**COLORADO IVF CLINIC SUED OVER LABORATORY FAILURE THAT DESTROYED COUPLE’S 7 VIABLE EMBRYOS**

***Attorneys: CNY Fertility Colorado Doctor Admitted Clinic at Fault, Said New “Double-Check” Procedure Implemented Only After Preventable Disaster.***

**COLORADO SPRINGS, CO - APRIL 20, 2022 -** A couple filed a major lawsuit against CNY Fertility Colorado after learning their embryos were destroyed by the clinic’s employees in a devastating laboratory failure. Just two days after Kara Seldin-Howell and Kolton Howell received the initial good news that their in-vitro fertilization (IVF) procedure resulted in seven viable embryos, CNY Fertility informed them it unintentionally destroyed all seven embryos and admitted that the clinic was at fault. The couple’s attorneys at the law firm Peiffer Wolf Carr Kane Conway & Wise (Peiffer Wolf) say the failure was preventable, and now the couple is left with no embryos after enduring a grueling series of injections, multiple tests, and an egg-retrieval surgery.

[The lawsuit was filed today](https://lostembryos.com/wp-content/uploads/2022/04/Seldin-Howell-Complaint.pdf) in the United States District Court for the District of Colorado against CNY Fertility Colorado, PLLC and its parent company CNY Fertility, PLLC, which operates other fertility clinics in New York, Pennsylvania, Florida, Georgia, and Canada.

Adam Wolf, partner, Peiffer Wolf, said: **“This tragedy was utterly preventable. The fact that CNY Fertility could destroy our clients’ embryos and only now promise to start ‘double-checking’ laboratory work speaks volumes about the lack of oversight of the IVF industry. We’ve represented countless clients in cases involving fertility clinic misconduct, and yet I’m still baffled by this preventable tragedy. CNY Fertility’s response of ‘Whoops. We’ll try harder next time,’ should disturb all of us.”**

Kara Seldin-Howell and Kolton Howell sought fertility treatment from Dr. Paul Magarelli at the CNY Fertility Colorado clinic in Colorado Springs in 2021. The couple traveled from their home in Pierce County, Washington to pursue IVF, and on May 5, 2021, Dr. Magarelli performed a surgical egg-retrieval procedure. Using Kara’s eggs and Kolton’s sperm, CNY Fertility embryologists created seven embryos. When a nurse called on May 6, 2021, to relay the good news, Kara and Kolton were elated that they could start their dream family of two-to-three children.

But on May 8, 2021, Kara got another call. Dr. Magarelli informed her that CNY Fertility had destroyed all seven of the couple’s embryos. In that call, Dr. Magarelli admitted that CNY Fertility was at fault for the loss of the embryos and promised to investigate how and why CNY Fertility caused this disaster. On May 11, 2021, Dr. Magarelli called again with the results of his investigation: CNY Fertility’s in-house laboratory professionals had failed to put the required oil medium in the Petri dish, causing the embryos to dry out and die. Dr. Magarelli reiterated that CNY Fertility was at fault for failing to utilize the medium. Dr. Magarelli also told Kara that as a result of the disaster, the clinic would implement a new procedure to “double-check” embryos after creation to ensure proper culture conditions.

Ashlie Case Sletvold, partner, Peiffer Wolf, said: **“CNY Fertility admits that it failed to follow basic lab procedures to safeguard our clients’ embryos and promised to implement a new procedure to ‘double-check’ embryos in the future. In a facility that touts its ‘state-of-the-art embryology lab,’ why was no one ‘double-checking’ in the first place?”**

CNY’s website describes the use of the medium as a standard aspect of the IVF process: “After fertilization, the embryos are grown in nourishing media that mimics the internal environment of a fallopian tube (where early embryonic development naturally occurs) for 3-5 day [*sic*] or until the embryo reaches a cleavage or blastocyst stage.”

Kara Seldin-Howell made the following statement: “**We see all the news headlines about fertility clinic disasters, but never in a million years did we think we would be affected. CNY Fertility robbed us of our future.”**

Kolton Howell said: **“Within a span of 48 hours, we went from being overjoyed that our dream of starting a family was finally coming true, to having that dream ripped away from us. Even after almost a year, I’m still struggling to process what happened.”**

In 2019, Peiffer Wolf published [*The Fertility Center Regulation Crisis in the U.S.*](https://peifferwolf.com/wp-content/uploads/2020/01/PWCK_Fertility-Center-Regulation-Crisis-Issue-Briefer_FINAL.pdf), an issue briefer calling on Congress to implement a system of fertility clinic oversight. The report identified the much tougher government standards in the United Kingdom as an excellent model. Currently, U.S. nail salons are subject to far tighter state and federal controls than fertility centers and laboratories.

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**ABOUT PEIFFER WOLF CARR KANE CONWAY & WISE**

Peiffer Wolf Carr Kane Conway & Wise is a national law firm with offices in New York, New Orleans, San Francisco, Los Angeles, Austin, Chicago, Cleveland, Youngstown, and St. Louis. <https://lostembryos.com/>

**EDITOR’S NOTE:** The time-stamped court filing, related news release, and a streaming version of the April 20th news event will be available later that same day at <https://www.lostembryos.com/>.