

Fact Sheet: Planned Parenthood v. Center for Medical Progress

Background

For the past eight months, Planned Parenthood has been the subject of a widely discredited video smear campaign by operatives from the Center for Medical Progress, making false and malicious accusations. Planned Parenthood filed a federal lawsuit outlining how the defendants engaged in a complex criminal enterprise to defraud Planned Parenthood and prevent the health care organization from providing preventive reproductive health services to millions of women and men. The lawsuit charges that the Center for Medical Progress, its leaders, and multiple co-conspirators engaged in illegal conduct that includes violating the Racketeer Influence and Corrupt Organization Act (RICO Act) and engaging in wire fraud, mail fraud, invasion of privacy, illegal secret recording, and trespassing. In January, a Texas grand jury cleared Planned Parenthood of any wrongdoing, while indicting David Daleiden on a felony charge.

Court

U.S. District Court, Northern District of California

Plaintiffs

Planned Parenthood Federation of America
Planned Parenthood: Shasta Diablo dba Planned Parenthood Northern California
Planned Parenthood Mar Monte
Planned Parenthood of the Pacific Southwest
Planned Parenthood Los Angeles
Planned Parenthood/Orange and San Bernardino Counties
Planned Parenthood of Santa Barbara, Ventura and San Luis Obispo Counties
Planned Parenthood Pasadena and San Gabriel Valley
Planned Parenthood of the Rocky Mountains
Planned Parenthood Gulf Coast/Planned Parenthood Center for Choice

Defendants

Center for Medical Progress
BioMax Procurement Services
David Daleiden (aka "Robert Sarkis")
Troy Newman
Albin Rhomberg
Sandra Susan Merritt (aka "Susan Tennenbaum")
Gerardo Adrian Lopez
Philip Cronin

Bad Acts

- Made false representations to the IRS and California Secretary of State to get tax-exempt status for Center for Medical Progress
- Set up a fake health care firm, BioMax, with fictitious materials, a fictitious CEO with false credentials and a fake name, a fake website, and fictitious employees who used false California drivers' licenses
- Registered at private medical conferences held by the Reproductive Health Professionals, National Abortion Federation, and Planned Parenthood Federation of America using a fake company using fake drivers' licenses

- Signed confidentiality and non-disclosure agreements with NAF and Planned Parenthood with no intent of maintaining the confidentiality of any information received
- Took surreptitious video and audio recordings of private conversations with Planned Parenthood staff at private conferences, in private meetings and in private facilities without their knowledge or consent

Causes of Action

1. Violation of RICO, 18 U.S.C. §§ 1962(c) and (d) - RICO stands for Racketeer Influenced and Corrupt Organizations Act. When individuals and/or organizations work together to engage in systematic illegal activities, they are breaking this particular kind of law. The RICO law is not intended to punish the commission of an isolated criminal act. RICO law is designed to punish those who organize to engage in a pattern of illegal activity – in other words, those who are members of a “criminal enterprise.”
2. Violation of Electronic Communications Privacy Act, 18 USC § 2511
3. Civil conspiracy
4. Breach of PPFA and PPGC contracts
5. Breach of NAF contracts which are in place to protect NAF’s members, including plaintiffs
6. Trespass
7. Violation of California Business & Professions Code § 17200 for unlawful, unfair and fraudulent acts
8. Fraudulent misrepresentation
9. Violation of California Penal Code §§632 and 634 – taping without all participants’ consent and trespassing for the purpose of violating §632.
10. Violation of Section 934 Title XLVII of the Florida Criminal Procedure law – taping and using and disclosing such tapes without all participants’ consent
11. Violation of § 10-402 of the Courts and Judicial Proceedings Article of the Maryland Annotated Code – taping and using and disclosing such tapes without all participants’ consent
12. Invasion of Privacy: Intrusion upon a Private Place
13. Invasion of Privacy: California Constitution Art. 1, Section 1

Remedies sought

- Restitution of monies expended by Planned Parenthood as a result of Defendants’ unlawful, unfair, and fraudulent business practices
- Compensatory damages
- Statutory damages and penalties
- Three times the damages Planned Parenthood has suffered as a result of the RICO violations
- Punitive damages
- Permanent injunctive relief enjoining Defendants and all those acting in concert or participation with them from, among other things, entering any conference or facility on false grounds and filming or recording any private conversation with any Planned Parenthood staff without the informed consent of all participants
- Attorneys’ fees