
MEDIA FACT SHEET | OCTOBER 20, 2026

Cancer Survivor Challenges California Ruling Denying Her Use of Frozen Embryos

The appeal tests California's constitutional guarantee of reproductive freedom in the IVF process.

The appeal. Sofiya Goldshteyn challenges orders denying her reproductive use of embryos created during her marriage to Max Borenstein. Her opening brief was filed October 19, 2026. The appeal is in the California Court of Appeal, Second Appellate District, Division Five, No. B355195. [1]

The history. Sofiya testified that she began fertility injections the day she was diagnosed with breast cancer at thirty-three and that three pregnancies through surrogacy ended in miscarriage. The court found that she could produce no more eggs and recognized her remaining genetic embryo as her last opportunity for a child sharing her DNA. Her plan involves a gestational carrier. [1, 2, 3]

The ruling and disputed agreements. The April 23 decision directed the joint-DNA embryo to medical research and awarded control of the donor-egg embryos to Max. The court adopted that decision with modifications on May 12. Sofiya acknowledged signing clinic directives; her appeal disputes their scope, meaning, and enforceability. The record leaves embryo identities, counts, and locations unresolved. [1, 3]

The legal questions. The brief invokes California's protections of privacy, reproductive freedom, and equal protection, as well as state and federal liberty guarantees. It also challenges the interpretation of the directives, the treatment of interspousal fiduciary duties, and the refusal to resolve submitted claims. These are Sofiya's appellate arguments. [1]

The requested relief. Sofiya primarily seeks possession, control, and reproductive use of all embryos within the dispute, including donor-egg embryos and any earlier embryos conditionally left for another proceeding. She requests preservation and a reconciled inventory to implement that judgment. Further adjudication is an alternative only if the appellate court cannot direct that relief. Companion financial claims do not replace her reproductive-use request. [1, pp. 59-60]

Source scope and current status. On May 19, the trial court denied a requested stay extension while referring to the automatic appellate-stay provision in Code of Civil Procedure section 916(a). [4] The reviewed materials do not verify later docket developments or the embryos' current physical condition. Contact counsel for a current preservation update.

Primary documents

[1] Filed opening brief (cover; pp. 14, 18-23, 25-31, 50-60)

<https://www.theamericancounsel.com/content/files/2026/10/appellants-opening-brief.pdf>

[2] Official trial transcript (RT 53-59, 68, 81-84, 89-90)

https://lojrh.com/b355195/record/b355195_cv_goldshteyn_rt.pdf

[3] April 23 decision and May 12 ruling (PDF pp. 8-10, 15, 17)

<https://www.theamericancounsel.com/content/files/2026/08/Combined-Tentative-and-Final-Judgment.pdf>

[4] May 19 minute order (also included in the media kit)

Interviews and updates: jr@lojrh.com | (323) 897-8656. Include your outlet, subject, deadline, and preferred format. Counsel can coordinate requests to speak with Sofiya.