

## FACTUAL ALLEGATIONS

### *Stericycle's business*

11. Stericycle is a publicly traded company that serves its customers by, among other things, safely and efficiently disposing of regulated medical waste.

12. Since at least 2008, Stericycle has had a strict nationwide policy against accepting fetuses as “medical waste,” even though it could lawfully do so in most states.

13. Stericycle’s policy against accepting fetuses as medical waste was (and is) clearly communicated to each potential customer of Stericycle as part of Stericycle’s standard Service Agreement and related waste acceptance protocol. A copy of a sample agreement and waste acceptance protocol is attached as Exhibit 1.

14. In or about 2013, Stericycle learned that, although its policy of not accepting fetuses as medical waste had been clearly communicated to its customers, some customers might be violating the Service Agreement in that respect.

15. In response, Stericycle sent a letter to all customers that it thought might be in a position to violate Stericycle’s policy. The letter directed each customer to certify that it was complying and would continue to comply with the Service Agreement.

16. Because some customers did not certify that they would comply with the Service Agreement’s ban on the disposal of fetuses as “medical waste,” Stericycle ended its relationship with approximately 260 customers, including many Planned Parenthood locations. Since then, Stericycle has continued to turn away business from customers that refuse to certify that they will comply with Stericycle’s policy.

17. In December 2015, Ohio Attorney General Mike DeWine released a report about an investigation of Planned Parenthood’s abortion services. Although the report acknowledged Stericycle’s Service Agreement (and Stericycle’s prohibition on accepting fetuses

as medical waste), it alleged that a single Planned Parenthood location had for a stated limited period of time “use[d] only Stericycle to dispose of its aborted fetuses.” The report further stated, however, that a representative of Stericycle confirmed that “Stericycle, per the [Service Agreement], does not accept fetuses and . . . there are no Planned Parenthood organizations excepted from that prohibition.”

18. Concerned that certain customers might be breaching the Service Agreement, Stericycle again sent letters to all potentially relevant customers asking them to certify that, per the terms of the Service Agreement, they would not use Stericycle to dispose of fetuses.

19. Stericycle sent one such letter in December 2015, and, for customers that did not provide the necessary certification, it sent follow-up letters in January and February 2016. Copies of these letters are attached as Exhibit 2.

20. Stericycle ended its business relationship with customers that did not certify that they would comply with the Service Agreement and that they would not use Stericycle to dispose of fetuses. As a result, Stericycle ceased approximately 140 business relationships, including several additional Planned Parenthood locations (and the single Planned Parenthood location addressed in the Ohio Attorney General’s report). In total, Stericycle has stopped doing business with over 400 customers for this reason.

***Defendants’ campaign of falsehoods and harassment***

21. On approximately February 12, 2016, Plaintiffs learned that a website owned or controlled by Created Equal, “killersamongus.org,” identified medical waste companies, and Stericycle specifically, as abortion providers’ “weak link.” That website, which is still active as of the filing of this Amended Complaint, alleges that Stericycle is “Planned Parenthood’s main