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## \$10-Million Accord Is Reported in Fertility Suit

■ **Courts:** Settlement involves 50 couples who used UC Irvine's now-closed clinic, lawyers say. Plaintiffs' names and how they will split money are not revealed. Orange County judge must review pact.

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The University of California has agreed to a \$10-million settlement with 50 couples who were enrolled in UC Irvine's now-closed fertility clinic and sued after learning that doctors had allegedly stolen eggs from unsuspecting women patients, plaintiffs' attorneys announced Friday.

The accord, which the attorneys said must be approved by an Orange County judge, would end more than half of the estimated 90 civil lawsuits filed after the fertility scandal broke two years ago.

The mammoth new settlement would raise to \$14 million the total that university officials have agreed to pay 72 couples in connection with the scandal so far, said one plaintiff attorney, Lawrence S. Eisenberg

The scandal centers on three doctors who allegedly stole eggs harvested from women undergoing fertility treatments, implanting some of them in other women and funneling others into research.

In some instances, children were allegedly conceived and born without the knowledge of the women whose eggs were taken.

Ricardo H. Asch and Jose Balmaceda, the two principal doctors accused in the case, have left the country and would face criminal charges if they returned.

Their colleague, Dr. Sergio Stone, is under house arrest in Orange County on charges of mail fraud stemming from the scandal.

Details of the settlement, including the identities of the couples and how much money they will each receive, were not disclosed Friday as UC officials and plaintiffs' attorneys stood behind a court order that allowed them to withhold the information from the public.

Though lawyers indicated that the settlement would end all claims of the 50 couples, it remained unclear if there could still be litigation against the doctors individually.

A senior spokesman for the UC system confirmed only that settlements were being reached and declined to release details, citing a stay issued late Thursday by the state Supreme Court, which said the issue involved—the public's interest in how taxpayer money is spent versus the privacy rights of the couples—would be eventually decided by the high court.

"Beyond saying settlements are being made, we're not going to comment on anything," said Terry Colvin, senior public information officer for the office of UC President Richard C. Atkinson.

"At some point I'm sure, when all the cases are settled," Colvin said, "I'm sure we'll be able to address those questions, but until then we can't."

Eisenberg said he was notified Friday morning that the complex 50-case settlement had been approved by the UC Board of Regents at a meeting in San Francisco.

"These women are being justly compensated, although their pain will never go away," Eisenberg said.

Eisenberg said about half of the 50 cases involved couples who were treated by the UC Irvine doctors while they were working out of a hospital in Garden Grove. They said the corporation that owns the hospital recently agreed to share some of the liability with UC.

Attorneys say about two dozen civil suits are pending against the university.

State Sen. Tom Hayden (D-Los Angeles), who led a hearing into the fertility scandal in 1995 and sponsored new legislation making the theft of human eggs and embryos a crime, lamented Friday that the full facts may never be known.

One former regent interviewed Friday said the scandal shocked university officials from the beginning.

In some of the first discussions of the scandal and the physicians' actions, "it was clear that these guys really [screwed] up," the ex-regent said. "My gosh, this was a can of worms. There was big concern about where this was all going. It was taking your breath away."