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### **Statement of Gloria Allred**

Today I am in Cleveland, Ohio, to announce lawsuits on behalf of three women who are cancer survivors and who have suffered a devastating loss of their hopes and dreams because of the failure of others to protect the women's eggs, which had been entrusted to them.

Rachel Mehl is a 40 year old women who was diagnosed with a very aggressive form of breast cancer in February, 2016. She is single and she resides in Pittsburgh, Pennsylvania. Rachel had just turned 38 before her initial diagnosis. She was informed that chemotherapy would likely destroy her ability to conceive children in the future. Rachel always dreamed of having children so she consulted with a Pittsburgh-based fertility specialist who referred her to University Hospitals (UH) Cleveland, because University Hospitals' facilities had the best possible resources for harvesting, freezing, and safeguarding eggs. Rachel delayed the beginning of her cancer treatment in order to undergo the painful and arduous process of the harvesting of her eggs. Rachel entrusted her eggs to UH for safekeeping and she is devastated at UH's failure to properly maintain and monitor the liquid nitrogen storage tank which has caused Rachel to lose 19 eggs, which had been retrieved, frozen, and stored in the liquid nitrogen storage tank at issue.

Sarah Deer is 30 years old and a middle school teacher. She is married. She and her husband also live in Pittsburgh, Pennsylvania. Sarah was diagnosed with Stage 3 breast cancer when she was only 27 years old. She delayed her cancer treatment in order to undergo having her eggs extracted and preserved at University Hospitals Cleveland. She believed that the benefit of having a family outweighed the risk of cancer progression and death.

After 29 eggs were extracted, she underwent four months of chemotherapy, a double mastectomy and weeks of radiation. She is currently on medication to reduce the chance of cancer recurrence. All of her extracted eggs

have now been compromised by the failures at UH. Her ability to have biological children now after cancer treatment is unknown and is greatly compromised due to chemotherapy treatments.

Danelle Yerkey is a 37 year old woman who was diagnosed with Stage 3 breast cancer at age 34. She is single and resides in Pittsburgh. She too was informed that chemotherapy would likely destroy her ability to have children in the future. Danelle dreamed of being a mother and parent and she wanted to do everything she could to preserve the possibility of having a child. Danelle delayed chemotherapy to commence the hormone therapy required prior to undergoing egg harvesting. She drove herself from Pittsburgh to Cleveland on a regular basis and endured a great deal of pain and suffering while she was taking the hormones required prior to her eggs being harvested. She so much wanted to have a child that she was willing to increase the personal risk of cancer progression by delaying the commencement of the chemotherapy protocol.

Danelle was able to harvest 24 healthy eggs after which she underwent a vigorous protocol of 16 rounds of chemotherapy, 31 rounds of radiation and a double mastectomy.

Danelle has just been informed that she will not be able to produce any more viable eggs due to the damage that the chemotherapy has caused.

These three women had a right to expect that if they underwent fertility treatments and entrusted their eggs to be preserved, that those to whom their eggs were entrusted would fulfill their legal and moral duty to protect them.

Unfortunately these three cancer survivors have been devastated to learn that their trust has been betrayed.

For this reason, today both Rachel and Sarah have filed lawsuits against University Hospitals' health system, University Hospitals Ahuja, and University Hospitals' Cleveland Medical Center. Danelle Yerkey's lawsuit will be filed later this week.

The cases have been filed in the court of common pleas, Cuyahoga County, Ohio by the law firm of Spangenberg Shibley & Lieber LLP.

I will be applying pro hac vice to be admitted in Ohio to co-counsel with this law firm to represent Rachel, Sarah and Danelle in their cases.

The lawsuits filed today allege negligence, gross negligence, recklessness, breach of contract, breach of implied warranty of fitness for a particular purpose, and violation of the Magnuson-Moss warranty act.

They are seeking compensatory and punitive damages and reasonable attorney's fees.

Of course no amount of money will ever be able to compensate them for the loss of their eggs or the chance to have biological children. We believe, however, that the cost of the wrong that these cancer survivors have been forced to suffer should be borne by the wrongdoers and not by the victims.

Rachel, Sarah and Danelle are very courageous to have shared their stories today. They have all been victimized by cancer but have found the strength to survive it.

Now these women who are particularly vulnerable have been victimized by the loss of their eggs due to no fault of their own. They are doing everything possible to survive this new crisis in their lives, but they want to do more than just survive.

They also want to become fighters for change so that no other woman will have to suffer the catastrophic loss that they have had to endure.

We look forward to supporting them and advocating for them in their battle for justice.

Gloria Allred  
Attorney at Law  
Representing Rachel Mehl,  
Sarah Deer and Danelle Yerkey  
April 2, 2018