

# Father loses claim against clinic that gave him unauthorised baby

A FATHER who sued an IVF clinic after his ex-partner forged his signature to become pregnant should not receive a penny because the resulting child is a "blessing", judges have ruled.

The man's former girlfriend simulated his signature to trick doctors into impregnating her with a frozen egg fertilised by his sperm. He only found out what she had done it when she told him on Valentine's Day.

The result was a baby girl, now aged seven. Although the father is devoted to her, he sued the fertility clinic IVF Hammersmith for the seven-figure costs of bringing her up.

However, Appeal Court judges ruled it "morally unacceptable to regard a child as a financial liability".

Lady Justice Nicola Davies said that, far from the girl being an "unwanted child", her father "wishes to treat her in the same way as his other children".

The former couple, who are in their 40s and cannot be identified for legal reasons, previously had a son following

treatment at the clinic. The court heard that the woman later returned on her own after their "volatile and rancorous" relationship "irretrievably broke down".

She forged her ex's signature to secure the release of fertilised eggs,

*The seven-figure claim included the cost of the girl's private education, a nanny and skiing holidays*

which had been frozen after the earlier procedure in case they were needed later. The mother gave birth to their daughter in 2011, whom the father "understandably loves".

He has since married another woman and blamed the clinic for implanting the embryo without his knowledge. He sued it for the costs of raising his daughter, plus legal fees for a custody battle with the mother. The

seven-figure claim included the cost of the girl's private education, a nanny and skiing holidays.

The court heard that the clinic had been duped by the mother's forgery and had not been negligent. However, under its contract with the couple, it had a "strict" duty not to thaw the eggs without the written consent of both.

The judge ruled that the costs of bringing up the girl were a "reasonably foreseeable" consequence of the clinic's breach of that duty, but pinpointed the "public policy" reasons why the father was not entitled to damages from the clinic. It was, she said, "impossible to calculate" his financial loss, "given the benefits and burdens of bringing up a healthy child".

"Added to this is the sense that it is morally unacceptable to regard a child as a financial liability," she added.

Lady Justice King and Lord Justice David Richards agreed that the father's appeal against an earlier ruling should be dismissed.

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