

To: Professor Elizabeth Burch

From: Ryan Giles

Date: 15 January 2017

RE: Human Interest Findings Concerning *In re: Human Tissue Products Liability*

## Memorandum

Below is a synopsis of the relevant news stories concerning participants in the *In re: Human Tissue Products Liability Litigation* (MDL 1763):

1. An October 2006 article in New York magazine entitled *The Organ Grinder*, describes the illegal organ harvesting operation of Michael Mastromarino—the principle actor in the criminal enterprise leading to the *In re Human Tissue* litigation.
  - a. The article describes how Mastromarino lost his license to practice dentistry due to a drug addiction, which ultimately led to his involvement in human organ trafficking as an alternative source of income. This harvesting enterprise involved forging medical records and family consent documents as well as failing to test the tissue for diseases. The article outlines how Mastromarino found buyers, accomplices and ultimately how his operation was discovered and prosecuted.
  - b. The article also discusses the story of a nurse named Lee Cruceta. Cruceta began working for Mastromarino as a harvester to supplement his income in 2003 and describes in macabre detail how he harvested organs, even from obviously diseased patients.

- c. In the comment section of the magazine's website, a user with the screen name "Cherbarn" claims to have been a victim of Mastromarino's criminality. In the 2011 post, he (or she) alleges that he received an ACL graft in Florida in 2002 with complication that nearly led to an amputation. He also alleges that he has tested positive for Hepatitis C and has been very ill since the surgery.
  - d. Also in the comment section of the magazine's website, a user with the screen name Sandy1 alleged to have been Mastromarino's last dental surgical patient and his subsequent girlfriend. She claims that she did not know that she was in a relationship "with a monster."
  - e. Source: <http://nymag.com/news/features/22326/>
2. A December 2005 article in the British paper *The Daily Telegraph* discussed the theft of the cancerous bones of famous radio broadcaster Alistair Cooke and their sale to human tissue processing companies. Further research shows that the sale was by Biomedical Tissue Services—a party to the Human Tissue litigation headed by Michael Mastromarino.
  - a. Source:  
<http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1506150/Alistair-Cookes-bones-stolen-by-transplant-gang.html>
3. A March 2008 follow-up article to the 2005 article in *The Daily Telegraph* describes the guilty plea of Michael Mastromarino, the president of Biomedical

Tissue Services, to the charges of “body stealing, grand larceny and forgery” for his illegal harvesting of human tissue from cadavers.

- a. Source: <http://www.telegraph.co.uk/news/worldnews/1582092/Alistair-Cooke-body-snatch-leader-pleads-guilty.html>

4. A January 2006 article in the *Washington Post* describes the illegal tissue harvesting operations of Michael Mastromarino and the subsequent dissemination of the body parts to unsuspecting victims. The article includes quotes from some of the victims of the illegal harvested and potentially contaminated tissue.

- a. Heather Augustin, a 42 year old New Jersey resident received a disk replacement and claims that she does not sleep well knowing that she has a bone inside her from someone who may not have voluntarily donate their body.
- b. Susan Cooke Kittredge, the daughter of Alistair Cooke, states that she has “lived with the image of his cadaver pressed against [her] face now for a month.”
- c. At least three recipients of bone tissue claim that they have contracted syphilis from the stolen tissue.
- d. Source: <http://www.washingtonpost.com/wp-dyn/content/article/2006/01/27/AR2006012701569.html>

5. A July 2012 *Huffington Post* article discusses the relationship between Michael Mastromarino and a Florida based company called RTI Biologics.

- a. RTI Biologics was a purchaser of Mastromarino's illegally harvested tissue and is currently being sued by the victim's families for allegedly skirting common sense to get human tissue cheaply.
- b. The article describes how RTI ignored their lawyer's advice to not do business with Mastromarino because, as the lawyer described: "the good doctor has been on Santa's naughty list for quite some time."
- c. The article also describes how Mastromarino flew to Kyrgyzstan to meet with prison officials about selling him the bodies of executed inmates. His efforts to harvest the bodies of executed prisoners were stopped by the FDA, not because of the horrifying ethical problems, but because the FDA feared that bodies from the region might be infected with Creutzfeldt-Jakob disease.
- d. Source: [http://www.huffingtonpost.com/icij/body-brokers-corruption\\_b\\_1664913.html](http://www.huffingtonpost.com/icij/body-brokers-corruption_b_1664913.html)