

09:13AM 1 A. Yes.

09:13AM 2 Q. Do you have any other children?

09:13AM 3 A. I -- no. I don't think so.

09:14AM 4 Q. You don't think --

09:14AM 5 A. Well, I don't know the answer to that.

09:14AM 6 Q. You don't?

09:14AM 7 A. Well, I don't -- I don't have other

09:14AM 8 family. That's my family.

09:14AM 9 Q. Okay. But do you have other children

09:14AM 10 who are genetically your children but are not the

09:14AM 11 children of Linda Mortimer?

09:14AM 12 A. I have -- I have donated sperm, so the

09:14AM 13 answer was -- probably be yes to that.

09:14AM 14 Q. You say you donated sperm. Tell me, how

09:15AM 15 did you get involved in sperm donation?

09:15AM 16 A. I was practicing obstetrics and

09:15AM 17 gynecology, and I had patients that could not

09:15AM 18 conceive, and I desired to try to help.

09:15AM 19 Q. Okay. And so would you tell these

09:15AM 20 patients that, because they couldn't conceive, that

09:15AM 21 you would be happy to father a child for them?

09:15AM 22 A. I did not disclose that to them.

09:15AM 23 Q. Did you disclose to your wife that you

09:15AM 24 were having children with other women?

09:15AM 25 A. I did tell her about that.

09:17AM 1 going to donate sperm prior to donating any sperm?

09:17AM 2 A. I told her that I was -- that I was a  
09:17AM 3 sperm donor; that I would be -- I told her that --  
09:17AM 4 after the fact that I had been a sperm donor.

09:17AM 5 Q. You told her after the fact?

09:17AM 6 A. Yes.

09:17AM 7 Q. How long after the fact?

09:17AM 8 A. I don't know. Months maybe.

09:17AM 9 Q. When did you decide to become a sperm  
09:18AM 10 donor?

09:18AM 11 A. I was practicing OB-GYN. I had patients  
09:18AM 12 that couldn't conceive. I wanted to help if I could.

09:18AM 13 Q. But my question is when? I'm looking  
09:18AM 14 for a year or date.

09:18AM 15 A. Maybe 1980, '81 -- in there. I don't --  
09:18AM 16 I don't remember for sure.

09:18AM 17 Q. And how did you go about becoming a  
09:18AM 18 sperm donor?

09:18AM 19 A. You mean the mechanics of it? Or how  
09:18AM 20 did I do it? Or what --

09:18AM 21 Q. Well --

09:18AM 22 A. -- what's your question?

09:18AM 23 Q. -- was there a clinic that was accepting  
09:18AM 24 sperm donations and you went there? You saw it in  
09:18AM 25 the newspaper? You responded to an advertisement?

09:19AM 1 What was it that -- how did you go about becoming a  
09:19AM 2 sperm donor?

09:19AM 3 A. I don't remember for sure.

09:19AM 4 Q. To your knowledge, were you ever a sperm  
09:19AM 5 donor for anyone who was not your patient?

09:19AM 6 A. I don't -- I don't think so.

09:19AM 7 Q. Okay. So all of the -- and I'm just  
09:19AM 8 going to use your term for now -- all of the sperm  
09:19AM 9 donations you made were to impregnate people who were  
09:19AM 10 your patients, correct?

09:19AM 11 A. Yes.

09:19AM 12 Q. How many times did that happen?

09:19AM 13 A. I -- maybe -- maybe two. I don't --

09:20AM 14 Q. Maybe two?

09:20AM 15 A. Well...

09:20AM 16 Q. But maybe a lot more?

09:20AM 17 A. I don't know how many.

09:20AM 18 Q. It could be more than 10 times?

09:20AM 19 A. No.

09:20AM 20 Q. But it's not less than two?

09:20AM 21 A. It would be -- no. It would be not less  
09:20AM 22 than two.

09:20AM 23 Q. So you're saying that you were a sperm  
09:20AM 24 donor for your own patients not less than two times  
09:20AM 25 but not more than 10?



09:23AM 1 but -- you know, at least.

09:23AM 2 Q. You went to medical school?

09:23AM 3 A. I did.

09:23AM 4 Q. Did they teach you in medical school  
09:23AM 5 that it was acceptable practice to impregnate your  
09:24AM 6 patients with your own semen?

09:24AM 7 A. No.

09:24AM 8 Q. Okay. When did you decide that it was  
09:24AM 9 okay to inseminate your patients with your own semen?

09:24AM 10 A. When I started to treat infertility  
09:24AM 11 patients and saw that there was a need. I don't know  
09:24AM 12 the exact point in my practice when that happened.

09:24AM 13 Q. Was it something that you thought about  
09:24AM 14 for a while?

09:24AM 15 A. Yes.

09:24AM 16 Q. Tell me about that process.

09:24AM 17 A. Well, I was concerned about patients  
09:24AM 18 that were infertile, and trying to think of ways that  
09:24AM 19 we might help with that, and it was a process of  
09:25AM 20 thought over time.

09:25AM 21 Q. Okay. And I -- tell me more about that  
09:25AM 22 process of thought over time.

09:25AM 23 A. Well, I -- I was thinking about how can  
09:25AM 24 I help my patients? What can I do that's -- you  
09:25AM 25 know, that's going to help people that have a desire

09:25AM 1 to become pregnant and are having difficulty doing  
09:25AM 2 that and how can I help?

09:25AM 3 Q. And the idea that you came up with was  
09:25AM 4 inseminating them with your own semen?

09:25AM 5 A. Well, it was very limited. It was not  
09:25AM 6 something that I did for a lot of patients. It was a  
09:25AM 7 very limited thing.

09:25AM 8 Q. The first time that you inseminated a  
09:25AM 9 patient with your own semen, did you tell the patient  
09:26AM 10 that that was the opportunity that you were giving  
09:26AM 11 them, was to have your child?

09:26AM 12 A. No.

09:26AM 13 Q. Was the first time that you inseminated  
09:26AM 14 a patient with your own semen before you met  
09:26AM 15 Ms. Ashby who was then Ms. Fowler?

09:26AM 16 A. I don't remember.

09:26AM 17 Q. Do you remember if Ms. Ashby was the  
09:26AM 18 first one of your patients that you inseminated with  
09:26AM 19 your own semen?

09:26AM 20 A. I think she may have been, yes.

09:26AM 21 Q. You don't remember inseminating any  
09:26AM 22 patient with your own semen prior to Ms. Ashby?

09:26AM 23 A. I don't.

09:27AM 24 Q. We'll come back to all of that in a few  
09:27AM 25 minutes.



ROWLETTE, et al. vs.  
MORTIMER, M.D., et al.

Video Deposition

GERALD E. MORTIMER, M.D.  
December 11, 2018

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1 A. Yes. Today.  
2 Q. Okay. Are you aware of what those  
3 changes are?  
4 A. I -- I believe there was a change in --  
5 in a -- in a statement that I made that --  
6 THE WITNESS: I have to refresh my memory.  
7 MR. POWERS: He gets to ask the questions.  
8 Q. BY MR. MEEHAN: What statement had you  
9 made that needed to be changed?  
10 A. I needed to --  
11 THE WITNESS: Help me with this.  
12 MR. POWERS: I can't. I can't help you. You  
13 need to do your best to try to --  
14 THE WITNESS: Okay.  
15 MR. POWERS: -- answer the questions.  
16 THE WITNESS: Ask me -- ask me the question  
17 again, please.  
18 MR. POWERS: Pay attention to the question.  
19 THE WITNESS: Okay.  
20 Q. BY MR. MEEHAN: You said that you needed  
21 to make a change in a statement you had made. What  
22 statement had you made that needed to be changed?  
23 A. I needed to change the fact that I  
24 had -- that I had been a donor.  
25 Q. So previously you had stated that you

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1 had not been a donor?  
2 A. That's correct.  
3 Q. And that wasn't true?  
4 A. That was not true.  
5 Q. And you knew at the time you made that  
6 statement that it wasn't true?  
7 A. That's correct.  
8 Q. So you had lied?  
9 A. Yes.  
10 Q. Now, do you understand that you are  
11 under oath today?  
12 A. Yes.  
13 Q. And do you understand that being under  
14 oath means that you have sworn that you will tell the  
15 truth today?  
16 A. I understand that.  
17 Q. What does telling the truth mean to you?  
18 A. That I need to tell you, from the best  
19 of my memory and recollection -- recollection, the  
20 things that I know to be correct or true; that I  
21 should not lie to you in any way.  
22 Q. Why did you lie previously?  
23 A. I was ashamed, or -- you know.  
24 Q. Why were you ashamed?  
25 A. Well, I -- I -- I regret the fact that

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1 I -- that I was a sperm donor; that I did those  
2 things in the past. I guess I feel -- I feel bad  
3 about that. I wish -- I wish I hadn't done it.  
4 Q. As you sit here today, do you understand  
5 that what you did was wrong?  
6 A. Yes.  
7 Q. And, as you sit here today, do you  
8 understand how the wrong thing that you did could  
9 cause somebody emotional distress?  
10 A. Yes. I understand that.  
11 Q. Do you understand that finding out that  
12 your trusted physician inseminated you with his own  
13 semen without your knowledge could cause emotional  
14 distress?  
15 A. Yes.  
16 Q. Okay. And do you understand how being  
17 the husband of a person whose physician inseminated  
18 them with his own semen could cause distress?  
19 A. Yes.  
20 Q. Do you understand that, as a child --  
21 that finding out that the man that you thought was  
22 your father is not actually your biological father  
23 could cause emotional distress?  
24 A. Yes.  
25 Q. Can you understand, as you sit here

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1 today, that finding out that not only is your father  
2 not your biological father but that you are the  
3 result of your mother being inseminated with her  
4 physician's own semen without her knowledge could  
5 cause additional distress?  
6 A. Yes.  
7 Q. If I told you that the events that bring  
8 us here today caused Sally Ashby severe emotional  
9 distress, would you have any reason to dispute that?  
10 A. No.  
11 Q. If I told you that the events that bring  
12 us here today caused Howard Fowler severe emotional  
13 distress, would you have any reason to dispute that?  
14 A. No.  
15 Q. If I told you that the events that  
16 brought us here today caused Kelli Rowlette severe  
17 emotional distress, would you have any reason to  
18 dispute that?  
19 A. No.  
20 Q. Is it truthful to say that you don't  
21 remember something when you actually do remember it?  
22 A. That's not truthful.  
23 Q. Okay. Are you taking any medications  
24 today that would prevent you from giving honest and  
25 truthful answers?



09:49AM 1 A. But I don't remember for sure. May be  
09:49AM 2 more than one or two -- may have been more than one  
09:49AM 3 or two times.

09:49AM 4 Q. Are you aware that Ancestry.com  
09:49AM 5 predicted a parent/child relationship between you and  
09:49AM 6 Kelli Rowlette?

09:49AM 7 A. Yes.

09:49AM 8 Q. Okay. And I'll represent to you that  
09:49AM 9 the document that you've been provided as Exhibit \*-1  
09:49AM 10 is from Ancestry.com, and it predicts a parent/child  
09:50AM 11 relationship with Gerald Elbert Mortimer.

09:50AM 12 Do you see that?

09:50AM 13 A. Yes.

09:50AM 14 Q. Okay. And I'll represent to you that  
09:50AM 15 this was provided to me by Kelli Rowlette from her  
09:50AM 16 account.

09:50AM 17 Are you aware of any reason that  
09:50AM 18 Ancestry.com would predict you to be Kelli Rowlette's  
09:50AM 19 biological father, other than the fact that you are  
09:50AM 20 actually Kelli Rowlette's biological father?

09:50AM 21 A. I can't think of any other reason.

09:50AM 22 Q. Are you Kelli Rowlette's biological  
09:50AM 23 father?

09:50AM 24 A. I -- yes. I think I am.

09:50AM 25 Q. At this time, you have no reason to

1 were ovulating, when there was no other donor  
2 available, and the husband's sperm was ineffective in  
3 fertilizing the egg."

4 Q. And the first word of that supplemental  
5 answer is "Yes," that you did masturbate in the  
6 offices of Obstetrics & Gynecology Associates,  
7 correct?

8 A. Well, that's what it says, but the other  
9 one says that I don't remember doing it.

10 Q. Well, you've testified today that you  
11 didn't and you've put under oath in Exhibit \*-13A  
12 that you did. So what's the truth, Dr. Mortimer?

13 A. I -- the truth is that -- that I did.

14 Q. Okay. And when?

15 A. I don't know when.

16 Q. And how often?

17 A. Not often. Once in a while. I don't  
18 know.

19 Q. And where?

20 A. Where?

21 Q. Yes. Where in OGA's offices?

22 A. In the -- in my private office bathroom.

23 Q. Okay. And was that the only place?

24 A. Yes.

25 Q. Okay. And was it solely for the purpose