

# EXHIBIT 2

NORTHLAND FAMILY PLANNING CLINIC, INC. v. CENTER  
FOR BIO-ETHICAL REFORM, ET AL

R [REDACTED] A [REDACTED]

March 29, 2012

*Prepared for you by*



Bingham Farms/Southfield • Grand Rapids  
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1 physician. I am telling you about my personal  
2 experience and what I personally viewed.

3 Q. So this is not expert testimony?

4 A. It is not.

5 Q. Do you know what a D and E procedure is?

6 A. I do.

7 Q. What does the term stand for?

8 A. Dilation and evacuation.

9 Q. Have you witnessed D and E procedures?

10 A. I have.

11 Q. Do you know if Northland engages in D and E  
12 procedures?

13 A. They do.

14 Q. How do you know that?

15 A. Because I've known of their facility for years  
16 and know about the array of their services.

17 Q. How do you know of those services?

18 A. Because I've seen their website. I know Ms.  
19 Chelian, the clinic owner.

20 Q. How long have you known Ms. Chelian?

21 A. We met in 1989.

22 Q. Do you consider her a friend?

23 A. I do.

24 Q. Good friend?

25 A. I do.

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1 Q. A colleague?

2 A. A colleague first. We met under a business term.  
3 It was a workshop and we got know each other for a  
4 number of years and over the years became friends.

5 And it's interesting. This family of abortion  
6 providers truly is a large family across the country  
7 because this group of people is under siege from so many  
8 different directions and it's very difficult in our  
9 profession, if I met you as an abortion provider and you  
10 and I began to talk, we went to a couple of meetings  
11 together, it would be very difficult for us not to  
12 become friends.

13 Q. And what projects have you worked on with her  
14 over the years?

15 A. We were board members together with the National  
16 Coalition of Abortion Providers. We have -- I think  
17 we've done a couple of presentations together at either  
18 the Abortion Care Network or at the first one I  
19 mentioned, INCAP.

20 We have -- what else have we done together. I did  
21 one project with her at her facility that was about  
22 creating protocols for medication abortion. And mostly  
23 we find that we spend time together at professional  
24 meetings.

25 Q. Do you respect Ms. Chelian?

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1 A. Yes.

2 Q. Highly?

3 A. Yes.

4 Q. Relating to this board membership at INCAP where  
5 you served together with her, do you recall the years?

6 A. Sometime between 1990 and 2000. The organization  
7 existed for ten years before it changed its name to  
8 Abortion Care Network and changed its profit status.

9 Q. Going from what to what?

10 A. A 501(c)(4) to a 501(c)(3).

11 Q. The project that you indicated that you had  
12 actually worked at Northland with Ms. Chelian relating  
13 to protocols for the medication abortion -- what was the  
14 term you used?

15 A. Medication abortion.

16 Q. Medication abortion?

17 A. Yes.

18 Q. And what was your role in that project?

19 A. My role was to develop many of the patient  
20 handouts and to assist with the counseling process with  
21 staff and the patients and to really train the staff on  
22 the process to bring them up to speed about this new  
23 process.

24 Q. She was a client of yours?

25 A. Yes, that was one time that she and I worked

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1 Q. As I understand it, the Good Woman concept  
2 existed prior to this video, correct?

3 A. It was in its -- it had just begun, correct.

4 Q. In fact your expert report actually identifies  
5 the real originator of this concept.

6 A. Uh-huh.

7 Q. It's not Ms. Chelian, is it?

8 A. It is not.

9 Q. And the concept was called the Good Woman  
10 Concept, correct? It uses that term.

11 A. It does.

12 Q. So the term Good Woman is not unique to Ms.  
13 Chelian.

14 A. It was unique to her video.

15 Q. Granted, but not the concept and not the idea of,  
16 as you put it, inoculating women?

17 A. No, the Good Woman concept came from someone  
18 else.

19 Q. Did M. B. anticipate licensing this video in  
20 its original form or for customization, if you know?

21 A. I don't know the details. My suspicion would be  
22 or I would guess for M. B. that -- well, I'm not  
23 going to guess. I'm not sure which way she would have  
24 gone.

25 Q. And you don't really know if she would have

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1 Q. Okay. What did you mean when you said in your  
2 expert report in paragraph 13 that we read earlier,  
3 based on my experience the Northland video also has  
4 market value in that it may be licensed directly by  
5 other abortion clinics?

6 A. I believe that the dollar, the market value the  
7 Northland video has is larger than others because they  
8 were considering licensure not simply sales.

9 Q. No one has ever licensed a video in this  
10 particular market before as far as you know.

11 A. That's correct.

12 Q. And you did no studies as to the potential for  
13 actual licensure. All you did was speak to essentially  
14 three people, your client in the south, K.M., Ms. B [REDACTED]  
15 and Ms. K [REDACTED]; correct?

16 A. And the director of the Abortion Care Network,  
17 C [REDACTED] T [REDACTED].

18 Q. Anyone else?

19 A. Not in this specific look for this particular  
20 case, no.

21 Q. And that's the whole basis for your opinion about  
22 market value.

23 A. Because these people have quite an impact, yes.

24 Q. Yet none of these people spoke to you about what  
25 they were willing to pay for licensure.

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1 You had no conversations with Ms. Chelian about what  
2 she would charge for the licensure, did you?

3 A. We didn't speak about the money because by the  
4 time people were ready to make a step, these infringing  
5 videos were out there and what was the point.

6 Q. But your expert opinion which claims that there  
7 is a market value for licensure is not based upon any  
8 objective surveys.

9 It's based upon a conversation now you tell us with  
10 four individuals, none of which discuss price, none of  
11 which discuss a potential offering price by Chelian or  
12 any other objective measure, correct?

13 A. It is difficult to discuss those things when the  
14 product itself is not useful any longer.

15 Q. Well, would it have been difficult to ask M. [REDACTED]  
16 K. [REDACTED] but for the infringing videos what would you be  
17 willing to pay for it?

18 A. It would not have been.

19 Q. And indeed even that would have simply been  
20 anecdotal, correct?

21 A. And probably would not have made you any happier.

22 Q. Probably not. And it probably wouldn't have made  
23 a U.S. District Court judge any happier either.

24 So for purposes of your expert report, market value  
25 does not mean that you've done any kind of analysis



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1    whatsoever of a quantifiable monetary value to the  
2    Northland video, correct?

3                   MS. WILCOX:  Objection.  Asked and answered.  
4                   Argumentative.

5           Q.  Correct?

6           A.  I have not provided you with that information.  
7    That is correct.