Please grab a drink & have a seat, this is a long one.

There has been lots of world-wide exposure on the industry with this particular story. The exposure came about by the fact that the person in that story (me) decided to file the case openly which garnished media attention. Filing a case under seal does not garnish enough media attention, if any, to make any awareness possible. When faced with such a situation, all you can do is try to raise awareness for those considering using an anonymous donor via a gamete bank while you work behind the scenes to compel the governing bodies to make changes.

When you read a story like this, **you only get a snapshot of what is really going on which leads to many false speculations as to the motivation, facts and scope of the situation**.

Many of the families faced with learning something like this have already spent their life’s savings just to get pregnant and now face uncharted waters of trying to figure out how to prevent a psychosis for their child(ren), in this particular situation. Preventing a first psychosis is a daunting endeavour which will cost significant amounts of money (some more than others due to location).  So yes, making sure ALL families had some means by which to prevent their donor’s tortured existence from becoming that of their child(ren)’s was a motivating factor.

Unless you are independently wealthy, you end up needing to find a lawyer who works on contingency. Contingency lawyers take 35-40% of your winnings (or settlement) and cost you nothing if you lose in the US, which is why Americans file suits over every little thing. Here in Canada, contingency lawyers do not cover the defense fees in the event of a loss. So getting my contingency lawyer here in Toronto to attack the issue on this side of the border was a huge financial gamble. Unfortunately, the importer/distributor here (Outreach Health Services, now called Outreach Health Group) had no insurance so Xytex bought them out (hence the name change) as they are the #1 distributor for Xytex here in Canada. That move presented significant road blocks (all costing $$) for our fight above the border. Every road block costs $1000s of dollars.

In any case, the defense tries to throw down as many road blocks as possible to waste away the insurance $ with litigation fees so there won’t be much left if/once anyone gets to court. Then, if someone gets to court, the court proceedings will, more than likely, use up whatever is left of the insurance. If there is anything left after all that, it will only go to that one person/couple that made it to court.

This was not a class action lawsuit. That would have required for EVERYONE who used our donor’s sperm to be informed and be willing to sue. Xytex never informed those who were unaware - some learned by reading about it in the paper – how awful for them. I know there are more out there but it is/was not in Xytex’s best interest to inform the others as we just may have had enough for a class action lawsuit.

Please understand that the **judicial system is not about justice, it is about litigation.**

**Going to court, is ONLY about money**. There are no changes to regulations that come from going to court – there is a win & money paid out or there is a loss & money lost. In a settlement you can have the defense agree to terms beyond money, like changes to their practices. Whether they actually DO what they agree to do is another issue. Xytex has a history of saying it does things that it does not - case in point.

PLEASE NOTE: In the story, Rebecca Lindstrom says that Xytex now does criminal records checks and verifies education. **It would have been more accurate for her to have said Xytex CLAIMS to now do criminal records checks & CLAIMS to verify educational claims**. If this is the case, this is only for new intakes, not anyone in the program prior to them commencing with these claimed checks. I am in the process of verifying with Rebecca if she verified that they actually are doing those things. And if she verified, how? I will attempt to verify that on my own in the coming days. Until it can be verified, please understand that Xytex claiming they do anything is simply a claim. The same is true of all the gamete banks – it’s all claims of activities/practices/procedures - one of the many reasons why **this is a buyer beware industry**.

Outside of a settlement, it is the media exposure that pressures the changes that the few soldiers on the ground are pushing for. We need more people to come forward to share their stories if we really want to induce change. And EVERYONE needs to be continually lobbying their governing bodies for change as there will be increasingly more children born with the use of donors in the future. It’s a hard battle that makes you feel like you are beating your head against a wall and not many are willing/able to take that on – it’s almost a full-time job; one for which you do not get paid.

For a year, all of the stories about this situation were just renditions of other reporters’ interpretation of the claim that was filed in March of 2015. My lawyer wasn’t allowing media to contact me personally. After my case was dismissed, she opened the floodgates. After a year of working with a reputable investigative journalist named Theresa Boyle from the TO Star, I shared my story for the first time – story ran in April of 2016. **Within six months of that story airing there was a call by Health Canada for suggested changes to the Assisted Human Reproduction Act & the revision process is still ongoing.** Prior to the publication of that first story I had been writing Health Canada and inviting them to engage with me in person to no avail. I was doing everything I could think of to compel them to make changes. HC essentially said there were no violations of their regulations. This was not true, but considering**most regulations are non-binding it means there are essentially NO regulations in place** that guarantee any form of health or safety to DC people or the gamete recipients. So yes, **you can’t violate regulations that aren’t really there.**

Theresa Boyle didn’t just put out one single story, like most reporters, she continued to investigate the industry here. With that investigation Theresa exposed many of OHG’s failures over recent years. Specifically, Seattle Sperm Bank & its European version of itself had failed several inspections. It was becoming clear that the entire industry was a joke, not just Xytex, although I could likely prove, if legally allowed to do so, that Xytex is the worst or the worst. Keep in mind it is employee owned so there is considerable pressure for all of them to cover each other’s backs. The things they did are unconscionable & only possible by morally bankrupt people.

If one person with a story, working with one dedicated investigative journalist with Wendy’s continued support can induce a call for change by a health governing body, imagine what hundreds of people with stories could do? Hopefully with the continued pressure from Rebecca Lindstrom south of the border, along with Wendy and any other willing souls to share their story, change is possible. Change starts within.

There is one certainty here and that is: if no one decides to do anything, then nothing at all will happen, but if someone decides to do something, then something is possible.

As a side note to all Canadians reading this: Canadian compliant gametes are imported from the (basically the big banks in the US) the worst of the worst gamete banks in the industry. People need to understand that it is the**compliancy officer at the distributor (OHG as an example) that tells Health Canada whether or not the imported specimens are “Canadian compliant”. Understand that said compliancy officer is paid by selling the imported gamete**s – it’s a HUGE conflict of interest which places **Canadian gamete recipients in a particularly vulnerable position as we falsely believe we are being further protected by Health Canada**. We can’t be protected unless HC itself employs a compliancy officer to find issues, not the compliancy officer to be paid by the exporters to make the sperm appear to be compliant. But I digress…