# IVF MIX-UP LAWSUIT: MOTHER IMPREGNATED WITH STRANGER'S EMBRYO, FORCED TO GIVE UP BABY 5 MONTHS AFTER GIVING BIRTH

Coastal Fertility Specialists Facing Lawsuit; Heartbroken Mother Wanted to Keep Her Baby Despite Mix-Up.

**SAVANNAH, GEORGIA**///FEBRUARY 18, 2025///A former patient of <u>Coastal Fertility Specialists</u>, which operates fertility clinics in South Carolina and Georgia, filed a lawsuit against the company for implanting the wrong embryo into her uterus, resulting in her carrying and giving birth to another couple's biological child.

Krystena Murray, a White woman who selected a sperm donor who was also White, knew something was wrong when the baby she delivered was Black. Despite the clinic's misconduct, Krystena wanted to keep her baby, and she was heartbroken when she lost custody five months after giving birth. She has not seen her child ever since.

The <u>lawsuit</u> was filed in Georgia state court, in Savannah, by Adam Wolf of the law firm Peiffer Wolf Carr Kane Conway & Wise (Peiffer Wolf).

Krystena Murray, a former patient of Coastal Fertility Specialists, said: "This has destroyed me. I'm heartsick; I'm emotionally broken. Nothing can express the shock and violation upon learning that your doctor put a stranger's embryo into your body. To carry a baby, fall in love with him, deliver him, and build the uniquely special bond between mother and baby, all to have him taken away. I'll never fully recover from this."

Adam Wolf, partner at Peiffer Wolf, said: "Coastal Fertility Specialists made a very serious error, and the consequences are life-altering. This should never happen in a fertility clinic.

"Unfortunately, the United States does not have meaningful fertility industry oversight. Until IVF clinics are subject to real regulations, reporting requirements and mandatory certification programs for lab staff, these mishaps will continue to occur."

## **Coastal Fertility Specialists**

Krystena Murray chose Coastal Fertility Specialists to start her family, in part because of reassuring messages on its website. Coastal Fertility proclaimed that "<a href="there is no safer place for [one's] embryos">there is no safer place for [one's] embryos</a>" than its laboratory. She contracted with the clinic to help her become pregnant with one of her eggs and the sperm of a donor she selected. Krystena picked a sperm donor who resembled her and was White, with dirty blonde hair and blue eyes.

To prepare for the procedure, Krystena attended many appointments over the course of several months and underwent numerous medical tests. To increase the chance for success, Krystena was prescribed drugs to stimulate egg development and ovulation. The drugs were administered daily by needle for over two weeks, thereby stimulating the ovaries to increase production from the usual one egg to perhaps twenty eggs per month. During this time period, Krystena went to Coastal Fertility Specialists' Savannah facility nearly every other day for follow-up examinations and blood tests.

On the day of the egg-retrieval surgery, Krystena had several eggs extracted and was in pain. Coastal Fertility then used Krystena's retrieved eggs and created embryos using the donor's sperm.

In May 2023, Coastal Fertility transferred an embryo to Krystena. As Krystena later learned, the embryo transferred into her uterus belonged to strangers who also used Coastal Fertility to get pregnant.

Krystena was overwhelmed with joy and hope when she learned that she was pregnant. She thought about how she would carry and give birth to her biological child. More than anything, Krystena's joy and hope were based on the knowledge that she would soon begin bonding with her baby, both in the womb and after birth, raising her baby through childhood and eventually shepherding him into adulthood.

# Shocking Discovery

Krystena delivered a beautiful, healthy baby boy on December 29, 2023. However, upon seeing her child, Krystena knew something was wrong.

Whereas Krystena is a fair-skinned, White woman who had chosen a sperm donor with a similar appearance, the baby whom she carried in her womb and delivered was a dark-skinned, African American baby.

This discovery was shocking to Krystena. She had no issues or concerns with the baby's race, other than the fact that it indicated to her that he was not related to her. Krystena anxiously wondered: Whose embryo was transferred to her? And would someone come to the hospital room—or later, Krystena's house—and take her child?

Krystena had no idea what to do. For the next month following the birth, Krystena remained at home and bonded with her baby. She breast-fed him, took him to doctor's appointments, and cuddled him throughout the day. However, she did not post photos of her baby online and did not allow him to be seen by friends and family. She did not want to answer questions about whose baby she had delivered or how this came about.

#### **Unconditional Love**

Of course, none of this changed how much Krystena loved her child. He quickly became her best friend, her daily companion, and her source of strength. Yet, Krystena's new life with her baby boy was full of anxiety. Every time the doorbell rang, she worried it would be someone who was there to take her child away.

At the same time, Krystena needed answers. She wondered: Whose embryo was transferred to her? Where is the embryo that was supposed to be transferred to her? Was her embryo transferred to someone else? If so, does she have another baby who is being cared for by a stranger?

Krystena requested a DNA test. She received her results in late January 2024. It revealed, as she knew, that her baby was not related to her.

Meanwhile, Krystena wanted Coastal Fertility Specialists to know what had happened, so something like this would never happen again. She also thought it was important for the other couple to know what had occurred. Krystena wondered whether Coastal Fertility Specialists had transferred her embryo to the other couple, who thus had delivered a child related to Krystena.

# **Baby Taken Away**

By late March 2024, Coastal Fertility suspected that it had transferred the stranger couple's embryo to Krystena. It broke the news to the stranger couple.

The stranger couple then sued Krystena to obtain custody of Krystena's child. This required Krystena to hire family-law counsel in multiple states.

A subsequent DNA test confirmed that the stranger couple were the genetic parents of Krystena's child. Krystena's family-law attorneys came to the same conclusion: Krystena was going to lose the family-law case, and she ultimately would lose her baby.

Not wanting to make the situation any harder on her child, Krystena gave up her baby during a family-court hearing in May 2024. After spending every moment with her child for the prior five months, Krystena has not seen her child ever since.

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