



Judge Linked to Planned Parenthood-partnered Clinic Holds Daleiden's Lawyers in Contempt

U.S. District Judge William Orrick III said during a July 11 hearing that he will hold pro-life activist David Daleiden's attorneys, Steve Cooley and Brentford Ferreira, in contempt of court for publishing videos of a National Abortion Federation annual meeting, in violation of an injunction. "Criminal defense counsel ... do not get to decide whether they can violate the preliminary injunction," Orrick told the attorneys in court.



Orrick issued an injunction in February 2016 barring Daleiden and his organization, the Center for Medical Progress, from publishing secretly taped videos of the National Abortion Federation's annual meetings, stating that the safety and privacy of the federation's members outweighed Daleiden's First Amendment right to publish the information.

Daleiden filed a motion June 7 seeking to have Orrick disqualified from presiding over the case on conflict-of-interest grounds because he previously served as a board member of the Planned Parenthood-affiliated Wolford Family Clinic at the Good Samaritan Family Resource Center in San Francisco. However, U.S. District Judge James Donato denied that motion.

Courthouse News Service reported on July 12 that Cooley and Ferreira told Orrick they needed to place the videos in the public record to support Daleiden's challenge of state felony charges. (However, all but one of the 15 charges have already been dismissed.)

"We take criminal defense seriously," said attorney Matthew Geragos, who represented Cooley and Ferreira. "Mr. Daleiden is entitled to a zealous and vigorous defense."

However, Orrick said the determination of whether such release of the videos is acceptable is up to the judge presiding over Daleiden's case in San Francisco Superior Court — not Daleiden's attorneys. "If the state court judge thinks those materials are necessary to provide a full and fair defense, I have no problem with that," Orrick said.

The Courthouse News Service report noted that at the conclusion of the July 11 contempt hearing, Orrick ordered Daleiden to turn over 144 hours of the videos, whose public showing he suppressed, to attorneys representing him in the federal civil lawsuit. Orrick said Daleiden and his organization may review those materials for defense purposes so long as they remain in the custody of the attorneys.

Back on March 28, California Attorney General Xavier Becerra charged Daleiden and his associate Sandra Merritt with 15 felony charges — alleging that the pro-life activists had invaded the privacy of staff personnel at Planned Parenthood by filming undercover videos of themselves trying to buy fetal tissue from the abortion provider.

However, on June 21, Judge Christopher Hite of the San Francisco Superior Court dismissed 14 of the 15 criminal counts — ruling that counts 1-14 — pertaining to 14 separate interviews that Daleiden and



Written by [Warren Mass](#) on July 13, 2017

Merritt conducted — were legally insufficient. But the court dismissed the charges with “leave to amend,” which means Becerra could present new or more specific evidence and simply refile his accusations.

The court will still consider the remaining 15th charge, against Merritt alone, for conspiring to invade privacy.

In a statement to LifeNews, attorney Mat Staver of Liberty Counsel, representing Merritt, said, “This is a huge victory to have 14 criminal counts dismissed.”

“We will now turn our attention to dismissing the final count. Sandra Merritt did nothing wrong. The complaint by the California Attorney General is unprecedented and frankly will threaten every journalist who provides valuable information to the public. This final count will also fall,” said Staver.

The 15th charge alleged that Daleiden and Merritt, under the business name of Biomax Procurement Services, signed an exhibitor agreement and paid a \$3,225 registration fee to apply for exhibit space at the San Francisco NAF (National Abortion Federation) conference.

As we noted in previous articles, one would think that paying that hefty registration fee would grant them free access to participate in the conference as they saw fit, but Becerra thought otherwise. Apparently, Daleiden and Merritt committed an unspeakable “crime” and “secretly recorded conference speakers, vendors, and attendees.”

If Orrick’s impartiality on issues related to abortion were compromised by his relationship with a clinic that partnered with Planned Parenthood, Becerra’s record is even more tainted. A March 29 article from LifeNews reported that data from the Center for Responsive Politics shows that Planned Parenthood had been a longtime contributor to Becerra’s campaigns when he was a U.S. representative from California.

LifeNews reported: “The Planned Parenthood abortion business gave Becerra \$1,000 in 2014, \$2,000 in 2012, \$500 in 2004, \$1,000 in 2002, and \$1,035 in 1998.”

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