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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

AMANDA LAW, individually and on behalf  
 of all others similarly situated,

Plaintiff,

v.

NATERA, INC.,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff Amanda Law (“Plaintiff”) brings this action on behalf of herself and all others  
2 similarly situated against Defendant Natera, Inc. (“Defendant” or “Natera”). Plaintiff makes the  
3 following allegations pursuant to the investigation of her counsel and based upon information  
4 and belief, except as to the allegations specifically pertaining to herself, which are based upon  
5 personal knowledge.

### 6 **NATURE OF THE ACTION**

7 1. This is a putative class action lawsuit on behalf of purchasers of Natera’s  
8 Panorama Test (“Panorama Test” or collectively, the “Tests”). Defendant markets and sells the  
9 Tests as genetic, prenatal screening tests for pregnant women that screen for various  
10 chromosomal and genetic conditions affecting a baby’s health. Defendant markets these tests as  
11 accurate. However, unbeknownst to consumers, Panorama Test results indicating a genetic  
12 disorder are incorrect approximately 85 percent of the time.<sup>1</sup> Thus, the Tests are worth far less  
13 than their market price. In addition, as a result of these false results, expecting mothers are often  
14 unnecessarily subjected to further diagnostic testing, genetic counseling, and the even erroneous  
15 termination of a viable pregnancy.

16 2. Prenatal testing in recent years has moved towards non-invasive methods to  
17 determine the fetal risk for genetic disorders, including Non-Invasive Prenatal Testing  
18 (“NIPT”).<sup>2</sup>

19 3. NIPT analyzes DNA fragments from the blood of a pregnant woman to estimate  
20 the risk that the fetus will be born with certain genetic abnormalities, including chromosomal  
21 disorders like Down Syndrome and Trisomy 18, or other, more rare disorders, like Prader-Willi  
22 and Angelman Syndrome.

23 4. NIPT is incredibly popular. However, many of these tests are often inaccurate,  
24 giving pregnant women false positive results for genetic conditions that their fetuses do not have.

25  
26 <sup>1</sup> <https://www.nytimes.com/2022/01/01/upshot/pregnancy-birth-genetic-testing.html>

27 <sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6545823/>

1           5. In fact, a recent New York Times investigation found that for every 15 times an  
2 NIPT screening correctly identifies a fetal disorder, the screening is wrong 85 times, meaning  
3 that 85 percent of all positive results are false positives.<sup>3</sup>

4           6. Despite this inaccurate testing, Defendant falsely advertises their findings as  
5 reliable, accurate and offering peace of mind for patients regarding the viability of their  
6 pregnancies. These false positives can lead to devastating personal consequences and painful  
7 decisions that are premised upon this wrong information.

8           7. Plaintiff and Class Members purchased the Tests designed, marketed,  
9 manufactured, distributed, and sold by Defendant as accurate and reliable. Plaintiff and Class  
10 Members would not have purchased Defendant's Tests—or, at minimum, would have paid  
11 significantly less for the Tests—had they known the Tests were inaccurate. Plaintiff and Class  
12 Members thus suffered monetary damages as a result of Defendant's deceptive and false  
13 representations.

#### 14 PARTIES

15           8. Plaintiff Amanda Law is a resident of Hathaway Pines, California and a citizen of  
16 California. In or about September 2018, during the first trimester of her pregnancy, when  
17 Plaintiff resided in Florida, she visited her doctor's office in Fort Lauderdale, Florida, where she  
18 received a brochure about Defendant's Panorama Test. After reviewing Defendant's brochure  
19 and website, Plaintiff decided to purchase Defendant's Panorama Test because Defendant  
20 described the Test as accurate. Specifically, Defendant represented that the Test was "clinically-  
21 validated," that it provided "greater accuracy," and that it was "rigorously validated." Defendant  
22 further represented that its Tests are a "trusted resource" that "pose[] no risk to the baby  
23 compared to amniocentesis or chorionic villus sampling (CVS)." On September 24, 2018,  
24 Plaintiff received her Panorama Test results. The results showed a "High Risk" for Triploidy,  
25 Trisomy 18, or Trisomy 13. Due to the "High Risk" finding, Plaintiff suffered emotional

26  
27 <sup>3</sup> <https://www.nytimes.com/2022/01/01/upshot/pregnancy-birth-genetic-testing.html>

1 distress, stress and anxiety throughout her pregnancy. Plaintiff ultimately gave birth to a healthy  
2 baby girl who did not suffer from any chromosomal abnormalities. Plaintiff paid for the  
3 Panorama Test out of pocket because it was not covered by her insurance. Plaintiff relied on  
4 Defendant's representations and warranties in deciding to purchase the Panorama Test.  
5 Accordingly, Defendant's representations and warranties were part of the basis of the bargain, in  
6 that she would not have purchased the Panorama Test on the same terms had she known that  
7 Defendant's representations about accuracy and trustworthiness were not true, or at least would  
8 have paid significantly less for the Panorama Test.

9 9. Defendant Natera, Inc. is a corporation organized and existing under the laws of  
10 the state of Delaware, with its principal place of business in San Carlos, California. Natera is a  
11 molecular diagnostic company specializing in genetic tests that determine the risk of developing  
12 disease, assess the risk of disease progression, and guide treatment decisions.

### 13 **JURISDICTION AND VENUE**

14 10. This Court has subject matter jurisdiction pursuant to 28 U.S.C § 1332(d)(2)(a)  
15 because this case is a class action where the aggregate claims of all members of the proposed  
16 class are in excess of \$5,000,000.00, exclusive of interest and costs, there are over 100 members  
17 of the putative class, and most members of the proposed class are citizens of states different from  
18 Defendant.

19 11. This Court has personal jurisdiction over this action because Defendant maintains  
20 its principal place of business in California, and therefore is subject to general jurisdiction in the  
21 state of California.

22 12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a) because Defendant  
23 resides in this District.

### 24 **FACTUAL ALLEGATIONS**

#### 25 **A. Natera's "Panorama" NIPT**

26 13. The discovery of fetal DNA in maternal blood has led to changes in prenatal  
27

1 screening. Following this discovery, many companies began working on blood tests, otherwise  
2 known as NIPT, aimed at detecting chromosomal abnormalities without the invasive and risky  
3 nature of amniocentesis and chorionic villus sampling (“CVS”).<sup>4</sup>

4 14. In 2013, Natera launched “Panorama,” its non-invasive prenatal test for  
5 chromosomal disorders, including Down Syndrome (Trisomy 21), Edwards Syndrome (Trisomy  
6 18), and Patau Syndrome (Trisomy 13).<sup>5</sup> Panorama was touted as “a very reliable, yet safe non-  
7 invasive prenatal test” with “no false positives for all the syndromes tested.”<sup>6</sup> Given its  
8 purportedly revolutionary nature, Natera “look[ed] forward to broadly extending the full benefits  
9 of Panorama’s technology” in the future.<sup>7</sup>

10 15. Shortly thereafter, in 2014, Natera announced that its Panorama test would now  
11 screen for several microdeletion syndromes, including DiGeorge, Angelmen, Cri-du-chat, and  
12 Prader-Willi syndromes.<sup>8</sup> Microdeletions are chromosomal abnormalities that occur when a  
13 piece of a chromosome is missing.

14 16. Natera’s Panorama test is presently advertised as a “blood-based genetic, prenatal  
15 screening test” that screens for “common chromosomal conditions that affect a baby’s health.”

16 17. The use of Panorama is widespread through the United States, with more than  
17 400,000 screenings for one microdeletion in 2020 alone—the “equivalent of testing roughly 10  
18 percent of pregnant women in America.”<sup>9</sup>

19 18. Natera claims on its website that Panorama is “clinically-validated,” that it  
20 provides “greater accuracy,” and that it is “rigorously validated.”

21  
22 <sup>4</sup> <https://blog.seracare.com/ngs/evolution-of-non-invasive-prenatal-testing-nipt-testing>

23 <sup>5</sup> <https://investor.natera.com/news-releases/news-release-details/natera-launches-non-invasive-prenatal-test-panoramatm-best-class>.

24 <sup>6</sup> *Id.*

25 <sup>7</sup> *Id.*

26 <sup>8</sup> <https://www.natera.com/womens-health/panorama-nipt-prenatal-screening/>

27 <sup>9</sup> <https://www.nytimes.com/2022/01/01/upshot/pregnancy-birth-genetic-testing.html>



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