

EXHIBIT 1

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

CHELIAN, RENEE

January 25, 2012

Prepared for you by


NATIONWIDE COURT REPORTING & VIDEO

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1 Ann Arbor, Michigan
2 Wednesday, January 25, 2012
3 9:56 a.m.

4
5 VIDEO TECHNICIAN: We are now on the record.
6 This is the videotaped deposition of Renee Chelian
7 being taken on Wednesday, January 25th, 2012. The
8 time now is 9:56 a.m. We are located at 24 Frank
9 Lloyd Wright Drive in Ann Arbor, Michigan. We're here
10 in the matter of Northland Family Planning Clinic,
11 Inc. vs. the Center For Bio-Ethical Reform, et al.
12 This is Case No. 8:11-cv-00731-JVS-AN in the United
13 States District Court, Central District of California,
14 Southern Division.

15 My name is Steve Brown, video technician.
16 Will the court reporter please swear in the witness
17 and the attorneys briefly identify themselves for the
18 record?

19 RENEE CHELIAN,
20 was thereupon called as a witness herein, and after
21 having first been duly sworn to testify to the truth,
22 the whole truth and nothing but the truth, was
23 examined and testified as follows:

24 MR. YERUSHALMI: David Yerushalmi for the
25 defendants.

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1 MR. FRAHN: Counsel, is this the subpoena
2 that was actually served on us, and the reason I'm
3 asking is that it's not signed?

4 MR. YERUSHALMI: Well, I will say that it
5 would be the identical copy with or without the
6 signature.

7 A. What is your question?

8 BY MR. YERUSHALMI:

9 Q. Have you seen this subpoena before, are you familiar
10 with it?

11 A. I don't remember seeing this.

12 Q. Okay. You also understand, do you not, Ms. Chelian,
13 that you have been designated as the representative
14 for Northland for this deposition?

15 A. Yes.

16 MARKED FOR IDENTIFICATION:

17 DEPOSITION EXHIBITS 2-3

18 10:01 a.m.

19 BY MR. YERUSHALMI:

20 Q. I'm showing you what's been marked as Exhibit 3.
21 We're out of the order but we'll come back to 2.

22 MR. FRAHN: Thank you.

23 BY MR. YERUSHALMI:

24 Q. Would you please take a look at Exhibit 3 and tell me
25 if you're familiar with this document?

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1 Q. What is the monetary loss to Northland's business that
2 it has suffered to date?

3 MR. FRAHN: Object as calling for expert
4 testimony.

5 BY MR. YERUSHALMI:

6 Q. You may answer.

7 A. I don't -- I can't answer. I don't know.

8 Q. What is the damage that Northland has suffered to its
9 reputation to date?

10 A. These people stole our video.

11 Q. By these people, you mean the defendants?

12 A. Yes, and ruined it. They stole the video and ruined
13 it.

14 Q. And how does that damage your reputation?

15 A. It has my name on it. It has the name of Northland
16 Family Planning on it and it is not our video.

17 Q. I understand that they, according to your testimony,
18 stole it, I understand that it has your name on it and
19 I understand that you said that they ruined it, but
20 I'm not sure how that has damaged Northland's
21 reputation, so let me repeat my question. How has the
22 defendants' actions damaged Northland's reputation to
23 date?

24 MR. FRAHN: Objection, asked and answered.

25 BY MR. YERUSHALMI:

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1 Q. You may answer.

2 A. I have the same answer, they stole our video, they
3 ruined it and it has our name on it.

4 Q. When you say they ruined it, are you referring to the
5 video that is the subject of this litigation, I
6 believe it's called Good Woman?

7 A. Yes.

8 Q. How did the defendants ruin that video?

9 A. In various copies they've added music, other words and
10 footage.

11 Q. How does that ruin it?

12 A. That's not what we made.

13 Q. Meaning that they changed it?

14 A. It's not the video that we made.

15 Q. Is that evident from the video that the defendants
16 produced?

17 MR. FRAHN: Objection as to form.

18 A. I don't understand what you mean.

19 BY MR. YERUSHALMI:

20 Q. We'll come back to that. When you indicate that
21 Northland's reputation has been damaged because the
22 defendants ruined your video, have you heard from
23 anyone in the public that the defendants' video has
24 damaged Northland's reputation?

25 MR. FRAHN: Objection, vague.

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1 A. I don't exactly know what you mean.

2 BY MR. YERUSHALMI:

3 Q. Has anyone from the public contacted you, Northland,
4 about the defendants' videos?

5 A. Yes.

6 Q. And what have they told you?

7 A. That it was insulting, demeaning, they ruined it. It
8 was disgusting. I can't remember every comment that
9 people have made. It also sent hate mail or inspired
10 people to send hate mail and threatening phone calls.

11 Q. Did anyone inform you from the public that they had
12 confused the defendants' videos with your video?

13 A. Who do you mean by the public?

14 Q. Well, you indicate that individuals from the public
15 contacted Northland and indicated that they found the
16 defendants' videos to be insulting, demeaning and they
17 ruined it.

18 MR. FRAHN: Objection, misstates testimony.

19 BY MR. YERUSHALMI:

20 Q. Correct?

21 A. I'm confused. Everyone is the public.

22 Q. Uh-huh.

23 A. So then I've already answered that, that I received
24 phone calls and e-mails and people that I've seen, and
25 that's the public.

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1 Q. Uh-huh.

2 A. Correct?

3 Q. That's correct.

4 A. So yes, the public has told me.

5 Q. So did anyone contact Northland and tell them that
6 they had confused the videos produced by the
7 defendants with the Northland video?

8 MR. FRAHN: Objection, asked and answered as
9 well as vague.

10 BY MR. YERUSHALMI:

11 Q. You may answer.

12 A. I don't know what you mean.

13 Q. Okay. You indicate that Northland's goodwill has been
14 damaged. How has Northland's goodwill been damaged as
15 a result of defendants' actions to date?

16 MR. FRAHN: Object to the extent it calls
17 for expert testimony.

18 A. Our video was stolen and ruined. That's my answer.

19 BY MR. YERUSHALMI:

20 Q. I would like you to turn, if you would, in Exhibit 5
21 to paragraph 54.

22 MR. FRAHN: To page 10?

23 BY MR. YERUSHALMI:

24 Q. Would you read that into the record, please?

25 A. The safety and security of Northland's clinics have

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1 A. I'm sorry, what?

2 Q. Turn to Exhibit A of Exhibit 2, which is the exhibit
3 you're looking at, and turn to page 7. Do you see at
4 approximately line 17 where it says 30(b)(6) designee
5 paren S?

6 A. Yes.

7 Q. You understand that that's you testifying on behalf of
8 Northland, correct? If you don't know what a 30(b)(6)
9 is, that's fine.

10 A. I have no idea.

11 Q. Over on the right column it says that the designee,
12 this 30(b)(6) designee -- and I will simply assert for
13 you that that is you testifying here today, that's the
14 formal rule of civil procedure. It says that you have
15 information relating to -- and I'm going to just read
16 the right column -- creation and purpose of
17 Northland's original copyrighted video, harm to market
18 value of Northland's original copyrighted video. Do
19 you see that?

20 A. Yes.

21 Q. What was the purpose of Northland's original
22 copyrighted video?

23 A. We wanted to take the words that we've heard from most
24 of our patients and make something to share with other
25 women to help destigmatify -- or de-stigmatize abortion.

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1 Q. Did it have any other purpose other than that message?

2 A. No.

3 Q. Did it serve any commercial purpose?

4 A. No.

5 Q. Did you have any plans to sell the video?

6 A. I thought about a number of ways to use the video to
7 help other organizations, other clinics, other women's
8 groups. I didn't carry them out.

9 Q. Did you have any purpose when you created the video to
10 sell the video?

11 MR. FRAHN: Objection as to form.

12 A. How is that different from the first question you
13 asked me?

14 BY MR. YERUSHALMI:

15 Q. It might not be. I'm simply asking it again. Did you
16 have a purpose to sell the video?

17 MR. FRAHN: Objection, asked and answered
18 and form.

19 A. I don't know what you mean by purpose.

20 BY MR. YERUSHALMI:

21 Q. Well, your document indicates that you're here to
22 testify regarding the purpose of Northland's original
23 copyrighted video. You provided some testimony as to
24 the purpose, and I'm asking now is one of the purposes
25 to sell the video?

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1 MR. FRAHN: I'm going to object as to form
2 and foundation because I think you misstated how she's
3 here.

4 A. I think I already answered that. My intention was to
5 offer -- to use this with other groups, other clinics,
6 but that was a very -- yes, that -- that was an
7 intention.

8 BY MR. YERUSHALMI:

9 Q. Was Northland going to sell this video to these other
10 organizations?

11 MR. FRAHN: Object as to form and asked and
12 answered.

13 A. There was not a plan on how to do that or how much to
14 do that, it was an intention.

15 BY MR. YERUSHALMI:

16 Q. Did Northland actually sell any of the videos?

17 A. No.

18 Q. Did it make an offer to sell the video to any person
19 or entity?

20 MR. FRAHN: Objection, vague as to sell.

21 A. Could you tell me what you're -- again what you're
22 asking?

23 BY MR. YERUSHALMI:

24 Q. Did Northland offer to sell the video to any person or
25 entity?

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1 MR. FRAHN: Same objections.

2 A. There were discussions early on, yes.

3 BY MR. YERUSHALMI:

4 Q. With whom?

5 A. A number of organizations and clinics.

6 Q. Do you have any recollection of any of those
7 organizations or clinics?

8 A. Two that are listed in here, E [REDACTED] B [REDACTED] and
9 C [REDACTED] K [REDACTED].

10 Q. And what was the substance of those discussions with
11 Ms. B [REDACTED]?

12 A. How to use -- how she would use the video for her
13 patients.

14 Q. And was there any discussion about the price she would
15 be paying for the video?

16 A. No.

17 Q. Was there any discussion about any terms of the sale
18 of the video to her?

19 MR. FRAHN: Objection, vague as to sale.

20 A. I'm sorry, what did you ask again?

21 BY MR. YERUSHALMI:

22 Q. Was there any discussion with Ms. B [REDACTED] regarding any
23 of the terms of a sale of the video to her?

24 MR. FRAHN: Objection, vague.

25 A. No.

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1 A. I don't want to see it on the Internet tomorrow. It
2 has to do with security.

3 Q. You also indicated that C [REDACTED] K [REDACTED] and Northland
4 discussed the use and sale of this video, correct?

5 A. Yes.

6 Q. And when did those discussions take place?

7 A. Like Ms. B [REDACTED], they took place over a period of
8 time. I don't remember the dates. I don't remember
9 if there was anyone else there.

10 Q. Would it have been about the same time as you were
11 having these discussions with Ms. B [REDACTED]?

12 A. Yes.

13 Q. And were these discussions in written form or oral?

14 A. Oral.

15 Q. No writings at all?

16 A. None that I can remember.

17 Q. And does Ms. K [REDACTED] also work at a clinic?

18 A. She did.

19 Q. Were you discussing the use or the sale of the video
20 with Ms. K [REDACTED] because she worked at a clinic?

21 A. Yes.

22 Q. And what clinic did she work at?

23 A. I'm not comfortable telling you that.

24 Q. So you refuse to answer that question?

25 A. Yes.

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1 A. I don't have anything that they've signed, no.

2 Q. Do you have any other evidence that they might have
3 sent something, even if it was anonymously?

4 MR. FRAHN: Objection as to form.

5 A. No.

6 BY MR. YERUSHALMI:

7 Q. No. Do you have any evidence if they asked or
8 requested anyone else to send you a threatening
9 writing that would compromise your safety and
10 security?

11 MR. FRAHN: Objection as asked and answered
12 and calls for speculation.

13 A. I don't know what all of their multiple postings have
14 invited people to do, so I have no evidence, no.

15 BY MR. YERUSHALMI:

16 Q. Earlier you indicated that the purpose of the Good
17 Woman video was to de-stigmatize abortion. Do you
18 recall that testimony?

19 A. Yes.

20 Q. How would your video de-stigmatize abortion?

21 A. Well, it's used for counseling and it's used in
22 training, counseling for patients, training for staff.
23 It's the words of women that I have been seeing at
24 Northland Family Planning since it opened and an
25 opportunity to share good messages that come from

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1 Q. Any other?

2 A. Do you want me to sit here and brainstorm a list?

3 Q. Whatever you had intend to use this video for that you
4 put on hold.

5 A. That was -- I didn't brainstorm beyond that.

6 Q. What your video posted at YouTube?

7 A. Yes.

8 Q. Is it still posted at YouTube?

9 A. Yes.

10 Q. Is the posting at YouTube a public posting so anyone
11 can watch the video?

12 A. Yes.

13 Q. You indicated that you also put the video up at
14 Northland's website?

15 A. Yes.

16 Q. Is it still there?

17 A. Yes.

18 Q. Do you still refer patients to look at the video?

19 A. Yes.

20 Q. Do you still sometimes show patients in the clinic the
21 video?

22 A. If they come in for counseling, yes.

23 Q. In Exhibit 7, which you have before you, the documents
24 that you've produced, I'd like you to turn to document
25 number 38. You indicated that -- earlier that there

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1 one I may not have seen until later.

2 Q. Did you see Exhibit 39 on YouTube before?

3 A. I don't remember.

4 Q. Do you recall if you saw any of the defendants' videos
5 on YouTube before?

6 A. I saw them on the Internet. I don't remember where,
7 if it was YouTube or not.

8 Q. Do you consider Exhibit 39 to be a copyright
9 infringement on your Good Woman video?

10 A. Yes.

11 Q. And why is that?

12 A. Because they took my video without my permission and
13 ruined it.

14 Q. And I'm sorry?

15 A. Ruined it.

16 Q. And how does Exhibit 39 ruin the Good Woman video?

17 A. That is not the video I made and it has my name on it.
18 It ends with our name and phone number and that is not
19 the video we made.

20 Q. In your opinion does Exhibit 39 de-stigmatize
21 abortion?

22 A. No.

23 Q. How do you reach that opinion, why?

24 A. I think it's an attempt to shame and anger and disgust
25 anyone who's watching it.

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1 by defendants?)

2 A. Yes.

3 BY MR. YERUSHALMI:

4 Q. Who?

5 A. Family, friends, political activists, other people in
6 related healthcare, social workers. There were a
7 number of people in all areas of life.

8 Q. And were these communications oral or in writing?

9 A. Many were oral.

10 Q. Did any of these communications indicate how
11 Northland's reputation had been negatively impacted?

12 A. It looks as though Northland produced that video when
13 in fact they did not.

14 Q. You had indicated that you used the Good Woman video
15 to de-stigmatize abortions and that one way you do
16 that is you post it on your video, correct?

17 MR. FRAHN: Objection, misstates prior
18 testimony, vague and ambiguous.

19 BY MR. YERUSHALMI:

20 Q. Correct?

21 A. I don't think I said we post it on our video.

22 Q. Post it on your website?

23 A. You just said on the video.

24 Q. I'm sorry, I misspoke. Do you -- you indicated in
25 your prior testimony that you posted the Good Woman

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1 video on your website, correct?

2 A. Yes.

3 Q. And the purpose of that is to de-stigmatize abortions,
4 correct?

5 MR. FRAHN: Objection as to form, misstates
6 prior testimony.

7 BY MR. YERUSHALMI:

8 Q. Correct?

9 A. It is certainly one of the reasons it's posted on our
10 website.

11 Q. Have you used any of the defendants' videos in any
12 fashion?

13 A. No.

14 Q. Have you posted any of the defendants' videos on your
15 website?

16 A. No.

17 Q. Have you shown any of the defendants' videos to any of
18 your clients?

19 A. No.

20 Q. Why not?

21 A. They're not my video.

22 Q. I would like you to turn in Exhibit 7 to the documents
23 identified as documents numbers 1 through 22. Tell me
24 if you're familiar with these documents.

25 A. Yes.

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1 you've phrased your particular question just now. I
2 can't be more clear to say that we're not basing a
3 monetary damage claim on diminution in revenue or
4 income other than the loss of licensing opportunity.
5 I don't know how to state it any more clearly than
6 that.

7 MR. MUISE: And Ms. Chelian is prepared to
8 testify today about that loss in value of the
9 licensing?

10 MR. FRAHN: I believe she has already talked
11 about that and we'll be happy to answer any more
12 questions about that.

13 Watch your mike.

14 MR. MUISE: I'll get it for you, ma'am.

15 MR. FRAHN: Thank you.

16 MR. MUISE: I'm a little -- there's a lone
17 cup.

18 MR. FRAHN: I have one. Pass that down.

19 MR. MUISE: Still on the record.

20 MR. FRAHN: Anything else you want to cover
21 in a meet and confirm?

22 MR. YERUSHALMI: Yeah. Again, I think
23 you're pretty clear. The testimony of --

24 MR. FRAHN: I'll take that as a complement.

25 MR. YERUSHALMI: It is intended to be at

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1 (Video viewed at 1:55 p.m.)

2 (Testimony resumed at 1:57 p.m.)

3 BY MR. YERUSHALMI:

4 Q. Are you familiar with Exhibit 8?

5 A. Yes.

6 (Continuing video viewing at 1:57 p.m.)

7 (Testimony resumed at 2:00 p.m.)

8 BY MR. YERUSHALMI:

9 Q. The end?

10 A. Yes.

11 Q. Good. You said you were familiar with this video,
12 Exhibit 8?

13 A. Yes.

14 Q. Is this the Good Woman video referenced in your
15 complaint?

16 A. Yes.

17 Q. Is this the final version of the Good Woman video?

18 A. Yes.

19 Q. We're going to show you momentarily a second video.

20 MR. FRAHN: This is the stack of formal
21 exhibits. Do you want to put that one on there?

22 MR. YERUSHALMI: Sure.

23 MR. MUISE: I'm going to get a case for it
24 when we're done.

25 MR. YERUSHALMI: Let's mark this.

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1 MR. MUISE: I'll put it on after.

2 MR. YERUSHALMI: We're going to refer to
3 this exhibit as Exhibit 9.

4 (Video viewed at 2:01 p.m.)

5 (Testimony resumed at 2:06 p.m.)

6 MR. YERUSHALMI: Okay. Give us a moment
7 just to mark Exhibit 9.

8 MARKED FOR IDENTIFICATION:

9 DEPOSITION EXHIBIT 9

10 2:06 p.m.

11 BY MR. YERUSHALMI:

12 Q. Okay. Ms. Chelian, the video you just watched has
13 been marked Exhibit 9. Are you familiar with
14 Exhibit 9?

15 A. Yes.

16 Q. It is also a Good Woman video, correct?

17 A. Yes.

18 Q. What is the difference between Exhibit 8 and
19 Exhibit 9?

20 A. I didn't notice.

21 Q. You did not notice?

22 A. No.

23 Q. Did you notice that Exhibit 9 had a copyright notice
24 and Exhibit 8 did not?

25 A. I didn't until I just -- I didn't at first, no.

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1 Q. Did Northland produce Exhibit 8, the one without the
2 copyright notice, and utilize that video at any point
3 in time?

4 A. Yes.

5 Q. How did Northland utilize that video, Exhibit 8?

6 A. Before we had the copyright.

7 Q. Yes.

8 A. Before we had the copyright.

9 Q. How did Northland utilize the video?

10 A. We had it on our website.

11 Q. Any other way?

12 A. Probably on YouTube.

13 Q. When you say on YouTube, on a public availability
14 basis?

15 A. Yes.

16 Q. Did you show it to any clients in the clinic?

17 A. No.

18 Q. Did you provide links or show it to anyone in the
19 industry?

20 A. No.

21 Q. Did you provide links to it or show it to any of your
22 other colleagues and associates?

23 A. No.

24 Q. When did you produce Exhibit 8, do you recall?

25 A. They were produced at the same time. I had the year

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1 wrong when I told you before, so it would have been in
2 2009 that we made it, that we made them both.

3 Q. So you made Exhibit 8 and Exhibit 9 exactly at the
4 same time or one followed the other?

5 A. No, they're the same video.

6 Q. Uh-huh. And referring to Exhibit 8, how long was that
7 video up on Northland's website?

8 A. Two weeks.

9 Q. And when was it first posted on Northland's website?

10 A. I don't know the date. It was approximately two weeks
11 and then it was taken down.

12 Q. And after it was taken down was Exhibit 9 then put on
13 the website?

14 A. Yes.

15 Q. And why was that?

16 MR. FRAHN: Why was -- objection, vague.

17 MR. YERUSHALMI: I'll restate the question,
18 rephrase the question.

19 BY MR. YERUSHALMI:

20 Q. Why did Northland take down Exhibit 8 and replace it
21 with Exhibit 9?

22 A. Because of the copyright language.

23 Q. Did you license Exhibit 8 to any third parties?

24 A. No.

25 Q. Did you attempt to license Exhibit 8 to any third

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1 parties?

2 A. No.

3 Q. Did you license any derivative use of Exhibit 8?

4 A. I'm sorry, what?

5 Q. Let me rephrase it differently. Did you license to
6 any third party any form of use of Exhibit 8?

7 A. No.

8 Q. Did you attempt to license Exhibit 8, any form of use
9 of Exhibit 8, to any third party?

10 A. No.

11 Q. Did you license Exhibit 9 to any third party?

12 A. No.

13 Q. Did you ever attempt to license Exhibit 9 to any third
14 party?

15 A. Those were under discussion.

16 Q. With whom?

17 A. With the people I've previously answered questions
18 about.

19 Q. And who were they?

20 A. The same people that I declined to give names to.

21 Q. Are you prepared to give initials to those names?

22 A. No.

23 MR. FRAHN: Counsel, I'm prepared to discuss
24 with you after the deposition whether there's a means
25 by which we can provide you with that information.

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1 MR. YERUSHALMI: Well, why don't we have
2 that discussion now?

3 MR. FRAHN: Well, will you agree to an
4 attorneys' eyes only designation under the
5 confidentiality order?

6 MR. MUISE: No.

7 MR. YERUSHALMI: No.

8 MR. FRAHN: Well, then I think we'll proceed
9 as we have been.

10 BY MR. YERUSHALMI:

11 Q. Did you attempt to license -- strike that.

12 Did you in fact -- strike that.

13 When did you have these conversations with
14 these individuals you refuse to name about licensing
15 Exhibit 9?

16 MR. FRAHN: Objection, asked and answered.

17 A. At various times and I -- if I'm under oath I can't
18 give you exact dates or times, and I'm not lying.

19 BY MR. YERUSHALMI:

20 Q. Did any of these discussions with these unnamed
21 individuals include discussions of how much you would
22 charge for licensing Exhibit 9?

23 A. No.

24 Q. Without identifying individuals would you provide for
25 me the substance of the discussions you had with them?

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1 MR. FRAHN: Objection, asked and answered.

2 A. Various ways to use the video.

3 BY MR. YERUSHALMI:

4 Q. Did you discuss an actual licensing agreement with
5 these individuals?

6 A. I think you already asked me that and I think I said
7 no.

8 Q. So you simply had discussions with individuals about
9 using the video, but it never included a discussion
10 about a licensing agreement?

11 A. No.

12 Q. Have you at any time determined a value for the
13 license rights to Exhibit 9?

14 MR. FRAHN: Objection, calls for expert
15 testimony.

16 A. I don't know how to answer that.

17 BY MR. YERUSHALMI:

18 Q. Did Northland ever determine a value for its licensing
19 rights of Exhibit 9?

20 MR. FRAHN: Objection, calls for expert
21 testimony.

22 A. I can't answer that. I don't know how to answer that.

23 BY MR. YERUSHALMI:

24 Q. We're not asking for expert testimony. I'm asking if
25 Northland determined a value for its licensing rights?

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1 MR. FRAHN: Same objections.

2 Go ahead.

3 A. If I were going to do that I would confer with people
4 who would be able to help me determine that, and I
5 haven't done that yet.

6 BY MR. YERUSHALMI:

7 Q. Okay. So the answer is no, you haven't done it yet?

8 MR. FRAHN: Objection as to form.

9 BY MR. YERUSHALMI:

10 Q. Yes?

11 A. I think that's what I already said.

12 Q. Okay. Did you have in mind what you were going to
13 charge anyone for the use to license the video?

14 A. It feels like the same question, so I'm going to
15 answer the same way, sir. No.

16 Q. Does Northland have any documents relating to the
17 value of the licensing rights of Exhibit 9?

18 A. No.

19 Q. Has anyone ever contacted Northland and asked to
20 license Exhibit 9?

21 MR. FRAHN: Objection, asked and answered
22 now five times.

23 BY MR. YERUSHALMI:

24 Q. You may answer.

25 A. I'm so confused at what you're asking that I don't

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1 Q. What does that say?

2 A. The center for Bio-Ethical Reform abortionno.org.

3 Q. And the top right column -- corner of the video
4 screen?

5 A. Pro-Lifetube.

6 Q. You testified earlier that Northland was concerned
7 that reasonable people who would watch this video
8 would confuse it with a video that you produced?

9 A. Yes.

10 Q. How would individuals watching this video with this
11 legend confuse it with a video produced by Northland?

12 MR. FRAHN: Objection, misstates prior
13 testimony.

14 BY MR. YERUSHALMI:

15 Q. Go ahead and answer.

16 A. Because prior to that screen shot it said Northland
17 Family Planning with a copyright through every shot
18 where the woman was speaking and it showed her.

19 Q. We're going to watch a second video, which is
20 Exhibit 6 to the Bullis deposition, momentarily, but
21 while my colleague is loading that up I'd like to ask
22 you a question. Does Exhibit 5 to the Bullis
23 deposition, the CBR video we just watched, does that
24 de-stigmatize abortions in your mind?

25 MR. FRAHN: Objection to form, calls for

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1 speculation.

2 A. So I have to answer?

3 MR. FRAHN: You can go ahead and answer.

4 BY MR. YERUSHALMI:

5 Q. Yes.

6 A. That's my video stolen with footage added and it's
7 intended I believe to add shame and sickening images.

8 It's taken my video that I had made and ruined it.

9 Before you start it what number is this now?

10 MR. YERUSHALMI: Let's see if it comes up.

11 MR. FRAHN: Rob, if there's a way to do it,
12 to start the video where Renee is actually able to see
13 the very beginning, that would be great.

14 BY MR. YERUSHALMI:

15 Q. We're going to show you what was previously marked as
16 Exhibit 6 to the Bullis deposition.

17 A. Okay. Just so I get this straight, I have not watched
18 this here today, this is a different number?

19 MR. YERUSHALMI: Today you have not watched
20 it at this deposition.

21 A. And it's Exhibit 6 and what was it called?

22 BY MR. YERUSHALMI:

23 Q. It's Exhibit 6 to the Bullis deposition.

24 MR. FRAHN: B-U-L-L-I-S.

25 THE WITNESS: Thank you.

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1 MR. YERUSHALMI: Counsel will now start the
2 video.

3 (Video viewed at 2:37 p.m.)

4 (Testimony resumed at 2:41 p.m.)

5 BY MR. YERUSHALMI:

6 Q. Have you seen the Bullis Deposition Exhibit 6 video
7 before?

8 A. Yes.

9 Q. And when did you see it?

10 A. I don't know exactly when.

11 Q. Prior to the lawsuit?

12 A. I don't remember exactly when.

13 Q. Does the Exhibit 6 to the Bullis deposition stigmatize
14 abortion?

15 MR. FRAHN: Objection, form, vague.

16 BY MR. YERUSHALMI:

17 Q. And just to be clear, I said, or at least I intended
18 to say, de-stigmatize abortion?

19 MR. FRAHN: Same objections.

20 A. Someone stole my video and vandalized it and ruined
21 it. It still has Northland's name on it, Northland's
22 logo and our copyright.

23 BY MR. YERUSHALMI:

24 Q. Does either Exhibit 5 or Exhibit 6 to the Bullis
25 deposition convey the same message as the Good Woman

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1 video?

2 MR. FRAHN: Objection, lack of foundation as
3 well as compound.

4 A. I don't understand what you want me to answer. I
5 think saying that it was stolen and vandalized and
6 ruined was fairly clear, sir, so I don't know what you
7 want me to say.

8 BY MR. YERUSHALMI:

9 Q. How much does Northland charge for an abortion?

10 MR. FRAHN: Objection as irrelevant and
11 harassing and instruct the witness not to answer on
12 that basis. And I would invite a meet and confer if
13 you have a reason to explain to me where that's
14 relevant here.

15 MR. YERUSHALMI: The relevance would be that
16 to the extent there is a value for licensing the Good
17 Woman video it's going to be related to the abortion
18 industry in her market and in other markets, so we
19 certainly have the right to know what she charges for
20 an abortion or what Northland charges.

21 MR. FRAHN: All right. I'll take that on
22 board. That doesn't change my mind and I would still
23 instruct the witness not to answer the question.

24 MR. YERUSHALMI: I'm not sure what take that
25 on board means.

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1 Q. And during the last 12 months what percentage of
2 Northland's gross income was related to abortion as
3 opposed to these other services?

4 MR. FRAHN: Consistent with the prior
5 discussion and my prior objections and instructions
6 I'm going to object to that question and instruct the
7 witness not to answer.

8 BY MR. YERUSHALMI:

9 Q. Do the CBR videos, which were Exhibits 5 and 6 to the
10 Bullis deposition, ruin the message of the Good Woman
11 video?

12 A. They ruin the video, all of it. They ruin the intent.

13 Q. Does that all of it include the message?

14 A. It ruins it -- it ruins every bit of it.

15 Q. I'm going to show you on this computer screen a screen
16 shot of YouTube and the Good Woman video. You can
17 identify that with the HTML on top. Do you see that?

18 A. Where is the HTML that I'm supposed to identify?

19 MR. FRAHN: Up here.

20 A. Okay, yes.

21 BY MR. YERUSHALMI:

22 Q. Does this look familiar to you as the Good Woman video
23 that you posted at YouTube?

24 MR. FRAHN: And let the record reflect that
25 counsel is pointing to a scene containing the

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1 A. I'm just making sure that I've had it correct.

2 Q. I'm sorry, you're not done yet?

3 A. No. Okay. 57 through 60, correct?

4 Q. Yes.

5 A. All right. I'm sorry. Now, what do you want to ask?

6 Q. Do they appear to be the same e-mail thread?

7 A. I believe so.

8 Q. And these are all e-mails that you either sent or
9 received?

10 A. Yes.

11 Q. And are you prepared to identify any of the
12 individuals whose full names have been redacted?

13 A. No, but I have to say I'm not sure 60 is part of the
14 same e-mail thread. I don't know if it's coincidence
15 that it's page 4 -- I mean, it could be part of it but
16 I'm not certain.

17 Q. But it was still an e-mail that was sent --

18 A. Yes.

19 Q. -- to you as part of this list serve?

20 A. Yes.

21 Q. Do either of the CBR videos, Exhibits 5 and 6 of the
22 Bullis deposition, stigmatize abortion?

23 MR. FRAHN: Objection, vague and asked and
24 answered.

25 A. I'm not a stigma expert. They attempt to make the

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1 video that I made -- they attempt to make it --
2 attempt to ruin it, to make it sickening to watch, to
3 distort the meaning, to use our name and make it look
4 as though we produced that. I can't tell you about
5 stigma, but they took something that I made and
6 created and ruined and vandalized it.

7 BY MR. YERUSHALMI:

8 Q. Let's continue with the documents. Exhibit 7,
9 documents 61B through 62B, also appears to be an
10 e-mail that you either sent or received; is that
11 correct?

12 A. Yes.

13 Q. And you're not prepared to tell us who your
14 correspondent was in these e-mails either?

15 MR. FRAHN: Subject to my prior offer.

16 A. Could I ask you something?

17 BY MR. YERUSHALMI:

18 Q. Sure.

19 A. Do you realize that people put my name all over the
20 Internet with these e-mails? I have a great deal of
21 respect for the law, but that was -- I trusted you and
22 I trusted these people. I wouldn't give you any names
23 now based on the behavior because I feel my family's
24 at threat -- my family's threatened now, I'm
25 threatened. I'm not going to put my friends in harm's

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1 Q. Any other way that they are misleading?

2 A. If they're not the videos we've produced they're
3 misleading. They have our name on them.

4 Q. I understand that. Is there any other way, any other
5 message, any other matter that makes them misleading
6 other than the fact that they have Northland's name on
7 them?

8 A. And the fact that they have been vandalized and
9 ruined, so let me add those two words to it.

10 Q. How has the vandalization of the Good Woman
11 video -- strike that.

12 How is the vandalization of the Good Woman
13 video misleading?

14 A. It's not a video I made. I mean, you're asking me I
15 think the same thing over and over again and I feel
16 like I want to draw you a picture. If I showed you a
17 picture of your family and then I put four other
18 children in there and said here's your children, would
19 that be your family? We made a video and somebody
20 changed -- they completely vandalized it but they left
21 in -- they left -- okay. They took my video and
22 they've changed it, they've vandalized it and they've
23 ruined it. And they left my name on it and our logo
24 on it and it's on the Internet, and one of them -- and
25 I have to say I don't remember which one -- has our

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1 phone number on it. That's misleading.

2 Q. The allegation in paragraph 53 continues, and create
3 the impression that the images represent abortions
4 performed at Northland's clinics. How does that
5 create the impression that the images represent
6 abortions created at Northland's clinics?

7 A. The images that are in there, I don't know what they
8 are, I don't know who they are, but I believe they
9 were intended to look like an abortion that we're
10 doing.

11 Q. Do they in fact look like abortions that Northland
12 does?

13 A. No.

14 Q. So the images that have been added to the Good Woman
15 video by the defendants in this matter do not appear
16 similar to abortions that Northland performs?

17 A. We didn't make a surgical video. We made a video that
18 someone took and ruined. I mean, I think I'm
19 answering you clearly.

20 Q. I'm focused now strictly on the images that -- the
21 allegation states --

22 A. I didn't add those images, sir, so I can't tell you.
23 I think those images were added to try and sicken
24 people and to have them believe that this was
25 something we do which makes us a target of violence

ERRATA FOR DEPOSITION OF RENEE CHELIAN

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[illegible]

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1 NORTHLAND FAMILY PLANNING CLINIC,
2 INC.,
3 Plaintiff,
4 vs. Case No. 8:11-cv-00731-JVS-AN
5 CENTER FOR BIO-ETHICAL REFORM, et
6 al.,
7 Defendants.

8 _____/

9
10 VERIFICATION OF DEPONENT

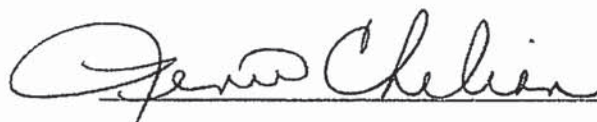
11
12 I, having read the foregoing deposition consisting
13 of my testimony at the aforementioned time and place, do
14 hereby attest to the correctness and truthfulness of the
15 transcript.

16

17

18

19



RENEE CHELIAN

20

Dated:

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