H (a) Is this a group return for affiliates? . . . ☐ Yes ☒ No**H (b)** If 'Yes,' enter number of affiliates ▶**H (c)** Are all affiliates included? . . . ☐ Yes ☐ No

(If No, attach a list. See instructions.)

H (d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No**I** Group Exemption Number. . . ▶**M** Check ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).**G Web site:** ▶ N/A**J Organization type**(check only one) ☒ 501(c) 3 (insert no.) ☐ 4947(a)(1) or ☐ 527**K** Check here ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.**L** Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 1,425,407.**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)**

| | | | | |
|---|----------------|----------|------------|--|
| 1 Contributions, gifts, grants, and similar amounts received: | | | | |
| a Contributions to donor advised funds. | 1a | | | |
| b Direct public support (not included on line 1a). | 1b | 655,743. | | |
| c Indirect public support (not included on line 1a). | 1c | | | |
| d Government contributions (grants) (not included on line 1a). | 1d | 697,041. | | |
| e Total (add lines 1a through 1d) (cash \$ 1,352,784. noncash \$) | 1e | | 1,352,784. | |
| 2 Program service revenue including government fees and contracts (from Part VII, line 93) | 2 | | 49,031. | |
| 3 Membership dues and assessments. | 3 | | | |
| 4 Interest on savings and temporary cash investments. | 4 | | 13,226. | |
| 5 Dividends and interest from securities. | 5 | | | |
| 6a Gross rents. | 6a | | | |
| b Less: rental expenses. | 6b | | | |
| c Net rental income or (loss). Subtract line 6b from line 6a. | 6c | | | |
| 7 Other investment income (describe) | 7 | | | |
| 8a Gross amount from sales of assets other than inventory. | (A) Securities | | (B) Other | |
| b Less: cost or other basis and sales expenses. | 8a | | | |
| c Gain or (loss) (attach schedule). | 8b | | | |
| d Net gain or (loss). Combine line 8c, columns (A) and (B). | 8c | | | |
| 9 Special events and activities (attach schedule). If any amount is from gaming, check here. | 8d | | | |
| a Gross revenue (not including \$ of contributions reported on line 1b) | 9a | | | |
| b Less: direct expenses other than fundraising expenses. | 9b | | | |
| c Net income or (loss) from special events. Subtract line 9b from line 9a. | 9c | | | |
| 10a Gross sales of inventory, less returns and allowances. | 10a | | | |
| b Less: cost of goods sold. | 10b | | | |
| c Gross profit or (loss) from sales of inventory (attach schedule). Subtract line 10b from line 10a. | 10c | | | |
| 11 Other revenue (from Part VII, line 103). | 11 | | 10,366. | |
| 12 Total revenue. Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11. | 12 | | 1,425,407. | |
| 13 Program services (from line 44, column (B)). | 13 | | 1,060,666. | |
| 14 Management and general (from line 44, column (C)). | 14 | | 195,487. | |
| 15 Fundraising (from line 44, column (D)). | 15 | | 57,107. | |
| 16 Payments to affiliates (attach schedule). | 16 | | | |
| 17 Total expenses. Add lines 16 and 44, column (A). | 17 | | 1,313,260. | |
| 18 Excess or (deficit) for the year. Subtract line 17 from line 12. | 18 | | 112,147. | |
| 19 Net assets or fund balances at beginning of year (from line 73, column (A)). | 19 | | 3,341,664. | |
| 20 Other changes in net assets or fund balances (attach explanation). | 20 | | | |
| 21 Net assets or fund balances at end of year. Combine lines 18, 19, and 20. | 21 | | 3,453,811. | |

BAA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

TEEA0109L 01/22/07

Form **990** (2006)

Part II Statement of Functional Expenses All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

| Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I. | (A) Total | (B) Program services | (C) Management and general | (D) Fundraising |
|---|------------|----------------------|----------------------------|-----------------|
| 22a Grants paid from donor advised funds (attach sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/> | 22a | | | |
| 22b Other grants and allocations (att sch) (cash \$ _____ non-cash \$ _____) If this amount includes foreign grants, check here <input type="checkbox"/> | 22b | | | |
| 23 Specific assistance to individuals (attach schedule) | 23 | | | |
| 24 Benefits paid to or for members (attach schedule) | 24 | | | |
| 25a Compensation of current officers, directors, key employees, etc listed in Part V-A (attach sch) . See Stmt 1. | 25a | 55,395. | 16,619. | 22,158. |
| b Compensation of former officers, directors, key employees, etc listed in Part V-B (attach sch) | 25b | 0. | 0. | 0. |
| c Compensation and other distributions, not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule) | 25c | 0. | 0. | 0. |
| 26 Salaries and wages of employees not included on lines 25a, b, and c. | 26 | 527,528. | 473,305. | 37,314. |
| 27 Pension plan contributions not included on lines 25a, b, and c. | 27 | | | |
| 28 Employee benefits not included on lines 25a - 27. | 28 | 84,587. | 71,093. | 8,629. |
| 29 Payroll taxes | 29 | 44,594. | 37,479. | 4,550. |
| 30 Professional fundraising fees | 30 | | | |
| 31 Accounting fees | 31 | | | |
| 32 Legal fees | 32 | | | |
| 33 Supplies | 33 | 34,310. | 27,323. | 6,229. |
| 34 Telephone | 34 | 12,433. | 10,059. | 1,492. |
| 35 Postage and shipping | 35 | 1,673. | 672. | 109. |
| 36 Occupancy | 36 | | | |
| 37 Equipment rental and maintenance | 37 | 41,754. | | 41,754. |
| 38 Printing and publications | 38 | 9,063. | 6,563. | 941. |
| 39 Travel | 39 | | | |
| 40 Conferences, conventions, and meetings | 40 | 1,187. | 1,172. | 9. |
| 41 Interest | 41 | | | |
| 42 Depreciation, depletion, etc (attach schedule) | 42 | 89,263. | 78,755. | 9,067. |
| 43 Other expenses not covered above (itemize): | | | | |
| a See Statement 2 | 43a | 411,473. | 337,626. | 63,235. |
| b ----- | 43b | | | |
| c ----- | 43c | | | |
| d ----- | 43d | | | |
| e ----- | 43e | | | |
| f ----- | 43f | | | |
| g ----- | 43g | | | |
| 44 Total functional expenses. Add lines 22a through 43g. (Organizations completing columns (B) - (D), carry these totals to lines 13 - 15) | 44 | 1,313,260. | 1,060,666. | 195,487. |

Joint Costs. Check ☐ if you are following SOP 98-2.Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs \$ _____; (ii) the amount allocated to Program services \$ _____; (iii) the amount allocated to Management and general \$ _____; and (iv) the amount allocated to Fundraising \$ _____.

Form 990 (2006) Good Samaritan Family Resource Center

94-3154078

Page 3

Part III Statement of Program Service Accomplishments

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

| <p>What is the organization's primary exempt purpose? ▶ <u>Helping Immigrant families</u></p> <p>All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)</p> | <p>Program Service Expenses (Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts; but optional for others.)</p> |
|--|---|
| <p>a See Statement 3</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>(Grants and allocations \$) If this amount includes foreign grants, check here ▶ <input type="checkbox"/></p> | <p>1,060,666.</p> |
| <p>b</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>(Grants and allocations \$) If this amount includes foreign grants, check here ▶ <input type="checkbox"/></p> | |
| <p>c</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>(Grants and allocations \$) If this amount includes foreign grants, check here ▶ <input type="checkbox"/></p> | |
| <p>d</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>(Grants and allocations \$) If this amount includes foreign grants, check here ▶ <input type="checkbox"/></p> | |
| <p>e Other program services</p> <p>(Grants and allocations \$) If this amount includes foreign grants, check here ▶ <input type="checkbox"/></p> | |
| <p>f Total of Program Service Expenses (should equal line 44, column (B), Program services) ▶</p> | <p>1,060,666.</p> |

BAA

Form 990 (2006)

Form 990 (2006) Good Samaritan Family Resource Center

94-3154078

Page 4

Part IV Balance Sheets (See the instructions.)**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

| | | (A) Beginning of year | | (B) End of year | |
|---|--|--|------------|---------------------|----------|
| ASSETS | 45 Cash — non-interest-bearing | 311,734. | 45 | 588,176. | |
| | 46 Savings and temporary cash investments | | 46 | | |
| | 47a Accounts receivable | 47a 127,910. | | | |
| | b Less: allowance for doubtful accounts | 47b | 130,325. | 47c 127,910. | |
| | 48a Pledges receivable | 48a 123,400. | | | |
| | b Less: allowance for doubtful accounts | 48b | 119,000. | 48c 123,400. | |
| | 49 Grants receivable | | 49 | | |
| | 50a Receivables from current and former officers, directors, trustees, and key employees (attach schedule) | | 50a | | |
| | b Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) (attach schedule) | | 50b | | |
| | 51a Other notes and loans receivable (attach schedule) | 51a | | | |
| | b Less: allowance for doubtful accounts | 51b | | 51c | |
| | 52 Inventories for sale or use | | 52 | | |
| | 53 Prepaid expenses and deferred charges | 16,382. | 53 | 14,836. | |
| | 54a Investments — publicly-traded securities | <input type="checkbox"/> Cost <input type="checkbox"/> FMV | 54a | | |
| | b Investments — other securities (attach sch) | <input type="checkbox"/> Cost <input type="checkbox"/> FMV | 54b | | |
| 55a Investments — land, buildings, & equipment: basis | 55a | | | | |
| b Less: accumulated depreciation (attach schedule) | 55b | | 55c | | |
| 56 Investments — other (attach schedule) | | 56 | | | |
| 57a Land, buildings, and equipment: basis | 57a 3,745,492. | | | | |
| b Less: accumulated depreciation (attach schedule) | 57b 1,015,834. | 2,818,921. | 57c | 2,729,658. | |
| 58 Other assets, including program-related investments (describe ► | | | 58 | | |
| 59 Total assets (must equal line 74). Add lines 45 through 58 | | 3,396,362. | 59 | 3,583,980. | |
| LIABILITIES | 60 Accounts payable and accrued expenses | 54,698. | 60 | 105,793. | |
| | 61 Grants payable | | 61 | | |
| | 62 Deferred revenue | | 62 | | |
| | 63 Loans from officers, directors, trustees, and key employees (attach schedule) | | 63 | | |
| | 64a Tax-exempt bond liabilities (attach schedule) | | 64a | | |
| | b Mortgages and other notes payable (attach schedule) | | 64b | | |
| | 65 Other liabilities (describe ► | See Statement 5 | | 65 | 24,376. |
| | 66 Total liabilities. Add lines 60 through 65 | | 54,698. | 66 | 130,169. |
| NET ASSETS OR FUND BALANCES | Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 67 through 69 and lines 73 and 74. | | | | |
| | 67 Unrestricted | 3,059,204. | 67 | 2,950,600. | |
| | 68 Temporarily restricted | 254,112. | 68 | 474,863. | |
| | 69 Permanently restricted | 28,348. | 69 | 28,348. | |
| | Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 70 through 74. | | | | |
| | 70 Capital stock, trust principal, or current funds | | 70 | | |
| | 71 Paid-in or capital surplus, or land, building, and equipment fund | | 71 | | |
| | 72 Retained earnings, endowment, accumulated income, or other funds | | 72 | | |
| | 73 Total net assets or fund balances. Add lines 67 through 69 or lines 70 through 72. (Column (A) must equal line 19 and column (B) must equal line 21) | 3,341,664. | 73 | 3,453,811. | |
| | 74 Total liabilities and net assets/fund balances. Add lines 66 and 73 | 3,396,362. | 74 | 3,583,980. | |

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| | |
|-----|----|
| Yes | No |
|-----|----|

| | | |
|-----|--|---|
| | | |
| 75b | | X |

| | | |
|-----|--|---|
| | | |
| 75c | | X |

| | | |
|-----|---|--|
| 75d | X | |
|-----|---|--|

d Does the organization have a written conflict of interest policy?

Benefits (If any former officer, director, trustee, or key employee received compensation or other benefits (described below) during the year, list that person below and enter the amount of compensation or other benefits in the appropriate column. See the instructions.)

| Part VI Other Information (See the instructions.) | | Yes | No |
|---|--|------------|-----|
| 76 | Did the organization make a change in its activities or methods of conducting activities? If 'Yes,' attach a detailed statement of each change. | 76 | X |
| 77 | Were any changes made in the organizing or governing documents but not reported to the IRS? If 'Yes,' attach a conformed copy of the changes. | 77 | X |
| 78a | Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? | 78a | X |
| b | If 'Yes,' has it filed a tax return on Form 990-T for this year? | 78b | N/A |
| 79 | Was there a liquidation, dissolution, termination, or substantial contraction during the year? If 'Yes,' attach a statement. | 79 | X |
| 80a | Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc. to any other exempt or nonexempt organization? | 80a | X |
| b | If 'Yes,' enter the name of the organization N/A _____ and check whether it is <input type="checkbox"/> exempt or <input type="checkbox"/> nonexempt. | | |
| 81a | Enter direct and indirect political expenditures. (See line 81 instructions.) | 81a | 0. |
| b | Did the organization file Form 1120-POL for this year? | 81b | X |

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Part VI Other Information (continued)

| | | Yes | No |
|---|---|-----|-----|
| 82a | Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?..... | | X |
| b | If 'Yes,' you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.)..... 82b N/A | | |
| 83a | Did the organization comply with the public inspection requirements for returns and exemption applications?..... | X | |
| b | Did the organization comply with the disclosure requirements relating to <i>quid pro quo</i> contributions?..... | X | |
| 84a | Did the organization solicit any contributions or gifts that were not tax deductible?..... | | X |
| b | If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?..... | | N/A |
| 85 | 501(c)(4), (5), or (6) organizations. a Were substantially all dues nondeductible by members?..... | | N/A |
| b | Did the organization make only in-house lobbying expenditures of \$2,000 or less?..... | | N/A |
| If 'Yes' was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year. | | | |
| c | Dues, assessments, and similar amounts from members..... 85c N/A | | |
| d | Section 162(e) lobbying and political expenditures..... 85d N/A | | |
| e | Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices..... 85e N/A | | |
| f | Taxable amount of lobbying and political expenditures (line 85d less 85e)..... 85f N/A | | |
| g | Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?..... | | N/A |
| h | If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?..... | | N/A |
| 86 | 501(c)(7) organizations. Enter: a Initiation fees and capital contributions included on line 12..... 86a N/A | | |
| b | Gross receipts, included on line 12, for public use of club facilities..... 86b N/A | | |
| 87 | 501(c)(12) organizations. Enter: a Gross income from members or shareholders..... 87a N/A | | |
| b | Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)..... 87b N/A | | |
| 88a | At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If 'Yes,' complete Part IX..... | | X |
| b | At any time during the year, did the organization, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If 'Yes,' complete Part XI..... | | X |
| 89a | 501(c)(3) organizations. Enter: Amount of tax imposed on the organization during the year under: section 4911 ▶ 0. ; section 4912 ▶ 0. ; section 4955 ▶ 0. | | |
| b | 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If 'Yes,' attach a statement explaining each transaction..... | | X |
| c | Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958..... ▶ 0. | | |
| d | Enter: Amount of tax on line 89c, above, reimbursed by the organization..... ▶ 0. | | |
| e | All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction?.... | | X |
| f | All organizations. Did the organization acquire a direct or indirect interest in any applicable insurance contract?..... | | X |
| g | For supporting organizations and sponsoring organizations maintaining donor advised funds. Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year?..... | | X |
| 90a | List the states with which a copy of this return is filed ▶ CA | | |
| b | Number of employees employed in the pay period that includes March 12, 2006 (See instructions.)..... 90b 0 | | |
| 91a | The books are in care of ▶ Good Samaritan Family Resourc Telephone number ▶ (415) 824-9475 Located at ▶ 1294 Potrero Avenue, San Francisco, CA, ZIP + 4 ▶ 94110 | | |
| b | At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?..... | | X |
| If 'Yes,' enter the name of the foreign country ▶ | | | |
| See the instructions for exceptions and filing requirements for Form TD F 90-22.1 , Report of Foreign Bank and Financial Accounts. | | | |

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Part VI Other Information (continued)

Yes No

c At any time during the calendar year, did the organization maintain an office outside of the United States? **91 c** ☐ Yes ☒ No

If 'Yes,' enter the name of the foreign country ▶

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 — Check here. ☐ N/A ☐ **92** N/Aand enter the amount of tax-exempt interest received or accrued during the tax year. **92** N/A**Part VII Analysis of Income-Producing Activities** (See the instructions.)**Note:** Enter gross amounts unless otherwise indicated.

| | Unrelated business income | | Excluded by section 512, 513, or 514 | | (E) Related or exempt function income |
|---|---------------------------|---------------|--------------------------------------|---------------|---|
| | (A) Business code | (B) Amount | (C) Exclusion code | (D) Amount | |
| 93 Program service revenue: | | | | | |
| a Child Care and Family | | | | | 49,031. |
| b | | | | | |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| f Medicare/Medicaid payments | | | | | |
| g Fees & contracts from government agencies | | | | | |
| 94 Membership dues and assessments | | | | | |
| 95 Interest on savings & temporary cash invmnts | | | 14 | 13,226. | |
| 96 Dividends & interest from securities | | | | | |
| 97 Net rental income or (loss) from real estate: | | | | | |
| a debt-financed property | | | | | |
| b not debt-financed property | | | | | |
| 98 Net rental income or (loss) from pers prop. | | | | | |
| 99 Other investment income | | | | | |
| 100 Gain or (loss) from sales of assets other than inventory | | | | | |
| 101 Net income or (loss) from special events | | | | | |
| 102 Gross profit or (loss) from sales of inventory | | | | | |
| 103 Other revenue: a | | | | | |
| b Miscellaneous | | | 1 | | 10,366. |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| 104 Subtotal (add columns (B), (D), and (E)) | | | | 13,226. | 59,397. |
| 105 Total (add line 104, columns (B), (D), and (E)) | | | | | 72,623. |

Note: Line 105 plus line 1e, Part I, should equal the amount on line 12, Part I.**Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes** (See the instructions.)

| Line No. | Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes). |
|----------|---|
| 93a | Preschool family fees & Family Support Advocacy |
| | |
| | |

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See the instructions.)

| (A) Name, address, and EIN of corporation, partnership, or disregarded entity | (B) Percentage of ownership interest | (C) Nature of activities | (D) Total income | (E) End-of-year assets |
|--|---|-----------------------------|---------------------|---------------------------|
| N/A | % | | | |
| | % | | | |
| | % | | | |
| | % | | | |

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See the instructions.)**a** Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No**b** Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No**Note:** If 'Yes' to (b), file Form 8870 and Form 4720 (see instructions).

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Part XI Information Regarding Transfers To and From Controlled Entities. Complete only if the organization is a controlling organization as defined in section 512(b)(13).

| | | | | Yes | No | |
|------------|---|--|--|-----|----|---|
| 106 | Did the reporting organization make any transfers to a controlled entity as defined in section 512(b)(13) of the Code? If "Yes," complete the schedule below for each controlled entity | | | | | X |

| | (A) Name, address, of each controlled entity | (B) Employer Identification Number | (C) Description of transfer | (D) Amount of transfer |
|---------------|--|--|-----------------------------------|---------------------------|
| a | | | | |
| b | | | | |
| c | | | | |
| Totals | | | | |

| | | | | Yes | No | |
|------------|--|--|--|-----|----|---|
| 107 | Did the reporting organization receive any transfers from a controlled entity as defined in section 512(b)(13) of the Code? If "Yes," complete the schedule below for each controlled entity | | | | | X |

| | (A) Name, address, of each controlled entity | (B) Employer Identification Number | (C) Description of transfer | (D) Amount of transfer |
|---------------|--|--|-----------------------------------|---------------------------|
| a | | | | |
| b | | | | |
| c | | | | |
| Totals | | | | |

| | | | | Yes | No | |
|------------|--|--|--|-----|----|---|
| 108 | Did the organization have a binding written contract in effect on August 17, 2006, covering the interest, rents, royalties, and annuities described in question 107 above? | | | | | X |

| | | | | | |
|--|---|---|---------------|--|--|
| Please Sign Here | Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge. | | | | |
| | Signature of officer _____ | | Date _____ | | |
| Paid Preparer's Use Only | Signature of preparer _____ | | | | |
| | Date _____ | | | | |
| | Check if self-employed <input type="checkbox"/> <input checked="" type="checkbox"/> N/A | | | | |
| | Preparer's SSN or PTIN (See General Instruction W) _____ | | | | |
| Firm's name (or yours if self-employed), address, and ZIP + 4 ALLAN LIU, CPA 201 WILLOW AVE MILLBRAE, CA 94030-2536 | | EIN <input checked="" type="checkbox"/> N/A | | Phone no. <input checked="" type="checkbox"/> (650) 692-1172 | |

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Form 990 (2006)

SCHEDULE A
(Form 990 or 990-EZ)Department of the Treasury
Internal Revenue Service**Organization Exempt Under
Section 501(c)(3)**(Except Private Foundation) and Section 501(e), 501(f), 501(k),
501(n), or 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information — (See separate instructions.)

▶ **MUST be completed by the above organizations and attached to their Form 990 or 990-EZ.**

OMB No. 1545-0047

2006

Name of the organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Part I**Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees**

(See instructions. List each one. If there are none, enter 'None'.)

| (a) Name and address of each employee paid more than \$50,000 | (b) Title and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account and other allowances |
|---|--|------------------|---|--|
| See Statement 7 | | 0. | 0. | 0. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total number of other employees paid over \$50,000 | 0 | | | |

Part II – A**Compensation of the Five Highest Paid Independent Contractors for Professional Services**

(See instructions. List each one (whether individuals or firms). If there are none, enter 'None'.)

| (a) Name and address of each independent contractor paid more than \$50,000 | (b) Type of service | (c) Compensation |
|---|---------------------|------------------|
| None | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Total number of others receiving over \$50,000 for professional services | 0 | |

Part II – B**Compensation of the Five Highest Paid Independent Contractors for Other Services**

(List each contractor who performed services other than professional services, whether individuals or firms. If there are none, enter 'None.' See instructions.)

| (a) Name and address of each independent contractor paid more than \$50,000 | (b) Type of service | (c) Compensation |
|--|---------------------|------------------|
| None | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Total number of other contractors receiving over \$50,000 for other services | 0 | |

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ.

Schedule A (Form 990 or 990-EZ) 2006

| Part III Statements About Activities (See instructions.) | | Yes | No |
|---|-----------|-----|-----|
| 1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid or incurred in connection with the lobbying activities. . . . ▶ \$ <u>N/A</u> (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B.) | 1 | | X |
| Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking 'Yes' must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities. | | | |
| 2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.) | | | |
| a Sale, exchange, or leasing of property? | 2a | | X |
| b Lending of money or other extension of credit? | 2b | | X |
| c Furnishing of goods, services, or facilities? | 2c | | X |
| d Payment of compensation (or payment or reimbursement of expenses if more than \$1,000)? | 2d | | X |
| e Transfer of any part of its income or assets? | 2e | | X |
| 3a Did the organization make grants for scholarships, fellowships, student loans, etc? (If 'Yes,' attach an explanation of how the organization determines that recipients qualify to receive payments.) | 3a | | X |
| b Did the organization have a section 403(b) annuity plan for its employees? | 3b | | X |
| c Did the organization receive or hold an easement for conservation purposes, including easements to preserve open space, the environment, historic land areas or historic structures? If 'Yes,' attach a detailed statement | 3c | | X |
| d Did the organization provide credit counseling, debt management, credit repair, or debt negotiation services? | 3d | | X |
| 4a Did the organization maintain any donor advised funds? If 'Yes,' complete lines 4b through 4g. If 'No,' complete lines 4f and 4g. | 4a | | X |
| b Did the organization make any taxable distributions under section 4966? | 4b | N/A | |
| c Did the organization make a distribution to a donor, donor advisor, or related person? | 4c | N/A | |
| d Enter the total number of donor advised funds owned at the end of the tax year ▶ | | | N/A |
| e Enter the aggregate value of assets held in all donor advised funds owned at the end of the tax year ▶ | | | N/A |
| f Enter the total number of separate funds or accounts owned at the end of the tax year (excluding donor advised funds included on line 4d) where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts ▶ | | | 0 |
| g Enter the aggregate value of assets held in all funds or accounts included on line 4f at the end of the tax year. . . ▶ | | | 0. |

Part IV Reason for Non-Private Foundation Status (See instructions.)I certify that the organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

- 5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).
- 6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)
- 7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).
- 8 ☐ A federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).
- 9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). **Enter the hospital's name, city, and state** ▶ _____
- 10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)
- 11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)
- 12 ☐ An organization that normally receives: **(1) more than 33-1/3%** of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions — subject to certain exceptions, and **(2) no more than 33-1/3%** of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)
- 13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and otherwise meets the requirements of section 509(a)(3). Check the box that describes the type of supporting organization: ▶
☐ Type I ☐ Type II ☐ Type III-Functionally Integrated ☐ Type III-Other

Provide the following information about the supported organizations. (See instructions.)

| (a) Name(s) of supported organization(s) | (b) Employer identification number (EIN) | (c) Type of organization (described in lines 5 through 12 above or IRC section) | (d) Is the supported organization listed in the supporting organization's governing documents? | | (e) Amount of support |
|---|---|--|---|----|--------------------------|
| | | | Yes | No | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Total | | | | | 0. |

- 14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See instructions.)

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Schedule A (Form 990 or 990-EZ) 2006

Part IV-A Support Schedule (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.****Note:** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

| Calendar year (or fiscal year beginning in) | (a) 2005 | (b) 2004 | (c) 2003 | (d) 2002 | (e) Total |
|--|-------------|-------------|-------------|-------------|-----------------------|
| 15 Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.) | 1,195,209. | 1,127,591. | 1,215,597. | 869,233. | 4,407,630. |
| 16 Membership fees received | | | | | 0. |
| 17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose | 55,293. | 90,979. | 121,681. | 109,246. | 377,199. |
| 18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975 | 2,843. | 1,090. | 414. | 1,241. | 5,588. |
| 19 Net income from unrelated business activities not included in line 18 | | | | | 0. |
| 20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf | | | | | 0. |
| 21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge | | | | | 0. |
| 22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets. See Stmt. 8. | 3,196. | 3,189. | 10,791. | | 17,176. |
| 23 Total of lines 15 through 22 | 1,256,541. | 1,222,849. | 1,348,483. | 979,720. | 4,807,593. |
| 24 Line 23 minus line 17 | 1,201,248. | 1,131,870. | 1,226,802. | 870,474. | 4,430,394. |
| 25 Enter 1% of line 23 | 12,565. | 12,228. | 13,485. | 9,797. | |
| 26 Organizations described on lines 10 or 11: a Enter 2% of amount in column (e), line 24 | | | | | 26a 88,608. |
| b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 2002 through 2005 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts | | | | | 26b |
| c Total support for section 509(a)(1) test: Enter line 24, column (e) | | | | | 26c 4,430,394. |
| d Add: Amounts from column (e) for lines: 18 5,588. 19 | | | | | 26d 22,764. |
| 22 17,176. 26b | | | | | 26e 4,407,630. |
| e Public support (line 26c minus line 26d total) | | | | | 26f 99.49 % |
| f Public support percentage (line 26e (numerator) divided by line 26c (denominator)) | | | | | |
| 27 Organizations described on line 12: N/A | | | | | |
| a For amounts included in lines 15, 16, and 17 that were received from a 'disqualified person,' prepare a list for your records to show the name of, and total amounts received in each year from, each 'disqualified person.' Do not file this list with your return. Enter the sum of such amounts for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____ | | | | | |
| b For any amount included in line 17 that was received from each person (other than 'disqualified persons'), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11b, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2) , enter the sum of these differences (the excess amounts) for each year: (2005) _____ (2004) _____ (2003) _____ (2002) _____ | | | | | |
| c Add: Amounts from column (e) for lines: 15 _____ 16 _____ | | | | | 27c _____ |
| 17 _____ 20 _____ 21 _____ | | | | | 27d _____ |
| d Add: Line 27a total _____ and line 27b total | | | | | 27e _____ |
| e Public support (line 27c total minus line 27d total) | | | | | 27f _____ |
| f Total support for section 509(a)(2) test: Enter amount from line 23, column (e) | | | | | 27g _____ % |
| g Public support percentage (line 27e (numerator) divided by line 27f (denominator)) | | | | | 27h _____ % |
| h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) | | | | | |

28 Unusual Grants: For an organization described in line 10, 11, or 12 that received any unusual grants during 2002 through 2005, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15.

Part V Private School Questionnaire (See instructions.)

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

N/A

| | N/A | Yes | No |
|---|------------|-----|----|
| 29 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body? | 29 | | |
| 30 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships? | 30 | | |
| 31 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? | 31 | | |
| If 'Yes,' please describe; if 'No,' please explain. (If you need more space, attach a separate statement.) ----- ----- ----- | | | |
| 32 Does the organization maintain the following: | | | |
| a Records indicating the racial composition of the student body, faculty, and administrative staff? | 32a | | |
| b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis? | 32b | | |
| c Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships? | 32c | | |
| d Copies of all material used by the organization or on its behalf to solicit contributions? | 32d | | |
| If you answered 'No' to any of the above, please explain. (If you need more space, attach a separate statement.) ----- ----- ----- | | | |
| 33 Does the organization discriminate by race in any way with respect to: | | | |
| a Students' rights or privileges? | 33a | | |
| b Admissions policies? | 33b | | |
| c Employment of faculty or administrative staff? | 33c | | |
| d Scholarships or other financial assistance? | 33d | | |
| e Educational policies? | 33e | | |
| f Use of facilities? | 33f | | |
| g Athletic programs? | 33g | | |
| h Other extracurricular activities? | 33h | | |
| If you answered 'Yes' to any of the above, please explain. (If you need more space, attach a separate statement.) ----- ----- ----- | | | |
| 34a Does the organization receive any financial aid or assistance from a governmental agency? | 34a | | |
| b Has the organization's right to such aid ever been revoked or suspended? | 34b | | |
| If you answered 'Yes' to either 34a or b, please explain using an attached statement. | | | |
| 35 Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev Proc 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If 'No,' attach an explanation. | 35 | | |

Schedule A (Form 990 or 990-EZ) 2006 Good Samaritan Family Resource Center

94-3154078

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Part VI-A Lobbying Expenditures by Electing Public Charities (See instructions.)
(To be completed **ONLY** by an eligible organization that filed Form 5768)

N/A

Check **a** ☐ if the organization belongs to an affiliated group. Check **b** ☐ if you checked 'a' and 'limited control' provisions apply.

| Limits on Lobbying Expenditures (The term 'expenditures' means amounts paid or incurred.) | | (a) Affiliated group totals | (b) To be completed for all electing organizations |
|---|--|-----------------------------------|--|
| 36 | Total lobbying expenditures to influence public opinion (grassroots lobbying) | 36 | |
| 37 | Total lobbying expenditures to influence a legislative body (direct lobbying) | 37 | |
| 38 | Total lobbying expenditures (add lines 36 and 37) | 38 | |
| 39 | Other exempt purpose expenditures | 39 | |
| 40 | Total exempt purpose expenditures (add lines 38 and 39) | 40 | |
| 41 | Lobbying nontaxable amount. Enter the amount from the following table — <div style="display: flex; justify-content: space-between;"> <div> If the amount on line 40 is — Not over \$500,000 Over \$500,000 but not over \$1,000,000 Over \$1,000,000 but not over \$1,500,000 Over \$1,500,000 but not over \$17,000,000 Over \$17,000,000 </div> <div> The lobbying nontaxable amount is — 20% of the amount on line 40 \$100,000 plus 15% of the excess over \$500,000 \$175,000 plus 10% of the excess over \$1,000,000 \$225,000 plus 5% of the excess over \$1,500,000 \$1,000,000 </div> </div> | 41 | |
| 42 | Grassroots nontaxable amount (enter 25% of line 41) | 42 | |
| 43 | Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36. | 43 | |
| 44 | Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38. | 44 | |
| Caution: If there is an amount on either line 43 or line 44, you must file Form 4720. | | | |

4 -Year Averaging Period Under Section 501(h)(Some organizations that made a section 501(h) election do not have to complete all of the five columns below.
See the instructions for lines 45 through 50.)

| | Lobbying Expenditures During 4 -Year Averaging Period | | | | |
|--|--|---------------------|---------------------|---------------------|----------------------|
| Calendar year (or fiscal year beginning in) ▶ | (a) 2006 | (b) 2005 | (c) 2004 | (d) 2003 | (e) Total |
| 45 Lobbying nontaxable amount | | | | | |
| 46 Lobbying ceiling amount (150% of line 45(e)) | | | | | |
| 47 Total lobbying expenditures | | | | | |
| 48 Grassroots non-taxable amount | | | | | |
| 49 Grassroots ceiling amount (150% of line 48(e)) | | | | | |
| 50 Grassroots lobbying expenditures | | | | | |

Part VI-B Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI-A) (See instructions.)

N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:

| | Yes | No | Amount |
|--|------------|-----------|---------------|
| a Volunteers | | | |
| b Paid staff or management (Include compensation in expenses reported on lines c through h .) | | | |
| c Media advertisements | | | |
| d Mailings to members, legislators, or the public | | | |
| e Publications, or published or broadcast statements | | | |
| f Grants to other organizations for lobbying purposes | | | |
| g Direct contact with legislators, their staffs, government officials, or a legislative body | | | |
| h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means | | | |
| i Total lobbying expenditures (add lines c through h .) | | | |

If 'Yes' to any of the above, also attach a statement giving a detailed description of the lobbying activities.

BAA

Schedule A (Form 990 or 990-EZ) 2006

Schedule B
(Form 990, 990-EZ,
or 990-PF)Department of the Treasury
Internal Revenue Service**Schedule of Contributors****Supplementary Information for**
line 1 of Form 990, 990-EZ and 990-PF (see instructions)**2006****Name of organization**

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):**Filers of:**

Form 990 or 990-EZ

Section:

- ☒ 501(c)(3) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (**Note:** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

General Rule –

- ☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

Special Rules –

- ☒ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc. purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc. purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc. contributions of \$5,000 or more during the year.) ► \$ _____

Caution: Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)

Form **8868**

(Rev April 2007)

Department of the Treasury
Internal Revenue Service**Application for Extension of Time To File an
Exempt Organization Return**

OMB No. 1545-1709

► File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒ **X**
- If you are filing for an **Additional (not automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).

Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.**Part I Automatic 3-Month Extension of Time.** Only submit original (no copies needed).Section 501(c) corporations required to file Form 990-T and requesting an automatic 6-month extension — check this box and complete Part I only. ☐*All other corporations (including 1120-C filers), partnerships, REMICS, and trusts must use Form 7004 to request an extension of time to file income tax returns.*

Electronic Filing (e-file). Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for section 501(c) corporations required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T. Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit www.irs.gov/efile and click on *e-file for Charities & Nonprofits*.

| | | |
|--|--|--------------------------------|
| Type or print File by the due date for filing your return. See instructions. | Name of Exempt Organization | Employer identification number |
| | Good Samaritan Family Resource Center | 94-3154078 |
| | Number, street, and room or suite number. If a P.O. box, see instructions. | |
| | 1294 Potrero Avenue | |
| | City, town or post office, state, and ZIP code. For a foreign address, see instructions. | |
| | San Francisco, CA 94110 | |

Check type of return to be filed (file a separate application for each return):

| | | |
|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation) | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL | <input type="checkbox"/> Form 990-T (section 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input type="checkbox"/> Form 990-EZ | <input type="checkbox"/> Form 990-T (trust other than above) | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990-PF | <input type="checkbox"/> Form 1041-A | <input type="checkbox"/> Form 8870 |

- The books are in the care of ► Good Samaritan Family Resource

Telephone No. ► (415) 824-9475 FAX No. ► (415) 824-9527

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the whole group, check this box. ☐. If it is for part of the group, check this box. ☐ and attach a list with the names and EINs of all members the extension will cover.

- 1 I request an automatic 3-month (6 months for a section 501(c) corporation required to file Form 990-T) extension of time until 2/15, 20 08, to file the exempt organization return for the organization named above.
The extension is for the organization's return for:

- ☐ calendar year 20 ____ or
- ☒ tax year beginning 7/01, 20 06, and ending 6/30, 20 07.

- 2 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

| | | | |
|---|-----------|----|----|
| 3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions. | 3a | \$ | 0. |
| b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit. | 3b | \$ | 0. |
| c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions. | 3c | \$ | 0. |

Caution. If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.**BAA For Privacy Act and Paperwork Reduction Act Notice, see instructions.**Form **8868** (Rev 4-2007)

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Good Samaritan Family Resource Center

94-3154078

Statement 1
Form 990, Part II, Line 25a
Compensation of Officers, Directors, Etc.

| Compensation Received | (A) | (B) | (C) | (D) |
|-------------------------|------------|------------------|----------------------|-------------|
| Name | Total | Program Services | Management & General | Fundraising |
| Kay Bishop | 0. | 0. | 0. | 0. |
| Frank De Rosa | 0. | 0. | 0. | 0. |
| Alan Levinson | 0. | 0. | 0. | 0. |
| Alicia Lieberman, Ph.D. | 0. | 0. | 0. | 0. |
| Anamaria Loya | 0. | 0. | 0. | 0. |
| Wendy Mui | 0. | 0. | 0. | 0. |
| Kat Taylor | 0. | 0. | 0. | 0. |
| Sara Vellve | 0. | 0. | 0. | 0. |
| Dr. Fernando Viteri | 0. | 0. | 0. | 0. |
| Sandra Vivanco | 0. | 0. | 0. | 0. |
| Mario Paz | 55,395. | 16,619. | 22,158. | 16,618. |
| Total | \$ 55,395. | \$ 16,619. | \$ 22,158. | \$ 16,618. |

| Employee Benefit Plan Contribution | (A) | (B) | (C) | (D) |
|------------------------------------|-------|------------------|----------------------|-------------|
| Name | Total | Program Services | Management & General | Fundraising |
| Kay Bishop | 0. | 0. | 0. | 0. |
| Frank De Rosa | 0. | 0. | 0. | 0. |
| Alan Levinson | 0. | 0. | 0. | 0. |
| Alicia Lieberman, Ph.D. | 0. | 0. | 0. | 0. |
| Anamaria Loya | 0. | 0. | 0. | 0. |
| Wendy Mui | 0. | 0. | 0. | 0. |
| Kat Taylor | 0. | 0. | 0. | 0. |
| Sara Vellve | 0. | 0. | 0. | 0. |
| Dr. Fernando Viteri | 0. | 0. | 0. | 0. |
| Sandra Vivanco | 0. | 0. | 0. | 0. |
| Mario Paz | 0. | 0. | 0. | 0. |
| Total | \$ 0. | \$ 0. | \$ 0. | \$ 0. |

| Expense Acct. & Other Allowances | (A) | (B) | (C) | (D) |
|----------------------------------|-------|------------------|----------------------|-------------|
| Name | Total | Program Services | Management & General | Fundraising |
| Kay Bishop | 0. | 0. | 0. | 0. |
| Frank De Rosa | 0. | 0. | 0. | 0. |
| Alan Levinson | 0. | 0. | 0. | 0. |
| Alicia Lieberman, Ph.D. | 0. | 0. | 0. | 0. |
| Anamaria Loya | 0. | 0. | 0. | 0. |
| Wendy Mui | 0. | 0. | 0. | 0. |
| Kat Taylor | 0. | 0. | 0. | 0. |
| Sara Vellve | 0. | 0. | 0. | 0. |
| Dr. Fernando Viteri | 0. | 0. | 0. | 0. |
| Sandra Vivanco | 0. | 0. | 0. | 0. |
| Mario Paz | 0. | 0. | 0. | 0. |
| Total | \$ 0. | \$ 0. | \$ 0. | \$ 0. |

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Good Samaritan Family Resource Center

94-3154078

Statement 2
Form 990, Part II, Line 43
Other Expenses

| | (A) Total | (B) Program Services | (C) Management & General | (D) Fundraising |
|--------------------------|--------------|----------------------------|--------------------------------|--------------------|
| Consultants/Contractors | 229,401. | 118,002. | 104,508. | 6,891. |
| Direct Support | 3,450. | 3,450. | | |
| Events | 6,850. | 6,829. | 13. | 8. |
| Field Trips | 4,413. | 4,413. | | |
| Food | 31,253. | 31,125. | 46. | 82. |
| Insurance | 45,273. | 39,031. | 5,098. | 1,144. |
| License & Fees | 3,182. | 2,260. | 821. | 101. |
| Local Transportation | 2,530. | 2,281. | 168. | 81. |
| Miscellaneous | 21,461. | 11,326. | 9,827. | 308. |
| Outside Services | 4,228. | 942. | 3,263. | 23. |
| Staff Development | 622. | 506. | 73. | 43. |
| Start-up/Classroom setup | 18,764. | 18,764. | | |
| Use Allowance | | 98,697. | -100,628. | 1,931. |
| Utilities | 40,046. | | 40,046. | |
| Total | \$ 411,473. | \$ 337,626. | \$ 63,235. | \$ 10,612. |

Statement 3
Form 990, Part III, Line a
Statement of Program Service Accomplishments

| Description | Grants and Allocations | Program Service Expenses |
|--|---------------------------|--------------------------------|
| Child Development Center provides fully enriched childcare to low income children and daily drop-in childcare for community classes. Approximately 7,356 child days of enrollment of services were performed. | | |
| Family Support Advocacy provides programs for all children, youth and adult programming in an effort to synthesize our services and to work with the entire family toward financial security and healthy lifestyles. Programs include parent support groups, parenting classes, adult literacy, individual and group therapy, after school academeic enrichment, soccer program, asthma and dental screening and education for children of elementary public schools, emergency assistance, summer youth programs, english for beginners language classes, basic computer classes, loan programs, family planning clinic, and in home support. | | 1,060,666. |
| Includes Foreign Grants: No | | |
| | \$ 0. | \$ 1,060,666. |

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Good Samaritan Family Resource Center

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Statement 4
Form 990, Part IV, Line 57
Land, Buildings, and Equipment

| Category | Basis | Accum. Deprec. | Book Value |
|--|----------------------|----------------------|----------------------|
| Automobiles / Transportation Equipment | \$ 23,482. | \$ 23,482. | \$ 0. |
| Machinery and Equipment | 220,016. | 213,766. | 6,250. |
| Buildings | 2,985,926. | 750,627. | 2,235,299. |
| Improvements | 216,068. | 27,959. | 188,109. |
| Land | 300,000. | | 300,000. |
| Total | \$ 3,745,492. | \$ 1,015,834. | \$ 2,729,658. |

Statement 5
Form 990, Part IV, Line 65
Other Liabilities

| | |
|------------------|------------------|
| Due to SDE | Total \$ 24,376. |
| | Total \$ 24,376. |

Statement 6
Form 990, Part V-A
List of Officers, Directors, Trustees, and Key Employees

| Name and Address | Title and Average Hours Per Week Devoted | Compen- sation | Contri- bution to EBP & DC | Expense Account/ Other |
|---|--|-------------------|----------------------------------|------------------------------|
| Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | \$ 0. | \$ 0. | \$ 0. |
| Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110 | Treasurer 1 | 0. | 0. | 0. |
| Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |

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Federal Statements

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Good Samaritan Family Resource Center

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Statement 6 (continued)
Form 990, Part V-A
List of Officers, Directors, Trustees, and Key Employees

| Name and Address | Title and Average Hours Per Week Devoted | Compen- sation | Contri- bution to EBP & DC | Expense Account/ Other |
|---|--|-------------------|----------------------------------|------------------------------|
| Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110 | President 1 | \$ 0. | \$ 0. | \$ 0. |
| Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110 | Secretary 1 | 0. | 0. | 0. |
| Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Mario Paz 1294 Potrero Avenue San Francisco, CA 94110 | Executive Direc 0 | 55,395. | 0. | 0. |
| | Total | \$ 55,395. | \$ 0. | \$ 0. |

Statement 7
Schedule A, Part I
Compensation of Five Highest Paid Employees

| Name and Address | Title & Average Hours Worked | Compen- sation | Contribut. EBP & DC | Expense Account |
|--|---------------------------------|-------------------|------------------------|--------------------|
| Hector Melendez 1294 Potrero Avenue S.F., CA 94110 | Exec. Dir. 40 | 0. | 0. | 0. |
| Teresa Carias 1294 Potrero Avenue S.F., CA 94110 | Director, CDC 40 | 0. | 0. | 0. |
| Alicia Vasquez 1294 Potrero Avenue S.F., CA 94110 | Family Ser. Dir 40 | 0. | 0. | 0. |
| | Total | \$ 0. | \$ 0. | \$ 0. |

2006**Federal Statements****Page 5****Good Samaritan Family Resource Center****94-3154078**

Statement 8
 Schedule A, Part IV-A, Line 22
 Other Income

| Description | (a) 2005 | (b) 2004 | (c) 2003 | (d) 2002 | (e) Total |
|----------------------|------------------|------------------|-------------------|--------------|-------------------|
| Miscellaneous Income | \$ 3,196. | \$ 3,189. | \$ 10,791. | \$ 0. | \$ 17,176. |
| Total | <u>\$ 3,196.</u> | <u>\$ 3,189.</u> | <u>\$ 10,791.</u> | <u>\$ 0.</u> | <u>\$ 17,176.</u> |

| | | |
|--|---|--|
| YEAR 2006 | California Exempt Organization Annual Information Return | FORM 199 |
| For calendar or fiscal year beginning month <u>07</u> day <u>01</u> year <u>2006</u> and ending month <u>06</u> day <u>30</u> year <u>2007</u> | | |
| IMPORTANT: Your number is required. | | |
| California corporation number <u>1522670</u> | Federal employer identification number (FEIN) <u>94-3154078</u> | A Final return? Check applicable box. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Dissolved <input type="checkbox"/> Withdrawn <input type="checkbox"/> Merged/Reorganized (attach explanation) If a box is checked, enter date: |
| Corporation/Organization name <u>Good Samaritan Family Resource Center</u> | | B Check forms filed this year: State: <input type="checkbox"/> 109 <input type="checkbox"/> 100 <input type="checkbox"/> 100S <input type="checkbox"/> 100W Fed: <input checked="" type="checkbox"/> 990 Fed: <input type="checkbox"/> 990EZ <input type="checkbox"/> 990T <input type="checkbox"/> 990PF <input type="checkbox"/> 1041 <input type="checkbox"/> 1120H <input type="checkbox"/> 1120 |
| Address including Suite, Room, or PMB no. <u>1294 Potrero Avenue</u> | | C If organization is exempt under R&TC Section 23701d and is a school, public charity, religious organization, or is controlled by a religious operation, check box. See General Instruction F. No filing fee is required. <input checked="" type="checkbox"/> |
| City <u>San Francisco, CA</u> | State ZIP Code <u>94110</u> | D Is this a group filing? See General Instruction N <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No E Accounting method used: <u>Accrual</u> F Type of organization: <input checked="" type="checkbox"/> Exempt under Section 23701 <u>d</u> (insert letter) <input type="checkbox"/> IRC Section 4947(a)(1) trust |

Part I Complete Part I unless not required to file this form. See General Instructions B and C.

| | | | |
|--|--|------|--|
| Receipts and Revenues <small>(Enclose, but do not staple, any payment.)</small> | 1 Gross sales or receipts from other sources. From Side 2, Part II, line 8 | 1 | 72,623. |
| | 2 Gross dues and assessments from members and affiliates. | 2 | |
| | 3 Gross contributions, gifts, grants, and similar amounts received. See instructions. See Sch. B | 3 | 1,352,784. |
| | 4 Total gross receipts for filing requirement test. Add line 1 through line 3 This line must be completed. If the result is less than \$25,000, see General Instruction C. | 4 | 1,425,407. |
| | 5 Cost of goods sold | 5 | |
| | 6 Cost or other basis, and sales expenses of assets sold | 6 | |
| | 7 Total costs. Add line 5 and line 6 | 7 | |
| | 8 Total gross income. Subtract line 7 from line 4 | 8 | 1,425,407. |
| Expenses | 9 Total expenses and disbursements. From Side 2, Part II, line 18 | 9 | 1,313,260. |
| | 10 Excess of receipts over expenses and disbursements. Subtract line 9 from line 8 | 10 | 112,147. |
| Filing Fee | 11 Filing fee \$10 or \$25. See General Instruction F | 11 | |
| | 12 Penalty for failure to file on time. See General Instruction L | 12 | |
| | 13 Use tax. See General Instruction M | 13 | |
| | 14 Balance due. Add line 11, line 12, and line 13 | 14 | |
| 15 If exempt under R&TC Section 23701d, has the organization during the year: (1) participated in any political campaign or (2) attempted to influence legislation or any ballot measure, or (3) made an election under R&TC Section 23704.5 (relating to lobbying by public charities)? If 'Yes,' complete and attach form FTB 3509, Political or Legislative Activities by Section 23701d Organizations. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 16 Did the organization have any changes in its activities, governing instrument, articles of incorporation, or bylaws that have not been reported to the Franchise Tax Board? If 'Yes,' complete an explanation and attach copies of revised documents. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 17 Is the organization exempt under R&TC Section 23701g? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of gross receipts from nonmember sources. \$ _____ | | | |
| 18 Did the organization file Form 100, Form 100S, 100W, or Form 109 to report taxable income? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If 'Yes,' enter amount of total income reported. \$ _____ | | | |
| 19 The financial records are in care of. <u>Good Samaritan Family Resource</u> Daytime telephone <u>(415) 824-9475</u> located at <u>1294 Potrero Avenue, San Francisco, CA 94110</u> | | | |
| Please Sign Here | Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge. | | |
| | Signature of officer | Date | Title <u>Executive Director</u> Daytime telephone <u>(415) 824-9475</u> |
| Paid Preparer's Use Only | Paid Preparer's signature | Date | Check if self-employed <input type="checkbox"/> <input checked="" type="checkbox"/> Paid preparer's SSN or PTIN _____ |
| | Firm's name (or yours, if self-employed) and address <u>ALLAN LIU, CPA</u> <u>201 WILLOW AVE</u> <u>MILLBRAE, CA 94030-2536</u> | | FEIN _____ Daytime telephone <u>(650) 692-1172</u> |

Good Samaritan Family Resource Center

94-3154078

Part II Organizations with gross receipts of more than \$25,000 and private foundations regardless of amount of gross receipts—complete Part II or furnish substitute information. See Specific Line Instructions.

| | | | | |
|------------------------------------|----|---|----|------------|
| Receipts from Other Sources | 1 | Gross sales or receipts from all business activities. See instructions | 1 | |
| | 2 | Interest | 2 | 13,226. |
| | 3 | Dividends | 3 | |
| | 4 | Gross rents | 4 | |
| | 5 | Gross royalties | 5 | |
| | 6 | Gross amount received from sale of assets | 6 | |
| | 7 | Other income. Attach schedule See Statement 1..... | 7 | 59,397. |
| | 8 | Total gross sales or receipts from other sources. Add line 1 through line 7. Enter here and on Side 1, Part I, line 1 | 8 | 72,623. |
| Expenses and Disbursements | 9 | Contributions, gifts, grants, and similar amounts paid. Attach schedule | 9 | |
| | 10 | Disbursements to or for members | 10 | |
| | 11 | Compensation of officers, directors, and trustees. Attach schedule See Statement 2 | 11 | 55,395. |
| | 12 | Other salaries and wages | 12 | 527,528. |
| | 13 | Interest | 13 | |
| | 14 | Taxes | 14 | 44,594. |
| | 15 | Rents | 15 | |
| | 16 | Depreciation and depletion | 16 | 89,263. |
| | 17 | Other. Attach schedule See Statement 3..... | 17 | 596,480. |
| | 18 | Total expenses and disbursements. Add line 9 through line 17. Enter here and on Side 1, Part I, line 9 | 18 | 1,313,260. |

| Schedule L Balance Sheets | | Beginning of taxable year | | End of taxable year | |
|----------------------------------|---|----------------------------------|------------|----------------------------|------------|
| | | (a) | (b) | (c) | (d) |
| Assets | | | | | |
| 1 | Cash | | 311,734. | | 588,176. |
| 2 | Net accounts receivable | | 249,325. | | 251,310. |
| 3 | Net notes receivable. Attach schedule | | | | |
| 4 | Inventories | | | | |
| 5 | Federal and state government obligations | | | | |
| 6 | Investments in other bonds. Attach schedule | | | | |
| 7 | Investments in stock. Attach schedule | | | | |
| 8 | Mortgage loans (number of loans... _____) | | | | |
| 9 | Other investments. Attach schedule | | | | |
| 10a | Depreciable assets | 3,465,381. | | 3,445,492. | |
| b | Less accumulated depreciation | 946,460. | 2,518,921. | 1,015,834. | 2,429,658. |
| 11 | Land | | 300,000. | | 300,000. |
| 12 | Other assets. Attach schedule St .4 | | 16,382. | | 14,836. |
| 13 | Total assets | | 3,396,362. | | 3,583,980. |
| Liabilities and net worth | | | | | |
| 14 | Accounts payable | | 54,698. | | 105,793. |
| 15 | Contributions, gifts, or grants payable | | | | |
| 16 | Bonds and notes payable. Attach schedule | | | | |
| 17 | Mortgages payable | | | | |
| 18 | Other liabilities. Attach schedule St .5 | | | | 24,376. |
| 19 | Capital stock or principle fund | | 3,341,664. | | 3,453,811. |
| 20 | Paid-in or capital surplus. Attach reconciliation | | | | |
| 21 | Retained earnings or income fund | | | | |
| 22 | Total liabilities and net worth | | 3,396,362. | | 3,583,980. |

Schedule M-1 Reconciliation of income per books with income per return

Do not complete this schedule if the amount on Schedule L, line 13, column (d), is less than \$25,000

| | | | | | |
|---|---|----------|----|--|----------|
| 1 | Net income per books | 112,147. | 7 | Income recorded on books this year not included in this return. Attach schedule | |
| 2 | Federal income tax | | 8 | Deductions in this return not charged against book income this year. Attach schedule | |
| 3 | Excess of capital losses over capital gains | | 9 | Total. Add line 7 and line 8 | |
| 4 | Income not recorded on books this year. Attach schedule | | 10 | Net income per return. Subtract line 9 from line 6 | 112,147. |
| 5 | Expenses recorded on books this year not deducted in this return. Attach schedule | | | | |
| 6 | Total. Add line 1 through line 5 | 112,147. | | | |

Schedule B
(Form 990, 990-EZ,
or 990-PF)Department of the Treasury
Internal Revenue ServiceCalifornia Copy
Schedule of ContributorsSupplementary Information for
line 1 of Form 990, 990-EZ and 990-PF (see instructions)

OMB No. 1545-0047

2006

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Organization type (check one):

Filers of:

Form 990 or 990-EZ

Section:

- ☒ 501(c)(3) (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**. (Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule – see instructions.)

General Rule –

- ☒ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

Special Rules –

- ☐ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)
- ☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc. purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc. purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc. contributions of \$5,000 or more during the year.) ► \$ _____

Caution: Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 2 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990, Form 990-EZ, and Form 990-PF.

Schedule **B** (Form 990, 990-EZ, or 990-PF) (2006)

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part I Contributors (See Specific Instructions.)

| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---------------|--|--|--|
| 1 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 2 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 3 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 4 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 5 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 6 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part I Contributors (See Specific Instructions.)

| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---------------|--|-----------------------------------|--|
| 7 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |
| 8 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |
| 9 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |
| 10 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |
| 11 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |
| 12 | <div> <div></div> <div></div> <div></div> </div> | \$ | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> </div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> |

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part I Contributors (See Specific Instructions.)

| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---------------|--|--|---|
| 13 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 14 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 15 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 16 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 17 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 18 | <div> <div>Bill & Caroline Orrick</div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div>5,072.</div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 4 of 5 of Part I

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part I Contributors (See Specific Instructions.)

| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---------------|---|-----------------------------------|--|
| 19 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |
| 20 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |
| 21 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |
| 22 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |
| 23 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |
| 24 | <div>████████████████████</div> <div>████████████████████</div> <div>████████████████████</div> | \$ ██████████ | Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.) |

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part I Contributors (See Specific Instructions.)

| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---------------|--|--|--|
| 25 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| 26 | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div>X</div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
| | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
| | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
| | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
| | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |
| (a) Number | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
| | <div> <div></div> <div></div> <div></div> </div> | <div> <div></div> <div>\$</div> <div></div> </div> | <div> <div>Person</div> <div>Payroll</div> <div>Noncash</div> <div> <div></div> <div></div> <div></div> </div> <div>(Complete Part II if there is a noncash contribution.)</div> </div> |

Name of organization

Good Samaritan Family Resource Center

Employer identification number

94-3154078

Part II Noncash Property (See Specific Instructions.)

[illegible]

BAA

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Schedule B (Form 990, 990-EZ, or 990-PF) (2006)

Page 1 of 1 of Part III

Name of organization

Employer identification number

Good Samaritan Family Resource Center

94-3154078

Part III Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations aggregating more than \$1,000 for the year (Complete cols (a) through (e) and the following line entry.)For organizations completing Part III, enter total of *exclusively* religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this information once — see instructions.) \$ N/A

| (a) No. from Part I | (b) Purpose of gift | (c) Use of gift | (d) Description of how gift is held |
|---------------------------|---|--------------------|--|
| | N/A | | |
| | | | |
| | | | |
| | (e) Transfer of gift | | |
| | Transferee's name, address, and ZIP + 4 | | Relationship of transferor to transferee |
| | | | |
| | | | |
| | | | |
| | (e) Transfer of gift | | |
| | Transferee's name, address, and ZIP + 4 | | Relationship of transferor to transferee |
| | | | |
| | | | |
| | | | |
| | (e) Transfer of gift | | |
| | Transferee's name, address, and ZIP + 4 | | Relationship of transferor to transferee |
| | | | |
| | | | |
| | | | |
| | (e) Transfer of gift | | |
| | Transferee's name, address, and ZIP + 4 | | Relationship of transferor to transferee |
| | | | |
| | | | |
| | | | |
| | (e) Transfer of gift | | |
| | Transferee's name, address, and ZIP + 4 | | Relationship of transferor to transferee |
| | | | |
| | | | |
| | | | |

BAA

2006

California Statements

Page 1

Good Samaritan Family Resource Center

94-3154078

Statement 1
Form 199, Part II, Line 7
Other Income

| | | |
|------------------------------|----|----------------|
| Miscellaneous..... | \$ | 10,366. |
| Program Service Revenue..... | | 49,031. |
| Total | \$ | <u>59,397.</u> |

Statement 2
Form 199, Part II, Line 11
Compensation of Officers, Directors, and Trustees

| Name and Address | Title and Average Hours Per Week Devoted | Compen- sation | Contri- bution to EBP & DC | Expense Account/ Other |
|---|--|-------------------|----------------------------------|------------------------------|
| Kay Bishop 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | \$ 0. | \$ 0. | \$ 0. |
| Frank De Rosa 1294 Potrero Avenue San Francisco, CA 94110 | Treasurer 1 | 0. | 0. | 0. |
| Alan Levinson 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Alicia Lieberman, Ph.D. 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Anamaria Loya 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Wendy Mui 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Kat Taylor 1294 Potrero Avenue San Francisco, CA 94110 | President 1 | 0. | 0. | 0. |
| Sara Vellve 1294 Potrero Avenue San Francisco, CA 94110 | Secretary 1 | 0. | 0. | 0. |
| Dr. Fernando Viteri 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |
| Sandra Vivanco 1294 Potrero Avenue San Francisco, CA 94110 | Director 1 | 0. | 0. | 0. |

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California Statements

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Good Samaritan Family Resource Center

94-3154078

Statement 2 (continued)
Form 199, Part II, Line 11
Compensation of Officers, Directors, and Trustees

| Name and Address | Title and Average Hours Per Week Devoted | Compensation | Contribution to EBP & DC | Expense Account/ Other |
|---|--|--------------|-----------------------------|------------------------------|
| Mario Paz 1294 Potrero Avenue San Francisco, CA 94110 | Executive Direc None | \$ 55,395. | \$ 0. | \$ 0. |
| Total | | \$ 55,395. | \$ 0. | \$ 0. |

Statement 3
Form 199, Part II, Line 17
Other Expenses

| | |
|--|-------------|
| Conferences, Conventions, and Meetings | \$ 1,187. |
| Consultants/Contractors | 229,401. |
| Direct Support | 3,450. |
| Equipment Rental and Maintenance | 41,754. |
| Events | 6,850. |
| Field Trips | 4,413. |
| Food | 31,253. |
| Insurance | 45,273. |
| License & Fees | 3,182. |
| Local Transportation | 2,530. |
| Miscellaneous | 21,461. |
| Other Employee Benefit | 84,587. |
| Outside Services | 4,228. |
| Postage and Shipping | 1,673. |
| Printing and Publications | 9,063. |
| Staff Development | 622. |
| Start-up/Classroom setup | 18,764. |
| Supplies | 34,310. |
| Telephone | 12,433. |
| Utilities | 40,046. |
| Total | \$ 596,480. |

Statement 4
Form 199, Schedule L, Line 12
Other Assets

| | |
|---------------------------------------|------------|
| Prepaid Expenses and Deferred Charges | 14,836. |
| Total | \$ 14,836. |

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California Statements

Page 3

Good Samaritan Family Resource Center

94-3154078

Statement 5
Form 199, Schedule L, Line 18
Other Liabilities

| | |
|------------------|----------------|
| Due to SDE | 24,376. |
| Total \$ | <u>24,376.</u> |

IN

MAIL TO:

Registry of Charitable Trusts
P.O. Box 903447
Sacramento, CA 94203-4470
Telephone: (916) 445-2021

WEBSITE ADDRESS:

<http://ag.ca.gov/charities/>

ANNUAL REGISTRATION RENEWAL FEE REPORT TO ATTORNEY GENERAL OF CALIFORNIA

Sections 12586 and 12587, California Government Code
11 Cal. Code Regs. sections 301-307, 311 and 312

Failure to submit this report annually no later than four months and fifteen days after the end of the organization's accounting period may result in the loss of tax exemption and the assessment of a minimum tax of \$800, plus interest, and/or fines or filing penalties as defined in Government Code Section 12586.1. IRS extensions will be honored.



| | |
|---|--|
| State Charity Registration Number _____ Good Samaritan Family Resource Center <small>Name of Organization</small> 1294 Potrero Avenue <small>Address (Number and Street)</small> San Francisco, CA 94110 <small>City or Town State ZIP Code</small> | Check if: <input type="checkbox"/> Change of address <input type="checkbox"/> Amended report Corporate or Organization No. <u>1522670</u> Federal Employer ID No. <u>94-3154078</u> |
|---|--|

ANNUAL REGISTRATION RENEWAL FEE SCHEDULE (11 Cal. Code Regs. sections 301-307, 311 and 312) Make Check Payable to Attorney General's Registry of Charitable Trusts

| Gross Annual Revenue | Fee | Gross Annual Revenue | Fee | Gross Annual Revenue | Fee |
|--------------------------------|------|-----------------------------------|------|---------------------------------------|-------|
| Less than \$25,000 | 0 | Between \$100,001 and \$250,000 | \$50 | Between \$1,000,001 and \$10 million | \$150 |
| Between \$25,000 and \$100,000 | \$25 | Between \$250,001 and \$1 million | \$75 | Between \$10,000,001 and \$50 million | \$225 |
| | | | | Greater than \$50 million | \$300 |

PART A – ACTIVITIES

For your most recent full accounting period (beginning 7/01/06 ending 6/30/07) list:
 Gross annual revenue \$ 1,425,407. Total assets \$ 3,583,980.

PART B – STATEMENTS REGARDING ORGANIZATION DURING THE PERIOD OF THIS REPORT

Note: If you answer 'yes' to any of the questions below, you must attach a separate sheet providing an explanation and details for each 'yes' response. Please review RRF-1 instructions for information required.

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1 During this reporting period, were there any contracts, loans, leases or other financial transactions between the organization and any officer, director or trustee thereof either directly or with an entity in which any such officer, director or trustee had any financial interest? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2 During this reporting period, was there any theft, embezzlement, diversion or misuse of the organization's charitable property or funds? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 During this reporting period, did non-program expenditures exceed 50% of gross revenues? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 During this reporting period, were any organization funds used to pay any penalty, fine or judgment? If you filed a Form 4720 with the Internal Revenue Service, attach a copy. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5 During this reporting period, were the services of a commercial fundraiser or fundraising counsel for charitable purposes used? If 'yes,' provide an attachment listing the name, address, and telephone number of the service provider. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6 During this reporting period, did the organization receive any governmental funding? If so, provide an attachment listing the name of the agency, mailing address, contact person, and telephone number. See Statement 1 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7 During this reporting period, did the organization hold a raffle for charitable purposes? If 'yes,' provide an attachment indicating the number of raffles and the date(s) they occurred. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8 Does the organization conduct a vehicle donation program? If 'yes,' provide an attachment indicating whether the program is operated by the charity or whether the organization contracts with a commercial fundraiser for charitable purposes. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9 Did your organization have prepared an audited financial statement in accordance with generally accepted accounting principles for this reporting period? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Organization's area code and telephone number (415) 824-9475

Organization's e-mail address _____

I declare under penalty of perjury that I have examined this report, including accompanying documents, and to the best of my knowledge and belief, it is true, correct and complete.

Mario Paz

Executive Director

Signature of authorized officer

Printed Name

Title

Date

2006

California Statements

Page 1

Good Samaritan Family Resource Center

94-3154078

Statement 1

Form RRF-1, Part B, Line 6

Government Agency That Provided Funding

- 1) California State Department of Education
1430 N. Street
Sacramento, Ca 95814-5901
Cynthia Robinson (916) 324-6586
- 2) Department of Children, Youth, and Their Families
1390 Market Street
San Francisco, Ca 94102
Winna Davis (415) 554-8957
- 3) First Five
1390 Market Street, Ste. 900
San Francisco, CA 94102
Denise Albano (415) 503-1604
- 4) San Francisco Head Start Program
205 13th Street, Ste. 3280
San Francisco, Ca 94103
Jeff Dang (415) 503-1604

EXHIBIT 4

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

William Horsley Orrick, III

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

United States District Judge for the Northern District of California

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

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

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

1953; San Francisco, California

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

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

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

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

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

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

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

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

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

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

Other Affiliations (uncompensated unless otherwise indicated):

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

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

2006 – 2009

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

2004 – 2008

Groton School
282 Farmers Row
Groton, Massachusetts 01450
Board member

1991 – 1997, 2006 – 2008

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

1995 – 2003

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

1986 – 1999

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

1986 – 1992

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

1978 – 1979

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

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

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

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

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

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

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

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

10. **Bar and Court Admission:**

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

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

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

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

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

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

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

11. Memberships:

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

Ellicott Machine Corporation

Board member (1986 – 1992)

Episcopal Diocese of California (1992 – 2009)

Chancellor (1998 – 2009)

Co-Chancellor (1996 – 1997)

Vice Chancellor (1992 – 1995)

Good Samaritan Family Resource Center (1986 – 1999)

President of Board (1986 – 1988)

Vice-President/Officer (1989 – 1999)

Groton School

Board member (2004 – 2008)

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

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

Board member (2005 – 2009)

Katherine Delmar Burke School (1995 – 2003)

President of Board (2001 – 2003)

Chair, Strategic Planning Committee (1999 – 2001)

Board member (1995 – 2003)

North Fork Association

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

Secretary (1993 – 1995)

Board member (1991 – 1993)

Proprietary member (1991 – present)

Associate member (1988 – 1990)

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

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

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

12. Published Writings and Public Statements:

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

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

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

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

Episcopal Diocese of California

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

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

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

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

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

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

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

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

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

Other Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I have not served as a judge.

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

- i. Of these, approximately what percent were:

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

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

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

I have not served as a judge.

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Legal Career: Answer each part separately.

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

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

I did not serve as a clerk to a judge.

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

I have not practiced alone.

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

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

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

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

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

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

b. Describe:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

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

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

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

- i. What percentage of these trials were:

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

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

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

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

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

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

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

Opposing counsel:

James Carter

Carter, Carter, Fries & Grunschlag

44 Montgomery Street, Suite 2405

San Francisco, CA 94104

(415) 989-4800

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

I was lead counsel for The Regents and Aramark Corporation and won a three-week jury trial in the first same-sex sexual harassment and wrongful termination in violation of public policy case tried in California. The case involved a cafeteria employee's claims that his supervisor engaged in quid pro quo sexual harassment.

Opposing counsel:
Jill P. Telfer
331 J Street, Suite 200
Sacramento, CA 95814
(916) 446-1916

3. Genzano v. Coastal International and Green, No. CGC-02-405121 (Cal. Super. Ct., San Francisco); Hon Read Ambler, ret.; approximately June 2002 – January 2004

I was lead counsel for Coastal International and its CEO and majority shareholder, Green, and successfully defended them in a wrongful termination and partnership dispute in a several weeks-long, bet-the-company arbitration. Genzano had alleged that Green and his law firm (Squire Sanders) had breached their fiduciary duties to him and that Green had pushed them out of their lucrative partnership despite Genzano's outsized contribution to it.

Opposing Counsel:
Richard E. Levine
Levine and Baker
535 Pacific, Suite 201
San Francisco, CA 94133
(415) 391-8177

4. Gregory v. Albertson's, 104 Cal. App. 4th 845 (Cal. Ct. App. 2002); Judge James Richman (Alameda Superior Court), Judges Swager, Stein and Margulies (First District Court of Appeals); April 2001 – December 2002

I was lead counsel and demurred successfully to an Unfair Business Practices Act case under California Business and Professions Code 17200. Plaintiff alleged that a grocery store chain committed an unfair act or practice by creating blight in a neighborhood when it ceased operations in a particular location and did not sublet the premises. I then briefed, argued and won the case in the California Court of Appeals. The opinion in this matter helped develop the definition of unfair practices under California law.

Opposing counsel:
Cary L. Dictor (deceased)

5. Leonardo v. Crawford, 644 F. 3d 905 (9th Cir. 2011), amended by 646 F.3d 1157 (9th Cir. 2011); Singh v. Chertoff, 433 Fed. Appx. 549 (9th Cir. 2011); and Singh

v. Holder, 638 F.3d 1196 (9th Cir. 2011); Judges Fisher, Bybee, and Hall (with Judge Graber substituting for Judge Hall after her death); September – October, 2010

I argued three cases which had been briefed by others but consolidated for hearing in the United States Court of Appeals for the Ninth Circuit on October 4, 2010, concerning the procedures to be employed in bond hearings held for aliens in detention pursuant to INA Section 236(a). We prevailed in requiring administrative exhaustion through the BIA as a prerequisite to challenge a bond hearing determination in *Leonardo v. Crawford*, but lost in the *Singh v. Holder* case where the court ruled that the burden of proof on the government should be clear and convincing evidence and that bond hearings should be recorded or transcribed. *Singh v. Chertoff* was remanded for the trial court to apply the rulings in the other two cases.

Lead counsel for appellants and amici:
Ahilan T. Arulanantham
ACLU Foundation of Southern California
1313 West Eighth Street
Los Angeles, CA 90012
(213) 977-5211

Leonardo v. Crawford opposing counsel:
J. Ryan Moore
Assistant Public Defender
407 West Congress Street
Tucson, AZ 85701
(520) 879-7500

Singh v. Chertoff opposing counsel:
James Fife
Public Defenders Office
225 Broadway
San Diego, CA 92101
(619) 234-8467

Singh v. Holder opposing counsel:
Holly S. Cooper
UC Davis Immigration Law Clinic
One Shields Avenue, Building TB-30
Davis, CA 95616
(530) 754-4833

6. McKinney-Griff Inc. v. Albertson's, et al., No. RG-06-0250071 (Cal. Super. Ct., Alameda County); Judge Stephen Dombrink; approximately June 2006 – June 2009

I was lead counsel for Albertson's LLC and Save Mart, Inc. in a matter arising from the construction and operation of a large grocery store in the Lake Merritt Shopping Center in Oakland, California. A local business sued for fraud, interference with contract, construction defect, an accounting and injunctive relief because of alleged interference. After the other defendants settled or were dismissed, I tried the case and obtained a defense verdict in a two-week jury trial in 2009.

Opposing counsel:
Leodis Matthews and Dick Sindich
Matthews Wilson Hunter LLP
4322 Wilshire Boulevard, Suite 200
Los Angeles, CA 90010
(323) 938-8300

Counsel for defendant Dawson Trust:
Martin Sproul
Sproul Law Offices
3675 Mt. Diablo Boulevard, Suite 250
Lafayette, CA 94549
(925) 962-1616

Michelle Trausch
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
(415) 781-7900

Counsel for defendant Tilton Pacific Construction:
Robert Lockhart
LaMore, Brazier, Riddle & Giampaoli
1570 The Alameda, Suite 150
San Jose, CA 95126
(408) 280-6800

7. Miniace v. Pacific Maritime Association, 2007 U.S. Dist. LEXIS 34420, 41 Employee Benefits Cas. (BNA) 1057 (N.D. Cal.); Hon. Susan Illston; approximately March 2004 – November 2007

I was lead counsel for plaintiff Miniace, the former president of Pacific Maritime Association (PMA), who was terminated for breach of fiduciary duty for conduct related to helping his CFO's widow obtain substantial life insurance benefits. We sued PMA for wrongful termination, and PMA cross-complained against Miniace and the CFO's widow for breach of fiduciary duty under ERISA and for recovery of the insurance proceeds. Judge Illston bifurcated the case and held a two-week bench

trial on the cross-complaint. Susan Harriman, counsel for the widow, and I successfully defended the cross-complaint. Mr. Miniace then settled after the trial court's decision.

Counsel for defendant and cross-complainant Pacific Maritime Association:
Michael Baker
Arnold and Porter (formerly Howard, Rice)
3 Embarcadero Center, 7th Floor
San Francisco, CA 94111
(415) 434-1600

Counsel for cross-defendant McMahon:
Susan Harriman
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111
(415) 676-2213

8. Pebble Beach Fire Litigation [consolidated], No. M19160 (Cal. Super. Ct., Monterey County); Judge Richard Silver; June 1987 – September 1990

I co-defended the Pebble Beach Company before Hon. Richard Silver in actions filed by 32 homeowners and their insurance companies arising out of a fire on May 31, 1987 that started in part of the Monterey forest controlled by my clients. The allegations were in part that the company had not maintained the open space in a reasonable manner to protect the homeowners from fire and had interfered with the ability to fight the fire by blocking vehicular access to the open space. This case settled on the eve of trial in the fall of 1990.

Lead opposing counsel:
Stephen N. Cole
The Cole Law Firm
3410 Industrial Boulevard, Suite 100
West Sacramento, CA 95691
(916) 376-0478

Frank L. Crist (deceased)

Co-counsel for Pebble Beach Company:
Richard K. Harray
Kennedy Archer and Harray
24591 Silver Cloud Court, Suite 200
Monterey, CA 93940
(831) 373-7500

Other insurance defense counsel:
Stephen W. Jones

Sedgwick, Detert, Moran & Arnold
One Market Street, Steuart Tower
San Francisco, CA 94105
(415) 781-7900

9. State Conference of Branches of NAACP v. State of Georgia, 570 F. Supp. 314 (S.D. Ga. 1983), 775 F.2d 1403 (11th Cir. 1985); Judge B. Avant Edenfield; approximately October 1981 – January 1984

I was the most junior of three primary trial counsel in a class action against 13 school districts and the State of Georgia for denial of equal educational opportunities by use of tracking policies which placed African American children in the slowest classes, and by the intentional misclassification of African American students as educable mentally retarded when their testing revealed that they should not have been placed in special education classes. After a two-month bench trial, Judge Edenfield found substantially for the defendants because he did not find intentional discrimination. I did not participate in the appeal, which affirmed Judge Edenfield's decision.

Co-counsel for plaintiffs:
Rose Firestein
New York State Department of Law-Consumer Fraud
120 Broadway, 3rd Floor
New York, NY 10271
(212) 417-4393

Jonathan Zimring
Zimring Law Firm
114 New Street, Suite K-1
Decatur, GA 30030
(404) 607-1600

Lead opposing counsel (13 counties separately represented):
Franklin Edenfield
Spivey, Carlton and Edenfield
P.O. Box 309
Swainsboro, GA 30401
(478) 237-6424

10. United States v. Alabama, 2011 U.S. Dist. LEXIS 112362 (N.D. Ala. 2011); Judge Sharon Blackburn; July 2011 – present

I helped supervise the district court preemption litigation brought by the United States against the states of Arizona, Alabama, South Carolina and Utah concerning statutes passed by those states in 2010 and 2011 that related to immigration. I argued the United States' motion for a preliminary injunction in *United States v. Alabama*, which was granted in part and denied in part. The Eleventh Circuit has

since granted additional parts of our requested injunction, and the matter is pending. Id., 443 Fed. Appx. 411 (Oct. 14, 2011) and Order (March 8, 2012).

Co-counsel:

Beth Brinkmann
Deputy Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 353-8679

Joyce White Vance
U.S. Attorney
U.S. Attorney's Office for the Northern District of Alabama
1801 Fourth Avenue North
Birmingham, AL 35203
(205) 244-2209

Counsel for the State of Alabama and Governor Bentley:

John C. Neiman, Jr.
Solicitor General, State of Alabama
Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, AL 36130
(334) 242-7300

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While I was in private practice, in my role as Chancellor of the Episcopal Diocese of California (and previously as Vice Chancellor and Co-Chancellor), I advised the Diocese on a host of matters, including interpretation of the Canons of the Episcopal Church, the property and other rights of parishes to "break away" from the Diocese, the duties of priests to report sexual abuse matters, personnel matters and their intersection with First Amendment rights, real property and construction issues, and other matters typical for a general counsel of a complicated organization. Additionally, I advised many clients on how to avoid litigation and successfully participated in many mediations, including one disputed trust/estate matter which involved dividing ownership of many lots comprising a substantial part of the downtown of one California city. In another matter designated as complex in San Mateo Superior Court involving five family groups that disputed the ownership and disposition of approximately 250 parcels of real property in numerous

counties in California before Hon. Carol Mittelstaedt, I helped negotiate the settlement prior to trial of the first of two consolidated lawsuits before starting my job with the Justice Department.

As a board member of a number of organizations, I participated in significant negotiations and decisions, though outside lawyers did the legal work. With Ellicott Machine Corporation, I was involved in the decision to split the corporation and sell each part in 1992. I negotiated with the Forest Service on behalf of the North Fork Association to help preserve thousands of acres in the Sierra Nevada as a research area. I helped settle in mediation allegations of child abuse and retaliation for Groton School. I advised Good Samaritan Family Resource Center when it was unionized. I negotiated with neighbors of the Katherine Delmar Burke School so that the school could rebuild its facility.

I have not performed any lobbying activities on behalf of any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any deferred income or future benefits.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Matters in which Coblenz, Patch, Duffy & Bass LLP is counsel of record would present a potential conflict of interest, since the firm currently represents me in estate matters. Any immigration case served during my tenure as Deputy Assistant Attorney General would also present a potential conflict. I also own stock in various companies. Matters relating to my immediate family and sibling, if any were to arise (none are pending) would also present a conflict of interest. I would recuse myself from all such matters consistent with applicable rules.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions, e.g., 28 U.S.C. § 455.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During the summer after my first year in law school, I represented clients in special education hearings as an intern with the Massachusetts Advocacy Center. In my second and third years in law school, I worked at the Boston College Legal Assistance Bureau, which provided free legal services for low-income residents in Waltham, Massachusetts. I represented a number of clients under the Massachusetts student practice rule in divorce, custody, landlord tenant and other matters, and argued a case before the Supreme Judicial Court of Massachusetts. I was elected president of the Legal Assistance Bureau by my peers.

After graduation from law school in 1979 through the beginning of January 1984, I represented indigent persons as a staff attorney, acting managing attorney and supervising attorney with Georgia Legal Services Program in Savannah, Georgia. I brought cases in

the United States District Court for the Southern District of Georgia, and circuit rode to Liberty County, Georgia each week for hearings and interviews involving all manner of legal services matters, from domestic relations to public benefits to contract to housing cases.

After returning to San Francisco in 1984 to practice with Coblenz, Patch, Duffy and Bass, LLP, I assisted the Good Samaritan Family Resource Center on many legal issues from 1986 to 2009. I represented the charities and schools of the Episcopal Diocese of California on an as-needed basis from 1992 to 2009 (my work advising the Bishop was partially compensated, but my work for the non-profits and schools as a general rule was not).

In addition, I was active in our pro bono program at the firm. I was honored by the Bar Association of San Francisco for my work in a pro bono case, *Akao v. Shimoda*, 832 F.2d 119 (9th Cir. 1987), in which I prevailed on appeal for inmates from Hawaii whose pro se complaint alleging deliberate indifference to serious medical needs had been dismissed for failure to state a claim. I was co-chair of my firm's Pro Bono Committee from approximately 1994 to 2009. During that time, I supervised most of our firm's pro bono litigation. I helped lead and staff the Tuesday night clinics for the Lawyers Committee for Civil Rights in which our firm participated from 2006 to 2008, taking primarily debt collection and landlord-tenant matters. I handled several cases myself, including two prisoner matters to which U.S. District Judges Vaughn Walker and James Ware appointed me.

When I began work with the Civil Division, access to justice issues were part of my portfolio. In the last three years, we doubled our sponsorships of the Advocacy and Referral Clinic offered by the DC Bar Association. I participated in one of those sessions. We also created an award for pro bono representation by Civil Division attorneys to encourage attorneys to fulfill their obligations under Canon 2.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted a Questionnaire to the Chair of the Judicial Screening Panel for Senator Barbara Boxer in December 2010. In September 2011, I was interviewed by Senator Boxer's committee. Since March 13, 2012, I have been in contact with officials in the Office of Legal Policy at the Department of Justice. On April

10, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 11, 2012, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, William H. Orrick, III, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

June 6, 2012
(DATE)

W. H. Orrick
(NAME)

Eddie Rivera
(NOTARY)



EDDIE RIVERA
Notary Public of District of Columbia
My Commission Expires May 14, 2017

COBLENTZ,
PATCH, DUFFY
& BASS LLP ATTORNEYS
AT LAW

One Ferry Building, Suite 200 main: 415.391.4800
San Francisco, California fax: 415.989.1663
94111-4213 web: www.coblentzlaw.com

William H. Orrick, III
Direct Dial: (415) 772-5713
worrick@coblentzlaw.com

January 3, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on June 12, 2012 to be United States District Judge for the Northern District of California. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- My current office address is:

Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, CA 94111
(Questions 3, 6 and 16.a)

- I resigned my position with the United States Department of Justice on August 14, 2012 and returned to Coblentz, Patch, Duffy & Bass LLP on August 20, 2012 as Special Counsel. I have resumed work on complex commercial litigation matters. (Question 16.b.)

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



William H. Orrick, III

Enclosure

cc: The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

EXHIBIT 5

AOC 2.0

**We would like to give a special thank you to
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- 25 admission tickets
- VIP Lounge access
- **Largest and top** Logo recognition on event homepage
- **Lone Main Stage naming opportunity** ("Main Stage Presented by...")
- **Largest and top** Logo projection via Gobo
- **Largest and top** Recognition onscreen in endless loop slideshow and on signage (with logo if desired)
- Verbal recognition by the President & CEO during event
- **Green Room photo and meet and greet for 6 with Dr. Ruth K. Westheimer and Greg Proops**
- **One of a kind customized Planned Parenthood experience**

\$35,000

- 20 admission tickets
- VIP Lounge access
- Large Logo recognition on event homepage
- **Lone branding of the VIP Lounge** (“VIP Presented by...”)
- **Large and prominent** Logo projection via Gobo
- **Large and prominent** recognition onscreen in endless loop slideshow and on signage (with logo if desired)
- Verbal recognition by the President & CEO during event
- **Green Room photo and meet and greet for 4 with Dr. Ruth K. Westheimer and Greg Proops**

\$25,000

- 15 admission tickets
- VIP Lounge access
- **Large logo** recognition on event homepage
- **Lone branding at one of the four venue Bars**
- **Large and prominent** Logo projection via Gobo
- **Large** recognition onscreen in endless loop slideshow and on signage (with logo if desired)
- **Verbal recognition by the President & CEO during event**

\$15,000

- 12 admission tickets
- VIP Lounge Access
- **Medium** sized recognition with logo on event homepage
- **Lone branded photo booth**
- **Prominent** logo projection via Gobo
- Medium recognition onscreen in endless loop slideshow and on signage (with logo if desired)

\$10,000

- 10 admission tickets
- VIP Lounge Access
- Website recognition on Sponsor page, with logo if desired
- **Lone branded special cocktail naming opportunity**
- **Medium sized logo projection via Gobo**
- **Medium** recognition onscreen in endless loop slideshow and on signage (with logo if desired)
- **Logo projection via Gobo**

\$5,000

- 6 admission tickets
- VIP Lounge Access
- Website recognition on Sponsor page, **with logo** if desired
- **Basic recognition onscreen in endless loop slideshow and on signage (with logo if desired)**

\$2,500

- 4 admission tickets
- VIP Lounge Access
- Website recognition on Sponsor page, if desired

New Foundation Support for Planned Parenthood Shasta Pacific

For Immediate Release: Jan. 30, 2014

Share This



New Foundation Support for Planned Parenthood Shasta Pacific

In September 2010, PPSD expanded its service area to include San Francisco, Marin, Sonoma, and Mendocino Counties. We are working quickly to open new health centers in these counties and look forward to serving the many and diverse communities in each region. A project of this magnitude has required immediate funding assistance from the local philanthropic community. PPSP is grateful to the following foundations for their grants to support our Service Area Expansion Project:

The David B. Gold Foundation (\$200,000)

The William and Flora Hewlett Foundation (\$200,000)

Richard and Rhoda Goldman Fund (\$185,000)

The Mary Wohlford Foundation (\$50,000)

The Endurance Fund (\$10,000)

In addition to these generous grants, we are very grateful to The David B. Gold Foundation, which recently awarded PPSP \$100,000 to support the construction of our Napa Solano Regional Health and Training Center.

Thank you to Napa Valley Vintners, the non-profit trade association of Napa Valley's wine industry, which has awarded PPSP two grants to support our work in Napa County: \$65,000 to support medical services and \$40,000 to support education programming.

Finally, we are pleased to announce that we have received renewed funding from the Kaiser Permanente Northern California Fund for Community Benefit at the East Bay Community Foundation, which has awarded PPSP \$75,000 to support our Increasing HIV Testing for At-Risk Populations Project. With the support of Kaiser Permanente, PPSP is increasing HIV Testing for African American and Latino clients ages 15-24 at seven of our health centers.

Source

[Planned Parenthood Northern California \(/planned-parenthood-northern-california\)](#)

Published

October 14, 2010

Updated

October 15, 2010



**DREW
ALTIZER**
—
PHOTOGRAPHY

115-6557



EXHIBIT 6

09-11-15P04:12 RCVD

SEP 11 2015

SAN FRANCISCO
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GOOD SAMARITAN
FAMILY RESOURCE CENTER, INC.

INSPIRE CHANGE FOR GOOD

September 11, 2015

To: Greg Kelly, San Francisco Documents Librarian
Government Information Center
San Francisco Public Library, 5th floor
100 Larkin Street
San Francisco, CA 94110

From: Diana Perez *D.P.*
Office Manager, Good Samaritan Family Resource Center

Re: Notice of Public Meeting

In Compliance with San Francisco Administrative Code 12L.4(d)(1), Good Samaritan Family Resource Center is providing notice of a public meeting of the Good Samaritan Family Resource Center Board of Directors.

Meeting Date: September 16, 2015

Meeting Time: 5:30-7:00PM

Meeting Location: 1294 Potrero Avenue, Room 301
San Francisco, CA 94110

We request confirmation of receipt be faxed to (415) 824-9527 or e-mailed to dperez@goodsamfrc.org.

Thank You.

Our mission is to help immigrant families access needed services, develop self-sufficiency, and participate fully as members of the community.

1294 Potrero Avenue
San Francisco, CA 94110

voice: 415.401.4253
fax: 415.824.9527
www.goodsamfrc.org

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Avelina Leanos
William H. Orrick III
The Reverend
J. Will Wauters

Executive Staff

Mario Paz
Executive Director

March 13, 2012



To Whom It May Concern,

It is with great pleasure that I write this letter in support of Families in Schools and the *Abriendo Puertas*/Opening Doors program. I am the Senior Programs Manager at Good Samaritan Family Resource Center, a community based organization that works directly with recently arrived Latino immigrants, providing them with resources and support so that they can become self-sufficient and active participants in society.

In 2010, Good Samaritan was approached by one of our key funders, First 5 San Francisco, to explore the possibility of offering the *Abriendo Puertas* curriculum at our site. I was the first person from our agency that was trained in the curriculum by Families in Schools' staff that year and I was very impressed with the quality of the materials and its relevance of the issues faced by the families we serve on a daily basis. As a program created by Latinos for Latinos, this curriculum addresses critical topics that support school readiness and family empowerment, is evidence based, and has proven to be a perfect fit for our agency and our mission.

In the past year, we have offered the 10-week series twice and have received positive feedback from participants who have shared that the program has changed their lives. 100% of participants surveyed at the end of the last program cycle reported that they benefitted from taking *Abriendo Puertas* and 90% reported that they have a better understanding of what their children need to succeed in school.

We are enthusiastic to continue offering *Abriendo Puertas* at Good Samaritan Family Resource Center and look forward to our continued collaboration with Families in Schools.

If you have any questions, please feel free to contact me at auraaparicio@goodsamfrc.org or 415-401-4240.

Sincerely,

A handwritten signature in blue ink that reads "Aura P. Aparicio". The signature is fluid and cursive, with the first name "Aura" being the most prominent part.

Aura Aparicio
Senior Programs Manager

Our mission is to help immigrant families access needed services, develop self-sufficiency, and participate fully as members of the community.

1294 Potrero Avenue
San Francisco, CA 94110

voice: 415.401.4253
fax: 415.824.9527
www.goodsamfrc.org

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EXHIBIT 7



SERVING THE POTRERO HILL, DOGPATCH, MISSION BAY, & SOMA
NEIGHBORHOODS SINCE 1970

The Wohlford Family Clinic Caters to a Diverse Population at Good Sam

Published on July, 2015 — in News — by Jessica Zimmer

For 14 years the Wohlford Family Clinic, located within the Good Samaritan Family Resource Center on Potrero Avenue, has been offering San Franciscans reproductive health services, provided in a friendly environment. According to Jacquelyn Marcoux-Mansfield, the Clinic's director, staff at this satellite site of Planned Parenthood Northern California believe that "it's very important to serve the community. Our mission is to provide great care to clients who need reproductive health care."

The Clinic is open Wednesday and Friday, with appointments available from 9:30 a.m. to 6 p.m. Three medical providers serve roughly 16 clients a day, or about 130 a month, a little more than 1,500 a year. "We're able to sometimes see people the same day, the same week that they call in. That's a great benefit to them, to get treatment quickly. We offer a full range of contraceptive services: the pill, the patch, the ring, two kinds of IUDs, implants, and condoms. We do treatment for sexually transmitted infections for men and women including HIV tests – pap smears, and breast exams for cancer screenings," said Marcoux-Mansfield.

The Clinic also offers pregnancy tests and general gynecological health appointments. It doesn't provide abortion services. "We have at least one person who is Spanish-speaking on staff, and phone translation services if we have a client who speaks another language. It's diverse, like San Francisco," Marcoux-Mansfield said.

Alicia Vazquez, director of programs at Good Sam, said people of Asian descent, who sometimes live miles away, also come to the Center. According to Vazquez, even though the Center doesn't have bilingual Asian language speakers, people feel comfortable coming to a facility where staff are used to communicating in languages other than English.

Vazquez thinks one reason the Clinic is successful is that "it doesn't look like a clinic. There's nothing outside that says it is. Young people don't feel like they'll run into a friend or family member here."

"We were approached by the Mary Wohlford Foundation in 2000 to see if we'd be interested in opening a family planning

clinic in our organization,” said Vazquez. “We did a community needs study to see if there was a need, and we found that there was, especially for young people.” At the time, Vazquez said, men and women under the age of 25 lacked clinics that were close by, affordable, and had bilingual staff. “In 2001, we opened a clinic with Planned Parenthood. It’s had great success,” said Vazquez.

According to Vazquez, despite concerns that Mission and Mishpot residents would oppose offering reproductive health services, because many community members are affiliated with the Roman Catholic Church, the Clinic’s presence at the Center has consistently been supported. “The religious aspect was much less of an obstacle that we initially anticipated,” she said. “At first we weren’t sure it would be welcomed by our participants. We interviewed our target population, and were astounded by the interest.”

Planned Parenthood Shasta Pacific operated the Clinic from 2001 to 2005. In 2005 Planned Parenthood Golden Gate (PPGG) took over management. In 2010 Planned Parenthood Golden Gate was stripped of its affiliation by the national organization, Planned Parenthood Federation of America. PPGG had failed to meet administrative and fiscal management standards. Since 2010 Planned Parenthood Northern California has operated the Clinic.

“It’s been an excellent partnership,” said Heather Saunders Estes, president and chief executive officer of Planned Parenthood Northern California. “The Center donates the space and a receptionist and Planned Parenthood is there to provide services. Neither of us could do our part without the support of the Mary Wohlford Foundation and donors.”

The Mary Wohlford Foundation was founded in 1999 by Mary Wohlford, a Bay Area reproductive rights activist. That year Wohlford died of breast cancer, and asked her friend, Mardi Kildebeck, to be the trustee of her estate. The Foundation funds nonprofits that promote reproductive health, education, and justice. Since it began granting money in 2002, it has given away an average of \$1 million annually.

The Clinic operates with funding from Planned Parenthood Northern California, with an annual health services budget of about \$200,000, according to Marcoux-Mansfield. The Clinic has a separate budget for community services and education.

The nonprofit Good Samaritan Family Resource Center receives funds from the Wohlford Foundation, as well as other sources, such as Sheana Butler, Wohlford’s sister and a former Center board member. Vazquez said the Center is in danger of closing due to a lack of funds. “To keep the doors open, pay the utilities, and have a receptionist and janitorial staff costs about \$30,000 a year. That doesn’t include outreach and making materials,” said Vazquez.

Saunders Estes said Planned Parenthood Northern California is committed to keeping services at the Center. “There’s no question we need support from community donors. Both organizations are supported through a patchwork of funding. We are only there 16 hours a week. It would be fabulous to have other be there as well,” she said.

The Center grew out of a settlement house, an inner city facility that provides educational, recreational, and social services. The Center was initially run by the Episcopal Church, and went by the name the "San Francisco Good Samaritan Mission." It was founded in 1894. In 1989 Good Samaritan's building was damaged by the Loma Prieta earthquake. The facility was reconstructed as a modern center that includes low-income family housing units. It reopened in 1995.

Vazquez, who joined the staff in 2003, said the Center works closely with a number of churches, and houses one that offers Sunday services. She said most Center visitors are from Guatemala, Honduras, Peru, Colombia, and the Mexican states of Michoacan and Jalisco. "When I started work here, [the people] were primarily from El Salvador and Nicaragua."

According to Vazquez, in the early-2000s many of those who came to the Center qualified for refugee status or government aid. Now these options are mostly unavailable. "We've been working with immigrants for over 125 years. Ninety percent of the people that we help have come to this country to escape something: violence, poverty, domestic abuse, natural disasters, and war."

Many Center clients "are here without appropriate documentation to work or receive government services. Our staff is able to meet them where they are," she said. "We are able to develop a network of support and community. A lot of people tell us that before they came here, they were completely isolated. Coming here is what changed all that."

Marcoux-Mansfield spends roughly 20 hours a week at the San Francisco Health Center, a Planned Parenthood Northern California office located on Valencia Street. This larger facility is open six days a week. Yet it doesn't take the place of the Clinic in the Center. "What being at" Good Sam "has taught me is the value is the partnership," said Marcoux-Mansfield. "We're partnering and working well together, and that's important."

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EXHIBIT 8



Good Samaritan

WELCOMING AND SUPPORTING IMMIGRANTS SINCE 1894

THOUGHTS FROM THE EXECUTIVE DIRECTOR

Dear Good Samaritans,

I learned early in my career that the first step along the path to leadership is to recognize that leadership is a product of character, not just skills and techniques of style. Over the years, I have also learned that leadership is impact. In other words, leaders focus on creating change so that individual and organizational purpose can be fulfilled.

Just as the character and competence of the leader determines the quality of the individual in the role, so also the organization. Organizations are a reflection of their people. If they lack the character of excellence, so will the organization. When I joined Good Samaritan last year, I was impressed by its "character of excellence", reflected in its dedicated and passionate staff, and committed and determined board of directors.

As we look to the future, we are resolute to address the increasing challenges facing our immigrant community, and we will continue to assist the more than 2,500 families that seek Good Sam for support. Most important, we will continue to strive to make an impact and lead by example.

I hope that you will enjoy our first newsletter issue and we look forward to sharing the stories that inspire us each day.

In community spirit,

Mario Paz
Executive Director



Good Samaritan Helps Children Get Ready for School

Good Samaritan has been awarded a \$75,000 grant by First 5 San Francisco to promote the state-wide School Readiness Initiative, which aims to engage families, community members, and educators in the important work of preparing children, birth to age five for elementary school. Research has shown that children who enter school not yet ready to learn, because of academic or social and emotional deficits, continue to have difficulties later in life. For example, children who score poorly on tests of cognitive skills during their preschool years are likely to do less well in elementary and high school than their higher-performing preschool peers and are more likely to become teen parents, engage in criminal activities, and suffer from depression. Ultimately, these children attain less education and are more likely to be unemployed in adulthood.

Using Family Support strategies, our family programs have provided a school readiness curriculum for several years and worked to strengthen families with young children. This new funding will allow us to expand and enhance many of these services and assure that every Good Samaritan parent

has the tools and information to prepare their child for school. We will continue to provide parent workshops, early childhood literacy activities, as well as physical and mental health screenings for all children ages 0-5. We will also offer hearing, vision, and dental screenings in collaboration with the Department of Public Health.

Our goals for this program include that parents are informed and empowered, that children are healthy, and are supported in their social and cognitive development. In addition, we will work with our schools to support them as they prepare to receive our children and their families. This funding will also provide us with a full-time School Readiness Coordinator who will be working closely with Good Samaritan families and the community to achieve these goals. (See New Staff section for our SR Coordinator's bio on page 3).

For more information about the School Readiness Initiative visit:
www.cffc.ca.gov or contact us at
Good Samaritan: (415) 401-4253,
auraaparicio@goodsamfr.org and/or
mcastillo@goodsamfr.org.

Supporting Difficult Journeys Since 1894

by Mario Paz, Executive Director

Since 1894, Good Samaritan has listened to many stories of the sacrifices endured by families who immigrated to the United States seeking a life of opportunity and hope. They leave behind family, friends, homes, communities, their hearts. I often get asked about the difference between the immigrants served today and those served more than 100 years ago. People are often surprised to learn that little has changed. Yes, their language and culture may be different, but their desperate journeys reveal similar circumstances. In the 1850's immigrants used their life savings to purchase one-way tickets to a destination they had only heard about. Selling their few worldly possessions, they boarded a steamship with little more than the clothes on their backs and dreams in their heads. An immigrant said, "If America didn't exist, we would have to invent it for the sake of our survival."*

In 2005, Pulitzer Prize winner Sonia Nazario gives a gripping account of a boy's search for his mother in the U.S. in her novel "Enrique's Journey". The story describes Enrique's mother, Lourdes, who left him in Honduras when he was five

"...recent Immigration and Customs Enforcement Agency (ICE) policies have spread fear and intimidation in our communities."

years old because she could barely afford to feed him and his sister, much less send them to school. Her only hope was to come to the United States for a few years, work hard, send and save money, then move back to Honduras to be with her children. But 12 years later, she was still living in the U.S. and wiring money home. Enrique, now seventeen, is desperate to be near his mother and decides to make the treacherous journey to the U.S., confronting a perilous voyage above freight trains,

and witnessing rapes, beatings, robberies, hunger and despair.

When we compare our history with today, we know that the percentage of the U.S. population that is foreign-born now stands at 11.5%; in the early 20th century it was approximately 15%. Similar to accusations about today's immigrants, those of 100 years ago initially often settled in mono-

"In the 1850's immigrants used their life savings to purchase one-way tickets to a destination they had only heard about."

ethnic neighborhoods, spoke their native languages, and built up newspapers and businesses that catered to their fellow émigrés. They also experienced the same types of discrimination and hardship that today's immigrant's face, and integrated within American culture at a similar rate.

When I joined Good Sam, I was reminded of the parable that teaches us that compassion should be for all people and its theme of nondiscrimination and interracial harmony is a lesson for us all. Never has this lesson been so salient as our families and friends face the increasing immigrant xenophobia and recent Immigration and

Customs Enforcement Agency (ICE) policies that have spread fear and intimidation in our communities. In addition, anti-immigrant legislation is spreading across the country as the Department of Homeland Security is giving ICE new enforcement tools such as increased employer sanctions and arrest procedures.

The desperate journeys we learn about inspire us to achieve our mission and help our clients live with dignity and respect. Good Samaritan is much more than a sanctuary or a clearinghouse for social services sought by hundreds of immigrants each year; it is a place filled with love and respect for our families and friends. Good Sam's work is simple, natural. Children come to play and learn, the young to speak and lead, families to succeed and thrive. If we view history objectively, we remember that every new wave of immigrants has been met with suspicion and doubt and yet, ultimately, every past wave of immigrants has been vindicated and saluted. The parable of the Good Samaritan challenges us to reflect—do we help when it is convenient, or are we willing to stand with courage and go out of our way to show compassion?

* Excerpt from "An Immigrant's Journey through Ellis Island", Liberty, by Leslie Allen



Good Sam Families



Good Sam Soccer Youth

Child Development Center prepares kids for life

Good Samaritan's Child Development Center offers high quality Spanish bilingual, multicultural child care for up to 36 children aged 2 ½ years to 5 years old, with a low teacher to child ratio (7 children per teacher).

Thanks to the ongoing support and guidance of the Miriam and Peter Haas Fund "Model Centers Initiative", Good Samaritan is able to collaborate with several local organizations and resources that support our children and families to assure that they receive the best quality care possible. This support includes asthma, dental, hearing, and vision screenings, in addition to enrichment programs such as dance, art, and community involvement activities. Current collaborators/supporters include: Jumpstart, Young Performers Theater, Children's Council of San Francisco, Department of Public Health, Head Start, Raising a Reader, Tree Frog Treks and Preschool for All.

The child development center also encourages parental involvement in the center's daily activities, community events and through parent support groups, field trips, and parent/teacher conferences. Parents of children who have graduated from our program and are entering kindergarten continue to share positive survey responses. More than 80% of parents have indicated that based on feedback received from the SF Unified School District, Good Sam children are testing high on their kindergarten entrance exams.

Good Samaritan is especially committed to its Latino immigrant and low-income families where research shows that literacy rates are low and linked to higher probabilities of underemployment, unemployment, poverty and crime. Good Samaritan addresses these issues by offering a curriculum that incorporates school readiness, environmental hazards, health, as well as supporting behavioral and cognitive development.

For information on enrollment please contact the Child Development Center Director, Teresa Carias at (415) 401-4245 teresacarias@goodsamfrc.org

* (Taken from reports from U.S. Dept of Education and the President's Advisory Commission on Educational Excellence for Hispanic Americans)



Teresa Carias, Director of the Child Development Center and Graduates

New staff join Good Samaritan

We are excited to be joined by three new members to the Good Samaritan family. Each brings experience, credentials and passion to move forward our mission to help our children, youth and families succeed.



Evelyn Mejia has worked for several non-profits holding positions that range from office manager to case manager. Most recently she worked for The Riley

Center as a bilingual women's case manager for Rosalie House and assisted women survivors of domestic violence and was inspired by the women she met. She has a passion for working with the Latino community because as an immigrant she knows the challenges that come with being a newcomer. Evelyn was born in Guatemala City and came to the U.S. when she nine years old. She majored in Psychology from San Francisco State University and will be working to obtain her Masters in Social Work.



Jose Carrasco is a dedicated community worker, educator and performing artist. He has worked in youth programs throughout the

Mission District of San Francisco for 15 years in the areas of recreation, culture and healthy personal development. He is a founder of the Mission based youth performing arts program Loco Bloco, which has received numerous awards and recognition for its work with youth. Jose, together with his wife, Karla Castillo are dedicated and loving parents of two children, Mayela and Jose Ahkin.



Melissa Castillo is our new School Readiness Coordinator and earned her double Bachelor degree in Child & Adolescent Development and Raza Studies at San

Francisco State University. She has work extensively with youth and families in the Mission District as an educator, educational reform activist, organizer, soccer coach and young female mentor to ameliorate neighborhood conditions for children and their families. Melissa has also worked at various elementary schools supporting the initiative of multicultural learning, the arts, bilingual literacy, and Spanish immersion curriculums. She hopes to continue working to improve the health and educational conditions for all our children and families.

FUNDING SOURCES FOR 2007-2008

Good Samaritan Family Resource Center is supported by funding from the following foundations, businesses, and government agencies.

| | | |
|---|---|--|
| Bella Vista Foundation | First Five San Francisco | Maria Kip Orphanage Fund |
| Bothin Foundation | Give Something Back | Stanley S. Langendorf Foundation |
| Coblentz, Patch, Duffy & Bass LLP | David B. Gold Foundation | Bernard Osher Foundation |
| California Department of Education | Lisa and Douglas Goldman Fund | San Francisco Children's Council |
| City College of San Francisco | Richard and Rhoda Goldman Fund | San Francisco Foundation |
| City and County of San Francisco Department of Children, Youth and their Families | Good Samaritan Hope Brokers (Individual Donors) | Team-Up for Youth |
| DLA Piper US LLP | Evelyn and Walter Haas Jr. Fund | Tipping Point Community |
| Episcopal Charities, Diocese of California | Elise and Walter Haas Sr. Fund | United Way of the Bay Area, Designated Donor Program |
| | McKesson Foundation | Mary Wohlford Foundation |
| | Mimi and Peter Haas Fund | |

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Executive Director

Alicia Vazquez
Associate Director

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Good Samaritan

WELCOMING AND SUPPORTING IMMIGRANTS SINCE 1894

THOUGHTS FROM THE EXECUTIVE DIRECTOR

Dear Good Samaritans,

I recall as a young child when we would be joined by many people during a meal-time and how all would bring something to share. These gatherings were organized weekly as a means to share resources during a time when my parents and many other families struggled to make ends meet. My father worked temporary jobs and he could barely pay the rent on our basement studio apartment that we shared with relatives. Despite of this, I also remember how my father would smile and make everyone feel welcome. People seemed to feel more optimistic around my father and his optimism always provided me with a sense of safety and security. I learned to be thankful for the support from our family and friends, and that things will eventually get better if we care for one another.

Today, the friends, donors and supporters of Good Samaritan provide the same sense of security and optimism to the hundreds of families that seek our help during these difficult times. Many have lost their jobs and homes. Mothers fear for their children as violence increases, and parents experience depression as they become overwhelmed by economic hardship.

We also feel the pressures of trying to do more with less, as government and funders are faced with tough choices to address deficits and less revenue is available to address growing needs. However, as we approach our 115th year of existence, we are determined as ever to face these challenges and continue to bring hope. Please visit our new website: www.goodsamfrc.org to learn how you can make a donation today.

Mario Paz
Executive Director



Child Development Center One Family at a Time

Three years ago, Veronica Romero, a single mom with four children ranging in ages from three months to nine years old sought help from Good Samaritan for her family. At the time, Veronica and her children were living in a shelter, escaping a domestic violence situation. She was desperate to find services that would enable her to find work and start a new life. With the assistance of the Child Development staff, Veronica was able to immediately qualify for the subsidized program and enroll her four year old in the center. Good Samaritan also helped

her to place her younger children in other childcare programs in the community. The Romero family also received counseling and support from one of our case managers as Veronica found a job and attended school.

Today, Veronica is on the road to self sufficiency; she now has her own place to live, she continues to work and attend classes, purchased a car and all her children are thriving in school. Her four year old graduated from Good Samaritan in 2006, her son graduated from our program in 2007 and now her youngest has been a participant of our program for two years. Not long ago, life for Veronica and her family seemed unpromising. At Good Samaritan, we believe that by caring for one another we can overcome any adversity and turn despair into hope.

“At Good Samaritan, we believe that by caring for one another we can overcome any adversity and turn despair into hope.”

Together We Are Stronger

by Mario Paz, Executive Director

As our clients struggle during this time of uncertainty, one tragedy or bad circumstance can thrust a family, friend or in the case of one of Good Samaritan's community partner, Caminos/Pathways Learning Center, into a crisis. Since 1999, Caminos has helped immigrant women expand their access to computer technologies and increased their opportunities for economic self-sufficiency. The classes they offer include computer basics and computer repairs. The skills the women obtain open up not only employment opportunities, but also provide a foundation that strengthens the educational support they give to their children and family. Good Samaritan has partnered with Caminos since 2007 to leverage our resources and expertise to offer more classes and family support.

On March 17th, 2008 a fire at Caminos offices on Valencia street left them homeless and without equipment. The devastation of the fire propelled us to move quickly and to offer any support to our colleague and community members. In response, we opened our doors to our neighbor in need



Good Sam Computer Literacy Class Graduates

and hosted five of their computer classes in our facility. In total, more than 100 women were able to complete their courses without major disruption. Most important, Caminos and Good Samaritan are on their way to strengthening their partnership and we continue to work together to help more women and families become self-sufficient.

If you would like more information

or would like to support Good Samaritan and Caminos' technology collaboration, please contact: Aura Aparicio, Director of Education & Community Building at: 415-410-4240 auraaparicio@goodsamfrc.org. For more information about Caminos/Pathways Learning Center, visit www.caminossf.org

Magdalena's Story: Surviving Domestic Abuse

In December of 2003 Magdalena left her home in Guantajuato, Mexico with her two boys, aged 6 and 2 years old to join her husband in San Francisco. She lived, by her own account, a boring and lonely life. Her husband wouldn't allow her to work and she spent her days taking care of her children and rarely leaving the house. Over the years Magdalena's husband increasingly became verbally abusive as his drinking became a problem. The first time he beat her she stayed with her brother for several days before she agreed to take her husband back after he pledged never to do it again. She accepted the situation because she had grown up in an abusive home where her mother was regularly beaten by her father. It was just a year later that Magdalena's husband beat her again in a drunken rage after a family wedding. She was beaten to the point of black out and her oldest son was witness to part of the attack.

Her husband served 20 days in jail and was given probation for three years. He was required to attend Alcoholics Anonymous meetings and regular counseling sessions as well as submit to alcohol and drug tests. Magdalena believes he has changed over time. He now respects her decisions and

“At Good Sam, Magdalena found the support she needed to make positive changes for her and her family.”

supports her in her pursuit of an education and employment. However, Magdalena encountered harsh and negative criticism from family and friends. Many of them blamed her for the abuse and no one supported her decision to press charges especially with the threat of deportation this

caused. They thought of him as the victim and questioned her loyalty.

When Magdalena arrived at Good Sam she not only found counseling services for her son, she also found an entire support base of women just like her. She signed her kids up for literacy programs and completed a 12 week support group for survivors of domestic violence. There she found strength as she spoke about her doubts and fears as well as her hopes for the future. At Good Sam, Magdalena found the support she needed to make positive changes for her and her family. Magdalena is determined to provide a stable home for her family, free from violence. Today, she is a leader and spokesperson on how to break the cycle of domestic violence in her community. We salute Magdalena and congratulate her for her award at the Si Se Puede! Unidas event for her efforts to combat domestic violence.

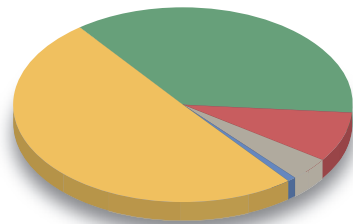
Special Thanks to Our Dedicated Supporters

The stability you help us achieve allows us to look ahead with strength and determination as demands increase, and we struggle to do more with less. Your support helped Desiree, an immigrant from Venezuela, start her own computer repair business and provided 17 year old Alfredo with mentoring to help him graduate from high school. Your contributions also assured that more than 150 parents received childcare assistance while they completed English as a Second Language classes and that 49 children received developmental screenings to assure that they were healthy and ready for school. Hundreds more children, youth and families received counseling, parenting classes, health screenings, leadership development, computer and financial literacy.

Program Performance

Good Samaritan achieved more than 15,000 service contacts and provided comprehensive services to 3,255 families. We continue to explore opportunities to meet new demands by partnering with other agencies to offer more computer, parenting and ESL classes. Families are also struggling with food security, depression and other mental illness as we explore how to provide more families with basic need support and counseling.

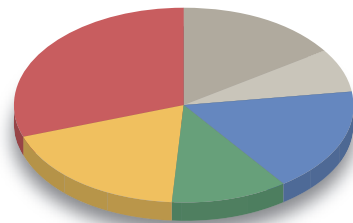
Revenue



| | |
|----------------------------------|-------|
| Government | 50.4% |
| Foundations and Corporations | 36.6% |
| Hope Brokers (Individual Donors) | 8.3% |
| Earned Income | 4.0% |
| Interest Income | 0.7% |

Total Revenue: \$1,675,759

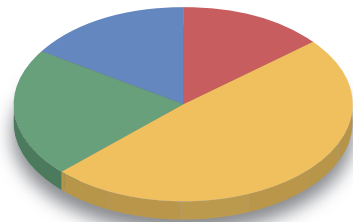
Disbursements



| | |
|--------------------------------|-------|
| Early Childhood Development | 30.5% |
| Family Support Services | 18.6% |
| Community Building & Education | 11.1% |
| Youth Services | 17.2% |
| Management and Administration | 15.5% |
| Financial Development | 7.1% |

Total Disbursements: \$1,606,627

Program Statistics



| | |
|----------------------------------|----------------|
| Community Building and Education | 695 families |
| Youth Services | 514 families |
| Early Childhood Development | 460 families |
| Family Support Services | 1,586 families |

Total Families Served: 3,255

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Bank of the West
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Mimi and Peter Haas Fund
The Kimball Foundation
Maria Kip Orphanage Fund
The Henry Mayo Newhall Foundation

Jubilee Ministries of the Episcopal Church
Stanley S. Langendorf Foundation
Latino Community Foundation
Mayor's Office of Community Development
Bernard Osher Foundation
Rainbow Grocery Cooperative
San Francisco Children's Council
Team-Up for Youth
TIFF Education Foundation
Tipping Point Community
United Way of the Bay Area, Designated Donor Program
Mary Wohlford Foundation
YMCA San Francisco

Good Samaritan Celebrates 115 Years of Service in 2009!



As we continue to prepare for difficult times ahead, we are reminded that in its history, Good Samaritan has endured the Great Depression, two world wars, two earthquakes and countless more setbacks and challenges. We will also survive this current economic storm of a century—these are the times we are needed the most.

Celebrate our long history and help us to continue our legacy of hope by making a donation or pledge today.

**Call us at 415 401-4253 or visit
www.goodsamfrc.org
to learn more.**

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EXHIBIT 9

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Beth Parker

General Counsel at Planned Parenthood Northern California,
Planned Parenthood California Central Coast, Planned
Parenthood Pasadena San Gabriel Valley

San Francisco, California, United States · 500+ connections ·

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Jan 2013 – Jan 2018 · 5 yrs 1 mo
Sacramento, California



partner
Arnold & Porter Kaye Scholer LLP
Jul 2008 – Jan 2013 · 4 yrs 7 mos



Chair, Board of Directors
Equal Rights Advocates
2007 – 2012 · 5 yrs

mediator
US District Court, N. D. California
1997 – 2010 · 13 yrs

pro bono counsel
Planned Parenthood Golden Gate
1985 – 2010 · 25 yrs

Coro Center for Civic Leadership
2 yrs

○ **Chair, Board of Directors**
2007 – 2009 · 2 yrs

○ **Chair, Board of Directors**
2007 – 2009 · 2 yrs


Show 1 more role



partner
Bingham McCutchen
2002 – 2008 · 6 yrs




Partner
McCutchen Doyle
1982 – 2002 · 20 yrs



Director, Program & Litigation
Equal Rights Advocates
1997 – 2000 · 3 yrs

Show fewer experiences ^

Education




Harvard Law School
JD
1979 – 1982




Yale University
BA, architecture and urban studies
1973 – 1977

Skills & endorsements

Litigation · 32




Endorsed by **Jason Yurasek and 7 others** who
are highly skilled at this




Endorsed by **2 of Beth's colleagues** at
Rights Advocates

Civil Litigation · 23



Endorsed by **William "Zak" Taylor and 2 others**
who are highly skilled at this



Endorsed by **5 of Beth's colleagues** at
McCutchen LLP

Legal Research · 15

Viveka Rydell-Anderson and 14 connections have given endorsements for this skill

Show more v



EXHIBIT 10

Services Agreement

This agreement is made as of 5/15/2012 between StemExpress, LLC, a limited liability company, and Planned Parenthood Shasta Pacific, a professional corporation.

WHEREAS, StemExpress is a company devoted to providing services related to the procurement of human organs, tissues, and blood for medical research in order to facilitate medical research utilizing those tissues; and

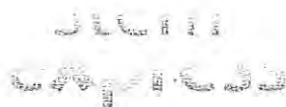
WHEREAS, Planned Parenthood Shasta Pacific provides medical services, education programs, and advocacy initiatives in order to improve people's lives;

NOW, THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement, and in order to further their mutual goals, the parties agree as follows:

1. The term "fetal organ" has the same meaning as the term defined in the National Organ Transplant Act (42 U.S.C.A. 274e(c)(1)) and means the human kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone, and skin or any subpart thereof and any other human organ or any subpart thereof, as from a fetus.
2. The term "product of conception" ("POC") means any fetal organ or other fetal or placental material taken from the human uterus during an abortion.
3. The term "maternal bloods" means blood samples taken from a pregnant woman.
4. Planned Parenthood Shasta Pacific will provide, and StemExpress will pay the reasonable costs for, services and facilities at mutually agreed upon health centers (hereinafter collectively referred to as "services") associated with the following: the removal of fetal organs from POCs; the processing, preservation, quality control, and transportation of the fetal organs; appropriate space in which StemExpress representatives and employees may work; disposal services for non-used portions of cadaveric materials; obtaining maternal bloods; seeking consent for donation of fetal organs and maternal bloods from appropriate donors, and; maintaining records of such consents so that verification of consent can be supported.
5. The reasonable costs associated with the services specified in this Agreement shall be fifty-five dollars (\$55.00) per POC determined in the clinic to be usable, and ten dollars (\$10.00) per maternal blood. Planned Parenthood Shasta Pacific will invoice StemExpress monthly for the number of POC's and number of maternal bloods procured by StemExpress. StemExpress will pay Planned Parenthood Shasta Pacific within thirty days of receipt of the invoice.

484 Main Street, Suite 1 / Diamond Springs, CA 95619 / Shipping & Receiving
2869 Cold Springs Rd / Placerville CA 95667

T: 877-900-STEM (7836) F: 530-647-2500 / info@stemexpress.com / www.stemexpress.com



6. Any information obtained from Planned Parenthood Shasta Pacific patients' charts shall be privileged, and StemExpress will treat the information in order to preserve the confidentiality of the patients. StemExpress will not receive any information concerning identity of donors except as necessary to obtain patients' consent for use of POCs and maternal bloods.
7. The term of this Agreement shall be for one year, beginning from the date hereof, and terminating one year thereafter. Parties may, at any time, give each other thirty days written notice of the intention to terminate this Agreement, whereupon the Agreement shall terminate thirty days after the receipt of such notice. In the absence of such termination, this Agreement shall continue for further successive terms of one year thereafter.
8. Written notices pursuant to this Agreement shall be sent to the following:

Attn: Medical Director
Planned Parenthood Shasta Pacific

2185 Pacheco St.

Concord, CA 94520

StemExpress
484 Main Street, Ste. 1
Diamond Springs, CA 95619

9. The parties do not know how many patients will consent to donate POCs or maternal bloods for research, and thus do not know how many POCs or maternal bloods will be obtained pursuant to this Agreement. Planned Parenthood Shasta Pacific is not obligated to provide any minimum number of POCs or maternal bloods. StemExpress is not obligated to take any minimum number of POCs or maternal bloods, nor is StemExpress obligated to take all the POCs or maternal bloods made available by Planned Parenthood Shasta Pacific.
10. The parties mutually agree to defend, protect, and hold harmless each other's officers, directors, agents, employees, and consultants from and against any and all expenses, liabilities, demands or claims for loss or damage to property, or for personal injury or death suffered as a result of any actions by the parties in the

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performance of the Agreement and attributable to the fault or negligence of the parties or their respective officers, directors, agents, employees, or consultants.

11. No modification to this Agreement, nor any waiver of any rights, shall be effective unless agreed to in writing by the party charged with such waiver or modification. Waiver of any breach or default shall not constitute a waiver of any other right hereunder, or any subsequent breach or default.
12. This Agreement constitutes the entire and exclusive agreement between the parties.
13. This Agreement shall be governed by and interpreted under the laws of the State of California, and venue for any dispute arising hereunder shall be in the County of Sacramento.
14. The prevailing party in any action to enforce the terms of the Agreement shall be entitled to reimbursement by the other party for all costs, including the reasonable attorney fees and professional fees, incurred in connection with such proceeding.
15. This Agreement may be executed in counterparts, each of which will be deemed an original, but both of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this agreement by their duly authorized representatives as of the date written above.

Planned Parenthood Shasta, Pacific

By: Heather Saunders Estes, MSW

5/16/12

Title: President/CEO

StemExpress, LLC

By: [Signature]

Title: CEO 5/16/12

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2869 Cold Springs Rd / Placerville CA 95667

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Exhibit 11

Pages 1 - 24

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE WILLIAM H. ORRICK, JUDGE

| | | |
|-----------------------------------|---|---------------------------|
| NATIONAL ABORTION FEDERATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | NO. C 15-3522 WHO |
| |) | |
| THE CENTER FOR MEDICAL PROGRESS; |) | |
| BIOMAX PROCUREMENT SERVICES, LLC; |) | |
| DAVID DALEIDEN; and TROY NEWMAN, |) | |
| |) | San Francisco, California |
| Defendants. |) | Monday |
| |) | August 3, 2015 |
| |) | 3:58 p.m. |

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff: MORRISON & FOERSTER
425 Market Street
San Francisco, California 94105-2482
BY: DEREK F. FORAN, ESQ.
CHRISTOPHER ROBINSON, ESQ.
LAWRENCE JAVIER SERRANO, ESQ.
ALEXANDRA EVA LAKS, ESQ.

For Defendants: CHAVEZ-OCHOA LAW OFFICES, INC.
4 Jean Street
Suite 4
Valley Springs, California 95252
BY: BRIAN R. CHAVEZ-OCHOA, ESQ.
and
LIFE LEGAL DEFENSE FOUNDATION
Post Office Box 1313
Ojai, California 93024
BY: CATHERINE W. SHORT, ESQ.

Also Present: VICKI SAPORTA
JENNIFER T. DUNN, J.D.

Reported by: BELLE BALL, CSR #8785, RDR, CRR
Official Reporter, U.S. District Court

1 MONDAY, AUGUST 3, 2015

3:58 P.M.

2 P R O C E E D I N G S

3 THE CLERK: Calling Civil Matter 15-3522, National
4 Abortion Federation versus Center for Medical Progress, et al.
5 Counsel, please come forward and state your appearances.

6 MR. FORAN: Good afternoon, Your Honor. Derek Foran
7 with Morrison & Foerster for the Plaintiff. And with me at
8 counsel table is my colleague Christopher Robinson, Javier
9 Serrano, and Ali Laks.

10 THE COURT: Good afternoon.

11 MR. CHAVEZ-OCHOA: Good afternoon, Your Honor. Brian
12 Chavez-Ochoa on behalf of the Defendants, as well as Ms. Katie
13 Short as well.

14 THE COURT: Good afternoon.

15 MR. CHAVEZ-OCHOA: Good afternoon, Your Honor.

16 THE COURT: All right. So, we're here on the hearing
17 for a TRO. It's not a hearing for a preliminary injunction.
18 At the end of the hearing, I'm going to set that, and discuss
19 the discovery matters.

20 But, I've read the briefs. Let me tell you how I analyze
21 them, and then I'll give you a chance to correct my impressions
22 if I'm wrong.

23 The central allegations seem to be that the Defendants
24 lied about their business to gain access to the NAF annual
25 meetings. And they signed agreements that prohibited them from

1 recording meetings or discussions, and from disclosing any NAF
2 conference information, which is very broadly defined in the
3 agreement. They also agreed that breach of the exhibitor
4 agreement would subject them to injunctive relief.

5 Now, I don't think there is any dispute about those
6 things, but you might correct me if I'm wrong,
7 Mr. Chavez-Ochoa.

8 And the Defendants haven't cited a case where the First
9 Amendment would apply in light of the Defendants' voluntary
10 agreement to these confidentiality agreements, which are
11 designed precisely to address what the Defendants ended up
12 doing in this case, apparently.

13 I think the Plaintiffs had a reasonable expectation of
14 privacy as a result of the agreements and the security measures
15 that they undertook which, themselves, were reasonable in light
16 of the history of violence and intimidation tactics by
17 extremists. The threat of disclosure, serious threats and
18 serious past threats I think create the irreparable injury.
19 And so, I'm inclined to keep the TRO in effect pending the PI
20 hearing.

21 But, I'm interested particularly in this question, and
22 I'll let you argue: Can you direct me to any case where a
23 party by false pretenses gains access to information, promises
24 to keep it confidential, agrees that a breach of its agreement
25 would subject it to injunctive relief, and then successfully

1 asserts a prior-restraint challenge so that it can disclose the
2 information?

3 That's the real -- that's the nub I think at this point in
4 this case.

5 **MR. CHAVEZ-OCHOA:** Your Honor, I think, as the Court
6 has well pointed out -- you've read our brief, which I'm
7 certain you have, based on your representations here today.

8 **THE COURT:** I did.

9 **MR. CHAVEZ-OCHOA:** No, I have no doubt, Your Honor.
10 I think the key issue, if I may, at least initially, is
11 whether or not NAF has standing on -- as an associational basis
12 to bring this action. And I think, Your Honor, on two of the
13 three, they fall short.

14 Now, relevant to your question as to the non-disclosure,
15 you know, that is a typical contract, if you will. But then
16 again, you have to look at the remedies for contract as well as
17 what's actually articulated in the non-disclosure agreement,
18 itself.

19 And, Your Honor, other than the cases that we have cited
20 relevant to the non-disclosure agreement, based on the facts as
21 you have just presented them to me, I cannot think of a case
22 that would address those specifics as you have articulated
23 them.

24 That's not to suggest, however, Your Honor, that the
25 contract -- if we presume for a moment -- which we don't

1 concede, but if we presume for a moment that there is a valid
2 claim as to the contract between the parties, then the question
3 becomes one of: Is injunctive relief the appropriate remedy
4 relevant -- or when weighed up against the prior restraint?

5 And, but I think more importantly, the question as a
6 federalism issue is that, as we've well pointed out in our
7 responsive pleading, that there are several federal and state
8 investigations that have been initiated.

9 I know that the -- there's at least one Senate committee
10 that wishes to obtain documents and videos from our clients
11 relevant to this. There's other -- several other states that
12 are engaged in criminal investigations as well. And so, I
13 think the Court has to weigh that against the injunctive relief
14 issue.

15 Now, if the Court is inclined, as you've suggested,
16 Your Honor, to issue a TRO and keep that in place until the PI,
17 I think it need to be very narrowly drawn, pursuant to the
18 elements of a prior restraint. And I think as issued on
19 Friday, I don't know that it necessarily encompasses that.

20 First of all, I want to thank you, Your Honor, for giving
21 us the opportunity to appear today, because we couldn't be here
22 on Friday. And I realize the Court could have issued out of
23 hand a ten-day TRO that would have remained in effect. But you
24 gave us this opportunity to file our pleading, and to come and
25 argue it today.

1 But I think relevant to that, Your Honor, I think the
2 Court has to consider the totality of the circumstances as they
3 present themselves in this case. And if the Court finds by
4 whatever reason that the Plaintiffs get beyond the standing
5 issue, and if the Court finds that they have met all three
6 elements of associational standing, I think the Court needs to
7 stop and recognize that the actual parties that are named in
8 the complaint and in responsive pleadings, whether or not they
9 should have been named as Plaintiffs in this case -- because I
10 think that's critical to the success or failure. Because
11 without those parties named -- because Your Honor, for
12 instance, as to the claim of privacy, that's -- that's of a
13 private nature. It can't inure itself to the association.

14 So the only ones that then can bring that claim are the
15 parties, themselves. They haven't been named. And I think
16 because of that, it's fatal in its defect.

17 But I think --

18 **THE COURT:** But you do agree that the
19 breach-of-contract claim could only be brought by NAF. That's
20 who the agreement was with. And it was then -- it was standing
21 in the shoes for its members in order to protect the interests
22 that they thought they were protecting by setting out the
23 agreements.

24 **MR. CHAVEZ-OCHOA:** No, undeniably, Your Honor. But I
25 think if the Court looks with a critical eye at the conduct

1 that's prohibited within the contract, and the conduct
2 complained of in the complaint, and then the conduct as we have
3 articulated for the Court, I think the Court's going to see
4 it's not one and the same. It differs. What our clients did I
5 think is outside the scope of what they were prohibited from
6 otherwise doing in the non-disclosure agreement.

7 So, I think that the Court needs to review the behavior
8 complained of, and which, quite frankly, as we have articulated
9 in our pleading, there's some wide stretches there. That the
10 only way that the Plaintiffs can get there is by means of
11 speculation. Or by making an allegation without any
12 substantive evidence to support that.

13 So I think if -- if the Court is going to focus in on the
14 non-disclosure agreement -- and apparently you are, and I
15 understand why, certainly -- but I think you have to look at
16 the -- compare the conduct complained of versus what was
17 limited in the contract, itself, or the non-disclosure
18 agreement, itself.

19 **THE COURT:** All right, thank you.

20 Mr. Foran?

21 **MR. FORAN:** Thank you, Your Honor. And I was remiss
22 when I came up here first, Your Honor.

23 With the Court's permission, I want to point out that
24 Vicki Saporta of the NAF, the president of the organization for
25 the last three decades, is here in court. She flew out

1 specially for the hearing.

2 And as you can imagine, it is a matter of some importance
3 to NAF and its members that they not be smeared, that they not
4 be subject to the same death threats and reputational harm that
5 have already been visited upon --

6 **THE COURT:** Let's focus, instead of on the -- let's
7 focus on the law.

8 **MR. FORAN:** Sure.

9 **THE COURT:** And so, particularly, I'd like you to
10 address the standing issues that Mr. Chavez-Ochoa mentioned.

11 **MR. FORAN:** Absolutely, Your Honor. Thank you very
12 much.

13 The associational standing issue that was raised in the
14 opposition which I received at noon today is something of a red
15 herring. There's 13 claims in the complaint. Eleven of those
16 claims are made for and on behalf of NAF.

17 Now, they were bringing those claims in order to protect
18 their members, that's true. But the injury to NAF was to the
19 entity as an entity. They are the counter-parties to the
20 contract claims. They are the entity that was defrauded. They
21 have a right to bring a Section 632 Penal Code claim under
22 California law. Under Section 632(b), "person" is defined
23 extremely broadly to include corporate -- corporate and other
24 associational entities.

25 So we believe that there's more than enough in the

1 well-pleaded complaint that we put together, Your Honor. So
2 the associational standing issue is something of a red herring.
3 It only applies to the last two invasion claims, which are
4 common-law claims that we assert on behalf of our members, that
5 we have associational standing to bring those common-law
6 invasion claims --

7 **THE COURT:** What's the best case that you have for
8 the associational standing, that right with respect to the
9 privacy claims?

10 **MR. FORAN:** Right. With respect to privacy claims?
11 Well, is the Court's question a case on associational standing?
12 Or is it on privacy?

13 **THE COURT:** Yes.

14 **MR. FORAN:** Okay.

15 **THE COURT:** And so, why does NAF get to bring claims
16 on behalf of the privacy interests of its members, for those
17 two common-law causes of action?

18 **MR. FORAN:** Sure. So, it's a three -- it's a
19 three-part test, Your Honor. The first part is whether or not
20 the members would have the right --

21 **THE COURT:** I know what the test is. I'm looking for
22 a case.

23 **MR. FORAN:** Okay. I'll find you a case on it. I
24 don't have a case to hand, but it's a standard three-part test:
25 Does the association have the right to bring -- would the

1 members have the right to bring those claims on their own
2 behalf?

3 **THE COURT:** No, no, I understand what the issue is.

4 **MR. FORAN:** Okay.

5 **THE COURT:** I'm just -- you didn't have an
6 opportunity to respond to the standing arguments.

7 **MR. FORAN:** Right.

8 **THE COURT:** You haven't had much time between --

9 **MR. FORAN:** Right.

10 **THE COURT:** -- noon and now, I understand that. I
11 was just looking for a little help.

12 **MR. FORAN:** Fair enough, Your Honor, and I apologize
13 for not being able to help you out.

14 I'm not certain that there is a standing case with respect
15 to the ability to bring invasion claims, themselves, but I
16 don't see any reason why the regular three-part associational
17 standing test articulated by the Supreme Court would not apply
18 here, and it seems to be directly point: Would the members
19 have the right to bring these claims? Answer: Yes.

20 And is the pursuit of these claims aligned with the
21 entity's interests? Of course, they are. The entity's all
22 about protecting the privacy of the members. So we do believe
23 that which have established associational standing to bring
24 those common-law invasion-of-privacy claims.

25 They are also supported by a declaration of Professor Dunn

1 who is a member of the entity, and is also here in court today.

2 So, we do believe we have associational standing to bring
3 those privacy claims, those two common-law privacy claims on
4 behalf of the members.

5 (Reporter interruption)

6 **MR. FORAN:** Sure.

7 With respect to the First-Amendment issue, Your Honor,
8 where you started out with respect to waiver, we are not
9 aware -- and we looked very, very hard at this issue.

10 We are not aware of any such case that gives individuals
11 or entities the right to engage in a three-year elaborate fraud
12 of this nature in order to gain access to meetings, sign
13 fraudulent confidentiality agreements -- which we can
14 nevertheless hold them to -- and then claim a right to publish
15 under the First Amendment. We have never seen any such case.
16 So we don't believe that there is a First-Amendment issue here
17 with respect to prior restraints.

18 Would you like me to address the separation-of-powers
19 argument, Your Honor?

20 **THE COURT:** Yes, please.

21 **MR. FORAN:** Okay. So, they haven't pointed to any
22 subpoena that they have been issued with that would compel them
23 to provide any information that would be enjoined by this
24 order. It's that simple. They have a bunch of news articles
25 about Republican governors and attorneys general who are

1 looking into investigating Planned Parenthood.

2 The closest they come to a subpoena is the last exhibit in
3 their binder set, which I understand is a letter from Senator
4 Grassley. It's not a subpoena. It's a request. The request
5 carves out illegally-obtained information. Senator Grassley
6 asks them to turn over information, quote, "to the extent CMP
7 may lawfully do so."

8 And the information that Senator Grassley is seeking is
9 information about entities that quote, "acquire, provide or
10 resell fetal tissue." NAF does not acquire, provide or resell
11 fetal tissue.

12 So we think that the separation-of-powers argument is also
13 a red herring, and does not impact the Court's ability to keep
14 the restraining order that it entered on Friday in place.

15 **THE COURT:** Okay.

16 **MR. FORAN:** Would you like to hear argument on any
17 other point, Your Honor?

18 **THE COURT:** What?

19 **MR. FORAN:** Would you like to hear argument on any
20 other point?

21 **THE COURT:** No, I don't think so.

22 **MR. FORAN:** Okay.

23 **THE COURT:** Unless there's anything else you wanted
24 to respond to Mr. Chavez-Ochoa.

25 **MR. FORAN:** May I raise one point about the scope of

1 the relief that we sought?

2 **THE COURT:** Yes.

3 **MR. FORAN:** In our TRO papers, the fourth bullet
4 point was a request that the Court enjoin the Defendants from
5 attempting to enter our meetings in the future. We're
6 withdrawing that request. We don't think we have a factual
7 basis to ask for that emergency relief right now. There are no
8 meetings that are upcoming that would be open to folks.

9 So we would ask the Court to keep in place the order that
10 it entered on Friday with respect to the first three requests
11 for relief that we have.

12 **THE COURT:** Okay. Anything further?

13 **MR. CHAVEZ-OCHOA:** Just briefly, Your Honor. I know
14 it's always with caution that an attorney uses "Just briefly,"
15 because an attorney, of course, could go on for hours.

16 Your Honor, as to Penal Code Section 632, I think where
17 the Plaintiffs are missing the boat, if the Court reviews Penal
18 Code Section 630 --

19 (Reporter interruption)

20 **MR. CHAVEZ-OCHOA:** Sure. -- which is the legislative
21 intent as to 632, I think that the Court will get a more -- a
22 better grasp of what our legislature in this state was trying
23 to accomplish with 632.

24 I think, Your Honor, that the seminal case as to
25 associational standing is the one that we've cited. It's the

1 *Hunt v. Washington State Apple Advertising Commission*. And it
2 lays it all out. And I think that's what the Court has to
3 weigh it against.

4 And Your Honor, if the Court is going to honor the
5 inclination that you spoke of when you first took the bench, I
6 think the TRO has to be narrow. And, and might I suggest that
7 it should be addressed specifically and narrowly, and tailored
8 to the terms and the conditions that are articulated only in
9 the non-disclosure agreement. To branch out beyond that and
10 say no release of any videos I think is unnecessarily broad.

11 And Your Honor, I can say that there are other videos that
12 exist that have nothing to do with NAF, that has no correlation
13 or relationship, whatsoever. And so if the Court issues a
14 blanket temporary restraining order that addresses all videos,
15 then I think it is beyond the scope of what Plaintiffs can --
16 can lawfully seek.

17 And so, I think if the Court is going to hang its hat on
18 the -- on the non-disclosure agreement, as I said, the TRO
19 should be limited to that.

20 **THE COURT:** Well, so, the TRO restrains and enjoins
21 the Defendants from publishing or otherwise disclosing to any
22 third party any video, audio, photographic or other recordings
23 taken or any confidential information learned at any NAF annual
24 meetings.

25 What is overbroad about that?

1 **MR. CHAVEZ-OCHOA:** What I think you need to break
2 down there, Your Honor, is we're talking about the conference
3 where they were in a group setting, or out in the hallway where
4 there is no expectation of privacy. In the conference, there
5 may have been. But in the hallway when there's people milling
6 about, I think a close reading of 632 (sic) absolutely
7 addresses that as to the exemption to 632.

8 **THE COURT:** Well, the definition of NAF conference
9 information includes "All information distributed or otherwise
10 made available at this conference by NAF or any conference
11 participants through all written materials, discussions,
12 workshops or other means." It's quite broad.

13 **MR. CHAVEZ-OCHOA:** I understand that, Your Honor.
14 But the two videos that they address that they're complaining
15 of, both those videos were shot in a restaurant. Nothing to do
16 with the NAF conference. And away from that meeting place.

17 **THE COURT:** Was it a discussion with participants at
18 the NAF conference?

19 **MR. CHAVEZ-OCHOA:** That, I couldn't answer you. I
20 don't know whether they were participants in 2014 or 2015 or
21 both.

22 **THE COURT:** I mean, I think one of the issues that I
23 sort of -- this is a nice segue to the discovery question.
24 But, if there was another point you wanted to make --

25 **MS. SHORT:** Just this, Your Honor. I know

1 Plaintiff's counsel, with all due respect, he said that no
2 subpoena has been issued. And as far as I know, that's a
3 correct statement.

4 But Your Honor, it's very likely that a subpoena will be
5 issued in the very near future. And before this Court can take
6 up the preliminary-injunction hearing. And so that's the other
7 thing this Court has to weigh out.

8 And I'm not suggesting that that is the -- the seminal
9 question I think that has to be answered is the associational
10 standing. But beyond that, I think what the Court really has
11 to address is: What if the Senate committee that's headed up
12 by Senator Grassley, what if he does issue a subpoena? What if
13 the Attorney General of the State of Texas issues a subpoena?
14 I mean, there's all these other realms that are ongoing
15 concurrently with this particular proceeding.

16 And then finally, Your Honor, while NAF may not have sold
17 any fetal tissue, the people at the conference certainly did.
18 And that's the other thing that I think the Court has to take
19 into consideration.

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

21 **MR. CHAVEZ-OCHOA:** Thank Your Honor.

22 **THE COURT:** So, let's stay here because now -- and
23 whoever is going to discuss discovery.

24 Mr. Robinson, are you?

25 **MR. ROBINSON:** Thank you, Your Honor.

1 **MR. CHAVEZ-OCHOA:** Your Honor, I'll have Ms. Short
2 address the discovery issue

3 **THE COURT:** Okay, great.

4 Come on up, Ms. Short.

5 **MS. SHORT:** I have all my papers on here
6 (Indicating).

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

8 So, it seems to me -- and this was just brought up by
9 Mr. Chavez-Ochoa, I think.

10 What are the videos that we're talking -- what is the
11 information that we're talking about? Does it fall within --
12 fairly within the scope of the documents that were signed by
13 your clients? That's, to me, a critical -- that's going to be
14 a critical piece of the next hearing.

15 So it seems to me, I think there's going to be good cause
16 to allow targeted discovery prior to the preliminary-injunction
17 hearing, both to make sure that the injunction isn't over-broad
18 if that's what I end up doing, or doesn't reach the appropriate
19 people if I go that way.

20 So, so let me just tell you what my thinking is, and I
21 want to get your perspectives on this. What I'm thinking is
22 that we would have a preliminary-injunction hearing on
23 August 27th, at 4:00.

24 And in order to do that, we'd need a motion -- if nobody
25 wants to say anything more or write anything more, that's fine.

1 But I kind of have a hunch that won't be the case. The motion
2 would be filed on August 19th. The opposition on August 24th.
3 And a reply on August 26th.

4 So if we do that, then this is my suggestion: That the
5 Plaintiffs serve discovery on the Defendants by noon on
6 Wednesday. If there are objections, you meet and confer.

7 Send me a joint letter if you have disagreements about
8 that by noon on Friday, and we'll have a hearing on Friday at
9 4:00 to deal with what is the appropriate discovery, because
10 all of the discovery would have to happen next week, so that
11 there was time for the parties to digest it and put it into
12 some form.

13 So that's my tentative thinking about a schedule that
14 makes sense, given the expedited nature that we have to follow
15 for the preliminary-injunction hearing.

16 So, with that, Ms. Short, please react.

17 **MS. SHORT:** Your Honor, in terms of, you know, trying
18 to go figure out which videos -- well, which videos are you
19 saying -- basically we would have to produce certain videos.

20 And I -- again, I am unclear -- I was unclear about what
21 Your Honor was saying before when Mr. Chavez-Ochoa brought up
22 the difference between a video of, as it says in the NDA, of a
23 meeting or a discussion versus a video of a conversation in the
24 hallway.

25 Clearly, No. 1 doesn't cover that. So are you saying any

1 discussion with someone in the hallway is covered under No. 2
2 of the non-disclosure agreement? I'm just a little confused
3 about what you're ruling.

4 **THE COURT:** I'm confused about what you just asked
5 me. But what I'm saying is that -- I think it's going to be
6 important to be very clear on the definitions of what's in and
7 what's out. That's why I'm suggesting this discovery schedule
8 of actually having discovery propounded so that you can look at
9 what's there, and then decide -- and then argue about what's
10 overbroad and what's not about them.

11 As far as I'm concerned, the -- anything that happened
12 during time of the NAF annual meetings, whether it's in the
13 hallway, in a restaurant, in the meeting hall itself, if it's
14 with NAF participants that the Defendants wouldn't have had
15 access to but for the fact they signed the agreements, you
16 know, under false pretenses, I think all of that would be
17 included.

18 Beyond that, I don't know what -- whether the Plaintiffs
19 are seeking something more. I don't know whether that would be
20 relevant or not. But that's -- that will get sorted out
21 through your review of their discovery and hearing on Friday.
22 That's what I'm thinking.

23 **MS. SHORT:** You have actually answered my question --
24 thank you, Your Honor -- about what we're talking about.

25 **THE COURT:** Okay.

1 **MS. SHORT:** And, because what I was most concerned
2 about in their proposal for discovery was the very broad
3 requests, documents sufficient to reveal the true identities of
4 all Defendants, unknown co-conspirators, any --

5 (Reporter interruption)

6 **MS. SHORT:** I'm sorry.

7 Unknown co-conspirators, any and all persons or
8 organizations. There are very troubling freedom-of-association
9 implications for that.

10 So, if I'm understanding what Your Honor is saying, we're
11 talking about the videos or any other similar information
12 obtained at the conference, and not about this last request of
13 theirs of names of people.

14 Is that correct?

15 **THE COURT:** I'm not trying to make any rulings at all
16 with respect to discovery at this point. I gave you my
17 off-the-cuff view of the issue that we were talking about
18 earlier.

19 **MS. SHORT:** Uh-huh.

20 **THE COURT:** I do -- on this list of five matters that
21 was in the motion, the first three seem pretty obvious to me.
22 But I could be wrong, and I'm open to hearing argument about
23 them on Friday.

24 And then, where we go after that is -- it just sort of
25 depends on what the specific categories are that are actually

1 requested.

2 I'm concerned about people's privacy. That's one of the
3 reasons that I'm granting this restraining order. So, and that
4 goes both ways.

5 **MS. SHORT:** I --

6 **THE COURT:** I'm -- so I'll be -- I'll be looking
7 closely at those things.

8 Mr. Robinson?

9 **MR. ROBINSON:** Yes, Your Honor. Just a few short
10 words.

11 I think you are exactly right that there is an element of
12 inequality right now. Defendants know what they took, they
13 knew who they spoke with at our meetings, and we don't have
14 that information.

15 Without that information, it's extremely difficult and
16 there's a sense of urgency for us to find out what they have,
17 so we can take appropriate measures.

18 One thing I just want to flag is that we've also requested
19 depositions. There's an urgency to that as well, because to
20 the extent that the Defendants have shared any NAF confidential
21 information with others prior to your Court's ruling on Friday,
22 we need to identify that right away so we can bring them within
23 the fold of these proceedings.

24 **THE COURT:** Right. And just in case I wasn't clear,
25 the first two of the three things that I said were obvious to

1 me were the depositions of Mr. Daleiden and Mr. Newman. So, I
2 think -- I think you're going to be entitled to those.

3 **MR. ROBINSON:** Okay.

4 **THE COURT:** Is there anything else that you wanted to
5 add?

6 **MR. ROBINSON:** Thank you, Your Honor.

7 **THE COURT:** Ms. Short, anything else?

8 **MS. SHORT:** No, thank you, Your Honor.

9 I will respond -- I guess what you're saying, bring it up
10 in a motion, any arguments about the scope of this.

11 **THE COURT:** Right, once -- once you see exactly what
12 the Plaintiffs are asking of you, then you'll be able to target
13 a response, and we can deal with it that way. I think
14 otherwise it's a little -- we're dealing with a little too much
15 speculation about what's going to be in the requests.

16 **MS. SHORT:** Thank you.

17 **THE COURT:** Okay? All right.

18 So --

19 **MR. ROBINSON:** Thank you, Your Honor.

20 **THE COURT:** Thank you. So, with that, I am going to
21 keep the restraining order in effect.

22 And the Defendants will remain restrained and enjoined
23 from, number one, publishing or otherwise disclosing to any
24 third party any video, audio, photographic or other recordings
25 taken or any confidential information learned at any NAF annual

1 meetings.

2 Two, they're restrained and enjoined from publishing or
3 otherwise disclosing to any third party the dates and locations
4 of any further NAF meetings.

5 And number three, they're restrained and enjoined from
6 publishing or otherwise disclosing to any third party the names
7 or addresses of any NAF members learned at any NAF annual
8 meetings.

9 I will go back and look at the matters, Mr. Chavez-Ochoa,
10 that you mentioned. If I'm going to modify the order in some
11 way, I will do that in writing some time relatively soon.
12 Otherwise, I will issue a written order coming out of this
13 hearing.

14 And, and I encourage you to work cooperatively to try to
15 narrow the disputes that are almost inevitable with respect to
16 the discovery. And, I understand that.

17 But to the extent that you can crystallize concerns and --
18 and cooperate in the way that you present the case, at least,
19 if not narrow the issues, that will be greatly appreciated.

20 All right?

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

22 **THE COURT:** So I will look forward to seeing you --
23 well, I won't, actually.

24 (Laughter)

25 **THE COURT:** But I suspect that I will see you on

1 Friday afternoon. So, thanks very much.

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

3 **MR. CHAVEZ-OCHOA:** Thank you very much, Your Honor.

4 (Proceedings concluded)

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CERTIFICATE OF REPORTER

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.


/s/ Belle Ball

Monday, August 3, 2015

Belle Ball, CSR 8785, CRR, RDR

Pages 1 - 27

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Orrick, Judge

PLANNED PARENTHOOD FEDERATION OF Case No. 3:16-cv-00236-WHO
AMERICA, Inc., et al.

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS,
et al.,

Defendants.

San Francisco, California
Tuesday, March 29, 2016

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL
ELECTRONIC SOUND RECORDING - FTR 2:11 P.M. to 2:49 P.M.

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court reporting and transcription hardware and software.*

1 TUESDAY, MARCH 29, 2016

2:11 P.M.

2 P R O C E E D I N G S

3 ---000---

4 THE CLERK: Calling civil matter 16-236, Planned
5 Parenthood Federation of America, Incorporated versus Center
6 for Medical Progress, et al.

7 Counsel, please come forward and state your appearance,
8 and I will be connecting counsel by phone as well.

9 Hi, Mr. Dickinson, this is Jean Davis, Judge Orrick's
10 courtroom deputy, connecting you for the case management
11 conference. I have just called the case and counsel are coming
12 forward to make their appearances now.

13 MS. BOMSE: Good afternoon, Your Honor. Amy Bomse of
14 Arnold & Porter on behalf of plaintiff, Planned Parenthood, and
15 with me is my partner Sharon Mayo and my other colleague,
16 Stephanie Fine.

17 THE COURT: Good afternoon.

18 MS. SHORT: Good afternoon, Your Honor. Catherine Short
19 on behalf of David Daleiden, Center for Medical Progress, and
20 Biomax.

21 THE COURT: Good afternoon, Ms. Short.

22 MS. SHORT: Thank you.

23 MR. LiMANDRI: Good afternoon, Your Honor. Charles
24 LiMandri, also on behalf of Center for Medical Progress,
25 Biomax, as well as defendant Adrian Lopez.

1 **THE COURT:** Good afternoon.

2 **MR. MIHET:** Good afternoon, Judge. Horatio Mihet on
3 behalf of defendant, Susan Merritt.

4 **THE COURT:** Good afternoon.

5 **MR. MILLEN:** Good afternoon. Michael Millen for Albin
6 Rhomberg.

7 **MR. WHITE:** Good afternoon, Your Honor. Edward White on
8 behalf of defendant Troy Newman.

9 **THE COURT:** Good afternoon.

10 **MR. JONNA:** Good afternoon, Your Honor. Paul Jonna on
11 behalf of Biomax, Center for Medical Progress, and Adrian
12 Lopez.

13 **THE COURT:** Good afternoon.

14 **MR. ZIMMERMAN:** Eric Zimmerman for defendant Troy Newman.

15 **THE COURT:** Good afternoon.

16 **MR. ZIMMERMAN:** Thank you.

17 **MR. KOZINA:** Good afternoon, Your Honor. Vladimir Kozina
18 on behalf of defendant Troy Newman.

19 **THE COURT:** Good afternoon.

20 **MR. BREJCHA:** Tom Brejcha, Your Honor, and Tom Olp for
21 David Daleiden.

22 **THE COURT:** Good afternoon. All right.

23 **MR. DICKINSON:** Your Honor, excuse me. On the phone,
24 Glenn Dickinson on behalf of the defendant, Phillip Cronin.

25 **THE COURT:** I didn't mean to start without you,

1 Mr. Dickinson.

2 MR. DICKINSON: Thank you, Your Honor.

3 THE COURT: Good afternoon.

4 MR. DICKINSON: Good afternoon.

5 THE COURT: All right. So I want to figure out today --
6 I want to get sort of a big picture -- thoughts -- from each of
7 you about this case, particularly as it relates to the NAF case
8 and how that impacts timing on schedule, and then I wanted to
9 go through the discovery issues that were raised in the
10 statement, and then I want to set a calendar.

11 So those are the things that are on my mind.

12 So Ms. Short, I thought I'd just start with you because
13 I've seen you so often in this court.

14 What's your perspective between the interplay between the
15 NAF case and this case and timing, as far as which case would
16 go first?

17 I mean, my inclination would be that, for trial purposes,
18 the NAF case would go first, just because it's -- it was first
19 and it's going to have a smaller scope.

20 But I'm interested in whether you've thought about that
21 or -- and what you think about it.

22 MS. SHORT: I have to admit, first of all, Your Honor,
23 that this is a question I didn't come prepared to talk about
24 today. I hadn't really been thinking about the interplay
25 between the two.

1 I -- totally, off the top of my head, I would tend to see
2 it the other way around in terms of the Planned Parenting case
3 because it is more all encompassing, being something that might
4 dispose of issues in NAF.

5 But I have to say I have just not thought about it, much
6 less had a chance to consult with the other defense counsel
7 about it.

8 **THE COURT:** All right. Ms. Bomse, do you have any
9 reaction one way or another on this?

10 **MS. BOMSE:** I'm in the same boat as Ms. Short; I haven't
11 given it the thought -- I wish I now had -- nor conferred with
12 NAF counsel.

13 I tend to agree with Your Honor that it would make sense
14 for the NAF case, having been filed six months before our case,
15 would proceed first.

16 But that's pretty preliminary.

17 **THE COURT:** Okay. Well, I think Mr. Foran's sitting in
18 the back, and it's probably something I should do with both
19 cases present. And maybe, as things go down -- as things play
20 out a little bit, we can deal with that.

21 And so while I'm on this topic. Ms. Short, do you have
22 any expectations with respect to timing on the preliminary
23 injunction in the NAF case?

24 **MS. SHORT:** Our understanding, Your Honor, is the appeal
25 is -- it's on an expedited schedule. We have just extended the

1 briefing schedule a little bit, two weeks on each side, but the
2 briefing will be completed -- if I'm recalling correctly -- mid
3 June.

4 And my understanding is that, start to finish, it's
5 supposed to be about a five- to seven-month process from the
6 time the notice of appeal is filed, which was March 4th -- or
7 7th -- 7th, I guess it was.

8 **THE COURT:** Okay, great.

9 All right, so let's -- so those are -- we'll set those
10 issues aside and let's go on to the discovery issues that were
11 raised.

12 And have you been meeting face to face to try to work
13 through these things, or have you just been doing stuff on the
14 telephone?

15 **MS. BOMSE:** (Indiscernible.) I would say that we invited
16 defense counsel to join us in our office, but at this point
17 we've had solely telephonic meet and confer.

18 **THE COURT:** My suggestion is, after this session, that
19 you actually sit down together and talk through these issues.

20 They're sort of interesting issues, but it just helps if
21 you're -- if you sit together.

22 On the 18th floor there's an attorney lounge -- okay --
23 and it's so comfortable. I think it's one of the best rooms in
24 the building.

25 But would you go up there and try to work through as many

1 things together as you can?

2 So the issues that were raised for me were the ESI issues
3 and then the form of the protective order.

4 The deposition issue I think I can deal with now.

5 But let's -- with respect to ESI, Ms. Bomse, what is the
6 problem -- what is the concern that the plaintiffs have about
7 using native format?

8 **MS. BOMSE:** Your Honor, the concern we have is that
9 native documents are inherently unstable, subject to change
10 very easily -- the metadata, that is, they are not amenable to
11 labeling, with legends such as "Confidential." And that is a
12 big concern to us. Because although the file name could be --
13 could have the name "Confidential," when you print out the
14 document it's not going to show up as a confidential document.
15 It's a lot easier for someone to accidentally pass it along and
16 then suddenly, oh, someone didn't realize this was a document
17 that Planned Parenthood are marked "Confidential" or "Highly
18 Confidential," and it gets out.

19 We have a very significant concern about that in this
20 case, for reasons I think the Court probably understands.

21 It's also not susceptible to Bates stamping. It's not --
22 native format is not a format where you can know, just by
23 looking at a document that's been produced, that the
24 defendants, for example, showed a witness at a deposition and I
25 can just look at it and know that's the document I produced,

1 it's identical.

2 So instead, I'm going to have to go through some process
3 of having my staff confirm before I have witnesses testify to
4 documents.

5 So there are a lot of problems with natives.

6 **THE COURT:** And so educate me. Because I was fortunate
7 enough to leave private practice a little bit this really
8 became a full-bore issue in every case.

9 Searching. Searching the documents for -- in the way
10 that you're proposing to do it. How does that occur?

11 **MS. BOMSE:** Well, Your Honor, the load -- the documents
12 get produced as a TIF, and the TIF comes along with a load
13 file, and it's the load file that has -- contains all the key
14 words.

15 This is -- again, I'm not professing to be an expert on
16 this, this is what my litigation support folks have told me.

17 And therefore, the search function works quite well
18 because you're not actually searching on the sort of frozen
19 picture of a document, but up at the contents which have gone
20 into the load file.

21 Also all the standard metadata is in the load file so you
22 can easily search and sort on the metadata who -- you know, to
23 whom, from, the subject, the date.

24 So my understanding is that the search function is very
25 robust.

1 **THE COURT:** So, please come forward.

2 **MR. MILLEN:** Your Honor, Michael Millen.

3 Aside from representing Mr. Rhomberg, I've also been
4 designated by all defense counsel as the ESI liaison, so I'm in
5 a position to not have to go through person after person.

6 Let me see if I can kind of work backwards on the
7 challenge.

8 Your Honor, can I have a minute and a half to show you
9 one document that I think might make the case, if I may hand it
10 to you?

11 **THE COURT:** Sure.

12 **MR. MILLEN:** Your Honor, I'm handing you a document that
13 last night -- two documents. They look the same. One is a
14 color document. And I printed this off of the NAF website last
15 night, just to -- it's a very good illustration of how that
16 works.

17 You can see in the color document it's very readable,
18 it's very clear. It's a native document that came from the
19 site.

20 I then hit control D. And if you look at the second page
21 of the color document, you'll see there's metadata. You can
22 see who the author was, can you see the created date. Very
23 useful information. So that's what you get with an original
24 file.

25 Now, Your Honor, let me ask you to take a look at the

1 black and white document, which is called NAF 720. I don't
2 know why -- and again, I'm not here to debate about why things
3 are stamped attorney's eyes only, but this web document, by the
4 NAF attorneys, was stamped attorney's eyes only.

5 But the big point I'd ask you to look at you, Your Honor,
6 is do you see in the first line it says, "All NAF members"? If
7 you look at the word "NAF," you will see there's little dots by
8 that N and by that A.

9 And let me ask you, Your Honor, if you'll turn the page
10 to a blow-up. This page is a blow-up I created of the 720, and
11 I simply put into in my computer and put it on the screen,
12 there's been nothing done.

13 If you look at this document, you see that there are now
14 artifacts that, instead of being able to go through the pure,
15 native PDF file, which I showed you is the color document,
16 either they or we have to get software which will scan this
17 quality of a document and turn it back into something
18 searchable.

19 Now, this document already is searchable, the color one.

20 The point is this, Your Honor, all the reasons that
21 counsel has suggested why we -- why there's an advantage to a
22 page-by-page world -- going back to Mr. Bates and his great
23 machine of a hundred years ago -- nothing is stopping anyone,
24 nothing is stopping counsel, from saying, you know, let's agree
25 that here's some documents that we're going to put a legend on

1 all and that. That's no problem. In fact, in depositions, it
2 might be very handy -- if everybody agrees -- to take an extra
3 set.

4 We're not against all the things she said. We just want
5 the native for our computer purposes so we can get metadata.

6 Because, again, you don't get the met data on the black
7 and white TIF file of who made it and the day it was made.

8 In addition, when we -- when we use this, we're subject
9 to the difficulties of searching. One word off, you miss it.

10 And as we mentioned, Your Honor, I think their original
11 complaint makes the case.

12 I don't think they were intentionally trying to make
13 their original complaint difficult to search. I'm not --
14 there's no accusation of that. But the fact is, these are
15 tools which have unintended consequences.

16 So the question is, can we get the original and process
17 it ourselves, or must we let them take the original, process
18 it, give us this digested version, and we never can even look
19 at the original ourselves unless we make this good-cause
20 showing.

21 I think the case law says we get the originals.

22 So that's, I think, our position.

23 **MS. BOMSE:** Your Honor, may I?

24 **THE COURT:** Go ahead, Ms. Bomse.

25 **MS. BOMSE:** First of all, there's no case law that says

1 that, that we have been able to find.

2 **THE COURT:** No, and -- no. And so just so that
3 everybody's expectations can be tamped down a little bit, I'm
4 going to need some more information than what I'm getting right
5 now. But this is helpful to me to sort of frame the issues.

6 So go ahead, Ms. Bomse.

7 **MS. BOMSE:** That's fine.

8 I guess the only thing I would add, you know. I
9 appreciate that we'll need to give you some more information,
10 Your Honor.

11 First of all, that discussion by Mr. Millen didn't
12 include the fact that we're going to be providing load file,
13 which makes -- makes, I think, a significant difference.

14 This -- you know, I mean, I don't think I need to tell
15 you that the TIF format is used in hundreds and hundreds of
16 cases. It's a standard. I frankly didn't expect this to even
17 be an issue in our case.

18 And I -- we've yet to be informed by plaintiffs what
19 software it is that they intend to use that somehow is more
20 amenable or only amenable to native documents. So that puts us
21 also at a disadvantage in not understanding what the issue is.

22 **THE COURT:** Okay. So here's my -- here's my suggestion:
23 Is that take this up as the first thing that you talk about
24 upstairs. And what I care about is knowing, practically, what
25 the problem is. So you need to really be sure that you're

1 talking about the same thing. And if there is a -- you know,
2 if Mr. Millen's not thinking about a load file, make sure that
3 you're explaining terms in the same way that he understands
4 them.

5 And Mr. Millen, when you have the problems that you
6 identify here, make sure that we're dealing with apples and
7 apples.

8 So -- okay. Good.

9 **MS. BOMSE:** Your Honor, is that something that you're
10 going to want us to report back to you today?

11 **THE COURT:** So -- I'm not going to assume that you won't
12 agree, but on the off chance that you don't, why don't you also
13 figure out what the most efficient way of briefing this to me
14 is.

15 So I'm going to want a very clear explanation of the
16 attributes of each of the ways that you're describing you want
17 the documents and then I'll decide whether I need to hear more
18 argument or I can just do it on -- I have a feeling I'll just
19 do it on my own, but --

20 **MR. MILLEN:** Your Honor, are you asking -- do you see
21 more of a process where there's a couple of short briefs, or
22 are you saying, "No, no, I need one joint submission"? I
23 don't --

24 **THE COURT:** You may -- you decide how much space you need
25 to explain to a time-challenged judge why what you want to do

1 is the smart thing. Okay?

2 **MR. MILLEN:** Thank you.

3 **THE COURT:** Okay. And then the second issue that I want
4 you to take up is the form of the protective order. I don't
5 know why that's -- should be a problem, but go through the --

6 In general, I'm very happy with the forms that our court
7 uses, and I'm familiar with them and they seem to work. If
8 they don't work, I can imagine there are cases where they don't
9 work. Because they're just forms.

10 So if there's really a problem, just work it through,
11 identify what it is that doesn't work, and then get it to me.

12 But I don't want this case to get stalled because people
13 can't figure out what the shape of the table is.

14 And then with the depositions, my thought was why
15 don't -- why wouldn't you want to have -- or why wouldn't I
16 want you to have 10 depositions in addition to party
17 depositions. So that would give you each about 20 total
18 depositions, something like that. And if there was some --
19 that's where we would start.

20 And then if there's some, you know, overarching reason
21 why you're just missing information from people and you need
22 more, we can talk about it the next time around.

23 But 20 depositions is a lot of depositions.

24 **MR. LiMANDRI:** I agree, Your Honor.

25 Charles LiMandri.

1 Normally, it would be.

2 In this case, of course, inasmuch as there's, I believe,
3 11 plaintiffs, 8 defendants, 15 causes of action, and when we
4 did estimate the need for 25 to 30, Your Honor, it was
5 March 22nd we received the plaintiff's initial disclosures last
6 Friday, March 25th, and there were far more witnesses they
7 designated than we anticipated.

8 I think the defense designated, collectively, over 50,
9 but if you include the categories of witnesses that plaintiff's
10 designated, they have over a hundred.

11 So we are dealing with a case that has a lot more
12 parties, a lot more potential issues.

13 Now, there will be some motions filed that will hopefully
14 limit some of the issues for both sides, but at this point we
15 are concerned that although we agree -- for most cases -- 20
16 depositions per side would certainly seem to be more than
17 enough, this is not the usual case, particularly if you have
18 one party, as I indicated, the plaintiffs.

19 Now, I realize the categories of witnesses they
20 designated involve Planned Parenthood affiliates where staff
21 members attend various conferences, but still, they did list
22 those categories and it does come out to over a hundred when
23 you do that, even if you take out the categories.

24 So you've got, I think, close to 40 on the plaintiff's
25 side, and over 50 on the plaintiff's side [sic]. So you've got

1 90 right there.

2 So I don't think it would be unusual to kick that up to
3 at least 25 depositions per side, if not the 30 that defense
4 requested, so that we could hopefully avoid having to burden
5 the Court. Because otherwise, we feel undoubtedly we would
6 need to come back to the Court after we do 20 depositions per
7 side and find that that's just not enough.

8 But if that's what the Court wants, of course we're
9 willing to do that.

10 **THE COURT:** So my fear is that any number I give you
11 you'll come back because there are going to be -- there just
12 always are -- when you go through discovery, there are always
13 more people you want to talk to.

14 And if this is an intentionally fact-intensive case,
15 where you're going to have a lot of different witnesses, then
16 I'll be -- I'll certainly look at this again.

17 But I think, to start with, focus on the 10 nonparty
18 depositions that really -- that seem to really matter to you,
19 and then we'll see where we are.

20 And I will -- we can revisit this at each of the case
21 management conferences and, if you get to a point where you
22 just need an answer sooner and you can't agree, send a joint
23 5-page letter to me and I'll decide it. And just make clear to
24 me why it is that this person's important. For example,
25 "Plaintiff says that this person is going to testify at trial

1 and we haven't heard what this person's going to say." That's
2 something that I'd be inclined to allow you to take a
3 deposition about.

4 MS. BOMSE: Fine. Thank you, Your Honor.

5 MR. LiMANDRI: Understood, Your Honor.

6 So to be clear, it's 10 depositions -- each side can
7 take -- of the parties and 10 of nonparties at this point.
8 Twenty?

9 THE COURT: So every party, any party will have their
10 deposition -- may have their deposition taken, if you want it.

11 MR. LiMANDRI: Okay. That would be 19 people right
12 there, I think.

13 THE COURT: Okay.

14 MR. LiMANDRI: Well, there's 11 plaintiffs, 8 defendants.

15 So I assume you'll have a party representative for each
16 plaintiff?

17 MS. BOMSE: Well, you know, I'm not entirely sure about
18 that. I could envision a situation where we designate the same
19 party (inaudible) affiliates. But, you know, we can --

20 MR. LiMANDRI: Okay.

21 MS. BOMSE: I was just confused because I assumed you
22 were just speaking to your depositions.

23 So on your side it would be 11 party depositions.

24 MR. LiMANDRI: Yes, that's how we see it.

25 THE COURT: Okay. Yeah. And then plus 10.

1 MS. BOMSE: Right.

2 MR. LiMANDRI: Gotcha.

3 Thank you, Your Honor.

4 THE COURT: Okay, thank you.

5 All right. So let's go to the trial calendar now.

6 So who wants to tell me why it's going to take four and a
7 half months -- who are the experts in this case, and why will
8 it take four and a half months to do expert depositions?

9 MR. LiMANDRI: Your Honor, again, it's going to depend
10 upon the issues -- when we get to that point -- after the Court
11 has a opportunity to help us with some of the issues we
12 anticipate that we raised in potentially dispositive motions.

13 We don't know exactly how many experts each side are
14 going to need, but we do anticipate that there will be quite a
15 number of experts.

16 I think, in terms of the fact discovery, we're not that
17 far apart. So I think if the Court's question is limited to
18 the 4.5 months for the experts we asked for --

19 THE COURT: It just seemed --

20 I was surprised. Because this doesn't seem like an
21 expert-intensive case. So I'm just wondering who do you
22 foresee is the experts being, what type of people, and how many
23 of them are there going to be? And why would it -- I mean,
24 four and a half months is more than it takes in these
25 gargantuan patent cases that I see.

1 **MR. LiMANDRI:** Right. We haven't -- because we're not
2 exactly sure what issues we'll be adjudicating at that
3 particular time.

4 I can tell you in the *StemExpress* case where I've been
5 involved in the state court in Los Angeles we have an expert
6 that -- dealing with the issue as to whether or not the defense
7 to the claim related to the breach of confidentiality or taping
8 of private discussion, there is a defense under the California
9 Penal Code Section 632-634 as to whether or not you are
10 justified because there's a potential risk to a person if
11 fetuses are born alive they're technically a person under the
12 law.

13 So we do have an expert dealing with that issue, and it
14 is somewhat of a technical issue, and there's lots of medical
15 and scientific literature that needs to be digested in that
16 regard as to whether fetuses are being born alive or not.

17 But that's just one example we've already dealt with in
18 that one case where I've been actively involved.

19 But I can imagine there's going to be a need for other
20 experts, as well, on some of these issues, perhaps some of the
21 First Amendment issues, in terms of journalistic practices and
22 such, I can imagine.

23 To be honest, Your Honor, I haven't conferred and
24 consulted with my co-counsel on all the potential experts we
25 might need.

1 But again, for a case of this magnitude, with 15 causes
2 of action, it didn't seem to be unduly burdensome to allow that
3 much time.

4 I could see where it might be a little less, but I don't
5 understand why it would necessarily need to be dramatically
6 less.

7 **THE COURT:** All right.

8 Ms. Bomse, do you have any sense, at the moment, of the
9 experts that the plaintiffs might call?

10 **MS. BOMSE:** Yes, at this point I think it's a fact-driven
11 case, it's not an expert-driven case. We might have an expert
12 on damages, depending on how the damages shape up. It's hard
13 for me to imagine any other expert. This is a fact case.

14 **THE COURT:** All right. So I recognize that this case
15 has -- there's going to be some impact from the NAF -- with the
16 NAF case, and there's going to be some scheduling that will be
17 affected by that, and it sounds like there are a lot of
18 witnesses, there's going to be a lot of discovery to do.

19 All of that said, I don't know why we don't start with a
20 trial date that is around the date that the plaintiffs
21 suggested, that they may turn into the NAF trial, if I decide
22 that the NAF trial goes first.

23 So that was September 18th of 2017. And that gives --
24 that gave a two-month period for discovery, which I suspect
25 you, at the end of the day, will find is ample. I just

1 can't -- it's hard for me to imagine why this case would need
2 more than that.

3 And the only -- the difficulty with it is that it's got
4 the close of fact discovery on January 9th, which is soon.
5 That's ten months. Or nine months.

6 **MS. BOMSE:** I've already told my team that we'll be
7 drinking egg nog in the office.

8 **MR. LiMANDRI:** You could see that -- I'm sorry,
9 Your Honor -- the defendants were three months past that.
10 Again, not a dramatic difference, but, again, given the
11 potential number of parties, depositions, and issues, it seems
12 to me that pushing that January date out by at least another
13 month or two, we've asked for three or four --

14 **THE COURT:** I'm looking at -- I think I agree with you.
15 And then Ms. Bomse's office doesn't have to drink egg nog in
16 the office.

17 **MR. LiMANDRI:** There you go.

18 **THE COURT:** So what if -- so I would be inclined -- I've
19 got -- what if we started this trial on December 4th?

20 What do you think about that, Ms. Bomse? Does that work
21 for you?

22 **MS. BOMSE:** That does work for me, Your Honor.

23 **THE COURT:** How about for the defense?

24 **MR. LiMANDRI:** Sure. I mean, obviously I'd probably
25 prefer after the holidays, but, I mean, you know. Because

1 we'll all be doing this between Christmas and -- New Years,
2 potentially, depending on how long the trial is and your
3 availability.

4 **THE COURT:** I think we're just going to run into that --
5 if we set the trial in January, you'd be preparing over the
6 holidays anyway. So I think, in some ways, this is a better --

7 **MR. LIMANDRI:** It is good.

8 **THE COURT:** -- schedule, and if it's -- maybe the trial
9 won't last as long as you predict it will.

10 So let's do -- let's say if we do the trial on December
11 4th, do the -- let me look at my calendar here.

12 Okay. So pretrial conference will be November 6th, the
13 last day for a hearing on a dispositive motion will be
14 September 6th. And with that -- okay, I'll just keep going.

15 So the expert deadline -- and by that I mean close of
16 expert discovery will be August 4th, we'll open expert
17 discovery on June 5th, rebuttal experts named by June 30th, and
18 then we'll close fact discovery May 19th.

19 So that should give you plenty of time, I think, to do
20 fact discovery.

21 **MR. MIHET:** May I be heard?

22 **THE COURT:** Of course you say.

23 **MR. MIHET:** If I understood the Court correctly, the
24 parties will have only 25 days to receive the initial expert
25 report, locate an expert, and provide a rebuttal report. I

1 think that may be a little optimistic.

2 I would suggest that the Court would be amenable to
3 closing fact discovery maybe 15 or 30 days sooner so that the
4 parties can have a little more time to locate rebuttal experts
5 and provide a rebuttal report.

6 **THE COURT:** Fine by me. It's fine by me.

7 And I will tell you that the -- I care about only a few
8 dates that I've just given you. I care about the trial date.
9 I care about the last date for hearing on dispositive motion.
10 I care about the pretrial. And other than that, if you want to
11 stipulate to changes that make more sense to you, as long as
12 they don't affect me, I'm fine with them.

13 **MR. LiMANDRI:** Understood. Thank you, Your Honor.

14 **MR. MIHET:** Thank you.

15 **THE COURT:** All right. We need a last date to amend, and
16 you can always amend for good cause, but I think July 1st.

17 And then we ought to set a further case management
18 conference date.

19 How about October 4th?

20 **MR. LiMANDRI:** That's fine, Your Honor.

21 **THE COURT:** (Inaudible) calendar.

22 **UNIDENTIFIED SPEAKER:** Your Honor. I was having a hard
23 time hearing. Did you give a date for the close of fact
24 discovery?

25 **MR. LiMANDRI:** Yeah, I believe so.

1 THE COURT: I did.

2 MR. LiMANDRI: I have that.

3 UNIDENTIFIED SPEAKER: Originally it was --

4 MR. LiMANDRI: May 19th.

5 UNIDENTIFIED SPEAKER: May 19th. I thought you said --

6 THE COURT: Yes.

7 UNIDENTIFIED SPEAKER: -- it would be earlier?

8 MR. LiMANDRI: No, I think he said May 19th.

9 THE COURT: I'm in for May 19th.

10 If you want to adjust those dates to something that makes
11 sense, I -- you know, as far as the rebuttal experts, that's
12 a -- it's a useful point, I suppose.

13 But whatever you want to do is fine by me.

14 UNIDENTIFIED SPEAKER: And the other thing I didn't hear
15 was the amendment date. Is that July 1st of 2016?

16 THE COURT: 16, yes.

17 UNIDENTIFIED SPEAKER: Okay.

18 MS. BOMSE: The CMC on October 4th is fine.

19 THE COURT: Okay. So further case management conference
20 on October 4th.

21 And all I -- what I need from you there is an update on
22 what's gone on, whether there are any problems that I can try
23 to resolve here.

24 You've heard, I think, me say that I deal with discovery
25 issues with a joint 5-page letter after you've sat down

1 together and meet and conferred. I don't count telephone
2 calls, except for on extraordinary circumstances. I don't
3 count emails or letters. I want people who are going to be
4 trying the case against each other to sit down. Because
5 usually -- not always, and it may not be true in this case, but
6 usually people act more rationally when they're talking with
7 each other.

8 **MR. LiMANDRI:** Your Honor, my experience in the
9 Southern District is it's typical to have the federal
10 magistrates handle a lot of discovery issues, but I think that
11 that's not your practice and you prefer that we deal with you.

12 **THE COURT:** Yeah, I do prefer that you deal with me. And
13 that should give you pause about coming to the Court.

14 **MR. LiMANDRI:** Right.

15 **THE COURT:** But -- and I do these very summarily, and I'm
16 sure the magistrate judges would give much more time to
17 whatever the problems you have. I won't do that. I'll be very
18 arbitrary. And so it's much better for you to work things out
19 together on this.

20 **MR. LiMANDRI:** We get the message, Your Honor. Thank
21 you.

22 **THE COURT:** All right. So those were all the things that
23 were on my mind. Is there anything else that we ought to do
24 today?

25 **MS. BOMSE:** One more issue, Your Honor. Plaintiffs would

1 like to obtain access to the NAF tape-recordings. We have
2 discussed that with NAF counsel, who don't have any objection
3 to that.

4 My understanding is that those have been cross-designated
5 by both parties, both sides of the NAF case, as confidential,
6 so we would need to have agreement from the defendants in the
7 NAF case that we -- obviously -- with signing onto the
8 confidentiality order that exists in that case in order for NAF
9 to provide us with those tapes.

10 **THE COURT:** Are those tapes going to end up being
11 evidence in this case?

12 **MS. BOMSE:** (Inaudible) so, Your Honor.

13 **THE COURT:** So why don't you talk about that. This may
14 be the first time that the issue's been raised. Why don't you
15 talk about that. If those tapes are going to be evidence, it
16 seems like they ought to be shared. But I won't pre-judge
17 that. You talk about it and if there's a problem let me know.

18 **MR. LiMANDRI:** We'll discuss that. Thank you,
19 Your Honor.

20 **THE COURT:** Okay. So -- so now I invite you to the 18th
21 floor and thank you all for coming in.

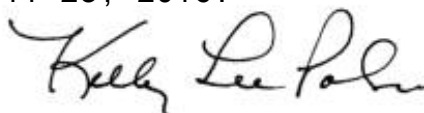
22 (Proceedings adjourned at 2:49 P.M.)
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24
25

CERTIFICATE OF CONTRACT TRANSCRIBER

I, Kelly Polvi, CSR, RMR, FCRR, certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not financially nor otherwise interested in the outcome of the action.

Dated April 23, 2016.

A handwritten signature in cursive script that reads "Kelly Polvi".

Kelly Polvi, CSR #6389, RMR, FCRR
Contract Transcriber

*Kelly Polvi, CSR, RMR, FCRR
P.O. Box 1427
Alameda, CA 94501
(503) 779-7406; kpolvi@comcast.net*

EXHIBIT 12



<https://www.liveaction.org/news/wp-content/uploads/2016/10/caroline-farrar-orrick.jpg>

EXHIBIT 13

[140 captures](#)

28 Feb 2011 - 3 Jun 2017



STAND WITH PLANNED PARENTHOOD

* First Name:

INTERNET ARCHIVE
Wayback Machine

140 captures
28 Feb 2011 - 3 Jun 2017

http://istandwithpp.org/ Go

then spread the truth.

* Last Name:

Once again, a group of anti-abortion activists has attacked Planned Parenthood

* Your Email:

doctors, nurses, and patients with false accusations. And once again, their political allies are seizing on these accusations as an excuse to push the same dangerous agenda – shut down health centers and cut women off from care.

* ZIP / Postal Code:

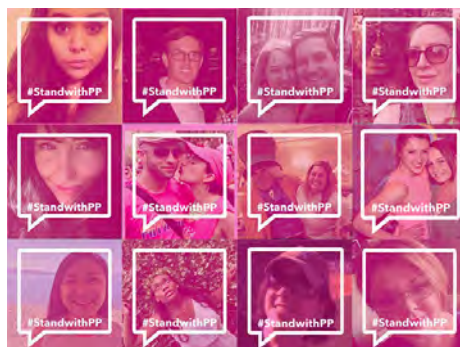
☒ Yes, I would like to receive periodic updates and communications from Planned Parenthood.

SEND MESSAGE

Show them you aren't fooled by the latest smear job.

*Required fields

Show them you won't stop fighting for women's health and rights. Add your name to the millions who stand proudly with Planned Parenthood.





Show your support for
Planned Parenthood in the
face of continued attacks
by anti-women's health
extremists and politicians
by changing your profile
picture and/or cover photo
on Facebook and Twitter.

PINK ME FOR PP

Every day, no matter what,
Planned Parenthood
doctors, nurses, and other
staff are out there giving
compassionate care to the
patients who rely on it.
Let's send a big THANK
YOU to all the staff on the
front lines of the fight for
reproductive health and
rights!

SIGN THE CARD

Why I Stand with Planned
Parenthood

READ THEIR STORIES



[140 captures](#)

28 Feb 2011 - 3 Jun 2017

<http://istandwithpp.org/>

Go

We all #StandwithPP! Do you?

[View All](#)

<https://www.71n7.com//t/standwithpp?width=1137&expand>

Latest

Show All

Hrm.

Wayback Machine doesn't have that page archived.

Want to search for all archived pages under <https://www.71n7.com/>?

[View All](#)

[140 captures](#)

28 Feb 2011 - 3 Jun 2017



IN THE NEWS

Reuters, 7/30/15

**White House Says Would Oppose
Congress Defunding Planned Parenthood**

The Dallas Morning News, 7/27/15

**Floyd: I owe Planned Parenthood an
apology**

New York Times editorial board, 7/22/15

**The Campaign of Deception Against
Planned Parenthood**

Associated Press, 7/20/15

**Planned Parenthood says video part of
decade-long harassment**

TIME, 7/15/15

**Why Planned Parenthood Provides Fetal
Cells to Scientists**

CBS News, 7/22/15

DOJ to review Planned Parenthood

Washington Post, 7/29/15

**Planned Parenthood president: These
extremist videos are nothing short of an
attack on women**

TIME, 7/27/15

**Why I Donated Fetal Tissue After My
Later Abortion**

Think Progress, 7/21/15

**Everything You Need To Know About The
Anti-Abortion Groups Trying To Discredit
Planned Parenthood**

RH Reality Check, 7/21/15

**Is GOP Leadership Coordinating Attacks
on Planned Parenthood with Anti-choice
Radicals?**

Ebony, 7/20/15

**Anti-Choice Group Distorts the Truth
About Planned Parenthood**

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Parenthood Will Affect Black Women Most

[CHANGE YOUR PROFILE PIC](#)

[READ OTHERS STORIES](#)

STANDING STRONG WITH PLANNED PARENTHOOD

[SEE THE FULL LIST](#)

American Bridge

NARAL Pro-Choice
America

People for the
American Way

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28 Feb 2011 - 3 Jun 2017

Catholics for Choice

Center for
Reproductive Rights

COLOR Latina

CREDO

Emily's List

Moveon.org

Ms. Foundation for
Women

National Council of
Jewish Women

National Latina
Institute for
Reproductive Health

National LGBTQ Task
Force

National Partnership
with Women &
Families

National Women's
Law Center

NOW - National
Organization for
Women

RH Reality Check

Sexuality Information
and Education Council
of the U.S. (SIECUS)

SisterSong

UltraViolet

Voto Latino

Women's Law Project

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28 Feb 2011 - 3 Jun 2017



Contact Us

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(/web/"http://twibbon.com/support/stand-with-pp")
25 Aug 2015 - 6 Jan 2017

http://twibbon.com/support/stand-with-pp

Go

(https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp)



I Stand with PP

👍 support (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp>)

💬 discuss (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss>)

How would you like to support this Campaign?

Support this campaign by adding to your profile picture



Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

Add to Twitter


Add to Facebook

Don't worry, you'll get a chance to preview your Twibbon before it is added.

I Stand with Planned Parenthood

Politicians are using false allegations to attack Planned Parenthood & harm women. Tell them we aren't fooled, we fight for women's health and rights, and we #StandwithPP.


I Stand with Planned Parenthood (<https://web.archive.org/web/20150803204320/https://secure.ppaction.org/site/Advocacy?cmd=display&page=UserAct>)

 Tweet my support on Twitter

I #StandWithPP. Change your profile pic and show your support for reproductive health & rights! → <https://web.archive.org/web/20150803204320/http://ppact.io/changeprofilephoto>

Tweet

☐ Follow @ppact

 Post to my Facebook wall

I #StandWithPP. Join me in changing your profile picture. Let's show our support for

Internet Archive
Wayback Machine
(/web/)

124 captures
23 Jul 2015 - 6 Jan 2017

reproductive health and rights! <http://ppact.io/change-profilephoto>

Stand with PP - Support Campaign | Twibbon

Go

Post
(<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp>)

Don't worry, you'll get a chance to preview before you post.

f Update your Facebook cover



Set as my Facebook Cover

Other ways to show your support

Discuss this Campaign (<https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss>)

Send an Email

[https://twibbon.com/support/stand-with-pp/discuss](https://web.archive.org/web/20150803204320/http://twibbon.com/support/stand-with-pp/discuss))

Add a Widget to your Site

Download the Twibbon

Campaign Details

by PPact (<https://web.archive.org/web/20150803204320/http://twibbon.com/PPact>) about a week ago

Politicians are using false allegations to attack Planned Parenthood & harm women. We aren't fooled, we fight for women's health and rights, and we...

[more →](#)

Share this Campaign

[Tweet](#)

<http://twibbon.com/support/stand-with-pp>

Facebook

Visit Facebook Page (<https://web.archive.org/web/20150803204320/https://www.facebook.com/PlannedParenthoodAction>)

EXHIBIT 14

[Sign Up](#)

Email or Phone

Password

[Log In](#)[Forgot account?](#)**Keep America Pro-Choice**

October 20, 2015 ·

No more Domestic Terrorism!



Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

Recent attacks on abortion clinics are part of a long history of ideologically-driven violence, perpetrated by an extreme minority committed to ruling through fear...

[ACTIONSPOUT.IO](#)

40 Likes 11 Shares

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Pro-Child Pro-Family Pro-Choice

Keep America Pro-Choice
@prochoiceAmerica

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Create a Page

Keep America Pro-Choice
October 20, 2015

No more Domestic Terrorism

No More Extremists who attack

Tell the Department of Justice that Violence as Domestic Terrorism is not a crime. Recent attacks on abortion clinics are violence, perpetrated by an extremist group. ACTIONS PROUD TO

Like Comment

40

11 shares

Write a comment...

Status Photo/Video

Write something on this Page...

Community

Who likes this Page

See All

Shades of Gray Like

Like

Like

Pro-choice groups uni... Like

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40

Kathi Jones-Hudson Add Friend

Becky Barr Merrack Add Friend

Alisha Burr Add Friend

Caroline Farrar Orrick

Laura Constantine Add Friend

Kathy Frazier Add Friend

Susyn Klein Add Friend



NARAL Pro-Choice America

402,433 likes

Like Page

Donate

Tell the Department of Justice: Investigate Clinic Violence as Domestic Terrorism

[Sign Now](#)☒ Share with Facebook friends

NARAL Pro-Choice America may send you periodic updates; you can unsubscribe at any time.



Recent arson attacks on Planned Parenthood clinics came after the highly publicized release of heavily edited videos by a sham organization run by extremists who will stop at nothing to deny women legal abortion services.

These attacks on clinics are part of a long history of ideologically-driven violence. They're perpetrated by an extreme minority that's

committed to ruling through fear and intimidation.

Let's call this what it is—domestic terrorism. We can't wait until one more patient, doctor or nurse is hurt or killed before we say enough is enough. It's time for an investigation to get to the bottom of this.

Add your name and tell the Department of Justice to direct the FBI to investigate these attacks as domestic terrorism!

10 Comments

Sort by **Oldest**



Add a comment...



Jane Crispell

name added

[Like](#) · [Reply](#) · Oct 15, 2015 4:41pm



Irene Madrid · Owner and Corp Cultural Officer at La Petite Baleen, Inc.

They are pro death and thugs!

[Like](#) · [Reply](#) · 5 · Oct 15, 2015 8:09pm



Victoria Draper · Wichita, Kansas

having worked at Dr Tiller's clinic and another one in Wichita, I can tell you without a doubt, they are terrorists at the clinics and our homes.

[Like](#) · [Reply](#) · 6 · Oct 16, 2015 8:03am

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EXHIBIT 15

Sign Up

Email or Phone

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Keep America Pro-Choice

January 25, 2016 ·

Breaking news. PP has (unsurprisingly) been cleared of wrong doing by a grand jury and the 'undercover' reporters have been indicted for tampering with government paperwork.

All in all a good day.



BREAKING: Grand Jury Investigating Planned Parenthood Indicts Makers Of Videos Instead

Instead Of Indicting Planned Parenthood, Texas Grand Jury Indicts Creators Of Highly Edited Videos

WWW.THENEWCIVILRIGHTSMOVEMENT.COM

320 Likes · 6 Comments · 119 Shares

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Pro-Child
Pro-Family
Pro-Choice

Keep America Pro-Choice
@prochoiceAmerica

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BREAKING: Grand Jury Indicts Planned Parenthood
Instead Of Indicting Planned Parenthood, Grand Jury Indicts
Highly Edited Videos
WWW.THENEWCIVILRIGHTSMO

Like Comment

320

119 shares

Write a comment...

Mike Schmelzer One of the...
buying human remains. If the...
illegal to sell them. If the re...
guilty of selling, duh. "Dale...
indictment under the law p...
Like Reply January 25, 2016 at 8:01pm

Keep America Pro-Choice
illegal, charging eno...
transporting the fetal...
What the FAKE research company did, buying fetal tissue for non-...
research purposes is illegal. It's not PP's fault those two are liars.
Like Reply 11 January 25, 2016 at 8:01pm

Kristy Fink Well didn't this just turn around and bite them in the butt! Those...
asses in Texas thought they would find proof of wrongdoing by PP but instead...
we get some truth bombs landing!
Like Reply 11 January 25, 2016 at 5:42pm

Juan Ryan I hope the fry those two scum bags.
Like Reply 1 January 25, 2016 at 6:53pm

Judy Evans Yayyyy! Wonderful news
Like Reply 7 January 25, 2016 at 3:42pm

Sharon Baucom

320

Mackenzie Barlow Add Friend

Marcia Fields Reimers Follow

Caroline Farrar Orrick

Ashley Thunder Hawk Add Friend

Cindy Sulaiman Add Friend

Lisa Maise

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EXHIBIT 16

 Share

54

EXHIBIT 17

| On Masout | First Name | Last Name | Offa Raised | CNC Raised | CFC Amount Raised | Total Raised | Department | Company | Job Title | Business Street | Business City | Business State | Business Phone | Home Phone | Mobile Phone | Email Address | Email Address | Raising With |
|-----------|----------------|---------------|---------------|-------------|-------------------|--------------|---------------------|-------------------|------------------|------------------|-----------------|----------------|----------------|----------------|---------------------------|------------------------------------|--------------------|-------------------|
| | Matthew | Barzun | \$1,174,430 | \$1,907,100 | \$421,550 | \$3,503,080 | Midwest | Brickpack.com | President | 831 Cherokee | Louisville | KY | (502) 554-3919 | | | matthew@brickpack.com | | FALSE |
| | Julius | Chachowski | \$2,628,159 | \$793,150 | \$74,100 | \$3,494,519 | Mid-Atlantic | Rock Creek | Founder/Manager | 2008 Portview | Washington | DC | (202) 364-5811 | | | julius@rockcreek.com | | FALSE |
| | Frank | Sanchez | \$1,415,000 | \$1,650,000 | \$350,000 | \$3,415,000 | Florida | Self | Consultant | 2900 East 7th | Tampa | FL | (813) 728-6035 | | (202) 262-9151 | Paco11@aol.com | | FALSE |
| YES | Jeffrey | Katzenberg | \$768,600 | \$2,551,900 | | \$3,320,500 | Southern California | Dreamworks | CEO | 100 Universal | Universal City | CA | (818) 733-7336 | | | lin@andyspahn.com | | FALSE |
| YES | Frank | White | \$453,760 | \$2,529,245 | \$0 | \$2,983,005 | Mid-Atlantic | Advanced | CEO | 13613 Sir | Silver Spring | MD | (301) 996-2712 | | | fw77@comcast.net | | TRUE |
| | Stanley | Gronstein | | \$2,592,000 | \$142,000 | \$2,734,000 | Southern California | Gemini Gel Art | Co-Founder | | | | | (310)476-1919 | | stan@beatlink.net | | FALSE |
| | Charlie | Rivkin | \$1,668,900 | \$893,500 | | \$2,562,400 | Southern California | Wildbrain | CEO | 243 22nd St | Santa Monica | CA | (323) 791-0689 | | | crivkin@wildbrain.com | | FALSE |
| | Kirk | Wagar | \$1,300,000 | \$825,000 | \$205,000 | \$2,330,000 | Florida | Wagar Law Firm | Founder/Presid | 1000 Micanopy | Miami | FL | (305) 804-7772 | | | kwagar@bellsouth.net | | FALSE |
| | Alonso | Solomont | \$918,455 | \$881,345 | \$428,700 | \$2,228,500 | New England | Solomont Bailis | CEO | 60 Beaver Rd | Weston | MA | (617) 630-8801 | | (617) 306-1820 | solob@bellsouth.net | | FALSE |
| | Mark | Gorenberg | \$1,200,000 | \$676,150 | | \$1,876,150 | Northern California | Hummer | Investor | 2 South Park | San Francisco | CA | (415) 979-9603 | | | mgorenberg@hummer.com | wand948@aol.com | Wendy |
| | John | Ross | \$1,497,544 | \$512,606 | \$20,000 | \$2,030,150 | Northern California | Vision Sorsini | CEO | 120 Falcon Lake | Hillsborough | CA | (650) 493-9300 | | | ross@weger.com | | FALSE |
| | Nicole | Avant | \$1,169,100 | \$839,450 | | \$2,008,550 | Southern California | Interior Music | CEO | 5757 Wilshire | Los Angeles | CA | (310) 415-3872 | | (310) 415-3872 | interior@atn@aol.com | | TRUE |
| | Ellen | Chamberlain | \$1,690,150 | \$508,475 | | \$2,200,625 | Northern California | Center for the | CEO | 10 Palmer Ave | Portola Valley | CA | (925) 950-6073 | | | ellenchamberlainandone@yahoo.com | | FALSE |
| | Jim | Crown | \$1,000,233 | \$750,000 | \$250,000 | \$2,000,233 | Illinois | Henry Crown & Co | Private Investor | 222 N La Salle | Chicago | IL | (312) 236-0300 | | (312) 560-2842 | CKROWN@Crown-chicago.com | cpak@Crown- | Paula Crown |
| | Steve | Spinner | \$735,535 | \$1,014,000 | \$126,900 | \$1,876,435 | Northern California | Sports Potential | CEO | 1314 Cloud Ave | Menlo Park | CA | (415) 640-7746 | (650) 854-7746 | | stevespinner@atn@aol.com | | FALSE |
| | Steve | Westly | \$1,171,000 | \$643,849 | | \$1,814,849 | Northern California | Self | Investor | 2744 Sand Hill | Menlo Park | CA | (415) 244-3969 | | | harpertewala@gmail.com | steve@westlygr.com | FALSE |
| | Don | Dorben | \$786,394 | \$980,775 | \$0 | \$1,733,169 | South-Atlantic | Don Beyer Wolf | CEO | 212 N Lee St | Alexandria | VA | (703) 919-6163 | | | DonBeyer@gmail.com | Megan Beyer | FALSE |
| YES | John | Rogers | \$980,000 | \$1,685,000 | | \$2,665,000 | Illinois | Arca Capital | CEO | 200 E Randolph | Chicago | IL | (312) 776-0100 | | | myale@arcalvestments.com | emerson@arrel | Melody Hobson |
| | Orin | Kramer | \$1,279,700 | \$401,600 | | \$1,681,300 | New York Tri-State | Kramer | CEO | 600 Madison | New York | NY | (212) 421-3737 | | | oskramer@krammerspellman.com | | FALSE |
| | Michael | Adler | \$265,000 | \$1,125,000 | \$75,500 | \$1,565,500 | Florida | Level 3 | Head of | 2424 Premier | Miami | FL | 305-392-4001 | | 305-794-6900 | mader@adlergroup.com | | FALSE |
| | Don | Gips | \$1,247,100 | \$3,547,100 | | \$4,794,200 | Nevada | Level 3 | Head of | 2424 Premier | Couder | CA | (303) 461-8884 | | | don@gips.com | | FALSE |
| | Howard | Gutman | \$816,550 | \$724,500 | \$0 | \$1,541,050 | Mid-Atlantic | Williams & | Attorney | 725 12th St NW | Washington | DC | (202) 434-5200 | | (301) 467-8082 | HGutman@wvc.com | | FALSE |
| | Robert | Wolf | \$1,319,750 | \$204,700 | | \$1,524,450 | New York Tri-State | UBS | CEO and | 206 W. 99th St | New York | NY | (203) 719-8685 | (914) 251-0716 | | robert.wolf@ubs.com | | FALSE |
| | Cynthia | Stroum | \$780,157 | \$601,330 | \$100,000 | \$1,481,487 | West | Stroum | Consultant | 1700 Seventh | Seattle | WA | (206) 467-6767 | | | Cynthia@stroum.com | | FALSE |
| YES | Mitchell | Beecher | \$487,300 | \$370,000 | \$625,000 | \$1,462,300 | Florida | Self Employed | Attorney | 100 NE 3rd Ave | Fort Lauderdale | FL | (954) 627-9900 | | (954) 240-1786 | beecher@bergergerman.com | | FALSE |
| | Ayela | Waldman | \$1,136,143 | \$313,500 | \$125,000 | \$1,449,643 | Northern California | Lehman | Senior Advisor | 2340 NW 45th | Boca Raton | FL | (561) 671-1267 | (561) 997-8023 | | ayelawaldman@gmail.com | | FALSE |
| | Mark | Gilbert | \$623,750 | \$428,000 | \$378,000 | \$1,429,750 | Colorado | Lehman | Senior Advisor | 2340 NW 45th | Boca Raton | FL | (561) 671-1267 | (561) 997-8023 | | ayelawaldman@gmail.com | | FALSE |
| | Sam | Brown | \$584,400 | \$775,325 | | \$1,359,725 | Florida/Nevada | Centennial Inc | Real Estate | 3000 | Aspen | CO | (970) 924-7404 | | (202) 468-4726 | sambrownjr@mac.com | | FALSE |
| | Christine | Foster | \$1,048,838 | \$369,600 | | \$1,418,438 | Southern California | Christine | President | 2025 Soledad | La Jolla | CA | (858) 545-0573 | | (858) 531-9179 | forester@atn@aol.com | | FALSE |
| | Owen | Byrd | \$908,008 | \$360,850 | | \$1,268,858 | Northern California | Byrd | Real Estate | 2025 Soledad | Palo Alto | CA | (650) 853-0286 | | | byrd@byrdev.com | | FALSE |
| | Norm | Eisen | \$384,775 | \$874,425 | \$5,700 | \$1,264,900 | Mid-Atlantic | Zuckerman | Partner | 2022 Columbia | Washington | DC | (202) 271-5591 | | | norman.eisen@gmail.com | | FALSE |
| | Anna | Wintour | \$325,200 | \$917,170 | | \$1,242,370 | New York Tri-State | Self | Investor | 333 7th Street | New York | NY | (212) 286-4840 | | | anna_wintour@condenast.com | jesica_nagin@C | Andre Leon Talley |
| | Lou | Friman | \$446,109 | \$426,700 | \$360,070 | \$1,232,879 | Mid-Atlantic | VOA Marquette | President | 333 7th Street | Minneapolis | MN | (612) 865-6532 | | | lou.friman@marquettedev.com | | FALSE |
| | Bobby | Stein | \$570,000 | \$460,000 | | \$1,030,000 | Florida | Self | Investor | 3903 Oxford | Jacksonville | FL | (904) 355-3519 | (305) 374-6366 | | bostein@chartwellcap.com | | FALSE |
| | Jeremy | Alters | \$439,000 | \$585,250 | \$161,000 | \$1,185,250 | Florida | Alters, Boldt, | Attorney | 4411 Northeast | Miami | FL | (954) 454-9474 | (786) 259-8500 | | jeremy@abbarclaw.com | | FALSE |
| | Chris | Korjick | \$137,000 | \$167,000 | \$100,000 | \$404,000 | Florida | Korjick & Korjick | Attorney | 2005 SW 67th | Miami | FL | (305) 794-6301 | | | ckorjick@korjick.com | | FALSE |
| | Bob | Druck | \$811,113 | \$225,500 | \$100,000 | \$1,136,613 | Colorado/Nevada | Druck, Bradley, | Attorney | 2005 Broadway | Boulder | CO | (303) 444-3555 | | | bruce@state-at-law.com | | FALSE |
| | Bob | Mandell | \$585,250 | \$380,000 | \$156,000 | \$1,121,250 | Florida | Meritage | Chairman | 1900 King | Orlando | FL | (407) 491-1811 | | | bobbymandell@aol.com | | FALSE |
| | Wendy | Riva | \$175,400 | \$922,050 | | \$1,097,450 | Southern California | HomeMaker | 1302 3rd | Los Angeles | CA | (310) 655-2192 | | (310) 780-1594 | wsnickel@gmail.com | | FALSE | |
| | Jeff | Bleich | \$703,325 | \$358,087 | \$20,000 | \$1,079,412 | Northern California | Manager | 169 Monte Ave | Piedmont | CA | | | | jeff.bleich@mtm.com | | FALSE | |
| YES | Robert | Roche | \$924,261 | \$100,000 | \$40,000 | \$1,064,261 | Americans Abroad | Manager | 10536 Lore Ave | Oak Lawn | IL | (773) 330-3077 | | | robert@oaklawn.co.jp | | FALSE | |
| | Alan | Solow | \$759,000 | \$300,000 | | \$1,059,000 | Illinois | Goldberg Kohn | Principal | 55 East Monroe | Chicago | IL | 312 201 3909 | | | alan.solow@goldbergkohn.com | | FALSE |
| | Tom | West | \$677,120 | \$284,850 | \$7,000 | \$1,058,970 | Northern California | Morrison & | Partner | 425 Market St | San Francisco | CA | (415) 225-0625 | | | twest@mfo.com | | TRUE |
| | Tom | Bernstein | \$606,000 | \$449,800 | \$179,850 | \$1,235,650 | New York Tri-State | Chelsea Piers | CEO | 200 New York | New York | NY | (212) 336-6855 | | | tom@chelseapiers.com | | FALSE |
| | Bill | Kennard | \$555,500 | \$496,905 | \$0 | \$1,052,405 | Mid-Atlantic | Carlyle Group | Managing | 3255 Elliott St | Washington | DC | (202) 729-5331 | | | william.kennard@carlyle.com | lewis@chelsea | Andi Bernstein |
| | Nancy | Koppelman | \$431,600 | \$521,000 | \$85,500 | \$1,038,100 | Southern California | Self-employed | Activist | 1453 | Santa Barbara | CA | (805) 565-0333 | (805) 565-0006 | | kyle@aol.com | | FALSE |
| | Maureen | White & Steve | \$161,200 | \$654,100 | \$217,500 | \$1,032,800 | New York Tri-State | HomeMaker | 375 Park | New York | NY | (212) 600-7125 | (212) 418-1717 | | Maureen@rattner.com | steven.rattner@quadranglegroup.com | FALSE | |
| | Katherine | Gelb | \$125,000,000 | \$1,025,000 | \$1,025,000 | \$1,025,000 | Mid-Atlantic | Gelb's Gymnasey | Self | 1728 North | San Francisco | CA | (312) 867-0149 | | (312) 399-1678 | katherine@atn@aol.com | | FALSE |
| | Denise | Bauer | \$780,087 | \$218,200 | \$26,400 | \$1,024,687 | Northern California | Self | HomeMaker | 505 | San Francisco | CA | (415) 377-7127 | | | bauerdc@iscglobal.net | | FALSE |
| | Beatrice | Welters | \$409,673 | \$597,150 | \$12,500 | \$1,019,323 | Mid-Atlantic | An Bryce | Chairman | 919 Saigon Rd | McLean | VA | (703) 827-8383 | | | bwelters@aol.com | | TRUE |
| | Spencer | Overtun | \$685,865 | \$319,226 | \$0 | \$1,005,091 | Mid-Atlantic | George | Law Professor | 975 Chase | MD | (301) 292-9974 | | (301) 502-9703 | spenceroverturn@gmail.com | | TRUE | |
| | Jacky | Draper | \$331,540 | \$436,150 | \$234,400 | \$1,002,090 | Northern California | Self | Investor | 1010 9th St | San Francisco | CA | (415) 699-9213 | | | jacky@beck.com | | FALSE |
| | Bill | Eacho | \$595,650 | \$355,068 | \$0 | \$950,718 | Mid-Atlantic | Carlton Capital | CEO | 4733 Bethesda | Bethesda | MD | (301) 347-4642 | | (202) 686-2820 | beach@mac.com | | FALSE |
| | Peter | Buttenwieser | \$631,454 | \$310,623 | \$0 | \$942,077 | Mid-Atlantic | Peter L. | Owner | 8325 Saint | Pittsburgh | PA | (412) 242-6901 | | | buttenwieser@worldnet.att.net | | FALSE |
| | Allan | Katz | \$535,750 | \$295,000 | \$110,000 | \$940,750 | Florida | AKERMAN | Attorney | 106 East | Tallahassee | FL | (850) 425-1605 | | | allan.katz@akerman.com | | FALSE |
| | Pat | Stew | \$497,000 | \$901,669 | \$0 | \$1,398,669 | Mid-Atlantic | Self | Investor | One | Jacksonville | FL | (904) 358-8801 | | (904) 316-1317 | patstew@aol.com | | FALSE |
| | Sam and Sylvia | Kaplan | \$446,106 | \$446,100 | \$10,000 | \$902,206 | Midwest | Kaplan Strangis | Managing | 510 River St | Minneapolis | MN | (612) 375-1138 | (612) 332-7311 | | csk@skspa.com | | FALSE |
| | Richard | Danzig | \$648,245 | \$167,440 | \$78,500 | \$894,185 | Mid-Atlantic | Self | Consultant | | Washington | DC | (202) 363-6767 | (202) 288-0891 | | rdanzig@aol.com | | FALSE |
| | David | Friedman | \$651,120 | \$206,000 | \$29,000 | \$887,110 | Colorado/Nevada | Saltz River II | President | 3773 Orange Ln | Boulder | CO | (720) 564-1220 | (303) 541-9218 | (202) 733-8666 | dfriedman@sandyriver2.com | | FALSE |
| | Carol | Mason | \$675,000 | \$175,000 | \$29,000 | \$884,000 | Florida | Aston & Bird | Partner | 1201 | Atlanta | GA | (404) 883-7404 | | | carol@astonbird.com | | TRUE |
| | Mark | Holtzman | \$447,000 | \$320,000 | \$80,000 | \$847,000 | Florida | Holtzman | President | 2121 Ponze Dr | Coral Gables | FL | (305) 441-2611 | | (305) 992-6328 | mark@holtzman.com | | FALSE |
| | Scott | Harris | \$616,110 | \$95,700 | \$134,000 | \$845,810 | Mid-Atlantic | Harris Wiltshire | Managing | 3409 Fulton | Washington | DC | (202) 255-1330 | (202) 730-1330 | | sharris@harriswiltshire.com | | FALSE |
| | Daniel | Helppin | \$375,000 | \$475,000 | \$0 | \$850,000 | Midwest | Jackmont | CEO | 100 Reachtree | Madison | WI | (608) 527-5744 | | | dhelppin@jackmont.com | | FALSE |
| | Bob | Clark | \$611,000 | \$221,300 | \$832,300 | \$1,664,600 | Midwest | Clay Co | Chairman and | 2199 Interstate | St. Louis | MO | (314) 426-1919 | | | clark@claycorp.com | pallen@jackmo | FALSE |
| | Alexa | Wesner | \$275,000 | \$483,100 | \$74,000 | \$832,100 | Texas and Oklahoma | Self Employed | Volunteer | 900 Live Oak Cir | Austin | TX | (512) 751-0900 | | | alexa@hitech.com | | FALSE |
| | Desiree | Rogers | \$640,000 | \$186,000 | | \$826,000 | Illinois | People's Energy | President | | Chicago | IL | (312) 240-7500 | | | DRogers@people'senergy.com | | TRUE |
| YES | Russell | Budd | \$500,300 | \$565,800 | \$258,850 | \$1,324,950 | Texas and Oklahoma | Biran & Budd | Chairman | 2200 20th St | Washington | DC | (202) 413-7865 | | (214) 7296265 | rbudd@baronandbudd.com | | FALSE |
| | Eddy | Arriola | \$359,000 | \$433,000 | \$74,000 | \$866,000 | Florida | Inkt Direct | Executive Vice | 450 Alton Road | Miami Beach | FL | (305) 523-1100 | (305) 661-9360 | | eddy.arriola@inkt.com | ricky.arriola@ | Ricky Arriola |
| | John | Phillips | \$263,050 | \$911,250 | \$10,000 | \$774,300 | Mid-Atlantic | Phillips & Cohen | Managing | 2000 | Washington | DC | (202) 833-4545 | | (202) 607-6231 | johnphillips@phillipsandcohen.com | | FALSE |
| YES | David | Cohen | \$19,300 | \$719,500 | \$0 | \$738,800 | Mid-Atlantic | Comcast | Self | 1700 | Washington | DC | (202) 516-7855 | | | David.Cohen@comcast.com | | FALSE |
| | Barbara | Garrett | \$475,000 | \$263,750 | \$35,000 | \$773,750 | Florida | Self | Executive | 2000 | Miami | FL | (305) 778-8144 | | (305) 661-4209 | barbaragarrett@bellsouth.net | | FALSE |
| | Brian | Mathis | \$461,900 | \$292,475 | | \$754,37 | | | | | | | | | | | | |

| On Masout | First Name | Last Name | Off Rained | CNC Rained | CFC Amount Rained | Total Rained | Department | Company | Job Title | Business/Street | Business/CT | Business/Phone | HomePhone | MobilePhone | EmailAddress | Email/Address | Raining With | |
|--------------------------|-----------------|---------------|------------|------------|-------------------|--------------|---------------------|-------------------|-----------------|------------------|-------------------|--------------------------------|----------------|-------------------------------|------------------------------------|------------------------------|--------------|-------|
| David Jones | David | Jones | \$367,750 | \$238,400 | | \$606,150 | New York Tri-State | David Jones, LLC | President | 1177 High Ridge | Stamford | CT (917) 841-4099 | | | dajonesk@msn.com | | FALSE | |
| Pamela Hamamoto | Pamela | Hamamoto | \$417,600 | \$187,400 | | \$605,000 | Northern California | Self | Self | 1818 4th St | Tiburon | CA (415) 389-8085 | | | pahamamoto@aol.com | | FALSE | |
| Jane Hartley | Jane | Hartley | \$281,421 | \$323,500 | | \$604,921 | New York Tri-State | Observatory | Managing | 38 Via Los Altos | New York | NY (212) 542-9296 | | | hartley@observatorygroup.com | aorourke@obse | FALSE | |
| Crystal Nix Hines | Crystal | Nix Hines | \$270,800 | \$255,400 | \$74,000 | \$600,200 | Southern California | Self Employed | | | NY | (212) 542-9296 | | | crhines@aol.com | | FALSE | |
| Robert Morris | Robert | Morris | \$185,424 | \$412,700 | | \$598,124 | New England | Real Estate | 3 Bachus Place | Port Elizabeth | FL (207) 775-4304 | | | rmorris@signalgroup.com | | FALSE | | |
| Stacy Ritter | Stacy | Ritter | \$297,000 | \$75,000 | \$100,000 | \$597,000 | Florida | Broward County | Vice Mayor | 597 0001 | Florida | FL (207) 775-4304 | | | stacyritter.com | | FALSE | |
| Tom Perrelli | Tom | Perrelli | \$496,150 | \$95,466 | \$1,000 | \$592,616 | Mid-Atlantic | Jennifer Block | Partner | 6506 36th St N | Arlington | VA (202) 639-6004 | | | tomperrelli@yahoo.com | | FALSE | |
| Helen Howell | Helen | Howell | \$316,678 | \$264,800 | \$48,000 | \$589,528 | West | Self | Attorney | 3307 14th Ave | Denver | WA (207) 635-2122 | | | hphowell7@hotmail.com | | FALSE | |
| Freddy Bolera | Freddy | Bolera | \$380,000 | \$127,850 | \$55,000 | \$562,850 | Colorado | Bolera | Founder | Salvador | FL | (207) 635-2122 | | | bolera@boleracommunications.com | | FALSE | |
| Willie Shepherd | Willie | Shepherd | \$353,400 | \$227,300 | | \$580,700 | Wyldora/Nevada | Michael Shepard | Co-founder | 1515 Arapahoe | Seattle | CO (203) 572-5640 | | | willieson@karlaw.com | weshepherd@skr | FALSE | |
| Daniel Weiss | Daniel | Weiss | \$576,200 | \$227,300 | | \$576,200 | Southern California | Angelo Group | Investor | 2029 Century | Los Angeles | CA (310) 552-2790 | | | daniel@angelengroup.com | zeb@angelengr | FALSE | |
| Helen Spalding | Helen | Spalding | \$294,950 | \$227,300 | \$40,000 | \$562,250 | Northern California | Retired | | 139 Elm St | San Francisco | CA (415) 269-2494 | | | hspalding@mindspring.com | | FALSE | |
| Jane Stebson | Jane | Stebson | \$287,043 | \$323,495 | \$41,500 | \$651,038 | New England | Self | Photographer | 10202 W. | Norwich | CT (802) 291-2222 | | | jane.stebson@valley.net | | FALSE | |
| Michael Lynton | Michael | Lynton | \$284,500 | \$200,000 | | \$571,500 | Southern California | Sony Pictures | Chairman & | 10202 W. | Los Angeles | CA (310) 244-9100 | | | Michael_Lynton@sps.sony.com | David Diamond | FALSE | |
| Ken Solomon | Ken | Solomon | \$113,500 | \$433,700 | | \$567,200 | Southern California | The Tennis | | Los Angeles | CA (310) 314-9499 | | | ksolomon@thetennischannel.com | | FALSE | | |
| David Adelman | David | Adelman | \$255,000 | \$309,500 | \$2,000 | \$566,500 | South | Sutherland | Attorney | 1802 East | Atlanta | GA (404) 851-8206 | | | david.adelman@batlaw.com | | FALSE | |
| Rob Barber | Rob | Barber | \$173,511 | \$172,324 | \$93,000 | \$448,845 | New England | Looney | Partner | 30 Porter Pl | Montclair | NJ (973) 655-9753 | | | robbarber@igig.com | | FALSE | |
| Johnston | Johnston | | \$338,050 | \$223,260 | | \$561,310 | New York Tri-State | Paul Weiss | Partner | 30 Porter Pl | Montclair | NJ (973) 655-9753 | | | ehjohnson@gmail.com | | TRUE | |
| Charlie Brink | Charlie | Brink | \$318,000 | \$275,000 | \$251,000 | \$550,000 | Florida | Networks | Retired | Orlando | FL | 813-792-9135 | | | chaduah1@aol.com | | FALSE | |
| Sharon Hoffman | Sharon | Hoffman | \$281,000 | \$274,500 | | \$555,500 | Midwest | Real Networks | Retired | 1917 10th Ave | Kansas City | MO (206) 369-6238 | | | shoffman@kr.com | | FALSE | |
| Michael Parham | Michael | Parham | \$385,875 | \$275,000 | | \$555,875 | West | Mapinfo | Partner | Seattle | WA | (206) 369-6238 | | | mapinfo@aol.com | | TRUE | |
| Alan Fox | Alan | Fox | \$432,694 | \$194,000 | \$37,000 | \$546,694 | Southern California | ACF Property | President | 12411 Ventura | Studio City | CA (818) 505-6777 | | | Alan@acfm.com | daveen@davee | FALSE | |
| Tom Carnahan | Tom | Carnahan | \$214,250 | \$215,000 | \$30,000 | \$546,250 | Midwest | Wind Capital | Founder | St. Louis | MO | (314) 680-9207 | | | thomas@windcapitalgroup.com | | FALSE | |
| Tim Broad | Tim | Broad | \$395,800 | \$147,500 | \$0 | \$543,300 | Mid-Atlantic | Winston & | Partner | 28 Grafton St | Chevy Chase | MD (202) 282-5750 | | | Tbroad@winston.com | | FALSE | |
| Rich Horowitz | Rich | Horowitz | \$227,315 | \$207,150 | \$54,000 | \$488,465 | Mid-Atlantic | R&B Industries | President | 185 Township | Jupiter | FL (561) 714-8768 | | | rich@rfind.com | | FALSE | |
| Bryan Miller | Bryan | Miller | \$247,800 | \$197,250 | \$52,000 | \$537,050 | Florida | Gunter Yaskley | Attorney | | | | | | bryanmiller8@gmail.com | | FALSE | |
| Fred Hochberg | Fred | Hochberg | \$229,550 | \$75,000 | \$229,550 | \$534,100 | New York Tri-State | New School | Dean | | New York | NY (212) 222- | | | campaien@8heyday.us | adam@heyday.us | FALSE | |
| Cookie Parker | Cookie | Parker | \$74,950 | \$557,000 | | \$531,950 | Southern California | KMS | Principal | 3883 Wilshire | Beverly Hills | CA (323) 302-4878 | | | cparker@kms.com | | TRUE | |
| Wakil Warris | Wakil | Warris | \$184,300 | \$444,300 | | \$531,100 | Texas and Oklahoma | Watts Law Firm | Self | 300 Covent | San Antonio | TX (210) 527-0500 | | | mcconat@wattsfirm.com | | FALSE | |
| Lena Kennedy | Lena | Kennedy | \$458,070 | \$67,000 | | \$525,070 | Southern California | Self | Consultant | 493 W | Pasadena | CA (626) 993-4466 | | | kennedy@klassassociates.com | | TRUE | |
| Debbie Harmon | Debbie | Harmon | \$525,000 | \$525,000 | | \$525,000 | Mid-Atlantic | n/a | Retired | 6216 Kennedy | Chevy Chase | MD (202) 237-5118 | | | debbie.harmon@caravelund.com | | FALSE | |
| Frank Long | Frank | Long | \$371,200 | \$151,450 | \$0 | \$522,650 | Mid-Atlantic | Self | Retired | 9800 North | Washington | DC (202) 237-5118 | | | franklong@aol.com | | FALSE | |
| Paul Weinstein | Paul | Weinstein | \$147,200 | \$151,450 | \$0 | \$522,650 | Southern California | Self | Employed | 12427 Sunset | Los Angeles | CA (818) 954-611 | | | twstein@aol.com | | FALSE | |
| Miriam Sapiro | Miriam | Sapiro | \$266,551 | \$255,285 | \$0 | \$521,836 | Mid-Atlantic | Self | Principal | Washington | DC | (202) 431-0635 | | | msapiro@starpower.net | | FALSE | |
| Diana Clark | Diana | Clark | \$222,000 | \$248,000 | \$50,000 | \$520,000 | Americans Abroad | Self-employed | Writer | 23 Park Square | London | UK | (713) 651-9366 | | | dianascarl@btinternet.com | | FALSE |
| Steve & Ellen Susman | Steve & Ellen | Susman | \$119,850 | \$200,000 | \$50,000 | \$520,000 | Texas and Oklahoma | Farrallon | Managing | 2001 Kirby Dr | San Francisco | CA (713) 651-9366 | | | tsusman@summagodfrey.com | | FALSE | |
| Tom Steyer | Tom | Steyer | \$119,850 | \$200,000 | \$50,000 | \$520,000 | Northern California | Farrallon | Managing | 2001 Kirby Dr | San Francisco | CA (713) 651-9366 | | | tsusman@summagodfrey.com | marg@farcap | FALSE | |
| Steven Gluckstern | Steven | Gluckstern | \$399,626 | \$116,600 | | \$516,226 | New York Tri-State | The Ajax Group | Chairman | 54 Thompson | New York | NY (212) 724-0142 | | | steven.gluckstern@theajagroup.com | Jason Paez | FALSE | |
| Hill Harper | Hill | Harper | \$484,550 | \$28,600 | | \$513,150 | Southern California | Self Employed | Actor | 3940 Laurel | Studio City | CA (323) 309-1632 | | | hillharper@gmail.com | | TRUE | |
| Michael Sachs | Michael | Sachs | \$315,000 | \$385,000 | | \$510,000 | Chicago | Grovesner | CEO | 9800 North | Chicago | IL (312) 656-6501 | | | ms@mcgmp.com | | FALSE | |
| Anne Wedner | Anne | Wedner | \$400,000 | \$109,000 | | \$509,000 | Illinois | Self Employed | Homemaker | 3 Kent Rd | Winnetka | IL (847) 446-6416 | | | awedner@comcast.net | | FALSE | |
| Kate Hughes | Kate | Hughes | \$127,600 | \$380,000 | | \$507,600 | New York Tri-State | Unemployed | Unemployed | 13 Ober Road | Princeton | NJ (917) 981-9230 | | | kathleenhughes@aol.com | | FALSE | |
| Bill Orrick | Bill | Orrick | \$352,540 | \$154,500 | | \$507,040 | Northern California | Coblentz, Patch | Attorney | one ferry | San Francisco | CA (415) 391-4800 | | | whol@cpdb.com | | FALSE | |
| Marisa Chun | Marisa | Chun | \$260,700 | \$242,500 | | \$503,200 | Northern California | Coblentz, Patch | Attorney | 3000 Montalvo | San Francisco | CA (415) 773-5754 | | | marisa@skaden.com | | FALSE | |
| Tina Tchen | Tina | Tchen | \$315,200 | \$185,000 | | \$500,200 | Illinois | Skadden Arps | Partner | 331 West | Chicago | IL (312) 407-0518 | | | ttchen@skadden.com | | FALSE | |
| Grace Tao Wu | Grace | Tao Wu | \$415,000 | \$85,000 | | \$500,000 | Illinois | Tabula Tua | Owner | | Chicago | IL (773) 575-2355 | | | grace@tabulatua.com | | FALSE | |
| Bren Simon | Bren | Simon | \$250,000 | \$250,000 | | \$500,000 | Illinois | | | | Indianapolis | IN | 317-844-9467 | | | csimon@msoffice.com | | FALSE |
| Nicole Lamb-Hale | Nicole | Lamb-Hale | \$150,000 | \$350,000 | \$100,000 | \$500,000 | Midwest | Foley & Lardner | Attorney | 500 Woodward | Chicago | IL (312) 550-1962 | | | nicole-hale@foley.com | | TRUE | |
| Anthony Corra | Anthony | Corra | \$200,000 | \$200,000 | \$100,000 | \$500,000 | Southwest | Managing | 2425 Olympic | Albuquerque | NM | (505) 257-0022 | | | ajc@sandia.com | | FALSE | |
| Tom Unterman | Tom | Unterman | \$262,500 | \$237,200 | | \$499,700 | Southern California | Rustic Canyon | Managing | 333 Central | Santa Monica | CA (310) 998-8002 | | | tom@rusticcanyon.com | margaret@rusti | FALSE | |
| Gerald Vento | Gerald | Vento | \$65,500 | \$312,000 | \$120,500 | \$498,000 | Florida | Westecrow | CEO | Palms Beach | FL | (202) 282-8957 | | | gerald.vento@westecrow.com | | FALSE | |
| James Crowe | James | Crowe | \$407,610 | \$187,000 | | \$497,610 | Colorado/Nevada | Level 3 | CEO | 5000 E. Quincy | Englewood | CO (720) 888-7328 | | | jack_sinn@level3.com | | FALSE | |
| Mona and Jack Antaramian | Mona and Jack | Antaramian | \$50,000 | \$310,000 | \$137,300 | \$497,300 | Florida | Level 3 | CEO | 5000 E. Quincy | Englewood | CO (720) 888-7328 | | | jack725@aol.com | | FALSE | |
| Mark Alderman | Mark | Alderman | \$305,300 | \$163,700 | \$24,000 | \$493,000 | Mid-Atlantic | Wolf Block | Chairman | 1650 Arch | Philadelphia | PA (215) 977-2100 | | | malderman@wolfblock.com | | FALSE | |
| Mike Medavoy | Mike | Medavoy | \$255,400 | \$234,800 | | \$490,200 | Southern California | Phoenix | President | 333 Central | Beverly Hills | CA (310) 888-1828 | | | medavoy@aol.com | Irena Medavoy | FALSE | |
| Eric Warris | Eric | Warris | \$441,250 | \$177,000 | | \$489,250 | Midwest | State of Ohio | State Senator | 3 Lenox Ln | Cincinnati | OH (513) 328-0101 | | | ewarris@earthlink.net | | TRUE | |
| Paul Gray | Paul | Gray | \$200,000 | \$285,000 | | \$485,000 | Illinois | Richard Gray | Owner | | Chicago | IL (312) 642- | | | gray@richardgraygallery.com | dgray@richardgraygallery.com | FALSE | |
| Stan and Sherri Toy | Stan and Sherri | Toy | \$225,290 | \$256,700 | | \$481,990 | Southern California | Self | Physician | 1217 Charming | La Verne | CA (913) 760-5542 | | | stoyrmd@aol.com | | FALSE | |
| Mark Golligly | Mark | Golligly | \$294,950 | \$155,284 | | \$480,234 | New York Tri-State | Centerbridge | President | 563 Central | New York | NY (212) 301-6500 | | | mgolligly@centerbridge.com | | FALSE | |
| Vina Thummalapally | Vina | Thummalapally | \$337,750 | \$162,700 | | \$480,450 | New York Tri-State | MAM-A | President | 7325 Buckley | Colorado | CO (719) 538-8068 | | | vina.thummalapally@mam-a.com | Jaylor@centerb | FALSE | |
| Lynn Overmann | Lynn | Overmann | \$235,000 | \$255,000 | \$15,000 | \$475,000 | Florida | Kubilion & | Attorney | 1 South east 3rd | Miami | FL (305) 557-0227 | | | overmann@kubilionlaw.com | | FALSE | |
| Charlie Kireker | Charlie | Kireker | \$179,321 | \$259,740 | \$35,000 | \$474,061 | New England | Twin Birches | Venture Capital | 303 Cox Hill Rd | Weybridge | VT (802) 343-8523 | | | ckireker@freshracksapp.com | | FALSE | |
| Ellem Tsakopoulos | Ellem | Tsakopoulos | \$200,825 | \$377,500 | | \$469,825 | New England | ACT | President | Adams | San Francisco | CA (415) 773-5754 | | | eltem@tsakopoulos.com | | FALSE | |
| Adams | Adams | | \$225,400 | \$233,000 | | \$458,400 | Americans Abroad | Adams | President | 3 rue Francis | Geneva | Switzerland (0041) 79-330-2500 | | | adam@tsakopoulos.com | | FALSE | |
| Tom Reed | Tom | Reed | \$388,925 | \$76,400 | \$0 | \$465,325 | Mid-Atlantic | K&L Gates | Attorney | 15555 | Centerville | VA (202) 295-1600 | | | thomas.reed@kgates.com | reedstone@eat | FALSE | |
| Stewart Bainum | Stewart | Bainum | \$325,500 | \$100,000 | \$28,000 | \$453,500 | Mid-Atlantic | Choice Hotels | Chairman | 8171 Maple | Fulton | MD (410) 295-1600 | | | stewartbainum@aol.com | | FALSE | |
| Bill Perkins | Bill | Perkins | \$270,000 | \$126,500 | \$37,000 | \$433,500 | Texas and Oklahoma | Perkins Ventures | President | 2427 Pelham Dr | Mill Valley | CA (415) 388-5787 | | | billperkins@perkinsventuresusa.com | | FALSE | |
| Jonathan Perdue | Jonathan | Perdue | \$450,000 | \$95,500 | \$79,450 | \$449,950 | Northern California | Perdue | Real Estate | 1882 SW | Portland | OR (503) 221-5454 | | | jp@perdue.com | | FALSE | |
| Azita Raji | Azita | Raji | \$274,435 | \$131,600 | \$5,000 | \$444,700 | West | Self | Real Estate | 3616 Crescent | Portland | OR (503) 221-5454 | | | azita@symanfamily.com | igreen@bire.c | FALSE | |
| Terry Bean | Terry | Bean | \$134,405 | \$310,600 | | \$445,005 | West | Self | Real Estate | 1882 SW | Portland | OR (503) 221-5454 | | | terrybean@bire.c | | FALSE | |
| Paul Blanchard | Paul | Blanchard | \$240,200 | \$199,500 | \$5,000 | \$444,700 | Southwest | Self | Volunteer | 3616 Crescent | Portland | OR (503) 221-5454 | | | paulblanchard@comcast.net | | FALSE | |
| Naomi Aberly | Naomi | Aberly | \$322,173 | \$121,100 | | \$443,273 | Texas and Oklahoma | NA | Volunteer | 3616 Crescent | Portland | OR (503) 221-5454 | | | naomiaberly@bire.c | | FALSE | |
| Bel Leong-Hong | Bel | Leong-Hong | \$282,744 | \$115,301 | \$42,000 | \$440,045 | Mid-Atlantic | KAI | Manager | Gaithersburg | MD | (301) 948-1682 | | | bel@kaiglobal.com | | FALSE | |
| Marie Helene Morrow | Marie Helene | Morrow | \$275,400 | \$125,000 | \$37,000 | \$437,400 | Florida | Self | Retailer | San Juan | PR | (787) 625-3118 | | | dmorrow26@aol.com | | FALSE | |
| Chuck Lewis | Chuck | Lewis | \$185,200 | \$137,000 | | \$422,200 | California | Coch House | CEO | 2735 Sheridan | Washington | IL (847) 864-9615 | | | chuck@cochousecapital.com | calewis@lewis | FALSE | |
| Dan Nova | Dan | Nova | \$107,570 | \$220,000 | \$107,570 | \$435,140 | New England | Highland Capital | Partner | 51 Highland St | Cambridge | MA (781) 865-5500 | | | dnova@hchp.com | | FALSE | |
| Alexi Giannoulas | Alexi | Giannoulas | \$184,250 | \$250,000 | | \$434,250 | Illinois | State of Illinois | State Treasurer | | Chicago | IL (773) 989-2100 | | | treasurerag@gmail.com | | | |

| | On Masout | First Name | Last Name | GA Raised | CNC Raised | CFC Amount Raised | Total Raised | Department | Company | Job Title | Business Street | Business City | Business State | Business Phone | Home Phone | Mobile Phone | Email Address | Email 2 Address | Raising With | | |
|-------------------------|-----------|-----------------|---------------|-----------|------------|-------------------|--------------|---------------------|------------------|----------------|------------------|-----------------|----------------|----------------|----------------|------------------------|----------------------------------|--------------------------|-----------------|-------|-------|
| Gerald Acker | | Gerald | Acker | \$300,000 | \$25,000 | \$25,000 | \$350,000 | Midwest | Goodman | Goodman | Southfield | MI | (248) 481-5000 | | | | gacker@goodmanack.com | | | FALSE | |
| Barry Goodman | | Barry | Goodman | \$300,000 | \$25,000 | \$25,000 | \$350,000 | Midwest | Goodman | Goodman | Southfield | MI | (248) 481-5000 | | | | gacker@goodmanack.com | | | FALSE | |
| Allan & Jennie Berliant | | Allan & Jennie | Berliant | \$234,000 | \$87,000 | \$231,579 | \$342,579 | Midwest | Best Express | Attorney | | | | | | | allanberliant@hotmail.com | jberliant@aol.com | | FALSE | |
| Leonore Blitz | | Leonore | Blitz | \$211,475 | \$128,350 | | \$339,825 | New York Tri-State | Self | President | 235 West 75th | New York | NY | (212) 679-7727 | | | blitzconsultants@aol.com | | | FALSE | |
| Paul Diaz | YES | Paul | Diaz | \$96,000 | \$23,800 | | \$137,500 | Midwest | | | | | | (502) 596-7703 | | | PaulGila12@yahoo.com | | | FALSE | |
| Tom Garsen | | Tom | Garsen | \$187,000 | \$100,000 | | \$50,000 | | Nicolson, Porter | Partner | | | | | | | (312) 504-6227 | | | FALSE | |
| Claire Lucas | | Claire | Lucas | \$200,000 | \$136,000 | | \$336,000 | Mid-Atlantic | | | 1401 Bonnie Dod | Chicago | IL | | | | (202) 256-6888 | Cucas74@aol.com | | FALSE | |
| Don Peebles | | Don | Peebles | \$275,000 | \$48,000 | \$10,000 | \$333,000 | Florida | Peebles | CEO | Coral Gables | FL | | | | | (305) 484-4639 | rpeebles@peeblescorp.com | | FALSE | |
| David & Beth Shaw | | David & Beth | Shaw | \$102,300 | \$28,500 | | \$330,800 | New York Tri-State | Dr. Shaw & Co. | Founder | 120 West 45th | New York | NY | (212) 403-8231 | | | David@deschawresearch.com | Beth@kobliner.com | | FALSE | |
| Skylar Bloom | | Skylar | Bloom | \$315,450 | \$14,000 | | \$330,450 | Northern California | Self | Real Estate | 4833 | Sacramento | CA | | (916) 448-3024 | (916) 549-6635 | sklorenblum@comcast.net | Lon Merkamer | | FALSE | |
| Jim Johnson | | Jim | Johnson | \$328,350 | \$0 | \$0 | \$328,350 | Mid-Atlantic | Persus | Vice Chair | 2099 | Washington | DC | (202) 772-1854 | | | moconno@persusllc.com | johnsonj@persu | | FALSE | |
| George Stevens | | George | Stevens | \$281,300 | \$47,000 | \$0 | \$328,300 | Mid-Atlantic | Self | Filmmaker | 3050 Avon Ln | Washington | DC | (202) 416-7960 | | | gsrbe@aol.com | | | FALSE | |
| Doug Goldman | | Doug | Goldman | \$160,000 | \$154,000 | | \$325,000 | Northern California | Certain | VP | 6655 Aliso | San Diego | CA | (619) 265-2555 | | | dgoldman@certain.com | | | FALSE | |
| Mary Lang Solinger | | Mary Lang | Solinger | \$295,148 | \$8,790 | \$20,250 | \$324,208 | Midwest | Goodman | Campaign Chair | 1206 Sherman | Madison | WI | (608) 257-2889 | | | msolinger@rchar.net | | | FALSE | |
| Richard Lawrence | | Richard | Lawrence | \$90,000 | \$20,350 | \$13,450 | \$323,800 | Midwest | The Lawrence | Attorney | 606 | Covington | KY | 859-578-9130 | | | lrfydr@yahoo.com | | | FALSE | |
| Kerman Maddox | | Kerman | Maddox | \$319,475 | \$131,600 | | \$319,475 | Southern California | Dakota | Managing | 2999 Overland | Los Angeles | CA | (310) 815-8444 | | | kmaddox@com.com | | | TRUE | |
| Jack Calabrese | | Jack | Calabrese | \$185,150 | \$131,600 | | \$136,750 | Southern California | UNH | Professor | 1000 | Los Angeles | CA | (310) 246-6743 | | | jackcalabrese@com.com | | | FALSE | |
| Kevin Jennings | | Kevin | Jennings | \$205,470 | \$109,500 | | \$314,510 | New York Tri-State | GLSEN | Founder | 90 Broad Street | New York | NY | (646) 388-5555 | | | kevin@kevinjennings.com | | | FALSE | |
| Gordon Davis | | Gordon | Davis | \$245,269 | \$69,650 | | \$314,919 | New York Tri-State | Dewey & Partner | Partner | 125 West 55th | New York | NY | (212) 424-8366 | | | gdavis@di.com | | | FALSE | |
| Ted Hosp | | Ted | Hosp | \$310,600 | | | \$310,600 | South | Maynard | CEO | 900 N | Birmingham | AL | | | | (334) 233-7157 | hosp@bellsouth.net | | FALSE | |
| Neil | | Neil | | \$213,000 | \$57,000 | | \$310,000 | Illinois | ML Milburn | CEO | 900 N | Chicago | IL | (312) 915-2800 | | | millerca@watson.com | | | FALSE | |
| Jim Reynolds | | Jim | Reynolds | \$330,000 | | | \$310,000 | Illinois | Loop Capital | CEO | 4923 S. Kimbark | Chicago | IL | (312) 913-4901 | | | jimmr@mycingular.blackberry.net | | | TRUE | |
| Jack Connors | | Jack | Connors | \$118,300 | \$191,100 | | \$309,400 | New England | Partners Health | Chairman | 200 Clarendon | Boston | MA | (617) 437-1600 | | | iconnors@connorsfamilyoffice.com | smcnally@conn | | FALSE | |
| Pam & Harry Bookey | | Pam & Harry | Bookey | \$166,000 | \$83,500 | \$57,750 | \$308,150 | Midwest | BH Equities | President | Des Moines | IA | (515) 244-2622 | | | hbookey@bhequities.com | pbookey@pma | Pam Bookey | FALSE | | |
| David Heller | | David | Heller | \$250,000 | \$57,000 | | \$307,000 | New York Tri-State | Goldman Sachs | Managing | One New York | New York | NY | (212) 902-2196 | | | dave.heller@gs.com | | | FALSE | |
| Marilyn & David Rivkin | | Marilyn & David | Rivkin | \$263,800 | \$37,900 | | \$301,700 | New York Tri-State | Debevoise & | Attorney | | New York | NY | (212) 909-6671 | (914) 472-6545 | 917-747-8265 | drivkin@debevoise.com | amy@anyehay | | FALSE | |
| Doug Dunham | | Doug | Dunham | \$239,464 | \$61,800 | | \$301,264 | New York Tri-State | Skadden Arps | Attorney | | New York | NY | (212) 735-2607 | | | ddunham@skadden.com | | | FALSE | |
| Steve McKeever | | Steve | McKeever | \$243,350 | \$57,000 | | \$300,350 | Southern California | Hidden Beach | Pres | | Los Angeles | CA | (310) 924-3213 | (310) 856-9668 | | steve@hiddenbeach.com | Candace McKeever | | FALSE | |
| Carol | YES | Carol | | \$122,773 | \$177,000 | \$450 | \$300,213 | New England | John Hancock | Community | | Boston | MA | (617) 663-4755 | (617) 755-1447 | | clup@johnco.com | | | FALSE | |
| Bob Rivkin | | Bob | Rivkin | \$300,000 | | | \$300,000 | Illinois | ACN Corp | VP | 1142 W. Lill | Chicago | IL | (773) 528-5305 | | | brivkin@aol.com | cmoelis@aol.c | Cindy Moelis | FALSE | |
| Howard Gottlieb | | Howard | Gottlieb | \$200,000 | \$100,000 | | \$300,000 | Illinois | Self | Retired | 1007 Church St | Evanson | IL | | (847) 920-9247 | | office@gottlieb.net | | | FALSE | |
| Lent Eccles | YES | Lent | Eccles | \$294,480 | | \$5,000 | \$299,480 | Northern California | Marin | CA | (415) 789-9445 | | | | | | leccles@pacbell.net | | | FALSE | |
| Paul Backe | | Paul | Backe | \$194,200 | \$99,500 | | \$293,700 | Southeast | Sutin Thayer | Attorney | 6565 Americas | Dallas | TX | (505) 986-5422 | (505) 988-5303 | | alboqueque@com | | | FALSE | |
| David Gail | | David | Gail | \$217,600 | \$122,000 | | \$293,600 | Texas and Oklahoma | Student | | | Marlin | TX | | | | David Gail@gmail.com | | | FALSE | |
| Michael Schell | | Michael | Schell | \$257,273 | \$30,800 | \$5,000 | \$293,073 | New England | Alcoa Inc. | Executive Vice | 390 Park | New York | NY | (212) 836-2680 | | | mschell@alcoa.com | | | FALSE | |
| Mitch Draizin | | Mitch | Draizin | \$127,210 | \$60,250 | \$15,000 | \$292,460 | New York Tri-State | Lvca Inc. | Attorney | | New York | NY | (212) 570-0302 | | | mdraizin@lvca.biz | | | FALSE | |
| David Jacobson | | David | Jacobson | \$110,120 | \$110,000 | | \$292,120 | Illinois | Kommerschein | Attorney | 7800 Sears | Chicago | IL | (312) 873-8130 | (847) 835-9979 | | david@jacobson.ws | | | FALSE | |
| Eugene Duffy | | Eugene | Duffy | \$245,000 | \$46,200 | | \$291,200 | South | Paradigm Asset | Executive VP | 30 Benetrict Ct | Lawrenceville | GA | (404) 307-9864 | | | eddy@paradigmasset.com | | | TRUE | |
| Tom Meredith | | Tom | Meredith | \$20,000 | \$270,500 | | \$290,500 | Texas and Oklahoma | MRI Capital | President | | Austin | TX | (512) 329-5560 | (512) 944-6667 | | tom_meredith@mfmaustin.com | | | FALSE | |
| Steve Grossman | | Steve | Grossman | \$37,250 | \$250,200 | | \$287,950 | New England | Grossman | Executive | | Chicago | IL | (617) 591-2900 | (617) 620-9980 | | sgrossman@grossmanmarketing.com | | | FALSE | |
| Valerie Habib | | Valerie | Habib | \$192,000 | \$13,000 | | \$205,000 | Illinois | Habib | Executive Vice | 4950 S Chicago | Chicago | IL | | | | valerie@habib.com | kbranch@habib | | TRUE | |
| Bob Perkowitz | | Bob | Perkowitz | \$172,300 | \$105,000 | | \$277,300 | South | ECB America | Executive | | Charlotte | NC | (704) 366-3552 | (704) 904-6720 | | bob@perkowitz.com | Lisa Renstrom | FALSE | | |
| Sarah Kovner | | Sarah | Kovner | \$138,325 | \$136,700 | | \$275,025 | New York Tri-State | Piper & Rudnick | Lawyer | 203 N LaSalle | New York | NY | (312) 751-9198 | (212) 877-3915 | | skovner@earthlink.net | | | FALSE | |
| Peter Chuse | | Peter | Chuse | \$200,000 | \$75,000 | | \$274,500 | Illinois | Piper & Rudnick | Chairman/CO | 3311 W. | Chicago | IL | (312) 751-9198 | (312) 622-3302 | | lryne@piperandrudnick.com | | | TRUE | |
| Tommy Chase | | Tommy | Chase | \$224,500 | | | \$274,500 | Texas and Oklahoma | ChaseCom LP | | | Houston | TX | (713) 876-5801 | (713) 622-3302 | | tommy@chase.com | | | FALSE | |
| Molly Terlevich | | Molly | Terlevich | \$157,100 | \$116,800 | | \$273,900 | Mid-Atlantic | Mintz Levin | Attorney | | Philadelphia | PA | | (610) 527-3550 | | molly_terlevich@comcast.net | | | FALSE | |
| Cam Kerry | | Cam | Kerry | \$94,075 | \$128,650 | | \$272,725 | New England | Electronic | President | | Brookline | MA | | (617) 710-2719 | | clackwell@electronic.com | | | FALSE | |
| Robert Alter | | Robert | Alter | \$15,825 | \$15,700 | \$238,449 | \$272,414 | Illinois | Electronic | Consultant | 33 W. Monroe | Chicago | IL | (312) 336-2002 | | | robert@marjorieberth.com | | | FALSE | |
| Marjorie Roberts | | Marjorie | Roberts | \$225,000 | \$26,000 | \$15,000 | \$266,000 | Florida | Self | | St. Thomas | USVI | | (340) 776-7235 | | | jenniferferhar@yahoo.com | | | FALSE | |
| Jennifer Haro | | Jennifer | Haro | \$130,000 | \$135,600 | | \$265,600 | Midwest | Sara Lee | Marketing | | St. Louis | MO | | (314) 229-0226 | | | mcaplan@aol.com | | | FALSE |
| Michael Caplin | | Michael | Caplin | \$143,368 | \$118,950 | | \$262,318 | Mid-Atlantic | Time & Place | Executive | 8477 Portland | McLean | VA | (703) 930-4159 | | | caplin@timeandplace.com | | | FALSE | |
| Ted Park | YES | Ted | Park | \$82,500 | \$178,000 | \$82,500 | \$263,000 | Mid-Atlantic | Alterra Health | Co-Founder | | Washington | DC | (703) 254-0400 | | | ted@alterrahealth.com | | | FALSE | |
| Jennifer Scully Lerner | | Jennifer | Scully Lerner | \$52,100 | \$109,600 | \$99,000 | \$260,700 | New York Tri-State | Goldman Sachs | VP Private | | New York | NY | (212) 902-8948 | | | jennifer.scully@gs.com | | | FALSE | |
| Michael Alter | | Michael | Alter | \$75,000 | | | \$260,000 | Illinois | Self | | | Chicago | IL | | | | malter@altergroup.com | | | FALSE | |
| Arthur Schechter | | Arthur | Schechter | \$259,800 | | \$135,000 | \$259,800 | Texas and Oklahoma | Self | Attorney | | Houston | TX | (713) 757-7811 | (713) 961-5558 | | arthur@arthursc.com | | | FALSE | |
| Reed Hundt | | Reed | Hundt | \$23,000 | \$235,600 | \$0 | \$258,600 | Mid-Atlantic | Self | Attorney | | Cherry Chase | MD | | | | rethundt@aol.com | | | FALSE | |
| Will Prather | | Will | Prather | \$185,000 | \$45,000 | \$47,000 | \$257,000 | Florida | Prather | Owner/Founder | 1380 Colonial | FT Myers | FL | (239) 850-4759 | | (202) 494-4111 | will@broadwayalm.com | | | FALSE | |
| Michael Kasparian | | Michael | Kasparian | \$159,700 | \$73,700 | \$22,400 | \$255,800 | New York Tri-State | MDK | Principal | | Paramus | NY | (201) 225-9100 | | | mk@mdkdev.com | dkasparian@ | David Kasparian | FALSE | |
| James Murray | | James | Murray | \$253,350 | \$0 | \$0 | \$253,350 | Mid-Atlantic | Court Square | Managing | Zero Court | Charlottesville | VA | (434) 971-8080 | (434) 981-0686 | | mmurray@courtsquareventures.com | Bruce Murray | | FALSE | |
| Susan Ness | | Susan | Ness | \$205,931 | \$205,931 | \$37,000 | \$252,931 | Mid-Atlantic | Susan Ness | Retired | | Bethesda | MD | (301) 654-3023 | | | ness@susaness.com | | | FALSE | |
| Dan Kohli | | Dan | Kohli | \$251,500 | \$0 | | \$251,500 | Midwest | Retired | | 8315 N River Rd | River Hills | OH | (414) 488-2135 | (414) 351-2203 | | dkohli@wlr.com | | | FALSE | |
| Meryl Frank | | Meryl | Frank | \$150,000 | \$100,000 | | \$250,000 | New York Tri-State | City of Highland | Mayor | | Highland Park | NI | | | | mfrankp@aol.com | | | FALSE | |
| Dion Slingerland | | Dion | Slingerland | \$134,400 | \$114,000 | | \$248,400 | Southern California | Youth Policy | Executive | | Los Angeles | CA | (213) 688-2802 | (323) 856-4934 | | dion@youthpolicy.org | | | FALSE | |
| Garen Rubin | YES | Garen | Rubin | \$158,600 | \$85,500 | \$43,450 | \$244,550 | Northern California | Straglin Family | CEO | | Napa | CA | (707) 263-1749 | | | garen.rubin@straglinfamily.com | | | FALSE | |
| James Rubin | YES | James | Rubin | \$158,600 | \$85,500 | | \$244,100 | New York Tri-State | One Equity | Partner | 120 East 80th St | New York | NY | (212) 277-1590 | | | James.rubin@bcpnartners.com | | | FALSE | |
| Victor Herlinsky | | Victor | Herlinsky | \$213,860 | \$23,500 | | \$273,360 | New York Tri-State | Nowell | Attorney | 275 Highwood | Ridgewood | NY | (201) 343-5001 | | | herlinsky@nablaw.com | | | FALSE | |
| Michael Roman | | Michael | Roman | \$236,450 | | | \$236,450 | New York Tri-State | COO | COO | 250 West 82nd | New York | NY | (212) 793-1987 | | | roman.michael@gmail.com | | | FALSE | |
| Matthew Adler | YES | Matthew | Adler | \$76,000 | \$155,000 | | \$231,000 | Florida | Adler Group | VP | | Fort Lauderdale | FL | (561) 939-3990 | | | matthew@adlergroup.com | | | FALSE | |
| Chuck Ortner | | Chuck | Ortner | \$212,700 | \$15,400 | | \$228,100 | New York Tri-State | Prokauer Rose | Partner | | New York | NY | (212) 724-5627 | | | corner@prokauer.com | | | FALSE | |
| Andrew Korge | | Andrew | Korge | \$12,500 | \$200,000 | \$15,000 | \$227,500 | Florida | Student | | | Miami | FL | | | | andrewkorge@gmail.com | | | FALSE | |
| Olivia Syed | | Olivia | Syed | \$123,650 | \$123,650 | \$20,000 | \$223,400 | Northern California | VP | VP | 400 Aliso | San Diego | CA | (619) 521-4760 | | | olivia@oliviasyed.com | | | FALSE | |
| Steve Mandel | | Steve | Mandel | \$123,600 | \$7,700 | | \$221,300 | New York Tri-State | Lone Pine | CEO | PO Box 4298 | Greenwich | CT | (203) 618-7788 | | | smandel@lonepinecapital.com | susamandel@ | Susan Mandel | FALSE | |
| Paul Schmitz | | Paul | Schmitz | \$176,000 | | | | | | | | | | | | | | | | | |

| | On Masout | First Name | Last Name | OFA Raised | DNC Raised | CFC Amount Raised | Total Raised | Department | Company | Job Title | Business Street | Business City | Business State | Business Phone | Home Phone | Mobile Phone | Email Address | Email Address | Raising With | | | |
|-----------------------|-----------|-----------------|-----------|------------|------------|-------------------|--------------|---------------------|--------------------------------|----------------|------------------|-----------------|----------------|----------------|----------------|----------------------|------------------------------------|---------------------------------|--------------|-------|------------------|---------------|
| Laurie Fulton | | Laurie | Fulton | \$98,450 | \$57,150 | \$2,500 | \$158,100 | Mid-Atlantic | Williams & Attorney | | Alexandria | VA | 202-434-5787 | (703) 299-6146 | (703) 403-4664 | lfulton@wpc.com | | | | | | |
| Ellen Richman | | Ellen | Richman | \$49,750 | \$305,500 | | \$355,250 | New York Tri-State | Pace University | Professor | 11 Calvary Farm | CT | | (203) 625-0221 | (203) 253-6532 | Prof.chapman@aol.com | | | | FALSE | | |
| Derek Schrier | YES | Derek | Schrier | \$33,195 | \$57,000 | \$63,500 | \$153,695 | Northern California | Fararon Cap Investment | | San Francisco | CA | 415-264-7425 | (415) 929-9160 | 415-264-7425 | dschrier@gmail.com | | | | | | |
| Michael Zeldin | | Michael | Zeldin | \$87,797 | \$63,179 | \$0 | \$150,976 | Mid-Atlantic | Deloitte | Principal | | Washington | DC | 202-686-3546 | (202) 686-3546 | 202-258-2770 | pzweldin@aol.com | | | | | |
| Walter Postula | | Walter | Postula | \$25,500 | \$100,000 | \$24,500 | \$150,000 | Florida | Self | Attorney | | Orlando | FL | 407-401-0001 | | | wpostula@aol.com | | | | | |
| Nancy Grant | | Nancy | Grant | | \$150,000 | | \$150,000 | Illinois | Homemaker | | Chicago | IL | 312-320-1893 | | | 312-320-1893 | wscodgema@comcast.net | | | | | |
| Mark Chandler | | Mark | Chandler | \$104,194 | \$45,000 | | \$149,194 | Northern California | Cisco Systems, General Counsel | | Palo Alto | CA | 4085270238 | | | 6508688633 | mark.chandler@cisco.com | | | | | |
| Peter Kraus | | Peter | Kraus | | \$148,000 | | \$148,000 | Texas and Oklahoma | Attorney | | Dallas | TX | (214)357-6244 | (214) 354-6244 | | (214)668-4860 | kraus@waterskraus.com | | | | | |
| Art Reimer | | Art | Reimer | \$69,300 | \$78,600 | | \$147,900 | New York Tri-State | Wane Pine | Executive | | Greenwich | CT | (203) 625-9867 | (917) 846-8338 | | areimer@gotonline.net | | | | FALSE | |
| Mike Dordinski | | Mike | Dordinski | \$115,500 | \$32,000 | | \$147,500 | Americans Abroad | Ornick | Attorney | | Beijing | China | | | | mdordinski@gmail.com | | | | FALSE | |
| David Belluck | YES | David | Belluck | \$11,200 | \$78,100 | \$57,000 | \$146,300 | New England | Riverside | Partner | | Boston | MA | | | (617) 901-1424 | dbelluck@riversidepartners.com | | | | FALSE | |
| Cappy McGarr | | Cappy | McGarr | \$92,000 | \$50,000 | | \$142,000 | Texas and Oklahoma | McGarr Capital | President | | Dallas | TX | (214)522-2577 | (214) 361-1500 | | cappy@mcgarr.com | | | | | |
| Justin Buell | | Justin | Buell | \$141,850 | | | \$141,850 | Northern California | Self | | San Francisco | CA | 415-806-1112 | | | 415-806-1112 | buell@gmail.com | | | | | |
| Joe Gutman | | Joe | Gutman | \$100,000 | \$32,000 | | \$132,000 | Illinois | Grewson | President | 900 N. Chicago | IL | (312) 508-6565 | | | (312) 953-0900 | gutman@cmip.com | | | | FALSE | |
| Dan Loeb | | Dan | Loeb | \$104,600 | \$27,000 | | \$131,600 | New York Tri-State | Third Point | Founder | 7 Macdonald | New York | NY | (212) 224-7381 | | | alocchi@thirdp.com | | | | FALSE | |
| Marty McVey | YES | Marty | McVey | \$128,600 | \$128,600 | | \$128,600 | Texas and Oklahoma | McVey & Co | President | | Houston | TX | (713)953-1056 | | | (832)651-9816 | marty@mcvey1.com | | | | |
| Christy & Cwley Brown | | Christy & Cwley | Brown | \$12,000 | \$114,000 | | \$126,000 | Midwest | Philanthropist | | Louisville | KY | | | | (502) 594-1633 | christylebrown@bellsouth.net | | | | FALSE | |
| Amy Singh | | Amy | Singh | \$100,000 | | | \$125,000 | Illinois | Law Offices of Katten Muchin | | Chicago | IL | 312-944-4343 | | | 312-493-9292 | amysingh@yahoo.com | | | | | |
| Shelden Zenner | | Shelden | Zenner | \$75,000 | \$50,000 | | \$125,000 | Illinois | Katten Muchin | Chief | | Chicago | IL | (312)902-5476 | | | shelden.zenner@kattenlaw.com | | | | | |
| Nasser Ahmad | | Nasser | Ahmad | \$54,000 | \$53,400 | \$14,000 | \$121,400 | New York Tri-State | Omniao Ahmad | Chief | | New York | NY | 212-328-7902 | (212) 925-8324 | 917-678-7920 | nasser.ahmad@daclouds.com | | | | | |
| Jon Cooper | | Jon | Cooper | \$78,525 | \$36,475 | | \$115,000 | New York Tri-State | Spectronics | Business | 28 Lloyd Point | NY | | | | cooper558@aol.com | | | | FALSE | | |
| Kobi Brinson | | Kobi | Brinson | \$115,000 | | | \$115,000 | South | Wachovia Corp. | Attorney | | Charlotte | NC | (704) 715-2337 | | | 704)756-6951 | kobi.brinson@gmail.com | | | | |
| Robert Piertzak | | Robert | Piertzak | \$50,900 | \$28,500 | \$35,000 | \$114,400 | New York Tri-State | Self | | New York | NY | 212-839-5537 | | | 914-426-2853 | rpierzak@sidley.com | | | | | |
| Ed Bell | | Ed | Bell | \$85,000 | \$28,500 | | \$113,500 | South | Ed Bell Law | Attorney | | Charleston | SC | | | (843) 318-1216 | ebell@edbelllaw.com | | | | | |
| David Kenney | | David | Kenney | \$72,450 | \$38,500 | | \$110,950 | Colorado/Nevada | David Wright | | Denver | CO | 303-534-4399 | | | 303-898-5067 | david@thekennedygroup.com | | | | | |
| Karen Russell | | Karen | Russell | \$104,600 | \$5,400 | | \$110,000 | West | Edwards | CEO | 1201 Third | Seattle | WA | (206) 757-8173 | | | karenrussell@ed.com | | | | TRUE | |
| Al Puchala | | Al | Puchala | \$75,600 | \$31,000 | \$1,500 | \$108,100 | New York Tri-State | Signal Equity | Managing | 10 East 53rd St | New York | NY | (212) 872-1186 | | | apuchala@signal-equity.com | | | | FALSE | |
| Eric Casher | | Eric | Casher | \$106,333 | \$1,500 | | \$107,833 | Northern California | Thelen Reid | Attorney | | Berkeley | CA | 415-369-7764 | (510) 967-9285 | | ecasher@thelen.com | | | | | |
| Cathy Hampton | | Cathy | Hampton | \$107,000 | | | \$107,000 | South | CarbLink | Attorney | | Atlanta | GA | (404)222-9969 | (404) 222-9969 | | cathyhampton@gmail.com | | | | | |
| Eric Mindich | | Eric | Mindich | \$105,100 | | | \$105,100 | New York Tri-State | Eaton Park | Founding | 900 Third | New York | NY | (212) 756-5533 | | | eric.mindich@etopark.com | | | | FALSE | |
| Tim Toben | | Tim | Toben | \$105,000 | | | \$105,000 | South | Greenbridge | | Chapel Hill | NC | (919) 280-1103 | | | | toben@greenbridge-developments.com | | | | FALSE | |
| Fazal Fazin | YES | Fazal | Fazin | \$11,500 | \$81,500 | \$10,000 | \$103,000 | Florida | Retired | | St. Petersburg | FL | | | (727) 347-1220 | ffazin@aol.com | | | | | | |
| Marina McCarthy | | Marina | McCarthy | \$59,608 | \$42,925 | | \$102,513 | New England | Harvard | Educator | 7 Glenn Rd | Belmont | MA | (617) 834-0171 | | | marinamccarthy@aol.com | | | | FALSE | |
| Derek Johnson | | Derek | Johnson | \$102,300 | | | \$102,300 | New York Tri-State | Time Warner | Senior VP | | New York | NY | (212) 484-6785 | | | derek.johnson@gmail.com | | | | TRUE | |
| Bill Harvey | | Bill | Harvey | \$100,000 | \$0 | \$0 | \$100,000 | Mid-Atlantic | Hampton | President | 612 Shore Road | Hampton | VA | (757) 727-5231 | | | presidentoffice@hamptonva.edu | | | | TRUE | |
| Lishan Aklog | YES | Lishan | Aklog | \$70,000 | \$28,500 | \$0 | \$98,500 | Southwest | St. Josephs | Chief of | | Phoenix | AZ | (602) 406-4000 | (480) 588-8006 | (602) 361-6005 | ishan.aklog@chw.edu | | | | | |
| Ken Canfield | | Ken | Canfield | \$89,200 | \$23,000 | \$20,000 | \$93,200 | South | Duffermire | Attorney | | Atlanta | GA | (404) 881-8900 | (404) 881-8900 | | kcanfield@dc.com | | | | | |
| Niranang Shah | | Niranang | Shah | \$7,900 | \$85,500 | | \$93,400 | Illinois | Self | | Chicago | IL | 312-922-6400 | | | 312-375-8401 | Nss@gic-group.com | | | | | |
| Noreen Sablitsky | | Noreen | Sablitsky | \$21,000 | \$71,500 | | \$92,500 | Florida | Self | Businesswoman | | Coral Gables | FL | 305-661-2551 | | | 305-332-9134 | NSablitsky@aol.com | | | | |
| Gary Robb | | Gary | Robb | \$18,400 | \$71,600 | | \$90,000 | Midwest | Robb & Robb | Attorney | | Kansas City | MO | | | (816)260-9790 | GCR@robbrobb.com | | | | | |
| Marianne Pragins | | Marianne | Pragins | \$89,200 | | | \$89,200 | South | Spraggins | President | 2500 Peachtree | Atlanta | GA | (404) 881-8900 | | | (917) 515-3057 | mpragins@bunholdamerica.com | | | | FALSE |
| Ian Cumming | | Ian | Cumming | \$31,100 | \$57,000 | | \$88,100 | Southwest | Lucemidia | CEO | 165 | Jackson | WY | (801) 521-1004 | | | (801) 521-1001 | iancumming@gmail.com | | | | FALSE |
| Jodie Evans | | Jodie | Evans | \$23,500 | \$62,200 | | \$85,700 | Southern California | Codepink | Co-Founder | | Venice | CA | (310)827-3046 | | | jodieevans@gmail.com | | | | Max Palvesky | |
| Jay Snyder | | Jay | Snyder | \$15,700 | \$57,000 | \$5,000 | \$81,700 | New York Tri-State | Hill | Finance | | New York | NY | (212)598-7141 | | | (917)294-1717 | jsnyder494@aol.com | | | | |
| Richard Swanson | | Richard | Swanson | \$20,000 | \$80,400 | | \$80,400 | Florida | Stawson | President | | Newtown, Conn | CT | 961-625-6760 | | | 961-625-6760 | richardswanson@aol.com | | | | janet@slawson |
| Timothy Massad | YES | Timothy | Massad | \$16,000 | \$59,700 | | \$75,700 | New York Tri-State | Cravath, Swaine | Attorney | | Norwalk | CT | 212-474-1154 | | | 646-247-5695 | tmassad@cravath.com | | | | |
| Wayne Thorpe | | Wayne | Thorpe | \$49,650 | \$23,000 | | \$72,650 | South | Kilgarrick | Attorney | | Atlanta | GA | (404)974-9828 | | | (404)216-0017 | wthorpe@amsatlanta.com | | | | Jane Thorpe |
| Kent Harper | | Kent | Harper | \$4,600 | \$66,800 | | \$71,400 | Southwest | Harper | Attorney | 607 14th Street | Washington | DC | (202)598-5844 | | | (202)262-9544 | tharper@kilgarrickstockton.com | | | | |
| Chad Clegg | | Chad | Clegg | \$69,000 | | | \$69,000 | New York Tri-State | Cllggroup | Banker | 43 5th Ave, Apt | New York | NY | (212) 723-6600 | | | (646) 479-7695 | chad.a.clegg@clg-group.com | | | | FALSE |
| Stephen Savage | | Stephen | Savage | \$2,300 | \$28,500 | \$36,200 | \$67,000 | New York Tri-State | CA, Inc. | CIO | | Chicago | IL | (631)342-6351 | | | | stephen.savage@ca.com | | | | |
| David Rose | | David | Rose | \$6,900 | \$59,300 | | \$66,200 | New York Tri-State | Rose Tech Ventures | | | New York | NY | (917)689-0427 | | | | david@rose.vc | | | | |
| Byron Georgiou | | Byron | Georgiou | \$9,200 | \$53,500 | | \$62,700 | Colorado/Nevada | Self | | 2742 Paradise | Las Vegas | NV | (702) 715-2100 | | | | bgeorgiou@enterprises.com | | | | |
| Tom Cole | | Tom | Cole | \$5,000 | \$57,000 | | \$62,000 | Illinois | Sidley | Lawyer | 10 S. Dearborn | Chicago | IL | (312) 853-3000 | | | | tc@sidley.com | | | | FALSE |
| Jonathan Burgstone | YES | Jonathan | Burgstone | \$57,000 | | | \$57,000 | Northern California | Symbol Capital | Managing | | San Francisco | CA | 415-939-8354 | | | 415-939-8354 | burgstone@symbolcapital.com | | | | |
| Rafael Ortiz | | Rafael | Ortiz | \$17,000 | \$20,000 | \$20,000 | \$57,000 | Northern California | Michael Kempner | Retired | | San Francisco | CA | 650-533-7008 | (831) 421-0751 | 650-533-7008 | rafael_ortiz@stanfordalumni.org | | | | | |
| Michael Kempner | | Michael | Kempner | \$18,225 | \$23,800 | | \$50,215 | New York Tri-State | MWWGroup | President | One | East Rutherford | NJ | (201)507-9500 | | | mikempner@mww.com | | | | FALSE | |
| Quintin Primo | | Quintin | Primo | \$50,000 | | | \$50,000 | Illinois | Capri Capital | CEO | 94 W. Wacker | Barrington | IL | (312) 573-5266 | | | (312) 573-5300 | kglascoth@capricapital.com | | | | TRUE |
| Manny Sanchez | | Manny | Sanchez | \$50,000 | | | \$50,000 | Illinois | Sanchez Daniels | Attorney | 333 W. Wacker | Chicago | IL | (312) 641-1555 | | | (312) 968-1555 | MSanchez@sanchezDH.com | | | | FALSE |
| Drew Hanson | | Drew | Hanson | \$45,270 | \$2,700 | | \$47,970 | West | Black Enterprise | Publisher | 8 Heathcote | Seattle | WA | (206)373-7384 | | | (360)440-3005 | dhanesen@susangandoffrey.com | | | | |
| Earl Graves | | Earl | Graves | \$18,400 | \$38,500 | | \$46,900 | New York Tri-State | Capitol | | | Scarsdale | NY | (212) 886-9515 | | | | harringtons@blackenterprise.com | | | | TRUE |
| Scott Tyre | | Scott | Tyre | \$35,000 | \$8,790 | | \$43,790 | Midwest | Capitol | | | Milwaukee | WI | (608) 358-0214 | | | | styre@capitolnavigators.com | | | | TRUE |
| Michael Bennet | | Michael | Bennet | \$41,900 | | | \$41,900 | Colorado/Nevada | DPS | Superintendent | 2830 E. 7th Ave. | Denver | CO | (720) 423-3305 | | | (303) 908-4666 | sarah_hughes@dpsk12.org | | | | FALSE |
| Charles Robert Bone | | Charles Robert | Bone | \$41,600 | | | \$41,600 | South | Bone | Attorney | 511 Union | Nashville | Tennessee | (615) 238-6300 | | | | crb@bone-law.com | | | | FALSE |
| Fitzgerald Hane | | Fitzgerald | Hane | \$2,300 | \$28,500 | \$10,500 | \$41,300 | New York Tri-State | Self | | | New York | NY | 646-344-8444 | | | 973-444-3256 | hane@dc.com | | | | |
| Ray Mikulich | | Ray | Mikulich | \$40,000 | | | \$40,000 | New York Tri-State | Lehman | Advisor | 745 7th Ave | New York | NY | (212) 526-6110 | | | (917) 971-7141 | rcmikulich@gmail.com | | | | FALSE |
| Rick DeGolia | | Rick | DeGolia | \$38,085 | | | \$38,085 | Northern California | Retired | | | San Francisco | CA | 6503217707 | (650) 793-2800 | 650-793-2800 | rick@rddegolia.com | | | | Lorraine Hariton | |
| Marty Nesbitt | | Marty | Nesbitt | \$34,400 | | | \$34,400 | West | Parking Spot | CEO | 4820 S | Chicago | IL | (312) 453-1608 | | | | mnesbitt@theparkingspot.com | | | | TRUE |
| Michael Granoff | | Michael | Granoff | \$2,300 | \$28,500 | | \$30,800 | New York Tri-State | Man and | Investment | | New York | NY | 212-9318691 | (201) 727-1411 | 917-535-3714 | mgranoff@pononacapital.com | | | | | |
| Matthew Bergman | | Matthew | Bergman | \$28,700 | | | \$28,700 | Illinois | Self | | 28604 97th Ave | Vashon Island | WA | (206) 957-1050 | | | | matt@bergmanlegal.com | | | | |
| Terry Lierman | | Terry | Lierman | \$0 | \$28,500 | \$0 | \$28,500 | Mid-Atlantic | | | | Chevy Chase | MD | 202 225 3130 | | | 202 225 1514 | terry.lierman@mail.house.gov | | | | |
| Tedra Dudley | | | | | | | | | | | | | | | | | | | | | | |

EXHIBIT 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,
et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,

Defendants.

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

**ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

Re: Dkt. Nos. 3, 109, 222, 225, 287, 298,
310, 320, 322, 346, 352

On July 31, 2015, plaintiff National Abortion Federation (NAF) filed this lawsuit and sought a Temporary Restraining Order to prohibit defendants David Daleiden, Troy Newman, and the Center for Medical Progress from publishing recordings taken at NAF Annual Meetings. NAF alleged, and it has turned out to be true, that defendants secured false identification and set up a phony corporation to obtain surreptitious recordings in violation of agreements they had signed that acknowledge that the NAF information is confidential and agreed that they could be enjoined in the event of a breach. In light of those facts, because the subjects of videos that defendants had released in the previous two weeks had become victims of death threats and severe harassment, and in light of the well-documented history of violence against abortion providers, I issued the TRO.

The defendants' principal arguments against injunctive relief rest on their rights under the First Amendment, a keystone of our Constitution and our democracy. It ensures that the government may not – without compelling reasons in rare circumstances – restrict the free flow of information to the public. It provides that “debate on public issues should be uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). But Constitutional rights are not absolute. In rare circumstances, freedom of speech must be balanced against and

1 give way to the protection of other compelling Constitutional rights, such as the First
2 Amendment's right to freedom of association, the Fifth and Fourteenth Amendments' protection
3 of liberty interests, and the right to privacy. After fully considering the record before me, I
4 conclude that NAF has made such a showing here.

5 Discovery has proven that defendants and their agents created a fake company and lied to
6 gain access to NAF's Annual Meetings in order to secretly record NAF members for their Human
7 Capital Project. In furtherance of that Project, defendants released confidential information
8 gathered at NAF's meetings and intend to release more in contravention of the confidentiality
9 agreements required by NAF. Critical to my decision are that the defendants agreed to injunctive
10 relief if they breached the agreements and that, after the release of defendants' first set of Human
11 Capital Project videos and related information in July 2015, there has been a documented,
12 dramatic increase in the volume and extent of threats to and harassment of NAF and its members.

13 Balanced against these facts are defendants' allegations that their video and audio
14 recordings show criminal activity by NAF members in profiteering from the sale of fetal tissue. I
15 have reviewed the recordings relied on by defendants and find no evidence of criminal activity.
16 And I am skeptical that exposing criminal activity was really defendants' purpose, since they did
17 not provide recordings to law enforcement following the NAF 2014 Annual Meeting and only
18 provided a bit of information to law enforcement beginning in May, 2015. But I have not
19 interfered with the Congressional committee's subpoena to obtain the recordings to make its own
20 evaluation, nor with the subpoenas from the states of Arizona and Louisiana (although I have
21 approved a process to insure that only subpoenaed material is turned over).

22 Defendants also claim that the injunction is an unconstitutional prior restraint. They ignore
23 that they agreed to keep the information secret and agreed to the remedy of an injunction if they
24 breached the agreement. Confidentiality agreements are common to protect trade secrets and other
25 sensitive information, and individuals who sign such agreements are not free to ignore them
26 because they think the public would be interested in the protected information.

27 There is no doubt that members of the public have a serious and passionate interest in the
28 debate over abortion rights and the right to life, and thus in the contents of defendants' recordings.

1 It should be said that the majority of the recordings lack much public interest, and despite the
 2 misleading contentions of defendants, there is little that is new in the remainder of the recordings.
 3 Weighed against that public interest are NAF's and its members' legitimate interests in their rights
 4 to privacy, security, and association by maintaining the confidentiality of their presentations and
 5 conversations at NAF Annual Meetings. The balance is strongly in NAF's favor.

6 Having fully reviewed the record before me, I GRANT NAF's motion for a preliminary
 7 injunction to protect the confidentiality of the information at issue pending a final judgment in this
 8 case.

9 BACKGROUND

10 I. THE CENTER FOR MEDICAL PROGRESS AND THE HUMAN CAPITAL 11 PROJECT

12 In 2013, defendant David Daleiden founded the Center for Medical Progress ("CMP") for
 13 the purpose of monitoring and reporting on medical ethics, with a focus on bioethical issues
 14 related to induced abortions and fetal tissue harvesting. Declaration of David Daleiden (Dkt. No.
 15 265-3, "Daleiden PI Decl.") ¶ 2. CMP is incorporated in California as a nonprofit public benefit
 16 corporation, with a stated purpose "to monitor and report on medical ethics and advances." NAF
 17 Appendix of Exhibits in Support of Motion for Preliminary Injunction ("Pl. Ex.") 9 (at
 18 NAF0000533).¹ In order to obtain CMP's tax-exempt status, in its registration with the California
 19 Attorney General and in its application with the Internal Revenue Service Daleiden certified,
 20 among other things, that "[n]o substantial part of the activities of this corporation shall consist of
 21 carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall

22
 23 ¹ Defendants raise a number of objections to NAF's evidence. *See* Dkt. No. 265-7. These
 24 evidentiary objections were submitted as a separate document in violation of this Court's Local
 25 Rules. Civ. L. R. 7-3(a). Recognizing that error, defendants filed a motion asking for leave to file
 26 an amended Opposition or for relief therefrom. Dkt. No. 298. That motion is GRANTED and I
 27 will consider defendants' evidentiary objections. *See also* Dkt. No. 301. To the extent I rely on
 28 evidence to which defendants object, I will address the specific objection, bearing in mind that on
 a motion for preliminary injunction evidence is not subject to the same formal procedures as on a
 motion for summary judgment or at trial and that a court may consider hearsay evidence. *See,*
e.g., Flynt Distrib. Co. v. Harvey, 734 F.2d 1389, 1394 (9th Cir. 1984). To the extent I do not rely
 on specific pieces of evidence, defendants' objections to that evidence are overruled as moot.
 These evidentiary rulings apply only to the admissibility of evidence for purposes of determining
 the motion for a preliminary injunction.

1 not participate or intervene in any political campaign.” Pl. Ex. 9 (at NAF0000535); Pl. Ex. 10 (at
2 NAF0001789).

3 As part of CMP’s work, Daleiden created the “Human Capital Project” (“Project”) to
4 “investigate, document, and report on the procurement, transfer, and sale of fetal tissue.” Daleiden
5 PI Decl. ¶ 3. The Project’s goal is to uncover evidence regarding violations of state and/or federal
6 law due to the sale of fetal tissue, the alteration of abortion procedures to obtain fetal tissue for
7 research, and the commission of partial birth abortions. *Id.* Putting the Project into action,
8 Daleiden created a fake front company that purportedly supplies researchers with human
9 biological specimens and specifically secured funding from supporters in order to infiltrate NAF’s
10 2014 Annual Meeting. Pl. Ex. 26. The express aim of that infiltration was to: “1) network with
11 the upper echelons of the abortion industry to identify the best targets for further investigation and
12 ultimate prosecution, and 2) gather video and documentary evidence of the fetal body parts trade
13 and other shocking activities in the abortion industry.” *Id.*

14 Defendant Troy Newman was, until January 2016, a board member and the secretary of
15 CMP. He counseled Daleiden on the efforts to set up the fake company, to infiltrate meetings, and
16 to secure recordings in support of the Project. Pl. Ex. 14 (at NAF0004475-76); Pl. Ex. 16 (at
17 NAF0004493-94); *see also* Dkt. No. 344.² The result of the Project, Newman hoped, would be
18 prosecution of abortion providers, state and Congressional investigations, the defunding of
19 Planned Parenthood by the government, and the closure of abortion clinics. Pl. Ex. 16 (at
20 NAF0004494, 4496); Pl. Ex. 136 at 16.³ Defendant Newman is President of Operation Rescue, an
21 anti-abortion group that posts the names and work addresses of abortion providers on its website
22 and manages another website that lists every abortion facility and all known abortion providers.
23 Pl. Exs. 18, 20, 21, 22.⁴

24
25 ² Defendants object to Exhibits 14 and 16 for lack of foundation and authentication. Defendants
26 do not contend these transcripts do not accurately represent the contents of the recordings attached
27 as Exhibits 15 and 17. Defendants’ objections are overruled.

27 ³ Defendants object to Exhibit 136 on the grounds of relevance, lack of foundation, and lack of
28 authentication. Defendants do not contend the transcript does not accurately represent the contents
of the recording identified. Defendants’ objections are overruled.

⁴ After the public launch of the Project on July 15, 2015, counsel for CMP and Daleiden, Life
Legal Defense Foundation, explained that it had also been involved in the Project as a legal

II. THE CREATION OF BIOMAX AND INFILTRATION OF NAF'S 2014 AND 2015 ANNUAL MEETINGS

In September 2013, Daleiden directed “investigators” on the Project (known by the aliases Susan Tennenbaum and Brianna Allen) to attend a conference of the Association of Reproductive Health Professionals (ARHP) as a representative of a fake business, BioMax Procurement Services. That business did not exist, other than to be a “front” for the Project. Daleiden PI Decl. ¶ 8; Pl. Ex. 26. Daleiden’s associates spoke with representatives from NAF, and BioMax was invited to apply to attend the NAF Annual Meeting in San Francisco, California the following April. Daleiden PI Decl. ¶ 10.

In February 2014, defendant CMP received a grant to fund the “infiltration of the . . . NAF Annual Meeting.” Pl. Exs. 26, 36; Deposition Transcript of David Daleiden (Dkt. No. 187-3) 213:14-214:6. To that end, Daleiden followed up with the NAF representatives – posing as Brianna Allen on behalf Tennenbaum and BioMax – and received a copy of the 2014 NAF Annual Meeting Exhibitor Prospectus and Exhibitor Application for the upcoming meeting. Daleiden PI Decl. ¶ 11; Pl. Ex. 43. Daleiden filled out the Exhibitor Application packet – comprised of the “Exhibit Rules and Regulations” (“Exhibit Agreement” or “EA”), the “Application and Agreement for Exhibit Space,” and the “Annual Meeting Registration Form.” Daleiden signed Susan Tennenbaum’s name to the EA, and returned the Application packet. Daleiden PI Decl. ¶ 11; Pl. Ex. 3; Daleiden Depo. at 160:8-18.

In February 2015, Daleiden contacted NAF seeking information about BioMax exhibiting at NAF’s 2015 Annual Meeting in Baltimore, Maryland. Pl. Ex. 47. Daleiden again filled out the “Application Agreement for Exhibit Space,” “Exhibit Rules and Regulations,” and “Registration Form,” signing Susan Tennenbaum’s name to the EA. Pl. Exs. 4, 47; Daleiden Depo. at 287:5-22.⁵

adviser “since its inception” and were committed to defunding “contract killer” Planned Parenthood. Pl. Ex. 24. Defendants object to Exhibits 18, 20, 21 and 22 as irrelevant and inadmissible hearsay. Those objections are overruled.

⁵ On the 2014 EA, Daleiden listed the “exhibitor representatives” as Brianna Allen a Procurement Assistant, Susan Tennenbaum the C.E.O., and Robert Sarkis a V.P. Operations. Pl. Ex. 3. On the 2015 EA, Daleiden listed the exhibitor representatives as Susan Tennenbaum the C.E.O., Robert Sarkis the Procurement Manager, and Adrian Lopez the Procurement Technician. Pl. Ex. 4.

Both the 2014 and 2015 EAs contain confidentiality clauses:

In connection with NAF's Annual Meeting, Exhibitor understands that any information NAF may furnish is confidential and not available to the public. Exhibitor agrees that all written information provided by NAF, or any information which is disclosed orally or visually to Exhibitor, or any other exhibitor or attendee, will be used solely in conjunction with Exhibitor's business and will be made available only to Exhibitor's officers, employees, and agents. Unless authorized in writing by NAF, all information is confidential and should not be disclosed to any other individual or third parties.

Pl. Exs. 3 & 4 at ¶ 17. Above the signature line, the EAs provide: "*I also agree to hold in trust and confidence any confidential information received in the course of exhibiting at the NAF Annual Meeting and agree not to reproduce or disclose confidential information without express permission from NAF.*" Pl. Exs. 3, 4 (emphasis in originals).

The EAs required Exhibitor representatives to "be registered" for the NAF Annual Meeting and wear badges in order to gain entry into exhibit halls and meeting rooms. *Id.* ¶ 8. The EAs also provide that "[p]hotography of exhibits by anyone other than NAF or the assigned Exhibitor of the space being photographed is strictly prohibited." *Id.* ¶ 13. The EAs required an affirmation: "[b]y signing this Agreement, the Exhibitor affirms that all information contained herein, contained in any past and future correspondence with either NAF and/or in any publication, advertisements, and/or exhibits displayed at, or in connection with, NAF's Annual Meeting, is truthful, accurate, complete, and not misleading." *Id.* ¶ 19. Finally, the EAs provide that breach of the EA can be enforced by "specific performance and injunctive relief" in addition to all other remedies available at law or equity. *Id.* ¶ 18.

In order to gain access to the NAF Annual Meetings, Exhibitor representatives also had to show identification and sign a "Confidentiality Agreement" ("CA"). Declaration of Mark Mellor (Dkt. No. 3-33) ¶ 11.⁶ For the 2014, Annual Meeting Daleiden (as Sarkis) and the individuals

⁶ NAF has identified copies of two drivers licenses it claims were used by Daleiden and Tennenbaum to access the NAF meetings. Pl. Exs. 49-50. During his deposition, Daleiden asserted his Fifth Amendment rights and refused to testify about the licenses. Foran PI Decl. ¶¶ 31-32. Defendants object to Exhibits 49 and 50 for lack of personal knowledge. Those objections are overruled.

Relatedly, NAF filed a motion to supplement the Preliminary Injunction record, to include a press release from the Harris County District Attorney's office in Houston Texas. Dkt. No. 346. That motion is GRANTED. In the press release, the District Attorney explained that a grand jury

pretending to be Tennenbaum and Allen, each signed a CA. Pl. Exs. 5, 6; Daleiden PI Decl. ¶ 13. For the 2015 Annual Meeting, the individual pretending to be Adrian Lopez, signed the CA. Pl. Ex. 8.⁷ Daleiden (as Sarkis), Tennenbaum, and Allen did not sign the 2015 CAs. When Daleiden, Tennenbaum, and Allen were at the registration table, they were met by a NAF representative. A NAF representative asked Daleiden to confirm that the sign-in staff had checked their identifications and that they had signed the confidentiality forms. Daleiden responded “Yeah yeah yeah. Excellent. Thank you so much . . .” Declaration of Derek Foran in Support of Preliminary Injunction (Dkt. No. 228-6) ¶ 79C⁸; Daleiden Decl. ¶ 17; Daleiden Depo. 290:2 -291:14. Daleiden testified that it was his “preference” to avoid signing the 2015 CA. Daleiden Depo. at 291:15-25. The CAs provide:

It is NAF policy that all people attending its conferences (Attendees) sign this confidentiality agreement. The terms of attendance are as follows:

1. **Videotaping or Other Recording Prohibited:** Attendees are prohibited from making video, audio, photographic, or other recordings of the meetings or discussions at this conference.
2. **Use of NAF Conference Information:** NAF Conference Information includes all information distributed or otherwise made available at this conference by NAF or any conference participants through all written materials, discussions, workshops, or other means. . . .
3. **Disclosure of NAF Materials to Third Parties:** Attendees may not disclose any NAF Conference Information to third parties without first obtaining NAF’s express written consent

Pl. Exs. 5-8.

had cleared a local Planned Parenthood affiliate of wrongdoing, but indicted Daleiden and the person posing as Susan Tennenbaum for tampering with governmental records, presumably related to their use of false identification to gain access to meetings in Texas. *Id.*

In his deposition, Daleiden testified that he created false business cards to use at the ARHP meeting and the NAF Meetings for Susan Tennenbaum, Robert Daoud Sarkis, and Brianna Allen. Pl. Ex. 51; Daleiden Depo. at 200:2 – 201:6 (business cards used at the 2014 Meeting); *see also* Pl. Exs. 51, 52 & Daleiden Depo. at 315:23 – 316:19 (business cards for Adrian Lopez and Susan Wagner used at the 2015 Annual Meeting); Declaration of Megan Barr (Dkt. No. 226-27) ¶¶ 4-5 (use of business card at 2015 Meeting).

⁷ Daleiden testified that all of the “investigators” involved in the Project were CMP “contractors” acting under Daleiden’s specific direction. Daleiden Depo. Trans. at 131:7-24, 135:21-136:11, 194:1, 194:10-195:6; *see also* Daleiden Supp. Resp. to NAF Interrogatories (Dkt. No. 227-18) Nos. 2, 6.

⁸ ¶ 79(C) refers to a specific excerpt of a recording taken by Daleiden. Sub-Bates 15-062; Time stamp: 14:56:02-14:56:50. The Court has reviewed all recording excerpts or transcripts of recording excerpts cited in this Order.

At the 2014 and 2015 Annual Meetings, Daleiden and his associates wore and carried a variety of recording devices that they did not disclose to NAF or any of the meeting attendees. Daleiden Depo. at 118-121; 255; 292-93. Daleiden and his associates did not limit their recording to presentations or conversations regarding fetal tissue, but instead turned on their recording devices before entering the meetings each day and only turned them off at the end of the day. Daleiden Depo. at 121:24-122:22, 124:1-15. In the end, they recorded approximately 257 hours and 49 minutes at NAF's 2014 Annual Meeting and 246 hours and 3 minutes at NAF's 2015 Annual Meeting. They recorded conversations with attendees at the BioMax Exhibitor booths, the formal sessions at the Meetings, and interactions with attendees during breaks. Foran PI Decl. ¶ 2 & Pl. Ex. 1⁹; Daleiden PI Decl. ¶ 18; Daleiden Depo. at 122:18-123:25; 293:4-25. The interactions with individuals were recorded in exhibit halls, hallways, and reception areas where Daleiden contends hotel staff were "regularly" present. Daleiden PI Decl. ¶ 18. Hotel staff were also present in the rooms during presentations and talks, but hotel staff did not sign confidentiality agreements. *Id.* ¶ 19; Deposition of Vicki Saporta (Defendants' Ex. 7) at 33:10-23. Broadly speaking, the majority of the recordings lack any sort of public interest and consist of communications that are tangential to the ones discussed in this Order.

During the Annual Meetings, Daleiden and his associates would meet to "discuss our . . . strategy for . . . the project and for the meeting," including "specific strategies for specific individuals." Daleiden Depo. at 134:15-135:6. The associates were given a "mark list" to identify their targets. Foran PI Decl. ¶ 79D (Sub-Bates: 15-145; Time stamp: 14:56:02-14:56:50). The group also picked targets based on circumstance: in one instance, Daleiden tells "Tennenbaum" that it "would be really good to talk tonight" with a particular doctor "now that she's been drinking." *Id.* ¶ 79E (Sub-Bates: 15-225; Time stamp 15:33:00 - 15:34:00).

In approaching these individuals, the group used "pitches" in their efforts to capture NAF members agreeing to suggestions and proposals made by the group about the "sale" of fetal tissue

⁹ Plaintiff's Exhibit 1 is a copy of the hard drive produced by defendants containing the audio and video recordings made by Daleiden and his associates at the 2014 and 2015 NAF Annual Meetings.

1 or other conduct that might suggest a violation of state or federal law. Daleiden told his associates
 2 that their “goal” was to trap people into “saying something really like messed up, like yeah, like,
 3 I’ll give them, like, live everything for you. You know. If they say something like that it would be
 4 cool.” *Id.* ¶ 79G (Sub-Bates: 15-021; Time Stamp: 5:13-5:49). Daleiden also instructed his group
 5 to attempt to get attendees to say the words “fully intact baby” on tape. *Id.* ¶ 79H (Sub-Bates: 15-
 6 152; Time Stamp: 16:06:50-16:07:00). As part of their efforts, “Tennenbaum” would explain to
 7 providers that she “can make [fetal tissue donation] extremely financially profitable for you” and
 8 that BioMax has “money that is available” and is “sitting on a goldmine” as long as you’re
 9 “willing to be a little creative with [your] technique.” Foran PI Decl. ¶ 79J (Sub-bates: 15-152
 10 Time Stamp: 15:48:00 - 15:52:00). She asked NAF attendees: “what would make it profitable for
 11 you? Give me a ballpark figure” *Id.* Or “[i]f it was financially very profitable for you to
 12 perhaps be a little creative in your method, would you be open to” providing patients with
 13 reimbursements for tissue donations. *Id.* ¶ 79K (Sub-bates: 15-203; Time Stamp: 12:09:00 -
 14 12:10:21).

15 The parties dispute whether these goals were met and if defendants’ traps worked.¹⁰
 16 Defendants argue that they captured NAF attendees agreeing to explore, or at least expressing
 17 interest in exploring, being compensated for the sale of fetal tissue at a profit, which defendants
 18 contend is illegal under state and federal laws. Defendants’ Opposition to Motion for Preliminary
 19 Injunction (Dkt. No. 262-4) at 10-14. However, they tend to misstate the conversations that
 20 occurred or omit the context of those statements. For example, defendants rely on a conversation
 21

22 ¹⁰ NAF argues that defendants cannot rely on any portion of the recordings to oppose NAF’s
 23 motion for a preliminary injunction. NAF Reply Br. at 29-30. NAF is correct that under
 24 California and Maryland law, recordings taken in violation of state laws prohibiting recordings of
 25 confidential communications are not admissible in judicial proceedings, except as proof of an act
 26 or violation of the state statutes. *See* Cal. Penal Code § 632(d); *Feldman v. Allstate Ins. Co.*, 322
 27 F.3d 660, 667 (9th Cir. 2003) (concluding that § 632(d) is a substantive law, applicable in federal
 28 court on state law claims); *see also* Md. Code Ann., Cts. & Jud. Proc. § 10-405; *Standiford v.*
Standiford, 89 Md. App. 326, 346 (1991). Because the accuracy of defendants’ allegations of
 criminal conduct are central to this decision, however, I discuss the portions of the recordings
 relied upon by plaintiff and defendants in some detail in this section. To place this discussion
 under seal would undermine my responsibility to the public as a court of public record to explain
 my decision. Consistent with the TRO and the reasoning of this Order, in describing the protected
 conversations I balance the interests of the providers’ privacy, safety and association by omitting
 names, places, and other identifying information.

1 with a clinic owner where Daleiden suggests BioMax could pay \$60 per sample instead of \$50 per
2 sample. Defs. Ex. 8. The clinic owner doesn't respond to that suggestion, or give any indication
3 about the actual costs to the clinic of facilitating outside companies to come in and collect fetal
4 tissue. *Id.* Instead, the clinic owner responds that providing tissue to outside companies "is a nice
5 way to get extra income in a very difficult time, and you know patients like it." *Id.*¹¹ Defendants
6 point to another conversation where a provider asks what the "reimbursement rate" is for the
7 clinic, and was told "it varies" by Tennenbaum. Defs. Ex. 9 (Dkt. No. 266-4) at p. 18. Then, in
8 response to Tennenbaum's suggestion about whether she'd "be open to maybe being a little
9 creative in the procedure," the provider responds that she was not sure and would have to discuss
10 it and run it by the doctors. Defs. Ex. 9 (Dkt. No. 266-4) at p. 18. Tennenbaum explains that
11 specimens "go for" anywhere from "500 up to 2,000" and so "you can see how profitable" it
12 would be for clinics, to which the provider says "Yeah, absolutely" and a different provider says
13 "that would be great" in response to comments about having further discussions. *Id.* at p. 19.

14 Another provider responded to defendants' suggestion of financial incentives by indicating
15 that the clinic would be "very happy about it," but admitted others would have to approve it and it
16 wasn't up to her. *Id.*, Dkt. No. 266-4 at p.8. Defendants point to a conversation with a provider
17 who discusses the "fine line" between an illegal partial birth abortion and the types of abortion that
18 they perform, and the techniques that they employ to ensure that they do not cross that line. Defs.
19 Ex. 10, Dkt. No. 266-5 at p. 4. That conversation, however, does not indicate that any illegal
20 activity was occurring. Similarly, defendants contend that a provider stated that he ordinarily
21 minimizes dilation, since that is what is safest for the women, but that if he had a reason to dilate
22 more (such as tissue procurement), he might perform abortions differently. *Oppo. Br.* at 11. But
23 that is not what the provider said. After acknowledging tissue donation was not allowed in his
24 state, he stated that "I could mop up my technique if you wanted something more intact. But right
25 now my only concern is the safety of the woman" and there was no reason to further dilate a
26

27 ¹¹ Defendants do not suggest the "patients like it" is a suggestion that patients are being paid for
28 the fetal tissue. Instead, in the context of that conversation, it refers to patients that like providing
fetal tissue for research purposes.

1 woman. Defs. Ex. 11, Dkt. No. 266-6 at p. 5.

2 Defendants rely on another conversation where an abortion provider explains that how
3 intact aborted fetuses are depends on the procedure used and that she does not ordinarily use
4 digoxin to terminate the fetus before performing 15-week abortions. Defs. Ex. 12, Dkt. No. 266-7,
5 pgs. 1-8. She goes on to say that if there was a possibility of donating the tissue to research,
6 women may choose that, and with the consent of the woman she would be open to attempting to
7 obtain intact organs for procurement. *Id.* Again, this is not evidence of any wrongdoing.

8 In another conversation, a provider states that his/her clinic has postponed the stage at
9 which digoxin is used and that as a result they can secure more and bigger organs for research so
10 the tissue “does not go to waste,” to which the vast majority of women using their facility consent.
11 Defs. Ex. 13, Dkt. No. 266-8 pgs. 1-8.¹² Defendants contend that a provider commented that
12 he/she may be willing to be “creative” on a case-by-case basis, but the provider was responding to
13 a question about doctors using digoxin in general. Defs. Ex. 9, Dkt. No. 266-4 pg. 13. And while
14 defendants characterize that provider as assenting to being “creative,” so that BioMax could “keep
15 them happy financially” (Oppo. Br. at 11-12), the actual discussion was about off-setting the
16 disruption that third-party technicians can have on clinic operations and keeping those disruptions
17 to a minimum. *Id.* at p. 14.

18 In a different conversation, defendants characterize a provider as agreeing to discuss ways
19 in which a financial transaction would be structured to make it look like a clinic was not selling
20 tissue. Oppo. Br. at 12. The unidentified female (there is no indication of where she works or
21 what role she plays) simply responds to Tennenbaum’s suggestions that in response to payment
22 for tissue from BioMax the clinic could offer its services for less money or provide transportation
23 for the patients, with an interested but non-committal response and clarified “that’s something
24 we’d have to figure out how to do that.” Defs. Ex. 14, Dkt. No. 266-9 pgs. 1-4. Another provider
25 admits that doing intact D&Es for research purposes would “be challenging” and explained that
26 there are layers of people and approvals at the clinic before any agreements to work with a

27
28 ¹² There is no evidence that a desire to secure more fetal tissue samples caused the clinic to alter its procedures.

1 bioprocurement lab could be reached. Defs. Ex. 9, Dkt. No. 266-4 pgs. 8-9.

2 Defendants state that a provider responded to Tennenbaum's comment that with the right
3 vision an arrangement can be "extremely financially profitable," with "we certainly do" have that
4 vision. Oppo. Br. at 12. But defendants omit that the context of the conversation was the "waste"
5 of fetal tissue that could otherwise be going to research. Defs. Ex. 9, Dkt. No. 266-4 pgs. 2-3. In
6 the excerpt relied on by defendants, after Tennenbaum mentioned the profit she went onto
7 describe tissue donation working for those that have the "vision and the passion for research."
8 The provider responded, "Which we certainly do." *Id.* p. 2. Similarly, while defendants are
9 correct that a provider did say, "if guys it looks like you'd pay me for [fetal tissue], that would be
10 awesome," but omit that the provider preceded that comment with "I would love to have it [the
11 fetal tissue] go somewhere" and that the provider was excited about the possibility of the tissue
12 going to be used in research to be "doing something." Defs. Ex. 15, Dkt. No. 266-10. pgs. 1-2.

13 Defendants cite a handful of similar discussions – where "profit" "sale" or "top dollar" are
14 terms used by Daleiden or Tennenbaum and then providers at some point following that lead in
15 the conversation express general interest in exploring receiving payment for tissue – but those
16 conversations do not show that any clinic is making a profit off of tissue donations or that the
17 providers are agreeing to a profit-making arrangement.¹³ Defendants are correct that one provider
18 indicates it received \$6,000 a quarter from a bioprocurement lab, but there is no discussion
19 showing that amount is profit (in excess of the costs of having third-party technicians on site and
20 providing access and storage for their work). Defs. Ex. 21, Dkt. No. 267-2 p.2. An employee of a
21 bioprocurement lab also agrees in response to statements from Tennenbaum that the clinics know
22 it is "financially profitable" for them to work with bioprocurement labs and that arrangement helps
23

24 ¹³ Some of defendants' citations are to comments about providers performing abortions
25 differently, not in terms of gestational timing, but in terms of attempting to keep tissue samples
26 more intact during the procedure if those samples might be of use for research. Oppo. Br. at 12-
27 13. There is no argument that taking those steps violates any law. Defendants also cite provider
28 comments – for example, an abortion provider engaging in conduct "under the table" to get around
restrictions – which do not show up in the transcript excerpts they refer to. Oppo. Br. at 13.
Finally, defendants rely on comments – from panel presentations and individual conversations –
where providers express the personal and societal difficulties they face in performing abortions.
There is no indication in those comments of any illegal conduct. Oppo. Br. at 12, 14-15.

1 the clinics “significantly.” Defs. Ex. 23, Dkt. No. 267-4 p. 2.

2 Having reviewed the records or transcripts in full and in context, I find that no NAF
3 attendee admitted to engaging in, agreed to engage in, or expressed interest in engaging in
4 potentially illegal sale of fetal tissue for profit. The recordings tend to show an express rejection
5 of Daleiden’s and his associates’ proposals or, at most, discussions of interest in being paid to
6 recoup the costs incurred by clinics to facilitate collection of fetal tissue for scientific research,
7 which NAF argues is legal. *See, e.g.*, Foran PI Decl. ¶ 79(I) (Sub-bates: 14-147; Time Stamp
8 05:56:00 - 05:57:00 (Dr. Nucatola identifying an “ethical problem” with Daleiden’s payment
9 proposal: “We just really want the affiliates to be compensated in a way that is proportionate to the
10 amount of work that’s required on their end to do it. In other words, we don’t see it as a money
11 making opportunity. That’s not what it should be about.”); Foran PI Decl. ¶ 79(K) (Sub-bates: 15-
12 203; Time Stamp: 12:09:00 - 12:10:21) (NAF attendee responding to Tennenbaum’s proposal”
13 “Do the patients get any reimbursement? No, you can’t pay for tissue, right. You can’t pay for
14 tissue.”); Foran PI Decl. ¶ 79(M) (Sub-bates: 15-010; Time Stamp: 24:29 - 25:43) (NAF attendee
15 responds that “we cannot have that conversation with you about being creative,” because it
16 “crosses the line.”); Foran PI Decl. ¶ 79(N) (Sub-Bates: 15-010; Time Stamp: 59:18-1:04:32)
17 (NAF attendee responding to Tennenbaum with, “No profiteering or appearance of profiteering . .
18 . we need it to be a donation program rather than a business opportunity.”).

19 Defendants also gathered confidential NAF and NAF-member materials at the Annual
20 Meetings, including lists and biographies of NAF faculty and contact information for NAF
21 members. Foran PI Decl. ¶ 3; Pl. Ex. 56 at 3; Pl. Ex. 58.

22 Following the 2014 Annual Meeting, Daleiden followed up with the “targets” he met at the
23 Meeting, in part to set up meetings with abortion providers, including Dr. Deborah Nucatola.¹⁴ Pl.
24 Exs. 26 (list of “targets”), 36, 59-61, 64-65, 67-69; Daleiden Depo. 257-259, 265-269. As he
25 explained to his supporters and funders in a report prepared following the 2014 Meeting – in
26 which he shared some of the confidential NAF information that had been collected at that meeting
27

28 ¹⁴ Dr. Nucatola was identified by defendants as a key target and the Senior Director of Medical Services for Planned Parenthood. Pl. Ex. 26.

1 – he was able to secure the follow up meetings because, following its attendance at the 2014
 2 Annual Meeting, “BioMax is now a known and trusted entity to many key individuals in the upper
 3 echelons of the abortion industry.” Pl. Ex. 26; *see also* Pl. Exs. 59-63 (emails to targets
 4 referencing their meeting at NAF); Pl. Ex. 64 (email to Dr. Nucatola); Daleiden Depo. at 253-259
 5 (Daleiden’s follow up with Dr. Nucatola); Pl. Ex. 67 ¶¶ 3-4 (StemExpress representative
 6 explaining her initial meeting with Daleiden at the NAF 2014 Annual Meeting, as the reason a
 7 subsequent meeting was arranged); Daleiden Tr. at 271-274 (discussing his follow up
 8 communications with StemExpress representatives). In a recording following Daleiden and
 9 Tennenbaum’s meeting with StemExpress representatives, Daleiden credited the ability to secure
 10 that meeting to “because like we’ve been at NAF. Like, we’re so vetted and so like.” Foran PI
 11 Decl. ¶ 12; Pl. Ex. 70 at FNPB029820150522190849.avi at 19:13:00-19:15:00).

12 **III. DEFENDANTS RELEASE HUMAN CAPITAL PROJECT VIDEOS**

13 On July 14, 2015, CMP released two videos of a lunch meeting that Daleiden had with Dr.
 14 Nucatola, a “key” target from the 2014 NAF Annual Meeting. Daleiden PI Decl. ¶ 25; Pl. Ex. 26.
 15 Daleiden testified that one of the videos “contained the entire conversation with Nucatola” and the
 16 other was “a shorter summary version of the highlights from the conversation.” *Id.* CMP issued a
 17 press release in conjunction with the release of these videos entitled “Planned Parenthood’s Top
 18 Doctor, Praised by CEO, Uses Partial-Birth Abortion to Sell Baby Parts.” Pl. Ex. 66. NAF
 19 counters that the “highlights” video was misleadingly edited and omits Dr. Nucatola’s comments
 20 that “nobody should be selling tissue. That’s just not the goal here,” and her repeated comments
 21 that Planned Parenthood would not sell tissue or profit in any way from tissue donations. Foran
 22 TRO Decl. Ex. 18 at 7, 21-22, 25-26, 34, 48, 52-54.

23 On July 21, 2015, CMP released two more videos: a 73-minute video and a shorter
 24 “highlights summary” from Daleiden’s lunch meeting with Planned Parenthood “staff member”
 25 Dr. Mary Gatter. Daleiden PI Decl. ¶ 26. CMP issued a press release in conjunction with the
 26 release of these videos entitled “Second Planned Parenthood Senior Executive Haggles Over Baby
 27 Parts Prices, Changes Abortion Methods.” Pl. Ex. 71. NAF again contends the “highlight” video
 28 was misleadingly edited, including the omission of Dr. Gatter’s comments that tissue donation was

1 not about profit, but “about people wanting to see something good come out” of their situations,
2 “they want to see a silver lining” Pl. Ex. 82 at NAF0001395.

3 CMP has continued to release other videos as part of the Project, including one featuring a
4 site visit to Planned Parenthood Rocky Mountains, where Savita Ginde is Medical Director.
5 Daleiden PI Decl. ¶ 27. On July 30, 2015, CMP issued a press release in conjunction with the
6 release of this video entitled “Planned Parenthood VP Says Fetuses May Come Out Intact, Agrees
7 Payments Specific to the Specimen.” Pl. Ex. 74.¹⁵

8 Daleiden asserts that when CMP released the “highlight” or summary videos, CMP also
9 released “full” copies of the underlying recordings. Daleiden PI Decl. ¶¶ 25-27. NAF has
10 submitted a report by Fusion GPS, completed at the request of counsel for Planned Parenthood,
11 analyzing the videos released by CMP and concluding that there is evidence that CMP edited
12 content out of the “full” videos and heavily edited the short videos “so as to misrepresent
13 statements made by Planned Parenthood representatives.” Pl. Ex. 77; *see also* Pl. Exs. 78-79.¹⁶

14 The day before the first set of videos was released, CMP put together a press kit with
15 “messaging guidelines” that was circulated to supporters. Pl. Ex. 135; Deposition Transcript of
16 Charles C. Johnson (Dkt. No. 255-11) 70:22-71:19. In those guidelines, defendants assert that
17 their aim for the Project is to create “political pressure” on Planned Parenthood, focusing on
18 “Congressional hearings/investigation and political consequences for” Planned Parenthood such as
19 defunding and abortion limits. Pl. Ex. 135.

20 To be clear, the videos released by CMP as part of the Project to date do not contain
21 information recorded during the NAF Annual Meetings.¹⁷ With respect to the NAF material

22
23 ¹⁵ *See also* Pl. Ex. 74 (CMP press release on fifth Project video; “‘Intact Fetal Cadavers’ at 20
24 Weeks ‘Just a Matter of Line Items’ at Planned Parenthood TX Mega-Center; Abortion Docs Can
25 ‘Make it Happen.’”); Pl. Ex. 69 (CMP press release on eighth Project video; “Planned Parenthood
26 Baby Parts Buyer StemExpress Wants ‘Another 50 Livers/Week,’ Financial Benefits for Abortion
27 Clinics.”); Pl. Ex. 75 (CMP press release on ninth Project video; “Planned Parenthood Baby Parts
28 Vendor ABR Pays Off Clinics, Intact Fetuses ‘Just Fell Out.’”); Pl. Ex. 76 (CMP press release on
tenth Project video; “Top Planned Parenthood Exec Agrees Baby Parts Sales ‘A Valid Exchange,’
Some Clinics ‘Generate a Fair Amount of Income Doing This.’”).

¹⁶ Defendants object to Exhibits 78-79 as inadmissible hearsay, for lack of personal knowledge
and authentication, and improper expert testimony. Those objections are overruled.

¹⁷ NAF contends that the meetings Daleiden had with Doctors Nucatola, Gatter, and Ginde that
resulted in the CMP videos would not have been possible without BioMax having fraudulently

covered by the TRO and at issue on the motion for a preliminary injunction, Daleiden affirms that other than: (i) providing a StemExpress advertisement from the NAF 2014 Annual Meeting program to law enforcement in El Dorado County, California in May 2015; (ii) short clips of video to law enforcement in Texas in June or July 2015; (iii) providing the 504 hours of recordings in response to the Congressional subpoena; and (iv) providing a short written report to CMP donors in April 2014, “Daleiden and CMP have made no other disclosures of recordings or documents from NAF meetings.” Daleiden PI Decl. ¶ 24. However, a portion of the NAF materials were leaked and posted on the internet on October 20 and 21, 2015.¹⁸

IV. IMPACT OF DISCLOSURES ON NAF AND ITS MEMBERS

NAF is a not-for-profit professional association of abortion providers, including private and non-profit clinics, Planned Parenthood affiliates, women’s health centers, physicians’ offices, and hospitals. Declaration of Vicki Saporta (Dkt. No. 3-34) ¶ 2. It sets standards for abortion care through Clinical Policy Guidelines (CPGs) and Ethical Principles for Abortion Care, and develops continuing medical education and training programs and educational resources for abortion providers and other health care professionals. *Id.* ¶ 3. NAF also implemented a multi-faceted security program to help ensure the safety of abortion providers by putting in place reference, security, and confidentiality requirements for its membership and for attendance at its Meetings. *Id.* ¶¶ 10-14; Declaration of Mark Mellor (Dkt. No. 3-33) ¶ 5-12. NAF tracks security threats to abortion providers and clinics, and offers technical assistance, on-site security training, and

¹⁸ gained access to NAF’s Annual Meetings and, thereby, appearing to be a legitimate operation. This leak occurred after defendants produced NAF materials covered by the TRO to Congress. NAF argues – and moves for an Order to Show Cause asking me to sanction defendants – that defendants violated my order and the TRO by producing to Congress NAF audio and video recordings that were not directly responsive to the Congressional subpoena. *See* Dkt. Nos. 155, 222. NAF complains that as a result of this “over production,” the subsequent leak included NAF Materials that had nothing to do with alleged criminal activity. I heard argument on this motion on December 18, 2015. Dkt. No. 310. Having considered the representations of defense counsel, I DENY the motion for an order to show cause. Defendants did produce materials that were not covered by the subpoena, but were covered by the TRO, contrary to my Order allowing a response to the subpoena. Dkt. No. 155. Defense counsel did so because in light of their conversations with Congressional staffers, they believed Congress wanted “unedited” recordings, which defense counsel interpreted to mean the whole batch of recordings, even those where fetal tissue was not being discussed. At the hearing I cautioned defense counsel that in the future, before they take it upon themselves to arguably violate an order from this Court – even if in good faith – they should seek clarification from me first.

assessments at facilities and homes of clinic staff, as well as 24/7 support to its members when they are “facing an emergency or are targeted. *Id.* ¶ 10, 15; *see also* Declaration of Derek Foran in Support of TRO (Dkt No. 3-2) ¶ 6 & Ex 2 (NAF statistics documenting more than 60,000 incidents of harassment, intimidation, and violence against abortion providers, including murder, shootings, arson, bombings, chemical and acid attacks, bioterrorism threats, kidnapping, death threats, and other forms of violence between 1997 and 2014).

Following the release of the videos in July 2015, the subjects of those videos (including Doctors Nucatola, Gatter, and Ginde), have received a large amount harassing communications (including death threats). Pl. Exs. 80-81 (internet articles and threats by commentators), 83-91; *see also* Saporta Decl. ¶ 19. Incidents of harassment and violence directed at abortion providers increased nine fold in July 2015, over similar incidents in June 2014. Pl. Ex. 92. The incidents continued to sharply rise in August 2015. Pl. Ex. 93. The FBI has also reported seeing an increase in attacks on reproductive health care facilities. Pl. Ex. 94.¹⁹ Since July 2015, there have also been four incidents of arson at Planned Parenthood and NAF-member facilities. Saporta Depo. at 42:1-10; Pl. Exs. 96-99.²⁰ Most significantly, the clinic where Dr. Ginde is medical director – a fact that was listed on the AbortinDocs.org website operated by defendant Newman’s Operation Rescue group – was attacked by a gunman, resulting in three deaths. Pl. Exs. 18, 20, 21, 22, 148.²¹

NAF’s President and CEO testified that there “has been a dramatic increase” in harassment since July 14, 2015, and the “volume of hate speech and threats are nothing I have ever seen in 20 years.” Pl. Ex. 95 (Deposition Transcript of Vicki Saporta) at 16:17-23, 39:13-20; *see also id.* at 43:15-18 (“We have uncovered many, many direct threats naming individual providers. Those

¹⁹ Defendants object to Exhibits 92 - 94 on the grounds that Foran lacks personal knowledge and cannot authenticate the exhibits, as hearsay, and on relevance. Those objections are overruled.

²⁰ Defendants object to Exhibits 96 - 99 as inadmissible hearsay, lack of personal knowledge, lack of authentication, irrelevant and prejudicial. Those objections are overruled. Defendants also filed a motion to supplement the Preliminary Injunction record with a news article indicating the individual arrested in connection with the fire at the Thousand Oaks Planned Parenthood office was not motivated by politics, but by a “domestic feud.” Dkt. No. 322. That motion is GRANTED.

²¹ Defendants object to Exhibit 148 as irrelevant and inadmissible hearsay. Those objections are overruled.

providers have had to undergo extensive security precautions and believe they are in danger.”). In response, NAF hired and committed additional staff to monitoring the internet for harassment and threats. Saporta Depo. at 38:2-20. NAF’s security team has also seen an increase in off-hour communications from members about security. Mellor Decl. ¶ 15. As a result, NAF has been forced to take increased security measures at increased cost, has cut back on its communications with members, and alerted hotel staff and security for its upcoming events that those meetings have been “compromised.” *Id.* ¶ 15.

Two NAF members also submit declarations in support of NAF. Jennifer Dunn, a law professor, submits a declaration explaining her expectation that she was filmed during the 2014 Annual Meeting during a panel presentation and that following the release of the CMP videos, she took steps to protect the safety and privacy of her family. Declaration of Jennifer T. Dunn (Dkt. No. 3-31) ¶ 10.²² She explains that she is fearful that CMP may release a misleading and highly edited video featuring some or all of her panel presentation that would open her up to the sort of public disparagement and intimidation she saw directed towards Doctors Nucatola and Gatter after the CMP videos were released. *Id.* ¶¶ 9-10.

Dr. Matthew Reeves, the medical director of NAF, submits a declaration explaining his understanding that Daleiden filmed conversations with him during the 2014 Annual Meeting. Declaration of Dr. Matthew Reeves (Dkt. No.) ¶¶ 12-16.²³ Dr. Reeves explains that he has witnessed “the terrible reaction towards the prior doctors” who were featured in CMP’s videos and he expects he “will suffer similar levels of reputational harm should a heavily edited and misleading video of me be released.” *Id.* ¶ 17. Because of his expectation that defendants could “target” him, since the release of the videos, he had his home inspected by NAF’s security team and is installing a security system, but given the current atmosphere he remains fearful for his safety and that of his family. *Id.* ¶¶ 19, 21.

²² Defendants object to paragraph 10 of Dunn’s declaration as lacking in personal knowledge, improper expert testimony, inadmissible hearsay, and improper opinion. Those objections are overruled.

²³ Defendants object to paragraph 12 of Dr. Reeves declaration as speculative, improper expert testimony, improper opinion testimony, and for lack of personal knowledge. Those objections are overruled.

V. TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

On July 31, 2015, based on an application from NAF and after reviewing the preliminary evidentiary record, I granted NAF's request and entered a Temporary Restraining Order that restrained and enjoined defendants and their officers, agents, servants, employees, and attorneys, and any other persons who are in active concert or participation with them from:

- (1) publishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned, at any NAF annual meetings;
- (2) publishing or otherwise disclosing to any third party the dates or locations of any future NAF meetings; and
- (3) publishing or otherwise disclosing to any third party the names or addresses of any NAF members learned at any NAF annual meetings.

Dkt. No. 15. On August 3, 2015, after reviewing the arguments and additional evidence submitted by defendants, I issued an order keeping the TRO in place pending the hearing and ruling on NAF's motion for a preliminary injunction. Dkt. No. 27. On August 26, 2015, I entered a stipulated Protective Order, which provided that before responding to any subpoenas from law enforcement entities for information designated as confidential under the Protective Order, the party receiving the subpoena must notify the party whose materials are at issue and inform the entity that issued the subpoena that the materials requested are covered by the TRO. Dkt. No. 92 ¶ 9. The purpose of the notice provision is to allow the party whose confidential materials are sought the opportunity to meet and confer and, if necessary, seek relief from the subpoena in the court or tribunal from which the subpoena issued. *Id.*

In NAF's motion for preliminary injunction, NAF asks me to continue in effect the injunction provided in the TRO, but also to expand the scope to include the following:

- (4) enjoin the publication or disclosure of any video, audio, photographic, or other recordings taken of members or attendees Defendants first made contact with at NAF meetings; and publishing or otherwise disclosing to any third party the dates or locations of any future NAF meetings; and
- (5) enjoin the defendants from attempting to gain access to any future NAF meetings.

Motion (Dkt. No. 228-4) at i.

LEGAL STANDARD

“‘A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008)). Where an injunction restrains speech, a showing of “exceptional” circumstances may be required, as the Reporters Committee for Freedom of the Press pointed out.²⁴ *See, e.g., Bank Julius Baer & Co. Ltd v. Wikileaks*, 535 F. Supp. 2d 980, 985 (N.D. Cal. 2008). On this record, I conclude that exceptional circumstances exist, meriting the continuation of injunctive relief pending final resolution of this case.

DISCUSSION

I. LIKELIHOOD OF SUCCESS

NAF’s Amended Complaint asserts eleven different causes of action against the three defendants. Dkt. No. 131. In moving for a preliminary injunction, NAF rests on only two – breach of contract and violation of California Penal Code section 632 – to argue its likelihood of success on the merits.

A. Breach of Contract

Under California law, to succeed on a breach of contract claim, a plaintiff must prove: (1) the existence of a contract, (2) plaintiff performed or is excused for nonperformance, (3) defendant’s breach, and (4) resulting damages to plaintiff. *See, e.g., Reichert v. Gen. Ins. Co. of Am.*, 68 Cal. 2d 822, 830 (1968). NAF argues that defendants’ conduct: (i) breached the EAs, by misrepresenting BioMax and their own identities; (ii) breached the EAs and CAs by secretly recording during the Annual Meetings; and (iii) breached the EAs and CAs by disclosing and publishing NAF’s confidential materials.

²⁴ The Reporters Committee for Freedom of the Press resubmitted their motion asking the Court to consider their *amici curiae* letter brief. Dkt. No. 287. I GRANT that motion and consider the Reporters Committee letter, as well as NAF’s response, and the Reporters Committee’s reply. Dkt. Nos. 109, 111, 114, 287.

1. Existence of a Contract; Consideration for the Confidentiality Agreements

Defendants argue that NAF cannot enforce the CA because that particular agreement was not supported by consideration for the 2014 or 2015 Meetings. *See Chicago Title Ins. Co. v. AMZ Ins. Servs., Inc.*, 188 Cal. App. 4th 401, 423 (2010) (“Every executory contract requires consideration, which may be an act, forbearance, change in legal relations, or a promise.”).²⁵ They contend that the only document that needed to be signed to gain access to the NAF Meetings was the EA. Therefore, according to defendants, there was no separate consideration given with respect to the CAs that were signed by or sought from the attendees at the NAF registration tables because NAF already had a legal obligation to permit them access to the meetings. *Oppo. Br.* at 19-20.

Defendants’ argument is not supported by the facts. The EAs on their face provided access to the exhibition area (“Exhibit Rules and Regulations”) *and also* required that any exhibitor’s representatives be registered for the NAF Annual Meetings. *Pl. Exs.* 3,4. The CAs were required as part of the registration for the NAF Annual Meeting, and NAF’s evidence demonstrates that no one was supposed to be allowed into the Meetings unless their identification was checked and they signed a CA. Declaration of Mark Mellor (Dkt. No. 3-33) ¶ 11; Dunn Decl. ¶ 6; *see also* Foran PI Decl. ¶ 79(C) (Sub-Bates 15-062; Time stamp: 14:56:02-14:56:50) (NAF representative confirming that Daleiden and associates had their identification checked and signed confidentiality agreements). Nothing in the language of the EAs or CAs, or the other facts in the record, support defendants’ argument that upon signing the EAs, NAF had the legal obligation to permit Daleiden’s group access to the meetings without further requirement.

Other than lack of consideration, the only other argument defendants appear to make with respect to the CA is that the CA cannot be enforced against Daleiden and two of his associates (Tennenbaum and Allen) because they did not execute CAs for the 2015 NAF Annual Meeting. *Oppo. Br.* at 19-20 & fn. 7. As an initial matter, there is no dispute that everyone in Daleiden’s group signed the CAs for the 2014 Meeting. There is also no dispute that the reason Daleiden and

²⁵ Defendants make no argument that the EA was not supported by consideration. It plainly was; access to the exhibition hall in exchange for submission of the Application and payment of the exhibitor fee.

two of his associates did not sign the CAs for the 2015 Meeting is that Daleiden lied about it to a NAF representative. Foran PI Decl. ¶ 79(C) (Sub-Bates 15-062; Time stamp: 14:56:02-14:56:50). There is likewise no dispute that at least one of the CMP associates working at Daleiden's direction, "Lopez," signed the 2015 CA. Given these facts, on this record, the 2015 CA can be enforced against defendants for purposes of determining likelihood of success on NAF's breach of contract claim.

I find that NAF has shown a likelihood of success on their breach of contract claim based on the 2014 and 2015 CAs.

2. Whether Defendants' Conduct Breached the EA

Defendants argue that NAF cannot prevail on its claim that defendants misrepresented themselves in violation of the EA because Paragraph 15 of the EA only requires Exhibitors to "identify, display, and/or represent their business, products, and/or services truthfully, accurately, and consistently with the information provided in the Application." Defendants contend that this requirement applies only to BioMax, not Daleiden and his associates "individually," and that NAF is attempting to base its breach claim on representations defendants made about BioMax and/or CMP outside of the NAF Annual Meetings. *Oppo. Br.* at 20-21.

By signing the EA on behalf of a fake company, defendants CMP and Daleiden necessarily violated paragraph 19 of the EA, which required the signatory's affirmation that the information in the Agreement, as well as any information displayed at the Meetings, was "truthful, accurate, complete, and not misleading." *Pl. Exs.* 3,4. Similarly, by signing the EA and then displaying and representing false and inaccurate information about BioMax at the Meetings, defendants CMP and Daleiden violated paragraph 15 as well.²⁶ Defendants' conduct with respect to the information they conveyed in the EA and their conduct at the NAF meeting is sufficient – on this record – to

²⁶ Defendants assert in their brief, without any citation to evidence, that BioMax's "business" was to "assess the market for clinics and abortion providers willing to partner with it in buying and selling fetal tissue." *Oppo. Br.* at 21. This post-hoc rationalization is contrary to the defendants' own contemporaneous statements and their statements on the EAs themselves which required the applicant to "5. List the products or services to be exhibited" and which Daleiden filled out as "biological specimen procurement, stem cell research" and "fetal tissue procurement, human biospecimen procurement." *Pl. Exs.* 3,4; *see also* *Pl. Ex.* 26 (describing BioMax as a "front organization.").

show a violation of that agreement, regardless of how defendants may have portrayed BioMax outside of the NAF Meetings.

Defendants' argument that paragraph 15 of the EA restricts the remedies NAF can seek for breach to cancellation of the EA and removal of exhibits at the Meetings, and excludes the injunctive relief sought in this motion is likewise without support. Defendants continue to ignore paragraphs 18 and 19, which provide that if there is a breach of the EA, NAF is entitled to seek specific performance, injunctive relief and "all other remedies available at law or equity." Pl. Exs. 3,4.

On the record before me, NAF has a strong likelihood of success on its argument that defendants breached the EA for the 2014 and 2015 NAF Annual Meetings.²⁷

3. Scope and Reasonableness of the EA

Defendants argue that the EA is unenforceable because it is overbroad, imprecise, and unreasonable. Specifically, they rely on NAF's characterization of the EA (and presumably the CA as well) as "broad" and encompassing all NAF communications and things learned at the NAF Meetings to argue that the EA's breadth is problematic.

That a confidentiality provision is broad does not mean it is unenforceable. The cases cited by defendants on this point are not to the contrary.²⁸ For example, in *Wildmon v. Berwick Universal Pictures*, 803 F. Supp. 1167, 1178 (N.D. Miss.) *aff'd*, 979 F.2d 209 (5th Cir. 1992), after applying Mississippi's contract interpretation doctrine and determining that the contract language was ambiguous, the Court concluded that "an ambiguous contract should be read in a

²⁷ Defendants also argue that their recordings could not have violated the EA because the EA did not prohibit audio and video recording, it only prohibited photography. Oppo. Br. at 19-20; EA at ¶ 13. Disputes over whether a ban on "photography" would prohibit video and audio recording aside, the CAs clearly prohibited all forms of recording and are enforceable against defendants, even for the 2015 meeting as discussed above. In a footnote, defendants assert that the CAs should be read as limiting the prohibition on recording to only formal sessions at the Meetings and not informal discussions. Oppo. Br. at 20, fn. 8. That argument is not supported. There is nothing in the text of the CA that indicates that "discussions" is limited to formal panel or workshop presentations and does not encompass information that is conveyed outside of those "formal" events.

²⁸ *Cf. Coast Plaza Doctors Hosp. v. Blue Cross of California*, 83 Cal. App. 4th 677, 684 (2000), *as modified* (Sept. 7, 2000) (giving full effect to "contractual language [that] is both clear and plain. It is also very broad. In interpreting an unambiguous contractual provision we are bound to give effect to the plain and ordinary meaning of the language used by the parties.").

1 way that allows viewership and encourages debate.” The problem in *Wildmon* was not breadth,
2 but ambiguity.

3 In *In re JDS Uniphase Corp. Sec. Litig.*, 238 F. Supp. 2d 1127 (N.D. Cal. 2002), a
4 securities class action, the state of Connecticut moved the court to limit the scope of a
5 confidentiality agreement the employer imposed on its employees so that the employees could
6 respond to a state investigation. The court concluded, to “the extent that those agreements
7 preclude former employees from assisting in investigations of wrongdoing that have nothing to do
8 with trade secrets or other confidential business information, they conflict with the public policy in
9 favor of allowing even current employees to assist in securities fraud investigations.” *Id.* at 1137.
10 The considerations the court addressed in *In re JDS Uniphase Corp. Sec. Litig* that led it to limit
11 the scope of the employee confidentiality agreement may have some persuasive value with respect
12 to the interests of the Attorney General *amici* discussed below, but do not weigh against
13 enforcement of NAF’s confidentiality agreements against defendants generally. This is especially
14 true considering that there are significant, countervailing public policy arguments weighing in
15 favor of enforcing NAF’s confidentiality agreements. *See, e.g.*, Cal. Govt. Code § 6215(a)
16 (recognizing that persons working in the reproductive health care field, specifically the provision
17 of terminating a pregnancy, are often subject to harassment, threats, and acts of violence by
18 persons or groups).

19 The final case relied on by defendants in support of their argument that the EA should be
20 interpreted narrowly, consistent with the public’s interest in hearing speech on matters of public
21 concern, did not address a confidentiality agreement at all. *See Curtis Pub. Co. v. Butts*, 388 U.S.
22 130, 145 (1967). The *Curtis* case found that absent clear and compelling circumstances, the Court
23 would not find that a defendant had waived a First Amendment defense to libel (where that
24 specific defense had not been established by the Supreme Court at the time of defendants’ libel
25 trial).

26 Defendants also rely on established case law directing courts to interpret ambiguous
27 contracts in a manner that is reasonable and does not lead to absurd results. *Oppo*. Br. at 22-23.
28 Defendants argue that the broad coverage NAF contends the EA imposes on defendants is

unreasonable and absurd because NAF's interpretation of the broad scope of the EA would cover all information discussed at NAF's Meetings, even publicly known information. *Oppo.* at 22-23. Defendants' argument might have some merit if it was made concerning a challenge to the application of the EAs' confidentiality provisions with respect to specific pieces or types of information that are otherwise publicly known or intended by NAF to be shared with individuals not covered by the EA. Defendants do not make that type of "as applied," narrow argument. Instead, they argue that the whole EA is unenforceable. There is no legal support for that result or for defendants' speculation that the EA might be enforced in an unreasonable manner against other NAF attendees.²⁹

4. What Information is Covered by EA

Defendants argue that even if enforceable, the EA should be read to create confidentiality only for the information *provided* by NAF in formal sessions and should not be construed to cover information provided by conference attendees in informal conversations. *Oppo. Br.* at 26-27. Defendants rely on the two portions of paragraph 17 of EA for their restrictive interpretation of its coverage; they argue that paragraph 17 only restricts disclosure of information "NAF may furnish" and "written information provided by NAF." Those provisions, defendants say, should be read to modify "any information which is disclosed orally or visually." Taken together, defendants argue, this language "connotes formality" and therefore should cover only oral and visual information provided in formal sessions at the Meetings. *Oppo. Br.* at 26.

As an initial matter, defendants wholly ignore the provision in the EAs that signatories agree – on behalf of entities and their employees and agents – to "hold in trust and confidence any confidential information received in the course of exhibiting at the NAF Annual Meeting and agree not to reproduce or disclose confidential information without express permission from NAF." Pl. Exs. 3,4. The only reason defendants gained access to the NAF Annual Meetings was

²⁹ I agree with defendants that NAF's intent with respect to the EA and CA is irrelevant for purposes of this motion. Under California contract law, intent comes into play only when contract language is ambiguous. There is no ambiguity concerning meaning of the EA or CA with respect to defendants' conduct here and, therefore, no need to construe otherwise ambiguous terms against the drafter. *But see Rebolledo v. Tilly's, Inc.*, 228 Cal. App. 4th 900, 913 (2014) ("ambiguities in standard form contracts are to be construed against the drafter.").

1 under their guise as exhibitors and all information they received was in the course of that role,
 2 even if gathered in places other than the exhibition hall. Moreover, defendants' constrained
 3 reading of paragraph 17 is illogical. The text of paragraph 17, when read as a whole, covers all
 4 written, oral, and visual information, and the "formality" of the language does not restrict its
 5 requirements to only the "formal" workshops and presentations as argued by defendants.³⁰

6 In sum, on the record before me, NAF has demonstrated a strong likelihood of success on
 7 its breach of contract claims both with respect to the EAs that were signed by all CMP operatives
 8 in 2014 and 2015, and with respect to the CAs that were signed by Daleiden and his associates in
 9 2014 and signed by Lopez in 2015.

10 **B. California Penal Code section 632**

11 NAF also contends that it has demonstrated a likelihood of success on its claim that
 12 defendants violated California Penal Code section 632. That provision makes it a crime to,
 13 "without the consent of all parties to a confidential communication, by means of any electronic
 14 amplifying or recording device, eavesdrops upon or records the confidential communication,
 15 whether the communication is carried on among the parties in the presence of one another or by
 16 means of a telegraph, telephone, or other device." Cal. Penal Code § 632(a). "The term
 17 'confidential communication' includes any communication carried on in circumstances as may
 18 reasonably indicate that any party to the communication desires it to be confined to the parties
 19 thereto, but excludes a communication . . . in any other circumstance in which the parties to the
 20 communication may reasonably expect that the communication may be overheard or recorded."
 21 *Id.* § 632(c). And "[e]xcept as proof in an action or prosecution for violation of this section, no
 22 evidence obtained as a result of eavesdropping upon or recording a confidential communication in
 23 violation of this section shall be admissible in any judicial, administrative, legislative, or other
 24 proceeding." *Id.* § 632(d).

25 Defendants argue that because section 632 does not prohibit publication of recordings
 26 made in violation of the statute, NAF cannot justify an injunction against defendants based upon

27
 28 ³⁰ The same is true of defendants "implications of formality" argument made with respect to the
 CAs in a footnote. *See* Oppo. Br. at 27, n.12.

1 an alleged violation of that statute. Indeed, California courts have held that “Penal Code section
2 632 does not prohibit the disclosure of information gathered in violation of its terms.” *Lieberman*
3 *v. KCOP Television, Inc.*, 110 Cal. App. 4th 156, 167 (2003); *cf. Kight v. CashCall, Inc.*, 200 Cal.
4 App. 4th 1377, 1393 (2011) (“Although a recording preserves the conversation and thus could
5 cause greater damage to an individual's privacy in the future, these losses are not protected by
6 section 632.”).

7 In reply, NAF argues that its section 632 claim is not being asserted as a basis for
8 enjoining release of the recordings already made, but in support of its request that defendants be
9 enjoined from “attempting to gain access to any future NAF meetings in order to tape its members,
10 a form of relief specifically provided under § 637.2(b) (“Any person may . . . bring an action to
11 enjoin and restrain any violation of this chapter, and may in the same action seek damages as
12 provided by subdivision (a).”).

13 Penal Code section 632, therefore, is not relevant to NAF’s chances of success on the
14 merits, but only with respect to the appropriate scope of injunctive relief, discussed below.³¹

15 **C. The First Amendment and Public Policy Implications of the Requested Injunction**

16 Defendants argue that, assuming NAF demonstrates a likelihood of success on the breach
17 of contract claim, the EAs and CAs should not be enforced through an injunction prohibiting
18 defendants from publishing the recordings because that is an unjustified prior restraint and against
19 public policy. NAF counters that even if First Amendment issues are raised by the injunction it
20 seeks, any right to speech implicated by publishing the NAF recordings has been waived by
21 defendants knowing agreement to the EAs and CAs.

22 NAF relies primarily on a line of cases holding that where parties to a contract agree to
23 restrictions on speech, those restrictions are generally upheld. For example, in *Leonard v. Clark*,
24 the Ninth Circuit addressed a union and union members’ challenge to a Collective Bargaining
25

26 ³¹ Both sides spend much time arguing whether section 632 prohibits recording panel
27 presentations as opposed to conversations between individuals, because section 632’s protections
28 only extend to information as to which the speaker has a “reasonable expectation” of privacy. I
need not reach these arguments as NAF no longer asserts section 632 as a ground for its likelihood
of success on this motion.

1 Agreement that arguably restricted their First Amendment rights to petition the government. 12
2 F.3d 885, 886 (9th Cir. 1993), *as amended* (Mar. 8, 1994). The court, following Supreme Court
3 precedent, recognized that “First Amendment rights may be waived upon clear and convincing
4 evidence that the waiver is knowing, voluntary and intelligent,” and concluded that in negotiating
5 the CBA the union knowingly waived any First Amendment rights that may have been implicated.
6 *Id.* at 890.

7 Other cases have likewise found that speech rights can be knowingly waived. *ITT Telecom*
8 *Prod. Corp. v. Dooley*, 214 Cal. App. 3d 307, 317, 319 (1989) (recognizing, in a case determining
9 the scope of California’s litigation privilege, that “it is possible to waive even First Amendment
10 free speech rights by contract.”); *Perricone v. Perricone*, 292 Conn. 187, 202 (2009) (Supreme
11 Court of Connecticut enforced non-disclosure agreement as knowing and voluntary waiver of First
12 Amendment rights and enjoined ex-wife from “appearing on radio or television” for purposes of
13 discussing her former marriage or spouse); *Brooks v. Vallejo City Unified Sch. Dist.*, No. 2:09-
14 CV-1815 MCE JFM, 2009 WL 10441783, at *5 (E.D. Cal. Oct. 30, 2009) (recognizing, in
15 denying a third-party’s attempt to secure a copy of a public entities’ settlement agreement with
16 two individual plaintiffs, that individuals “were entitled to bargain away their free speech rights by
17 agreeing to confidentiality provisions or other contractual provisions that restrict free speech”).

18 Defendants respond that NAF has not shown that Daleiden knowingly and intelligently
19 waived his First Amendment rights by signing the NAF confidentiality agreements, resting their
20 argument on Daleiden’s position that he believed the agreements were unenforceable and void.
21 Daleiden PI Decl. ¶ 12 (“I understood that no nondisclosure agreement is valid in the face of
22 criminal activity. In the course of my investigative journalism work, I have seen other
23 confidentiality agreements, all of which were far more specific and detailed in terms of what the
24 protected information was. I believed the working of the nondisclosure portions of the Exhibit
25 Agreement was too broad, vague, and contradictory to be enforced.”). However, even if Daleiden
26 honestly believed he had *defenses* to the enforcement of the confidentiality agreements, there is no
27 argument – and no case law cited – that his signature on them and his agreement to them was not
28 “knowing and voluntary.” Daleiden and his associates *chose* to attend the NAF Annual Meetings

1 and voluntarily and knowingly signed the EAs and CAs.

2 Daleiden's argument would vitiate the enforceability of confidentiality agreements based
3 on an individual's correct *or mistaken* belief as to the enforceability of those agreements. It is
4 contrary to well-established law. *See, e.g., Leonard v. Clark*, 12 F.3d at 890 ("The fact that the
5 Union informed the City of its view that Article V was 'unconstitutional, illegal, and
6 unenforceable' does not make the Union's execution of the agreement any less voluntary."); *see*
7 *also Griffin v. Payne*, 133 Cal. App. 363, 373 (Cal. Ct. App. 1933) ("A secret intent to violate the
8 law, concealed in the mind of one party to an otherwise legal contract, cannot enable such party to
9 avoid the contract and escape his liability under its terms.").

10 Defendants contend that the public policy at issue – allowing free speech on issues of
11 significant public importance – weighs against finding a waiver and/or enforcing the
12 confidentiality agreements. The Ninth Circuit has recognized that courts should balance the
13 competing public interests in determining whether to enforce confidentiality agreements that
14 restrict First Amendment rights. *Leonard*, 12 F.3d at 890 ("even if a party is found to have validly
15 waived a constitutional right, we will not enforce the waiver 'if the interest in its enforcement is
16 outweighed in the circumstances by a public policy harmed by enforcement of the agreement.'")
17 (quoting *Davies v. Grossmont Union High Sch. Dist.*, 930 F.2d 1390, 1394 (9th Cir.1991)); *see*
18 *also Perricone v. Perricone*, 292 Conn. 187, 221-22 (in weighing the public interests as to whether
19 to enforce the agreement, the court observed: "The agreement does not prohibit the disclosure of
20 information concerning the enforcement of laws protecting important rights, criminal behavior, the
21 public health and safety or matters of great public importance, and the plaintiff is not a public
22 official.").

23 On the record before me, balancing the significant interests at stake on both sides supports
24 enforcement of the confidentiality agreements at this juncture. As the Supreme Court recognized
25 in *Cohen v. Cowles Media Co.*, 501 U.S. 663, 672 (1991), "the First Amendment does not confer
26 on the press a constitutional right to disregard promises that would otherwise be enforced under
27 state law." *Id.* at 672. "[T]he publisher of a newspaper has no special immunity from the
28 application of general laws. He has no special privilege to invade the rights and liberties of

others.’” *Id.* at 7670 (quoting *Associated Press v. NLRB*, 301 U.S. 103 (1937)); *see also* *Dietemann v. Time, Inc.*, 449 F.2d 245, 249 (9th Cir. 1971) (“The First Amendment is not a license to trespass, to steal, or to intrude by electronic means into the precincts of another’s home or office. It does not become such a license simply because the person subjected to the intrusion is reasonably suspected of committing a crime.”). That defendants intended to infiltrate the NAF Annual Meetings in order to uncover evidence of alleged criminal wrongdoing that would “trigger criminal prosecution and civil litigation against Planned Parenthood and to precipitate pro-life political and cultural ramifications when the revelations become public,” does not give defendants an automatic license to disregard the confidentiality provisions. Pl. Ex. 26.

Defendants passionately contend that public policy is on their side (and the side of public disclosure) because the recordings show criminal wrongdoing by abortion providers – a matter that is indisputably of significant public interest. *Cf. Bernardo v. Planned Parenthood Fed’n of Am.*, 115 Cal. App. 4th 322, 358 (2004) (approving judicial notice “of the fact that abortion is one of the most controversial political issues in our nation.”).³² I have reviewed the recordings relied on by defendants and find no evidence of criminal wrongdoing. At the very most, some of the individuals expressed an interest in exploring a relationship with defendants’ fake company in response to defendants entreaties of how “profitable” it can be and how tissue donation can assist in furthering research. There are no express agreements to profit from the sale of fetal tissue or to change the timing of abortions to allow for tissue procurement.³³

³² Defendants ask for leave to supplement the record to include the January 20, 2016 Order in the *StemExpress LLC, Inc. v. Center for Medical Progress* case pending in Los Angeles Superior Court. Dkt. No. 352. Defendants ask me to take notice that the Superior Court found defendants’ Project video regarding StemExpress was “constitutionally protected activity in connection with a matter of public interest” under California’s anti-SLAPP statute. That motion is GRANTED.

³³ The first piece of evidence that defendants repeatedly point to show “illegality” is an advertisement by StemExpress that was in both of the NAF 2014 and 2015 Meeting brochures. That ad states that clinics can “advance biomedical research,” that partnering with StemExpress can be “Financially Profitable*Easy to Implement Plug-In Solution*Safeguards You and Your Donors” and that the “partner program” “fiscally rewards clinics.” *See* Dkt. No. 270-1 at p. 3 of 10. However, the ad explains that StemExpress is a company that provides human tissue products “ranging from fetal to adult tissues and healthy to diseased samples” to many of the leading research institutions in the world. *Id.* The ad, therefore, is a general one and not one aimed solely at providers of fetal tissue. The ad does not demonstrate that StemExpress was engaged in illegal conduct of paying clinics at a profit for fetal tissue.

1 I also find it significant that while defendants’ repeatedly assert that their primary interest
2 in infiltrating NAF was to uncover evidence of criminal wrongdoing, and that the NAF recordings
3 show such wrongdoing, defendants *did not* provide any of the NAF recordings to law enforcement
4 following the 2014 Annual Meeting. Nor did defendants provide any of the NAF recordings to
5 law enforcement immediately following the 2015 Annual Meetings. Instead, defendants decided it
6 was more important to “curate” and release the Project videos starting in July 2015. Sworn
7 testimony from Daleiden establishes that the only disclosure of NAF materials he made to law
8 enforcement officers was: (i) providing a StemExpress advertisement from the NAF 2014 Annual
9 Meeting program to law enforcement in El Dorado County, California in May 2015; and,
10 providing (ii) “short clips” of video to law enforcement in Texas in June or July 2015. Daleiden
11 PI Decl. ¶ 24. If the NAF recordings truly demonstrated criminal conduct – the alleged goal of the
12 undercover operation – then CMP would have immediately turned them over to law enforcement.
13 They did not.

14 Perhaps realizing that the recordings do not show criminal wrongdoing, defendants shift
15 and assert that there is a public interest in the recordings showing “a remarkable de-sensitization in
16 the attitudes of industry participants.” Oppo. Br. at 14. As part of that shift, defendants’
17 opposition brief highlights portions of the recordings where abortion providers comment candidly
18 about how emotionally and professionally difficult their work can be. Oppo. Br. at 14-15. I have
19 reviewed defendants’ transcripts of these portions of the recordings. Some comments can be
20 characterized as callous and some may show a “de-sensitization,” as defendants describe it. They
21 can also be described as frank and uttered in the context of providers mutually recognizing the
22 difficulties they face in performing their work. However they are characterized, there is some
23 public interest in these comments. But unlike defendants’ purported uncovering of criminal
24 activity, this sort of information is already fully part of the public debate over abortion. Oppo. Br.
25 at 49-50 (citing *Gonzales v. Carhart*, 550 U.S. 124, 158 (2007); *Stenberg v. Carhart*, 530 U.S.
26 914, 962 (2000)); *see also* VALUE OF HUMAN LIFE, 162 Cong Rec S 162, 163 (January 21,
27 2016); PROVIDING FOR CONSIDERATION OF H.R. 1947, FEDERAL AGRICULTURE
28 REFORM AND RISK MANAGEMENT ACT OF 2013, 159 Cong Rec H 3708, 3709 (June 8,

1 2013 testimony on the PAIN-CAPABLE UNBORN CHILD PROTECTION ACT). The public
2 interest in additional information on this issue cannot, standing alone, outweigh the competing
3 interests of NAF and its members' expectations of privacy, their ability to perform their
4 professions, and their personal security.

5 It is also this very information that could – if released and taken out of the context that it
6 was shared in by NAF members – result in the sort of disparagement, intimidation, and harassment
7 of which NAF members who were recorded during the Annual Meetings are afraid. Dunn Decl. ¶
8 10; Reeves Decl. ¶ 17. In sum, the public interest in these comments is certainly relevant, but
9 does not weigh heavily against the enforcement of the NAF confidentiality agreements.

10 On the other side, public policy also supports NAF's position. NAF has submitted
11 extensive evidence that in order to fulfill its mission and allow candid discussions of the
12 challenges its members face – both professional and personal – confidentiality agreements for
13 NAF Meeting attendees are absolutely necessary. Dunn Decl. ¶¶ 5-6; Reeves Decl. ¶ 7; Saporta
14 Decl. ¶¶ 11, 13-16; Mellor Decl. ¶¶ 7, 10-14. Release of the recordings procured by fraud and
15 taken in violation of NAF's stringent confidentiality agreements, which disclose the identities of
16 NAF members and compromise steps NAF members take to protect their privacy and professional
17 interests, is also contrary to California's recognition of the dangers faced by providers of abortion,
18 as well as California's efforts to keep information regarding the same shielded from public
19 disclosure and protect them from threats and harassment. *See* Cal. Govt. Code § 6215(a) (“(a)
20 Persons working in the reproductive health care field, specifically the provision of terminating a
21 pregnancy, are often subject to harassment, threats, and acts of violence by persons or groups.”);
22 Cal. Civ. Code § 3427 *et seq.* (creating cause of action to deter interference with access to clinics
23 and health care); Cal. Govt. Code § 6218 (“Prohibition on soliciting, selling, trading, or posting on
24 Internet private information of those involved with reproductive health services”); Cal. Govt. Code
25 § 6254.28; Cal. Penal Code § 423 (“California Freedom of Access to Clinic and Church Entrances
26 Act.”). As noted above, since defendants' release of the Project videos (as well as the leak of a
27 portion of the NAF recordings), harassment, threats, and violent acts taken against NAF members
28 and facilities have increased dramatically. It is not speculative to expect that harassment, threats,

1 and violent acts will continue to rise if defendants were to release NAF materials in a similar way.
2 Weighing the public policy interests on the record before me, enforcement of the confidentiality
3 agreements against defendants is not contrary to public policy.

4 That said, public policy may well support the release of a small subset of records – those
5 that defendants believe show criminal wrongdoing – to law enforcement agencies.³⁴ Defendants
6 rely on a line of cases where courts have refused to enforce, or excused compliance with,
7 otherwise applicable confidentiality agreements for the limited purpose of allowing cooperation
8 with a specified law enforcement investigation. *See, e.g., Alderson v. United States*, 718 F. Supp.
9 2d 1186, 1200 (C.D. Cal. 2010); *In re JDS Uniphase Corp. Sec. Litig.*, 238 F. Supp. 2d 1127
10 (N.D. Cal. 2002); *Lachman v. Sperry-Sun Well Surveying Co.*, 457 F.2d 850, 854 (10th Cir. 1972);
11 *see also United States ex rel. Green v. Northrop Corp.*, 59 F.3d 953, 965 (9th Cir. 1995) (refusing
12 to enforce a prefiling release of a False Claims Act claim); *Siebert v. Gene Sec. Network, Inc.*, No.
13 11-CV-01987-JST, 2013 WL 5645309, at *8 (N.D. Cal. Oct. 16, 2013) (declining to enforce a
14 nondisclosure agreement with respect to documents relevant to a FCA claim because application
15 of the NDA to those documents would “would frustrate Congress’ purpose in enacting the False
16 Claims Act—namely, the public policy in favor of providing incentives for whistleblowers to
17 come forward, file FCA suits, and aid the government in its investigation efforts.”); *but see*
18 *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1062 n.15 (9th Cir. 2011)
19 (upholding breach of confidentiality claim, despite plaintiff’s attempt to “excuse her conduct on
20 the grounds that she was in contact with, and providing information to, government investigators,”
21 in part because that justification “neither explains nor excuses the overbreadth of her seizure of
22 documents.”).³⁵

23 I do not disagree with the analysis and results in those cases, but note that the posture of
24

25 ³⁴ As I have said, my review of the recordings relied on by defendants does not show criminal
26 conduct, but I recognize that law enforcement agencies may want to review the information at
27 issue themselves in order to make their own assessment.

28 ³⁵ Defendants also rely on a related line of cases holding that contracts which expressly prohibit a
signatory from reporting criminal behavior to law enforcement agencies are void as against public
policy. *See, e.g., Oppo. Br.* at 52-55 (citing *Fomby-Denson v. Dep’t of the Army*, 247 F.3d 1366,
1376 (Fed. Cir. 2001); *Bowyer v. Burgess*, 54 Cal. 2d 97, 98 (1960)). Those cases are inapposite.

1 this case is different. Defendants' purported desire to disclose the NAF recordings to law
 2 enforcement does not obviate the confidentiality agreements *for all purposes*. At most, defendants
 3 might have a defense to a breach of contract claim based on production of NAF materials to law
 4 enforcement. However, the question of whether defendants should be excused from complying
 5 with NAF's confidentiality agreements in order to provide NAF materials to law enforcement has
 6 not been placed directly at issue. In this case, Attorney General *amici* have appeared (with leave
 7 of court) to present their arguments on the scope of the TRO and the requested preliminary
 8 injunction.³⁶ They have not directly sought relief from the confidentiality agreements, the TRO,
 9 or the requested preliminary injunction by intervening and moving for declaratory relief in this
 10 Court or by seeking enforcement of their subpoenas in the courts of their own states. And
 11 contrary to their assertion, the TRO in place and the Preliminary Injunction requested do not
 12 prevent law enforcement officials from investigating defendants' claims of criminal wrongdoing.
 13 For example, law enforcement agencies from the states of Arizona and Louisiana have instituted
 14 formal efforts to secure the NAF recordings. Under procedures outlined in the Protective Order in
 15 this case, NAF and defendants have been and continue to meet and confer with those state
 16 authorities about the scope of the subpoenas and defendants' responses.³⁷

17 The record before me demonstrates that defendants infiltrated the NAF meetings with the
 18 intent to disregard the confidentiality provisions and secretly record participants and presentations
 19 at those meetings. Defendants also admit that only a small subset of the total material gathered
 20 implicate any potential criminal wrongdoing. *Oppo. Br.* at 10-14. I have reviewed those
 21 transcripts and recordings and find no evidence of actual criminal wrongdoing. That defendants
 22 did not promptly turn over those recordings to law enforcement likewise belies their claim that

23
 24 ³⁶ I have granted the Attorneys General of the states of Alabama, Arizona, Arkansas, Michigan,
 25 Montana, Nebraska, and Oklahoma leave to participate as *amici curiae* in this matter. Dkt. Nos.
 99, 100, 285. As represented by the office of the Attorney General of Arizona, the *amici* filed a
 brief and argued in court during the hearing on the Motion for a Preliminary Injunction.

26 ³⁷ There have only been three subpoenas served on CMP for NAF materials; the Congressional
 subpoena that has been complied with, as well as subpoenas from Louisiana and Arizona.
 27 Negotiations between NAF, CMP, and the states of Louisiana and Arizona are ongoing. While
 28 NAF and the defendants have repeatedly stipulated to extend the timeframe for NAF to file a
 challenge to the state subpoenas in state court (*see* Dkt. Nos. 246, 300), those were decisions
 reached by the parties and not imposed by the Court.

they uncovered criminal wrongdoing, and instead supports NAF's contention that defendants' goal instead is to falsely portray the operations of NAF's members through continued release of its "curated" videos as part of its strategy to alter the political landscape with respect to abortion and the public perception of NAF's members.³⁸ I conclude that NAF has shown a strong likelihood of success on its breach of contract claims against CMP and Daleiden. Enforcement of NAF's confidentiality provisions for purposes of continuing the injunction prohibiting defendants from releasing the NAF materials is not against public policy.

D. Claims Against Newman

Defendant Newman argues that NAF has failed to show a likelihood of success against him because there is no evidence of his role in the NAF infiltration and no argument that Newman breached any of NAF's agreements. Newman's argument would be more relevant if this were a motion for summary judgment. However, it is not. The only question is whether NAF has made a strong showing of the likelihood of success on its contract claim against CMP and Daleiden, which it has. NAF submitted evidence of Newman's own admissions that he advised Daleiden on how to infiltrate the NAF meetings as part of the Project, which is relevant to the appropriate scope of an injunction. Pl. Ex. 14 (at NAF0004475-76); Pl. Ex. 16 (at NAF0004493-94). That evidence makes clear that Newman should remain covered by the Preliminary Injunction, even if he is no longer serving as a board member of CMP. Dkt. No. 344.

II. IRREPARABLE INJURY

To sustain the request for a preliminary injunction, NAF must demonstrate that "irreparable injury is likely in the absence of" the requested injunction" and establish a "sufficient causal connection" between the irreparable harm NAF seeks to avoid and defendants' intended conduct – release of the NAF materials. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008); *Perfect 10, Inc. v. Google, Inc.*, 653 F.3d 976, 982 (9th Cir. 2011).

³⁸ In opposing NAF's request that the Court order Daleiden to turn over the NAF materials to his outside counsel, Daleiden's counsel explained that Daleiden needed access to the NAF materials because "Mr. Daleiden continues to work on the Human Capital Project, including the work of curating available raw investigative materials for disclosure to law enforcement and for release of videos to the public." Dkt. No. 195.

Defendants argue that NAF has not shown that it will suffer irreparable injury to justify a preliminary injunction. However, as detailed above, the release of videos as part of defendants' Human Capital Project has directly led to a significant increase in harassment, threats, and violence directed not only at the "targets" of CMP's videos but also at NAF and its members more generally. This significant increase in harassment and violent acts – including the most recent attack in Colorado Springs at the clinic where "target" Dr. Ginde is the medical director – has been adequately linked to the timing of the release of the Project videos by CMP. Saporta Decl. ¶ 19; Saporta Depo. 42:1-10; Pl. Exs. 92, 93, 96-99.³⁹ If the NAF materials were publicly released, it is likely that the NAF attendees shown in those recordings would not only face an increase in harassment, threats, or incidents of violence, but also would have to expend more effort and money to implement additional security measures. *See, e.g.*, Dunn Decl. ¶ 10; Reeves Decl. ¶ 19.⁴⁰ The same is true for NAF itself, which provides security assessments and assistance for its members. Mellor Decl., ¶ 15; Saporta Decl. ¶ 10.

Defendants contend that they cannot be held responsible for the threats, harassment, and violence caused by "third-parties" in response to the release of the Project videos, and that defendants' ability to publish the NAF materials cannot be prevented when defendants have not themselves been linked to the threats, harassment, and violence. Oppo. Br. at 43-44. But they fail to contradict NAF's evidentiary showing that a significant increase in these acts followed CMP's release of its Project videos. Moreover, a report submitted by NAF of an analysis of many of the "highlight" and "full" videos released by CMP concluded that the "curated" or highlight Project videos were "misleading" and suggests that the "full" videos defendants released along with their "highlights" were also edited. Pl. Ex. 77. Defendants do not counter this evidence, other than pointing to Daleiden's assertion that the highlight videos were accompanied by the release of the "full" recordings. Given the evidence of defendants' past practices, allowing defendants to use the NAF materials in future Project videos would likely lead to the same result – release of misleading

³⁹ Defendants object to Exhibits 98 and 99 as inadmissible hearsay, for lack of personal knowledge, lack of authentication, and as irrelevant. Those objections are overruled.

⁴⁰ Defendants object to paragraph 19 of Dr. Reeves' declaration as speculative, improper expert testimony, and for lack of foundation. Those objections are OVERRULED.

1 “highlight” videos disclosing the identity and comments of NAF members and meeting attendees,
2 resulting in further harassment and incidents of violence against the individuals shown in those
3 recordings. The NAF members and attendees in the recordings have a justifiable expectation that
4 release of the materials – in direct contravention of the NAF confidentiality agreements – will
5 result not only in harassment and violence but reputational harms as well. *See, e.g.,* Dunn Decl. ¶¶
6 9-10;⁴¹ Reeves Decl. ¶ 17.

7 Defendants miss the point in their attempt to shift the responsibility to overly zealous third-
8 parties for the actual and likely injury to NAF and its members that would stem from disclosure of
9 the NAF materials. If defendants are allowed to release the NAF materials, NAF and its members
10 would suffer immediate harms, including the need to take additional security measures. The
11 “causal connection” between NAF’s and its members’ irreparable injury and the conduct enjoined
12 (release of NAF materials) has been shown on this record.⁴²

13 On the other side of the equation is defendants’ claim of irreparable injury. They focus on
14 their First Amendment right to disseminate the information fraudulently obtained at the NAF
15 Meetings, and the injury to the public of being deprived of the NAF recordings. But freedom of
16 speech is not absolute, especially where there has been a voluntary agreement to keep information
17 confidential. While the disclosure of evidence of criminal activity or evidence of imminent harm
18 to public health and safety could outweigh enforcement of NAF’s confidentiality agreements (as
19 discussed above), there is no such evidence in defendants’ recordings. Viewed in a light most
20 favorable to defendants, what does appear is information that is already in the public domain that
21 defendants characterize as showing a “de-sensitization” as to the work performed by abortion
22

23 ⁴¹ Defendants object to paragraph 9 of the Dunn Declaration as lacking in personal knowledge,
24 improper expert testimony, inadmissible hearsay, improper opinion testimony, and under the best
evidence rule. Those objections are overruled.

25 ⁴² The sum of defendants’ argument and evidence on this point is that they cannot be blamed for
26 the “hyperbolic comments of anonymous Internet commenters” and that “hyperbolic ‘death
27 threats’ on the Internet and through social media has become an ubiquitous feature of online
discourse.” *Oppo. Br.* at 44-45. But the misleading nature of the Project videos that they have
28 produced – reflective of the misleading nature of defendants’ repeated assertions that the
recordings at issue show significant evidence of criminal wrongdoing – have had tragic
consequences, including the attack in Colorado where the gunman was apparently motivated by
the CMP’s characterization of the sale of “baby parts.”

1 providers. The balance of NAF's strong showing of irreparable injury to its members' freedom of
 2 association (to gather at NAF meetings and share their confidences), to its and its members'
 3 security, and to its members' ability to perform their chosen professions against preventing
 4 (through trial) defendants from disclosing information that is of public interest but which is neither
 5 new or unique, tilts strongly in favor of NAF.

6 **III. BALANCE OF EQUITIES**

7 Similar to the discussion of competing claims of irreparable injury, the balance of equities
 8 favors NAF. Defendants will suffer the hardship of being restricted in what evidence they can
 9 release to the public in support of their ongoing Human Capital Project, at least through a final
 10 determination at trial. However, the hardships suffered by NAF and its members are far more
 11 immediate, significant, and irreparable.

12 **IV. PUBLIC INTEREST**

13 I fully recognize that there is strong public interest on the issue of abortion on both sides of
 14 that debate, and that members of the public therefore have an interest in accessing the NAF
 15 materials. I also recognize that this case impinges on defendants' rights to speech and the public's
 16 equally important interest in hearing that speech. But this is not a typical freedom of speech
 17 case.⁴³ Nor is this a typical "newsgathering" case where courts refuse to impose prior restraints on
 18 speech, leaving the remedies for any defamatory publication or breach of contract to resolution

19
 20 ⁴³ None of the "prior restraint" cases defendants rely on address the types of exceptional facts
 21 established here: (i) enforceable confidentiality agreements, knowingly and voluntarily entered
 22 into, in which defendants agreed to the remedy of injunctive relief in the event of a breach; (ii)
 23 extensive and repeated fraudulent conduct; (iii) misleading characterizations about the information
 24 procured by misrepresentation; and (iv) a strong showing of irreparable harm if the confidentiality
 25 agreements are not enforced pending trial. *See* *Oppo. Br.* at 32-35. Several of defendants' prior
 26 restraint cases expressly left open the possibility of limits on speech where "private wrongs" and
 27 "clear evidence of criminal activity" occurred. *See, e.g., Org. for a Better Austin v. Keefe*, 402
 28 U.S. 415, 419-20 (1971) (overturned broad injunction prohibiting "peaceful" pamphleteering
 across a city where injunction was not necessary to redress a "private wrong"); *CBS, Inc. v. Davis*,
 510 U.S. 1315, 1318 (1994) (emergency stay overturning prior restraint where damage to meat
 packing company was readily remedied by post-publication damages action and "the record as
 developed thus far contains no clear evidence of criminal activity on the part of CBS, and the court
 below found none."); *see also Bartnicki v. Vopper*, 532 U.S. 514, 529-30 (2001) (striking down
 wiretap statutes to extent they penalized the publishing of secretly recorded phone conversations
 by reporters who played no role in the illegal interception; rejecting proposition that "speech by a
 law-abiding possessor of information can be suppressed in order to deter conduct by a non-law-
 abiding third party.").

1 post-publication. *See, e.g., CBS, Inc. v. Davis*, 510 U.S. 1315, 1318 (1994); *see also Promotions,*
2 *Ltd. v. Conrad*, 420 U.S. 546, 559 (1975).

3 Instead, this is an exceptional case where the extraordinary circumstances and evidence to
4 date shows that the public interest weighs in favor of granting the preliminary injunction.
5 Weighing against the public’s general interest in disclosure of the recordings showing the “de-
6 sensitization” of abortion providers, is the fact that there is a constitutional right to abortions and
7 that NAF members also have the right to associate in privacy and safety to discuss their profession
8 at the NAF Meetings, and need that privacy and safety in order to safely practice their profession.
9 On the record before me, NAF has demonstrated the release of the NAF materials will irreparably
10 impinge on those rights.

11 The context of how defendants came into possession of the NAF materials cannot be
12 ignored and directly supports preliminarily preventing the disclosure of these materials.
13 Defendants engaged in repeated instances of fraud, including the manufacture of fake documents,
14 the creation and registration with the state of California of a fake company, and repeated false
15 statements to a numerous NAF representatives and NAF members in order to infiltrate NAF and
16 implement their Human Capital Project. The products of that Project – achieved in large part from
17 the infiltration – thus far have not been pieces of journalistic integrity, but misleadingly edited
18 videos and unfounded assertions (at least with respect to the NAF materials) of criminal
19 misconduct. Defendants did not – as Daleiden repeatedly asserts – use widely accepted
20 investigatory journalism techniques. Defendants provide no evidence to support that assertion and
21 no cases on point.⁴⁴

22
23 ⁴⁴ Defendants rely on cases where reporters misrepresented themselves in the course of undercover
24 investigations, but those cases do not show the level of fraud and misrepresentation defendants
25 engaged in here. For example, in *Med. Lab. Mgmt. Consultants v. ABC*, 306 F.3d 806, 812 (9th
26 Cir. 2002), reporters posed as employees of fictitious labs, in order to investigate whether an
27 existing lab was violating federal regulations and misreading pap smear tests. There is no
28 evidence that the reporters in the *Med. Lab.* case did anything other than verbally misrepresent
themselves to the lab owner; the reporters did not create fictitious documents, register a fictitious
company, or intentionally agree to confidentiality agreements before making their undercover
recordings. *Id.* at 814 n.4 (noting the plaintiffs failed to obtain confidentiality agreements from
defendants). It is also important to note that while the Ninth Circuit affirmed the district court’s
order granting summary judgment to defendants on plaintiffs’ intrusion on seclusion, trespass, and
tortious interference claims under Arizona law, the district court denied in part defendants’ motion

V. SCOPE OF INJUNCTION

A. Coverage of Third Party Law Enforcement Entities and Governmental Officials

Defendants and the Attorney Generals of the states of Alabama, Arizona, Arkansas, Michigan, Montana, Nebraska, and Oklahoma (AG *Amici*) argue that any continuing injunction on the release of the NAF materials should not run to third-party law enforcement entities or government officials because NAF has not shown that disclosure of the NAF materials to law enforcement entities or government officials will result in irreparable harm and the public interest strongly favors governments being free to exercise their investigatory powers. *See AG Amici* Brief (Dkt. No. 285).

The Protective Order and the injunction in this case do not hinder the ability of states or other governmental entities from conducting investigations. Nor do they bar defendants from disclosing materials in response to subpoenas from law enforcement or other government entities. Instead, those orders simply impose a notice requirement on defendants; requiring them to notify NAF prior to defendants' production of the NAF materials so that NAF may (if necessary) challenge the subpoenas in the state court at issue. Contrary to the AG *Amici* position, these limited procedures do not purport to bind the states or prevent them from conducting investigations or seeking relief in their own courts. The Protective Order and injunction simply create an orderly procedure to allow production of relevant information to state law enforcement

as to plaintiffs' fraud claim. *Id.* at 812. In *J.H. Desnick v. Am. Broad. Cos.*, 44 F.3d 1345, 1348 (7th Cir. 1995), the reporters posed as patients of an eye center and secretly recorded their eye exams. The misrepresentations in that case simply do not rise to the level of the misrepresentations here or the fraudulent lengths defendants went through to secure their recordings. Also, in that case, the Court of Appeals remanded the defamation claim for further proceedings, and affirmed the dismissal of the trespass, privacy, wiretapping, and fraud claims based on an analysis of the facts under the state and federal laws at issue. The district court did not dismiss the breach of contract claim. *Id.* at 1354. Finally, defendants' citation to *Animal Legal Def. Fund v. Otter*, No. 1:14-CV-00104-BLW, 2015 WL 4623943 (D. Idaho Aug. 3, 2015), for the proposition that using deceptive tactics to conduct an undercover investigation "is not 'fraud' and is fully protected by the First Amendment," is not supported. In that case, the district court struck down a state law that criminalized the use of "misrepresentation" to gain access to and record operations in an agricultural facility. In striking down the law as a content-based regulation of protected speech which failed strict scrutiny, the court noted that the law did not "limit its misrepresentation prohibition to false speech amounting to actionable fraud," and any harm from the speech at issue would not be compensable as "harm for fraud or defamation" because the harm did not stem from the misrepresentation made to access the facility. *Id.* at * 5-6. That case *did not* hold that undercover operations could not result in actionable fraud, breach of contract, or libel.

1 or other governmental entities. As far as I am aware, that procedure has worked well and
2 negotiations are ongoing between NAF, defendants, and the two states that have issued subpoenas
3 to CMP, Arizona and Louisiana.⁴⁵

4 **B. Expansion of Injunctive Relief**

5 NAF also seeks to expand the injunctive relief to prevent defendants and those acting in
6 concert with them from publishing or disclosing “any video, audio, photographic, or other
7 recordings taken of members or attendees Defendants first made contact with at NAF meetings”
8 and “enjoin the defendants from attempting to gain access to any future NAF meetings.” Motion
9 at i, 2.

10 On this record, NAF has not demonstrated that an expansion of the injunction is warranted.
11 NAF does not identify (under seal or otherwise) the NAF members or attendees whom it believes
12 have been recorded and whom defendants “first made contact with” at a NAF Annual Meeting. A
13 request for injunctive relief must be specific and reasonably detailed, but NAF’s request would
14 import ambiguity into the scope of the injunction. Absent a more specific showing supported by
15 evidence, I will not expand the preliminary injunction to ban CMP from releasing unspecified
16 recordings of unspecified NAF members or attendees defendants “first made contact with” at the
17 NAF Meetings.

18 Similarly, NAF has not shown that an “open-ended” expansion of the injunction to prohibit
19 the “defendants from attempting to gain access to any future NAF meetings,” is necessary.
20 Defendants and their agents are now well known to NAF and its members and absent evidence
21 that defendants intend to continue to attempt to infiltrate NAF meetings, there is no need to extend
22 the preliminary injunction at this juncture.

23
24
25
26 ⁴⁵ Similarly defendants appropriately notified the Court that CMP was subpoenaed to testify in
27 front of a grand jury, and explained that if Daleiden was called upon to disclose information he
28 learned at the NAF Annual Meetings in responding to the grand jury’s questions, Daleiden
intended to do so absent further order from this Court. Dkt. No. 323-5. This Court did nothing to
prevent Daleiden from testifying fully in front of that grand jury.

CONCLUSION

Considering the evidence before me, and finding that NAF has made a strong showing on all relevant points, I GRANT the motion for a preliminary injunction. Pending a final judgment, defendants and those individuals who gained access to NAF's 2014 and 2015 Annual Meetings using aliases and acting with defendant CMP (including but not limited to the following individuals/aliases: Susan Tennenbaum, Brianna Allen, Rebecca Wagner, Adrian Lopez, and Philip Cronin) are restrained and enjoined from:

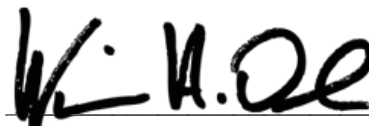
(1) publishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned, at any NAF annual meetings;

(2) publishing or otherwise disclosing to any third party the dates or locations of any future NAF meetings; and

(3) publishing or otherwise disclosing to any third party the names or addresses of any NAF members learned at any NAF annual meetings.

IT IS SO ORDERED.

Dated: February 5, 2016



WILLIAM H. ORRICK
United States District Judge

EXHIBIT 19

Pages 1 - 14

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ORRICK, JUDGE

| | | |
|---------------------|---|---------------------------|
| NATIONAL ABORTION |) | |
| FEDERATION, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | NO. 3:15-cv-03522-WHO |
| |) | |
| CENTER FOR MEDICAL |) | |
| PROGRESS, et al., |) | |
| |) | |
| Defendants. |) | San Francisco, California |
| |) | Thursday, May 25, 2017 |

TRANSCRIPT OF OFFICIAL ELECTRONIC SOUND RECORDING
OF PROCEEDINGS

FTR 4:08 p.m. - 4:28 p.m. = 20 minutes

(All counsel appeared by telephone conference)

APPEARANCES:

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(Appearances continued on following page.)

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1 Thursday, May 25, 2017

2 4:08 p.m.

3 (Transcriber's Note: Due to counsel's failure to state their
4 name when speaking, certain speaker identifications were
5 impossible to ascertain.)

6 ---o0o---

7 P R O C E E D I N G S

8 **THE COURT:** Good afternoon, everybody. This is
9 Judge Orrick.

10 **MR. LiMANDRI:** Good afternoon, your Honor.
11 Attorneys Charles LiMandri and Paul Jonna, Jeff Trissell
12 representing Biomax and CMP, and I think the rest of the civil
13 defense team is on the line, as well.

14 **THE COURT:** All right. I have a record that for the
15 plaintiff Mr. Foran, Mr. Robinson and Mr. Hearron are on the
16 call, and that Ms. Short, Mr. Brejcha, Mr. Olp, Mr. Bath --

17 **UNIDENTIFIED SPEAKER:** Bath.

18 **THE COURT:** -- Bath, mr. LiMandri, Mr. Heffron,
19 Mr. Trissell, Mr. Jonna and Mr. Zimmerman are on the call.
20 Is anybody else on the call?

21 **UNIDENTIFIED SPEAKER:** Yes, your Honor, there's some
22 Thomas More lawyers on the call.

23 **THE COURT:** Okay. That's fine.

24 **UNIDENTIFIED SPEAKER:** The clerk has the names.
25 They haven't appeared, but they may appear later.

1 **UNIDENTIFIED SPEAKER:** You read the names. Those
2 are the people.

3 **THE COURT:** All right, and are -- and is anybody
4 from Steve Cooley & Associates on the call?

5 (No response.)

6 I take that as a no. Is Mr. Daleiden on the call?

7 **MS. SHORT:** No, he's not, your Honor.

8 **THE COURT:** All right, was he notified?

9 **MS. SHORT:** He was notified, yes, your Honor. He
10 was -- it was on advice of his criminal defense counsel that he
11 was advised not to -- because of the ongoing criminal
12 proceedings in the San Francisco Superior Court, he was advised
13 not to join the call.

14 **THE COURT:** All right, and did they advise
15 themselves not to join the call?

16 **MS. SHORT:** I -- yeah, I never spoke to Mr. Cooley.
17 I understood that Mr. Ferreira was not joining.

18 **THE COURT:** All right.

19 **MS. SHORT:** I just -- (indistinct) -- attorney
20 communication with him at all.

21 **THE COURT:** Okay. So the lawyers on this call know
22 that I entered a preliminary injunction on February 5th, 2016,
23 which says pending a final judgment, defendants and those
24 individuals who gained access to NAF's 2014 and 2015 annual
25 meetings using aliases and acting with CMP are restrained and

1 enjoined from publishing or otherwise disclosing to any third
2 party any video, audio, photographic or other recordings taken,
3 or any confidential information learned at any NAF annual
4 meetings, publish or otherwise disclosing to any third party
5 the dates or locations of any future NAF meetings, and
6 publishing or otherwise disclosing to any third party the names
7 or addresses of any NAF members learned at any NAF meetings.

8 I received a letter this morning from counsel for
9 NAF which says that Mr. Daleiden's counsel, Steve Cooley and
10 Brentford J. Ferreira of Steve Cooley & Associates, have
11 embedded on their website approximately a three-minute video
12 containing several clips, all or substantially all of which
13 were taken at NAF's annual meetings and covered by the Court's
14 order.

15 The same web page also discloses the name of 14
16 individuals who attended NAF's meetings and who are identified
17 as Does in the criminal case, 11 of whom are NAF members, and
18 that the website also contains the link to a URL that publishes
19 several hours of videos of these individuals taken at NAF's
20 annual meetings, all covered by the Court's order, and that in
21 addition, Mr. Daleiden's counsel has also posted a YouTube link
22 that appears to publish all 504 hours of video covered by the
23 Court's preliminary injunction.

24 And if the criminal counsel were on the phone, as
25 I requested, I would have asked him whether that's true.

1 They're not on the phone. If Mr. Daleiden was here, as
2 I ordered, on the phone, I would ask him the same question, and
3 so I guess Ms. Short, I ask you, is that true?

4 **MS. SHORT:** That -- that -- what, I understand that,
5 I went to the same website, yes, there are or were videos on
6 the website, and there were the names of the Does on the
7 website, and there were -- well, I guess that's the two things,
8 the videos and the Doe defendants -- excuse me -- Doe
9 complainants in the criminal complaint.

10 **THE COURT:** All right. Well, so Mr. Daleiden
11 happens to be covered by this order, as do any third parties,
12 and as we have his lawyer on the call, I am ordering that all
13 of those things that are listed -- that I've just listed and
14 that are listed in the letter, be taken down within the next 15
15 minutes, if they haven't been taken down already.

16 And let me ask Mr. Foran or anybody for the
17 plaintiffs whether they have any additional information to
18 share.

19 **MR. FORAN:** Yes, thank you, your Honor. Just very
20 briefly, obviously, we have to act very quickly this morning.
21 We gave the Court the best information we had at the time. The
22 Court's -- basically, the recitation remains accurate, with one
23 exception, and that is that the second URL link, that URL link
24 links to a YouTube playlist that contains 337 videos. Our
25 client has done the best job it can under the circumstances to

1 determine the total number of hours disclosed and its best
2 estimate right now is 150.

3 So I wanted to make sure that I clarified that for
4 the Court, all of which are covered by the Court's preliminary
5 injunction order.

6 The other point that I wanted to make was, it is the
7 case, as far as we know, that it is the Center for Medical
8 Progress that are publishing these materials, and we didn't
9 quite understand that this morning. When you click on these
10 links, you're directed to a YouTube playlist, and you can see
11 on the playlist that the publisher of these videos is the
12 Center for Medical Progress.

13 Apparently, the way they did it was, they published
14 the videos on their own website, but they unlisted them, so if
15 you go on the Center for Medical Progress' own YouTube website,
16 I don't see these videos, but if you follow the URL links that
17 Mr. Daleiden's lawyers published publicly, anybody in the world
18 can access these materials, and they're being published by the
19 Center for Medical Progress right now.

20 **THE COURT:** Is there anybody from the defense who
21 has some explanation for this?

22 **MS. SHORT:** Your Honor, actually, I did want to
23 clarify, if I might, something about your order, about the list
24 of the Doe complainants.

25 That is not something that is generated from, by or

1 whatever, from NAF. That is something that came -- my
2 understanding, came from the Attorney General's office and was
3 given to defense counsel. And so its origins and vector are
4 totally separate from Mr. Daleiden.

5 **MR. FORAN:** Your Honor, if I could briefly respond?

6 **THE COURT:** Go ahead.

7 **MR. FORAN:** Obviously, it's not totally separate
8 from Mr. Daleiden because that list was generated from the
9 tapes that the California Attorney General reviewed in order to
10 put their complaint together, and it is nevertheless the case
11 that Mr. Daleiden and anybody acting on his behalf continues to
12 be enjoined from publishing the names of individuals, of NAF
13 members, and that is exactly what his lawyer is doing on his
14 website right now.

15 I would also ask the Court -- this is a pretty
16 flagrant and gross violation, as far as we're concerned. I am
17 not exaggerating when I say I have been on the phone today with
18 people in tears, our client is on high security alert, and it
19 simply cannot be the case that these defendants are continued
20 to mount this campaign against my client and its members.

21 I would ask the Court for an order, and we
22 appreciate the takedown order, but this has got to have some
23 teeth, either significant financial penalties and/or an order
24 of imprisonment if this defendant does not comply with this
25 Court's orders.

1 **MS. SHORT:** Your Honor, may I respond?

2 **THE COURT:** Go ahead.

3 **MS. SHORT:** First of all, the videos are currently
4 down, (indistinct). Secondly, as far as going back to the list
5 of names, again, that your order was for names learned at any
6 NAF meeting. This is -- again, this information is coming in
7 the context of the criminal prosecution where Mr. Daleiden is
8 being charged with 15 felony counts on behalf of named Doe --
9 or unnamed Does, and the Attorney General chose to prosecute
10 this, chose to proceed in that way, and chose then to provide
11 those names.

12 This totally -- this is not information that is
13 coming through Mr. Daleiden, and so I don't see how the Court
14 can order -- and also, I'm sorry, actually, let me turn to
15 another basic point, which is, this is Mr. Ferreira's and
16 Mr. Cooley's website. I mean, we are not in a position to tell
17 them to take down anything, but in any event, those are names
18 that were provided to them by the Attorney General.

19 **THE COURT:** All right, well, in the way that I read
20 this order, those names are covered under sub 3, the
21 information that is coming to -- through Mr. Daleiden, who is
22 the client and directs his counsel, is, in my view, a flagrant
23 violation of this Court's order, and if it is correct that this
24 is all coming through CMP, then woe is going to be to the
25 people who are involved in this.

1 The types of sanctions that are available include
2 fines and monetary sanctions, censures of the people who are
3 involved, including the lawyers, and attorney discipline,
4 including the lawyers, including the criminal lawyers.

5 And so what I'm going to do is I'm going set an
6 order to show cause, and I think there is evidence that needs
7 to be provided in order to assure that everybody gets their
8 process.

9 So Mr. Foran, how quickly will you be in a position
10 to file a -- documents in support of contempt or other
11 sanctions?

12 **MR. FORAN:** Your Honor, we can do it on any schedule
13 that the Court orders us to. We're on the footing to do so.
14 And if we take a takedown order today that has some teeth, I'd
15 ask for a couple of days just so we can consider the types of
16 remedies that we want to seek here. So maybe early next week.

17 **THE COURT:** All right, well, let's say that you will
18 file, by the 31st of May, any documents or other evidence in
19 support of a finding of contempt; that the defendants will
20 respond by the 7th. We'll have a hearing on the 14th at
21 2:00 p.m. And I suggest that, Mr. Foran, you serve Mr. Cooley
22 and Mr. Ferreira with any documents that are appropriate.

23 I just have to tell you that I find this shocking,
24 and I am quite amazed with the lawyers, quite amazed.

25 **UNIDENTIFIED SPEAKER:** I'm not sure what lawyers

1 you're referring to --

2 **THE COURT:** Mr. Foran -- excuse me.

3 Mr. Foran, what is -- when you say an order with
4 teeth, besides the order to show cause, are you suggesting
5 something else?

6 **MR. FORAN:** I'm asking for an immediate takedown
7 order, your Honor --

8 **THE COURT:** Yes, that's -- I've already given that,
9 but besides those two things?

10 **MR. FORAN:** Some kind of penalties, either monetary
11 or defer to the Court on what types of penalties here, but
12 this -- look, this is shocking from our perspective, it's
13 outrageous, it's already a gross violation of the Court's
14 order. We have no confidence whatsoever that Mr. Daleiden or
15 his criminal counsel are going to comply with the takedown
16 order. So we would like to see some significant penalties of
17 some kind for noncompliance, maybe on a daily basis, until they
18 come into --

19 **THE COURT:** Thank you. I think we need to establish
20 some facts before that happens, but the takedown order and the
21 order to show cause -- now, was there some -- will be in effect
22 now, and I accept what Ms. Short represents, that everything
23 has been taken down, but just to make clear, it better be,
24 within the next 15 minutes.

25 **MS. SHORT:** Oh, your Honor -- I beg your pardon,

1 your Honor. I do not want to mislead the Court about that,
2 that the videos were taken down by YouTube, so we are in a --
3 well -- so I don't want you to misunderstand and think that
4 I was representing to you that Mr. Daleiden had taken them down
5 or his (indistinct) had taken them down or something like that.

6 **THE COURT:** Well, I suggest that Mr. Daleiden be
7 told by his lawyer that they need to be taken down immediately,
8 and that he tell his lawyers, all of them throughout the world,
9 that this has to stop.

10 Now, is there anything else that any of the
11 defendants wanted to say, defendants' counsel?

12 **MR. LiMANDRI:** Only that -- attorney Charles
13 LiMandri representing CMP -- to the extent that there's any
14 impression that the civil attorneys were aware or part of any
15 desire or effort to violate the court order, I'm hearing about
16 all of this for the first time today, and I didn't want the
17 impression to be given that there's some kind of conspiracy or
18 collusion going on here.

19 Mr. Daleiden is being represented by criminal
20 counsel at (indistinct), they're doing what is in his best
21 interests with respect to the criminal action, but the civil
22 counsel can't control them. But of course, we will convey
23 everything the Court said promptly to them and to Mr. Daleiden,
24 but I just felt it necessary to bring to the attention of the
25 Court that the civil counsel are not doing anything to try to

1 violate any court orders here, and we'll do what we can to
2 comply with court orders.

3 **THE COURT:** Mr. Daleiden better be well advised by
4 his lawyers, regardless, that he is obligated to follow the
5 Court's orders and not try to skate around them and cause real
6 harm to human beings, and to himself, as it will turn out, for
7 his failure to follow the Court's orders.

8 All right, is there anything further?

9 **MR. FORAN:** Not from the National Abortion
10 Federation, your Honor. Thank you for your time.

11 **MS. SHORT:** Um --

12 **THE COURT:** Yes, Ms. Short?

13 **MS. SHORT:** Well, again, I'm still struggling with
14 the issue of the names, because I don't -- I'm struggling --
15 well, so I -- you are instructing me to --

16 **THE COURT:** You may litigate that if you'd like, and
17 you can explain to me how it is that those names don't actually
18 come directly from the action that your client perpetrated with
19 respect to learning them at the NAF annual meetings, and the
20 fact that the State Attorney General may have had -- may be
21 pursuing criminal proceedings and using, in the criminal
22 proceedings, the tapes and other information that was developed
23 by your clients during this -- the 2014 and 2015 annual
24 meetings, that doesn't give them an independent right to
25 violate this order.

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MS. SHORT: Thank you, your Honor.

THE COURT: All right, thank you all very much.

UNIDENTIFIED SPEAKER: Thank you, your Honor.

UNIDENTIFIED SPEAKER: Thank you, Judge.

UNIDENTIFIED SPEAKER: Thank, your Honor.

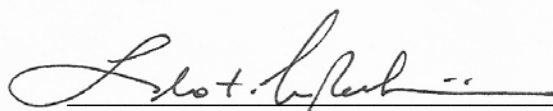
4:28 p.m.

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CERTIFICATE OF TRANSCRIBER

I, Leo Mankiewicz, certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

 05/26/2017

Signature of Transcriber

Date

EXHIBIT 20

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION,
et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,

Defendants.

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

**ORDER REGARDING MOTION FOR
DISQUALIFICATION; REFERRING
MOTION TO CLERK FOR RANDOM
ASSIGNMENT**

Re: Dkt. No. 428

Defendants have filed a motion seeking my disqualification for bias under 28 U.S.C. §§ 144 and 455. Dkt. No. 428. This motion was filed over two years after the case had been pending before me and four court days before an Order To Show Cause Re Contempt hearing regarding whether to sanction defendants or their agents for violating the Preliminary Injunction in this case.¹

The standard for disqualification under Sections 144 and 455 is the same: I must recuse myself if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *F.J. Hanshaw Enters., Inc., v. Emerald River Dev., Inc.*, 244 F.3d 1128, 1144 (9th Cir.2001) (applying § 455).

However, the procedural requirements of the two statutes are different. Under Section 144,

¹ NAF has alleged that defendants CMP, Daleiden, and Daleiden’s criminal counsel intentionally violated the Preliminary Injunction by releasing to the public video recordings surreptitiously taken at NAF meetings and disclosing the identifies of NAF members and employees. Dkt. Nos. 409, 413. In light of the pending motion to disqualify, the June 14, 2017 hearing on the Order to Show Cause re Contempt is VACATED, although the briefing schedule **remains in place**. If NAF believes it is critical to move forward with the OSC Re Contempt hearing before the disqualification motion is fully resolved, NAF may contact the Courtroom Deputy of the Duty Judge, the Hon. Vince Chhabria, to set it for hearing on his calendar.

1 a party seeking recusal must file “a timely and sufficient affidavit” alleging facts that demonstrate
 2 “the judge before whom the matter is pending has a personal bias or prejudice either against him
 3 or in favor of any adverse party, such judge shall proceed no further therein, but another judge
 4 shall be assigned to hear such proceeding.” 28 U.S.C. § 144. The “affidavit shall state the facts
 5 and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days
 6 before the beginning of the term at which the proceeding is to be heard, or good cause shall be
 7 shown for failure to file it within such time.” *Id.* Pursuant to the Northern District’s Local Rule 3-
 8 14:

9 Whenever an affidavit of bias or prejudice directed at a Judge of this
 10 Court is filed pursuant to 28 U.S.C. § 144, and the Judge has
 11 determined not to recuse him or herself and found that the affidavit
 12 is neither legally insufficient nor interposed for delay, the Judge
 shall refer the request for disqualification to the Clerk for random
 assignment to another Judge.

13 Under Section 455:

- 14 (a) Any justice, judge, or magistrate judge of the United States
 15 shall disqualify himself in any proceeding in which his
 impartiality might reasonably be questioned.
- 16 (b) He shall also disqualify himself in the following
 17 circumstances:
 18 (1) Where he has a personal bias or prejudice concerning a
 party, or personal knowledge of disputed evidentiary facts
 concerning the proceeding;

19 28 U.S.C § 455. The issue of recusal under Section 455 is typically raised *sua sponte*, but can also
 20 be raised by a litigant. That distinction does not, under the Northern District’s Local Rule,
 21 preclude a Judge from likewise referring a motion under Section 455 to the Clerk so that another
 22 Judge can determine disqualification. *See* Commentary to Civ. L. R. 3-14.

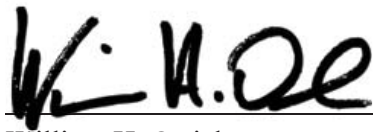
23 I must take the facts alleged in the motion for disqualification and the affidavit in support
 24 as true. Having reviewed the motion and affidavit, I do not think that it is legally sufficient. In
 25 other words, a reasonable person with knowledge of all the facts would *not* conclude that my
 26 impartiality might reasonably be questioned. I also have concerns about its timeliness and
 27 whether the timing is simply an attempt to delay the resolution of the OSC re Contempt.

28 Nonetheless, under Local Rule 3-14, I refer this motion for disqualification to the Clerk so

1 that it may be randomly assigned to another Judge for resolution. Until that motion is resolved by
2 the randomly-assigned Judge, I will issue no further rulings in this case. To the extent that the
3 parties require relief from the Court on any issue during that time, they may seek the assistance of
4 the Duty Judge.

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6 **IT IS SO ORDERED.**

7 Dated: June 8, 2017

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10 William H. Orrick
11 United States District Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,

Defendants.

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

**ORDER REGARDING MOTION FOR
DISQUALIFICATION**

Re: Dkt. No. 164

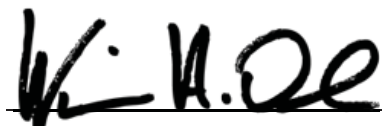
Defendants have filed a motion seeking my disqualification for bias under 28 U.S.C. §§ 144 and 455. Dkt. No. 164. This motion follows the one filed by defendants in the related case, *National Abortion Federation v. Center for Medical Progress, et al.*, Case No. 15-cv-03522.

The grounds raised in this motion are identical to the ones raised in the *NAF* case, although slightly different facts are alleged here. I have reviewed the arguments made in the motion and the facts alleged in affidavit and, as with the prior motion and affidavit, I do not find them legally sufficient. My concerns about the timing of the motions – filed in the *NAF* case just days before a hearing on the OSC re Contempt – likewise remain.

Under Local Rule 3-14, this motion is referred to the Clerk so that it may be assigned to the Hon. James Donato, who was randomly assigned the prior motion. Until this motion is resolved by Judge Donato, I will issue no further rulings in this case. To the extent that the parties require relief from the Court on any issue not related to the disqualification motion during that time, they may seek the assistance of the Duty Judge.

IT IS SO ORDERED.

Dated: June 14, 2017



William H. Orrick
United States District Judge

EXHIBIT 21

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., et al.,¹

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,²

Defendants.

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

**ORDER RESOLVING UNFAIR
COMPETITION CLAIM AND
ENTERING JUDGMENT**

Re: Dkt. Nos. 1048, 1059

INTRODUCTION

This Order addresses plaintiffs' Unfair Competition Law ("UCL") claim arising under California Business & Professions Code section 17200 *et seq.* and their request for a permanent injunction, and enters Judgment. It follows a trial that commenced on October 2, 2019 and ended with the jury's verdict, which was overwhelmingly in plaintiffs' favor, on November 15, 2019. I now find in plaintiffs' favor on the UCL claim; an abundance of evidence supports it. I enter a permanent injunction against the defendants, although more limited than sought by plaintiffs. And I enter Judgment in accordance with the verdict and the orders that preceded it.³

¹ Plaintiffs, as identified in the Final Preliminary Jury Instructions (Dkt. No. 850) are Planned Parenthood Federation of America (PPFA); Planned Parenthood: Shasta-Diablo, Inc. dba Planned Parenthood Northern California (PPNorCal); Planned Parenthood Mar Monte, Inc. (PPMM); Planned Parenthood of the Pacific Southwest (PPPSW); Planned Parenthood Los Angeles (PPLA); Planned Parenthood/Orange and San Bernardino Counties (PPOSBC); Planned Parenthood California Central Coast (PPCCC); Planned Parenthood Pasadena and San Gabriel Valley, Inc. (PPPSGV); Planned Parenthood of the Rocky Mountains (PPRM); and Planned Parenthood Gulf Coast (PPGC) and Planned Parenthood Center for Choice (PPCFC).

² Defendants, as identified in the Final Preliminary Jury Instructions (Dkt. No. 850) are the Center for Medical Progress (CMP), BioMax Procurement Services (BioMax), David Daleiden, Sandra Susan Merritt, Adrian Lopez, Albin Rhomberg, and Troy Newman.

³ Certain claims were adjudicated against defendants on summary judgment. Those claims were (1) partial summary judgment to plaintiffs on the interstate commerce nexus for the false

BACKGROUND

The jury found the following defendants liable on the following claims:

Trespass. Defendants Daleiden, Lopez, BioMax, and CMP's trespasses during two PPFA conferences in Florida and one in Washington, D.C. caused actual damages to PPFA. Rhomberg and Newman conspired with those trespassing defendants. Verdict at 1. Defendants Daleiden, Merritt, BioMax, and CMP's trespass at the PPGC/PPCFC Health Center caused actual damages to PPGC/PPCFC. Defendants Rhomberg and Newman conspired with defendants to trespass at that Health Center. Verdict at 3.⁴

Breach of PPFA Exhibitor Agreements. Defendants Daleiden, BioMax, and CMP breached PPFA's Exhibitor Agreements at three PPFA Conferences, causing PPFA actual damages. Verdict 4-6.

Breach of NAF Agreements. PPFA was actually damaged by defendants Daleiden, Merritt, Lopez, BioMax, and CMP's breach of the 2014 and 2015 NAF Agreements. Verdict at 7.

Breach of PPGC Agreement. Daleiden, BioMax, and CMP breached the PPGC Nondisclosure Agreement, causing actual damages to PPGC. Verdict at 8.

Fraudulent Misrepresentations. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg, and Newman committed or conspired to commit fraudulent misrepresentations against

identification predicate acts under RICO; (2) partial summary judgment to plaintiffs on Daleiden and BioMax's breach of the PPFA Exhibitor Agreements; and (3) partial summary judgment in favor of PPFA against BioMax, Daleiden, and Lopez for trespass at the PPFA conferences in Florida and Washington, D.C. and in favor of PPGC/PPCFC and PPRM on trespasses in Colorado and Texas (reserving for trial CMP's liability and actual damages). Dkt. No. 753 at 134-135. In addition, in an Order dated November 11, 2019, I granted portions of plaintiffs' Rule 50 motion, finding that: (1) plaintiffs' employees and contractors are third-party beneficiaries of the NAF Exhibitor and Confidentiality Agreements; (2) defendants Merritt, Daleiden, BioMax, and CMP breached the NAF 2014 Confidentiality Agreement and defendants Daleiden, Lopez, BioMax, and CMP breached the NAF 2015 Confidentiality Agreement prohibiting "Videotaping or Other Recording"; and (3) defendants Daleiden, BioMax, and CMP breached the NAF Exhibitor Agreements in 2014 and 2015 concerning the requirement to provide "truthful, accurate, complete, and not misleading" information. Dkt. No. 994 at 1.

⁴ I had determined that PPRM was nominally damaged by defendants' trespass at PPRM's clinic in Colorado. The jury determined that PPFA was not damaged by defendants' trespass PPRM's clinic, but that Rhomberg and Newman conspired with Daleiden, Lopez, Merritt, and CMP in that trespass. Verdict at 2.

1 PPFA, PPGC, PPOSB, and PPPSGV, causing actual damages to PPFA, PPGC, PPOSBC, and
2 PPPSGV. Verdict at 9-11.

3 False Promise Fraud. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg,
4 and Newman committed or conspired to commit false promise fraud in connection with the
5 PPFA's Exhibitor Agreements, causing actual damages to PPFA. Verdict at 12-13. Defendants
6 Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg, and Neman committed or conspired to
7 commit false promise fraud in connection with PPGC's Nondisclosure Agreement, causing actual
8 damage to PPGC. Verdict at 14-15.

9 RICO. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg, and Newman
10 committed or conspired to violate the Racketeer Influenced and Corrupt Organizations (RICO)
11 Act, 18 U.S.C. §§ 1962(c) and 1962(d)), causing actual damages to PPFA, PPGC, PPOSBC,
12 PPPSGV. Verdict at 16-17.

13 Recording Law, California (Penal Code section 632). Defendants Daleiden and Merritt
14 violated Penal Code 632 by recording staff of PPNorCal, PPFA, and PPPSGV, causing actual
15 damage to PPFA and PPPSGV. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg,
16 and Newman conspired to violate Penal Code section 632. Verdict 19-20.

17 Recording Law, Florida. Defendants Lopez and/or Daleiden violated Florida law by
18 recording staff of PPFA, PPPSGV, PCCCC, PPRM, PPOSBC, PPCG, and PPPSW, causing actual
19 damages to PPFA, PPOSBC, and PPPSGV. Verdict 21-25. Defendants Daleiden, Merritt, Lopez,
20 BioMax, CMP, Rhomberg, and Newman conspired to violate Florida law. Verdict at 26.

21 Recording Law, Maryland. Defendants Daleiden, Merritt, or Lopez violated Maryland law
22 by recording PPFA, PPGC, and PPCFC staff causing actual damages to PPFA and PPGC. Verdict
23 at 27-29. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg, and Newman
24 conspired to violate the Maryland recording law. Verdict at 30.

25 Recording Law, Federal. Defendants Daleiden, Lopez, or Merritt violated the Federal
26 recording law by recording PPFA, PPGC, PPCFC, PPRM, PPPSGV, PCCCC, PPOSBC, PPPSW,
27 and PPNorCal, causing actual damages to PPFA, PPGC PPOSBC, and PPPSGV. Verdict at 31-
28 40. Defendants Daleiden, Merritt, Lopez, BioMax, CMP, Rhomberg, and Newman conspired to

1 violate the Federal recording law. Verdict at 41.

2 Punitive Damages. Defendants Daleiden, Merritt, BioMax, CMP, Newman, and
3 Rhomberg were liable for punitive damages for one or more of fraud, trespass, Florida recording,
4 Maryland recording, or Federal recording law claims. Verdict at 42-43.

5 The UCL claim was not tried to the jury. As a purely equitable claim, it was left for
6 adjudication by me, if necessary, following the trial. *See, e.g., Cortez v. Purolator Air Filtration*
7 *Products Co.*, 23 Cal. 4th 163, 179 (2000). Relatedly, the issue of what – if any – injunctive relief
8 plaintiffs were entitled to remained outstanding.

9 After the verdict was rendered, I discussed with the parties how to resolve the remaining
10 issues. While I agreed “with defendants that ‘the facts underlying the jury verdict and the UCL
11 claim are nearly identical and the legal issues significantly overlap,’” and I was “inclined to
12 resolve these issues through briefing, supported by citations to the trial transcript and other
13 evidence in the record,” I asked each side to “file a proffer identifying with specificity what
14 testimony or other evidence that was not submitted on summary judgment or adduced at trial they
15 intend to introduce in support of or in defense to the UCL claim and request for injunctive relief.”
16 Dkt. No. 1036 (quoting Dkt. No. 1033). After reviewing those proffers, and given the jury’s
17 verdict, I determined that I could resolve the UCL claim solely on the “illegality” and “fraudulent”
18 UCL prongs and that I could address the appropriateness of any injunctive relief based on the trial
19 record and undisputed evidence. Dkt. No. 1044. I ordered plaintiffs to file proposed facts and
20 conclusions of law identifying “the precise injunctive relief they seek,” the factual and legal bases
21 for that relief under the UCL, and (if sought) the factual and legal bases for injunctive relief under
22 their other claims. *See* Dkt. Nos. 1044 (Minutes), 1046 (Transcript).

23 Having reviewed the proffers and the parties’ briefing on the UCL claim and equitable
24 relief, I now resolve the remaining issues. With respect to the equitable and injunctive relief based
25 on the UCL or other claims, given the evidence at trial – in particular regarding the backgrounds
26 of defendants, their prior acts and knowledge of tactics used to gather information on abortion
27 providers based on misrepresentations and surreptitious recordings, the roles and goals of each
28 defendant in the Human Capital Project (“HCP”), the testimony of the defendants on the stand

1 regarding their role and intent with respect to the HCP and Planned Parenthood specifically⁵ –
 2 there is no need for further proceedings before I rule. Defendants were able to and did present
 3 evidence regarding these issues in their defense of plaintiffs’ claims for liability under RICO (on
 4 whether the alleged criminal conspiracy under RICO was “open ended”), for conspiracy liability,
 5 for punitive damages, and more generally in support of their narrative that defendants were
 6 engaged only in legal journalistic efforts to uncover evidence of criminal activity.

7 With respect to balance of hardships and public interest (discussed more below), I likewise
 8 considered the evidence at trial, as well as defendants’ proffer of evidence regarding the social
 9 utility of defendants’ conduct. Dkt. No. 1041. Most of that evidence had already been submitted
 10 to me by defendants – in proffer form (by counsel) or in declaration form – at summary judgment,
 11 in connection with motions *in limine*, or during trial (to allow resolution of disputes over the
 12 relevance or admissibility of witness discovery or testimony at trial). I have considered and
 13 weighed defendants’ beliefs about what that proffered evidence would show, and what the
 14 testimony and documents submitted to me showed, in reaching my determination that the public
 15 interest and balance of hardships weigh in favor of injunctive relief.

16 **I. FINDINGS OF FACT**

17 It is not necessary for me to find facts with respect to the merits of defendants’ liability
 18 under the UCL claim: the illegal and fraudulent prongs of the UCL are satisfied given the jury’s
 19 verdict that defendants engaged in numerous illegal and fraudulent acts in California and
 20 emanating from California, against California-based plaintiffs and others, committed in violation
 21 of California law, Federal law, and the laws of other jurisdictions. I discuss defendants’ legal
 22 arguments about the inapplicability of the UCL in the next section and find that they lack merit.

23 Establishing a violation of the UCL does not determine what sort of equitable relief is
 24 appropriate for that violation or for the other claims on which plaintiffs prevailed at trial. I
 25 directed plaintiffs to prepare findings of fact and conclusions of law addressing the need for
 26 equitable relief and the appropriate scope of that relief under the UCL and any other claims on

27 _____
 28 ⁵ Newman did not testify at trial, but given the jury’s verdict on the claims asserted against him,
 the jury likely took adverse inferences against him on the non-California claims.

1 which plaintiffs intended to rely in support of their requested injunctive relief. I will address the
2 scope of injunctive relief later in this Order, but find the following facts that generally support the
3 need for injunctive relief.

4 1. In late 2012, David Daleiden traveled to Wichita, Kansas, the headquarters of Troy
5 Newman’s anti-abortion organization Operation Rescue, to discuss a plan to target Planned
6 Parenthood through a series of undercover videos. Trial Tr. 2050:20-25; 2052:3-2053:4; 2054:1-
7 15; TRX 24, TRX 123.

8 2. In March 2013, Daleiden formed the Center for Medical Progress (“CMP”), with
9 Newman joining as a board member shortly after CMP’s creation. Trial Tr. 2055:12-23; TRX 132;
10 TRX 338. Daleiden was CMP’s CEO. Newman was Secretary of CMP. Rhomberg was CMP’s
11 “Chief Financial Officer.” TRX 338; TRX 37.

12 3. CMP’s plan was to create a video campaign (later known as the Human Capital
13 Project or HCP) against Planned Parenthood with the objective of creating “maximum negative
14 impact – legal, political, professional, public – on [Planned Parenthood]” and to “create public
15 outrage towards” Planned Parenthood through a series of undercover gotcha videos. TRX 24, 67,
16 68, 106; Trial Tr. 3460:22-3461:3.

17 4. Daleiden, acting as CMP’s CEO, set up a front company called BioMax
18 Procurement Services, LLC (“BioMax”). TRX 364; Trial Tr. 2104:11-14; 2461:25-2462:4;
19 2463:4-8 (“BioMax was organized as a vehicle . . . to use to do large parts of undercover works”).

20 5. Daleiden filed Articles of Organization for BioMax with the California Secretary of
21 State listing “Susan Tennenbaum,” as its manager, and signing her name. There is no such person.
22 TRX 364; Trial Tr. 2093:12-18; 2097:6-2098:8.

23 6. Daleiden took significant steps to make BioMax appear legitimate. For example,
24 he created a website for BioMax . Trial Tr. 2105:1-16 (Daleiden testimony regarding steps he took
25 to make BioMax seem legitimate); TRX 123 (early roadmap noting the need to “park domain and
26 temporary website of fake company”).

27 7. Daleiden hired co-conspirators Merritt and Lopez, and non-parties Brianna Baxter
28 and Annamarie Bettisworth Davin, to pose as BioMax officers and employees and use those false

1 identities to infiltrate conferences and health centers to secretly film Planned Parenthood staff and
2 others. Trial Tr. 2086:20-2087:16; 2088:1-18; 2113:9-2114:8; 2161:12-23. These individuals
3 were independent contractors of CMP. Trial Tr. 2086:20-2087:16; 2088:1-18; 2161:12-23;
4 2454:25-2455:1; TRX 352 (independent contractor agreement for Susan Merritt).

5 8. Daleiden created fake names and backgrounds for the purported BioMax
6 employees, which he trained the CMP contractors to use. TRX 426 (“field worker employees,
7 which he trained the CMP contractors to use. TRX 426 (“field worker vocabulary”); TRX 549;
8 Trial Tr. 437:12-439:3, 438:7-439:2 (Merritt given instructions and background by Daleiden);
9 2161:24-2166:22 (Daleiden testimony about training contractors) 2168:13-2169:17 (Daleiden
10 testimony about his “training of undercover actors”); 2170:7-19 (Daleiden provided email with
11 “background information for the -- for the undercover investigator to know about their – about
12 their characters.”).

13 9. Daleiden also created business cards and promotional materials for BioMax. The
14 promotional materials described BioMax as “a biological specimen procurement organization
15 headquartered in Norwalk, California.” Trial Tr. 2114:17-19, 2116:8-22. Daleiden and the CMP
16 contractors distributed the BioMax business cards and displayed promotional materials at
17 conferences. TRX 366, 654 (business cards); TRX 31 (BioMax brochure); Trial Tr. 2112:4-
18 2113:13; 2114:17-2116:22; *see also* Trial Tr. 1220:17-21, 1222:4-10; TRX 8017, 578, 1809.

19 10. In addition, Daleiden created and/or solicited the production of fake California
20 drivers’ licenses with the fake BioMax names for himself, Merritt and Baxter. For his own ID, he
21 used an expired drivers’ license and typed “Robert Daoud Sarkis” over his true name. Through
22 Craigslist, Daleiden located a service in Southern California, which he paid to produce phony
23 drivers’ licenses with the names “Susan Tennenbaum” and “Brianna Allen.” TRX 140; Trial Tr.
24 2122:18-2133:2; 2154:5-2155:20; 3465:3-5.

25 11. Daleiden had bank cards issued for BioMax under fictitious names or without the
26 consent of the named cardholder. TRX 140; TRX 584; Trial Tr. 2155:21-2156:23, 2157:15-25,
27 2158:3-2159:5; Court Ex. 5 at 30:21-31:7 (Cronin Dep.).

28 12. Newman advised Daleiden and took credit for directing the Project. Trial Tr.

1 3461:11-15; TRX 28 (press release).

2 13. Rhomberg and Newman participated in CMP board meetings with Daleiden every
3 few months to discuss and receive updates on the progress of the project. Trial Tr. 704:2-19.
4 Daleiden sent them emails laying out a roadmap of the Human Capital Project's goals and
5 activities. TRX 67 (email to Rhomberg with roadmap); TRX 123 (email to Newman with road
6 map notes).

7 14. Rhomberg and Newman knew that Daleiden and CMP had created a front company
8 to infiltrate conferences and health centers of abortion providers. Trial Tr. 719:14-720:5
9 (discussion of email from Daleiden that told Rhomberg the "infiltration was successful and
10 BioMax is now a known and trusted entity"); Trial Tr. 3462:6-9 ("Troy Newman understood that
11 BioMax was created as a front organization to provide a cover story to allow Daleiden, Merritt and
12 Lopez to tape plaintiffs' doctors and staff."); *see also* TRX 24.

13 15. Rhomberg gave Daleiden tips regarding taping strategy, and the ultimate
14 distribution of the videos. TRX 64A, 65, 79, 380. He also assisted Daleiden in fundraising and
15 was considered one of Daleiden's most trusted advisors. Trial Tr. 711:3-7, TRX 65.

16 16. Daleiden updated Rhomberg on a meeting with Planned Parenthood's staff and
17 reported that Dr. Nucatola had believed the lies that Daleiden and Merritt told her. TRX 380.

18 17. Rhomberg was aware that Daleiden was using a fake name because Daleiden called
19 Rhomberg while in character from PPGC's facility in Texas, identifying himself as "Robert
20 Sarkis." TRX 6103; Trial Tr. 722:21-5; 847:18-848:22.

21 18. Daleiden and CMP used the same methods and strategies that Newman had
22 discussed in a book he published advocating sting operations against abortion providers. TRX 30;
23 Trial Tr. 3461:17-21. Newman "understood that the same methods and strategies were being used
24 by Daleiden, Merritt, and Lopez in recording Plaintiffs' doctors and staff" at PPFA and NAF
25 conferences, Planned Parenthood affiliate facilities, and restaurants. Trial Tr. 3462:3-5; *see also*
26 TRX 24.

27 19. In 2013, Daleiden began to register BioMax as an exhibitor at reproductive health
28 conferences. He registered "Brianna Allen" and "Susan Tennenbaum," who were purportedly

1 representing BioMax, as attendees at the Association of Reproductive Healthcare Providers
2 (“ARHP”) in Denver in 2013. Trial Tr. 2430:11-24.

3 20. Merritt attended the ARHP conference using the fake name “Susan Tennenbaum”
4 and falsely claimed to be BioMax’s CEO and founder (as she would continue to do at two NAF
5 conferences and private meetings with individual doctors and staff of various Planned Parenthood
6 affiliates). Trial Tr. 413:23-414:5.

7 21. At ARHP, Merritt met two employees of the National Abortion Federation
8 (“NAF”). As instructed by Daleiden, she told the NAF representatives that she was the CEO of
9 BioMax, a start-up tissue procurement company. Trial Tr. 418:8-18; 427:6-428:6, 441:23-25;
10 2435:23-2436:13.

11 22. Daleiden then emailed the NAF contacts Merritt made at ARHP – Jennifer Hart and
12 Sandy Fulkerson-Schaeffer -- to obtain information about registration for NAF’s 2014 conference
13 in San Francisco, California. Trial Tr. 2472:9-2473: 10; TRX 414. In reliance on the fact that they
14 had met Merritt at a reproductive health conference and her lies about BioMax, NAF staff invited
15 BioMax to exhibit at the 2014 NAF conference. Court Ex. 1 at 84:09-84:18; 84:19-85:07 (Davis
16 Dep.)

17 23. Daleiden registered BioMax as an exhibitor for NAF’s 2014 annual conference. He
18 signed the name “Susan Tennenbaum” on the registration form. In addition, he used the payment
19 card he had obtained in the name of Phil Cronin and forged Cronin’s signature in connection with
20 paying for registration. TRX 370; Trial Tr. 2206:2-2211:6.

21 24. Daleiden, Merritt and Baxter checked-in at NAF’s registration desk using their fake
22 California drivers’ licenses.

23 25. To protect the safety of all conference attendees, NAF requires all attendees to sign
24 confidentiality agreements that specifically prohibit attendees from making video recordings. Trial
25 Tr. 895:12-896:15; 898:19-899:7. Daleiden, Merritt and Baxter all signed a confidentiality
26 agreement promising not to make any video recordings even though they intended to secretly
27 record the entire time they were at the conference. TRX 416, 1012; Trial Tr. 445:22-446:19; Trial
28 Tr. 2212:21-2213:5.

1 26. Daleiden, Merritt and Baxter wore hidden video cameras and recorded everyone
2 they spoke to at the NAF 2014 conference. Trial Tr. 450:5-8.

3 27. Daleiden introduced himself to Dr. Deborah Nucatola at the NAF 2014 conference.
4 Trial Tr. 1489:6-9; 1491:14-24. He represented to her that he worked for BioMax and that
5 BioMax was a tissue procurement organization that was interested in developing relationships
6 with Planned Parenthood affiliates. 1491:14-1492:8.

7 28. In September 2014, Daleiden, posing as “Briana Allen,” emailed Vikky Graziani,
8 the administrator for PPFA’s Medical Services Department, asking to register BioMax as an
9 exhibitor for PPFA’s 2014 North American Forum on Family Planning (“Forum”) in Miami,
10 Florida. He used Dr. Nucatola as a reference. TRX 4051; Trial Tr. 2525:8-23.

11 29. Ms. Graziani discussed BioMax with Dr. Nucatola, who explained that BioMax
12 had exhibited at the 2014 NAF conference, that Dr. Nucatola had met BioMax representatives
13 there, and based on her discussions with them, she believed BioMax would be a “good fit for
14 [PPFA’s] conferences.” Based on the false information that Dr. Nucatola passed along to Ms.
15 Graziani, and the fact that BioMax had attended the 2014 NAF conference, PPFA permitted
16 BioMax to attend its conferences as an exhibitor. Trial Tr. 2784:7-2785:20.

17 30. As a condition of participation in the Planned Parenthood conferences, exhibitors
18 must agree to a set of written terms and conditions. Exhibitors must confirm that their exhibits are
19 “educational and informative,” provide information about services useful to the provision of
20 reproductive health care, and are “beneficial to the interests of . . . clients and patients.” TRX
21 1910. Daleiden (acting as “Brianna Allen”) acknowledged, and therefore agreed to, PPFA’s terms
22 and conditions for exhibitors at PPFA conferences. TRX 1907; Trial Tr. 2526:20-2527:1.

23 31. Daleiden subsequently registered BioMax as an exhibitor at two more PPFA
24 conferences, Medical Director Conference (“MeDC”) in Orlando, Florida and the PPFA 2015
25 National Conference in Washington D.C. In so doing, he falsely represented that BioMax was a
26 real tissue procurement company. TRX 1915; TRX 1920.

27 32. PPFA requires all conferences attendees including exhibitors to present photo
28 identification. Trial Tr. 3107:5-11. Daleiden used his fake drivers’ license at the registration desk

1 at each PPFA conference. Trial Tr. 2226:14-16; 2718:24-2719:13; TRX 6119.

2 33. At each of the reproductive health conferences he attended, Daleiden identified
3 himself as a representative of BioMax. He distributed BioMax business cards with the fake name
4 “Robert Sarkis.” Trial Tr. 2197:18-2199:6; 2200:6-14.

5 34. Daleiden and Lopez wore hidden cameras at all PPFA conferences and secretly
6 recorded everyone they spoke to at the conferences. Trial Tr. 591:5-22.

7 35. Daleiden registered BioMax for the NAF 2015 conference and, along with Merritt,
8 Davin, and Lopez, infiltrated the 2015 NAF conference in April 2015 in Baltimore, Maryland.
9 TRX 217 (NAF 2015 Registration); Trial Tr. 2232:5-2233:10 (Daleiden testimony that he signed
10 Susan Tennenbaum name on the registration).

11 36. Lopez signed the NAF confidentiality agreement prohibiting videotaping prior to
12 attending the 2015 NAF annual conference even though he intended to secretly record the entire
13 time he was at the conference. Trial Tr. 614:5-11; TRX 248.

14 37. In 2015, Daleiden told NAF staff that he had signed the confidentiality agreement,
15 which was untrue. TRX 6064 (NAF 2015 check-in video). NAF staff believed Daleiden’s lie and
16 therefore admitted him to the conference. Trial Tr. 970:21-971:6.

17 38. After the 2014 NAF conference, Daleiden (posing as “Robert Sarkis”) invited Dr.
18 Nucatola to lunch with him and Merritt (posing as “Susan Tennenbaum”), who were still both
19 claiming to be BioMax representatives. TRX 722, 8021. Based on these false representations, Dr.
20 Nucatola met with Daleiden and Merritt at a restaurant in Los Angeles. Trial Tr. 1499:18-1500:1.
21 Daleiden and Merritt both wore hidden cameras and recorded the entire lunch meeting with Dr.
22 Nucatola without her knowledge or consent. Trial Tr. 462:15-463:4; TRX 6104.

23 39. Daleiden met Dr. Mary Gatter when “Sarkis” infiltrated the Forum in Miami in
24 October 2014. TRX 683; TRX 8017; TRX 6021; Trial Tr. 2249:9-11. Posing as “Robert Sarkis,”
25 he set up a lunch meeting with Dr. Gatter purportedly to discuss the possibility of starting a fetal
26 tissue donation program at PPPSGV. “Sarkis” sent Dr. Gatter misinformation about BioMax to
27 entice her to meet with him. TRX 8017. TRX 683.

28 40. “Sarkis” and “Tennenbaum” met with Dr. Gatter and her colleague, Laurel Felczer,

1 in February 2015 in Pasadena, California. Trial Tr. 1228:23-1229:10; Trial Tr. 473:8-15; Trial Tr.
2 2254:7-12. Daleiden and Merritt told Dr. Gatter that they were BioMax representatives. Trial Tr.
3 473:16-19; 474:23-24; 476:1-477:20; TRX 6082. Daleiden and Merritt both wore hidden cameras
4 and did not inform either Dr. Gatter or Ms. Felczer that they were being recorded. Trial Tr.
5 473:21-474:25.

6 41. Daleiden met Dr. Savita Ginde at the Forum in Miami. Trial Tr. 2957:21-24; TRX
7 578; TRX 5960A. Posing as “Robert Sarkis,” he sent her an email seeking a meeting and
8 enclosing a copy of the BioMax brochure and a “welcome letter from our founder CEO, Susan
9 Tennenbaum.” TRX 578; Trial Tr. 2260:19-61:12. Dr. Ginde agreed to meet with “Sarkis” and
10 “Tennenbaum” and admitted them into the PPRM Stapleton campus for that purpose. Trial Tr.
11 2960:24-2962:1.

12 42. Daleiden and Merritt both wore hidden cameras and filmed the entire meeting with
13 Dr. Ginde. Trial Tr. 2261:21-2262:14; 481:6-16. Dr. Ginde and her staff were unaware they were
14 being filmed and did not consent to the filming. Trial Tr. 481:17-20.

15 43. Daleiden (posing as “Robert Sarkis”) met PPGC staff at the PPFA National
16 Conference in March 2015. Trial Tr. 2262:19-25. “Sarkis” then sent a follow-up email afterward
17 to Tram Nguyen and Melissa Farrell, the head of research at PPGC. Trial Tr. 2262:19-2263:7;
18 TRX 1809. Farrell agreed to meet with “Sarkis” and “Tennenbaum.” TRX 653.

19 44. Ms. Farrell requested that BioMax execute a non-disclosure agreement prior to any
20 meeting. TRX 653. Daleiden signed the NDA on behalf of BioMax using the name “Susan
21 Tennenbaum,” and agreed in the NDA that BioMax would not disclose confidential information.
22 Trial Tr. 2265:9-14. In fact, he intended to disclose any information he thought would be harmful
23 to Planned Parenthood that he recorded at the meeting. Daleiden did not disclose this intent to Ms.
24 Farrell or anyone else at PPGC.

25 45. Daleiden and Merritt presented their fake IDs to enter the PPGC facility. Trial Tr.
26 482:13-19; TRX 6102; Trial Tr. 2271:9-24. They both surreptitiously recorded the entire meeting,
27 including a tour of the employee-only pathology lab. Trial Tr. 483:10-24; 2268:17-2269:25.

28 46. “Sarkis” and “Tennenbaum” would not have been admitted to the NAF

1 conferences, the PPFA conferences, or the facilities at PPRM and PPGC, and would not have been
2 able to set up lunch meetings with Planned Parenthood staff, had they disclosed their true
3 identities and purpose. Trial Tr. 862:14-864:19 (NAF); 2782:7-2783:1 (PPFA); 2960:24-2962:1
4 (PPRM); 1601:16-1602:8 (PPGC).

5 47. As a result of Defendants' conduct, Planned Parenthood incurred hundreds of
6 thousands of dollars in costs. PPFA had to spend hundreds of thousands of dollars to prevent
7 additional infiltrations and revise its conference security protocols. TRX 8072 at 3; Trial Tr.
8 3131:2-3137. PPFA, PPGC, PPOSBC and PPPSGV incurred costs for providing security to,
9 and/or relocating, individuals targeted by Defendants. TRX 8072 at 13.

10 48. Daleiden's goal and life's work is to end legal abortion in America. He has been an
11 anti-abortion activist since high school. He believes that legal abortion "is a license for medical
12 professionals to kill children in the womb." Trial Tr. 2300:14-15.

13 49. Prior to forming the Center for Medical Progress in 2013, Daleiden already had a
14 years-long track record of creating undercover videos about Planned Parenthood in his role as the
15 Director of Research for Live Action, an anti-abortion group. Trial Tr. 2040:1-2042:2.

16 50. Daleiden is proud of the conduct he engaged in that was at issue in this case
17 (actions that the jury found to be fraudulent and criminal), which he believes exposed Plaintiffs'
18 criminal activity. Trial Tr. 2653:15-17.

19 51. Newman and his organization, Operation Rescue, operate the website
20 abortiondocs.org, which publicizes the names, photographs and business addresses of abortion
21 providers, including Dr. Nucatola and Dr. Gatter. Trial Tr. 3460:13:17; TRX 22.

22 52. Newman has described abortion providers as "murderers" in a published book in
23 which he called for their execution by the government to "expunge blood guilt from the land and
24 people." Trial Tr. 3460:2-11.

25 53. Newman participated in the conspiracy described above because his goal is to
26 finish off Planned Parenthood and end abortion. He considers Planned Parenthood to be a "death
27 machine." Trial Tr. 3463:6-12; TRX 47, 106. Newman claimed responsibility for the work of the
28 HCP. TRX 28.

1 54. Rhomberg's goal and life's work is to end legal abortion in America. Trial Tr.
2 684:11-685:22.

3 55. Prior to her work for CMP, Merritt worked on a project for Live Action, posing as
4 someone she wasn't in order to obtain information from Planned Parenthood clinics. Trial Tr. 488-
5 490.

6 56. Each defendant has the ability to continue the activities found to be illegal by the
7 jury. CMP & BioMax are both still active. *See* Trial Tr. 2462:10-18; TRX 8060; 8069.

8 57. CMP is still operational and intends to do multiple projects of which the Human
9 Capital Project was the first. Trial Tr. 2297:2-15.

10 58. CMP continues to have the same aims that were stated in its project proposals. Trial
11 Tr. at 2299:24 - 2300:5 ("in terms of wanting to -- wanting to draw public attention and bring
12 public pressure to bear for the sort of policy changes that would address criminal fetal trafficking
13 and, hopefully, prompt the appropriate responses from the appropriate public authorities for
14 activity like that, that's definitely still something that Center for Medical Progress wants to do.")).

15 59. Daleiden has continued to post videos of footage recorded at PPFA events,
16 including as late as 2019. Trial Tr. at 2294:20-2295:15.

17 60. In the summer of 2019, Daleiden, on behalf of CMP, created a campaign on the
18 fundraising page GoFundMe to raise money to pay a court mandated fine related to the release
19 of certain videos. The campaign noted that "CMP has more videos to release soon" and asserts
20 that the money CMP was fined could have instead been used "to produce more video exposes of
21 Planned Parenthood's sale of baby body parts." ECF 662-1, Ex. 20.

22 Newman argues that the findings of fact about his activities are improper because they rely
23 heavily on the adverse inferences on which I instructed the jury that they could rely in light of
24 Newman's invocation of the Fifth Amendment and refusal to answer. I also explained to the jury
25 that the inferences could *not* be considered when determining Newman's liability under the
26 California claims. With respect to the non-California claims, the jury found Newman liable on
27 conspiracy grounds for all of the claims presented to them. Based on their express and implicit
28 findings, the jury drew adverse inferences against Newman on which I may rely along with

evidence admitted at trial when determining the appropriate scope of injunctive relief under the other claims against Newman.

With respect to the UCL, plaintiffs argue that while they cited Newman's inferences in support of their proposed Findings of Fact, each of those proposed facts was corroborated by exhibits and other witness testimony. I agree. The facts attributed to Newman in the Findings of Fact are, for purposes of the UCL, corroborated by trial exhibits, including the correspondence sent between Newman and Daleiden and the correspondence in which Newman took credit for the HCP.⁶

II. MERITS OF THE UCL CLAIM

A. Legal Standard

The UCL authorizes the court to "make such orders or judgments ... as may be necessary to prevent the use or employment by any person of any practice which constitutes unfair competition, as defined in this chapter, or as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition." Cal. Bus. & Prof. Code § 17203. Because a UCL claim is equitable in nature, the court, rather than a jury, must decide whether there was a UCL violation and what equitable remedies, if any, are appropriate is "subject to the broad discretion of the trial court." *Zhang v. Super. Ct.*, 57 Cal. 4th 364, 371 (2013).

In the Ninth Circuit, "it would be a violation of the Seventh Amendment right to jury trial for the court to disregard a jury's finding of fact." *Acosta v. City of Costa Mesa*, 718 F.3d 800, 828 (9th Cir. 2013) (citing *Floyd v. Laws*, 929 F.2d 1390, 1397 (9th Cir. 1991)). "[I]n a case where legal claims are tried by a jury and equitable claims are tried by a judge, and the claims are 'based on the same facts,' in deciding the equitable claims 'the Seventh Amendment requires the trial

⁶ In their Reply, plaintiffs cite evidence and make arguments not presented in their Proposed Findings of Fact and opening brief. Defendants object to that evidence and the arguments and ask me to strike them or permit defendants to address the new evidence and arguments. Dkt. No. 1058. That request is DENIED. I have fully reviewed all of the evidence cited by all of the parties in support or in opposition to judgment on the UCL claim and the equitable relief requested by plaintiffs. At this stage, I can weigh the evidence – not only that cited to me by the parties but also any evidence adduced at trial – as well as the merits of each side's arguments without the gloss provided by the parties.

1 judge to follow the jury’s implicit or explicit factual determinations.” *Los Angeles Police*
 2 *Protective League v. Gates*, 995 F.2d 1469, 1473 (9th Cir. 1993) (quoting *Miller v. Fairchild*
 3 *Indus.*, 885 F.2d 498, 507 (9th Cir. 1989), *cert. denied*, 494 U.S. 1056 (1990)).

4 For purposes of this motion, I need only consider the illegal and fraudulent prongs of the
 5 UCL, given the jury’s verdict finding defendants engaged in numerous illegal and fraudulent acts
 6 in California and emanating from California, against California-based plaintiffs and others,
 7 committed in violation of California law, Federal law, and the laws of other jurisdictions.

8 **B. Business Conduct**

9 As a threshold issue, defendants argue that the UCL does not apply to their conduct
 10 because they did not engage in any “business” or “commercial” acts that could constitute
 11 prohibited unfair business practices. Defendants raised the identical argument on summary
 12 judgment, contending that the UCL claim failed because “there were no ‘business practices’ that
 13 any defendant engaged in with respect to each plaintiff,” and that “defendants cannot be liable for
 14 ‘unfair business acts’ because there is ‘no market’ – presumably a for-profit market – for fetal
 15 tissue, and that any acts taken by or on behalf of BioMax or CMP could not, as a matter of law,
 16 constitute unfair business acts.” Dkt. No. 753 at 112.

17 I rejected that argument on summary judgment, finding that based on undisputed evidence
 18 “that Rhomberg and Newman – as well as CMP, BioMax, and Daleiden – engaged in practices
 19 that on their face can be considered ‘business practices’ under the UCL.” *Id.* I noted that:

20 [T]here is evidence, some of it disputed, showing that defendants’
 21 intent and purpose was to set up BioMax as a fictitious company
 22 operating in a real industry in competition with other companies
 23 (including Stem Express and other targets of the HCP). There is
 24 evidence that defendants made misrepresentations to the California
 25 Secretary of State as part of setting up the “front” company BioMax
 26 as well as websites, business cards, and business brochures that
 27 plaintiffs disputedly relied on to provide defendants access to their
 28 conferences and businesses. These acts by defendants on their face
 are business acts. There is also evidence, some disputed, that the
 purpose of both CMP and the HCP (including the creation of the
 fake BioMax company) was to run plaintiffs’ businesses out of
 business. These allegations are sufficient to bring a claim under the
 UCL.

Id. at 112-113. The evidence at trial *confirmed* that defendants’ intent and purpose was to set up

BioMax as a competitor tissue procurement company (registering with California’s Secretary of State, creating a website and marketing materials, and opening “company” credit cards) to position itself as a competitor with other tissue procurement companies in order to gain access to and gather information that they would use to seek the defunding and destruction of Planned Parenthood (the umbrella organization and its affiliates) as a business. *See* Findings of Fact *supra*.

Defendants rely on two cases holding that associations were not “businesses” under Section 17200. In *That v. Alders Maint. Assn.*, 206 Cal. App. 4th 1419 (Cal. App. 4th Dist. 2012), the court rejected the idea that a homeowner’s association could be considered a business under the UCL, where plaintiff was attempting to challenge election-related activities conducted by the HOA. *Id.* at 1427 (“applying the UCL to an election dispute would simply make no sense”). In *Bermudez v. Serv. Employees Intl. Union, Loc. 521*, 18-CV-04312-VC, 2019 WL 1615414, at *1 (N.D. Cal. Apr. 16, 2019), the plaintiff could not pursue a UCL claim for return of fees against a union because the union “did not participate as a business in the commercial market, nor was its policy of collecting fair-share fees a commercial activity.” *Id.* *1 n. 1.

Those cases are inapposite because Daleiden and BioMax (and the other defendants “representing” BioMax) took numerous steps to set up a business. Those acts, including registering BioMax with the Secretary of State as a business and opening bank cards in BioMax’s name, are indisputably “business activity.” BioMax and Daleiden, Merritt, and Lopez (as well as at least two other non-defendant co-conspirators) then represented themselves to plaintiffs and numerous other individuals and entities as both an operational business and employees of that business to solicit meetings and information in competition *with other businesses*. Indeed, at trial Daleiden testified that BioMax was, through conversations with other entities, “exploring the possibility of -- well, sort of what it would take to work with, like, ethical tissue samples and do ethical tissue procurement.” Trial Tr. 2175:12-17.

The UCL applies to defendants’ conduct.

C. Fraudulent Conduct Under the UCL

It is unclear whether plaintiffs seek to rest the merits of their UCL claim on *both* the illegal and fraudulent prongs of the UCL. In their proposed Judgment and Permanent Injunction,

1 plaintiffs do not address what the Judgment should look like with respect to their UCL claim. *See*
2 Dkt. No. 1050 at 5 (incorporating language suggested by plaintiffs in December 2019 in response
3 to contemplated partial Rule 54(b) judgment). But in their Memorandum in Support of Equitable
4 Relief, they repeatedly refer to “defendants’ illegal and fraudulent” conduct as supporting their
5 requests for injunctive relief under the UCL. *See, e.g.*, Dkt. No. 1049 at 2, 3. Therefore, I assume
6 that they intend to seek judgment concerning the UCL under both prongs.

7 The standard for proving fraudulent conduct under the UCL is not as stringent as the
8 showing required for common law fraud and the persons protected from the fraudulent conduct are
9 different. *See In re Tobacco II Cases*, 46 Cal. 4th 298, 312 (2009) (“The fraudulent business
10 practice prong of the UCL has been understood to be distinct from common law fraud. ‘A
11 [common law] fraudulent deception must be actually false, known to be false by the perpetrator
12 and reasonably relied upon by a victim who incurs damages. None of these elements are required
13 to state a claim for injunctive relief’ under the UCL. . . This distinction reflects the UCL’s focus
14 on the defendant’s conduct, rather than the plaintiff’s damages, in service of the statute’s larger
15 purpose of protecting the general public against unscrupulous business practices.”) (quoting *Day*
16 *v. AT & T Corp.*, 63 Cal.App.4th 325, 332 (1998)).

17 There is some ambiguity in California law whether fraudulent conduct between
18 competitors is actionable under the UCL.⁷ That is not an issue here. Defendants positioned
19 BioMax as a company offering tissue procurement services to plaintiffs (not as a competitor to
20 plaintiffs, but as a competitor to actual tissue procurement companies) and to all others who saw
21 the BioMax table (or were approached by defendants) at the conferences they infiltrated or saw
22 BioMax’s websites or advertising materials. *See Findings of Fact*. The deceptions that the jury
23 found defendants engaged in, and the evidence at trial, are sufficient to sustain the UCL claim
24 under the fraudulent prong. *See, e.g., Copart, Inc. v. Sparta Consulting, Inc.*, 339 F. Supp. 3d 959,
25 989 (E.D. Cal. 2018) (“Copart was not a competitor of Sparta, much less a direct competitor.
26 Instead, Copart was Sparta’s consumer, and the jury found Copart was deceived by Sparta.”).

27
28 ⁷ *See, e.g., Watson Laboratories, Inc. v. Rhone-Poulenc Rorer, Inc.*, 178 F. Supp. 2d 1099, 1121
(C.D. Cal. 2001) (discussing competitor case).

D. Illegal and Fraudulent Conduct Under the UCL

The merits of plaintiffs' UCL claim under the illegal and fraudulent prongs is established based on facts expressly or implicitly found by the jury. *See L.A. Police Protective League v. Gates*, 995 F.2d 1469, 1473 (9th Cir. 1993). Based on the jury's explicit and implicit findings, and considering the totality of the evidence adduced at trial, I find that each defendant engaged in illegal and fraudulent conduct in violation of the UCL. The verdict – finding defendants liable for numerous claims under Federal, California, Florida, Washington, D.C., and Maryland laws – supports a finding that each of the defendants engaged in illegal and fraudulent acts under the UCL.

III. SCOPE OF INJUNCTIVE RELIEF

Having found the facts above and that the defendants are liable under the UCL, the issues become whether injunctive relief is appropriate and what the scope of the injunction should be.

Plaintiffs ask me to impose the following injunction:

A. Upon service of this order, all Defendants (except Lopez, unless he is acting in concert or participation with another Defendant) and their officers, agents, servants, employees, owners, and representatives, and all other persons, firms, or corporations acting in concert or participation with them are permanently enjoined from doing any of the following, with respect to PPFA and all Planned Parenthood affiliates (collectively referred to as "Planned Parenthood"):

(1) Entering or attempting to enter a Planned Parenthood conference, office, or health center, by misrepresenting their true identity, their purpose for seeking entrance, and/or whether they intend to take any video, audio, photographic, or other recordings once inside; and

(2) recording, without the consent of all persons being recorded:

(a) any meeting or conversation with Planned Parenthood staff that Defendants know or should know is private; or

(b) at a Planned Parenthood conference, office or health center.

B. In addition, Defendants shall serve a copy of this injunction on any person who, in

active concert with Defendants, either has or intends to enter Planned Parenthood's property or record Planned Parenthood's personnel, and provide Plaintiffs with proof of service thereof.

Dkt. No. 1050 at 10-11.⁸

A. Legal Standard

"According to well-established principles of equity, a plaintiff seeking a permanent injunction must satisfy a four-factor test before a court may grant such relief. A plaintiff must demonstrate: (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction." *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006). In addition, to establish standing plaintiffs must demonstrate a "real and immediate" threat of future injury without an injunction – a "showing of a[] real or immediate threat that the plaintiff will be wronged again" to justify injunctive relief. *City of Los Angeles v. Lyons*, 461 U.S. 95, 111 (1983).

1. Irreparable Injuries and Inadequate Legal Remedies

Defendants contend that plaintiffs cannot satisfy the first two prongs of the *eBay* test because they cannot show that they will suffer "irreparable injuries" absent an injunction or that legal remedies for future intrusions by defendants would be inadequate. Defendants' argument relies almost entirely on the amount of damages plaintiffs sought and were awarded by the jury to compensate them for their security improvements following defendants' intrusions. Defendants contend that these damages are sufficient.

Plaintiffs respond that there was ample testimony at trial from their staff members demonstrating how irreparable their injuries were and how insufficient the limited amount of damages for security were, considering stress and anxiety defendants' intrusions caused their staff

⁸ Plaintiffs do not seek injunctive relief against defendant Lopez as he "had no history of anti-abortion activity prior to his involvement in Defendants' illegal conspiracy." Dkt. No. 1049 at 1 n. 1.

1 and the significant disruption defendants' intrusions caused to their staff's normal roles and job
2 duties (because they were diverted to investigating and tracking defendants' actions). They further
3 assert that their damages were circumscribed and limited through court rulings. They contend that
4 despite the award of compensatory and punitive damages, the narrow category of security
5 damages allowed represented a small fraction of the damages that they initially sought and did not
6 encompass all of the "security grants" PPFA gave to affiliates. They argue that in the Ninth
7 Circuit, these types of difficulties in "establishing economic harm" due to "lack of proof of
8 damages, and possible immeasurability or unascertainability of harm, [do] not mean" a plaintiff
9 was not harmed, and that those difficulties weigh in favor of injunctive relief. *Continental*
10 *Airlines, Inc. v. Intra Brokers, Inc.*, 24 F.3d 1099, 1105 (9th Cir. 1994); *see also Rent-A-Ctr., Inc.*
11 *v. Canyon TV and Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir. 1991) (recognizing "that
12 intangible injuries, such as damage to ongoing recruitment efforts and goodwill, qualify as
13 irreparable harm").

14 I agree that the extensive testimony at trial demonstrated irreparable injuries to plaintiffs
15 flowing from defendants' conduct and that, for a number of reasons, a significant portion of
16 plaintiffs' injuries could not adequately be addressed by damages or were difficult to measure if
17 not impossible to accurately value as part of a request for damages. Those injuries include
18 plaintiffs' staff reactions to the intrusions – even in situations where the staff did not believe that
19 they personally had been recorded by defendants – and the disruptions to the normal work of
20 plaintiffs in order to internally investigate and respond to defendants' intrusions. *See, e.g.*, Trial
21 Tr. 1144:18-1145:3, 1519:1-10, 3173:10-19.⁹ These injuries were not, and could not in the future,
22 be adequately compensated by damages, given difficulties in their valuation and ascertainability.

23
24
25 ⁹ I do not rely on the damages that were cut from this case due to my rulings that damages
26 resulting solely from third-parties' actions were barred as a form of "reputational damages"
27 precluded by the First Amendment absent a defamation claim. While plaintiffs rely on one case
28 finding that injunctive relief was supported by "damages" that were not cognizable under
applicable laws, *Dairy Maid Dairy, Inc. v. U.S.*, 837 F. Supp. 1370, 1381 (E.D. Va. 1993)
(recognizing that legal remedies can be considered inadequate, supporting injunctive relief, where
damages capped by law), I do not need to rely on this category of damages in order to find that
plaintiffs have shown adequate irreparable injuries and inadequate legal remedies.

1 Plaintiffs sought (and were largely awarded) the narrow category of security damages that they
2 could readily identify and prove up. But that does not minimize the fact that additional injuries
3 (identified above) were suffered by plaintiffs, supporting their request for injunctive relief.

4 **2. Balance of Hardships**

5 Considering the effect of injunctive relief on each party, defendants argue that this factor
6 weighs against injunctive relief because it will impede their journalistic efforts protected by the
7 First Amendment and hamper their ongoing efforts generally to oppose abortion and expose
8 alleged criminal and other bad conduct by Planned Parenthood and its affiliates. Defendants note
9 that the equities typically weigh heavily against injunctions that prohibit speech or conduct and
10 argue that the injunction sought by plaintiffs would prevent defendants from engaging in legal
11 conduct, like surreptitiously recording plaintiffs' staff in public places in states where the consent
12 of all parties being recorded is not required or where they are recording evidence of actual
13 criminal conduct.¹⁰ Finally, defendants contend that because their actions forced plaintiffs to
14 improve their conference and clinic security measures, plaintiffs are less likely to face future
15 intrusions by defendants or like-minded individuals.

16 Defendants' arguments go too far. Simply claiming the mantle of a journalist does not
17 give someone a license to trespass, illegally record, or otherwise commit violations of generally
18 applicable laws.¹¹ The "evidence" defendants actually gathered and then published as a result of
19

20 ¹⁰ Defendants' cases are procedurally and factually inapposite; none of them address situations
21 where a court considered injunctive relief following a judgment that defendants' conduct was
22 illegal and therefore not protected by the First Amendment. Defendants' cases generally address
23 situations where an injunction was appropriate to restrain government or union defendants from
24 violating plaintiffs' First Amendment rights. *See Sammartano v. First Jud. Dist. Ct., in and for*
25 *County of Carson City*, 303 F.3d 959, 973 (9th Cir. 2002) (reversing district court's refusal to
enjoin policy prohibiting wearing of club insignia at a government facility); *San Diego Minutemen*
v. California Bus. Transp. and Hous. Agency's Dept. of Transp., 570 F. Supp. 2d 1229, 1256 (S.D.
Cal. 2008 (requiring government to reinstate plaintiff's permit); *Swanson v. U. of Hawaii Prof.*
Assembly, 269 F. Supp. 2d 1252, 1261 (D. Haw. 2003) (enjoining union from collecting fees
contrary to plaintiff's First Amendment rights).

26 ¹¹ "[G]enerally applicable laws do not offend the First Amendment simply because their
27 enforcement against the press has incidental effects on its ability to gather and report the news."
28 *Cohen v. Cowles Media Co.*, 501 U.S. 663, 669 (1991); *see also Desnick v. American*
Broadcasting Companies, 44 F.3d 1345, 1355 (7th Cir. 1995) ("the media have no general
immunity from tort or contract liability"); *Council on Am.-Islamic Rel. Action Network, Inc. v.*
Gaubatz, 793 F. Supp. 2d 311, 330 (D.D.C. 2011) ("[T]he protections afforded by the First

1 the conduct the jury found was illegal did not itself show any illegal conduct by Planned
 2 Parenthood or plaintiff affiliates.¹² Further, that defendants' conduct caused plaintiffs to increase
 3 their security measures for access to their conference and offices does not mean that plaintiffs no
 4 longer face a threat of intrusion from defendants or those acting in concert with defendants. The
 5 defendants' history and longstanding opposition to the activities, if not the very existence, of
 6 plaintiffs completely undermines their argument. Plaintiffs' interim security measures might
 7 discourage future intrusions by defendants directly, but with technological advances in
 8 surreptitious recording and the very real possibility of acting in concert with others (who are not
 9 yet known to plaintiffs), plaintiffs' security improvements do not diminish their hardship
 10 argument.

11 That said, the language of the injunction should be narrowed. Plaintiffs admit that their
 12 proposed language would prohibit "slightly more" conduct than the jury found defendants guilty
 13 of, such as by using misrepresentations to gain access to "public" area of plaintiffs' offices. Reply
 14 at 8. They argue that over-expansiveness is necessary and does not tip the balance of hardships
 15 against an injunction because defendants "engaged in a long-running, fraudulent scheme" and in
 16 these circumstances equity requires the injunction to be "'clear, simple and effective,' even if it
 17 sweeps in some otherwise lawful conduct." Reply at 8. They ask for an over-expansive
 18 injunction because they want "clear boundaries" to avoid future disputes about whether the
 19 injunction was violated, for example, if defendants accessed "public" parts of plaintiffs'
 20 conferences or offices by misrepresentation.

21 The cases on which plaintiffs rely are far narrower or based on a far different record than
 22 this one. For example, in *Galella v. Onassis*, 353 F. Supp. 196, 237 (S.D.N.Y. 1972), *aff'd in part*,

23
 24 Amendment, far reaching as they may be, do not place the unlawful acquisition of information
 25 beyond the reach of judicial review.").

26 ¹² The "evidence" gathered by defendants from their acts found to be illegal by the jury –
 27 primarily the recordings taken by defendants – was submitted to both Judge Ryu and myself in
 28 support of defendants' requests to compel discovery and on summary judgment. None of it
 showed that Planned Parenthood or its affiliates were engaged in the illegal sale of fetal tissue for
 profit or illegal changes in abortion procedures to facilitate the harvesting of fetal tissue.

1 *rev'd in part*, 487 F.2d 986 (2d Cir. 1973), the court declined to use ambiguous and disputable
 2 terms (like “prohibitions upon [] leaping, blocking, taunting, grunting, hiding and the like” and
 3 “harassing, endangering”) in crafting an injunction against a photographer who had repeatedly
 4 violated the privacy rights of his targets; instead, it used fixed “proscribed distances” to set the
 5 limits of an injunction. *Id.* at 237. Similarly, in *Schenck v. Pro-Choice Network of W. New York*,
 6 519 U.S. 357 (1997), the Court upheld an injunction placing restrictions on where and how anti-
 7 abortion counsellors could approach people entering an abortion clinic by setting an absolute
 8 boundary (“buffer zone”). The record justifying that absolute boundary was based on evidence
 9 that many of the counsellors had been “arrested on more than one occasion for harassment, yet
 10 persist in harassing and intimidating patients, patient escorts and medical staff” as well as the fact
 11 that the “counselors remain free to espouse their message outside the 15-foot buffer zone.” *Id.* at
 12 384-85.¹³

13 These “absolute boundary” injunctions are inapposite. Here the issue is whether an
 14 effective and clear injunction can be crafted that proscribes only the sort of illegal conduct that
 15 defendants were found guilty of *or* whether I should sweep into the injunction conduct that may be
 16 legal in some states and in some areas (*e.g.*, accessing public spaces in a hotel where plaintiffs
 17 may be holding a conference or meeting, or recording in states where all-party consent is not
 18 required).

19 I conclude that the injunctive relief to which plaintiffs are entitled extends only to that
 20 conduct for which the defendants have been found guilty. Plaintiffs are not wrong to fear that
 21 defendants will take advantage of any ambiguity in the terms of an injunction to disrupt their work
 22 and mission.¹⁴ However, a narrower injunction is feasible and necessary to avoid tipping the

23
 24 ¹³ In an attempt to justify an injunction that sweeps in potentially more conduct than the jury or I
 25 determined was illegal, plaintiffs also rely on *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753
 26 (1994). There, the majority noted that an injunction that “incidentally affect[ed] expression” was
 27 not an impermissible prior restraint primarily because it was based on a record of “prior unlawful
 28 conduct” that the injunction sought to directly remedy (violation of buffer-zones), but the majority
 also struck down provision of the injunction including prohibitions on displaying images and the
 buffer zone on private property because those provisions “sweep more broadly than necessary to
 accomplish the permissible goals of the injunction.” *Id.* at 763 n.2 & 776.

¹⁴ While many things were in dispute in this case, it is beyond dispute that plaintiffs and
 defendants have been and will continue to be opposed to each other’s “life work” and “mission.”

1 hardships away from plaintiffs and towards defendants.¹⁵ The injunction does not interfere in any
2 way with legal efforts of the defendants to oppose abortion and convince the public and
3 governmental actors to defund Planned Parenthood.

4 3. Public Interest

5 The public interest weighs in favor of granting injunctive relief to plaintiffs.¹⁶ Defendants
6 argue that their investigation uncovered illegal conduct and resulted in at least one plea deal by a
7 tissue procurement organization, spurred Congressional hearings, and caused the Department of
8 Justice to open an investigation, serving the public interest and weighing in favor of allowing
9 defendants to continue their investigatory efforts.¹⁷ However, there was no evidence submitted at
10 summary judgment or in pre-trial motions to show that any Planned Parenthood affiliate violated
11 any law in connection with the transfer of tissue to the company that entered the plea deal.¹⁸ In
12

13 ¹⁵ In justifying an injunction which covers legal conduct, plaintiffs rely on *Facebook, Inc. v.*
14 *Power Ventures, Inc.*, 252 F. Supp. 3d 765, 784 (N.D. Cal. 2017), *aff'd*, 749 Fed. Appx. 557 (9th
15 Cir. 2019) (unpublished) which noted that “even if” the injunction at issue there covered legal
16 conduct courts have “equitable power to enjoin otherwise lawful activity.” That case relied solely
17 on *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985), which explained in depth that “although
18 federal courts have the equitable power to enjoin otherwise lawful activity if they have jurisdiction
19 [] and if the injunction is necessary and appropriate in the public interest to correct or dissipate the
20 evil effects of past unlawful conduct, this power is not often necessary or appropriate, and is
21 therefore infrequently exercised. Courts commonly have exercised this extraordinary power only
22 in antitrust cases. . . . Even in the antitrust area, however, a necessary and appropriate injunction
23 against otherwise lawful conduct must be carefully limited in time and scope to avoid an
24 unreasonably punitive or nonremedial effect” and struck down an injunction that was not “limited
25 in time.” *Id.* at 726. This is not an antitrust case and plaintiffs’ requested injunction is not limited
26 in time or scope.

21 ¹⁶ The “public interest inquiry primarily addresses impact on non-parties rather than parties.”
22 *Sammartano v. First Jud. Dist. Ct., in and for County of Carson City*, 303 F.3d 959, 974 (9th Cir.
23 2002).

24 ¹⁷ Defendants argue that I should hold further proceedings so I can “try” the public interest issue,
25 considering the evidence defendants proffered in Dkt. No. 1041. Oppo. at 1. But the majority of
26 this evidence – in proffer form (by counsel) or in declaration form – was presented by defendants
27 to me at summary judgment, in connection with motions *in limine*, or during trial (to allow
28 resolution of disputes over the relevance or admissibility of witness discovery or testimony at
trial). I have considered and weighed defendants’ beliefs as to what that proffered evidence would
show, and for the evidence submitted to me what it showed, in reaching my determination that the
public interest weighs in favor of injunctive relief.

¹⁸ Instead, the plea was based on the company’s admission that it sold tissue at a profit to
researchers.

1 addition, the Congressional hearings did not demonstrate that plaintiffs violated any federal law
2 regarding the sale for profit of fetal tissue or alteration of abortion procedures (despite Congress
3 having received the “evidence” uncovered by defendants through the HCP). Finally, no charges
4 have resulted from the Department of Justice investigation.¹⁹

5 The evidence in the record is that Planned Parenthood provides extensive non-abortion
6 related medical services and screenings to hundreds of thousands of patients each year who might
7 not otherwise receive medical services. Trial Tr. 1589:2-19; 317:19-318:5; TRX 871.²⁰ The
8 evidence, including from witnesses who testified at trial, shows a substantial disruption to those
9 services and the siphoning off of staff time and expenses to address defendants’ intrusions into
10 plaintiffs’ conferences and clinics. The public interest is served by a narrow injunction targeted to
11 the illegal conduct that I and the jury found that the defendants committed.

12 **4. Real and Immediate Threat of Future Injury**

13 Finally, defendants contend that plaintiffs cannot identify a true “real and immediate
14 threat.” They reason that defendants are now well known to plaintiffs (meaning there is no chance
15 any defendant could gain access to plaintiffs’ conferences or offices in the future), plaintiffs can
16 point to no acts of deception or intrusion by these defendants since 2015, and any damages
17 plaintiffs suffered are not irreparable as shown by the damages they sought and received for their
18 improved security implemented following the release of defendants’ videos.

19 Plaintiffs respond that the jury’s implicit finding of an open-ended criminal enterprise
20 itself is sufficient to satisfy this factor. They also contend that while the predicate acts supporting
21 this claim were related to the false IDs, the ongoing nature of the criminal enterprise – whose
22 overarching goal was to drive plaintiffs out of business – is ongoing according to defendants’ own
23 statements.

24 Given the totality of the evidence at trial regarding the background of defendants as well as
25

26 ¹⁹ No announcement has been made (or is expected to be made) if this investigation is continuing.

27 ²⁰ Contrary to defendants’ assertion in their Objections (Dkt. No. 1058 at 3-4), this evidence –
28 which I may consider even if plaintiffs had not identified it in their Reply – does not discuss the
“quality” of services but the nature and number of services.

the past and continuing goals and aims of defendants with respect to Planned Parenthood, I conclude that plaintiffs have standing to seek injunctive relief. The evidence demonstrates a strong likelihood of future violations by defendants themselves or by defendants working in active concert with others. *See* Findings of Fact 49, 50, 55, 56, 57, 58, 59, 60. There is ample evidence that defendants relied on their past experience, using misrepresentations and surreptitious recordings, to target abortion providers and then used those and similar but more “advanced” tactics to carry out the HCP. While those pre-HCP acts and the actual acts used to carry out the HCP do not by themselves establish a real and immediate threat of future injury, they are strong evidence showing a continued reliance on those tactics and real threat of defendants utilizing them in the future. *See, e.g., Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 564 (9th Cir. 1990) (“Permanent injunctive relief is warranted where, as here, defendant’s past and present misconduct indicates a strong likelihood of future violations.”). Similarly, defendants’ continued belief that their “journalistic” tactics were legal – despite pre-trial rulings by the Court and the jury’s conclusions – is strong evidence that defendants intend to repeat them in the future. *See, e.g.,* Oppo. at 26:12-13. Finally, there was ample evidence that defendants’ aims or goals were and remain to target if not “destroy” Planned Parenthood and its affiliates.²¹

Considering all of the relevant factors and the totality of the evidence, the evidence supports permanent injunctive relief in favor of plaintiffs, albeit narrower than what plaintiffs request.

B. Under the UCL

1. Balance of Equities

Specific to the UCL, the California Supreme Court has “emphasized that the equitable remedies of the UCL are subject to the broad discretion of the trial court” and that the “UCL does not require ‘restitutionary or injunctive relief when an unfair business practice has been shown.

²¹ The parties dispute the significance of CMP’s interrogatory response that “Defendants have no definitive plans at this time to attend or enter any of Plaintiffs’ or the National Abortion Federation’s future conferences, meetings, or facilities.” Dkt. No. 607-7 at 15:26–28. But whereas CMP could have said identified defendants had no plans or no future intent, the response was, instead, equivocal as to “definitive plans.” CMP’s equivocal response weighs in favor, if only slightly, as evidence of a real and imminent future harm.

1 Rather, it provides that the court ‘may make such orders or judgments ... as may be necessary to
2 prevent the use or employment ... of any practice which constitutes unfair competition ... or as may
3 be necessary to restore ... money or property.’” *Zhang v. Super. Ct.*, 57 Cal. 4th 364, 371 (2013)
4 (quoting *Cortez v. Purolator Air Filtration Products Co.*, 23 Cal.4th 163, 179-180 (2000)). That
5 is a “a grant of broad equitable power,” but one which should not be exercised “without
6 consideration of the equities on both sides of a dispute.” *Cortez*, 23 Cal. 4th at 180.

7 In considering what injunctive relief is appropriate under the UCL, I have considered all of
8 the equitable considerations put forth by defendants, both in their initial proffer (Dkt. No. 1041)
9 and in their opposition to plaintiffs’ request for injunctive relief. Dkt. No. 1056. To repeat, those
10 equities include, among others, that defendants’ “investigative work” led to the prosecution and
11 plea agreement of a tissue procurement operation in Orange County (although there was no
12 evidence at summary judgment or pre-trial that any Planned Parenthood affiliate violated a law in
13 transferring tissue to that company; the company’s plea concerned *that* company’s transfer of
14 tissue to researchers). I have also considered that defendants’ “investigative work” led to
15 Congressional hearings and a Department of Justice investigation (although there is no evidence
16 that any Federal government entity has concluded that any Planned Parenthood affiliate illegally
17 profited from the sale of fetal tissue or altered procedures in violation of federal laws).

18 I have considered the equities put forward by plaintiffs, including the impacts that
19 defendants’ illegal and fraudulent conduct had on their staff, including the staff who were
20 surreptitiously recorded and the staff who testified at trial. I considered the impact that the
21 defendants’ illegal and fraudulent conduct had on plaintiffs’ ability to provide a secure
22 environment for their affiliates and staff who attend PPFA’s conferences, as well as staff and
23 patients in their clinics.

24 I conclude that the equities tip sharply in plaintiffs’ favor and justify the imposition of
25 injunctive relief as an equitable remedy under the UCL.

26 2. Scope

27 The UCL was not intended to regulate conduct “unconnected” to California, although it
28 may be invoked by “out-of-state parties when they are harmed by wrongful conduct occurring in

California.” *Norwest Mortg., Inc. v. Super. Ct.*, 72 Cal. App. 4th 214, 222–25 (Cal. App. 4th Dist. 1999). Similarly, “out-of-state conduct causing injury within the state [can] be enjoined,” but not “out-of-state conduct causing out-of-state injury.” *Id.* at 224 n.12.

Defendants argue that the UCL, by itself, cannot support the broad injunction plaintiffs seek, which expressly covers conduct outside of California by all of the defendants (except Lopez) and protects PPFA and all-non-California affiliates. Plaintiffs respond that there is evidence of out-of-state conduct injuring California plaintiffs. For example, the jury awarded PPPSGV security costs (incurred in part as a result of defendants taping Dr. Gatter in Florida) and the jury awarded PPOSBC security costs (incurred as a result of defendants taping Dr. Russo in Florida). Pls. Mem. ISO Injunctive Relief [Dkt. No. 1049] at 5. However, plaintiffs do not identify what specific injunctive relief would be appropriate solely under the UCL in terms of which defendants it would cover or which plaintiffs it would benefit. Instead, plaintiffs dodge the question by arguing that the non-California plaintiffs are entitled to an injunction “that applies to all Planned Parenthood affiliates on their trespass and unlawful recording claims.” *Id.*²²

Given the limits of the UCL, I conclude that all named plaintiffs (except PPLA and PPMM who did not recover on any claim), are covered by the narrowed injunctive relief specified below based on the UCL against *conduct occurring in California or conduct occurring outside of California that causes injury within California*.

C. Under the Laws of Trespass

As noted, plaintiffs assert that they are entitled to injunctive relief in light of the summary judgment and verdicts in their favor on trespass, which arose under the laws of Florida and Washington, D.C., with respect to the PPFA Conferences, and under the laws of Colorado and Texas, with respect to the clinic intrusion claims asserted by PPRM and PPGC/PPCFC. Defendants dispute the availability of injunctive relief under those jurisdictions’ laws, pointing out

²² With respect to those sources, plaintiffs rely only on my and the jury’s findings with respect to the trespass claims (brought under the laws of Florida and the District of Columbia with respect to the PPFA conference and under the laws of Colorado and Texas with respect to the clinic intrusions), and two of the recording law claims (brought under the federal and Florida recording statutes). These bases for relief are addressed below.

1 that the cases relied on by plaintiffs arose in the context of continuing or expressly threatened
2 continued trespasses. As noted above, plaintiffs have standing to seek injunctive relief because of
3 the realistic likelihood that defendants will continue their conduct to attempt to infiltrate PPFA's
4 conferences and plaintiffs' offices, either directly or through individuals acting in concert with
5 them.²³

6 Defendants argue that injunctive relief cannot be based upon the trespass claims because
7 they involved inherently factual situations arising under materially different state trespass laws.
8 For example, trespass was found with respect to the PPFA conferences only after I reviewed
9 PPFA's contracts with the hotels in Florida and Washington, D.C. and found that they conveyed
10 sufficient "possessory interest" to PPFA to establish trespass. And, with respect to the Colorado
11 and Texas clinic infiltrations, I had to consider each of those states' laws with respect to consent
12 and whether fraud vitiated consent. Defendants also contend that trespass cannot be sustained
13 where only public spaces (like hotel lobbies or reception areas) are accessed, yet plaintiffs'
14 injunctive relief reaches into those public spaces. Given the fact-specific and state-specific issues,
15 defendants argue that injunctive relief cannot be based on the trespass claims, let alone nationwide
16 relief based on the laws of states not at issue in this case.

17 Plaintiffs, in Reply, argue that it can be assumed that all future PPFA conference will use
18 similar hotel contracts, giving PPFA consistent and sufficient "possessory interest." They fault
19 defendants for failing to identify any materially significant differences in each state's trespass laws
20 regarding the issues of consent and when fraud vitiates consent that may lead to different
21 conclusions. But it is plaintiffs who seek a nationwide injunction, not defendants. It is *plaintiffs'*
22 burden to show how a finding of trespass – arising in different circumstances and considered
23

24 ²³ See *Whelpley v. Grosvold*, 249 F. 812, 816 (9th Cir. 1918) (upholding an injunction based on
25 evidence of "repeated and threatened to be repeated" trespasses "the effect of which would be to
26 destroy the value of the appellee's leasehold interest, and for which damages were necessarily
27 difficult of ascertainment and could be obtained, if at all, only by a multiplicity of suits. In such a
28 case a suit in equity for an injunction is the permissible and the only adequate remedy."); see also
Empire Star Mines Co. v. Butler, 62 Cal. App. 2d 466, 529 (Cal. App. 1st Dist. 1944) (authorizing
injunctive relief in quiet title suit "against repeated or continuous trespasses. The property owner
will not be relegated to successive suits for damages" based on evidence that defendants' practices
had been ongoing for "a considerable period").

1 under different states' laws – supports their requested injunction.

2 Based on the record, the trespass claims support the following injunctive relief: PPFA is
 3 entitled to relief to prevent defendants from trespassing in *restricted areas* at future PPFA
 4 conferences, given the testimony about PPFA's security concerns at conferences, the testimony
 5 about their conference security protocols, and the testimony regarding the restricted-access
 6 provisions PPFA negotiates in all of their conference contracts.²⁴ As to offices and clinics, PPFA,
 7 PPRM, and PPCG/PPCFC are also entitled to relief preventing defendants from trespassing in
 8 *restricted areas* of their offices and clinics.²⁵

9 **D. Under the Federal and Florida Recording Statutes**

10 Plaintiffs argue that they are entitled to injunctive relief, on a nationwide basis, under their
 11 federal wiretap claim and point out that defendants were found liable for 42 separate recordings
 12 under that law. Verdict at 31-39. Plaintiffs contend that injunctive relief is appropriate when there
 13 is a threat of continued violation, relying almost exclusively on *default judgment* cases brought
 14 against persons who pirated “satellite broadcasts of copyrighted television programming” without
 15 paying the subscription or broadcast fees. *See, e.g., DISH Network L.L.C. v. Rios*, 2:14-CV-2549-
 16 WBS-KJN, 2015 WL 632242, at *2 (E.D. Cal. Feb. 13, 2015); *Dish Network L.L.C. v. Reed*, 2:14-
 17 CV-2548 KJM DAD, 2015 WL 4478243, at *1 (E.D. Cal. July 22, 2015), *report and*
 18 *recommendation adopted*, 2:14-CV-2548 KJM DAD, 2015 WL 13655446 (E.D. Cal. Sept. 16,
 19 2015); *see also MAI Sys. Corp. v. Peak Computer, Inc.*, 991 F.2d 511, 520 (9th Cir. 1993) (relying
 20 on specific statutory provision of the Copyright Act authorizing injunctive relief). They are wrong
 21 to contend that these sorts of violations are “broadly similar” to the allegations and circumstances
 22 in this case. *But see* Reply at 14.

23
 24 ²⁴ As defendants point out, the only conferences at issue – and the only hotel contracts reviewed –
 25 were for PPFA conferences. The injunctive relief does not extend to “conferences” held by
 26 affiliates because there is absolutely no evidence in the record about what sorts of conferences
 they hold, where those conferences are held, and what sorts of restrictions are present in contracts
 for any conference held by affiliates.

27 ²⁵ While the trespass claims support limited injunctive relief for these three plaintiffs, the other
 28 plaintiffs covered by the injunctive relief entered below are California plaintiffs who are entitled to
 the relief against intrusions into their offices or clinics under the UCL claim.

Defendants argue that the facts and circumstances of the allegations (and jury verdict) matter because a violation of the federal statute can be sustained only where that recording is made “for the purpose of committing criminal or tortious acts,” an inherently factual situation that makes it inappropriate as a basis for the broad injunctive relief plaintiffs seek. Plaintiffs respond that given their security measures and defendants’ “past history,” any recordings that defendants attempt of plaintiffs in the future are “likely” to be done with numerous tortious purposes intended “such as violating RICO, defamation, false light, invasion of privacy, and tortious interference with contractual relations.” Reply at 14 (citing an article on LiveAction.org noting, only, that pro-life journalists “routinely use fake IDs in their work”).

Plaintiffs rely on two clinic buffer-zone cases that largely upheld injunctions that arguably impeded on anti-abortion protestors’ speech rights, but they miss the significant distinctions between those cases and this one. In both of those cases, the bases for the injunctions were clearly defined and repeatedly demonstrated (repeated violations of prior buffer zones and illegal harassment at identified clinic locations). In addition, the scope of the injunctive relief was limited to the particular clinics and prevented only the specific conduct that created the impermissible disruption of services and harassment (fixed buffer zones, amplified noise prohibitions). *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 776 (1994); *Schenck v. Pro-Choice Network Of W. New York*, 519 U.S. 357, 361 (1997). These cases do not support plaintiffs’ overly expansive request here.²⁶

With respect to injunctive relief under Florida law, plaintiffs note the Florida statute, Section 934.10, provides that “injunctive relief” may be appropriate, but cite only one case in support. In *O’Brien v. O’Brien*, 899 So. 2d 1133, 1134 (Fla. 5th Dist. App. 2005), in the context of a family law dispute, the court granted a permanent injunction to prohibit the wife’s disclosure of communications she had illegally intercepted on a computer and to “prevent her from engaging

²⁶ I agree with plaintiffs that an injunction imposed in response to proven violations of the law, which might incidentally impact speech, is not a prior restraint. See, e.g., *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 763 n.2 (1994). But, as in *Madsen*, plaintiffs’ proposed injunction sweeps too broadly and must be more narrowly tailored to match the conduct that caused plaintiffs the specific harms they sued over and on which they secured judgment.

1 in this activity in the future.” There was no discussion of the appropriateness of the injunction in
 2 that decision, only a statement that one was entered. As I discussed on summary judgment,
 3 Florida law does not include the federal requirement that the recording be done for an illegal or
 4 tortious purpose but does require a showing that the person recorded had:

5 a “reasonable” expectation of privacy of the persons recorded, as
 6 required under Florida’s law consistent with the *Katz* factors. *See*
 7 *Katz v. United States*, 389 U.S. 347 (1967). As above, this challenge
 8 rests on disputed questions of material fact, considering the steps
 9 PPFA took to restrict access to its conferences and the participants’
 10 experiences that their conversations were sensitive, private, and
 would not be recorded. That the conversations took place at a
 conference, in an exhibit hall, or in a lobby do not by themselves
 mean the conversations were not subject to a subjective and
 objectively reasonable expectation of privacy. All of the facts and
 the contexts for each recording have to be considered.”

11 Dkt. No. 753 at 86. That the jury ultimately determined that defendants violated this statute, and
 12 that the subjects of the recordings had a reasonable expectation of privacy given the particular
 13 circumstances of each recording, does not provide a basis to prevent defendants from recording
 14 anyone, at anytime, anywhere “in” a “Planned Parenthood” conference, office, or clinic.

15 Recognizing the complexities presented by the breadth of plaintiffs’ request for injunctive
 16 relief under the federal and Florida recording statutes, however, does not mean that injunctive
 17 relief is inappropriate. It does mean that the relief must be significantly narrowed. Plaintiffs
 18 object that narrowed relief is less clear and could lead to subsequent litigation over whether these
 19 defendants violated the terms of a narrowed injunction, but that is due to the nature of the claims
 20 on which they rest their request for injunctive relief and the scope of the relief requested.

21 **E. Against Whom**

22 As noted, plaintiffs seek to enjoin the specified conduct of each of the defendants (except
 23 Lopez), and those acting in concert or participation with them.²⁷ I conclude that plaintiffs have
 24 demonstrated a reason and need for injunctive relief against each of the defendants.

25 The evidence showed that CMP and BioMax were created for the purpose of carrying out
 26 the HCP and are still controlled by Daleiden. While CMP might have a broader mission (and may
 27

28 ²⁷ Dkt. No. 1049 at 1 n.1.

1 now or in the future undertake different “medical ethics” initiatives), the jury found it guilty of
2 each of the claims asserted against it. Both entities should be restricted from engaging in that
3 specific illegal conduct. The evidence showed that Daleiden took credit for the inception and
4 formation of CMP and BioMax and directed the conduct of Merritt, Lopez, and the other non-
5 defendant participants who made misrepresentations and infiltrated plaintiffs’ conferences and
6 offices. There is ample reason to enjoin Daleiden from engaging in the specific conduct that the
7 jury and I found was illegal.

8 Defendants point to Merritt’s un rebutted declaration that she did not intend to or have the
9 ability to “go undercover” anymore given health and familial duties as reasons to deny injunctive
10 relief against her. That declaration was insufficient to remove her from the reach of the RICO or
11 UCL claims on summary judgment. The jury found her guilty of each claim presented to them.
12 Considering the evidence regarding Merritt’s history, prior activities, and post-HCP activities, as
13 well as her testimony on the stand, I find that narrowed injunctive relief is appropriately entered
14 against her.

15 The same is true with Rhomberg. Considering his background and role with CMP, as well
16 as the jury’s conclusions that Rhomberg conspired on every substantive claim submitted to them, I
17 find that narrowed injunctive relief is appropriately entered against him.

18 Newman was found to have conspired with the other defendants on the federal and Florida
19 recording claims and in each of the trespass claims. The jury clearly took adverse inferences
20 against him based on my instructions and the other evidence in the case. With respect to the UCL,
21 as noted, the adverse inferences were corroborated by other evidence in the record. I consider
22 only the corroborated evidence regarding Newman’s role with CMP and the HCP, as well as his
23 efforts to take credit for the Project, in finding that the narrowed injunctive relief is also
24 appropriate imposed against him under the UCL.

25 Defendants argue that plaintiffs are impermissibly attempting to drag in other non-
26 defendants under the injunction, pointing to plaintiffs’ proposed language that the injunction
27 covers not only “their officers, agents, servants, employees, owners, and representatives” but also
28 “all other persons, firms, or corporations acting in concert or participation with them” and requires

1 defendants to provide notice of this injunction to anyone acting in concert with them are all
2 impermissibly broad provisions. The injunctive relief language should track more closely the
3 actual language of Rule 65(d)(2). But note that the Rule’s language itself provides that an
4 injunction may extend to those with notice who are “in active concert of participation” with
5 defendants. I agree with plaintiffs that, given the history of defendants’ employing the
6 “undercover” tactics that the jury found were against the law in the past and advising others on the
7 same, defendants should be required to provide a copy of the injunction to anyone who is acting in
8 concert with them to violate the injunctive relief entered.

9 **F. On Behalf of Whom**

10 Plaintiffs seek an injunction benefitting not only the named plaintiffs’ activities – wherever
11 they occur – and the named plaintiffs’ offices, but also the activities and offices of every non-
12 plaintiff affiliate. Defendants complain that there is no basis in law – under the UCL, the law of
13 trespass, or the federal or Florida recording statutes—to justify such broad relief to anyone other
14 than the actual plaintiffs in this case. They point out that the affiliates are separate corporate
15 entities from PPFA and that PPFA failed to provide evidence at trial that it was contractually
16 bound to provide its affiliates security grants or other specific services. Looking only to the
17 named plaintiffs in this case, defendants also argue that because PPLA and PPMM did not
18 establish any sort of damage or succeed on any claim, those two plaintiffs are not entitled to
19 injunctive relief under the UCL or any other claim.

20 Plaintiffs argue that such broad relief is necessary because, as shown at trial, PPFA was
21 injured when its affiliates were targeted by Defendants. The evidence showed that PPFA
22 investigates intrusions and threats at affiliate locations, provides security grants and conducts
23 security reviews for its affiliates in response to instructions and threats, and provides other support
24 like threat and incident tracking. To provide full relief to PPFA and allow PPFA to protect its
25 mission (even if it is not contractually required to provide all of these services to its affiliates), all
26 of its affiliates must be covered by the injunction precisely because PPFA lacks an adequate legal
27 remedy at law. Plaintiffs also contend that broad relief that “incidentally benefits” non-plaintiff-
28 affiliates is justified because Defendants “targeted” not only high ranking PPFA staff but also

1 affiliate staff as part of their goal to “destroy” Planned Parenthood.

2 Plaintiffs rely on only a few, inapposite cases. In *Price v. City of Stockton*, 390 F.3d 1105
3 (9th Cir. 2004), plaintiffs (six former tenants and one nonprofit organization representing
4 residence of Single Resident Occupancy, SRO, hotels) sought to enjoin a city from violating
5 federal and state statutes in closing SRO hotels. The district court granted broad injunctive relief
6 enjoining the city from vacating, demolishing, or converting SRO Hotels and requiring the city to
7 provide relocation assistance and replacement housing to all persons displaced. *Id.* at 1108. The
8 city challenged the injunction as overbroad because it benefitted all displaced persons, even ones
9 who were not named plaintiffs. The injunction was affirmed, with the Ninth Circuit noting that
10 the city had to meet its obligations under the applicable laws and “remedy the harms shown by
11 Plaintiffs, who include not only the individual named displacees but also Stockton Metro Ministry,
12 whose ability to serve a broader population of low-income and homeless people has been
13 hampered by the City’s activities.” *Id.* at 1117. That situation is significantly different than the
14 one here. We do not have the failure of the government to adhere to a set of laws that specifically
15 protect the named plaintiffs and the non-plaintiffs represented by the association.

16 Nor do we have a situation where it would be impracticable for a government officer
17 enforcing a law to know whether a particular person was a named plaintiff and, therefore, covered
18 by an injunction. See *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1501-02 (9th
19 Cir. 1996) (enjoining enforcement, as to all motorcycle riders, a “clear CHP citation policy in
20 violation of the Fourth Amendment” because “the CHP policy regarding helmets is formulated on
21 a statewide level, other law enforcement agencies follow the CHP’s policy, and it is unlikely that
22 law enforcement officials who were not restricted by an injunction governing their treatment of all
23 motorcyclists would inquire before citation into whether a motorcyclist was among the named
24 plaintiffs or a member of Easyriders, the plaintiffs would not receive the complete relief to which
25 they are entitled without statewide application of the injunction.”).²⁸ Instead, we have findings by

26
27 ²⁸ Plaintiffs’ cases discussing nationwide injunctions issued against the government, seeking to
28 enjoin enforcement of laws or regulations and binding government officers are even more
inapposite. See, e.g., *Bresgal v. Brock*, 843 F.2d 1163, 1170 (9th Cir. 1987) (addressing injunction
against Secretary of Labor); *City and County of San Francisco v. Trump*, 897 F.3d 1225, 1245

1 the court and a verdict by jury that defendants harmed a specific set of plaintiffs based on their
2 conduct in a limited number of states which violated a range of state laws and one federal law.

3 The record suggests that PPFA was injured by defendants' conduct targeted at its affiliates
4 because PPFA responds to incidents (like the intrusions and recordings that occurred here) by
5 providing affiliates with security services (security reviews and grants) and tracks and investigates
6 security incidents and "threats" more generally. Plaintiffs rely on *Dairy Maid Dairy, Inc. v. U.S.*,
7 837 F. Supp. 1370 (E.D. Va. 1993), where the court noted that the plaintiffs' probable profits from
8 a contract (which would not be recoverable as damages) supported injunctive relief forcing the
9 government to implement a fair bidding process. *Id.* at 1381. Plaintiffs use that case to argue that
10 injunctive relief covering the non-plaintiff affiliates is merited here, where the record shows that
11 while PPFA provides security grants and other services to affiliates to investigate threats and
12 harassment, PPFA could not otherwise recover that "grant" money as damages. But that one and
13 quite inapposite case is a particularly thin reed on which to rest such broad relief. PPFA was able
14 to recover some of the security costs it expended, even if it expended those costs investigating
15 incidents at its affiliates. And I recognize that the jury did not award PPFA damages for the
16 trespass at PPRM's clinic (seeking recovery of the security grant PPFA gave to PPRM to the
17 cover the relocation and security costs for Dr. Ginde of PPRM following defendants' intrusion),
18 but the lack of an award may well have been due to a failure of proof by the entity legally entitled
19 to recover those grants (either PPFA or PPRM, if PPRM had elected to pursue damages).

20 Absent applicable case law in support – for example, cases granting injunctions to an
21 association on behalf of individual members who are separate corporate entities – I will not extend
22 the scope of injunctive relief here to protect the non-plaintiff affiliates. Plaintiffs have not shown
23 a basis in law for that type of expansive relief.²⁹

24
25 (9th Cir. 2018 (remanding for development of a record to support a nationwide injunction against
26 the government); *Los Angeles Haven Hospice, Inc. v. Sebelius*, 638 F.3d 644, 664 (9th Cir. 2011)
(discussing injunction of federal regulation against Secretary of HHS).

27 ²⁹ As to PPLA and PPMM, who did not recover on any of their claims but who are plaintiffs based
28 in California, plaintiffs argue they should be covered by the injunction because "they face the
same threat of future harm as affiliates who did recover damages." Reply at 12 n.2. Plaintiffs cite
no case in support.

1 For the foregoing reasons, injunctive relief is warranted but will be limited to the plaintiffs
2 who prevailed in in this action under the claims on which they recovered.

3 **IV. CONCLUSIONS OF LAW**

4 The conclusions of law supporting the finding of violation of California's Unfair
5 Competition Law and the need for injunctive relief under the UCL, as well as under the laws
6 concerning trespass of Florida, Washington, D.C., Colorado, and Texas and the federal and
7 Florida recording statutes, are as follows.

8 1. This Court and the jury have expressly found Defendants directly liable or liable as
9 conspirators for trespass, breach of contract, fraud, and illegal recording.

10 2. The jury impliedly found that Defendants' activities pose a threat of continued
11 criminal conduct.

12 3. My consideration of equitable relief must be consistent with the jury's
13 express and implied findings.

14 4. Plaintiffs are entitled to equitable relief under the UCL that prohibits Defendants
15 from repeating their unlawful and fraudulent business practices that occur in California or that
16 occur out-of-state that causes harm in California.

17 5. Equitable relief is also warranted under Plaintiffs' claims for trespass under the
18 laws of Florida, Washington, D.C., Colorado, and Texas and for violation of the federal and
19 Florida recording statutes.

20 6. This court has power to and should enjoin the Defendants from engaging in
21 trespasses and unlawful recordings in those jurisdictions under those jurisdictions' laws.

22 7. The court has power to and will grant injunctive relief in favor of the named
23 plaintiffs who prevailed on claims as determined by the court or Jury.

24 8. Injunctive relief should be granted against all Defendants (other than Defendant
25 Lopez).

26 9. The injunction should extend to all persons acting in concert or participation with
27 the Defendants to engage in conduct prohibited by the injunction.

28 10. The First Amendment does not bar the limited injunctive relief the Court awards.

V. JUDGMENT AND INJUNCTION

For the foregoing reasons, the following judgment is HEREBY ENTERED:

Pursuant to Federal Rule of Civil Procedure 54, the Court enters judgment as follows.

1. Definitions

The following terms are defined as follows:

- A. PPFA:** Plaintiff Planned Parenthood Federation of America, Inc.
- B. PPNorCal:** Plaintiff Planned Parenthood Shasta-Diablo, Inc., dba Planned Parenthood Northern California.
- C. PPMM:** Plaintiff Planned Parenthood Mar Monte, Inc.
- D. PPPSW:** Plaintiff Planned Parenthood of the Pacific Southwest.
- E. PPLA:** Plaintiff Planned Parenthood of Los Angeles.
- F. PPOSBC:** Plaintiff Planned Parenthood of Orange and San Bernardino Counties, Inc.
- G. PPCCC:** Plaintiff Planned Parenthood of California Central Coast, fka Planned Parenthood of Santa Barbara, Ventura, and San Luis Obispo Counties, Inc.
- H. PPPSGV:** Plaintiff Planned Parenthood Pasadena and San Gabriel Valley, Inc.
- I. PPRM:** Plaintiff Planned Parenthood of the Rocky Mountains.
- J. PPGC:** Plaintiff Planned Parenthood Gulf Coast, Inc.
- K. PPCFC:** Plaintiff Planned Parenthood Center for Choice.
- L. All Plaintiffs:** PPFA, PPNorCal, PPMM, PPPSW, PPLA, PPOSBC, PPCCC, PPPSGV, PPRM, PPGC, and PPCFC.
- M. CMP:** Defendant Center for Medical Progress.
- N. BioMax:** Defendant BioMax Procurement Services, LLC.
- O. Daleiden:** Defendant David Daleiden.
- P. Newman:** Defendant Troy Newman.
- Q. Rhomberg:** Defendant Albin Rhomberg.
- R. Merritt:** Defendant Sandra Susan Merritt.
- S. Lopez:** Defendant Gerardo Adrian Lopez.

1 **T. All Defendants:** CMP, BioMax, Daleiden, Newman, Rhomberg, Merritt, and
2 Lopez.

3 **2. Compensatory Damages on Each Claim**

4 The Court enters judgment on each claim for damages as to All Plaintiffs and All
5 Defendants as follows.

6 **A. First Claim for Relief: Violation of RICO Act.**

7 All Defendants are jointly and severally liable to PPFA in the amount of \$1,259,370 in
8 RICO trebled actual damages.

9 All Defendants are jointly and severally liable to PPGC in the amount of \$61,851 in RICO
10 trebled actual damages.

11 All Defendants are jointly and severally liable to PPOSBC in the amount of \$56,547 in
12 RICO trebled actual damages.

13 All Defendants are jointly and severally liable to PPPSGV in the amount of \$27,315 in
14 RICO trebled actual damages.

15 PPNorCal, PPMM, PPPSW, PPLA, PPCCC, PPRM and PPCFC shall take nothing against
16 All Defendants under this First Claim for Relief.

17 **B. Second Claim for Relief: Federal Wiretapping.**

18 All Defendants are jointly and severally liable to PPFA in the amount of \$52,917 in
19 compensatory damages and \$10,000 in statutory damages, with PPFA having elected to accept
20 statutory damages on the condition set forth below in Section III.

21 All Defendants are jointly and severally liable to PPGC in the amount of \$20,617 in
22 compensatory damages and \$10,000 in statutory damages, with PPGC having elected to accept
23 statutory damages on the condition set forth below In Section III.

24 All Defendants are jointly and severally liable to PPOSBC in the amount of \$18,849 in
25 compensatory damages and \$10,000 in statutory damages, with PPOSBC having elected to accept
26 statutory damages on the condition set forth below in Section III.

27 All Defendants are jointly and severally liable to PPPSGV in the amount of \$9,105 in
28 compensatory damages and \$10,000 in statutory damages, with PPPSGV having elected to accept

1 statutory damages on the condition set forth below in Section III.

2 All Defendants are jointly and severally liable to PPCFC in the amount of \$10,000 in
3 statutory damages.

4 All Defendants are jointly and severally liable to PPCCC in the amount of \$10,000 in
5 statutory damages.

6 All Defendants are jointly and severally liable to PPRM in the amount of \$10,000 in
7 statutory damages.

8 All Defendants are jointly and severally liable to PPPSW in the amount of \$10,000 in
9 statutory damages.

10 All Defendants are jointly and severally liable to PPNorCal in the amount of \$10,000 in
11 statutory damages.

12 PPM and PPLA shall take nothing against All Defendants under this Second Claim for
13 Relief.

14 **C. Third Claim for Relief: Civil Conspiracy.**

15 The Third Claim for Relief is based on all tort claims, except RICO, which has its own
16 standard for conspiracy. Each Defendant's liability for conspiracy is addressed under each
17 individual claim.

18 **D. Fourth Claim for Relief: Breach of Contract (PPFA Exhibitor Agreements).**

19 Daleiden, BioMax and CMP are jointly and severally liable to PPFA in the amount of
20 \$419,790 in compensatory damages.

21 PPFA shall take nothing against Merritt and Lopez under this Fourth Claim for Relief.

22 **E. Fifth Claim for Relief: Breach of Contract (NAF Agreements).**

23 Daleiden, Merritt, Lopez, BioMax, and CMP are jointly and severally liable to PPFA in the
24 amount of \$49,360 in compensatory damages.

25 **F. Sixth Claim for Relief: Trespass.**

26 Daleiden, Lopez, BioMax, CMP, Rhomberg, and Newman are jointly and severally liable
27 to PPFA in the amount of \$419,790 in compensatory damages.

28 Daleiden, Merritt, BioMax, CMP, Rhomberg, and Newman are jointly and severally liable

1 to PPRM in the amount of \$1 in nominal damages.

2 Daleiden, Merritt, BioMax, and CMP, Rhomberg and Newman are jointly and severally
3 liable to PPGC in the amount of \$20,208 in compensatory damages.

4 **G. Seventh Claim for Relief: Business and Professions Code § 17200.**

5 Defendants are each liable for unlawful and fraudulent business practices that occurred in
6 California and out-of-state unlawful and fraudulent business practices that caused harm in
7 California.

8 **H. Eighth Claim for Relief: Fraud.**

9 All Defendants are jointly and severally liable to PPFA in the amount of \$419,790 in
10 compensatory damages.

11 All Defendants are jointly and severally liable to PPGC in the amount of \$20,617 in
12 compensatory damages.

13 All Defendants are jointly and severally liable to PPOSBC in the amount of \$18,849 in
14 compensatory damages.

15 All Defendants are jointly and severally liable to PPPSGV in the amount of \$9,105 in
16 compensatory damages.

17 PPCFC and PPRM shall take nothing against All Defendants under this Eighth Claim for
18 Relief.

19 **I. Ninth Claim for Relief: California Penal Code § 632.**

20 All Defendants are jointly and severally liable to PPFA in the amount of \$148,080 in
21 trebled compensatory damages and \$20,000 in statutory damages, with PPFA having elected to
22 accept statutory damages on the condition set forth below in Section III.

23 All Defendants are jointly and severally liable to PPPSGV in the amount of \$27,315 in
24 trebled compensatory damages and \$20,000 in statutory damages, with PPPSGV having elected to
25 accept statutory damages on the condition set forth below in Section III.

26 All Defendants are jointly and severally liable to PPNorCal in the amount of \$10,000 in
27 statutory damages.

28 PPPSW, PPMM, PPOSBC, PPGC, PPCFC, and PPRM shall take nothing against All

1 Defendants under this Ninth Claim for Relief.

2 **J. Tenth Claim for Relief: California Penal Code § 634.**

3 PPFA, PPNorCal, PPPSW, PPMM, PPOSBC, PPGC, PPCFC, and PPRM shall take
4 nothing against All Defendants under this Tenth Claim for Relief.

5 **K. Eleventh Claim for Relief: Florida Wiretapping.**

6 All Defendants are jointly and severally liable to PPFA in the amount of \$49,360 in
7 compensatory damages and \$1,000 in statutory damages, with PPFA having elected to accept
8 statutory damages on the condition set forth below in Section III.

9 All Defendants are jointly and severally liable to PPOSBC in the amount of \$18,849 in
10 compensatory damages and \$1,000 in statutory damages, with PPOSBC having elected to accept
11 statutory damages on the condition set forth below in Section III.

12 All Defendants are jointly and severally liable to PPPSGV in the amount of \$9,105 in
13 compensatory damages and \$1,000 in statutory damages, with PPPSGV having elected to accept
14 statutory damages on the condition set forth below in Section III.

15 All Defendants are jointly and severally liable to PPCCC in the amount of \$1,000 in
16 statutory damages.

17 All Defendants are jointly and severally liable to PPRM in the amount of \$1,000 in
18 statutory damages.

19 All Defendants are jointly and severally liable to PPGC in the amount of \$1,000 in
20 statutory damages.

21 All Defendants are jointly and severally liable to PPPSW in the amount of \$1,000 in
22 statutory damages.

23 Plaintiffs PPLA, PPNorCal, PPMM, and PPCFC shall take nothing against All Defendants
24 under this Eleventh Claim for Relief.

25 **L. Twelfth Claim for Relief: Maryland Wiretapping.**

26 All Defendants are jointly and severally liable to PPFA in the amount of \$49,360 in
27 compensatory damages and \$1,000 in statutory damages, with PPFA having elected to accept
28 statutory damages on the condition set forth below in Section III.

1 All Defendants are jointly and severally liable to PPGC in the amount of \$409 in
2 compensatory damages and \$1,000 in statutory damages, with PPGC having elected to accept
3 statutory damages on the condition set forth below in Section III.

4 All Defendants are jointly and severally liable to PPCFC in the amount of \$1,000 in
5 statutory damages.

6 PPNorCal, PPPSW, PPMM, PPOSBC, and PPRM shall take nothing against All
7 Defendants under this Twelfth Claim for Relief.

8 **M. Thirteenth Claim for Relief: Common Law Invasion of Privacy.**

9 All Plaintiffs shall take nothing against All Defendants under this Thirteenth Claim for
10 Relief.

11 **N. Fourteenth Claim for Relief: California Constitutional Right of Privacy.**

12 PPFA, PPNorCal, PPPSW, PPMM, and PPOSBC shall take nothing against All
13 Defendants under this Fourteenth Claim for Relief.

14 **O. Fifteenth Claim for Relief: Breach of Contract (PPGC NDA).**

15 Daleiden, BioMax, and CMP are jointly and severally liable to PPGC in the amount of
16 \$20,208 in compensatory damages.

17 PPGC shall take nothing against Merritt under this Fifteenth Claim for Relief.

18 PPCFC shall take nothing against BioMax, CMP, Daleiden, and Merritt under this
19 Fifteenth Claim for Relief.

20 **3. Deduplicated Compensatory, Statutory, and Nominal Damages.**

21 After removing duplication of compensatory, statutory, and nominal damages awards
22 among claims, the Court enters judgment for damages in the following amounts.

23 All Defendants are jointly and severally liable to PPFA in the amount of \$1,291,370
24 calculated as follows:

- 25 • \$1,259,370 in RICO trebled actual damages
- 26 • \$10,000 in Federal Wiretapping statutory damages
- 27 • \$20,000 in California Penal Code § 632 statutory damages
- 28 • \$1,000 in Florida Wiretapping statutory damages

- \$1,000 in Maryland Wiretapping statutory damages

All Defendants are jointly and severally liable to PPNorCal in the amount of \$20,000 calculated as follows:

- \$10,000 in Federal Wiretapping statutory damages
- \$10,000 in California Penal Code § 632 statutory damages

All Defendants are jointly and severally liable to PPPSW in the amount of \$11,000 calculated as follows:

- \$10,000 in Federal Wiretapping statutory damages
- \$1,000 in Florida Wiretapping statutory damages

All Defendants are jointly and severally liable to PPOSBC in the amount of \$67,547 calculated as follows:

- \$56,547 in RICO trebled damages
- \$10,000 in Federal Wiretapping statutory damages
- \$1,000 in Florida Wiretapping statutory damages

All Defendants are jointly and severally liable to PPCCC in the amount of \$11,000 calculated as follows:

- \$10,000 in Federal Wiretapping statutory damages
- \$1,000 in Florida Wiretapping statutory damages

All Defendants are jointly and severally liable to PPPSGV in the amount of \$58,315 calculated as follows:

- \$27,315 in RICO trebled damages
- \$10,000 in Federal Wiretapping statutory damages
- \$20,000 in California Penal Code § 632 statutory damages
- \$1,000 in Florida Wiretapping statutory damages

All Defendants are jointly and severally liable to PPRM in the amount of \$11,000 calculated as follows:

- \$10,000 in Federal Wiretapping statutory damages
- \$1,000 in Florida Wiretapping statutory damages

1 Daleiden, Merritt, BioMax, CMP, Rhomberg, and Newman are jointly and severally liable
2 to PPRM for the additional amount of \$1 in nominal damages.

3 All Defendants are jointly and severally liable to PPGC in the amount of \$73,851
4 calculated as follows:

- 5 • \$61,851 in RICO trebled damages
- 6 • \$10,000 in Federal Wiretapping statutory damages
- 7 • \$1,000 in Florida Wiretapping statutory damages
- 8 • \$1,000 in Maryland Wiretapping statutory damages

9 All Defendants are jointly and severally liable to PPCFC in the amount of \$11,000
10 calculated as follows:

- 11 • \$10,000 in Federal Wiretapping damages
- 12 • \$1,000 in Maryland Wiretapping statutory damages

13 On several of Plaintiffs' claims, the jury awarded higher actual damages than the available
14 statutory damages for Federal Wiretapping, California Penal Code § 632, Florida Wiretapping,
15 and Maryland Wiretapping. Plaintiffs have elected statutory damages on these claims, but their
16 election is conditioned on the survival of their award of actual damages on other claims that
17 overlap the actual damages on the recording claims. Should the damages awards on the non-
18 recording claims be vacated, reversed, remitted or otherwise altered, Plaintiffs reserve their right
19 to elect their actual damages, in lieu of statutory damages, on their recording claims.

20 PPM and PPLA shall take nothing against All Defendants.

21 **4. Punitive Damages**

22 In addition to compensatory, statutory, and nominal damages, the following Defendants
23 are severally liable to PPFA, PPGC, PPOSBC, PPPSGV, PPCCC, PPCFC, PPPSW, PPNorCal,
24 and PPRM for punitive damages in the following amounts.

- 25 A. Daleiden: \$125,000.
- 26 B. Merritt: \$25,000.
- 27 C. BioMax: \$200,000.
- 28 D. CMP: \$400,000

1 E. Newman: \$50,000

2 F. Rhomberg: \$70,000.

3 **5. Costs and Attorneys' Fees**

4 Plaintiffs are the prevailing party for purposes of taxable costs. The amount of taxable
5 costs to be awarded, and the entitlement of any party to non-taxable costs and attorney's fees, shall
6 be determined in accordance with Local Rule 54.

7 **6. Injunctive Relief**

8 For the reasons stated in the Court's findings of fact and conclusions of law, the Court
9 enters the following permanent injunction:

10 A. Upon service of this Order, all Defendants (except Lopez, unless he is acting in
11 concert or participation with another Defendant) and their officers, agents, servants,
12 employees, owners, and representatives, and all others persons who are in active
13 concert or participation with them are permanently enjoined from doing any of the
14 following, with respect to PPFA, PPNorCal, PPPSW, PPOSBC, PCCCC, PPPSGV,
15 PPRM, and PPGC/PPCFC:

16 (1) Entering or attempting to enter a PPFA conference, or an office or health center
17 of any plaintiff identified above, by misrepresenting their true identity, their
18 purpose for seeking entrance, and/or whether they intend to take any video, audio,
19 photographic, or other recordings once inside; and

20 (2) recording, without the consent of all persons being recorded (where all party
21 consent is required under the laws of the state where the recording is intended):

22 (a) any meeting or conversation with staff of a plaintiff identified above
23 that Defendants know or should know is private; or

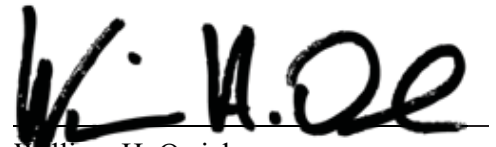
24 (b) in a restricted area at a PPFA conference or restricted area of an office
25 or health center of any plaintiff identified above. "Restricted area" is defined as
26 areas not open to the general public at the time of the recording, for example areas
27 requiring registration or an appointment to access.

28 B. In addition, Defendants shall serve a copy of this injunction on any person who, in

1 active concert or participation with Defendants, either has or intends to enter a
2 restricted area at a PPFA conference or property of any plaintiff identified above or
3 to record the staff of any plaintiff identified above without securing consent of all
4 persons being recorded (where that consent is required under the laws of the state
5 where the recording is intended), and provide Plaintiffs with proof of service
6 thereof.

7 **IT IS SO ORDERED.**

8 Dated: April 29, 2020

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11 William H. Orrick
United States District Judge

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28
United States District Court
Northern District of California

EXHIBIT 22

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NATIONAL ABORTION FEDERATION (NAF)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),
Plaintiff,

v.

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

Defendants.

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

Judge: Hon. James Donato

**DECLARATION OF MARIO PAZ
IN SUPPORT OF NATIONAL
ABORTION FEDERATION
(NAF)'S OPPOSITION TO
MOTION FOR
DISQUALIFICATION OF THE
HONORABLE WILLIAM H.
ORRICK III**

Date Action Filed: July 31, 2015
Trial Date:

1 I, Mario Paz, declare as follows:

2 1. I am the Executive Director of the Good Samaritan Family Resource Center
3 ("Good Samaritan") in San Francisco, California. The facts stated herein are based on my
4 personal knowledge.

5 2. I have held this position since December 2006. I have overall responsibility for all
6 Good Samaritan operations. As part of my responsibilities, I have attended all, or almost all,
7 meetings of the Good Samaritan Board since December 2006.

8 3. The Honorable William Orrick has had no operational or managerial role with the
9 organization during my tenure as Executive Director. I do not recall Judge Orrick attending or
10 participating in any Board meeting during that time.

11 4. Judge Orrick is listed on GSFRC's stationary as an "emeritus" Board member in
12 recognition of his past service to the organization.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed June 13,
14 2017, in San Francisco, California.

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16 By:  _____

17 Mario Paz
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