

\$10 million tapped for community centers

By Catherine Dominguez

STAFF WRITER

Montgomery County is using \$10 million in federal funds to build two new community centers, which will allow organizations and residents to host public and private events.

The new facilities will be in Precincts 1 and 2.

Construction is expect-

ed to begin late this year and be completed by late 2026.

"We are in the design process," Precinct 1 Commissioner Robert Walker said of the 15,000-square-foot center that will be located near the Conroe North Houston Regional Airport. "I've been working on it for a little over a year."

Precinct 2 Commission-

er Charlie Riley said the new center in his precinct will be off Woodtrace Boulevard near FM 2978.

"It's in the final design phase," Riley said.

According to information from the county, the community centers in Magnolia and Willis were also funded with federal funds.

The centers will include offices for nonprofit orga-

nizations. Walker said the cost will be just a \$1 a year for those organizations to operate out of the facilities.

Residents will also have access to space in the centers for private events, such as baby showers and birthday parties.

"It's going to be a real nice center," Walker said. "It's going to support the community."



Jason Fochtman/Staff file photo

The two new centers will add to existing ones, including the County Community Development Center.

Lawsuit accuses fertility clinic of using damaged embryos

By Evan MacDonald

STAFF WRITER

Nicole and Agustin Alarcon began to worry they were doing something wrong after their third attempt at in vitro fertilization again ended without a pregnancy.

Then a doctor called them with a startling admission. The couple learned the embryos used in all three IVF cycles had been damaged earlier this year but that a Houston fertility clinic opted to move forward with the transfers anyway, according to a lawsuit filed Monday in Harris County District Court.

The Alarcons are one of five couples who filed the lawsuit that accuses Texas-based Aspire Fertility Institute of failing to notify patients until months after a failure at its Piney Point laboratory occurred around February or March. Aspire attributed the failure to contaminated or defective freeze medium — a specialized solution used to preserve embryos, eggs or sperm — made by medical equipment manufacturer CooperSurgical, the lawsuit says.

The Alarcons said they endured three failed IVF



Raquel Natalicchio/Staff photographer

Agustin and Nicole Alarcon tell reporters Tuesday about the three failed IVF cycles they underwent that they later discovered used damaged embryos.

cycles in March, April and June before learning of the lab failure three weeks ago. Two of the transfers were unsuccessful and the third resulted in a miscarriage.

"They kept us completely in the dark," Nicole Alarcon said Tuesday at a news conference. "They failed to tell us about it, and really set us up for a lot of heartbreak."

The other four couples opted to remain anonymous in the lawsuit but have similar stories, said Robert H. Marcereau, a California attorney who is one of four lawyers representing the couples. Several couples may be unable to

try another round of IVF in the future, he said.

"This was probably their last chance to have biological children, because some of our clients are older," Marcereau said. "These were their last embryos and their last shot."

Dozens of patients' embryos were damaged in the lab failure, and Aspire reported an "almost zero" success rate on transfers after the damage occurred, the lawsuits says.

Aspire and CooperSurgical are named as defendants in the lawsuit, which seeks more than \$1 million in damages for each plaintiff. The Chronicle reached

out to both companies Tuesday but has not yet received a response.

A hearing in Harris County District Court has not yet been scheduled, according to court records.

The lawsuit says that if CooperSurgical's freeze medium is to blame, it would represent a "disturbing pattern" for the manufacturer. Last year, the company recalled a different product that is used in the IVF process. At least eight families have filed lawsuits that claim one of the company's products damaged their embryos.

The Houston lawsuit is similar to one that Marcereau and his partners at the California-based Fertility Law Group filed earlier this year in that state. That lawsuit accuses a fertility lab of mistakenly damaging embryos by exposing them to hydrogen peroxide, then transferring them to patients.

'They broke our trust'

Agustin Alarcon, 32, and Nicole, 31, began dating 16 years ago in high school. They began trying to conceive immediately after they married in 2020, but they were unsuccessful.

The couple tried intra-

uterine insemination, another type of fertility treatment, twice last year before pursuing IVF. The process resulted in 14 viable embryos, but their first three attempts at transferring those embryos were unsuccessful.

The couple was shocked when an Aspire doctor called to tell them about the lab failure. He recommended against moving forward with any more transfers because the embryos were "essentially destroyed," Nicole Alarcon said at the news conference.

"A fertility clinic is supposed to help you grow a family," she said. "You put a lot of trust in these people. And they broke our trust, and so many other families."

Nicole Alarcon said the Aspire doctor told them that the fertility clinic noticed its success rates begin to drop earlier this year but initially believed there was a problem with the way their embryos were being thawed. The doctor said the clinic didn't realize the extent of the damage until later, she said.

Attorneys for the couples said they had a fertility doctor review images of the embryos to confirm they

had been damaged before they were transferred. They also interviewed patients and Aspire lab personnel who told them the fertility clinic had an "almost zero" success rate with the damaged embryos, Marcereau said.

'Our life savings'

Agustin Alarcon noted that the failed IVF cycles also had financial consequences for the couple. Estimates put the cost of a single cycle of IVF at \$12,400. The Alarcons paid out of pocket and even sold a car to pay for the treatments.

"It was a lot of savings. Pretty much our life savings at this point," Agustin Alarcon said.

Attorneys declined to say Tuesday whether Aspire has offered any form of compensation after the lab failure.

Attorneys for the couple said they hope the lawsuit, and others like it, will highlight the fact the IVF industry is lightly regulated.

"There's nothing that says what these fertility clinics can and can't do," said attorney Michelle B. Hemesath, a partner at Fertility Law Group. "We're hoping that cases just like this one will spur change."