



THE REVEAL

Ga. Supreme Court rules family can sue sperm bank for lies about donor background

He fathered at least 36 children, but the parents didn't know he had no education and a history of hereditary mental illness.



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ATLANTA — The Georgia Supreme Court has ruled families can now sue sperm banks if companies [lie about their donor backgrounds](#).

The ruling centers around a case 11Alive's investigative team, *The Reveal*, has [followed for years](#), involving a man who donated his sperm for more than a decade, but lied about his medical history.

One of the donor's offspring is Alex Norman, who is now an adult.

For much his life, he grew up hearing his biological father was essentially perfect on paper, which included having a high-IQ, multiple college degrees and no history of medical problems.

His mothers, Wendy and Janet, purchased the donor's sperm from the Xytex Corporation more than 18 years ago. According to their original lawsuit, the company claimed 'Donor 9623' was one of its "best" sperm donors.

A few years ago, Alex and his family learned the sperm donor used to bring him to life fabricated his entire background.

"You kind of have this daunting realization, like oh my God, I've been lied to," Norman said.

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Not only did 'Donor 9623' not have a college degree, he was previously diagnosed bi-polar with schizo-effective disorder, a condition that can be hereditary.

"It was like a daunting realization kind of because of course because the very first parts of it you don't want to jump into believing," Norman said in a FaceTime interview from his home in Peachtree City.

The [family's lawsuit](#) alleges Xytex allowed the donor to give sperm for more than a decade, leading to at least 36 children.

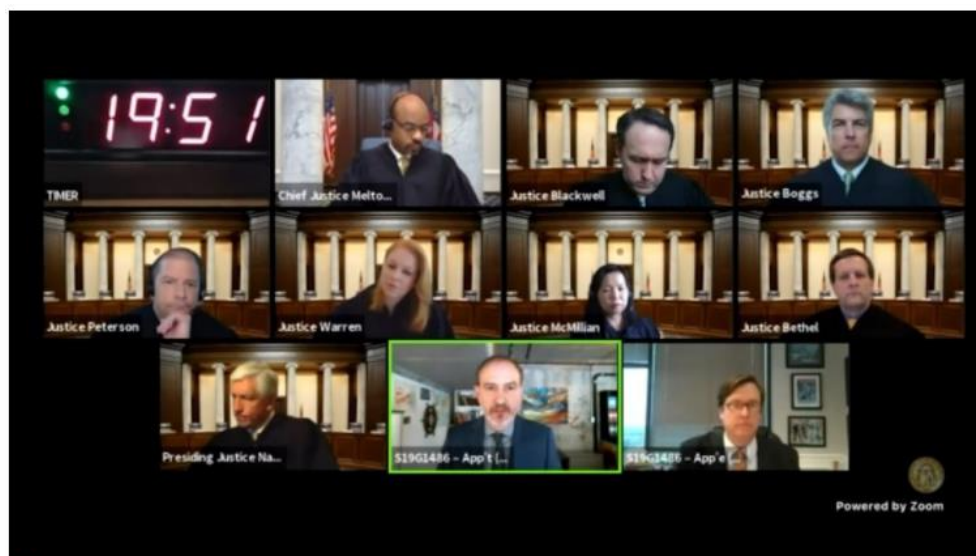
► **READ | [The full lawsuit against Xytex](#)**

Norman's mothers sued Xytex for misrepresenting the donor, but were told they couldn't seek monetary damages. That's because previous court rulings identified similar claims as 'wrongful births' and plaintiffs can't sue sperm banks for failing to notify parents about potential birth defects.

The family appealed to the Georgia Supreme Court. [During oral arguments](#) this past February, the judges seemed stunned the Norman's were unable to sue Xytex.

"Just to be clear, what you're asserting, a sperm bank can completely misrepresent everything about the sperm itself and charge whatever amount of money based on those representations and completely lie to every customer it has and nobody can do a thing about it?" Justice David Nahmias asked.

RELATED: ['Would anybody have paid him for his sperm?' Georgia Supreme Court Justices get heated deciding whether family can sue](#)



Credit: WXIA

While the family waited for the court's opinion, Alex's mom, Wendy, was cautiously optimistic.

"It's 2020. Nothing goes well. So, I was setting up myself and Alex for the worst," Wendy explained.

Last week, the court released its opinion on the case, ruling families can sue sperm banks for consumer fraud if they lie about their donors.

"It feels good because finally you see that Xytex is going to be held accountable for their actions when they kinda have been immune to that for years and years," Norman said.

The ruling now allows families to sue for at least punitive damage, something Alex plans to pursue.

The Reveal reached out to the attorneys representing Xytex to get a response to the ruling.

"This case was dismissed at the motion to dismiss phase, so the court had no choice but to rely on the unproven allegations made by the plaintiffs, regardless of whether they could be supported by any actual evidence. If this case does move forward, Xytex is confident in the actual evidence that exists to refute the allegations," attorney Ted Lavender replied.

The Reveal is an investigative show exposing inequality, injustice, and ineptitude created by people in power throughout Georgia and across the country.

<https://www.11alive.com/article/news/investigations/the-reveal/georgia-supreme-court-rule-in-sperm-bank-case/85-f04b9fcf-5a1b-4ded-9d90-e5ce074226fe>