

3 Canadian families sue US sperm bank over sperm donor

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Three Ontario families are suing a U.S.-based sperm bank and its Canadian distributor, alleging they were misled about a donor's medical and social history, which included a criminal record and significant mental illness.

The families, who all used the same donor, have brought three separate suits against Georgia-based Xytex Corp and Ontario-based Outreach Health Services over the sperm of Donor 9623. The families allege that donor was promoted as highly educated, healthy and popular.

Court papers filed in Ontario this week allege the donor had in fact been diagnosed with schizophrenia and [narcissistic personality disorder](#), had spent time behind bars for a residential burglary and did not have the degrees he claimed to obtain.

The documents allege Xytex failed to properly investigate the donor's education claims and his medical history, and misrepresented him to customers, including suggesting he had the IQ level of a genius.

"The claims allege Xytex continued to sell the sperm even after it knew the truth about the donor's health, his education and his criminal past," said lawyer James Fireman, who represents the three families. "This kind of specific facts scenario is pretty novel."

The donor is believed to have fathered at least 36 children, the lawsuits allege.

Ted Lavender, a lawyer for Xytex, however, said the company looks forward to "successfully defending itself" and noted that one of the families involved had already filed a similar lawsuit against the company in the U.S. which had been dismissed.

Outreach Health Services was not immediately available for comment.

One couple, Angela Collins and Margaret Elizabeth Hanson, had filed a lawsuit against Xytex, its parent company, [sperm](#) bank employees and the [donor](#) last year in the U.S. state of Georgia.

The case was dismissed by a judge who said that while the lawsuit claimed fraud, negligence and product liability, it is "rooted in the concept of wrongful birth," which isn't recognized under Georgia law.

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