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## Firm looks into failure at facility

### Corboy and Demetrio investigates mishap over frozen sperm

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Corboy & Demetrio P.C. represents three men in an investigation to find out how a facility failed to maintain their frozen sperm.

The firm filed an emergency bill of discovery Monday in the Daley Center on behalf of the men who decided to store their sperm either due to illness or potential fertility-harming medical treatment. Northwestern Medical Faculty Foundation and Northwestern Memorial Hospital maintained the men's sperm samples, the court filing says.

The filing features a letter that Northwestern sent to one of the firm's clients to explain that a cryogenic storage tank failed to properly store a sperm sample.

"This is absolutely an unforgivable event that has led these three victims to not be able to start families of their own in the future. They are completely devastated by learning this," Corboy & Demetrio attorney Matthew T. Jenkins said at a news conference Monday.

The filing doesn't identify the men, who are 26, 33 and 48 years old. Two are married; one isn't.

Jenkins declined to identify the medical issues facing two of the men, only saying that they developed a genetic disorder. One man suffered from leukemia and learned that his radical chemotherapy treatments could make him sterile.

"They are individuals who have gone through a lot over the course of a couple years," Jenkins said.

One of the married couples learned about the destroyed sperm when they inquired about using it to have children.

"And we believe that they're entitled to answers," Jenkins said.

Jenkins wants to find out how



Matthew T. Jenkins

the facility failed to maintain the samples. He said his firm is trying to find out how many others are affected.

The court filing, which isn't a lawsuit, seeks a judge's permission to issue subpoenas to access all of the information about the operation, maintenance and inspection of the cryogenic system. The filing also seeks any Northwestern employee communications about maintenance on

the system for the month leading to the failure.

The firm also wants to inspect the storage system and the devices that failed.

Joining Jenkins on the case is Michael K. Demetrio of the same firm.

Phillip Roemer, chief medical officer at Northwestern Medical Faculty Foundation, issued a statement that the storage tank malfunctioned and the equipment failed to notify technicians over a weekend in April.

"We deeply regret that this occurred, and understand how upsetting this can be to our patients, so our primary focus has been on them and their needs," the statement says.

Some samples remain viable for in vitro fertilization, the statement says.

"We acknowledge, however, that some samples may not be viable," the statement says.

The case is *John Doe and Jane Doe; Joseph Doe; and James and Janet Doe v. Northwestern Memorial Hospital and Northwestern Medical Faculty Foundation*. 12 CH 26738.