**LAW FIRM: SAN FRANCISCO-BASED PACIFIC FERTILITY CENTER FAILING TO RESPOND TO PATIENT AND LEGAL PRODDING IN WAKE OF EMBRYO DESTRUCTION DISASTER**

***Peiffer Rosca Wolf Abdullah Carr & Kane: Even Though Both Tragedies Happened in Same Week in March, Cleveland Fertility Clinic Seen as Far More Responsive and Engaged than San Francisco Clinic.***

**SAN FRANCISCO, CA – April 4, 2018 –** When it comes to the two major embryo destruction incidents in the United States in March 2018, it is “A Tale of Two Cities.” Where the Cleveland-based University Hospital Fertility Center (UHFC) has taken several steps to engage its patients and accept responsibility, the San Francisco-based Pacific Fertility Center has done almost nothing to date and refuses to respond to legal enquiries. The law firm of Peiffer Rosca Wolf Abdullah Carr & Kane (PRW) has filed class action lawsuits on behalf of patients in both San Francisco and Cleveland. For more information on the Pacific Fertility Center case, go to <https://www.pacificembryolawsuit.com/>.

During a news conference today, PRW said Pacific Fertility Center failed to respond by a Monday deadline to a letter urging the clinic to “take responsibility, ensure that this never happens again, and immediately implement a plan to try to make things as right as possible for … your clients.”

On March 15, 2018, PRW filed a class action lawsuit after Pacific Fertility Center acknowledged that it may have destroyed 2,000 embryos and eggs. PRW filed the class action lawsuit on behalf of a Sacramento couple who were to undergo in vitro fertilization (IVF) this month at the Pacific Fertility Center. Earlier that same week, PRW had filed a similar class action lawsuit in the wake of the destruction of 2,000 eggs and embryos by UHFC, which later revised the estimated losses to 4,000 eggs and embryos.

PRW Partner Adam Wolf said: **“When I was a young lawyer, a mentor offered me sage advice: If you make a mistake, own it, learn from it, and do what you can to make things right. While nothing can ever undo the tragedy at Pacific, we hope that Pacific will at least start taking some of the constructive steps that its colleagues at the University Health Fertility Center in Cleveland already have.”**

Attorney Tracey Cowan said: **“Although the incidents at Pacific and University Hospitals took place within hours of each other, the responses by each entity have been quite different. Cleveland’s University Hospitals, unlike San Francisco’s Pacific thus far, has exhibited a degree of transparency that is lacking from Pacific. We hope that, after considering the response from University Hospitals, Pacific will take a similar path.”**

The letter from PRW reads, in part, as follows:

“First, University Hospitals has advised its clients on an on-going basis as to what transpired with regard to their embryos. While Pacific maintains that its investigation is ongoing, surely it knows more than what it has told its clients. Additionally, our Pacific clients are getting vastly different information, some of it contradictory, depending on with whom they speak at Pacific. Because our clients are scared and confused by the lack of information and contradictory information coming from Pacific, we hope for more transparency and honesty immediately.”

“Relatedly, University Hospitals has taken responsibility for its tank failure. It would, we surmise, quell some anger of Pacific’s clients if Pacific were to do the same.”

“Second, University Hospitals has offered a more generous package of free services to its clients. In addition to agreeing to perform all future procedures free of charge, it has agreed to refund all storage fees paid by its clients and to waive all storage fees for the next seven years.”

“Third, University Hospitals has been clear that it will not ask its clients to release any legal claims related to its tank malfunction. Pacific, on the other hand, continues to include releases and arbitration clauses in the ‘consents’ that it sends to its affected clients. While Pacific’s consents should not be interpreted to release any claims related to the Tank 4 failure or to alter the forum for bringing such claims, it would be appropriate for Pacific, like University Hospitals has done, to state this explicitly. Moreover, we have seen contractual provisions in the recent consent forms we have reviewed that our clients are legally obligated to pay for services they have been assured orally are being provided by Pacific free of charge. While we assume this is due to oversight, the lack of attention to detail in the wake of this tragedy is deeply troubling.”

“Finally, University Hospitals recently filed a pleading with the Ohio court, where the claims against University Hospitals were brought, that outlines its intent to commence a voluntary settlement process imminently.”

Couples that entrust eggs/embryos for storage do so often after having exhausted other avenues of conception. In some cases, individuals and couples store eggs at an early age in anticipation of starting a family later in life. In still other cases, families with modest means will go deeply into debt to finance IVF procedures (which often must be repeated) and to pay for short- or long-term egg/embryo storage. For many older individuals and couples, a stored egg or embryo may be their only hope for giving birth with a lower risk of serious complications.

The couple were planning to schedule a transfer of one or more of their embryos this month. In the meantime, Pacific Fertility stored the embryos—along with thousands of other embryos and eggs—in a cryo-storage tank, Tank No. 4, at Pacific Fertility’s laboratory. The couple paid $600 a year for the storage of their eight embryos.

In March, the couple received devastating news. Pacific Fertility emailed them a notice informing them that their stored tissue “*may* have been impacted” when the liquid nitrogen in Tank No. 4 fell below necessary levels. The Pacific Fertility email continued: “We are incredibly sorry that this happened and for the anxiety that this will surely cause. We are heartbroken by this situation and our thoughts are with each of you who may have been touched by this event.”

The couple was informed that several hundred other Pacific Fertility clients received the same email.

The law firm Peiffer Rosca Wolf Abdullah Carr & Kane maintains offices in San Francisco, Cleveland, New York, Los Angeles, Missouri, and New Orleans. PRW is available on the web at <https://prwlegal.com>. PRW is nationally recognized for its handling of a number of cases involving embryo loss/related cryogenic issues.

**CONTACTS:**  Alex Frank, (703) 276-3264 or [afrank@hastingsgroup.com](mailto:afrank@hastingsgroup.com).

**EDITOR’S NOTE:**  A streaming audio replay of this news event will be available as of 9 p.m. EDT/6 p.m. PDT at <https://www.pacificembryolawsuit.com/>. Wolf and Cowan will be available for in-person interviews in San Francisco.