



Written by [Raven Clabough](#) on August 18, 2016

# Daleiden's Attorneys Seek to Lift Injunction on Release of University of Washington Fetal Tissue Research Documents

Earlier this week, attorneys with the Thomas More Society [filed papers](#) in the U.S. States District Court for the Western District of Washington to lift a temporary injunction against the release of documents related to the University of Washington's Birth Defects Research Laboratory and its use of aborted fetal body parts. The documents in question pertain to transactions between Planned Parenthood and the laboratory and were scheduled to be released on August 5, months after the Center for Medical Progress (CMP) and the Family Policy Institute of Washington (FPIW) filed public records requests, but the injunction successfully halted their release.



The temporary injunction was [granted](#) by U.S. District Court Judge James L. Robart after Planned Parenthood filed a federal lawsuit against the Center for Medical Progress' David Daleiden and Zachary Freeman, communications director at the FPIW, who also filed a records release request, and the University of Washington, to block the release of documents detailing its relationship with the University of Washington's Birth Defects Research Center. A preliminary injunction hearing is set to take place on August 19.

Daleiden sought the records as part of his ongoing investigation into Planned Parenthood's fetal organ harvesting scheme. His investigation has thus far resulted in the release of 11 videos featuring secretly recorded conversations with executives at Planned Parenthood and StemExpress — a California-based company that partnered with Planned Parenthood to supply human blood, cells, and tissue products to biomedical researchers — as well as undercover footage from clinics.

The videos prompted numerous investigations into the abortion giant, including one in Washington, after state legislators asked Washington State Attorney General Bob Ferguson to conduct an investigation into Planned Parenthood's illegal sale of fetal organs. Ferguson ultimately determined that the claims against the organization were "unfounded."

However, both the Center for Medical Progress and the Washington Family Policy Institute contend that Ferguson's investigation was not thorough. Washington Family Policy Institute director Joseph Backholm said that his organization intends to "verify" the attorney general's findings, noting that the state investigators did not review contracts between the University of Washington Birth Defects Research Laboratory and those who supplied "aborted body parts."

The Birth Defects Research Laboratory, which receives \$700,000 in taxpayer dollars annually from the National Institutes of Health, receives and stores fetal tissue donated by Planned Parenthood and other



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clinics and redistributes it to research centers around the country. The laboratory claims any costs connected to the purchase of fetal tissue were reimbursements for transportation and storage, the *Washington Times* reports, but CMP and FPIW are in pursuit of actual evidence.

“Planned Parenthood and their allies have yet again stormed into federal court, this time demanding the suppression of public records about Planned Parenthood’s supply of aborted baby parts to the taxpayer-sponsored, NIH-funded fetal harvesting service at the University of Washington,” Daleiden said.

As a taxpayer-funded facility, Daleiden and his attorneys contend that the American people have a right to know about its inner workings, and that those employed at the laboratory have no reasonable right to privacy in regards to their dealings with the government.

“The people have a right to know how their government is run,” explained Peter Breen, Thomas More Society special counsel. “The plaintiffs here work at a taxpayer-funded state university, and their work is subject to the same sunshine and open records laws as any other government employee. We have filed papers with the court demanding the lifting of the temporary injunction against release of the public’s records and dismissal of this frivolous lawsuit [by Planned Parenthood].”

Numerous court documents submitted on Monday outline the case for opposing the temporary injunction. Daleiden’s attorneys contend that public employees who work with the government do not have a state or federal constitutional right to privacy in connection to their work for a state agency. As well, the state of Washington does not permit redaction of names and those who engage in business with the government.

According to the Thomas More Society, Washington’s Public Records Act does not allow injunctive relief for the plaintiffs in this particular case. “The abortion clinic and fetal tissue personnel who brought this lawsuit should not be allowed to prevent the people of the State of Washington from monitoring their government’s involvement in the national controversy over aborted fetal body parts,” said Breen. “These plaintiffs seek to stop release of records owned by the public, but the Washington Public Records Act requires transparency and openness, not obfuscation and delay. We are confident that the public’s right to know will be vindicated in court.”

And a brief filed in opposition to the Planned Parenthood’s motion for preliminary injunction states that the plaintiffs did not provide the required “clear showing” that they are in fact entitled to the injunction. “Indeed, the plaintiffs’ entire case should be dismissed for lack of subject-matter jurisdiction and for failing to state a claim on which relief may be granted,” the brief reads, adding that any claims the plaintiffs made regarding concerns over the release of their personal information are now “moot,” as Daleiden and Freeman had agreed to redact any personal identifying information.

As to a lack of subject-matter jurisdiction and failure to state a claim on which relief may be granted, the motion reads, “The plaintiffs’ claims against the University of Washington are barred by the eleventh amendment, sovereign immunity, and the Supreme Court’s ruling in *Pennhurst State School & Hospital v. Halderman*.”

Pro-life advocates contend this latest lawsuit to block Daleiden’s investigation reveals Planned Parenthood’s desperation to silence its critics. Planned Parenthood has filed four lawsuits against Daleiden over the undercover video series. Last month, Daleiden was cleared of two charges in Texas: using a fake ID and attempting to purchase fetal tissue through a fake company.



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