

Sause: 'It was always my intention to be a biological mother'

Continued from Page 8A

He had his sperm combined with anonymous donor eggs twice. The first time, Schnitzer says, the surrogate did not become pregnant and the second time the surrogate miscarried.

He says he and Sause talked about his desire to have a son. He says she was eager to help. "Cory said, over and over, 'I took a life and I want to help create a life,'" Schnitzer recalls.

Sause decided she'd allow her eggs to be mixed with Schnitzer's sperm. "I agreed given our budding relationship, and my own decision to have my eggs retrieved, to create embryos with (Schnitzer)," Sause wrote.

Genetic testing

A test developed in the early 1990s allows prospective parents to screen embryos for genetic disorders. Using the test, called pre-implantation genetic diagnosis, to determine the sex of the child is controversial.

It's illegal in some countries to choose the sex of the child when not medically necessary. In the U.S., where it's legal, parents who want to choose the sex of their baby have found their way to fertility clinics to get PGD testing.

Sause's legal filing says she and Schnitzer used PGD and screened the embryos to choose males for a surrogate pregnancy.

"(Schnitzer) told me that he only wanted a male heir and wanted to attempt pregnancies with as many male embryos as possible," Sause wrote. "I agreed that [he] could take possession of the male embryos and implant as many as he wanted in the surrogates of his choosing."

"I did not want the female embryos to be destroyed," she wrote, "so I agreed to take possession of the female embryos and (Schnitzer) would relinquish all rights to any female offspring produced from those embryos since he did not want any more female children."

Determining gender

For many parents pursuing surrogacy, the prospect of having a healthy child is enough.

But Sause says Schnitzer told her he was only interested in a boy and wanted to eliminate any potential confusion by documenting that goal.

In June 2014, Schnitzer's attorney, Jeff Nudelman, emailed Sause a contract outlining the terms of the proposed pregnancy.

The contract language emphasized Schnitzer wanted nothing to do with a baby girl. Here's how the contract expressed it:

"Schnitzer hereby relinquishes any claim to or jurisdiction over any female embryos from Sause and any resulting female offspring."

Sause renounced rights to any male embryo but not any male offspring in that contract. That meant, her attorneys now claim, she was acknowledging Schnitzer would have custody of their son but she could still be the boy's genetic mother and enjoy visitation rights.

The contract specified that no money would change hands between Schnitzer and Sause. Both prospective parents also agreed to confidentiality.

"Neither party will be involved in the preparation of any article, story, video, film, or book regarding the other party or family members," the contract said.

The pregnancy

In 2015, OHSU fertility consultants helped Schnitzer and Sause find a Springfield couple, Cassandra and Charles Gibeaut, who were willing to serve as surrogates.

On April 29, 2015, doctors at OHSU Fertility Consultants in Portland performed an embryo transfer to Cassandra Gibeaut.

In her court filings, Sause quoted from text messages she says Schnitzer sent her as the pregnancy progressed.

"Very soon, we will know whether you are going to be a mom," Schnitzer texted Sause in early May. "This is our baby." "Cassie says everything is fine with your baby," Schnitzer texted Sause on May 21, 2015.

"We are having a baby," Schnitzer wrote on Aug. 5, 2015. "Do you realize that?"

But as the due date approached, Schnitzer and



Submitted Photo

Cory Sause wants to be legally recognized as the mother of Jordan Schnitzer's son.

Sause's relationship cooled.

"During the summer of 2015, I was pulling away from the romantic relationship with (Schnitzer)," Sause wrote. "He had encouraged me to marry him and/or move in with him so we could raise the child together. However, I did not want to marry Mr. Schnitzer or share a life with him."

The birth

On Dec. 22, the boy Schnitzer wanted was born.

The birth took place in Linn County, near the surrogate parents' home.

"(Schnitzer) notified me of the birth and I visited my son in the hospital in Albany," Sause wrote.

She says she was thrilled to meet the boy she thought of as her son. But her happiness would be short-lived.

That same day, Dec. 22, Schnitzer filed a petition in Multnomah County Circuit Court saying he was the baby's sole parent.

People who employ surrogates routinely go to court to file declarations of parentage even before the birth to establish their custody and that the surrogate parents have no claim to the child.

In Schnitzer's case, however, he went further by omitting in court filings that Sause played any role in the baby's creation.

"The embryos were created

with Jordan Director Schnitzer's sperm and donor eggs, which were the exclusive property of (Schnitzer)," he said in the court filing. "It is in the best interests of (the baby) that the child's birth records and birth certificate accurately reflect the child's genetic and intended parentage to the fullest extent possible."

'Shocked'

Sause says when she learned that her name wasn't on the birth certificate, she was "shocked," and further dismayed that Schnitzer went to court and obtained a judgment certifying that he was the sole genetic parent.

In her court filings, Sause challenges the court's Dec. 29

finding that Schnitzer is the boy's sole genetic parent.

"It was always my intention to be the biological mother of any child that resulted from our embryos," Sause said in a March 3 declaration. "I am the biological mother."

When she learned she was not allowed visitation rights, Sause first tried to communicate with Schnitzer and then his attorney. Those talks went nowhere.

The goal of Sause's court filings March 3 is to force Schnitzer to appear in court April 4. In court, she hopes to establish her right to visit the boy, and to be designated on his birth certificate as his mother.

Bob Barton, one of Sause's

attorneys, argues that in the contract prepared by Schnitzer's attorney, Schnitzer renounced any involvement with any female "offspring," but that Sause made no such concession about a son. Barton says Sause acknowledged Schnitzer's sole custody of a male baby — but did not renounce either her parentage or visitation rights.

Schnitzer, whose attorneys are preparing to file a response to Sause, says her claims are without merit.

Schnitzer says Sause never expressed interest in being a mother, genetic or otherwise, before the baby was born.

"Cory said, 'I'm not a breeder. I'm not sure I want kids,'" he recalls. "She signed away her rights to everything."

What next?

In his quest to create a son in his image, Jordan Schnitzer has used cutting-edge science and his financial resources to guarantee the result he sought. But in his desire to be a father again, Schnitzer may have reached the limits of what money can do.

The son he wanted so badly was born into a legal dispute. And even if Schnitzer wins that dispute, his son will be a boy who has everything — except a mother.

Darnovsky, of the Center for Genetics and Society, says adults need to remember that children are not commodities to be chosen for their gender or other genetic attributes.

"What if this boy grows up to have no interest in real estate or his father's other pursuits?" she says. "What then?"

WW staff writer Rachel Monahan contributed reporting to this story.

Fresh Deals

On sale March 18 through March 29

Everyone can shop and everyone can save!

Astoria Co-op Grocery
Valid 3/18/16 through 3/29/16

\$10 OFF \$50 or more

Save on your next grocery purchase of \$50 or more at Astoria Co-op Grocery.

No membership needed. One coupon per household. May not be doubled. Use by March 29, 2016. Excludes purchases of alcohol.

<p>Organic Blueberries (6 oz.) 2.99 ea. <small>Reg. 3.99</small></p>	<p>Organic Russett Potatoes 69¢/lb. <small>Reg. .99</small></p>	<p>Organic Asparagus \$3.99/lb. <small>Reg. 5.99</small></p>
--	---	--

Beeler's Natural Ham

No added nitrites, hormones or antibiotics. Quality and flavor you can taste!

30% off

\$3.99 everyday low price