

# ARMSTRONG TEASDALE PREVAILS ON APPEAL IN IVF SERVICES DISPUTE

The Missouri Court of Appeals for the Eastern District upheld summary judgment in favor of the firm's client, a regional hospital system, in a case where the plaintiffs alleged that the genetic material used for the in vitro fertilization (IVF) process belonged to another man.

In 2009, a physician holding privileges at the hospital created an embryo using a semen sample provided by the wife and implanted it into a surrogate for a then-married couple. Unbeknownst to the physician, the sample did not belong to the husband but rather a man with whom the wife was having an affair. When this fact later emerged, the husband and surrogate filed suit against the client, the doctor and the fertility clinic.

The St. Louis County Circuit Court granted summary judgment on behalf of the defendants, and plaintiffs appealed.

Health care litigation Partners [Maureen Bryan](#), [Timothy Gearin](#) and [Nicolas Cejas](#) convinced the appellate court that the husband had multiple opportunities to realize that the genetic material used to create the embryo transferred to the surrogate could not have been his, thereby negating the damages element of plaintiffs' claim. Accordingly, the Eastern District affirmed the trial court's grant of summary judgment in all respects.

Bryan is a partner and the General Counsel of Armstrong Teasdale. She has tried cases in several jurisdictions and is responsible in part for many of Missouri's top-ranking defense verdicts. She represents some of the nation's largest hospital corporations, Fortune 500 companies, physician groups, medical device manufacturers and pharmaceutical companies in a broad range of claims involving medical malpractice, product liability and complex health care-related litigation. In addition, she represents clients in matters involving the Health Insurance Portability and Accountability Act (HIPAA), and breaches of protected health information including in class action litigation arising from data and privacy breaches.

Gearin leads the firm's award-winning Mass Tort and Catastrophic Loss practice area and is one of the most sought-after defense litigators in the Midwest. He has broad experience representing clients primarily in the health care, agribusiness and manufacturing industries. A fellow of the American College of

## PEOPLE

Maureen O. Bryan

Timothy J. Gearin

Nicolas P. Cejas

## SERVICES AND INDUSTRIES

Health Care and Life Sciences

Medical Malpractice

Appellate

Litigation



Trial Lawyers, Gearin has tried more than 75 cases throughout the United States, and his successful defense verdicts have ranked among Missouri's highest for more than 15 years.

Cejas is the leader of Armstrong Teasdale's Health Care and Life Sciences industry team. He represents clients faced with government investigations and litigation concerning the False Claims Act, the Anti-Kickback Statute and other fraud and abuse laws. He also defends health care systems, Fortune 500 companies and physician groups in a variety of matters, including medical malpractice, product liability, health care payor-provider disputes and other commercial actions.