



## Fertility Litigation

### Overview

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Tucker Ellis defends hospitals, health systems, and fertility providers in fertility litigation involving complex legal issues such as IVF-related equipment failures, wrongful birth claims, negligence in cryopreservation, and disputes over reproductive rights. Providers in these cases are frequently faced with claims arising from laboratory failures, errors in embryo storage, errors in specimen labeling, and consent-related issues between patients and fertility clinics.

Our deep experience in health care litigation, coupled with our technical understanding of assisted reproductive technology (ART) protocols, equip us to skillfully defend against these unique and emotionally charged cases. Our attorneys understand the importance of safeguarding not only the financial well-being of fertility providers but also their reputation when they become involved in litigation.

Our robust representation of fertility providers is underscored by our ability to navigate the complexities of ART litigation. We offer strategic, practical, and efficient legal solutions to protect IVF providers against claims that can profoundly impact their practice and patients.

### Key Areas of Expertise

- Class actions involving IVF, cryopreservation incidents, and embryo destruction
- Defense against negligence claims for errors in specimen labeling, equipment failures, and wrongful birth
- Defense of mechanism of injury claims involving products used in fertility procedures
- Risk management consultation and mitigation strategies for ART providers
- Legal defense of hospitals, health systems, and fertility labs

### Experience

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- Served as lead counsel defending against claims of hundreds of patients, including putative class actions, involving a liquid nitrogen tank in an IVF laboratory
- Served as lead counsel defending a hospital system against claims of negligent specimen labeling and subsequent “wrongful insemination” occurring at fertility clinic
- Represented a component part manufacturer in embryo storage litigation alleging that a defective storage product led to embryo deaths