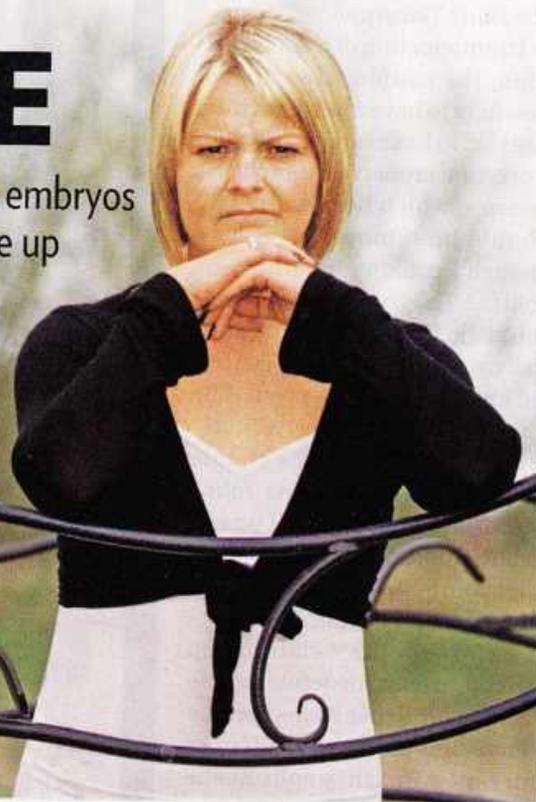


# FERTILITY HEARTACHE

Natallie Evans loses a five-year battle over frozen embryos she created with her beau—before they broke up

With her embryos slated for destruction, Natallie Evans (in Melksham, England) said she may "have a family by other means."



**N**atallie Evans feared she was watching a part of her future disappear before her eyes. Recently diagnosed with a pre-cancerous condition that threatened her ovaries, the young call-center worker from England knew the treatment ordered by her doctor would destroy her chances of having a child. But she clung to hope. At a fertility clinic near her home in Wiltshire, in late 2001, with her fiancé Howard Johnston by her side, doctors harvested her eggs. After fertilizing them with Johnston's sperm in a test tube, they froze six embryos for use when—and if—she survived her cancer.

Today Evans, 35, is alive and well, but her dreams of a family remain precariously on ice. Shortly after she and Johnston split up in the summer of 2002, Evans received a letter from the fertility clinic with stunning news: Johnston wanted the frozen embryos they had created together to be de-

stroyed. "I felt utterly crushed," Evans told Britain's *Daily Telegraph*. For the next five years, Evans (who, like Johnston, declined to be interviewed for this article) waged a desperate legal



Ex-fiance Howard Johnston arrives at London's High Court.

“A father has as important a part to play in a child's life as a mother” —HOWARD JOHNSTON

battle to save her embryos, a battle that now appears to be over. While expressing sympathy for her, the Grand Chamber of the European Court of Human Rights (the highest legal authority to which she can appeal) ruled April 10 in Johnston's favor, saying Evans's former fiancé's "decision to not have a genetically related child with her" outweighed her desire to be a mother. Appearing before reporters that day in London, the would-be mom broke down. "The pain of knowing my embryos were going to be destroyed was just too overwhelming," she told *Grazia* magazine.

Johnston, meanwhile, told the *Mail on Sunday* he wishes Evans the best. But after years of being vilified by the public, he said, he is glad it's over "so I can get on with my life." That is what he originally intended to do with Evans, whom he met on the job in 1999 at a call center. Johnston, then 22 and never married, proposed to Evans, five years older and twice divorced, under

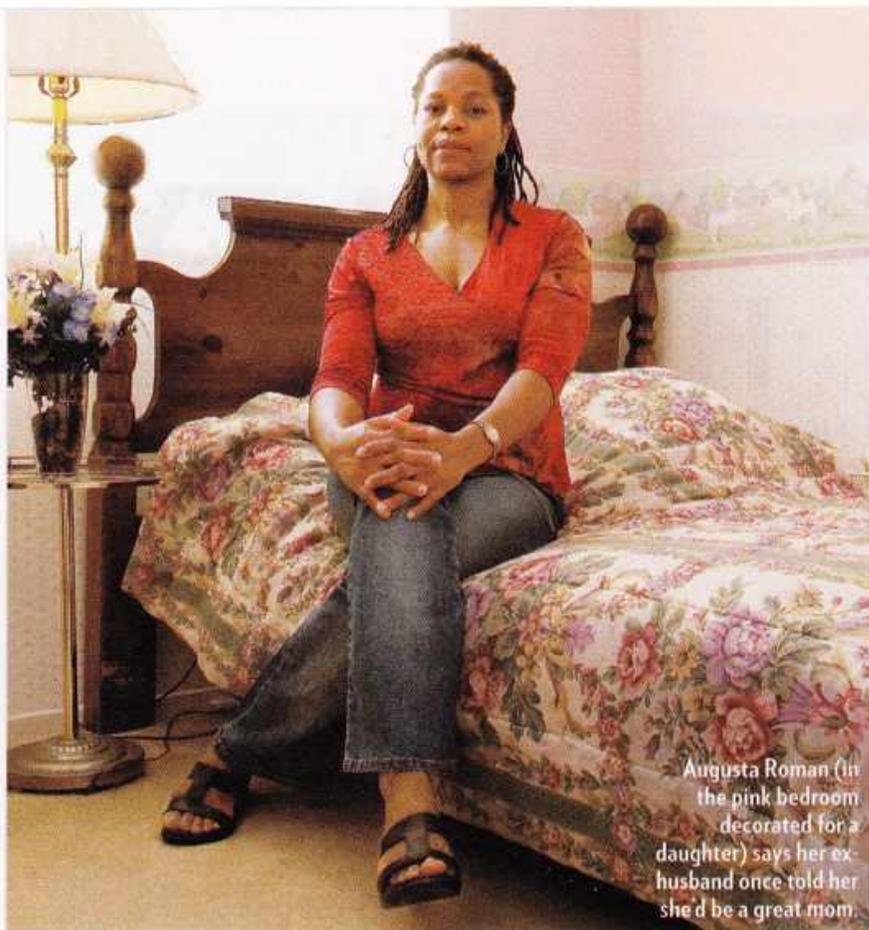
the Eiffel Tower nine months into their courtship. “[He] was a wonderful partner, forever buying me flowers,” Evans once told the *Daily Telegraph*.

In anticipation of a 2002 wedding, the couple tried unsuccessfully to have a baby. Fertility tests led to Evans’s diagnosis with a pre-cancerous condition in her ovaries, which her doctor said should be removed. “I felt as though I couldn’t breathe,” she told the *Telegraph*. “Howard was fantastic. Though he was frantically worried about the cancer, he knew my first fear would be that I could never have a child.” By mutual consent the couple created the embryos. As Johnston told a newspaper, “I wasn’t really thinking about babies at that point—just that the woman I loved might not survive.”

But then the relationship soured, at least for Johnston. He told the *Mail* that Evans became “incredibly possessive” after her surgery. After they split Evans told the BBC that she and Johnston had agreed she could still use the embryos. But later that summer, Johnston called the clinic and withdrew his consent, telling the *Mail* he didn’t want a child born with whom he wasn’t involved. Evans took her case to English, then European, courts but lost at every turn.

The embryos are expected to be destroyed in the next few weeks, and Evans says she hopes to be there. She told *Grazia* that after the verdict, her new boyfriend, Dave Richardson, 42, sent her a text message saying, “Howard has stolen five years of your life, don’t let him steal any more.” “And he’s right,” Evans said. “Although I’m hurting, I’m starting to get my head around the idea of finally moving on.”

By **Bob Meadows**. Reported by **Yolie Prebble** and **Caris Davis** in London and **Anne Lang** in Houston



Augusta Roman (in the pink bedroom decorated for a daughter) says her ex-husband once told her she'd be a great mom.

## A TUG-OF-WAR OVER FROZEN EMBRYOS IN TEXAS

**E**xcited about having a baby, Augusta Roman says she barely glanced at the papers she signed at the fertility clinic in April 2002. Her husband, Randy Roman, wrote his initials first. “I just initialed after him,” she recalls. “I feel so foolish now.”

Augusta, now 45, may not have realized it at the time, but she had just agreed that, if the couple split up, the embryos they were in the process of creating at the Center of Reproductive Medicine in Webster, Texas, would be destroyed. That reality became starkly evident a few months later, when Randy, now 46, and Augusta decided to part ways. Although the Romans settled their divorce three years ago, the fate of those three embryos now rests with the Texas Supreme Court. Augusta, a registered nurse, has sued for the right to use them to carry a child to term; Randy, a computer technician for NASA, wants them to remain in storage—

perhaps forever. The embryos, he said in 2004 testimony, “were not created to be used in a way that limits me to being a sperm donor. They were not created to be used against my wishes.”

The couple were 10 hours away from a medical procedure in which the embryos would have been transferred to her uterus when Randy broke the news that he didn’t want to go through with it. “I started crying and I kept asking him ‘Why?’ And he would just give the same answer, ‘Because you are hostile to God,’” she says. Augusta describes herself as spiritual; Randy said he was Christian. “In my heart,” he testified, “there was just this little nagging . . . that something here wasn’t right.”

The court isn’t expected to rule until the fall. Augusta realizes that even if she wins, her chances of conceiving are growing slimmer. “It doesn’t look good at my age, but I’d still like the opportunity to try,” she says. “I’m still hopeful.”