

Frank D. Mylar (5116)
MYLAR LAW, P.C.
2494 Bengal Blvd.
Salt Lake City, Utah 84121
Phone: (801) 858-0700
office@mylarlaw.com

**If you do not respond to this document
within applicable time limits, judgment
could be entered against you as requested.**

Attorney for Plaintiffs

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

VOICE FOR THE VOICELESS and
JOHN/JANE DOES 1-10,

Plaintiffs,

v.

CONCEPTIONS FERTILITY CENTER,
EAST BAY FERTILITY CENTER,
REPRODUCTIVE CARE CENTER, UTAH
CENTER FOR REPRODUCTIVE
MEDICINE, UTAH FERTILITY CENTER,
UTAH FERTILITY SPECIALISTS,
WELLNEST FERTILITY CLINIC, and
DIRECTOR DOES 1 THROUGH 7,

Defendants.

AMENDED COMPLAINT

JURY DEMANDED

Case No. 260401756

Judge: Kraig Powell

Plaintiffs, VOICE FOR THE VOICELESS and JOHN AND JANE DOES complain and
allege against Defendants as follows:

INTRODUCTION

This is an action for declaratory and injunctive relief under Utah law. The Utah
Constitution guarantees the rights of all people to “enjoy and defend their lives and liberties.” Utah
Const. Art. I, Sec. 1. However, an entire class of people has been deprived of their right to life and

liberty because they cannot defend themselves. This class of people are the unborn minor children whose lives are terminated in violation of Utah law and their due process rights under the Utah Constitution. This suit seeks to stop the needless destruction of unborn children, in violation of Utah law, as a direct result of Defendants' standard practice of how they conduct in-vitro fertilization (IVF).

Plaintiff Voice for the Voiceless is in the position to refer clients struggling with infertility to the services of various infertility clinics, organizations, and associations. However, Voice for the Voiceless is unwilling to endorse any organization that would, in the process of addressing infertility, kill the unborn babies. Voice for the Voiceless does frequently refer individuals to various means of addressing fertility that do not involve killing unborn children in the process.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Voice for the Voiceless (hereinafter "V4TV") is a Utah non-profit organization dedicated to providing resources to mothers and families to care for their children from conception through birth and all the stages of parenthood and beyond. V4TV focuses on helping to preserve the lives of unborn minor children from abortion and from any other act that terminates the life of a minor child, including those performed by Clinic Defendants.

2. Plaintiff John Doe 1, Kriss Martenson, is an adult citizen and resident of Utah. He is the founder and director of the organization Voice for the Voiceless.

3. Plaintiff Jane Doe 1 is a mother who underwent an IVF procedure at the IVF clinic owned and operated by Defendant Utah Fertility Specialists in Providence, Utah. She and her child suffered loss as a result of the IVF procedures and practices of this company. Specifically,

she suffered the loss of her unborn children at the hands of this Utah clinic, and she wants this practice stopped.

4. Defendants Conceptions Fertility Center, East Bay Fertility Center, Reproductive Care Center, Utah Center for Reproductive Medicine, Utah Fertility Center, Utah Fertility Specialists, and Wellnest Fertility Clinic (hereinafter “Clinic Defendants”) are for-profit organizations choosing to practice the procedure of IVF in the State of Utah. By the manner of how these Defendants practice IVF, more eggs than necessary are fertilized, becoming unborn minor children, then the Defendants apply a practice of shopping for the “best embryos” based upon numerous different and preferred traits and discarding the rest to die. The result is that thousands of embryos—live human beings—are killed prior to birth by Defendants and the manner of how they practice IVF. Defendants could practice IVF in a legal manner that would preserve life and only fertilize eggs that will be implanted into their clients, but they refuse to do so out of convenience and financial gain.

- a. Defendant Conceptions Fertility Center is a fertility clinic with two locations, at 1900 N. State St. #105, Provo, Utah 84604 in Utah County and 2245 N. 400 E., Ste. 201, North Logan, Utah 84341 in Cache County. Upon information and belief, Conceptions Fertility Center is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.
- b. Defendant East Bay Fertility Center is a fertility clinic with two locations at 123 N. 500 E. St., Payson, Utah 84651 in Utah County and 3051 W Maple Loop Dr., Ste. 202, Lehi, Utah 84043 in Utah County. Upon information and belief, East Bay

Fertility Center is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.

- c. Defendant Reproductive Care Center is a fertility clinic with two locations at 1725 E. 1450 S., Ste. 300, Clearfield, Utah 84015 in Utah County and 10150 Petunia Way, Sandy, Utah 84092 in Salt Lake County. Upon information and belief, Reproductive Care Center is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.
- d. Defendant Utah Center for Reproductive Medicine is a fertility clinic located at 675 Arapeen Dr., Ste. 205, Salt Lake City, Utah 84108 in Salt Lake County. Upon information and belief, Utah Center for Reproductive Medicine is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.
- e. Defendant Utah Fertility Center is a fertility clinic with four locations at 1452 E. Ridgeline Dr., Ste. 100, South Ogden, Utah 84405 in Weber County; 7050 Union Park Ave., Ste. 500, Midvale, Utah 84047 in Salt Lake County; 1446 W. Pleasant Grove Blvd., Pleasant Grove, Utah 84062 in Utah County; and 295 S. 1470 E. St., Ste 100, St. George, Utah 84790 in Washington County. Upon information and belief, Utah Fertility Center is disposing of or otherwise killing unborn minor children.
- f. Defendant Utah Fertility Specialists is a fertility clinic with three locations at 271 North Spring Creek Parkway, Ste. B1, Providence, Utah 84332 in Cache County (the “Brigham City IVF Clinic”); 221 25th St., Ogden, Utah 84401 in Weber County; and 11762 S. State St., Ste. 260, Draper, Utah 84020 in Salt Lake County.

Upon information and belief, Utah Fertility Specialists is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.

- g. Defendant Wellnest Fertility Clinic is located at 1491 E. Ridgeline Dr., Ogden, Utah 84405 in Weber County. Upon information and belief, Wellnest Fertility Clinic is disposing of or otherwise killing unborn minor children on an ongoing and regular basis.

5. Defendants Director Does 1 through 7 are the directors of Conceptions Fertility Center, East Bay Fertility Center, Reproductive Care Center, Utah Center for Reproductive Medicine, Utah Fertility Center, Utah Fertility Specialists, and Wellnest Fertility Clinic (hereinafter “Director Defendants”). Specifically, Director Doe 1 is the director of Utah Fertility Specialists. All Director Defendants are residents of the State of Utah and are either licensed to provide medical services to persons in Utah or employ individuals who are licensed to provide medical services to persons in Utah. Most, if not all, of their clientele are residents of Utah.

6. Jurisdiction and venue are appropriate in this court per Utah Code Ann. § 78A-5-102 and § 78B-3a-201 because multiple Defendants operate clinics in Utah County and because all Defendants do business in and have clients throughout the State of Utah, including in Utah County.

7. This is a Tier 2 case according to Rule 26(c)(3) of the Utah Rules of Civil Procedure.

GENERAL ALLEGATIONS

- 8. Human life begins at fertilization and ends at death.

9. A human being is the same living organism at every developmental life stage—from an embryo, to a fetus, to an infant, to a toddler, to a teenager, and finally to an adult. The degree of maturation is the only difference.

10. Each embryonic human being is a unique human life that is intrinsically valuable from conception and protected by the Utah Constitution. Pursuant to the provisions of the Utah Constitution, the State of Utah’s public policy is that unborn children have inherent and inalienable rights entitled to protection. Utah Code clarifies that the “The state of Utah has a compelling interest in the protection of the lives of unborn children. It is the intent of the Legislature to protect and guarantee to unborn children their inherent and inalienable right to life as required by Article I, Sections 1 and 7, Utah Constitution.” [Utah Code Ann. § 76-7-301.1](#).

11. Moreover, it is the public policy of the state to protect the individual’s right to life “regardless of age, development, condition, or dependency, including all persons with a disability and all unborn persons” from those who would disrespect it. [Utah Code Ann. § 78B-3-109\(1\)](#). This includes the rights of the unborn person.

12. The Supreme Court of Utah, in a four-justice majority between two concurring opinions, confirmed that the 2006 wrongful death statute for death of a child encompassed unborn children. See [Carranza v. United States](#), 2011 UT 80, ¶ 2, ¶ 10, 267 P.3d 912, 913-14 (Durham, CJ, concurring); [id.](#), 2011 UT 80, ¶ 21, ¶ 26, 267 P.3d at 916-18 (Lee, J, concurring). Thus, “Utah Code section 78-11-6 allows an action for the wrongful death of an unborn child, beginning at conception.” [Id.](#) 2011 UT 80, ¶ 14, 267 P.3d at 915 (Durham, CJ, concurring). As a result, under Utah law, a human embryo (the term used for the child from fertilization to the beginning of the

third month of pregnancy) is the first stage of human life. This life has the rights and protections of all Utah laws just as any other living person would have in Utah.

13. In 2006, the year of the events relevant to *Carranza*, Utah had separate wrongful death statutes for children and adults. See [Utah Code Ann. § 78-11-6 \(2006\)](#) (“Injury or death of child – Suit by parent or guardian”); [Utah Code Ann. § 78-11-6 \(2006\)](#) (“Death of adult – Suit by heir or personal representative”). The wrongful death statutes were renumbered in 2008. In 2009, the legislature amended the child wrongful death statute to encompass only injury and not death, and amended the adult wrongful death statute to apply to all persons, not merely adults. As the statute read in 2023 and currently reads, “when the death of a person is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death.” [Utah Code Ann. § 78B-3-106 \(2023\)](#).

14. Although *Carranza* did not address the amended version of these statutes, the High Court’s holding applies with equal force to the current law. A “child” is a “person,” so the life of a “person” in [Utah Code Ann. § 78B-3-106 \(2023\)](#) begins at conception.

15. IVF is a process and procedure of reproductive health in which a human being is created by combining a woman’s egg with a man’s sperm in a laboratory dish to produce an embryo(s) which can be implanted back into the womb to fully mature.

16. The standard practice of Defendants is to dispose, allow to die, fail to protect, and/or otherwise kill the embryos that the clinic believes are not “viable.” Clinic Defendants partake in this practice. Defendants expressly choose to practice IVF in this manner, that allows the illegal

killing of unborn children rather than using practices that seek to prevent the death of unborn children.

17. As employed by Defendants, a standard IVF cycle will produce, on average, between five and thirty human embryos.

18. The clinics choose to preserve the unborn children with the most viable and favored genetic makeup.

19. Defendants present the parents with only the selected human embryos and implant an even smaller number of them (usually one or two) into the birth mother's womb.

20. The Defendants will then discard, or allow to die, the remaining embryos, donate them for scientific experimentation, or freeze them by cryopreservation to be implanted later, adopted by other parents, or eventually discarded.

21. The Defendants' IVF practice is often unsuccessful in initiating pregnancy and producing genetically healthy children.

22. Defendants often discard living embryos, which are unborn children.

23. Defendants often donate embryos exhibiting unwanted genetic characteristics to scientific experimentation.

24. Numerous embryos die when used for scientific experimentation.

25. On information and belief, Clinic Defendants often allow the parents to select certain embryos based characteristics that are impermissible reasons for an abortion under Utah's abortion statutes. *See, e.g.,* [Utah Code Ann. § 76-7-302.4](#) (prohibiting abortion for the sole reason that the child has Down syndrome).

26. This genetic screening by Clinic Defendants is akin to eugenics.

27. Children conceived through Defendants' IVF process, that are killed before implantation, are being denied rights guaranteed to other children under the Utah Constitution and other Utah laws.

28. Defendants could take precautions not to kill unborn minor children, but out of convenience, they fail to do so. They willfully and intentionally put business expediency and the satisfaction of their clients above the protection and sanctity of life.

29. Defendants have the option of fertilizing a smaller number of eggs and implanting them all into a client, thus preserving the life of these minor children. Although it is true that some of these children will die naturally once inside the client, such a situation would be no different than when a mother has a miscarriage for various reasons. Although V4TV opposes any form of IVF on a moral basis, it is possible that practicing IVF in this manner would not result in the unlawful death of embryos under Utah law.

30. Defendants could ensure that every fertilized egg is implanted into a client, giving the embryos a reasonable chance at life, but refuse to do so out of convenience.

31. Implanting one or more embryos into a mother is ethical.

32. Intentionally or negligently destroying any implanted embryos, an act known as "reduction," qualifies as an abortion under Utah law.

33. Clinic Defendants fail to provide adequate and full informed consent to their clients that they will be killing or allowing minor children to die in the lab during the IVF process.

34. This harm is irreparable and ongoing and is harmful to Plaintiffs.

35. As every mother and father knows, monetary damages can never fully compensate for the loss of a human life.

36. Neither is any kind of remedy available at law, besides declaratory relief combined with a permanent injunction, sufficient to prevent and address the ongoing harm of the destruction of living embryos.

37. No harm suffered by Defendants by a permanent injunction against the destruction of embryos, can outweigh the harm to embryos and their parents by the destruction of embryos.

38. Rather than adversely affecting the public interest, a permanent injunction against destruction of embryos would promote the public interest in protecting and furthering human life.

39. The state could feasibly enforce a permanent injunction against destruction of embryos.

Specific Allegations Against Utah Fertility Specialists

40. Jane Doe 1, a resident of Ogden, Utah, has been married to her husband for twenty-three years. In 2021, they started looking into In Vitro Fertilization (IVF). They did not understand much of the process. In 2023, they went to an IVF clinic owned and operated by Utah Fertility Specialists in Providence, Utah. There, the clinic asked if Ms. Doe wanted to be in the next group of twenty-five people being funneled through the IVF process.

41. When Ms. Doe 1 and her husband were deciding whether this was the best option for them, Dr. David Richards, a physician at the clinic, acted as if IVF was the best option for her. She remembers him saying that, even though her husband's sperm were abnormal, they were alive and so nothing was wrong and there would be a high chance of success.

42. Neither Dr. Richards nor the clinic told Ms. Doe 1 that there was only a thirty-to-forty percent chance of the IVF process succeeding. They never told her how expensive the process would be, and they never gave her any other education about the IVF process.

43. Instead of being able to consult with the clinic's medical professionals, Ms. Doe 1 was given a chart about the IVF process, showing her how to do everything at home. The clinic never asked her personally about why she was there or what her past attempts to become pregnant had been.

44. The entire process was cold and impersonal. Ms. Doe 1 started the hormone medication and then met with the doctor about procedures such as blood work. But she and the doctor never talked about anything else, like whether her body was ready for the procedure or if she was healthy enough to become pregnant naturally.

45. The clinic seemed more concerned about getting Ms. Doe 1 through the process and securing her money than protecting her wellbeing or the wellbeing of her unborn children.

46. Ms. Doe 1 paid \$15,000 as an initial flat fee. But there were a couple of unexpected cash fees along the way, including \$35 for paperwork and \$500 for sperm and egg harvesting. The medication alone was \$5,000.

47. If Ms. Doe 1 had decided to freeze any of my eggs or embryos, it would have been several thousand dollars more in fees.

48. Ms. Doe 1 was not offered any refund after the procedure was unsuccessful.

49. As she began taking the hormone shots, Ms. Doe 1 became concerned because she quickly gained twenty-five pounds. She lost an immense amount of blood when the clinic harvested her eggs. She also felt emotional and mad and she cried much more often. She wondered whether the medication was messing with her because she was not educated on what medication she was taking.

50. On information and belief, the clinic attempted to fertilize twelve of Ms. Doe 1's eggs.

51. On information and belief, the clinic fertilized all twelve eggs.

52. More than a week after they harvested her eggs, Dr. Richards called and told Ms. Doe 1 that two of the eggs were abnormally fertilized. He said that the rest "didn't take" and that he had never seen ones like this before. Dr. Richards did not explain how the clinic decided the eggs were abnormal.

53. The clinic did not tell Ms. Doe 1 what they did with the unfertilized eggs and human embryos. She does not remember them even asking her if she wanted to preserve any of her eggs or embryos.

54. Ms. Doe 1 believes that human embryos are human life. And it concerns her that she does not have clarity about how the clinic treated her embryos.

55. Ms. Doe 1 has become even more concerned now that she knows that some IVF clinics repurpose unused human eggs and embryos for scientific research.

56. Ms. Doe 1 never knew about the opportunity to put her embryos up for adoption, and if this was an option, she would have considered it as an alternative to discarding human embryos.

57. Ms. Doe 1 and her husband lack clarity on how the clinic determined their eggs and embryos to be inviable. They also lack clarity on whether there were any embryos that were not presented to them.

58. In consultation with others, Ms. Doe 1 has been told that the destruction and discarding of embryos can, but does not need to, happen in the IVF process. Ms. Doe 1 has also been told that some “abnormally fertilized” eggs have become perfectly healthy babies.

59. Jane Doe 1 did not know a live child could die through this procedure.

60. Utah Fertility Specialists never informed Jane Doe 1 that a live child could die through this procedure.

61. On information and belief, the clinic discarded her two embryos or otherwise caused them to be destroyed.

62. The thought of losing two of her children has caused Jane Doe 1 severe distress and anguish. Three and a half years later, she is still thinking about it and grieving. The fact that the clinic would discard her two living babies makes her angry and sad. Even just thinking or talking about it stirs up deep hurt. The level of sadness, sense of loss, and anguish is comparable to if she had lost a child after birth.

63. Jane Doe 1’s stress was further compounded in that her husband was extremely angry that the clinic would throw away their children, and she needed to comfort and calm him down as well. This added to her distress and anguish resulting from the loss of their children.

FIRST CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff Jane Doe 1 Against Defendant Utah Fertility Specialists and Director Doe 1

Pursuant to the Common Law

64. Plaintiffs restate and reincorporate paragraphs 1 through 63.

65. On information and belief, Defendants Utah Fertility Specialists and Doe Director 1 (the director of Utah Fertility Specialists) destroyed Jane Doe 1's embryos, at least two of which were fertilized.

66. In light of life's beginning at conception, as recognized by Utah law, this wanton and callous disregard of human life is outrageous and intolerable. It is equally outrageous and intolerable as discarding and destroying human life at a later stage of development, such as in the newborn, teenage, middle-age, or elderly years.

67. In destroying these embryos, Defendants Utah Fertility Specialists and Doe Director 1 acted in reckless disregard of the likelihood of causing emotional distress to Jane Doe 1.

68. This reckless disregard is evident in that Utah Fertility Specialists and Doe Director 1 did not communicate to Jane Doe 1 what they did with the embryos, and that in Jane Doe 1's subsequent contact with Utah Fertility Specialists, the clinic was only concerned with re-engaging her as a client to do another, very lucrative round of IVF. Utah Fertility Specialists did not even bother to notify Jane Doe 1 about the fate of her embryos.

69. When Utah Fertility Specialists told Jane Doe 1 that they would not proceed with implanting the embryos, the clinic expressed no sympathy for the loss of these children's future, failing to treat Jane Doe 1's embryos as human beings.

70. Even when Jane Doe 1 called the clinic to obtain her paperwork from her first IVF procedure, Utah Fertility Specialists immediately directed the conversation to the possibility of her undergoing another round of IVF.

71. Adding insult to injury, Utah Fertility Specialists never provided the paperwork.

72. The loss of these children's lives, paired with uncertainty about what happened to them, caused severe emotional distress to Jane Doe 1.

73. This distress was the direct and proximate result of the conduct of Utah Fertility Specialists and Director Doe 1 in discarding the embryos, failing to treat the embryos as human beings, failing to show sympathy for the loss of these children's lives through discarding or donation to scientific experimentation, failing to inform Jane Doe 1 of the embryos' fate, and merely seeking to persuade Jane Doe 1 to undergo further IVF procedures without any afterthought.

74. The thought of losing two of her children has caused Jane Doe 1 severe distress and anguish. Three and a half years later, she is still thinking about it and grieving. The fact that the clinic would discard her two living babies makes her angry and sad. Even just thinking or talking about it stirs up deep hurt. The level of sadness, sense of loss, and anguish is comparable to if she had lost a child after birth.

75. Jane Doe 1's stress was further compounded in that her husband was extremely angry that the clinic would throw away their children, and she needed to comfort and calm him down as well. This added to her distress and anguish resulting from the loss of their children.

76. Due to the actions of Utah Fertility Specialists and Doe Director 1, Jane Doe 1 has suffered significant harm and is entitled to a court-issued declaration that Utah Fertility Specialists and Director Defendant 1 wrongfully caused the death of her two embryos and thus intentionally or recklessly caused her to experience severe emotional distress.

77. The Court should also issue a permanent injunction preventing Utah Fertility Specialists and Director Defendant 1 from practicing IVF in any manner that results in the destruction of embryos.

SECOND CAUSE OF ACTION

PUBLIC NUISANCE

All Plaintiffs Against All Defendants

Pursuant to Utah Code Ann. § 78B-6-1102 and the Common Law

78. Plaintiffs restate and reincorporate paragraphs 1 through 77.

79. Under Utah law, a nuisance is “anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” [Utah Code Ann. § 78B-6-1101\(1\)\(d\)](#). Utah courts hold that a nuisance is public when it affects “an interest common to the general public, rather than peculiar to one individual, or several.” [Solar Salt Co. v. Southern Pac. Transp. Co.](#), 555 P.2d 286, 289 (Utah 1976). A public nuisance is one that “impacts the order and economy of the state or the public at large.” [Whaley v. Park City Mun. Corp.](#), 2008 UT App 234, ¶ 17, 190 P.3d 1, 7 (Utah Ct. App. 2008) (citing [Utah Code Ann. § 76-10-803 \(2003\)](#)). [Utah Code Ann. § 78B-6-1101\(3\)](#) lists categories such as drug houses, prostitution, and gang activity to illustrate acts that harm public morals, health, or safety.

80. The destruction of embryos is “injurious to health,” “indecent,” and “offensive to the senses” under [Utah Code Ann. § 78B-6-1101\(1\)\(d\)](#).

81. If embryos are legally or medically recognized as unborn human beings, then their destruction constitutes the ultimate harm, termination of life, and therefore fits squarely within “injurious to health.”

82. However, even absent “full personhood,” the intentional discarding of human offspring or human biological remains is inherently indecent and offensive to community moral standards, which satisfies the statutory definition of nuisance.

83. Destruction “for clinic convenience” rather than necessity heightens the indecency and offensiveness of the conduct.

84. The widespread destruction of embryos affects interests shared by the entire community and therefore meets the definition of a public nuisance.

85. The handling, storage, and disposal of human embryos implicates matters of public morality, public health, and public trust in the medical system, interests not limited to any single patient.

86. The creation and destruction of human children in laboratories impacts public ethical standards, the state’s ordered society, and the public’s trust in licensed medical facilities, and thus affects an interest common to the general public.

87. Systemic embryo destruction by clinics affects public confidence in the state’s regulation of human life.

88. Defendants exceed their proper role where they destroy embryos for internal convenience.

89. Destroying embryos is comparable to other nuisance activities in [Utah Code Ann. § 78B-6-1101\(3\)](#) because it is harmful, indecent, and contrary to public morals, even if performed in a regulated setting.

90. Utah public policy strongly favors protection of unborn life, strengthening the public-nuisance characterization.

91. The Utah Constitution and statutory laws and policies express a statewide interest in protecting unborn human life.

92. Large-scale, routine destruction of embryos by IVF clinics directly conflicts with this policy interest and therefore constitutes the type of activity affecting the public at large as required for a public nuisance.

93. Because IVF clinics' destruction or discarding of embryos is (1) injurious to health or indecent under Utah's nuisance statute, (2) affects interests common to the general public under Utah case law, (3) exceeds the clinics' lawful purpose, and (4) violates the state's public policy protecting unborn children, the conduct satisfies all elements of a public nuisance under Utah law.

94. Defendant Jane Doe 1 has suffered harm not experienced by the general public in that she has experienced the loss of two children, emotional distress, and inhibition in her enjoyment of life.

95. The thought of losing two of her children has caused Jane Doe 1 severe distress and anguish. Three and a half years later, she is still thinking about it and grieving. The fact that the clinic would discard her two living babies makes her angry and sad. Even just thinking or talking about it stirs up deep hurt. The level of sadness, sense of loss, and anguish is comparable to if she had lost a child after birth. This is further reason that the practices of Defendants must be stopped.

96. Jane Doe 1's stress was further compounded in that her husband was extremely angry that the clinic would throw away their children, and she needed to comfort and calm him down as well. This added to her distress and anguish resulting from the loss of their children.

97. Destruction of human life qualifies as a public nuisance worthy of protection by this court.

98. Due to Defendants' actions, Plaintiffs are entitled to a declaration that Defendants' practice of IVF in a manner that results in the death of embryos is a public nuisance. and must be stopped.

99. The Court should also issue a permanent injunction preventing Defendants and any other clinics or persons in the State of Utah from practicing IVF in a manner that results in the negligent, reckless, or intentional destruction of fertilized embryos.

THIRD CAUSE OF ACTION

WRONGFUL DEATH

All Plaintiffs Against All Defendants

Pursuant to Utah Code Ann. § 78B-3-106 and the Common Law

100. Plaintiffs restate and reincorporate paragraphs 1 through 99.

101. Defendants have caused, either intentionally, recklessly, or negligently, the death of numerous unborn children in each of their IVF clients.

102. Most of the deaths of unborn children are preventable in the IVF processes and practices, but Defendants continue to cause or allow these deaths out of convenience, to cut costs, or to allow a wide variety for selection of the "perfect" unborn children. The children that are not chosen for implantation by the facility are then discarded to die.

103. Defendants have caused harm to the unborn children, but also to the clients and parents of the unborn children who are allowed to die and not be implanted into their mothers.

104. In particular, on information and belief, Defendant Utah Fertility Specialists caused the death of Jane Doe 1's two embryonic children by discarding them, allowing them to die, or knowingly sending them to their deaths through scientific experimentation.

105. Even up to and including the present date, Utah Fertility Specialists and Doe Director 1 failed to inform Jane Doe 1 that the IVF procedure would result in the loss of the lives of one or more of her children.

106. These actions by Defendants are conscious and knowing.

107. At the least, Defendants are negligent in their disregard for the destruction of human life.

108. Due to Defendants' actions, Plaintiffs are entitled to a declaration that the destruction of embryos by Defendants is wrongful death as defined by Utah law.

109. The Court should also issue a permanent injunction preventing Defendants from practicing IVF in a manner that results in the destruction of embryos.

FOURTH CAUSE OF ACTION

MEDICAL MALPRACTICE – LACK OF INFORMED CONSENT

All Plaintiffs Against All Defendants

Pursuant to Utah Code Ann. § 78B-3-406 and the Common Law

110. Plaintiffs restate and reincorporate paragraphs 1 through 109.

111. Upon information and belief, Defendants do not obtain informed consent from the parents of embryos before discarding and therefore killing them.

112. Absent exigent circumstances or a court order, the medical standard of care requires that medical providers obtain informed consent from the parents of a minor child before performing any procedure on that child.

113. Jane Doe 1 and her embryos had a provider-patient relationship with Utah Fertility Specialists.

114. Jane Doe 1 paid Utah Fertility Specialists to perform the medical IVF procedure on her and to fertilize her eggs, thus creating her embryos.

115. As stated previously, Jane Doe 1 and her embryos suffered irreparable and serious harm through the embryos' loss of life and Jane Doe 1's severe emotional distress.

116. The IVF procedure, as performed by Utah Fertility Specialists and other IVF clinics in Utah, carries substantial and significant risks of causing serious harm to the mother and to the embryos in that Utah Fertility Specialists and other IVF clinics harvest and fertilize far more eggs than are necessary to attempt pregnancy, discarding any unused embryos or donating them to perish in scientific research.

117. That an embryo is human life and that the IVF procedure results in the destruction of human life are relevant facts to the decision of a prospective client regarding whether to consent to an IVF procedure.

118. Even up to and including the present date, Utah Fertility Specialists and Doe Director 1 failed to inform Jane Doe 1 that the IVF procedure would result in the loss of the lives of one or more of her children.

119. Knowing that IVF results in the destruction of human life, a reasonable prudent person in Jane Doe 1's position would not have consented to undergoing IVF in the manner practiced by Clinic Defendants.

120. The unauthorized destruction of human life is an irreparable harm to IVF embryos throughout the state of Utah, including the embryos of Jane Doe 1, and is the proximate cause of other harms suffered by Jane Doe 1, including severe emotional distress.

121. Due to Defendants' actions, Plaintiffs are entitled to a declaration and declaratory judgment that Defendants' practice of IVF in a manner that results in the death of embryos is a public nuisance.

122. The Court should also issue a permanent injunction preventing Defendants from practicing IVF in a manner that results in the destruction of embryos.

FIFTH CAUSE OF ACTION

DECLARATORY JUDGMENT

All Plaintiffs Against All Defendants

Pursuant to Utah Code Ann. § 78B-6-401 through § 78B-6-412

123. Plaintiffs restate and reincorporate paragraphs 1-XX.

124. Plaintiff Jane Doe 1 has suffered harm not experienced by the general public in that she has experienced the loss of two children, emotional distress, and inhibition in her enjoyment of life.

125. In addition, Voice for the Voiceless and Kriss Martenson have suffered harm due to their extreme vigilance in protecting human life.

126. Due to Defendants' actions, Plaintiffs are entitled to the following:

- a. A declaratory judgment making a declaration that the destruction of Jane Doe 1's two embryos by Utah Fertility Specialists and Director Defendant 1 caused Jane Doe 1 to experience severe emotional distress;
- b. A declaratory judgment making a declaration that Defendants' practice of IVF in a manner that results in the destruction of embryos is a public nuisance and results in wrongful deaths of embryos; and
- c. A declaratory judgment making a declaration that Defendants' practice of IVF in a manner that results in the death of embryos without informed consent by the embryos' parents, and the gestational carrier if applicable, is medical malpractice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant the following relief:

- 1. A declaratory judgment making a declaration that the destruction of Jane Doe 1's two embryos by Utah Fertility Specialists and Director Defendant 1 caused Jane Doe 1 to experience severe emotional distress;
- 2. A declaratory judgment making a declaration that Defendants' practice of IVF in a manner that results in the destruction of embryos is a public nuisance and results in wrongful deaths of embryos;
- 3. A declaratory judgment making a declaration that Defendants' practice of IVF in a manner that results in the death of embryos without informed consent by the embryos' parents, and the gestational carrier if applicable, is medical malpractice;

4. A permanent injunction prohibiting Clinic Defendants and any other clinics and persons in the State of Utah from performing IVF procedures in any manner that results in the death of embryos;
5. Plaintiffs' attorney fees and costs; and
6. Other relief as the Court deems just and appropriate.
7. All issues should be tried before a jury.

Dated this 30th day of April, 2026.

/s/ *Frank D. Mylar*

Frank D. Mylar
Attorney for Plaintiffs

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Deadline!

Your Answer must be filed with the court and served on the other party **within 21 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

Answer the complaint/petition

You must file your Answer in writing with the court **within 21 days** of the date you were served with this Summons. You can find an Answer form on the court's website: utcourts.gov/ans



Scan QR code
to visit page

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

¡Fecha límite para contestar!

Su Respuesta debe ser presentada en el tribunal y también con la debida entrega formal a la otra parte **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Lea la demanda o petición

La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

Cómo responder a la demanda o petición

Usted debe presentar su Respuesta por escrito en el tribunal **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio. Puede encontrar el formulario para la presentación de la Respuesta en la página del tribunal: utcourts.gov/ans-span



Para acceder esta página
escanee el código QR

Serve the Answer on the other party

You must email, mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

Finding help

The court's Finding Legal Help web page (utcourts.gov/help)

provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Entrega formal de la respuesta a la otra parte

Usted deberá enviar por correo electrónico, correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.

Cómo encontrar ayuda legal

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet

Cómo Encontrar Ayuda Legal. (utcourts.gov/help-span)

Algunas maneras de obtener ayuda legal son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. También hay ayuda legal a precios de descuento y consejo legal breve.



Para acceder esta página escanee el código QR



قم بالمسح الضوئي للرمز لزيارة الصفحة

An Arabic version of this document is available on the court's website:

نسخة عربية من هذه الوثيقة على موقع المحكمة على توجد الإنترنت:

utcourts.gov/arabic

A Simplified Chinese version of this document is available on the court's website:

本文件的简体中文版可在法院网站上找到：

utcourts.gov/chinese



请扫描QR码访问网页

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

utcourts.gov/viet



Xin vui lòng quét mã QR (Trả lời nhanh) để viếng trang