

# “I want a Lamborghini!”

Opening Statement to the Jury by Horatio Mihet

Those were the words that Mary Gatter, a Planned Parenthood doctor, said to my client, Sandra Merritt, as they were dining at a very public restaurant in Pasadena, while negotiating the price that Planned Parenthood would charge Ms. Merritt for human livers, thymus, brains, hearts, lungs and other body parts.

Ladies and Gentlemen of the jury, my name is Horatio Mihet, and this morning I have the privilege of going last, and of representing Sandra Susan Merritt, a 66-year-old grandmother, whom you already met yesterday.

Now you may be asking yourself at the outset of this trial, “what in the world would compel a 66-year-old grandmother to leave

- her cozy couch,
- her crochet kit,
- her comfortable community, and
- her cherished children?

Why would she put on an undercover camera, get on a plane, assume an undercover identity and record Planned Parenthood doctors discussing their willingness to use what Doctor Gatter euphemistically called “less crunchy techniques” in order to obtain more intact – and valuable – human organs from aborted fetuses?

That certainly not my idea of a restful retirement, and it probably isn’t yours either.

Well, you won’t have to wait very long for an answer, because Ms. Merritt will take the stand either later today or tomorrow, and she will tell you EXACTLY why she did it.

Ms. Merritt will tell you that she received information and evidence that led her to believe that Planned Parenthood and others in the abortion industry were engaging in very serious criminal conduct, such as:

- profiting from the sale of human organs,
- changing abortion procedures to maximize the number and value of organs that could be sold, and
- even harvesting organs from human beings born alive during abortion procedures.

And as difficult as it was for Ms. Merritt to see and hear this evidence, she will tell you that she could not ignore it. She



believed that the public had a right to know that these things were taking place.

And so that’s why a previously private person like Ms. Merritt accepted Mr. Daleiden’s request to become an investigator for CMP and to record the videos that you will see in this trial.

Now, Planned Parenthood will argue that the videos were illegally recorded, because Ms. Merritt did not tell Planned Parenthood that she was recording. But Planned Parenthood’s own witnesses will readily acknowledge on the stand that if they knew that Ms. Merritt was recording, they would have never told her the things that they told her. Dr. Gatter will tell you that she would have never said that a “less crunchy technique” may be possible to get better human organs, and she certainly would not have asked for “a Lamborghini” while negotiating over the price of those organs.

Planned Parenthood will also argue that the videos were illegally recorded because its doctors thought that the conversations were private or confidential.

And they may show you a few selectively chosen clips to try to support their claim.

But I ask you to keep an open mind as you’re watching their clips, ladies and gentlemen, because when it is our turn, we’ll show you the parts that they leave out.

We’ll show the parts where numerous waiters and other complete strangers to the conversations stand or walk immediately next to the persons being recorded, where they could certainly overhear what was being said.

Among the many examples that you’ll see, there’s a part in the restaurant conversation between Susan Merritt, David Daleiden, Dr. Gatter and her colleague – Laurel Felczer – where a waiter comes to the table to refill the drinks, and he is literally reaching and hanging over the table, inches away from Ms. Felczer, while they keep talking about the same subject, in the same tone of voice without any worry that a complete stranger could overhear them.

And none of this was accidental, ladies and gentlemen. Mr. Daleiden and Ms. Merritt will both tell you that they were keenly

aware of the recording laws in California and elsewhere, and they knew that the law allows for the recording of conversations that could reasonably be expected to be overheard by others.

And so they'll tell you that they went out of their way to ensure that they ONLY record in public places, where non-participants to the conversations could overhear them.

They'll even tell you that they had invitations to visit private Planned Parenthood facilities in California, where they expected to gather even more evidence for their undercover investigation, but they turned those prime opportunities down because they did not want to run afoul of the law.

And so every time you watch a video and you see non-participants come within earshot to the conversations – and you'll see this A LOT – I would ask you to ask yourselves whether it is reasonable to think that those strangers could overhear those conversations, and I would also ask you to remember that it is not accidental.

Finally, ladies and gentlemen, on the issue of so-called “damages,” you're going to hear evidence from Planned Parenthood's own people, like Doctor Deborah Nucatola, who will tell you that she “didn't get the big deal” when she saw a

video of her conversation with Ms. Merritt and Mr. Daleiden publicly released. She will tell you that she doesn't care if the videos are released, and, more importantly, that she wasn't damaged by the videos.

And you'll hear evidence that the so-called “damages” that Planned Parenthood claims are actually nothing more than “damage control expenses” by Planned Parenthood to deal with the public's reaction to the videos recorded by CMP, which cannot be foisted upon Ms. Merritt.

So if Planned Parenthood wasn't damaged by Ms. Merritt, the question you may be asking yourself over the next six weeks is “why is she here,” and “why are we here.”

And we'll answer it for you as we go along, and as the evidence comes in, ladies and gentlemen.

And the answer that you'll find is that Planned Parenthood STILL wants its Lamborghini – a whole fleet of them actually – and they want you to make a 66-year-old grandmother pay for them.

We appreciate the opportunity to present our case to you and we thank you for hearing us out and giving us a fair shake.

#PrayForUs #PPSellsBabyParts #PrayForUs #PPSellsBabyParts #PrayForUs #PPSellsBabyParts

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## The Killing of Mice, and of Men

By JOHN ZMIRAK Published on September 20, 2019 - [TheStream.org](http://TheStream.org)

- Liberty Counsel is defending Sandra Merritt. Along with David Daleiden, she faces a political prosecution by the state of California.
- The trumped-up charges? That they violated Planned Parenthood's privacy by tape recording its employees in public places.

### Illegal to Treat Mice Like Fetuses

- [A] stem cell expert testified that hearts from *live aborted babies* procured from abortion providers are being used for research studies.
- Dr. Theresa Deisher, an expert in adult stem cell research ... testified. Deisher said she must go to great lengths as a cardiovascular researcher to make sure that *the mice* she studies do not suffer needless pain. [S]he would face ethical charges and go to jail if she cut beating hearts out of mice without anesthesia.
- Deisher also testified how horrified she was upon reading various studies involving baby human hearts procured from StemExpress. She knew those studies had to be conducted while the *hearts were still beating when cut out, without anesthesia*, from the aborted babies.
- She consulted with Daleiden before he and Merritt filmed the undercover videos. [Deisher] told them that the research methods discussed in these studies would have required fetal hearts.



Horatio Mihet, Sandra Merritt & Mat Staver

### “Shut Up,” They Explained

- Neither Planned Parenthood nor its advocate, the State of California, want people to hear such distressing things. It shatters their safe, suburban image. So Team Death tried to silence the witness, Liberty Counsel reports:

*Deputy Attorney General Johnette Jauron, tried to intimidate her from testifying by threatening to indict her as a “co-conspirator” because of the scientific advice she had provided Daleiden. Though Jauron had no legal basis for her action, Judge Christopher Hite told defense counsel that Deisher might need to consult a lawyer regarding her testimony... Deisher declined and proceeded with her powerful testimony.*

...

*Liberty Counsel's Horatio Mihet said, “As if the evidence of using beating hearts from human babies for research were not already grotesque. California's attorney general decided to make matters worse by illegally threatening to prosecute a witness to suppress the truth. We are thankful that the attorney general's transparent and desperate attempt at witness tampering and intimidation failed.”*

**LIBERTY COUNSEL**  
**ACTION**