

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO:

JOHN DOE AND JANE DOE,
INDIVIDUALLY and AS PARENTS AND
NATURAL GUARDIANS OF BABY DOE,

Plaintiffs,

vs.

IVF LIFE, INC. D/B/A FERTILITY
CENTER OF ORLANDO, A FLORIDA FOR
PROFIT CORPORATION and MILTON
McNICHOL, M.D.,

Defendants.

VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF

Plaintiffs, JOHN DOE AND JANE DOE, INDIVIDUALLY AND AS PARENTS AND
NATURAL GUARDIANS OF BABY DOE (bring suit pseudonymously to protect their rights to
privacy) and sue the Defendants, IVF LIFE, INC. D/B/A FERTILITY CENTER OF ORLANDO,
a Florida for profit corporation and Milton Mc Nichol, M.D. and allege:

1. Plaintiffs, JOHN DOE AND JANE DOE are and at all material times have been
residents of the State of Florida.
2. Defendant, MILTON MCNICHOL, M.D. is a resident of Florida, is duly licensed
to practice medicine in Florida, and has regularly engaged in the practice of medicine in Palm
Beach County, Florida.

3. Defendant, IVF LIFE, INC. D/B/A FERTILITY CENTER OF ORLANDO, is a Florida for profit corporation which has and does regularly conduct business in Palm Beach County, Florida.

4. Plaintiffs engaged the services of Defendants for the purpose of employing invitro fertilization technology to start a family.

5. Employing such technology, Plaintiffs produced and then contracted with the Defendants for the cryogenic storage of three viable embryos—embryos resulting from the fertilization of Jane Doe’s eggs with John Doe’s sperm.

6. Pursuant to Plaintiffs’ directions, Defendants undertook in March 2025 to implant JANE DOE with one of Plaintiffs’ embryos.

7. The procedure appeared to have been carried out by Defendants in accordance with the Plaintiffs’ directions.

8. An embryo was successfully implanted in [REDACTED] uterus. The baby was carried through a successful full-term pregnancy, and JANE DOE gave birth to a beautiful, healthy female child (Baby Doe) on December 11, 2025.

9. Tragically, while both JANE DOE AND JOHN DOE are racially Caucasian, Baby Doe displayed the physical appearance of a racially non-Caucasian child.

10. The disparity prompted Plaintiffs to employ genetic testing of the parentage of the child to whom they had given birth. That testing confirmed that Baby Doe has no genetic relationship to either of the Plaintiffs.

11. The embryo implanted in JANE DOE was not one of the embryos produced by the Plaintiffs.

12. Of equal concern to the Plaintiffs is the obvious possibility that someone else was implanted with one or more of their embryos and is pregnant with or has been pregnant with and is presently parenting one or more of their children.

13. By letter of January 5, 2026, (attached as Exhibit 1 and redacted to protect the privacy interests of the Plaintiffs), Defendants were informed of the circumstances described above and were asked to cooperate in uniting Baby Doe with her genetic parents and to cooperate in determining the disposition of JOHN AND JANE DOE'S embryos. The letter was transmitted by regular mail, email and fax, and unsuccessful efforts were made by Plaintiffs' counsel to communicate with the Defendants by telephone.

14. In recognition of the obvious urgency in achieving the requested objectives, a deadline of the close of business on January 7, 2026, was imposed for obtaining a response from the Defendants. As of the filing of this action, no substantive response has been received, although there was an acknowledgment after the imposed deadline that Ex. 1 was received by the Defendants.

15. There is no adequate remedy at law for the ongoing loss, injury and damage inflicted on the Plaintiffs as a direct consequence of the afore-described acts and omissions on the part of the Defendants.

16. An intensely strong emotional bond was created on the part of JOHN AND JANE DOE with the unborn child Jane Doe carried during the nine months of her pregnancy, and despite

the certain knowledge that Baby Doe is not their genetically matched child, the emotional bond grows stronger every minute of every day that Baby Doe remains in their care. They would willingly keep her in their care; however, for the sake of both Baby Doe and her genetic parents, they recognize that Baby Doe should legally and morally be united with her genetic parents so long as they are fit, able and willing to take her.

17. JOHN DOE AND JANE DOE have an equally compelling right to be fully informed of the disposition of their own embryos and to be relieved of the ever-increasing mental anguish of not knowing whether a child or children belonging to them are in someone else's care.

Wherefore, Plaintiffs demand the issuance of emergency injunctive relief:

(1) compelling the Defendants to forthwith make and confirm a confidential disclosure to all of its patients who had embryos in storage as of the date immediately preceding Jane Doe's implantation of the allegations contained in this Complaint by providing them forthwith with a copy of the Complaint; thereby affording them the opportunity to determine whether Baby Doe may be their child and to determine whether they may be the recipient of one of Plaintiffs' embryos;

(2) requiring Defendants to pay the expense of free genetic testing for all patients and the children of all patients whose birth resulted from embryo implantation through Defendants' services during the past five years while the Defendants had custody of Plaintiffs' embryos;

(3) requiring Defendants to disclose any discrepancy in the parentage of the children of all patients whose birth resulted from embryo implantation through defendant's services during the past five years;

(4) requiring Defendants to provide an audited accounting of the disposition of all three of the Plaintiffs' stored embryos; and

(5) granting such other and further relief as the Court may deem appropriate under the circumstances;

(6) reserving jurisdiction to award damages to the Plaintiffs upon satisfying the applicable prerequisites for the award of such relief.

VERIFICATION BY PLAINTIFFS

We declare under penalty of perjury that the foregoing is true and correct.

Jane Doe
JANE DOE

John Doe
JOHN DOE

DATED this 9 day of January 2026.

Jack Scarola
JACK SCAROLA

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VIA EMAIL

ivforlando@gmail.com;

January 5, 2026

Milton McNichol, M.D.
IVF Life, Inc., d/b/a Fertility Center of Orlando
1912 Boothe Circle, Suite 100
Longwood, FL 32750

Re:

Dear Dr. McNichol:

Please be advised that the undersigned has been retained to represent the interests of your IVF patients, _____, individually and as birth parents and natural guardians of _____, born December _____, 2025. Immediately following birth, _____ were alerted, by _____ physical appearance, to the likelihood that _____ was not their biological child. Genetic testing has since confirmed that _____ is not genetically related to either _____ and that _____ was implanted by Fertility Center of Orlando with someone else's embryo.

Shea is a beautiful, healthy baby who _____ carried in her womb for nine months, and with whom _____ closely bonded both before and since her birth. But _____ is someone else's baby, and as much as _____ have grown and continue to grow to love her, she belongs with her biological parents—if and as soon as they can possibly be identified.

This heartbreaking circumstance is gravely aggravated by the knowledge that some other couple may be parenting—or about to be parenting _____ child. Moreover, in the absence of the racial disparity that alerted _____ to your inexcusable error, the fact and results of the error might be concealed for years or left undiscovered indefinitely.

The first concern of our clients is for _____ interests and the interests of her biological parents with whom she should be united as soon as humanly possible. Our clients' next



EXHIBIT

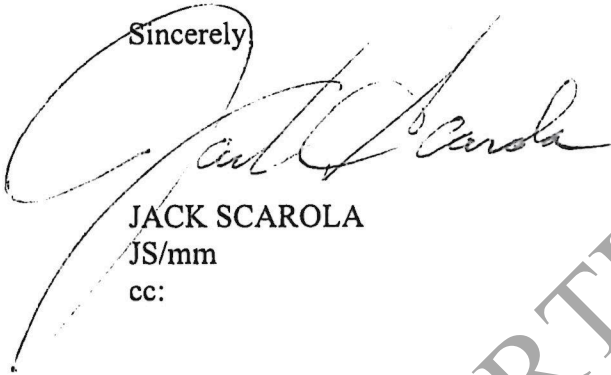
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and equally important concern is to trace the disposition of their own embryos to determine whether they have a child who is in someone else's care.

Both of these concerns are of the utmost urgency requiring immediate attention. It is our sincere hope that you will voluntarily recognize the need for decisive and immediate action and that you will inform us of your plan to address both concerns by the close of business on Wednesday, January 7, 2026. Should you fail to present an acceptable plan of action by that deadline, we will proceed to seek emergency injunctive relief to require that all of your patients during the relevant time period be given written notice of the error that has occurred and be offered genetic testing to be conducted at your expense.

We anxiously await your response.

Sincerely,



JACK SCAROLA

JS/mm

cc: