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Amandeep S. Sidhu
Attorney at Law
[redacted]

May 6, 2016

DELIVERED VIA EMAIL

The Honorable Marsha Blackburn
Chair, Select Investigative Panel
House Energy & Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20510

The Hon. Jan Schakowsky
Ranking Member, Select Investigative Panel
House Energy & Commerce Committee
2322A Rayburn House Office Building,
Washington, DC 20515

Re: StemExpress Response to Chairman Blackburn's April 28 Letter to StemExpress

Dear Chairman Blackburn & Ranking Member Schakowsky:

On behalf of our client, StemExpress LLC ("StemExpress"),[1] this letter responds to Chairman Blackburn's April 28, 2016 letter addressed to StemExpress's CEO, Cate Dyer. The Chairman's letter raises several issues regarding perceived deficiencies in StemExpress's production of documents and information to the Select Panel. The factual record demonstrates that the Majority is mistaken in its characterizations of the company's responses to the Select Panel's investigation. The Chairman's most recent letter perpetuates an incorrect narrative of "non-cooperation" that is not supported by the facts.

Chronology of StemExpress's Responses to Select Panel

From the outset of the Select Panel's investigation, StemExpress has endeavored to respond to each of the Majority's requests – whether voluntarily or in response to various subpoenas. Upon receipt of Chairman Blackburn's December 17, 2015 letter requesting documents, StemExpress's counsel immediately contacted the Majority's staff and offered to produce all documents that were previously produced to the House Oversight & Government Reform Committee and the Senate Judiciary Committee. This volume of over 200 pages of documents was produced to the Select Panel three business days later, complementing over 700 pages of materials that were

[1] StemExpress is a privately held life sciences company that supports leading research institutions in the United States and internationally—including medical schools, pharmaceutical companies, and federal agencies—to provide stem cells and other human tissue critical to medical research. Cells produced by the physicians, scientists, medical technicians and nurses at StemExpress are currently used in research globally aimed at finding cures and treatments for cancer, diabetes, HIV/AIDS, cardiac disease, and other significant medical conditions. StemExpress plays a critical role in helping the global research community as they strive to achieve medical breakthroughs to stamp out global disease and improve quality of life.

produced to the House Energy & Commerce Committee in its earlier investigation. Based on explicit agreements with the Majority staff, StemExpress made two additional productions spanning over 400 pages of materials that responded to nearly all of the Majority's requests. Borne out of specific death threats directed and StemExpress and its employees[2] and the murderous attacks at a Planned Parenthood clinic in Colorado,[3] StemExpress only questioned three areas of inquiry based on demonstrably legitimate safety and security concerns: (1) identification of individual StemExpress employees and the identification of individual scientists and researchers employed by StemExpress's fetal tissue customers; (2) identification of StemExpress's fetal tissue customers; and (3) identification of independent (*i.e.*, non-Planned Parenthood) women's clinics that have partnered with StemExpress to support fetal tissue procurement.

The Select Panel Majority subsequently issued a subpoena on February 12, 2016. StemExpress's counsel again conferred with the Majority staff and indicated that the company would respond completely to the request to identify StemExpress's fetal tissue customers and independent clinics once those entities could be contacted and advised to take necessary safety and security arrangements that could result the Select Panel's inquiry. StemExpress produced this information in full two weeks after receipt of the February 12 subpoena. Through subsequent discussions with the Majority staff, StemExpress also agreed to produce "roll-up" reports generated from the company's accounting system to reflect all fetal tissue transfers from January 1, 2011 through December 31, 2015. StemExpress produced the accounting reports for 2014 and 2015 on March 28 and indicated that the reports for 2011-2013—which were being pulled from a separate accounting system—would follow shortly. Amid StemExpress's continued cooperation and commitment to produce the remaining accounting records the following week, the Majority nonetheless issued additional subpoenas on March 29 that, in part, requested the *very information* that StemExpress had already agreed to produce. Nonetheless, StemExpress produced the remaining accounting reports for fetal tissue transfers from 2011-2013 on April 11, along with additional documents responsive to the March 29 subpoenas and documents voluntarily produced in response to separate requests from the Majority's staff.

Combined with the earlier productions to the Energy & Commerce Committee, StemExpress has produced over 1,600 pages of documents in response to the Majority's various inquiries. Below is an index of the productions that have been made by StemExpress in response to the various requests for information.

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[2] Mark Anderson, *Anti-abortion activist pleads guilty to threatening StemExpress CEO*, SACRAMENTO BUSINESS JOURNAL (Apr. 19, 2016), http://www.bizjournals.com/sacramento/news/2016/04/19/anti-abortion-activist-pleads-guilty-death-threats.html.

[3] Jack Healy, *Documents Detail Scene of Planned Parenthood Shooting in Colorado Springs*, THE NEW YORK TIMES (Apr. 11, 2016), http://www.nytimes.com/2016/04/12/us/documents-detail-scene-of-planned-parenthood-shooting-in-colorado-springs.html?_r=0.

Production No.	Production Date	Bates Range
Prior Production to House E&C	August-September 2015	STEM.HOUSE.EC_0001-0710
1	December 22, 2015	STEM.HOUSE.SELECT_0001-226
2	January 15, 2016	STEM.HOUSE.SELECT_0227-282
3	February 1, 2016	STEM.HOUSE.SELECT_0283-659
4	February 26, 2016	STEM.HOUSE.SELECT_0660-661
5	March 4, 2016	STEM.HOUSE.SELECT_0662-663
6	March 14, 2016	STEM.HOUSE.SELECT_0664-705
7	March 28, 2016	STEM.HOUSE.SELECT_0706-712
8	April 11, 2016	STEM.HOUSE.SELECT_0713-891
9	April 19, 2016	STEM.HOUSE.SELECT_0892-907

Additionally, we have compared Appendix A in Chairman Blackburn's letter, described as "StemExpress Production Log," with the actual productions made by the company since December 2015. *See* Appendix A: Corrected StemExpress Production Log. *With very few exceptions, nearly every single characterization of the status of StemExpress's productions to date is inaccurate. Id.* In at least twelve instances, the Majority characterizes StemExpress's response as "no" when, in fact, the company has *already completed its production*. *Id.* These misstatements perpetuate the factually incorrect narrative of noncooperation that is apparently being promulgated by the Majority.

StemExpress's Future Responses to Select Panel

StemExpress is committed to cooperating with the Select Panel's investigation. However, we ask for fairness and accuracy in the Select Panel's characterization of StemExpress and the company's responses in this investigation. This concern was made readily apparent in the April 20 hearing entitled "The Pricing of Fetal Tissue," when the Majority used documents purporting to be from StemExpress that were apparently from the stolen cache of materials held by David Daleiden and the Center for Medical Progress. *See* Exhibit A, Letter from StemExpress to Chairman Blackburn re April 20 Hearing Exhibits (Apr. 19, 2016). Member of the press picked up incorrect statements of facts from these exhibits and repeated them to the American public.[4]

StemExpress also remains gravely concerned about the Majority's insistence on "naming names" of individual researchers associated with StemExpress's customers and identifying StemExpress personnel without any explanation of why this information is required. To date, the Majority has not provided any explanation as to why it needs the names of all StemExpress personnel rather than accept the witnesses that have been offered, including a corporate witness to provide

[4] *See, e.g.*, Rachel Stoltzfoos, *Two Sickening Charts Show Explosive Growth Of Fetal Tissue Buyer*, THE DAILY CALLER (Apr. 30, 2016), http://dailycaller.com/2016/04/30/two-sickening-charts-show-explosive-growth-of-fetal-tissue-buyer/ (citing to the Majority's Exhibit B4 as evidence that StemExpress worked with 250 abortion clinics in 2016 when, in fact, StemExpress has never actively procured fetal tissue from more than *nine clinics*, and that was in 2012; in 2016 that number is *only four*).

testimony consistent with Fed. R. Civ. P. 30(b)(6) on the fetal tissue procurement process. While the Chairman is correct that an investigatory Congressional committee has broad power of inquiry, the U.S. Supreme Court has made clear and that this power "is not unlimited" and "[t]here is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress." *Watkins v. United States*, 354 U.S. 178, 187 (1957). It is also important to note that "Congress [is not] a law enforcement or trial agency," as "[t]hese are functions of the executive and judicial departments of government." *Id.* The Majority seems intent on inappropriately to be acting as if it is a law enforcement agency, a function that is reserved for the Executive Branch.[5] With regard to the Majority's unwavering demand to collect names of individuals without providing a justifiable basis or demonstrating pertinence, the Majority should note that "[n]o inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Id.*; *see also United States v. Rumely*, 345 U.S. 41, 47 (1953).

The Chairman's letter cites to *Ashland Oil*, *Exxon Corp.*, and *FTC v. Owens-Corning Fiberglass Corp.* to stand for the proposition that witnesses must provide Congressional committees materials that could pose serious safety and security concerns for the witnesses because "committees of Congress will exercise their powers responsibly and with due regard for the rights of affected parties." However, as the D.C. Circuit in *Owens-Corning* noted, "[b]oth *Ashland* and *Exxon* leave open the possibility of judicial intervention to block the FTC's release to Congress of data containing trade secrets, if the owners of that data can establish that it is likely that Members of Congress or Congressional employees will act irresponsibly, such as by demonstrating a history of past releases by them to the public of data containing trade secrets." *F.T.C. v. Owens-Corning Fiberglass Corp.*, 626 F.2d 966, 981 (D.C. Cir. 1980).

StemExpress and its employees were directly targeted by an individual who was investigated by the FBI, arrested and prosecuted by the U.S. Department of Justice, and recently pled guilty in federal court for his illegal death threats. StemExpress has made the Majority aware of these concerns on numerous occasions, but has received little by way of assurance that the Majority will ultimately protect the names of any individual employees. The Chairman's recent focused attention on StemExpress's CEO—including the April 28 letter itself, which was made public with a May 2 press release that unequivocally "names names"—raises additional questions about the protection of individuals' identities involved in the Select Panel's investigation. Ultimately, StemExpress's narrowly tailored interest in the safety of individual employees and client personnel outweighs the Majority's claim to certain information. *Cf. Bergman v. Senate Special Comm. on Aging*, 389 F. Supp. 1127, 1130 (S.D.N.Y. 1975) (citing *Watkins*, 354 U.S. 178 ("[W]here the inquiry or the request for documents is not 'justified by a specific legislative

[5] *See Select Investigative Panel Issues Subpoenas for StemExpress Accounting & Banking Records*, Energy & Commerce Cmte. (May 5, 2016), https://energycommerce.house.gov/news-center/press-releases/select-investigative-panel-issues-subpoenas-stemexpress-accounting ("[d]ocuments uncovered by our investigation so far point to the very troubling possibility that StemExpress may have violated federal law by profiting from the sale of baby body parts).

need,' the threat of a violation of an individual's constitutional rights, including his or her 'personal interest in privacy,' outweighs any right the Subcommittee might claim to the subpoenaed documents and requires that disclosure not be compelled.").

Select Panel Majority's Latest New Requests to StemExpress

As outlined in the earlier discussion, the Majority has consistently "moved the goalposts" over the past several months to perpetuate an inaccurate narrative of noncooperation. The Chairman's April 28 letter does this once more by adding over a dozen *new* requests for extensive financial and accounting information. These 13 new requests, listed below, cover a large volume of reports and data, some of which has already been produced but much of which is not pertinent to the Select Panel's scope of inquiry authorized by H. Res. 461.

Request No.	Description
1	All StemExpress accounting records, including but not limited to accounting memoranda related to the cost and pricing of fetal tissue.
2	Copies of all invoices (by month and year), reflecting the billing that Stem Express issued to all institutions or entities to which StemExpress donated or provided fetal tissues for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
3	Copies of all invoices (by month and year), reflecting the billing that Stem Express issued to all institutions or entities to which StemExpress donated or provided fetal tissues for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
4	Copies of all invoices (by month and year) reflecting the billing or payment of funds for fetal tissues obtained by StemExpress for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
5	A copy of any chart of accounts for StemExpress, including but not limited to account descriptions from any financial recording system relating to StemExpress.
6	All documents reflecting StemExpress' statement of revenues (i.e., a breakdown by product categories) for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
7	All documents reflecting StemExpress' record of costs and expenses (i.e., a breakdown by operations, including fetal tissue acquisition) for administrative costs and expenses as well as compensation and benefits, for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Where applicable, records should include identification of vendors and descriptions of expenses.
8	StemExpress' balance sheets for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.
9	StemExpress' income statements, including but not limited to any profit and loss statements, statements of operations and statements of activities for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.
10	Copies of StemExpress' filed tax returns for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
11	All StemExpress bank statements from any financial institution where StemExpress has

Request No.	Description
	maintained an account for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
12	Documents sufficient to show how StemExpress calculates(d) the cost of a fetal tissue and all factors applied in determining pricing of fetal tissue. In lieu of these documents, you may provide a written explanation.
13	All communications and documents to or from the Director of Finance, Finance Manager, Accountant Manager, or equivalent position(s).

The new requests also expand the scope of the earlier investigation by adding 2010, whereas all prior requests were limited to 2011 through 2015. In light of the Majority's interactions with StemExpress in recent months, the company will not be responding to these new requests unless and until a subpoena requesting this new information is duly served. StemExpress will, however, begin collecting documents responsive to these new requests and determining what information is pertinent to the Select Panel's investigation and could be produced in response to a future subpoena, which we assume will be forthcoming.

* * * * *

StemExpress remains committed to responding to the Select Panel's inquiries, but respectfully implores upon the Chairman and the leadership of the Majority party to restore a sense of order and decency to this investigation. We are certainly willing to work with the Majority staff—in conjunction and consultation with the Minority staff—to reach common ground and provide requested information in a reasonable but timely manner. However, the ever-shifting prerogative of the Majority staff, including reneging on explicit agreements reached during the course of the investigation, and the recent foray into law enforcement by the Majority members on the Select Panel, all raises serious questions about purpose and legitimacy of this investigation.

If you have any questions about this correspondence, please do not hesitate to contact me at [redacted]

Sincerely,

Amandeep S. Sidhu

Encl.

cc (via email w/encl.):

Kerry W. Kircher, General Counsel, U.S. House of Representatives
Karen Christian, General Counsel, Committee on Energy and Commerce

Mark Epley, General Counsel, Office of the Speaker
Jo-Marie S. Green, General Counsel, Office of the Minority Leader
March Bell, Select Panel Majority Staff Director
Heather Sawyer, Select Panel Minority Chief Counsel

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
A list of all entities, including firms, corporations, non-profit organizations, and educational institutions, from which StemExpress receives or procures fetal tissue.	December 17, 2015 Letter from Majority, Request No. 1	NO	RESPONSE COMPLETE StemExpress provided an initial response to this request on **January 15, 2016** and an additional, final response on **March 14, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0227 STEM.HOUSE.SELECT_0664
A list of all entities, including firms, corporations, non-profit organizations, and educational institutions, to which StemExpress sells or donates fetal tissue.	December 17, 2015 Letter from Majority, Request No. 2	NO	RESPONSE COMPLETE StemExpress provided an initial response to this request on **January 15, 2016** and an additional, final response on **March 14, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0228 STEM.HOUSE.SELECT_0664-665
A list of all entities, including firms, corporations, non-profit	December 17, 2015 Letter from	NO	RESPONSE COMPLETE

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Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
organizations, and educational institutions, to which StemExpress transferred, subcontracted or sold any business interest or business assets related to the procurement or sale of fetal tissue.	Majority, Request No. 3		StemExpress initially responded to this request on **January 15, 2016** and provided a final, complete response on **February 1, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0283
An organization chart that details StemExpress personnel that procure fetal tissue at the clinic level and the supervisory personnel for those procurers of fetal tissue.	December 17, 2015 Letter from Majority, Request No. 4	NO	RESPONSE COMPLETE An organizational chart was produced on **January 15, 2016** along with an explanatory statement regarding the categories of StemExpress personnel involved in the procurement of fetal tissue. On **March 14, 2016,** StemExpress identified a corporate witness to provide testimony regarding fetal tissue procurement. To date, this individual has not been approached to provide testimony to the Select Panel. The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0227-282 STEM.HOUSE.SELECT_0230 STEM.HOUSE.SELECT_0241

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
			STEM.HOUSE.SELECT_0666
All communications, whether internal or external, that direct StemExpress personnel to procure fetal tissue, including, but not limited to memoranda, emails, telephone messages, and purchase orders or bills of sale.	December 17, 2015 Letter from Majority, Request No. 5	NO	ADDITIONAL RESPONSE TBD StemExpress reached an express agreement with the Majority staff limiting this request to a four-month period (January-April 2015), selected by the Majority staff. These documents were produced to the Select Panel on **February 1, 2016.** StemExpress will produce additional invoices for fetal tissue transfer on or before **May 13, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0284 STEM.HOUSE.SELECT_0290-651
All accounting records including accounting memoranda related to the cost and pricing of fetal tissue.	December 17, 2015 Letter from Majority, Request No. 6	NO	RESPONSE COMPLETE StemExpress produced an initial response to this request on **January 15, 2016.** Additional documents responsive to this request were produced on **April 19, 2016.** The following documents are specifically responsive to

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
			this request: STEM.HOUSE.SELECT_0042-44 STEM.HOUSE.SELECT_0232-233 STEM.HOUSE.SELECT_0892-897 STEM.HOUSE.EC_0675-0695
All specific requests made to StemExpress for fetal tissue made by any and all firms, corporations, non-profit organizations, educational institutions, or other entities, including, but not limited to, order lists, billing records, payment records, payment vouchers, and receipts.	December 17, 2015 Letter from Majority, Request No. 7 (duplicate)	NO	RESPONSE COMPLETE StemExpress reached an express agreement with the Majority staff limiting this request to a four-month period (January-April 2015), selected by the Majority staff. These documents were produced to the Select Panel on **February 1, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0284 STEM.HOUSE.SELECT_0290-651
All documents relating to the purchase, ownership, or rental by StemExpress of equipment involving fetal tissue research, the preparation of fetal tissue	December 17, 2015 Letter from Majority, Request No. 8 (duplicate)	NO	RESPONSE COMPLETE StemExpress produced a complete and final response to this request on **February 1, 2016.**

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
for research, the modification of fetal tissue into cell lines, or any other actions taken by StemExpress related to fetal tissue, including but not limited to, the date the equipment was purchased, its purchase price, its maintenance costs, and records of the depreciation treatment under the tax code of any such equipment.			The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0286 STEM.HOUSE.SELECT_0290-651
An inventory record of all fetal tissues obtained, sold, or retained by StemExpress, as well as an inventory of current fetal tissue including, in particular, any records that refer to multiple tissue samples or organs or body parts harvested from a single fetus.	December 17, 2015 Letter from Majority, Request No. 9	NO	RESPONSE COMPLETE StemExpress produced a complete and final response to this request on February 1, 2016. The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0287 STEM.HOUSE.SELECT_0290-651

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
List of all institutions or entities to whom you have donated or provided fetal tissues for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST These materials were requested for the **first time** in Chairman Blackburn's **April 28, 2016** letter. StemExpress is awaiting issuance of a subpoena before producing additional documents in response to these requests. StemExpress will nonetheless begin collecting documents responsive to this request and will be in a position to provide a reasonable production schedule upon receipt of a subpoena. This explanatory note is referenced below for each of the Majority's new requests.
Copies of all transaction logs and invoices (by month and year) you issued to all institutions or entities to whom you have donated or provided fetal tissues for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
List of all institutions or entities from whom you have obtained fetal tissues for the five years ended 2010, 2011,	April 28, 2016 Letter from Chairman Blackburn	NO	NEW REQUEST See explanatory note above.

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
2012, 2013, 2014 and 2015.	REQUESTED FOR FIRST TIME		
A copy of your chart of accounts including account descriptions from your financial recording system.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Trial balance and trial balance details for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Statement of revenues - breakdown by product (fetal tissue) categories for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Record of expenses - breakdown by operations (including fetal tissue	April 28, 2016 Letter from Chairman Blackburn	NO	NEW REQUEST See explanatory note above.

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
acquisition), administration, as well as compensation and benefits for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015. Where applicable, record should include vendors and description of expenses.	REQUESTED FOR FIRST TIME		
Balance sheet for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Income statement (or profit & loss statement, or statement of operations) or statement of activities) for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Copies of filed tax returns for	April 28, 2016 Letter	NO	NEW REQUEST

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Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	from Chairman Blackburn REQUESTED FOR FIRST TIME		See explanatory note above.
All monthly bank statements from all banks where you own accounts for the five years ended 2010, 2011, 2012, 2013, 2014 and 2015.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
Explain your cost structure and factors applied in determining the cost of a fetal tissue.	April 28, 2016 Letter from Chairman Blackburn REQUESTED FOR FIRST TIME	NO	NEW REQUEST See explanatory note above.
All communications and documents relating to StemExpress employee compensation resulting from or relating to fetal tissue	February 12, 2016 Subpoena to StemExpress, Spec. No. 3	NO	RESPONSE COMPLETE StemExpress produced documents responsive to this request on **March 14, 2016.**

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
samples procured by current and former StemExpress personnel or other persons or entities that transact business with StemExpress.			The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0666 STEM.HOUSE.SELECT_0664-705
All communications and documents that identify any federal, state, or local government funds received, directly or indirectly, by StemExpress.	February 12, 2016 Subpoena to StemExpress, Spec. No. 4	YES	RESPONSE COMPLETE StemExpress produced documents responsive to this request on **March 14, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0667
All communications referring or relating to abortion or fetal tissue between StemExpress and any federal, state, or local government officials or employees.	February 12, 2016 Subpoena to StemExpress, Spec. No. 5	YES	RESPONSE COMPLETE StemExpress produced documents responsive to this request on **March 14, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0667

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
All communications and documents regarding any direction to StemExpress current or former personnel with respect to the procurement or disposal of fetal tissue.	February 12, 2016 Subpoena to StemExpress, Spec. No. 6	NO	RESPONSE COMPLETE StemExpress reached an express agreement with the Majority staff limiting this request to a four-month period (January-April 2015), selected by the Majority staff. These documents were produced to the Select Panel on **February 1, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0284 STEM.HOUSE.SELECT_0290-651
All communications and documents that StemExpress utilizes to obtain patient consent for fetal tissue at any clinic.	February 12, 2016 Subpoena to StemExpress, Spec. No. 7	YES	RESPONSE COMPLETE StemExpress produced documents responsive to this request on **March 14, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0668 STEM.HOUSE.SELECT_0664-705

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Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
All communications and documents, including but not limited to accounting memoranda, referring or relating to the cost and pricing of fetal tissue by StemExpress.	February 12, 2016 Subpoena to StemExpress, Spec. No. 8	NO	RESPONSE COMPLETE StemExpress produced an initial response to this request on **January 15, 2016**. Additional documents responsive to this request were produced on **April 19, 2016**. The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0042-44 STEM.HOUSE.SELECT_0232-233 STEM.HOUSE.SELECT_0892-897 STEM.HOUSE.EC_0675-0695
All communications and documents, sorted by customer, referring or relating to requests or orders made to StemExpress regarding fetal tissue and the amount paid by each customer to StemExpress.	February 12, 2016 Subpoena to StemExpress, Spec. No. 9	NO	RESPONSE COMPLETE StemExpress reached an express agreement with the Majority staff to produce an accounting report for fetal tissue transfers for 2011 through 2015. The "roll-up" accounting reports for 2014-2015 were produced to the Select Panel on **March 28, 2016** and the accounting reports for 2011-2013 were produced on **April 11, 2016**. The following documents are specifically responsive to

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
			this request: STEM.HOUSE.SELECT_0668 STEM.HOUSE.SELECT_0707 STEM.HOUSE.SELECT_0708-712 STEM.HOUSE.SELECT_0713-891
All communications and documents referring or relating to the purchase, ownership, or rental by StemExpress of equipment for the storage, disposal, modification, or research of fetal tissue, including equipment price, purchase date, maintenance costs, and records of the depreciation treatment under the tax code of any such equipment.	February 12, 2016 Subpoena to StemExpress, Spec. No. 10	NO	RESPONSE COMPLETE StemExpress produced a complete and final response to this request on **February 1, 2016** voluntarily in response to the Majority's December 17, 2015 letter requests. The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0286 STEM.HOUSE.SELECT_0652-659
Documents sufficient to show any known litigation in which StemExpress is named as a party, including any threatened or anticipated	February 12, 2016 Subpoena to StemExpress, Spec. No. 12	YES	RESPONSE COMPLETE StemExpress produced a complete and final response to this request on **March 14, 2016.**

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Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
litigation. Should StemExpress wish to produce a list of such litigation, including appropriate docket information, in lieu of documents, it may do so.			The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0670 STEM.HOUSE.SELECT_0664-705 STEM.HOUSE.EC_0080-660
All communications and documents referring or relating to Independent Review Board consents for the period of March 29, 2012 through January 26, 2013.	March 29, 2016 Subpoena to StemExpress, Spec. No. 1	NO	RESPONSE ONGOING StemExpress made an initial production in response to this request on **April 11, 2016** and anticipates completion of production in response to this request on or before May 13, 2016. The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0830-891
All communication and documents referring or relating to Biomedical Research Institute of America, BioMed IRB, or BioMed Institutional	March 29, 2016 Subpoena to StemExpress, Spec. No. 2	NO	RESPONSE ONGOING StemExpress made an initial production in response to this request on **April 11, 2016** and anticipates completion of production in response to this request on or before May 13, 2016.

APPENDIX A – CORRECTED STEMEXPRESS PRODUCTION LOG

Request Description	Source of Request	Majority Characterization of StemExpress's Response(s)	Actual Status of StemExpress's Response(s)
Review Board.			The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0830-891
The name(s) of all persons who serve as Director of Finance, Finance Manager, Accountant Manager, or equivalent position(s).	Appears to be similar to March 29, 2016 Subpoena to Cate Dyer, Spec. No. 1	NO	RESPONSE COMPLETE StemExpress made a complete and final production in response to this request on **April 11, 2016.** The following documents are specifically responsive to this request: STEM.HOUSE.SELECT_0713-715
All communications and documents to or from the Director of Finance, Finance Manager, Accountant Manager, or equivalent position(s).	April 28, 2016 Letter REQUESTED FOR FIRST TIME	NO	NEW REQUEST StemExpress is awaiting issuance of a subpoena for these materials that were requested for the first time in Chairman Blackburn's April 28, 2016 letter. StemExpress will nonetheless begin collecting documents responsive to this request and will be in a position to provide a reasonable production schedule upon receipt of a subpoena.