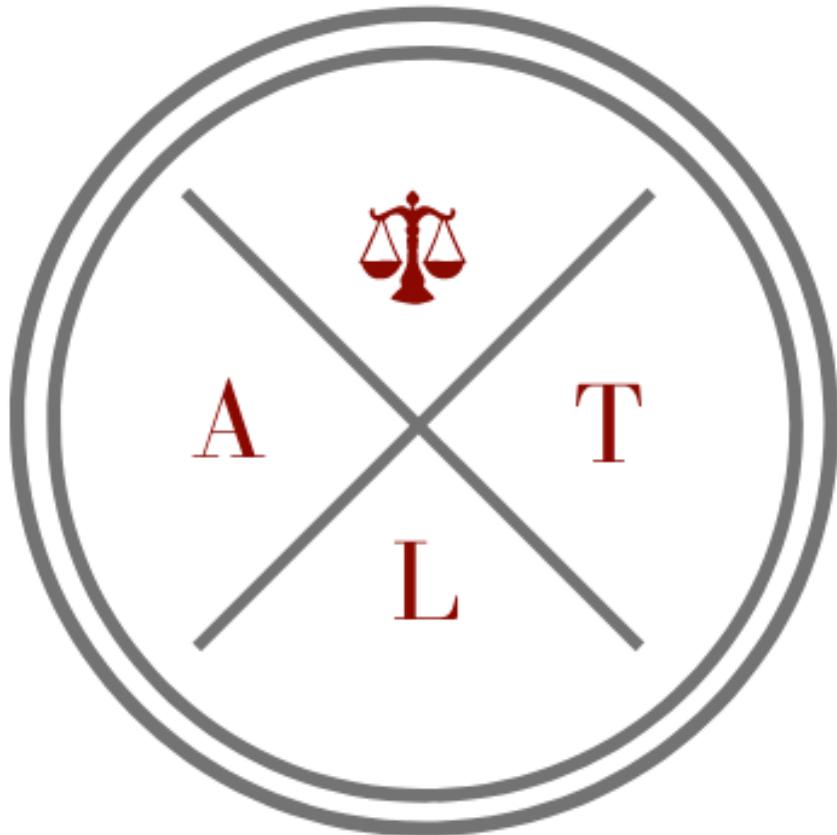


CASE FIRST ROUND
Amsterdam Law Trials
2019 – 2020



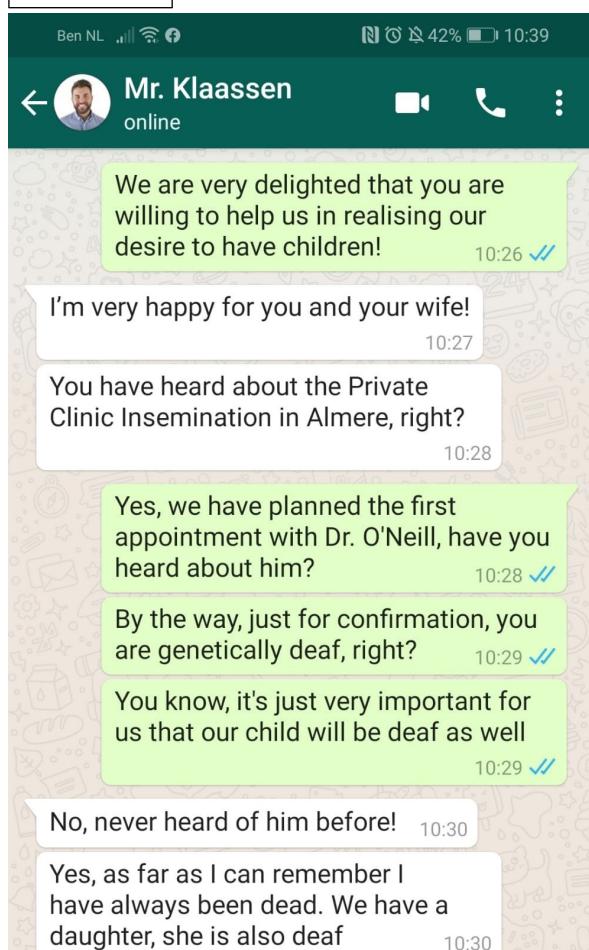
UNWANTED HEALTHINESS

Mr. and Mrs. Jansen have been happily married since April 2016. They live in the suburbs of Almere, Flevoland. The Jansen's met each other in Almere's deaf community, called ACD (Almere Connected Deaf). Mr. and Mrs. Jansen are both deaf from birth.

ACD is a very close community. The deaf children all go to school together and get education that is specially designed for deaf people. There are also special retirement homes for the deaf elderly. Mr. and Mrs. Jansen both have a very active role in the community. Mr. Jansen teaches at the elementary school for deaf children. Mrs. Jansen takes care of the administration of the Deaf Reformed Church of Almere.

Despite their active role in the ACD-community from which they get a lot of satisfaction workwise, Mr. and Mrs. Jansen have one dream: having a child. However, Mr. Jansen is infertile. But that won't stop the Jansen's and they start to explore the possibilities for sperm donation. Their only wish is that the child shares their physical disability, namely deafness. The reason for this wish is that the child could grow up in the same ACD-community. A hearing child would cost them a lot more money, because they would have to face all different kind of additional costs (school outside the community, etc.).

FIGURE 1



June 2018

At one of the ACD's meetings in June 2018 they meet Mr. Klaassen who is deaf as well. Mr. Klaassen is married with Mrs. Klaassen, who is deaf as well. The Klaassens have one daughter, Silvia, who has the same disability as her parents. Mr. Klaassen would like to help the Jansen's family to get the child they have always dreamed of. Mr. Klaassen is in a hurry and gives his phone number to Mr. Jansen to talk at a later moment about further details. The following WhatsApp conversation took place on the 28th of June 2018 (**figure 1**):

July 2018

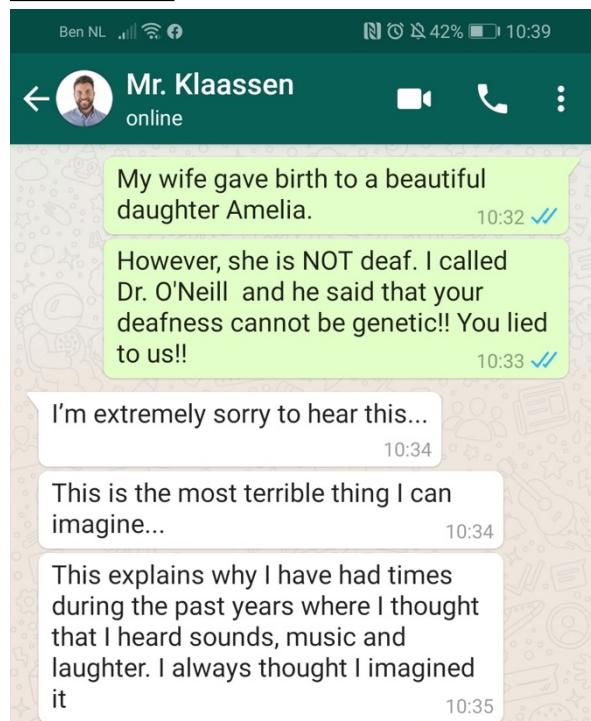
One month later, the Jansen's have their first appointment with the Private Clinic Insemination (PCI) in Almere on the 24th of July 2018. Dr O'Neill is the owner of the PCI and presents the various options that the Jansen's could make use of. When the insemination has to take place, the Jansen's could choose for various 'Packages'. Those

Packages contain all different insemination treatments and are advertised as follows (**figure 2**):

B-I-Y (Baby It Yourself)	2018 Deal	All-Inclusive	FIGURE 2
Facilities only include a medical room and insemination materials.	Facilities include a medical room, insemination by the clinic and regular check ups during pregnancy	Facilities include a medical room, insemination by the clinic, regular check ups during pregnancy and testing of the sperm donor and parent in order to ensure 100% certainty of compatibility and DNA-profiles	
€900,-	€1.250,-	€2.500,-	

The Jansen's feel the urgency of fast action and choose for the B-I-Y-package, which is not only the cheapest, but also the fastest. With the B-I-Y-package, all sorts of medical tests are not required, so the insemination could theoretically take place on the same day. In the afternoon of the 24th of July 2018, 4:15 p.m., the Jansen's agree by means of a written agreement with the PCI that the insemination will take place on the 28th of July 2018 in the PCI with the use of the B-I-Y-package, which means that the PCI will only facilitate a medical room and all the necessary insemination materials.

FIGURE 3



April 2019

Mrs. Jansen gave birth on the 2nd of April 2019. The family welcomed their beautiful baby girl Amelia. However, to the huge surprise of the Jansen's, Amelia is not deaf. Mr. Jansen is extremely sad about the fact that his girl is not deaf. He calls Dr. O'Neill and asks how this could happen. Dr. O'Neill explains that just one thing could be the cause of the fact that Amelia is not deaf, and that is the genetic material of Mr. Klaassen. Mr. Jansen is surprised and has the following conversation with Mr. Klaasen by means of WhatsApp (**figure 3**):

May 2019

Mr. and Mrs. Jansen start a civil procedure before the Rechtbank Amsterdam against Mr. Klaassen. The Jansen's claim the additional costs for having a healthy child.