

No. 23-637

FILED

SEP 18 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

Jingjing Zheng, Zhongan Wang,

Petitioners,

v.

Shady Grove Fertility,

Respondent

On Petition for a Writ of Certiorari to the United States  
Court of Appeals for the Supreme Court of Maryland

**PETITION FOR WRIT OF CERTIORARI**

Jingjing Zheng, Zhongan Wang

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SUPREME COURT, U.S.

## **QUESTION PRESENTED**

The Petition for Writ of Certiorari has proven clearly and logically with evidence the six categories of claims. It also lists six strong and logical reasons for granting the petition, especially, more than eight and a half billion dollars loss in IVF treatments in the United States each year.

The question presented is:

Will granting this petition decrease a large amount of loss in IVF treatments in the United States each year to safeguard the significant interests of the American Nation?

## **PARTIES TO THE PROCEEDING**

Petitioners, all of whom were plaintiffs in the Circuit Court for Montgomery County, Maryland, appellants in the Appellate Court of Maryland, and petitioners in the Supreme Court of Maryland, are Jingjing Zheng and Zhongan Wang.

Shady Grove Fertility (SGF) is respondent who was the defendant in the Circuit Court for Montgomery County, Maryland, Appellee in the Appellate Court of Maryland, the respondent in the Supreme Court of Maryland. However, the new evidence has shown that Igenomix was involved in this case because Igenomix signed PGT-A Consent Form with SGF and with the petitioners Jingjing Zheng and Zhongan Wang.

## **CORPORATE DISCLOSURE STATEMENT:**

No petitioner is a corporation. Jingjing Zheng and Zhongan Wang does not have

any parent corporations or publicly held companies owning 10% or more of its stock.

### **RELATED PROCEEDINGS**

Three proceedings in three different courts are listed below:

#### **CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

50 Maryland Avenue

Rockville, Maryland 20850

Case Number: C-15-CV-22-001022

JINGJING ZHENG, ET AL. VS. SHADY GROVE FERTILITY (SGF)

03/07/2022

#### **Court of Special Appeals**

(changed to: Appellate Court of Maryland)

Robert C. Murphy Courts of Appeal Building 361 Rowe Boulevard

Annapolis, Maryland 21401-1699

(410)260-1450 WASHINGTON AREA 1-888-200-7444

Jingjing Zheng, et al v. Shady Grove Fertility (SGF)

Case Number: CSA-REG-0563-2022

Circuit Court Number: C-15-CV-22-001022

Date: 6/3/2022

#### **Supreme Court of Maryland**

Robert C. Murphy Courts of Appeal Building

361 Rowe Boulevard

Annapolis, Maryland 21401-1699

410-260-1500

Case Number: SCM-PET-0369-2022

Case Style: Zhongan Wang v. Shady Grove Fertility

1/23/2023

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## INTRODUCTION

In order to easily understand the history of the case, the following table in chronological order contains the pleading dates, document titles, claims, and related parties.

The evidence is related to the inference and law codes so that **claim->evidence->inference->law codes** pattern is used to prove the claims. The connection between the elements of claims is clear and easy to understand.

The Circuit Court for Montgomery County, Maryland (hereinafter “CCM”). The Appellate Court of Maryland (hereinafter “ACM”). The Supreme Court of Maryland (hereinafter “SCM”). Shady Grove Fertility (hereinafter “SGF”).

Dates	Activities	Parties
03/07/2022	Complaint, Exhibits, and signed CC-DCM-002 form were submitted.	Plaintiffs
03/07/2022	The Docket Entry of CCM	CCM
04/19/2022	Motion to Dismiss.	Defendant
04/26/2022	Plaintiffs' opposition to motion to dismiss.	Plaintiffs
05/10/2022	Order of Dismissal	CCM
06/02/2022	Notice of Appeal	Appellants
06/03/2022	The Docket Entry of ACM	ACM
06/06/2022	Civil Appeal Information Report	Appellants
06/15/2022	Order of without a prehearing Conference or Alternative Dispute Resolution	ACM

08/17/2022	schedule order	ACM
09/12/2022	brief and record extracts of appellant by e-filing	Appellants
10/12/2022	brief of appellee  with motion to dismiss	Appellee
10/20/2022	SUMMARY NOTICE	ACM
10/24/2022	reply brief of appellants	Appellants
12/07/2022	Unreported Opinion by  Wilner, J. From ACM	ACM
12/13/2022	Motion for  Reconsideration	Appellants
01/11/2023	Mandate of Denial	ACM
1/23/2023	Petition for Writ of  Certiorari	Petitioner
1/23/2023	SCM Deficiency Notice	SCM
2/4/2023	Amended Petition for  Writ of Certiorari	Petitioner
5/21/2023	Motion for Reconsideration	Petitioner
2/7/2023	Respondent's answer in Opposition to Petition	Respondent
4/25/2023	Petition Denied	SCM
5/21/2023	e-Filing Motion for Reconsideration.	Petitioner
6/20/2023	Denied Order from SCM	SCM

## OPINIONS BELOW

Opinion from the Appellant Court of Maryland No.563, September Term, 2022,

Opinion by Wilner, J., Filed: December 7, 2022.

Citation: "this is nonetheless a medical malpractice case" "**a health care provider for damage due to a medical injury** shall file the claim with the Director [of the Health Care Alternative Dispute Resolution Office]."

It can be seen from the above citation that the Opinion confirmed: (1) this case is medical malpractice; (2) a claim should be filed to the Health Care Alternative Dispute Resolution Office.

The legal issue presented: 1) The Opinion switched the case type from medical fraud to medical malpractice indicated in Form CC-DCM-002 by intentionally confusing the intentional behavior and unintentional behavior. The ACM also ignored the evidence and the pleading contents of the pro se litigants, which violated the equal law protection; 2) the Opinion intentionally misrepresented the Maryland law codes: the Health Care Alternative Dispute Resolution Office has no jurisdiction over medical fraud. The legal issues result in the deprival of the right to fair trial endowed by the Constitution of the United States. The Supreme Court of the United States has the power to safeguard the Constitution of the United States.

## JURISDICTION

Pursuant to 28 U.S.C. § 1254(a), the Supreme Court of the United States has the authorizes to review final judgments of the highest court of a state in which a substantial federal question is in dispute.

From the above table of activities, it can be seen that the petitioners went through all the possible legal procedures in the three courts of three levels. Ignorance of the evidence and the pleading contents forced the petitioners to appeal to the Supreme Court of the United States to safeguard the right to fair trial endowed by the Constitution of the United States. The judgement from the SCM is final. The appeal to the Supreme Court of the United States raised six types of issues that are of significant interests of the United Nations:

- a) SGF has no license of PDG-A, but told the court that SGF performed the PGT-A test.
- b) SGF intentionally misrepresented the fertility fraud as medical malpractice.
- c) SGF intentionally misrepresented the Maryland law codes.
- d) SGF intentionally ignored the evidence and failed to disprove the accusations by evidence.
- e) SGF deceived the courts two times.
- f) SGF made forgery of medical reports.

## **STATUTORY AND REGULATORY PROVISION INVOLVED**

### **Clinical Laboratory Improvement Amendments (CLIA)**

<https://www.fda.gov/medical-devices/ivd-regulatory-assistance/clinical-laboratory-improvement-amendments-clia>

The Clinical Laboratory Improvement Amendments (CLIA) are federal regulations in the United States that govern the quality and accuracy of all clinical laboratory testing performed on humans in the US, with the exception of clinical trials and

basic research. These regulations apply to any laboratory that performs tests on human specimens for the purpose of providing information for health assessment, diagnosis, prevention, or treatment of disease.

**33 U.S. Code § 931 - Penalty for misrepresentation.**

<https://www.law.cornell.edu/uscode/text/33/931#:~:text=Any%20claimant%20or%20representative%20of,by%20imprisonment%20not%20to%20exceed>

"Any claimant or representative of a claimant who knowingly and willfully makes a false statement or representation for the purpose of obtaining a benefit or payment under this chapter shall be guilty of a felony, and on conviction thereof shall be punished by a fine not to exceed \$10,000, by imprisonment not to exceed five years, or by both."

**18 U.S. Code § 1038 - False information and hoaxes.**

"18 U.S.C. 1038 makes it a crime to provide false or misleading information relating to many substances, including biological hazards, and to conduct hoaxes. The law specifically excludes authorized investigative, protective, or intelligence activities of a law enforcement agency."

**Section 1001 of Title 18 of the United States Code 12**

<https://www.law.cornell.edu/uscode/text/18/1001>

<https://www.justice.gov/archives/jm/criminal-resource-manual-908-elements-18-usc-1001#:~:text=Section%201001's%20statutory%20terms%20are,or%20fraudulent%20statements%20or%20representations%2C%22>

**908. ELEMENTS OF 18 U.S.C. § 1001**

Section 1001's statutory terms are violated if someone:

- 1."falsifies, conceals or covers up by any trick, scheme or device a material fact,"
- 2."makes any false, fictitious or fraudulent statements or representations,"

### **STATEMENT OF THE CASE**

This case contains the six types of facts materials:

- A. SGF has no license of PDG-A, but told the court that SGF performed the PGT-A test.**
- B. SGF intentionally misrepresented the fertility fraud as medical malpractice.**
- C. SGF intentionally misrepresented the Maryland law codes.**
- D. SGF intentionally ignored the evidence and failed to disprove the accusations by evidence.**
- E. SGF deceived the courts two times.**
- F. SGF made forgery of medical reports.**

**a) SGF HAS NO LICENSE OF PDG-A, BUT TOLD THE COURT THAT SGF PERFORMED THE PGT-A TEST.**

**Evidence:**

Ex09- SGF Deceived ACM About the PGT Test for the First Time. Ex14- PGT-A Consent Form with Igenomix. Ex15- PGT-A Consent Form with Igenomix by DocuSign.

**Inference:**

The patients signed the Preimplantation Genetic Testing for Aneuploidies (PGT-A) Consent Form as shown in (Ex14- PGT-A Consent Form with Igenomix) because SGF told the patients that PGT-A test would be performed by Igenomix, not by SGF. Otherwise, it would be no sense to sign the Consent Form with Igenomix. But SGF told the ACM and SCM that SGF performed the PGT-A test as shown in (Ex09- SGF Deceived ACM About the PGT Test for the First Time). SGF failed to show the license of PGT Test to ACM and SCM. So SGF performed the PGT-A test without a license.

In addition, SGF did not give the PGT-A result report to the patient upon request. In the IVF treatment record provided by CIOX as shown in (Ex05-Invoice for the medical records), there is no PGT-A record found.

**Related laws violated:**

SGF had no license to perform PGT-A and thus was in violation of both Maryland law and federal law. In the United States, the Clinical Laboratory Improvement Amendments (CLIA) regulations the standards for all laboratory testing, including PGT-A. These regulations require that laboratories performing PGT-A must be certified by the Centers for Medicare and Medicaid Services (CMS). In addition, many states, including Maryland, have additional requirements for laboratories performing PGT-A. For example, Maryland law requires that laboratories performing PGT-A must have a license from the Maryland Department of Health. Here are some specific Maryland and federal laws that was violated by SGF performing PGT-A without a license:

Maryland Code, Health-General Article, Section 19-301(a): This law requires that all laboratories performing clinical laboratory tests in Maryland must be licensed by the Maryland Department of Health.

CLIA regulations, Subpart I, Section 493.801(a): This regulation requires that all laboratories performing PGT-A must be certified by CMS.

SGF asserted that SGF performed PGT-A test, but failed to provide the medical record. SGF was in violation of both Maryland and United States law. In Maryland, the Health-General Code, specifically Section 4-403, requires that "all medical records, laboratory and X-ray reports, prescriptions, and other records of treatment" be kept for at least five years. The law also states that these records must be "made available to the patient or the patient's representative upon written request." The federal Health Insurance Portability and Accountability Act (HIPAA) also requires that healthcare providers maintain patient records and provide them to patients upon request. According to HIPAA, patients have the right to access their medical records, including test results. This right is protected by the HIPAA Privacy Rule. If SGF failed to provide a medical report to a patient upon request, it can be considered a violation of HIPAA. The Department of Health and Human Services (HHS) can impose significant fines on the clinic.

In summary, SGF has no license of PGT-A, and failed to provide the medical record of PGT-A. Therefore, SGF was in violation of both Maryland and United States laws.

**b) SGF INTENTIONALLY MISREPRESENTED FERTILITY FRAUD**

## AS MEDICAL MALPRACTICE

Evidence: Ex01-CC-DCM-002 Form Case Type from the Complaint. It can be seen that the fertility fraud was selected literally though medical malpractice is listed in the CC-DCM-002.

Ex02-Four Claims Filed from Complaint. Four claims have been filed as shown in (Ex02-Four Claims Filed):

1. SGF told us the false test result and failed to show us the evidence of the treatment.
2. SGF has stolen the extra patients' organs.
3. SGF mischarged patients.
4. SGF breached the agreement between SGF and the patients.

Ex03-Eggs Were Extracted in SGF. It shows when the eggs extraction happened.

Literally in Motion to Dismiss, SGF intentionally misrepresented the fraud fertility filled in Form CC-DCM-002 as medical malpractice as shown in (Ex04-Misrepresentation of Fertility Fraud) "In support of its motion. Defendant states the following:

2. Plaintiffs' Complaint is a medical malpractice action arising out of the fertility care and treatment provided to Jingjing Zheng and her husband Zhongan Wang. Plaintiffs' allegations assert negligence related to the care and treatment rendered at Shady Grove Fertility reproductive."

Inference:

## What are the differences between medical malpractice and medical fraud?

### Medical Malpractice:

**Definition:** Medical malpractice occurs when a healthcare professional provides care that is below the accepted standard, leading to patient harm or injury. It's typically associated with negligence, errors in treatment, diagnosis, aftercare, or health management.

**Intent:** Malpractice usually involves no intent to harm. The errors are often unintentional, stemming from professional negligence, oversight, or lack of skill.

**Legal Consequences:** Healthcare providers can be held liable in civil court for damages resulting from malpractice. It's crucial to prove that the healthcare professional breached the standard of care and that this breach directly caused the patient's harm.

### Medical Fraud:

**Definition:** Medical fraud involves intentional deception or misrepresentation by a healthcare provider, insurer, or patient to gain financial benefits.

**Intent:** Fraud is characterized by a deliberate act of deception for financial gain. It involves knowingly making false statements or misrepresentations.

**Legal Consequences:** Medical fraud is a criminal act. Those involved can face criminal charges, resulting in penalties like fines, restitution, and imprisonment. In summary, while medical malpractice revolves around a breach of the standard of care leading to patient harm, often without malicious intent, medical fraud is an

intentional act of deception for financial gain, carrying more severe legal penalties including criminal charges.

Maryland legal system can distinguish medical fraud and medical malpractice so that two different case types are listed in the Form CC-DCM-002 literally and clearly.

**Related laws violated:**

SGF has committed perjury pursuant to Maryland Criminal Law Code Section 9-101 because intentional misrepresentation is a type of perjury. Intentional misrepresentation of fertility fraud as medical malpractice can potentially be seen as a form of fraud or deceit.

Maryland Criminal Law Code § 8-402 also addresses fraudulent misrepresentation by a corporate officer or agent. Maryland Common Law: the common law of Maryland recognizes the tort of fraud. Maryland Consumer Protection Act: the Maryland Consumer Protection Act (MCPA) prohibits deceptive trade practices, including intentional misrepresentation.

**c) SGF INTENTIONALLY MISREPRESENTED THE MARYLAND  
LAW CODES**

**Evidence:** As shown in the above Ex04-Misrepresentation of Fertility Fraud, "pursuant Maryland Rule 2-322(b)(1) and 2-322(b)(2), hereby moves to dismiss Plaintiffs' Complaint for failure to file their claim in the Health

Care Alternative Dispute Resolution Office as required by MD. CODE ANN.,  
CTS. & JUD. PROC. §3-2A-01"

**Inference:**

**Is Health Care Alternative Dispute Resolution Office related to medical malpractice or medical fraud?**

The Health Care Alternative Dispute Resolution Office (HCADRO) is a Maryland state agency that provides an alternative forum for resolving medical malpractice disputes. **HCADRO does not have jurisdiction over medical fraud cases.**

Maryland law defines medical malpractice as "any act or omission by a health care provider in providing health care that deviates from the applicable standard of care and proximately causes personal injury or death to a patient." This means that medical malpractice occurs when a health care provider's actions or omissions fall below the standard of care that other health care providers in the same or similar circumstances would have provided, and this breach of the standard of care causes harm to the patient.

Medical fraud, on the other hand, is the intentional deception of a health insurer or other payer for the purpose of obtaining payment for medical services or supplies that were not actually provided. This can include submitting false or fraudulent claims, misrepresenting the nature or extent of services provided, or billing for services that were not necessary.

**What do Maryland Rule 2-322(b)(1) and 2-322(b)(2) tell us?**

<https://govt.westlaw.com/mdc/Document/N55DBF3809CEA11DB9BCF9DAC2834>

5A2A?transitionType=Default&contextData=%28sc.Default%29&bhcp=1

“(b) Permissive. The following defenses may be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the subject matter, (2) failure to state a claim upon which relief can be granted.”

**What does MD.CODE ANN., CTS. & JUD. PROC. §3-2A-01 tell us?**

<https://law.justia.com/codes/maryland/2005/gcj/3-2A-01.html#:~:text=%C2%A7%203%2D2A%2D01.,circuit%20court%20for%20a%20county.>

“(g) “Medical injury” means injury arising or resulting from the rendering or failure to render health care.”

No laws of Maryland and the United States regulate that fertility fraud requires medical expert appraisal.

As shown in the above inference, **HCADRO does not have jurisdiction over medical fraud cases.** Therefore, only medical malpractice requires medical expert appraisal.

**Related laws violated:**

The ACM judges and SCM judges violated the Code of Conduct for United States Judges. SGF breached the following laws:

33 U.S. Code § 931 - Penalty for misrepresentation. 18 U.S. Code § 1038 - False information and hoaxes.

**d) SGF INTENTIONALLY IGNORED THE EVIDENCE AND FAILED TO DISPROVE THE CLAIMS BY EVIDENCE.**

**Evidence:** Ex08-Failed to disprove the other claims

The search result shows no result of key words. The search results show that SGF failed to disprove the other claims. The search results can be repeatable.

**Inference:**

The judges of ACM did unconstitutionally by (1) disregarding the pleading of the appellants, e.g. Reply Brief; (2) ignoring the evidence of the brief; (3) intentionally misrepresenting the content of the pleading of the appellant, thus treating the appellants unfairly and discriminately. 44 pieces of evidence were provided in the pleadings to support the claims. None of them are disproved evidently by any visual evidence. Ignoring evidence and pleading contents can be regarded as misconduct. In the context of legal proceedings, misconduct can include any act or omission that is intended to interfere with the fair and impartial administration of justice.

Ignoring evidence and pleading contents can be considered misconduct because it can deprive the plaintiffs of their right to a fair trial. If the plaintiffs are unable to present their evidence or pleadings, they may not be able to prove their case. This can lead to an unfair outcome for the plaintiffs. In addition to being considered misconduct, ignoring evidence and pleading contents can also be considered a violation of the rules of evidence. The rules of evidence are a set of rules that govern the admissibility of evidence in court.

In addition, SGF failed to disprove the four claims without any evidence, but only intentionally misrepresented the Maryland Code Subtitle 2A - Health Care

## Malpractice Claims

The plaintiffs proved four claims with the evidence. The plaintiffs also cited the legal authorities and reasonings between the accusations and the evidence. Therefore, the four claims are proven to be established legally and logically. That is:

- 1- SGF has stolen the patient's organs.
- 2- SGF has committed fertility fraud.
- 3- SGF has breached the agreement between CCRM and the patients.
- 4- SGF has mischarged patients.

The burden of proof is on the defendant to provide evidence that disproves the accusations. If the defendant fails to do so, the plaintiff will win the case. When the defendant fails to provide evidence to disprove the accusations, it can be interpreted as an admission of guilt. This is because the defendant has had the opportunity to present evidence to their defense, but has failed to do so. This can lead to a finding of guilt by the court. If the plaintiff is able to prove their case by a preponderance of the evidence, then the defendant will be found guilty. This means that the plaintiff has presented more evidence to support their claims than the defendant has presented to disprove them. If the defendant is found guilty, they may face a variety of consequences, including fines, imprisonment, or probation. Additionally, the defendant may be ordered to pay damages to the plaintiffs.

### **Related laws violated:**

Federal Rules of Evidence: These rules govern the introduction of evidence in

proceedings, both civil and criminal, in Federal courts. CCM, ACM, SCM, and SGF violated the Federal Rules of Evidence.

**e) SGF DECEIVED THE COURTS FOR TWO TIMES.**

**Evidence One:** Ex09- SGF deceived ACM about the PGT Test for the first time, Ex10-No Embryo Left, Ex11- Letter from Dr, Sagoski, Ex12- Charges of Embryo by Email. Ex14- PGT-A Consent Form with Igenomix, Ex15- PGT-A Consent Form with Igenomix by DocuSign.

**Inference One:**

SGF deceived ACM that “SGF performed preimplantation genetic testing for aneuploidies (“PGTa” testing),” as shown in (Ex09- SGF deceived ACM about the PGT Test for the first time). In fact, it is a lie, legally cheating to the ACM because it was Igenomix that did the PDT-A test according to the agreement between the patients and Igenomix as shown in (Ex14- PGT-A Consent Form with Igenomix) and (Ex15- PGT-A Consent Form with Igenomix by DocuSign.) The appellants as the patients of SGF, took the web seminar from Igenomix. SGF is not qualified to do the PGT-A test because SGF has no license of the PGT-A test. The appellee failed to show the evidence that SGF has performed the PGT-A test because there is no medical record of PGT-A testing in the medical records by CIOX. In addition, SGF failed to show the license of PGT-A.

SGF deceived the Court that “Unfortunately, four of the five embryos previously referenced by SGF (E5) did not mature sufficiently for appropriate transfer, which left one embryo out of the ten eggs initially retrieved from Ms. Zheng that was

matured enough to consider possible transfer." in (Ex10- No Embryo Left). However, the letter that the plaintiffs received from Dr. Sagoski on 5/12/2020 shows that "Of those ten, eight were mature and were injected with the sperm (ICSI)", which disclosed the lie about the retrieved eggs. SGF told ACM that there was no embryo of the patient left. However, SGF sent the embryo cryopreservation charges to the appellants by email on 11/8/2021 as shown in (Ex12- Charges of Embryo Cry Storage by Email). The above evidence demonstrates that the appellee deceived ACM intentionally and illegally again and again.

**Related laws violated:**

In Maryland, lying to the court is considered perjury according to Maryland Criminal Law Code Section 9-101, a person may not willfully and falsely make an oath or affirmation as to a material fact.

The judges of the ACM opinion intentionally misrepresented the intentional fertility fraud as unintentional medical malpractice. So the judges did the fraud on the court illegally and violated the Code of Conduct for United States Judges.

<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

**Evidence Two:** SGF deceived the SCM and told a lie for the second time that SGF did the PGT-A test. SGF told the same lie for second time to deceive SCM. SGF deceived ACM before. Ex13-SGF Deceived SCM Again, Ex14- PGT-A Consent Form with Igenomix, Ex15- PGT-A Consent Form with Igenomix by DocuSign.

**Inference Two:**

SGF deceived the SCM that “Shady Grove Fertility Staff, Preimplantation Genetic Testing, Shady Grove Fertility (Oct. 7, 2022, 1:18 PM).” as shown in (Ex13- SGF Deceived SCM Again). However, the patient signed the PGT-A Content Form with Igenomix as shown in (Ex14- PGT-A Consent Form with Igenomix) and (Ex15- PGT-A Consent Form with Igenomix by DocuSign). The patients have never received the report of PTG-A test and found the report of PTG-A test in the medical records by CIOX. In addition, SGF has no license of PGT-A. The new evidence raised new contradictory problems: SGF asked the patients to sign the PGT-A Consent Form, but not let Igenomix do the PGT-A test, thus cheating the patients and breaching the contract with the patients. If Igenomix signed a contract with patients and SGF, but failed to do the PGT-A test, thus also cheated the customers and breached the contract. Therefore, Igenomix was involved in this case and needs to tell the truth.

**Related laws violated:**

In Maryland, lying to the court is considered perjury according to Maryland Criminal Law Code Section 9-101, a person may not willfully and falsely make an oath or affirmation as to a material fact. The provided evidence and the inference have proven the above elements of fraud on the court legally and logically.

**f) SGF MADE FORGERY OF THE MEDICAL REPORTS.****Evidence:**

As shown in (Ex11- Letter from Dr. Sagoski), Dr. Sagoski sent the Embryology

Summary to the patients on 5/22/2020. But there is no embryologist name and signature on the medical report.

**Inference:**

Therefore, the medical report is forged and is not a real one. SGF made forgery of the medical report. Forging a medical report is a serious crime that can result in significant legal penalties in both Maryland and the United States. Forgery is generally defined as the act of making or altering a writing with the intent to deceive another person into believing it is genuine. In the context of medical records, forgery can involve altering or creating false information about a patient's medical history, diagnosis, or treatment.

Maryland law specifically prohibits the forgery of medical records. Under Maryland Code, Health-General Article, Section 19-323(a), it is a misdemeanor to "knowingly make, create, or alter any record, document, or report relating to the provision of health care services, with intent to deceive or defraud any person."

The maximum penalty for a misdemeanor in Maryland is one year in jail and a fine of \$1,000.

Federal law also prohibits the forgery of medical records. Under the Health Insurance Portability and Accountability Act (HIPAA), it is a crime to knowingly make, use, or present a false or fraudulent health care instrument, such as a medical record. The maximum penalty for a HIPAA violation is 10 years in prison and a fine of \$250,000.

In addition to the specific laws against forgery of medical records, there are also

general laws against fraud and deception that apply to this type of crime. For example, Maryland Code, Criminal Law Article, Section 13-401(a) prohibits the act of "knowingly and willfully, with intent to deceive or defraud another, by any false statement or pretense, obtain the money or property of another." The maximum penalty for fraud in Maryland is 10 years in prison and a fine of \$10,000.

There are several reasons why forgery of medical records is a serious crime. First, it can have a significant impact on a patient's medical care. Forged records can lead to misdiagnosis, inappropriate treatment, and even unnecessary surgery. Second, forged records can be used to defraud insurance companies or other third-party payers. Third, forged records can damage the reputation of the healthcare provider and erode the public's trust in the healthcare system. In Maryland, the plaintiffs can report suspected fraud to the Maryland Department of Health Office of the Inspector General. The plaintiffs can also report HIPAA violations to the U.S. Department of Health and Human Services Office for Civil Rights.

#### **THE REASONS FOR GRANTING THE PETITION**

The following six categories of reasons strongly support granting the petition:

- (a) SGF committed the fertility fraud.**
- (b) The denial orders of this case conflict with other same type of cases.**
- (c) IVF treatments demonstrated by large numbers are of significant interests of the American nation.**
- (d) Intentional misrepresentation of claim type and Maryland**

**codes is a type of fraud on the court.**

- (e) Pro se litigants' lawsuits should be treated fairly and equally.**
- (f) SGF deceived ACM and SCM for twice by false statements in the pleading.**

**(1) SGF COMMITTED THE FERTILITY FRAUD.**

Proving the legal standard for fraud in the United States involves establishing the following elements:

**False Statement of Fact:** The defendant must have made a false statement of fact, which is a statement that is untrue and known by the defendant to be untrue. This statement can be made orally, in writing, or through conduct.

**Evidence:** SGF told the patients that Igenomix would perform the PGT-A test and asked the patient to sign PGT-A Consent Form. The patients signed the PGT-A Consent Form as shown in (Ex15- PGT-A Consent Form with Igenomix by DocuSign).

**Knowledge of Falsity:** The defendant must have known that the statement was false at the time it was made. Knowledge of falsity can be actual or constructive. Actual knowledge means that the defendant knew the statement was false when it was made. Constructive knowledge means that the defendant had a duty to investigate and ascertain the truth of the statement, but failed to do so.

**Evidence:** SGF had Knowledge of Falsity because SGF told the courts that SGF

performed the PGT-A tests in fact. SGF made a forgery report of the IVF treatment.

**Intent to Deceive:** The defendant must have made the false statement with the intent to deceive the plaintiff. This means that the defendant intended to induce the plaintiff to rely on the false statement and act upon it to the plaintiff's detriment.

Evidence: SGF deceived the patients for the IVF treatment. SGF made a forgery of the IVF treatment.

**Reasonable Reliance:** The plaintiff must have reasonably relied on the false statement. This means that the plaintiff's reliance on the statement must have been justified, and that the plaintiff would not have acted as they did had the representation not been made.

Evidence: The SGF believed SGF and relied on the IVF treatment. The patients signed the agreement of IVF treatment with SGF.

**Damages:** The plaintiff must have suffered damages as a direct result of relying on the false statement. This means that the plaintiff's damages must have been caused by the defendant's fraud, and that the damages would not have occurred if the plaintiff had not relied on the false representation.

Evidence: the patients suffered a lot from the IVF treatment physically, psychologically, and financially due to the fertility fraud and breach of the

contract.

**(2) THE DENIAL ORDERS OF THIS CASE CONFLICT WITH OTHER SAME TYPE OF CASES.**

The judges of CCM, ACM and SCM issued the denial orders of this case, which conflicts with many other cases. There are more and more articles online to advocate for legislation of fertility fraud in the U.S. More and more states pass laws of fertility fraud.

California, for example, has made fertility fraud a crime since the mid1990s, passed Penal Code § 367g in 1996. Enrolled Senate Bill 174 was signed by the Indiana governor on May 5, 2019 and became law on July1, 2019.

Texas similarly recently passed fertility fraud legislation in response to outrage caused by victimized citizens. Pursuant to Senate Bill 1259, which took effect on September 1, 2019.

“It is a class C felony to misrepresent the identity of the donor or the quality of the material used in a fertility treatment with the purpose to defraud. A person is guilty of a class B felony if a healthcare provider knowingly uses unauthorized human reproductive material” The Arkansas Fertility Fraud Law.

The fertility doctor who got jail time — and inspired an SNL skit.

[https://www.washingtonpost.com/lifestyle/magazine/the-fertility-doctor-who-got-jail-time--and-inspired-an-snl-skit/2017/05/02/68788f36-1a1f-11e7-855e-4824bbb5d748\\_story.html](https://www.washingtonpost.com/lifestyle/magazine/the-fertility-doctor-who-got-jail-time--and-inspired-an-snl-skit/2017/05/02/68788f36-1a1f-11e7-855e-4824bbb5d748_story.html)

E.M. v. Shady Grove Reproductive Science Center P.C., Civil Action No. 2019-

0657 (D.D.C. 2020) <https://www.courtlistener.com/opinion/4799040/em-v-shady-grove-reproductive-science-center-pc/>

Dr. Donald Cline: Dr. Cline was a fertility doctor in Indiana who inseminated at least 94 of his patients with his own sperm without their consent. He was sentenced to one year in prison in 2017.

Dr. Kim McMorries: Dr. McMorries was a fertility doctor in Texas who inseminated at least 10 of his patients with his own sperm without their consent. He was sentenced to five years in prison in 2019.

Dr. Cecil Jacobson: Dr. Jacobson was a fertility doctor in Virginia who inseminated at least 75 of his patients with his own sperm without their consent. He died in 2013 before he could be charged.

Dr. Morris Wortman: Dr. Wortman was a fertility doctor in New York who inseminated at least 7 of his patients with his own sperm without their consent. He was sentenced to two years in prison in 2021.

The U.S. Is Experiencing An Explosion Of Fertility Fraud Legislation. And That's A Good Thing. <https://abovethelaw.com/2020/02/the-u-s-is-experiencing-an-explosion-of-fertility-fraud-legislation-and-thats-a-good- thing/>

How Patients Are Fighting to Change Fertility Fraud Laws [How Patients Are Fighting to Change Fertility Fraud Laws | Empowered Women's Health \(volusonclub.net\)](https://www.volusonclub.net/)

Fertility Fraud: A Fertility Industry Danger

<https://www.acsh.org/news/2022/04/11/fertility-fraud-fertility-industry->

### danger-16239

The US should brace itself for a “national wave of fertility fraud”.

<https://bioedge.org/beginning-of-life-issues/national-wave-of-fertility-fraud/>

Governor signs fertility fraud and deception bill into law.

<https://www.wrtv.com/news/politics/governor-signs-fertility-fraud-and-deception-bill-into-law>

Felony provision added to fertility fraud bill.

[https://www.heraldbulletin.com/news/state\\_news/felony-provision-added-to-fertility-fraud-bill/article\\_6a058a82-cebe-5d60-8040-97b3313b991b.html](https://www.heraldbulletin.com/news/state_news/felony-provision-added-to-fertility-fraud-bill/article_6a058a82-cebe-5d60-8040-97b3313b991b.html)

Fertility Fraud Filings Flourish ... And The Facts Get Funkier

<https://abovethelaw.com/2020/09/fertility-fraud-filings-flourish-and-the-facts-get-funkier/>

Rochester fertility fraud cases provide momentum to push for NY laws

<https://www.democratandchronicle.com/story/news/2022/03/04/fertility-fraud-cases-rochester-ny-provide-momentum-push-ny-laws/6847793001/>

Fertility fraud: People conceived through errors, misdeeds in the industry are pressing for justice. <https://www.chicagotribune.com/news/environment/ct-fertility-industry-mixups-fraud-justice-20181123-story.html>

### **(3) IVF TREATMENTS DEMONSTRATED BY LARGE NUMBERS**

**ARE OF SIGNIFICANT INTERESTS OF THE AMERICAN  
NATION.**

Statistical date of IVF can be obtained from CDC website:

<https://www.cdc.gov/art/artdata/index.html#:~:text=Based%20on%20CDC's%202021%20Fertility,~and%2097%2C128%20live%20born%20infants>

Online AI search result is shown as in (Ex06-Online AI Search Result). The IVF cycle increase rate from 2020 to 2021: (413,776,468 - 326,468) / 326,468 = 26.74%. The IVF cycle increase rate is rather high. The number of IVF cycles will increase significantly according to the IVF cycle increase rate each year in the United States. The overall live birth rate for IVF was 22.2%. 77.8% IVF cycles failed. That means that a large of number of patients fail each year. With the 26.74% of IVF cycle increase rate, the number of patients who failed for IVF also increase significantly each year. Take 2021 as example,  $413,776 * 77.8\% = 321,917$  patients failed for IVF treatment. Here take the middle number cost:  $(\$5000 + \$10000) / 2 = \$7500$ . The total loss of the failed patients:  $(\$7500 + \$19,000) \times 321,917 = \$8,530,800,500$  that is more than eight and a half billion dollars loss in IVF treatments in the United States each year. The number of total losses will increase significantly each year. A large number of failed IVF treatments are due to fertility fraud and contract fraud.

If courts in the United States ignore the cases of IVF, many the patients' bodies are not protected by the laws of the United States. The patients are deprived of the rights endowed by the Constitution of the United States. That means the IVF treatments escape the jurisdiction of the US laws and justice because many IVF treatment of patients like patients of this case failed due to

fertility fraud or contract fraud. This is the “legal hole” by which billions of dollars are lost and many lives are damaged each year. The Supreme Court of the United States is the representative of the American people and safeguard the interests of the American people. So the Supreme Court of the United States will take care of the significant public and national interests. Your address on the IVF issues will take effect soon so that the failure rate of the IVF treatments will decrease and the human bodies of the large number of the patients are protected by the United State laws. Otherwise, the delay or ignorance of the IVF case will cause more loss and life damage in the United State each year. Therefore, this case of IVF treatments is of significant interests of the American society indeed.

**(4) INTENTIONAL MISREPRESENTATION OF CLAIM TYPE AND  
MARYLAND LAW CODES IS TYPE OF FRAUD ON THE COURT.**

33 U.S. Code § 931 - Penalty for misrepresentation

<https://www.law.cornell.edu/uscode/text/33/931>

This code states that any claimant or representative of a claimant who knowingly and willfully makes a false statement or representation for the purpose of obtaining a benefit or payment under this chapter shall be guilty of a felony.

18 U.S. Code § 1038 - False information and hoaxes

<https://www.law.cornell.edu/uscode/text/18/1038>

This code deals with false statements intended to convey false or misleading information. Fertility fraud occurs when health care providers misrepresent one or more aspects of fertility treatments. This could include misrepresenting the source

of reproductive material used in insemination, the manner in which reproductive material will be used, or the risks, benefits, and costs associated with each procedure. If a healthcare provider intentionally misrepresents fertility fraud as medical malpractice, it can potentially be seen as a form of fraud or deceit. For example, intentional concealment of a material fact is an alternative form of fraud and deceit equivalent to direct affirmative misrepresentation.

**(5) PRO SE LITIGANTS' LAWSUITS SHOULD BE TREATED FAIRLY AND EQUALLY.**

Pro se litigants, those who represent themselves in court without an attorney, deserve fair and equal treatment in their lawsuits for several reasons:

**Access to Justice:** The legal system should be accessible to all, regardless of their ability to afford legal representation.

**Right to Due Process:** Pro se litigants, like all litigants, have a fundamental right to due process, which includes the right to a fair and impartial hearing. Treating pro se litigants unfairly would undermine this fundamental right. The Fourteenth Amendment to the United States Constitution guarantees the right to due process of law.

**Equal Protection:** The Equal Protection Clause of the Fourteenth Amendment mandates that no state shall deny any person within its jurisdiction the equal protection of the laws. This means that pro se litigants should not be treated less favorably than those who are represented by

attorneys.

**Public Trust in the Legal System:** Fair treatment of pro se litigants fosters public trust in the legal system. When pro se litigants believe that they are treated unfairly, it can erode their confidence in the system and discourage others from seeking legal redress.

**Prevent Miscarriages of Justice:** Fair treatment of pro se litigants helps to prevent miscarriages of justice.

**Ethical Obligation of Judges:** Judges have an ethical obligation to treat all litigants fairly and equally, regardless of whether they are represented by an attorney. Litigants deserve to have the right to fair trial pursuant to amendment 6.

Not all the attorneys have the ethical and legal qualifications for this case because they oppose AI search and deny spending more than 110 hours to write a Petition for Writ of Certiorari, but only speak puzzled legal terms without logical and reasonable inferences.

**(6) SGF DECEIVED ACM AND SCM FOR TWO TIMES BY FALSE STATEMENTS IN THE PLEADING.**

Providing false statements to a court is a serious offense that can result in legal consequences. In the United States, making false statements is a federal crime under Section 1001 of Title 18 of the United States Code 12. The statute prohibits knowingly and willfully making false or fraudulent statements, or concealing information, in any matter within the jurisdiction of the executive,

legislative, or judicial branch of the Government of the United States. Giving a false statement to a court is regarded as perjury. Perjury is a crime in which a person knowingly makes a false statement under oath or affirmation in a judicial proceeding. It is a serious crime that can result in imprisonment and other penalties.

In order to convict SGF of perjury, the prosecution must prove the following elements:

- SGF made a false statement.
- SGF knew that the statement was false.
- SGF made the statement under oath or affirmation.
- The statement was made in a judicial proceeding.

All the above elements have been proven in the section of Statement of Case and other pleadings.

1- SGF made a false statement.

**Evidence:** SGF deceived ACM and SCM for two times about the PGT-A tests as shown in (Ex09- SGF Deceived ACM About the PGT Test for the First Time) and (Ex13- SGF Deceived SCM Again.)

2- SGF knew that the statement was false.

**Evidence:** SGF made forgery of the IVF treatment report as shown in (Ex11- Letter from Dr. Sagoski) because the statements about the retrieved eggs are different from the statements in SGF's pleadings as shown in (Ex10-No Embryo Left).

3- SGF made the statement under oath or affirmation.

**Evidence:** SGF intentionally misrepresented medical fraud and contract fraud as only medical malpractice as shown in (Fraud Ex01-Fertility Fraud Filed.) In addition, SGF intentionally misrepresented Maryland the Health Care Alternative Dispute Resolution Office as shown in (Ex04-Misrepresentation of Fertility Fraud).

4- The statement was made in a judicial proceeding.

**Evidence:** SGF made the false statement in SGF's legal pleadings as shown in (Ex09- SGF Deceived ACM About the PGT Test for the First Time.) and (Ex13- SGF Deceived SCM Again).

### CONCLUSION

The petitioners have presented question that this case is of the American national significant interests. The petitioners also provided the six types of facts materials with visual evidence to support each type of claim. In addition, the petitioners provided six categories of reasons supported by the detailed legal authorities to demonstrate that this case is of national significant interests of the United States.

**WHEREFORE**, the petitioners request that the honorable Supreme Court of the United States grant this Petition for Writ of Certiorari in sake of the American national significant interests.

Respectfully submitted,



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