

EXHIBIT D

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

Bcc: Janet Smith <[REDACTED]>
Sent: Fri, 23 Aug 2013 12:57:38 -0700
Subject: Fwd: Major Investigation Imminent
From: David Daleiden <[REDACTED]>
To: David Daleiden <[REDACTED]>

Hi Team,
I hope you're all enjoying the summer. We are in count-down mode right now to orchestrate a major infiltration in the next few weeks. This is literally a once-a-year opportunity to catch some of the highest targets in the trafficking business within the abortion industry.

One field worker is in the middle of intensive training for this operation, and there is \$5000 from a generous donor dedicated to that component. In the past week, I identified an excellent companion candidate who is ready to accompany the first field worker to help us get the best footage possible. I'm trying to secure another \$5000 so that CMP can afford to send them both.

Many of you have seen some of the footage already procured during this project and know how compelling it is ("Whenever we get a smooth portion of liver, we think that's pretty good!"). This next operation will gather similar footage from many more sources, while at the same time collecting intelligence on this particular aspect of the abortion industry that is available no other way.

Please keep this mission in your prayers, for we do not live on bread alone. Together in the fight,

-David Daleiden
[REDACTED]

Sent: Sun, 25 Aug 2013 00:23:07 -0500
Subject: Re: Major Investigation Imminent
From: Andrew Shearer [REDACTED]
To: David Daleiden [REDACTED]

Thanks for the update David! Is it possible to see / hear more about what you've already accomplished?

Thanks,
Andrew

Andrew Shearer
[REDACTED]

On Fri, Aug 23, 2013 at 2:56 PM, David Daleiden <[REDACTED]> wrote:

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-David Daleiden
[REDACTED]

Sent: Sat, 24 Aug 2013 22:46:15 -0700
Subject: Re: Major Investigation Imminent
From: David Daleiden <[REDACTED]>
To: Andrew Shearer <[REDACTED]>, Elizabeth Shearer <[REDACTED]>

Sure! I forget if Elizabeth showed you the preview transcript I have of a portion of undercover video with the procurement manager from one of the main trafficking companies. **This was taken in mid-June** on a trip that used up the remaining funding gathered April-June. Early July was a lot of fundraising, and from mid-July to present I've been preparing the sting coming up mid-September.

In these ~3 minutes from a 20 minute conversation, the procurement manager discusses the problem of trying to get the most intact tissue possible out of a late 2nd-trimester abortion. She says it is "unfortunate" and "pisses me off" that she cannot have the abortion doctors change the abortion procedure from dismemberment to induction (which has a greater risk of live births) in order to get better tissue. She also indicates she has tried to convince the abortion doctors to alter their procedures for her business:

Procurement Manager: Because they just aren't [usually intact], **the abdomen is always ripped open.**

[...]

Procurement Manager: **Everything will just get ripped up. Whenever we have a smooth portion of liver, we think that's good.**

Researcher: Oh, okay.

Procurement Manager: Because most of the time it's got, you know, just the instruments they go in to pull.

Researcher: Yeah.

Procurement Manager: And it's just whatever presents first. And unfortunately, and I don't know why, **a lot of the times the abdomen presents first and they just go in and start pulling,** and--

Researcher: Oh so they just go in and pull it out by the abdomen.

Procurement Manager: Yeah, they're not trying to--

Researcher: They're not trying to--**they don't have my interests in mind!**

Procurement Manager: **Or mine. [Laughs] It really pisses me off!**

[...]

Procurement Manager: Yeah, but they're just there to end the pregnancy. And so, we cannot ask them to change their process. So.

Researcher: Really?

Procurement Manager: Yes. **Unfortunately.**

Researcher: Even just to switch to like, induction versus D&E? They can't even do that?

[...]

Procurement Manager: Yeah, they cannot change the abortion procedure to benefit anybody. **Unfortunate.**

[...]

Procurement Manager: **In fact, I have even said to some of the doctors, you know, can't you just put an extra lam in?** [...]

Procurement Manager: He said maybe if she's 15 years old and I can get another one in, because she's had no, the cervix has never opened--

Researcher: So it's important there's some justification in the procedure for it.

Procurement Manager: Exactly. But, I'm not doing it for you, I'm doing it for the patient's well-being.

Researcher: Wow.

Procurement Manager: **So I kinda go, well, okay, sucks to be me, but they can't do that.**

[...]

Researcher: Yeah. Okay, so you just wait for them to bring you the tissue then.

Procurement Manager: Yeah. **We're usually standing right outside the door. They're doing the procedure in the OR and we're in the lab area.**

On Sat, Aug 24, 2013 at 10:23 PM, Andrew Shearer <[REDACTED]> wrote:

Thanks for the update David! Is it possible to see / hear more about what you've already accomplished?

Thanks,
Andrew

Andrew Shearer
[REDACTED]

On Fri, Aug 23, 2013 at 2:56 PM, David Daleiden <[REDACTED]> wrote:

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-David Daleiden



Sent: Thu, 2 Jul 2015 13:33:16 -0700
Subject: Fwd: CA recording law
From: David Daleiden <david.daleiden@gmail.com>
To: Autumn Christensen [REDACTED]
Daleidenrecordingmemeo.pdf

Here is the CA attorney analysis.

----- Forwarded message -----

From: David Daleiden <[REDACTED]>
Date: Thursday, July 2, 2015
Subject: CA recording law
To: Ovide Lamontagne <[REDACTED]>, Charmaine Yoest <[REDACTED]>
Cc: Troy Newman <[REDACTED]>, Albin Rhomberg <[REDACTED]>, Chavez-Ochoa Law
[REDACTED], Casey Mattox <[REDACTED]>

Please find attached a California attorney's analysis of the limits and exceptions of the California recording statutes.

On Tue, Jun 30, 2015 at 3:08 PM, David Daleiden <[REDACTED]> wrote:

Hey guys,
I heard that there is some specific concern about the California recording law. I thought we had discussed this at length since January; I know I have returned to it many times with different attorneys over the past 8 years and its limitation to conversations with a "reasonable expectation of privacy," and the status of conversations in a restaurant as non-private, is clear.

You can find the California statute in question at Penal Code 632, which is limited to "confidential communications" in which there is a reasonable expectation of privacy and specifically excludes public conversations. Also note the exceptions in PC 633.5, which allows citizens to gather evidence of violent felonies, as well as the case law in Wilkins v. National Broadcasting Corporation: <http://www.firstamendmentcenter.org/dateline-decision-may-take-edge-off-paparazzi-law-food-lion>

Thanks,

-David

David Daleiden
david [REDACTED]
Project Lead | [REDACTED]



To: Interested Parties
From: Catherine Short
Re: California Recording Laws & Exceptions
Date: July 2, 2015

Two statutes are relevant to the use of undercover video cameras to record conversations in the state of California: Penal Code §§632 and 633.5.

PC 632 prohibits the recording of a “*confidential communication*” without the consent of all parties to the communication. “*Confidential communication*” is defined at 632(c):

The term “confidential communication” includes any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

Thus, communications made in situations where the parties may reasonably expect to be overheard are explicitly excluded from the recording statute.

Case law in California has affirmed the limited definition of “confidential communication” multiple times. See, e.g., *Flanagan v. Flanagan* (2002) 27 Cal.4th 766, 774 (communications are confidential only “under circumstances showing that a party desires it not to be overheard or recorded”); *Wilkins v. NBC* (1999) 71 Cal.App.4th 1066 (1999). In *Wilkins v. NBC*, plaintiff Stephen Wilkins sued NBC under Penal Code §632 for an undercover recording *Dateline NBC* made of him in a purported business lunch at a busy restaurant. Considering the circumstances, including the public nature of the area and the plaintiff’s evident lack of concern over whether he was overheard, the California appellate court ruled that the conversation was not confidential under the terms of the statute and affirmed the dismissal of the claim.

Penal Code §633.5 provides a further exception to Penal Code §632:

Nothing in Section 631, 632, 632.5, 632.6, or 632.7 prohibits one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion, kidnapping, bribery, any felony involving violence against the person, or a violation of Section 653m.

Northern California (Administration)



Southern California



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Memo re California Recording Laws
July 2, 2105

Thus, even a “confidential communication” may be secretly recorded in the state of California if the recording is done in order to obtain evidence of a violent felony, such as murder or manslaughter. The California Attorney General has confirmed this reading: “A person may initiate and tape record a telephone call in an attempt to gain evidence of [a violent felony] alleged to have been committed by the person called.” 82 Ops.Cal.Atty.Gen. 148 (1999) (available at <http://oag.ca.gov/system/files/opinions/pdfs/99-403.pdf>)

The information contained in this memorandum is general legal information and should not be construed as legal advice to be applied to any specific factual situation.

Memo re California Recording Laws
July 2, 2105

Sent: Thu, 2 Jul 2015 18:10:11 -0700
Subject: Re: CA recording law
From: David Daleiden <[REDACTED]>
To: "Christensen, Autumn" <[REDACTED]>

We are releasing the lunch video on Tuesday.

On Thursday, July 2, 2015, Christensen, Autumn <[REDACTED]> wrote:

What did you decide regarding timing?

From: David Daleiden [mailto:[REDACTED]]
Sent: Thursday, July 02, 2015 4:33 PM
To: Christensen, Autumn
Subject: Fwd: CA recording law

Here is the CA attorney analysis.

----- Forwarded message -----

From: **David Daleiden** <[REDACTED]>
Date: Thursday, July 2, 2015
Subject: CA recording law
To: Ovide Lamontagne <[REDACTED]>, Charmaine Yoest <[REDACTED]>
Cc: Troy Newman <[REDACTED]>, Albin Rhomberg <[REDACTED]>, Chavez-Ochoa Law
<[REDACTED]>, Casey Mattox <[REDACTED]>

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Thanks,

-David

David Daleiden

david [REDACTED]

Project Lead | [REDACTED]

Sent: Mon, 24 Jun 2013 17:43:28 -0700
Subject: Fwd: Meeting to Take Down PP
From: David Daleiden <[REDACTED]>
To: sue_cyr [REDACTED]

----- Forwarded message -----

From: David Daleiden <[REDACTED]>
Date: Tue, May 28, 2013 at 11:34 AM
Subject: Meeting to Take Down PP
To: [REDACTED]

Dear Mr. Ruddy,

My name is David Daleiden. I was Lila Rose's Director of Research for about five years from 2008 to early 2013, and I developed every major national investigation Live Action conducted during that time period.

I am now in California working independently on a long-term (approximately 1 year) investigation and expose of a startling and disturbing phenomenon in the abortion industry that makes Kermit Gosnell seem mild by comparison. The evidence I am gathering deeply implicates Planned Parenthood affiliates across the country in multiple felonies and can trigger severe legal and financial consequences for PP and their associates, while providing new justifications for state defunding efforts and turning public opinion against Planned Parenthood and abortion.

I will be in Boston for a few days next month doing active field work for this project. During that time, I would like to meet with you in person to discuss the details of this project and how we may be able to partner on it. Troy Newman, Albin Rhomberg, Mark Crutcher, and Dr. Janet E. Smith are all advising me in various ways, and Jim Holman and Frederic Clark have been helping with fundraising. Casey Mattox from ADF is flying to California to meet with me this afternoon to talk about maximizing the legal impact of the project.

I would be happy to meet you at the office in Natick or anywhere convenient in the Boston area at any time on Thursday, June 13. I will also be free the afternoon/evening of Wednesday, June 12.

Thank you for all of your hard work for the culture of life for so many years. Looking forward to speaking with you,

-David Daleiden
[REDACTED]

From: Ovide Lamontagne [REDACTED]
To: Megan Tilly [REDACTED]
Sent: Thu, 12 Mar 2015 14:53:50 -0500
Subject: RE: Follow-up

Thank you, Megan. Please let me know if you have any questions.

Ovide Lamontagne, Esq.

General Counsel

AMERICANS UNITED FOR LIFE

[REDACTED]
Washington, D.C. 20005

Direct: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

[Web](#) | [Email](#) |

AUL's number for the Combined Federal Campaign (CFC) is 11416

From: Megan Tilly [REDACTED]
Sent: Thursday, March 12, 2015 3:51 PM
To: Ovide Lamontagne
Subject: RE: Follow-up

Yes, I received it this afternoon and it is being logged into evidence. Thanks.

From: Ovide Lamontagne [REDACTED]
Sent: Thursday, March 12, 2015 2:52 PM
To: Megan Tilly
Subject: RE: Follow-up

Dear Megan:

I understand that our package was delivered by Federal Express to your office at 9:40 am local time. Would you kindly reply to this email to let me know you received it?

Thank you,

Ovide Lamontagne, Esq.

General Counsel

AMERICANS UNITED FOR LIFE

[REDACTED]
Washington, D.C. 20005

Direct: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

[Web](#) | [Email](#) |

AUL's number for the Combined Federal Campaign (CFC) is 11416

From: Ovide Lamontagne
Sent: Wednesday, March 11, 2015 5:27 PM
To: 'Megan Tilly'
Subject: RE: Follow-up

Dear Megan:

My colleague, David, has been able to organize the primary source materials more quickly than he expected. We will be shipping them today for delivery to you tomorrow.

Please let me know if you have any questions about the information provided after you have received it and have had an opportunity to review it.

Thank you,

Ovide

Ovide Lamontagne, Esq.

General Counsel

AMERICANS UNITED FOR LIFE

Washington, D.C. 20005

Direct:

Cell:

Fax:

[Web](#) | [Email](#) |

AUL's number for the Combined Federal Campaign (CFC) is 11416

From: Megan Tilly

Sent: Monday, March 09, 2015 3:44 PM

To: Ovide Lamontagne

Subject: RE: Follow-up

Ovide,

Thank you so much for the email. My direct line is . Please send the primary source materials via Federal Express to with the package directed to my attention. If you have any questions, please feel free to contact me anytime. Because I prosecute cases throughout the state, I am frequently on the road, so email is the best way to contact me.

Sincerely

Megan Tilly

Chief Assistant Attorney General

Multicounty Grand Jury Unit

Oklahoma Attorney General's Office

From: Ovide Lamontagne

Sent: Monday, March 09, 2015 12:31 PM

To: Megan Tilly

Subject: Follow-up

Dear Megan:

I am sending this email as a follow-up to our conference call this morning with Trent Shores, Melissa Houston, David and you. I very much appreciate your interest and that of your team, including General Pruitt, regarding the subject matter of our call.

In speaking with David after our call he believes he will be able to have the primary source materials organized and ready to transmit to you next Monday. I propose sending it via Federal Express for delivery directly to you on Tuesday. Please let me know if you have any preferences about the mode of transmission and/or any special instructions that we should provide the delivery company.

Below is my contact information, including cell phone. Please feel free to contact me anytime if you have any questions or need additional information. I look forward to working with you and your team.

All the best

Ovide

Ovide Lamontagne, Esq.

General Counsel

AMERICANS UNITED FOR LIFE

Washington, D.C. 20005

Direct: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

[Web](#) | [Email](#) |

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