Doctor Lawsuits over Online Reviews by Patients (or their family members)Updated February 4, 2013

Parties	Cite	Background	Resolution
Nevyas v. Morgan	309 F. Supp. 2d 673 (E.D. Pa. 2004)	Doctor sued Lasik patient for gripe site on Lanham Act false advertising grounds.	Court dismissed for lack of standing.
Bosley Medical Institute, Inc. v. Kremer	403 F.3d 672 (9 th Cir. 2005) and 2007 WL 935708 (S.D. Cal. 2007)	Hair restoration doctor sued website griper for trademark infringement and cybersquatting.	Court dismissed the federal trademark infringement case but remanded the state trademark and ACPA claims. On remand, the district court denied the defense's dismissal/summary judgment motions. The parties subsequently settled in August 2007.
Barrett v. Rosenthal	146 P.3d 510 (Cal. Sup. Ct. 2006)	Doctor sued email list operator for defamation for republishing an email criticizing the doctor.	Case dismissed per 47 USC 230.
Gilbert v. Sykes	53 Cal. Rptr. 3d 752 (Cal. App. Ct. 2007)	Plastic surgeon sued patient for griping website.	Case dismissed per anti-SLAPP law.
Alvi Armani Medical, Inc. v. Hennessey	629 F. Supp. 2d 1302 (S.D. Fla. 2008)	Hair restoration doctor sued website for posting negative patient comments.	Court held 47 USC 230 didn't apply to claim for unfair trade practices but defamation claim dismissed; case settled in February 2009.
Biegel v. Norberg	San Francisco Superior Ct. case # CGC-08-472522 (filed Feb. 25, 2008)	Chiropractor sued patient over Yelp review. See http://www.citmedialaw.org/threats/biegel-v-norberg	Parties settled in early 2009; patient replaced the review with a statement.
Kim v. IAC/InterActive Corp.	2008 WL 3906427 (Cal. App. Ct. 2008)	Dentist sued patient and Ticketmaster/CitySearch for defamation over CitySearch review.	Case dismissed per anti-SLAPP law; defendants awarded attorney's fees of nearly \$27k; but Dr. Kim declared bankruptcy.
Reit v. Yelp, Inc.	29 Misc.3d 713 (N.Y. Sup. Ct. 2010)	Dentist sued Yelp for defamation and unfair business practices.	Case dismissed per 47 USC 230 and other grounds.
Wong v. Jing	189 Cal. App. 4 th 1354 (Cal. App. Ct. 2010)	Dentist sued Yelp and a patient's family member over a negative review.	Case voluntarily dismissed against Yelp; case against review author partially dismissed on anti-SLAPP grounds; dentist ordered to pay over

			\$80k in attorney's fees.
Foda v. Capital Health	2010 WL 2925382 (N.D.	A doctor asserted that anonymous posts (apparently written	The court rejected the subpoena
	Cal. 2010)	by a wife to describe her husband's experiences) to	request because the posts didn't
		RateMDs.com were defamatory. The doctor sought a	appear to be defamatory.
		subpoena to RateMDs to identify the posters.	
Rahbar v. Batoon	San Francisco Superior Ct.	Dentist sued patient for defamation and other claims over	Initial case dismissed on anti-
		Yelp review.	SLAPP grounds; dentist ordered to
	case # CGC-09-492145	Initial complaint at	pay \$43k in attorney's fees (July 21,
	(filed Sept. 2, 2009)	http://www.scribd.com/doc/24291878/iiiiiiiii-III-Iwiiiiiiiiiiiiiiiiiiiiiii	2010).
		Background:	
	case # CGC-10-502884	http://www.usatoday.com/news/opinion/editorials/2010-06-	Second case dismissed as another
	(filed August 20, 2010)	09-editorial09 ST N.htm	SLAPP and dentist ordered to pay
			another \$26k (July 12, 2011).
	case # CGC-11-515742	Appellate ruling at	
	(filed Sept. 8, 2011)	www.courts.ca.gov/opinions/nonpub/A132294.DOC	Affirmed on appeal October 16,
76.77	G # 60 DV GV 10 1506		2012.
McKee v. Laurion	Case # 69-DU-CV-10-1706	Doctor sued patient's son for defamation for critical online	Minnesota Supreme Court granted
	(Minn. Dist. Ct. Apr. 28,	remarks. District court opinion:	summary judgment to defendant on
	2011)	http://www.onpointnews.com/docs/Mckee-v-Laurion.pdf	all 6 statements revived by appellate
	On	Annual Later and Annual Later Confedence of the state of	court.
	On appeal: A11-1154	Appellate court reversed, saying that 6 of the statements were	
	(Minn. App. Ct. Jan. 23,	potentially facts instead of opinions and potentially injurious	
	2012)	to reputation. Thus, the case can go to the jury on those	
	S	statements. Appellate opinion (2012 WL 177371):	
	Supreme Court opinion on January 30, 2013.	http://www.mncourts.gov/opinions/coa/current/opa111154-	
	January 30, 2013.	<u>012312.pdf</u>	
		Supreme Court opinion:	
		http://www.mncourts.gov/opinions/sc/current/OPA111154-	
		0130.pdf	
Lynch v. Christie	2011 WL 3920154 (D. Me.	Chiropractor sued former patient for Facebook and website	The court denied the patient's anti-
J	Sept. 7, 2011)	postings.	SLAPP motion because the judge
	1 7 7 7		concluded "that Lynch is highly
	2012 WL 2367375 (D. Me.		likely to persuade a jury that
	June 21, 2012)		Christie fabricated her story."
	, ,		
	2012 WL 5874841 (D. Me.		In June 2012, the court granted

	Nov. 20, 2012), http://pub.bna.com/eelr/11cv70_112012.pdf		Lynch an attachment on Christie's real property of \$100k.
			In Nov. 2012, the court denied Christie's summary judgment motion.
Pensler v. Hostetler Pensler v. Cuevas Pensler v. Bender	10 CH 35876 (filed 8/19/10) 10 CH 35238 (filed 8/16/10) 09 CH 18628 (filed 6/10/09)	Defamation claims against patients for their Yelp and CitySearch reviews. See case writeup at http://www.myfoxchicago.com/dpp/news/investigative/dr-jay-pensler-yelp-citysearch-reviews-20101115	Hostetler case voluntarily dismissed June 2011 Cuevas case voluntarily dismissed Dec. 2012
	All in Cook County Court	Docket at http://www.cookcountyclerkofcourt.org Bender motion to dismiss at http://www.onpointnews.com/docs/pensler-v-bender-MTD.pdf	Bender case voluntarily dismissed Dec. 2012
Henry v. Does 1-100	CIV095020 Apparently related: CIV1002670 Henry v. Carson CIV1003042 Henry v. Tamara M. All in Marin Superior Court	Cosmetic surgeon sued patients over Yelp and DoctorScorecard reviews. See http://www.marinij.com/rosskentfieldgreenbrae/ci_15444079	Does and Tamara M. suits dismissed Jan. 31, 2011 Carson suit dismissed March 16, 2011
Filler v. Walker	BC462605 (Cal. Superior Ct.)	Doctor sued patient for online review. See CMLP page: http://www.citmedialaw.org/threats/filler-et-al-v-walker-et-al	Patient won anti-SLAPP motion and got fee award of \$50k.
Dr. John Doe v. Google	1:11-cv-07814 (N.D. III.). Google removed the case to federal court on Nov. 3, 2011	Two doctors sued Google for publishing patient reviews	Voluntarily dismissed by plaintiffs Nov. 2011
Saleh v. Bailey	Oregon district court (dismissed Sept. 27, 2012)	Dentist sued patient for Yelp review News report on lawsuit filing http://www.katu.com/news/local/168245106.html News report on case http://www.katu.com/news/local/Dentist-loses-defamation-suit-after-former-patient-criticizes-him-online-171622011.html	Dismissed per Oregon's anti-SLAPP law

Soto v. Doe	No. CL 11-3439 (VA. Cir. Ct.)	Plastic surgeon sued commenters at RateMDs for allegedly defamatory posts.	Pending
		For more, see http://www.scribd.com/doc/99034972/Soto-v-Doe-Motion-to-Quash	

Related but factually distinguishable cases:

841 So.2d 561 (Fla. Dist. Ct. App. 2003)	Florida doctor sued a chatroom moderator from Pennsylvania for her posts about the doctor.	Court upheld personal jurisdiction in Florida. The
*	· · · · · · · · · · · · · · · · · · ·	jurisdiction in Florida. The
		parties ultimately settled with a confidential cash payment to the plaintiff and a permanent injunction against further defamation of the plaintiff.
2:08-cv-10089-PJD-RSW (complaint filed Jan. 7, 2008 and answer/counterclaims filed March 3, 2008)	Cosmetic surgery procedure system sued review website for user reviews.	Case settled May 2008.
2010 WL 2767984 (Tex. App. Ct. 2010)	Townson, a non-patient, posted negative information about a doctor, such as drinking on the job.	Court upheld a TRO against Townson.
768 F. Supp. 2d 929 (E.D.	Cosmetic surgery procedure system sued a doctor for defamation,	Court dismissed for lack of
Mich. 2011)	trademark infringement and other claims based on his critical online remarks.	personal jurisdiction.
89 A.D.3d 75 (N.Y. App. Div. 2011) 2012 NY Slip Op 32022(U) (N.Y. Superior Ct. Aug. 1, 2012)	Doctor sued another doctor over a Vitals.com comment saying "Dr. Tener is a terrible doctor. She is mentally unstable and has poor skills. Stay far away!!!" Appellate ruling: http://www.nycourts.gov/reporter/3dseries/2011/2011_06543.htm	District court dismissed on statute of limitations grounds and because the statements are non-actionable opinion.
7 N 8 L 2	complaint filed Jan. 7, 008 and nswer/counterclaims filed March 3, 2008) 010 WL 2767984 (Tex. App. Ct. 2010) 68 F. Supp. 2d 929 (E.D. Mich. 2011) 9 A.D.3d 75 (N.Y. App. Div. 2011) 012 NY Slip Op 32022(U) N.Y. Superior Ct. Aug. 1,	reviews. reviews.

		http://www.nycourts.gov/reporter/3dseries/2011/2011 06543.htm	
Darm v. Craig	Case 1107-08823, Oregon	Doctor sued blogger for defamation for discussing the doctor's prior	Settled.
_	Circuit Court	Oregon discipline and the suspension of his California license.	
		http://www.portlandmercury.com/portland/the-1-million-twitter-	
		fight/Content?oid=4525873	
		http://brianrowe.org/wp-	
		content/uploads/2011/08/Craig_Memo_Special_Motion.pdf	
		http://mlrcblogsuits.blogspot.com/2011/10/darm-v-craig.html	
Courtney v. Vereb	2012 WL 2405313 (E.D.	In a lawsuit between two psychiatrists over one doctor's posting to	Angie's List dismissed on a
	La. June 25, 2012)	Angie's List about the other, Angie's List is protected by 47 USC 230	motion to dismiss.
Lee v. Makhnevich	11-civ-8665 (S.D.N.Y.	Patient sued dentist for using Medical Justice's form contract to	Pending
	complaint filed Nov. 29,	suppress reviews	
	2011)		
		Complaint: http://www.citizen.org/documents/Lee-v-Makhnevich-	
		<u>complaint.pdf</u>	