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For Immediate Release: June 4, 2012

AFLC Defends Pro-Life Group in Copyright Lawsuit Filed by Michigan Abortion Clinic in California Federal Court

Los Angeles, California (June 4, 2012) — Today, American Freedom Law Center (AFLC) Senior Counsel David Yerushalmi and Robert Muisse will be in federal court in California, representing the California-based Center for Bio-Ethical Reform, Inc. (CBR), a pro-life organization that was sued for copyright infringement by Northland Family Planning Clinic, a Michigan-based abortion provider, because CBR used portions of a Northland video to create its own pro-life video. The CBR video parodies and criticizes the Northland video, which claims that abortion is “good” and that its abortion business is “sacred work.” The court will be hearing arguments on the cross-motions for summary judgment that were filed by the respective parties. At issue is whether CBR’s use of the Northland video was “fair use” and thus not a copyright violation as a matter of law.

AFLC Senior Counsel David Yerushalmi commented, “CBR’s video powerfully and effectively exposes the lies and deception of the Northland video and thus provides socially-valuable criticism and commentary on an important subject. Indeed, if CBR’s use of the Northland video is not ‘fair use,’ then the fair use doctrine is a dead letter.”

As the undisputed evidence in the case shows, CBR, through its executive director, Gregg Cunningham, made “fair use” of portions of the Northland video that the abortion clinic claims is copyrighted material. The “fair use” doctrine, however, is a complete defense to a claim of copyright infringement, and it was created in large part to protect the right to freedom of speech. Through the CBR video, Cunningham transformed the Northland video by adding graphic images of aborted fetuses to critical parts of the video, a jarring music score, a scripture citation to 2 Corinthians 11:13-14, which warns viewers that Satan masquerades as “an angel of light,” and an introduction quoting George Orwell, which condemns the use of lies to obscure murder,

so as to criticize and parody the pro-abortion message conveyed by the Northland video. CBR's video was made for nonprofit, non-commercial, educational purposes.

CBR, an organization that exposes the lies about abortion better than any other pro-life group, accomplished that task in spades with its video. CBR's video parodies and mocks both the deceptive message and the deceptive manner of Northland's staffer who narrates the pro-abortion video. Northland's consistent theme is the lie that abortion is "normal" and "good." In fact, it describes its abortion business as "sacred work." Every aspect of the Northland staffer's attire, demeanor, syntax, and intonation is calculated to reinforce this deception. The same is true with the flowers on her desk, the soft background music, and the framed art on her walls. CBR's video rebuts all this duplicity with an accusatory literary quote in its introduction, jarring music in its score, and graphic imagery in its stark video refutation.

AFLC Senior Counsel Robert Muise concluded, "This case is yet another example of abortionists trying to hide the stark truth that they are engaged in the bloody business of killing babies for profit. CBR's video effectively exposes their lies and deception, which is why the owner of the abortion clinic, Renee Chelian, hired one of the largest law firms in the country to try and shut down and silence CBR. Abortionists can't stand it when you expose the reality and truth of their killing business, and AFLC is committed to defending CBR's right to do so."

Additional details: The hearing is scheduled for 1:30 p.m. (PST) in Courtroom 10C at the Ronald Reagan Federal Building and Courthouse in Santa Ana, California. Immediately after the hearing, AFLC Senior Counsel Robert Muise will be taking interview requests: he can be reached directly at (734) 635-3756.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.

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