

IN THE CIRCUIT COURT FOR THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.:

SURGERY CENTER OF NORTH MIAMI, LLC,

Plaintiff,

v.

NICOLE GEORGE,

Defendant.

..... /
COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, SURGERY CENTER OF NORTH MIAMI, LLC, ("SCNM"), by and through undersigned counsel, sues the Defendant, NICOLE GEORGE ("Patient") and states as follows:

The Parties, Jurisdiction, and Venue

1. This is an action for damages whose principal amount exceeds \$15,000.00, exclusive of prejudgment interest and taxable costs, but is, as well, an action for principal, interest, and costs.

2. The Plaintiff, SCNM, is a professional association located in Miami-Dade County, Florida, which provides professional services to patients in the form of plastic surgery and related aesthetic and surgical treatments.

3. The Defendant, Patient, is an individual, *sui juris*, who resides in Miami-Dade County, Florida.

4. Jurisdiction is vested in this Court pursuant to Article V, Section 5 of the Florida Constitution, as revised in 1998 (and subsequently amended) and Section 26.012 of the Florida Statutes.

5. Venue is proper in Miami-Dade County, Florida, because (a) at all material times hereto, Patient has resided in Miami-Dade County, Florida, and because (b) the causes of action, described herein, arose in Miami-Dade County, Florida.

General Allegations

6. On or about May 14, 2018, Defendant, Patient, received a voluntary surgical procedure from SCNM.

7. Patient received a consultation with SCNM prior to receiving the voluntary surgery.

8. During the consultation process, SCNM explained thoroughly and with great detail to Patient the details of the procedure of a revision and reduction including size of the medical product. In addition, Patient physically tried on the medical product and approved its size during the consultation. Then on the day of surgery, Patient once again approved the size and executed a consent form confirming the size. Moreover, Patient was advised of the procedures and recovery time of the other medical procedures being performed.

9. Furthermore, during the consultation Patient received from SCNM various documents, which were reviewed with Patient including but not limited to authorizations to perform the procedure, authorizations to allow the SCNM to make any medically necessary changes during the procedure in order to achieve the goal of the surgical procedure based upon the consultation.

10. As part of the documents provided to Patient, Patient executed a non-disparagement agreement dated May 14, 2018, whereby Patient agreed to not post or publish any false or defamatory information about SCNM. A true and correct copy of the Non-Disparagement Agreement is attached hereto as **Exhibit A**.

11. Patient has violated the terms of the Non-Disparagement Agreement by posting false and defamatory information about SCNM on various online social media and SCNM review websites. See attached **Exhibit B**.

12. As a result of these postings, SCNM has suffered damages.

13. SCNM has requested of Patient to remove the postings and they have refused to do so to-date.

14. All conditions precedent to the filing of this lawsuit have been met, waived, and/or excused.

15. SCNM has had to retain the undersigned counsel to clear its name and protect SCNM from further harm.

COUNT I – Defamation by Libel
(Patient)

16. Paragraphs 1-15, including all subparagraphs and referenced Exhibits, are incorporated herein.

17. Patient published a false written statement to countless third-parties and the general public with internet access. See **Exhibit B**.

18. The false written publication was unprivileged.

19. The false written statements have exposed SCNM to distrust, hatred, contempt, and ridicule and has caused damage to SCNM's reputation, which has and will continue to negatively impact SCNM and its business.

20. The false publication made by Patient was made with preexisting knowledge of its falsity.

21. The false publication was made with actual malice and intent to harm SCNM's reputation and business.

22. The false publications made by Patient has caused, and will continue to cause, damages to SCNM in multiple facets of its business operations and revenue..

23. As further direct and proximate result of Patient's libel, SCNM reserves the right to make a claim for punitive damages pursuant to Section 768.72, Florida Statutes.

WHEREFORE, Plaintiff, SURGERY CENTER OF NORTH MIAMI, LLC, respectfully requests this Honorable Court enter judgment for damages in its favor and against Defendant, NICOLE GEORGE, for libel award SCNM compensatory damages, order the removal of the posting, interest, costs, attorneys' fees and such other and further relief that this Court deems just and proper.

COUNT II -- Defamation Per Se
(Patient)

24. Paragraphs 1-15, including all subparagraphs and referenced Exhibits, are incorporated herein.

25. Patient's written statements to third parties have subjected SCNM to hatred, distrust, ridicule, contempt or disgrace. **See Exhibit B.**

26. Patient's written statements have injured SCNM in his profession.

27. Patient's written statements have attributed to SCNM's conduct and characteristic, which are incompatible with the proper exercise of his lawful profession.

28. As a direct and proximate result of Patient's libelous actions, SCNM has suffered great loss, injury, and damages, including but not limited to damages to SCNM's reputation, loss of future income, among other damages.

29. As further direct and proximate result of Patient's defamation, SCNM reserves the right to make a claim for punitive damages pursuant to Section 768.72, Florida Statutes.

WHEREFORE, Plaintiff, SURGERY CENTER OF NORTH MIAMI, LLC, demands judgment against Defendant, NICOLE GEORGE, for defamation per se and awarding SCNM compensatory damages, order the removal of the posting, interest, costs, attorneys' fees, and such other and further relief this Court deems just and proper.

COUNT III – Breach of Non-Disparagement Contract
(Patient)

30. Paragraphs 1-15, including all subparagraphs and referenced Exhibits, are incorporated herein.

31. On or about June 20, 2018, Patient and SCNM entered into the Non-Disparagement Agreement (the "Agreement"). **See Exhibit A.**

32. Pursuant the Agreement, Patient agreed that by accepting the services of SCNM, she agreed not to publish online to any websites or any social media whatsoever or negative statements which are false or misleading. **See Exhibit A.**

33. Patient materially breached the Agreement by (1) publishing online libelous statements, and (2) publishing online statements that are clearly false or misleading. **See Exhibit B.**

34. As a direct and proximate result of these contractual breaches, SCNM has suffered, and will continue to suffer damages.

35. Patient's written statements have attributed to SCNM's conduct and characteristic, which are incompatible with the proper exercise of his lawful profession.

WHEREFORE, Plaintiff, SURGERY CENTER OF NORTH MIAMI, LLC, demands judgment against Defendant, NICOLE GEORGE, for breach of contract, and awarding SCNM injunctive relief, removal of the postings and liquidated damages in the amount of \$25,000 pursuant to the Agreement, as well as compensatory damages, interest, costs, attorneys' fees, and such other and further relief this Court deems just and proper.

Demand for Jury Trial

SCNM demands trial by jury of all issues so triable as a matter of law and equity.

Dated 19th day of February, 2019.

Respectfully submitted,

DANIELS, RODRIGUEZ, BERKELEY,
DANIELS & CRUZ, P.A.
Attorneys for Plaintiff
4000 Ponce De Leon Boulevard, Suite 800
Coral Gables, Florida 33146
Telephone No. (305) 448-7988

By: /s/ Lorne E. Berkeley, Esq.
LORNE E. BERKELEY, ESQ.
Florida Bar No. 146099
lberkeley@drbdc-law.com
ymunoz@drbdc-law.com

p:\edsiss\docs\13179208\1105617.docx

Non-disparagement Agreement

Patient agrees that by accepting the services of Dr. Leonard Hochstein, M.D., PA they are agreeing to not publish online to any websites or any social media whatsoever negative reviews or disparaging comments or statements about Dr. Leonard Hochstein or his employees. Patient understands that should they violate this provision Dr. Leonard Hochstein, M.D., PA will suffer irreparable harm and damages. Therefore patient agrees to liquidated damages in the amount of \$25,000 per statement per posting online to any websites or social media or any other forms of media whatsoever. Patient agrees this is not a penalty but rather a reasonable fee associated with the damages Dr. Leonard Hochstein M.D. PA will suffer.

Moreover, patient authorizes Dr. Leonard Hochstein M.D. PA to present this provision or agreement to any online website or social media forum as an agreement by patient to allow Dr. Leonard Hochstein, M.D. PA to request and authorize removal of any online negative posting or statement in any manner whatsoever. Patient further agrees to injunctive relief without the requirement of posting any bond whereby a court can issue an immediate order without the need for any litigation or defense being presented (ex parte request) by patient seeking the court to order and direct the website to remove any negative posting, statement or otherwise on any website or social media forum. The intent of this provision is to allow Dr. Leonard Hochstein M.D. PA to request a court order without any objection whatsoever by patient to issue an order requiring the website or social media forum to remove said statement.

Patient acknowledges that consideration of reasonable value has been exchanged between Dr. Leonard Hochstein, M.D. PA and patient to allow this provision to be in full force and effect and be binding upon patient.

Date: 05/14/18

Patient Name Printed: Nicole George

Patient Signature: Nicole George



Go to Yelp for Business Owners

Find leonard hochstein

Near Miami, FL

Log in

- Home Services
- Restaurants
- Auto Services
- More

Write a Review



Leonard M Hochstein, MD Claimed

53 reviews [Details](#)

Cosmetic Surgeons [Edit](#)

585 NW 161st St
Miami, FL 33169

Get Directions
(305) 931-3338
lhochsteinmd.com
Send to your Phone



"Make sure you speak with Amanda for payment options and scheduling, she made the whole process of my surgery so easy and relaxed." in 14 reviews



"Jennifer is my favorite person, her bubbly personality and sweet attitude makes the process of going through surgery so much easier!" in 5 reviews



"Karina Ruiz was my patient coordinator and she was extremely patient with me and promptly answered ALL of my questions thoroughly." in 4 reviews

You Might Also Consider

Ask the Community

Lift and augmentation price range? I just want a general idea. I know everyone is different.



Leonard H. of Leonard M Hochstein, MD
Business Owner

Hello
Monica! it is a pleasure to meet you... [Read more](#)
One month ago

[View question details](#)

Don't see your question? [Ask away!](#)

Recommended Reviews for Leonard M Hochstein, MD

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. [Learn more](#)

Search within the reviews

Sort by Newest First • Language English (53)

Today 9:00 am - 5:00 pm [Open now](#)

Hours

By appointment only

Mon	9:00 am - 5:00 pm
Tue	9:00 am - 5:00 pm
Wed	9:00 am - 5:00 pm
Thu	9:00 am - 5:00 pm Open now
Fri	9:00 am - 4:00 pm
Sat	Closed
Sun	Closed

[Edit business info](#)

Upcoming Special Hours

Thu 11/22/2018	Closed
Tue 12/25/2018	Closed

More business info

- Accepts Credit Cards **Yes**
- By Appointment Only **Yes**
- Gender Neutral Restrooms **Yes**

Joshua G.
First to review

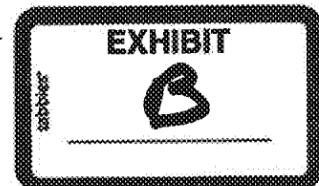
From the business

Passion and dedication are what set Dr. Hochstein apart from other board-certified plastic surgeons.

[Learn more about Leonard M Hochstein, MD](#)

You might also consider

People also viewed



Nicole G.
North Fort Myers, FL
10 Inlands
1 review

Start your review of Leonard M Hochstein, MD.



11/15/2018

NON- smoker 40 yr old. I was only in surgery for 1 hour and 50 mins for a Mommy make over that involved a full tummy tuck, lipo, and breast lift with augmentation! I pulled my report to find out this information This type of surgery normally takes 3-5 hours. As soon as my eyes opened after surgery, I was rushed out of my bed so fast and into a wheel chair and quickly out the door. My outcome was that He over dissected too much skin off tummy, then Nurse wrapped me in a small, and too tight compression garment which cut off circulation to the incisions. The next day after surgery I called to see if they could see me asap, which was a Friday and they were open. Dr Hochstein told me NO. I asked to please let me come in and see a Nurse then, because something was seriously wrong and I had no feeling in my legs. They were numb past my knees, and I was scared! He told me, "No, you can wait till Monday!" When I came in on Monday, they pulled off the garment and tape, and ripped my skin off with it. I was yelling and crying. I looked at it and saw that my skin was black, oozing, and a foul smell, it was necrosis happening. In addition, Dr. Hochstein put my incision lines on my abdomen too low on the sides of my hips, and now they stick out of every bathing suit I wear. This was not our plan. My incision lines go down on the sides not up which would have been covered in my bathing suits. Now, it's down to the side. I was also left with "Dog Ears" on each side of my hips and breasts sides as well. This is fat and skin pockets that should not be there. My Right Breast sits lower then the left and does not have the same projection as my left. I'm sorry. Also, he was supposed to use a different size implant to even me out, since It wasn't even to begin with from nursing. He used the same size CC's in each breast. He also created one breast a different shape and size then the other. I also have a significant amount of scar tissue now which goes down to my vagina area that is painful when I touch it. I have numbness still in my abdomen and vagina area. It is now a year and a half after my surgery. After about a month, the incision line which became necrotic, opened up and began to ooze. I had to call a different physician to help me get a prescription solution to irrigate & try to prevent infections, because all Dr Hochstein would tell me is to use soap and water. It took over 5 months for the necrotic wound/hole to close up with new tissue growth. I called to ask Dr Hochstein about my concerns, He told me " your case is not significant to me" which devastated me. How awful to hear. He told me to wait a year to contact him to fix or revise anything so that the scar tissues can heal.

After a year of emotional distress, looking at myself deformed in the mirror, depressed, overwhelmed with the thought of him operating on me again, I built up the courage to ask him to revise the damages he caused me so I scheduled time from work, paid for flights, hotel, rental car, prescriptions, as did my significant other to help me with the post op care for my revision surgery to fix it with the same Dr. Hochstein. The day of the revision surgery, I was prepped and had an IV started, Dr Hochstein came in to mark me for surgery, I looked down at his marking and he snapped at me in front of my partner, saying, " Don't look at it or me until I'm done!" He had an attitude that was awful. as if he didn't want to stand behind his work and do the revision. I started to ask him questions about the end result of this surgery and if it will change the appearance of my private area because of having to pull more skin for the revision, Dr. Hochstein rolled back on his stool, stood up and said, "you know, I don't have to do this surgery at all, and I'm happy to refund ALL THE MONEY you have spent here!" He then left the room and went to his office. I told my boyfriend I have the right to ask questions. My Boyfriend



Phillip Craft, MD
14 reviews
Cosmetic Surgeons, Skin Care



Constantino Mendileta, MD
FACS - 4 Beauty Aesthetics Institute
14 reviews
Cosmetic Surgeons, Plastic Surgeons, Medical Spas
Silver Bluff



Miami Center for Plastic Surgery
24 reviews
555 - Cosmetic Surgeons, Medical Spas, Plastic Surgeons



Leonard A Roudner, MD, FACS
55 reviews
Cosmetic Surgeons



Lexington Plastic Surgeons
2 reviews
Cosmetic Surgeons, Plastic Surgeons
Brickell



Ghurani Plastic Surgery
1 review
Cosmetic Surgeons, Body Contouring, Medical Spas



Jeffrey LaGrasso M.D.
7 reviews
Plastic Surgeons



Lux Cosmetic Surgery
10 reviews
Cosmetic Surgeons
Silver Bluff



Gary J Rosenbaum M.D. P.A.
9 reviews
Cosmetic Surgeons, Plastic Surgeons



Moises Satama, MD
8 reviews
Cosmetic Surgeons

Collections including Leonard M Hochstein, MD

Plastic Surgeons

By Julia R.

7 Places

More Collections

Other Cosmetic Surgeons Nearby

Find more Cosmetic Surgeons near Leonard M Hochstein, MD

Browse nearby

Restaurants

Nightlife

Shopping

Show all

left the room in hopes of mediating with Dr. Hochstein and holding him to his promise of refunded me all the money I spent at his office. Hochstein decided to not come back in the room or to do the revision, told me he would only refund the \$1500 deposited for anesthesia, not all the money I had spent like he told us in the pre-op room. He told his nurse to dismiss me and to discharge me from their surgery center and to make me leave. He should stand by his work and he should have revised me or at least give me a refund if he was incapable or feeling like he couldn't fix his work.

To pile more on, we spoke with his patient coordinator after the incident and once she learned that we were going to seek legal counsel, she literally laughed and said good luck and then laughed again! From this whole experience I was and still am devastated, depressed and cannot believe my outcome or how I was treated. He makes you sign docs stating that you won't sue him and you can't write a negative review or he will sue you 20K!



Amber R.
Eureka, CA
477 friends
33 reviews
3 photos

★★★★★ 11/7/2018

Can't say enough amazing things about not only Dr. Hochstein but also his amazing staff! My out of town coordinator Jennifer answered all my crazy and questions and helped me so much! They made me feel so comfortable and went above and beyond to calm my nerves. I flew all the way from Northern California after researching doctors for nearly 10 years and so happy I chose them! Can't recommend them enough



Katie V.
Clifton, NJ
0 friends
5 reviews

★★★★★ 10/1/2018

I have to begin by saying that this review is not about the doctor himself or his work but his office staff and appointment scheduling. I made an appointment for a consultation for a 3 pm slot on a Monday, drove about a half hour and got to the office at 3:04 pm. His staff was not too friendly right off the bat, I filled out all the paperwork in about 10 min and handed everything back and was told to wait in their freezing waiting room. Fast forward to an HOUR AND A HALF LATER, I asked how much longer it should take and was told that there is still one more consultation ahead of me. I left without seeing the doctor or any of the staff even trying to explain and/or apologize for wasting my time. While I am happy that the doctor is busy and completely understand that he cannot rush any of his consultations, I think it is completely UNACCEPTABLE to be so inconsiderate of their potential patient's time. In my case, I had to take off work and hire a babysitter just to be treated as if they were doing me some favor. It is unfortunate that I did not get to see the doctor but I definitely will not be coming back to risk wasting yet another half of my day.



Comment from Leonard H. of Leonard M Hochstein, MD
Business Owner

10/1/2018 · Dear Katie,

Thank you for your feedback regarding your visit to our office today. I understand that... [Read more](#)



Joann Z.
Winthrop, MA
594 friends
13 reviews

★★★★★ 9/8/2018 · Updated review

I was referred to Dr. Hochstein by a friend up here in Boston, MA. My surgery is scheduled soon. My experience