

EXHIBIT A

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



January 25, 2012

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens

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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?

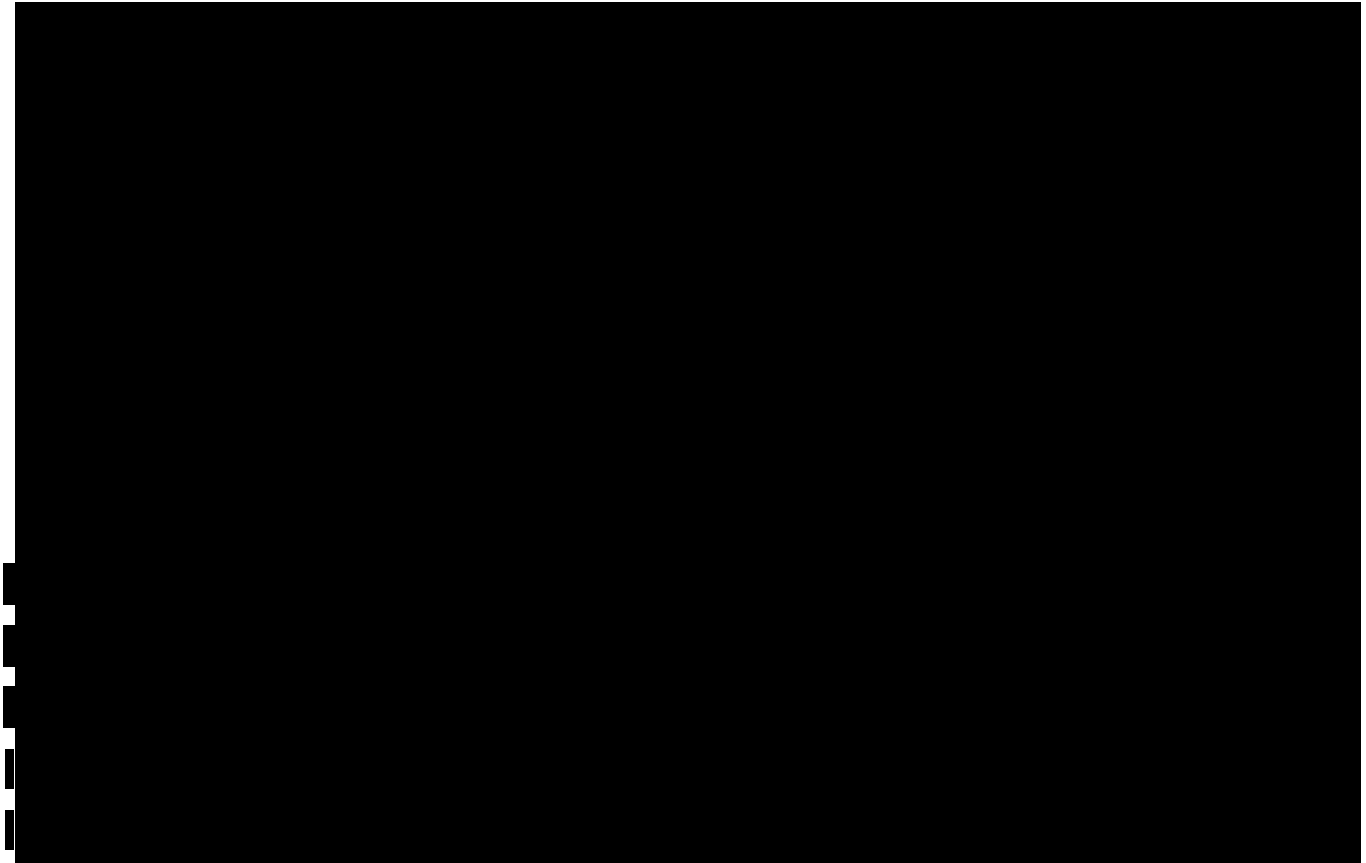
23 BY MR. YERUSHALMI:

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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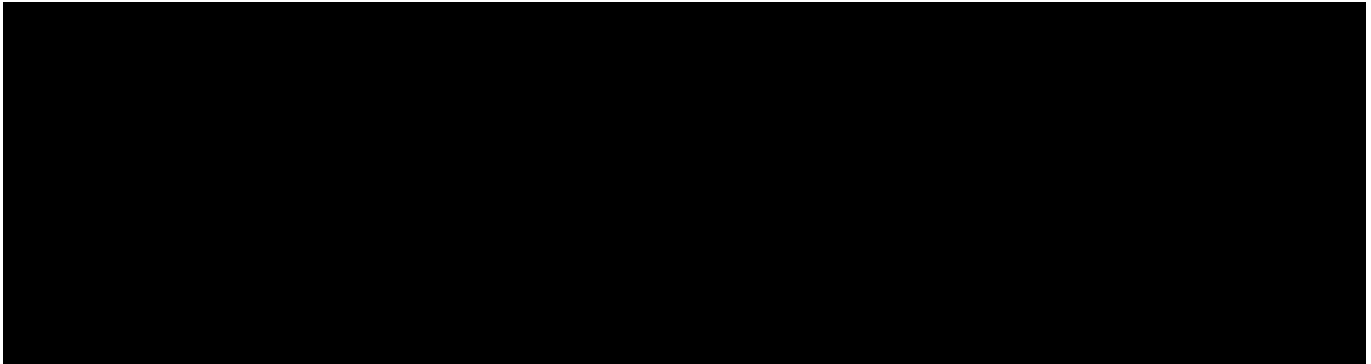
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15 BY MR. YERUSHALMI:

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.



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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.

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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.

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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. 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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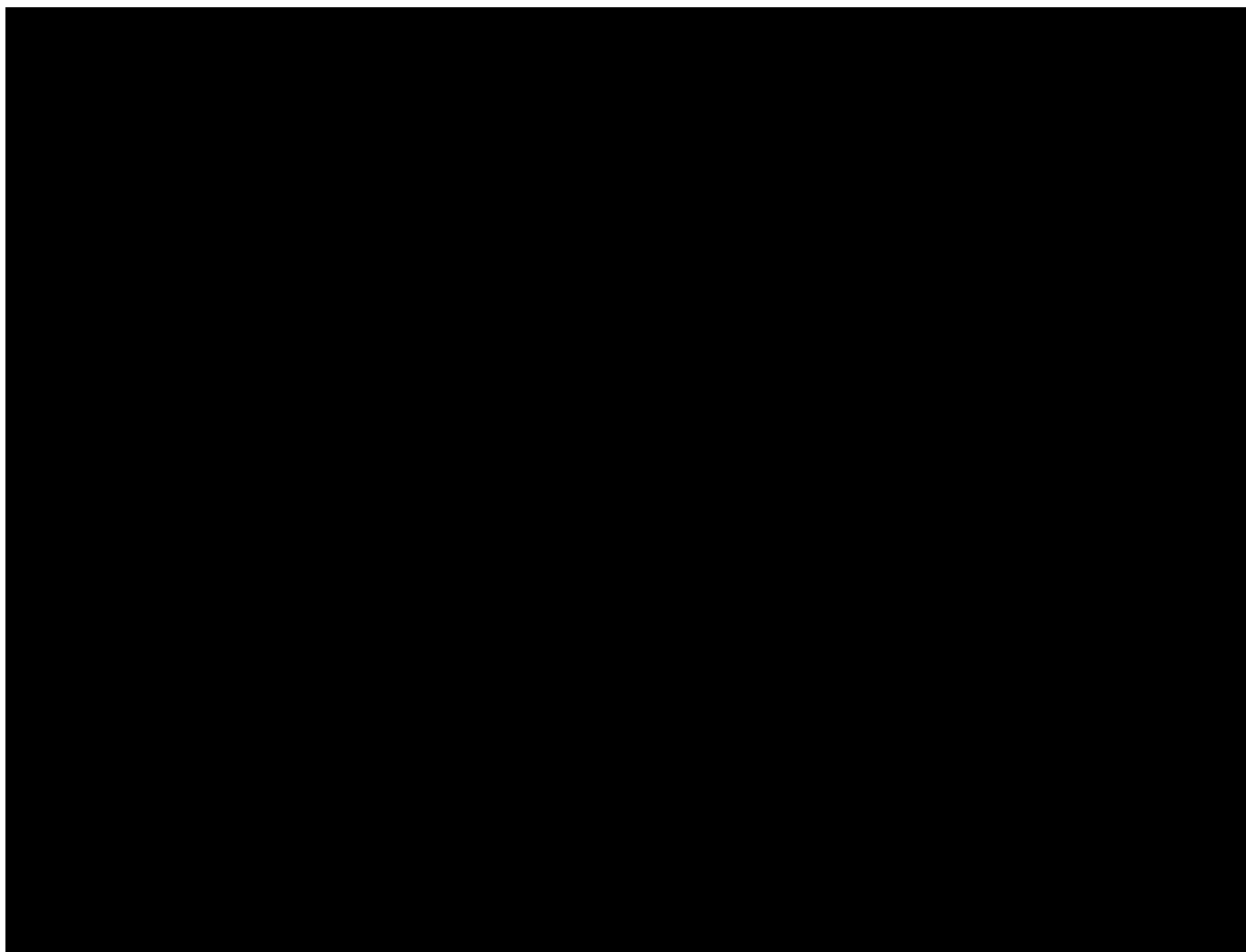
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1 video?

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:



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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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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.

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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