

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

Enas Saleh Ibrahim-wife, and)
Abdullah Abdulmohsen-husband,)
Plaintiffs,)

vs.)

No.)

Reproductive Genetic Institute (RGI),)
Estate of Yuri Verlinsky, PhD.,)
Oleg Verlinsky,)
Ilan Tur-Kaspa, M.D.,)
Dana Pauling,)
Nataliya Tkachenko, PhD,)
Defendant(s).)

2009L012831
CALENDAR ROOM Z
TIME 00:00
Medical Malpractice

COMPLAINT
(Negligence)

Plaintiffs complaining of the defendants, states as follows:

1. Plaintiffs are husband and wife who sought the services of defendant Reproductive Genetic Institute (RGI) in November 2007.
2. At all times relevant to this complaint, defendant, Reproductive Genetic Institute (RGI) is a business engaged in Preimplantation Genetic Diagnosis (PGD) and In Vitro Fertilization (IVF) technique to assist couples who are carriers of inherited genetic disorders in delivering health babies that are free from the inheritable genetic disorders.
3. At all times relevant to this complaint, defendant Yuri Verlinsky was a duly authorized agent, employee and/or servant of the defendant, RGI, and was acting within the scope of his agency and/or employment.
4. At all times relevant to this complaint, defendant Oleg Verlinsky was a duly authorized agent, employee and/or servant of the defendant, RGI, and was acting within the scope of his

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agency and/or employment.

5. At all times relevant to this complaint, defendant Ilan Tur-Kaspa was a duly authorized agent, employee and/or servant of the defendant, RGI, and was acting within the scope of his/her agency and/or employment.
6. At all times relevant to this complaint, defendant Dana Pauling was a duly authorized agent, employee and/or servant of the defendant, RGI, and was acting within the scope of his/her agency and/or employment.
7. At all times relevant to this complaint, defendant Nataliya Tkachenko was a duly authorized agent, employee and/or servant of the defendant, RGI, and was acting within the scope of his/her agency and/or employment.
8. Plaintiff Enas Saleh Ibrahim ("Enas") is a carrier of Fragile-X syndrome, a genetic trait, that she inherited from her parents.
9. On or about November 1, 2007, Enas Saleh Ibrahim and her husband Abdullah Abdulmohsen retained the services of the defendant RGI to assist the couple in conceiving a healthy baby free of Fragile-X Syndrome or trait.
10. As part of the arrangement Enas Saleh Ibrahim was to take hormones to produce as many eggs as possible for aspiration and then fertilization with her husband Abdullah Abdulmohsen's sperm.
11. At all times relevant to this complaint, each named defendant had the duty to possess and apply that degree of knowledge and skill that other members of the same institution would exercise in the same or similar circumstances, in the services each provided to the plaintiffs.
12. At all times relevant to this complaint, defendant, RGI, through its duly authorized agents,

employees, and servants, including but not limited to the named co-defendants, had the duty to possess and apply the knowledge and skill that similar institutions would exercise in the same or similar circumstances, in the services provided to the plaintiffs.

13. At all times relevant to this complaint, defendant, RGI, through its duly authorized agents, employees, and servants, including but not limited to the named co-defendants, had the duty to possess and apply the knowledge and skill that similar institutions would exercise in the same or similar circumstances, in the services provided to the plaintiffs.

14. Each named defendant was careless and negligent in the services provided to the plaintiffs in one or more of the following respects:


- I. Failed to properly process the plaintiffs' sperm and eggs.
- ii. Negligently commingled the plaintiffs' sperm and eggs with those of other person(s)
- iii. Failed to properly supervise the fertilization process involving plaintiffs' sperm and/or eggs.
- iv. Negligently fertilized Enas Saleh Ibrahim's eggs with someone else's sperm.
- v. Negligently fertilized someone else's eggs with Abdullah Abdulmohsen's sperm.
- vi. Negligently failed to account for what happened to plaintiffs' sperm and eggs.
- vii. Negligently failed to satisfactorily account for the whereabouts of the embryos, fertilized with plaintiffs' sperm or eggs.

15. Defendants informed plaintiffs' relative that the DNA of the embryos that resulted from the fertilization of Enas Saleh Ibrahim's eggs do not match the DNA of the husband Abdullah Abdulmohsen.

16. As a proximate result of one or more of the foregoing negligent acts and/or omissions, plaintiffs suffered injuries, emotional distress, and other damages.

WHEREFORE plaintiff demands judgment against each named defendant in an amount in excess of \$50,000 plus court costs.

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