

IN THE CIRCUIT COURT  
OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS, CHANCERY DIVISION

STERICYCLE, INC. and CHARLES A.	)	
ALUTTO,	)	
	)	
Plaintiff,	)	
	)	Case No. 16-CH-522
v.	)	
	)	
CREATED EQUAL PAC, MARK	)	
HARRINGTON, and DOES 1 through 100,	)	
inclusive,	)	
	)	
Defendants.	)	
	)	
	)	

**DECLARATION OF MARK HARRINGTON**

I, Mark Harrington, hereby swear and affirm the following:

1. I am a resident of the state of Ohio.
2. I am a full time pro-life activist and have been since 1998. I am currently the Executive Director of Created Equal, a role I have served in for nearly five years.
3. Before working for Created Equal, I worked as Executive Director of the Center for Bio Ethical Reform-Midwest for a decade, engaging in direct, pro-life activism.
4. Created Equal is a 501(c)(3) organization (“Created Equal”). Created Equal is a social action movement seeking to end the greatest human rights injustice of our time, abortion. Its goal is to restore the true meaning of equality to include equal protection between the born and the preborn.
5. Over the last three years, Created Equal has engaged in a number of grassroots campaigns aimed at abortion providers and, more recently, those who enable abortion providers. Each campaign is modeled in the same fashion. The selected individual or group receives a

letter stating that Created Equal is aware of their participation in the abortion industry, encouraging them to cease participation, and including a sample of postcards and billboards that may be used in an effort to publicly disclose this person's involvement in abortion. *See* <http://www.createdequal.org/projects/killers-among-us>.

6. The activities of Created Equal are always conducted in a completely peaceful manner. I have never been cited by the police for violating any law during any of these campaigns aimed at an abortion provider or those who enable them.

7. A number of these campaigns have been successful, with some individuals responding favorably to the initial letter and ceasing their participation in abortion immediately; others have born fruit later, after Created Equal has engaged in handbilling and other First Amendment activities.

8. During these campaigns, Created Equal highlights the participation of these individuals with the abortion industry to others in their neighborhood. It also urges neighbors and friends and others in the community to contact the individuals participating in the abortion industry to cease their involvement and business relationships with abortion providers.

9. No individual or entity has ever threatened me, or Created Equal, with a lawsuit or temporary restraining order as a result of our exercising our First Amendment right to handbill and disseminate information. Neither I, nor Created Equal, have never even been contacted by an attorney as a result of these activities until this instant lawsuit.

10. In October 2015, I saw a video taken undercover by David Daleiden at a National Abortion Federation conference, and leaked by GotNews.com in October 2015, where a Michigan abortion provider stated that abortion clinics were all "one incineration company away from being closed." As a result, I began planning Project Weak Link to inform the public about

the fact that disposal of aborted babies is the “weak link” in the abortion industry. *See* <http://www.createdequal.org/projectweaklink>.

11. In early December 2015, I read the Ohio Attorney General’s report, “Planned Parenthood Investigation Summary Regarding Disposal of Aborted Fetuses,” which confirmed my suspicions that Stericycle is responsible for the disposal of the bodies of aborted babies from Planned Parenthood clinics nationwide. Exh. A, *Ohio Atty. Gen. Report*.

12. A few days after the report was released, I watched the Ohio Attorney General’s press conference about the report’s findings. *See Attorney General Mike DeWine : Discussing the findings of Planned Parenthood investigation, available at:* <http://www.ohiochannel.org/video/attorney-general-mike-dewine-discussing-the-findings-of-planned-parenthood-investigation> (last accessed Apr. 5, 2016); *see also* Decl. of Jennifer Branch (declaring as to accuracy of uncertified transcript and including copy of said transcript), *Planned Parenthood of Ohio SW Region v. Richard Hodges*, Case No. 2:15-cv-03079-EAS-TPK (S.D. Ohio), *available at* [http://killersamongus.org/wp-content/uploads/2016/04/Transcript\\_of\\_Dewine\\_Press\\_Conference.pdf](http://killersamongus.org/wp-content/uploads/2016/04/Transcript_of_Dewine_Press_Conference.pdf) (last accessed Apr. 5, 2016).

13. In his press conference on December 11, 2015, Ohio Attorney General Mike Dewine explicitly said that after “requesting documents from Planned Parenthood, specifically where do they dispose of their aborted fetuses, they provided us with Stericycle.” *Id.*

14. The Attorney General also noted that “[t]here is a portion of the contract that the Bedford Heights Planned Parenthood has with Stericycle that says Stericycle will not accept fetuses[,]” and yet in regard to that same location, according to Planned Parenthood “Stericycle out of Illinois is the company that they give the fetuses to, transport the fetuses.” *Id.*

15. He further explicitly stated that, “we are told by Planned Parenthood’s attorney that fetuses are going to Stericycle.” *Id.*

16. Combined with the statements of abortionists in the leaked videos (*see* ¶10 above), the Ohio Attorney General’s report and information disclosed in his December 11, 2015, press conference formed the basis for the concept and implementation of Project Weak Link.

17. In January 2016, I began building the website for Project Weak Link, ProjectWeakLink.com (automatically directing to KillersAmongUs.org).

18. The information included on this website includes the Ohio Attorney General’s report, the quote from the abortionist at the National Abortion Federation conference stating that they are “one incineration company away from being closed,” videos of Stericycle trucks at Planned Parenthood locations, and a discussion of the causal connection between Stericycle’s business relationship with Planned Parenthood and Planned Parenthood’s ability to perform abortions.

19. On February 10, 2016, I sent a letter to Mr. Alutto at his office. *See* Exh. B. I explained to him that I had become aware of Stericycle’s involvement in the disposal of the bodies of aborted babies and explained that, as a consequence, Stericycle is complicit in the abortion of thousands of unborn children each year and is, in essence, permitting these killings to continue.

20. Attached to that February letter was a sample “postcard” that Created Equal had developed which we planned to distribute in the future as part of a local and national campaign. Also attached was a “mobile billboard” we proposed to show in his community.

21. The information shared on the postcard—Mr. Alluto’s home address and work phone number—is information that Created Equal located by searching on the internet. We have

never posted Mr. Alluto's home phone number online. I, on behalf of Created Equal, have many times in the past put the home address of individuals participating with abortion providers on similar postcards, without incident.

22. Around the same time as the letter was sent to Mr. Alutto, the Project Weak Link website went live.

23. I received no response to my February 10, 2016, letter and, on March 29 and 30, 2016, volunteers for Created Equal distributed the "postcard" in Mr. Alutto's neighborhood.

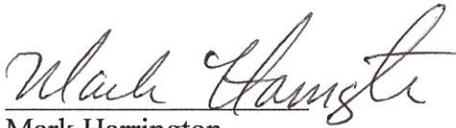
24. An article published on March 30, 2016, in the Daily North Shore, *LF Residents Object to Graphic Leaflet*, quotes Lake Forest Deputy Police Chief Karl Walldorf as saying, "Created Equal's activities were within the law." He further said, "There was nothing illegal about what they were handing out or the way they were doing it." See Exh. C.

25. Multiple instances of Stericycle pick-ups from Planned Parenthood have been reported to me by other activists nationwide.

26. For example, I have a photograph in my possession taken by John Noall of a large Stericycle truck leaving the parking lot of the Planned Parenthood clinic at 25350 Rockside Road, Bedford Heights, OH 44146 on Thursday, January 28, 2016. See Exh. D.

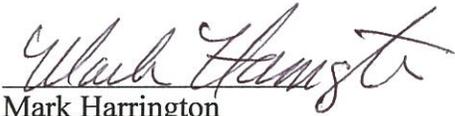
27. I have viewed other, similar pictures and read similar stories at the website <http://www.stopstericycle.com/evidence/>.

Further declarant saith naught.

  
Mark Harrington

Dated: April 5, 2016

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
Mark Harrington



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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## **Planned Parenthood Investigation Summary Regarding Disposal of Aborted Fetuses**

The Charitable Law Section team assigned to investigate the Planned Parenthood organizations sent Records Requests to the following entities: (1) each of the three Planned Parenthood regions in Ohio that contain an abortion clinic: Planned Parenthood Southwest Ohio, Planned Parenthood Greater Ohio, and Planned Parenthood Northeast Ohio; (2) two biological waste disposal companies – Stericycle, Inc. and Accu-Medical Waste Company – identified by the Planned Parenthood organizations as the facilities used to dispose of aborted fetuses; (3) four financial institutions: Key Bank, PNC Bank, Huntington Bank, and Chase Bank – where Planned Parenthood conducts its respective banking; and (4) DNA Diagnostics Center and LabCorp, Inc. – two Ohio companies that either conducted or possibly conducted testing on fetuses or fetal tissue obtained from abortion procedures. With the exception of LabCorp, Inc., each of these organizations responded to our Records Requests and those responses produced in excess of 66,000 pages of documents, all of which were individually examined by team members.

The investigation proceeded essentially along two separate tracks – one focusing on the disposal of aborted fetuses, the other examining Planned Parenthood’s financial transactions – to determine whether any of its Ohio-based facilities engaged in the sale or donation of fetuses or fetal tissue to research companies.

According to publicly available Ohio Department of Health records, 21,186 abortions were performed in 2014 and 23,216 were performed in 2013. It became readily apparent following the receipt of the Planned Parenthood responses that there was no means by which the team could account for the fetuses comprising those totals. Instead, the waste company records showed little more than the number of containers collected, the weight or volume of the containers, the collection location, the final destination for the containers, and the disposal method for the biological materials. The investigation would have undoubtedly benefited from a legal requirement mandating that providers of abortion services document the disposition of each and every fetus taken as a result of an abortion procedure. Absent such a requirement, the team was unable to conclude with certainty that no Planned Parenthood organization engages in transaction of fetuses or fetal tissue.

The amount of documents produced as a result of the Records Request gave no indication of any sort of fetal tissue transactions. During the course of our investigation, however, we learned that aborted fetuses are ultimately disposed of in a landfill. We spoke personally with Accu-Medical Waste’s Vice-President, Doug Parks, regarding his company’s acceptance of aborted fetuses for disposal. He explained that his company auto-claves the biological waste – including the aborted fetuses. The autoclave procedure involves steam cooking the biological waste to kill off any infectious materials. Mr. Parks further explained that his company ultimately disposes of the treated biological waste, including the aborted fetuses, at a landfill in the State of Kentucky. Accu-Medical Waste services Planned Parenthood facilities in Central and Southwest Ohio.

Exh. A



# MIKE DEWINE

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Another issue of some importance resulting from this investigation centered on Planned Parenthood Northeast Ohio's disposition of fetuses following abortion procedures. The three Planned Parenthood organizations – Southwest Ohio, Greater Ohio, and Northeast Ohio – use two biological waste disposal companies: Stericycle, Inc. and Accu-Medical Waste Company. Early in the investigation, it was noticed that the Stericycle contracts contain a provision in its Regulated Medical Waste Acceptance Policy that specifically states it cannot accept human remains including fetuses. It was further noticed that the Planned Parenthood-Northeast Ohio records show that since April, 2014, it has used only Stericycle to dispose of its biological waste (including aborted fetuses) despite that contract language. I contacted Planned Parenthood's counsel to confirm that Planned Parenthood-Northeast Ohio uses only Stericycle to dispose of its aborted fetuses and they indeed confirmed that fact. I then contacted an official from Stericycle, Selin Hoboy, Vice-President of Legislative And Regulatory Affairs, who confirmed that Stericycle, per the contract language, does not accept fetuses and that there are no Planned Parenthood organizations excepted from that prohibition.

February 10, 2016

Charles A. Alutto  
President and CEO  
Stericycle, Inc.  
28161 North Keith Drive  
Lake Forest, IL 60045

Dear Mr. Alutto,

It has come to my attention through the Ohio Attorney General's report [Planned Parenthood Investigation Summary Regarding Disposal of Aborted Fetuses](#) that Stericycle disposes of aborted children and the instruments used to kill them for Planned Parenthood facilities in Ohio. According to the investigative summary, Planned Parenthood— Northeast Ohio's records show that it has used only Stericycle to dispose of its medical waste since April 2014 (including aborted fetuses).

Additionally, Planned Parenthood's legal counsel indeed confirmed that Planned Parenthood— Northeast Ohio uses only Stericycle to collect, transport and dispose of aborted children and the instruments used to kill them. Stericycle has also been documented picking up medical waste at abortion facilities in several cities across the nation.

Despite these findings, Selin Hoboy, Vice-President of Legislative and Regulatory Affairs, has said that Stericycle "does not accept fetuses" in accordance to your Regulated Medical Waste Acceptance Policy. This is merely a semantic ploy. According to the policy, Stericycle will not accept "complete human remains," which includes fetuses. However, babies are not "complete" after being dismembered, decapitated, and disemboweled in standard abortion methods. Their broken parts and torn tissue are categorized by Stericycle as "pathological waste"—defined as "human or animal parts, organs, tissues, and surgical specimens—which you do accept. So while your company may not be picking up intact fetuses, you do accept aborted babies' fragmented body parts. Stericycle uses this technical exemption to justify your continued collaboration in child-killing.

The purpose of this letter is to give Stericycle an opportunity to stop disposing of aborted fetuses and the instruments used to kill them from Planned Parenthood facilities in the state of Ohio and elsewhere. Providing this service to Planned Parenthood enables the killing of preborn children. Planned Parenthood depends upon the services of medical waste companies to dispose of dead babies. Without those services, Planned Parenthood would be unable to dispose of the babies they kill and the murder of millions of innocent children by Planned Parenthood would likely halt.

**The bottom line is: Stericycle should stop doing the dirty work of Planned Parenthood. If Planned Parenthood wants to kill babies, it should have to deal with the dead bodies itself.**

Should Stericycle choose to continue enabling Planned Parenthood's abortion practice through an agreement to dispose of aborted fetal remains, we will make your collaboration known through a local and nationwide public awareness campaign. We have included a sample postcard which is customized with your photo, name, and home address so that the public, including your neighbors, would be able to appeal to you to stop enabling the killing of preborn humans. Your name, and Stericycle's board member's names and photos, would also be added to mobile billboards, which we would display in your community.

If you review our website, you will see that we have already conducted successful public awareness campaigns exposing abortionists and their enablers. These campaigns connect those who enable abortionists with the abortion victims in whose deaths they are participating. Our efforts include—but are not limited to—mobile billboards mounted on trucks driven through neighborhoods of enabling individuals and postcards delivered to their neighbors' homes—both of which show pictures of the enablers juxtaposed with a photo of abortion victims. We also list the enablers on our website (see [KillersAmongUs.org](http://KillersAmongUs.org)).

We also have heard that Accu-Medical, one of the Ohio companies which previously disposed of fetal remains for Planned Parenthood, has reportedly severed their agreement to dispose of aborted fetuses due to the “adverse attention” they received as a result of their affiliation with abortion.

There is no doubt that your continued collaboration with Planned Parenthood would lead to similar adverse attention. Last summer and fall, Created Equal helped lead 100,000 activists to protest at over 600 Planned Parenthood clinics in each of the fifty states. Needless to say, we are capable of mounting serious opposition to Stericycle (See [ProtestPP.com](http://ProtestPP.com)).

Stericycle serves an important role in disposing of legitimate medical waste but is complicit in the deaths of thousands of preborn children. We urge you to discontinue providing Planned Parenthood your services to dispose of aborted children and the instruments used to kill them and thus avoid the “adverse attention” this will bring to your company and the individuals you employ.

If you have questions or concerns, please do not hesitate to contact me at the number or email below. We hope that you will soberly consider this matter and pursue a resolute course of action against the injustice of murder by abortion.

Very Respectfully,



Mark Harrington, National Director, Created Equal  
614.269.7808, [mark@createdequal.org](mailto:mark@createdequal.org) Enclosures (2):  
Sample billboard sign, and postcard.

# DAILY NORTH SHORE

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## LF Residents Object to Graphic Leaflet

by *Steve Sadin* (<http://jwcdaily.com/author/steve-sadin/>) •

March 30, 2016

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3



A member of the group that was distributing fliers on front doors in Lake Forest on March 29 and 30. Photo from the organization's Twitter feed.

LAKE FOREST — Graphic anti-abortion leaflets left at the front doors of Lake Forest homes are causing a strong reaction from residents, though none of the activity is illegal.

Created Equal, an Ohio-based anti-abortion organization, sent people door to door here March 29 and 30 to distribute fliers in residential neighborhoods near at least one elementary school. The flier claims Lake Forest-based Stericycle disposes of aborted fetuses, and it calls on people to contact the company and its president-CEO, who lives in town.

“This is an unfortunate situation and I believe Stericycle is being unfairly targeted,” Stericycle President-CEO Charles A. Alutto said in an email to *Daily North Shore*. A company spokesperson said Stericycle’s policy does not allow disposal of fetuses.

The flier includes a graphic image of what the abortion-rights group claims is a fetus aborted at 15 weeks of gestation.

“This is obscene,” Lake Forest resident Lynette Paulsen said in a *Daily North Shore* interview. “I would not want children to pick it up and freak out. This is grossly inappropriate.”

Lake Forest resident Michelle Horner said she saw three teenagers distributing the flier to homes on Telegraph Road just north of Lawrence.

“I spotted them as I was getting my kids into the car after playing at the park after school,” Horner told *Daily North Shore*. “I knew the flier was being put at front doors after a friend told me. I approached them and told them whether or not I agreed with the ‘point,’ it was wrong to put graphic

pictures and leave them for my 7 and 4 year olds to see at the front door. The three were maybe 16 to 18 years old. They felt proud about what they were doing, but I explained this was going about it the wrong way!”

Paulsen said she has seen more than 70 critical comments (and counting) on a local, private Facebook page and nothing positive. But Lake Forest Deputy Police Chief Karl Walldorf said Created Equal’s activities were within the law.

“There was nothing illegal about what they were handing out or the way they were doing it,” Walldorf told *Daily North Shore*. “We have been taking complaints from residents and from some of the canvassers who didn’t like the way they were treated.”

Paulson said she started communicating with her neighbors to let them know what was going on in the neighborhood. “I texted my neighbors and let them know so they could pick them up before the school bus brought their children home,” Paulsen said. “They texted back ‘thank you.’”

Mark Harrington, Created Equal’s national director, said it was unfortunate children might see the image but that it was a price worth paying to prevent abortion.

“We are trying to put information out there,” Harrington said in an interview with *Daily North Shore*. “We do not intend to (target) children.”

One of the services Stericycle offers its customers is disposal of regulated medical waste, according to Jennifer Koenig, vice president of corporate communications. She said the company’s policy does not allow disposal of fetuses.

“Stericycle’s agreement with customers clearly prohibits fetuses,” Koenig said in an email to *Daily North Shore*.

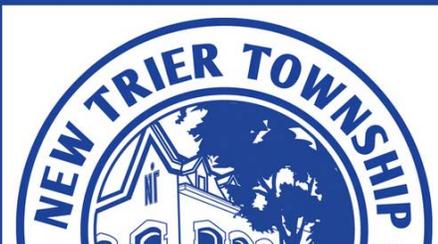
But an investigation by Ohio Attorney General Mike DeWine found Stericycle has disposed of aborted fetuses. Dan Tierney, DeWine’s spokesman, told *Daily North Shore* that an investigation into Planned Parenthood’s disposal of aborted fetuses found the organization put the material in containers, and that Stericycle took and disposed of the containers. Tierney said that when questioned, Stericycle representatives told the Attorney General’s Office the company was unaware there were any fetal parts in the containers from Planned Parenthood.

Koenig denied Stericycle intentionally disposed of fetal tissue. “Stericycle’s contracts with customers clearly states that fetuses should not be included with materials handled by Stericycle,” Koenig said in the email to *Daily North Shore*. “If a specific customer has indicated that it gave this to Stericycle, it has done so in violation of our contract.”

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**EXH. D**