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9 RON S. BRAND and ILAN BRAND

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ORANGE – CENTRAL JUSTICE CENTER

RON S. BRAND and ILAN BRAND,

Plaintiffs,

vs.

DR. ADAM DORIN, an individual; and
DOES THREE through TEN, inclusive,

Defendants.

Case No.: 30-2012-00586522

[Unlimited Jurisdiction]

Assigned to the Honorable David T.
McEachen, Dept. C-21

**FIRST AMENDED COMPLAINT FOR
DAMAGES BASED ON:**

- (1) DEFAMATION (LIBEL);**
- (2) DEFAMATION (LIBEL);**
- (3) INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS; AND**
- (4) NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

NOW COME plaintiffs RON S. BRAND (hereinafter referred to as “Ron”) and ILAN BRAND (hereinafter referred to as “Ilan”) (collectively hereinafter referred to as “Plaintiffs”), and for their First Amended Complaint for Damages against defendant Dr. Adam Dorin, an individual (hereinafter referred to as “Dr. Dorin”) and DOES THREE through TEN (collectively hereinafter referred to as the “Doe Defendants”), hereby allege as follows:

1 **PARTY ALLEGATIONS**

2 1. Plaintiff Ron is a resident of the State of California who resides in Irvine,
3 California. Ron is an attorney licensed to practice law before all courts of the State of
4 California and the State of Illinois. Ron has never been disciplined by the State Bar of
5 California nor the Illinois State Bar, and has achieved an “AV” rating by Martindale-Hubbell
6 (meaning that Ron meets very high criteria for general ethical standards). Ron has also been
7 selected for inclusion in the 2011 *Southern California Super Lawyers – Rising Stars*.

8 2. Plaintiff Ilan is a resident of the State of California who resides in Irvine,
9 California. Ilan is an Enrolled Agent who is engaged in the practice of tax preparation,
10 consultation and representation before the United States Internal Revenue Service. As an
11 Enrolled Agent, Ilan is governed by, and complies with, the ethical standards promulgated by
12 the United States Treasury Department in Circular 230. Ilan is also the Managing Member of
13 Herbert Samuel Holdings, LLC, a Delaware limited liability company (“HSH”). HSH is in the
14 business of real estate investments.

15 3. Defendant Dr. Dorin is a resident of the State of California who, on information
16 and belief, currently resides in Dana Point, California, but is in the process of moving to the
17 San Diego area. Plaintiffs are informed and believe, and thereon allege, that in or about July
18 2012 Dr. Dorin resided at The Village at Irvine Spectrum Center in Irvine, California. Dr.
19 Dorin is an anesthesiologist licensed by the Medical Board of California. Dr. Dorin is an
20 anesthesiologist at Sharp Grossmont Hospital located in La Mesa, California, which is owned
21 and operated by Sharp Healthcare (“Sharp”). Dr. Dorin maintains privileges with Sharp.

22 4. Sharp is a corporation organized and existing under the laws of the State of
23 California. Sharp owns and operates hospitals, affiliated medical groups, urgent care centers,
24 and a health plan in the County of San Diego. Sharp also owns and operates a private internet
25 network for use by its employees, agents, representatives and physicians. Plaintiffs are
26 informed and believe, and thereon allege, that Dr. Dorin has access to, and uses, Sharp’s private
27 internet network to send and receive email communications through his personal email
28 accounts.

1 12. On July 9, 2012 at 1:16 p.m., Dr. Dorin, using the private internet network
2 owned and operated by Sharp, sent an email under the name of “Jack Lew” regarding Ron to
3 his employer at the time, Fisher & Phillips LLP (hereinafter referred to as the “July 9 Email”).
4 Dr. Dorin used the fictitious name “Jack Lew” to conceal his true identity, as part of his
5 unlawful campaign to impugn and disparage Ron and to somehow create an unfair advantage to
6 Leilah in the divorce proceedings.

7 13. Through the July 9 Email, Dr. Dorin wrote that on July 6, 2012, in front of the
8 house currently occupied by Leilah, Ron committed various wrongful and/or criminal acts.
9 Also through the July 9 Email, Dr. Dorin wrote various statements about Ron, including but not
10 limited to, that Ron has a police record and has had several altercations with the law.

11 14. The statements contained in the July 9 Email are emphatically false.

12 15. Plaintiffs are informed and believe, and thereon allege, that on July 17, 2012 at
13 7:12 p.m., Dr. Dorin sent an email under the name of “Kathryn ‘Kate’ Saftine” regarding
14 Plaintiffs to the State Bar of California and to Ron’s employer at the time, Fisher & Phillips
15 LLP (hereinafter referred to as the “July 17 Email”). Plaintiffs are informed and believe, and
16 thereon allege, that Dr. Dorin prepared and sent the July 17 Email from a computer located at
17 the Business Center of The Delrey Apartment Homes located at The Village at Irvine Spectrum
18 Center, in Irvine, California. Plaintiffs are informed and believe, and thereon allege, that Dr.
19 Dorin used the fictitious name “Kathryn ‘Kate’ Saftine” to conceal his true identity, as part of
20 his unlawful campaign to impugn and disparage Plaintiffs and to somehow create an unfair
21 advantage to Leilah in the divorce proceedings.

22 16. Through the July 17 Email, Dr. Dorin wrote various statements about Plaintiffs,
23 including, but not limited to, that Ron has used his “legal expertise” to bend the definition of
24 the law to his own financial benefit, that Ron unethically withheld payment to a client referred
25 to him by an attorney named Elliott Wiczer out of Chicago, Illinois (who happens to be
26 Leilah’s brother-in-law), and that Ilan created HSH to run bought companies into the ground
27 and then turn around and buy them up at bargain prices with a sister company owned by Ilan
28 (thereby clearly implying that Ilan has engaged in unethical and/or unlawful conduct).

1 17. The statements contained in the July 17 Email are emphatically false.

2 18. The July 9 Email and the July 17 Email are collectively hereinafter referred to as
3 the "False Emails."

4 **FIRST CAUSE OF ACTION**

5 **(Defamation – Libel)**

6 **(By Ron against Dr. Dorin)**

7 19. Ron re-alleges and incorporates by reference Paragraphs 1 through 18 herein.

8 20. Dr. Dorin intentionally disseminated the July 9 Email.

9 21. In disseminating the July 9 Email, Dr. Dorin knew the claims contained therein
10 to be false, or acted with reckless disregard for the truth or falsity thereof.

11 22. The July 9 Email tends directly to injure Ron in respect to his profession, trade
12 or business, either by imputing to him general disqualifications in those respects which his
13 profession, trade or business requires, or by imputing something with reference to his
14 professional practice that has a natural tendency to lessen his profits, or which, by natural
15 consequences, causes actual damages to Ron.

16 23. The July 9 Email exposes Ron to hatred, contempt, ridicule or obloquy, or cause
17 him to be shunned or avoided, or have a tendency to injure him in his occupation.

18 24. The statements contained in the July 9 Email are defamatory *per se*, thereby
19 eliminating the need for Ron to prove special damages. Nevertheless, by engaging in the
20 malicious libel against Ron, Dr. Dorin has directly and proximately impugned and disparaged
21 Ron's reputation such that Ron has been damaged in an amount currently unknown, but in an
22 amount that will be proved at the time of trial.

23 25. The aforementioned acts of Dr. Dorin were willful, oppressive, despicable and
24 in conscious disregard of the rights of Ron, and the resulting harm to Ron. Ron is therefore
25 entitled to punitive damages in an amount according to proof at the time of trial.

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1 SECOND CAUSE OF ACTION

2 (Defamation – Libel)

3 (By Plaintiffs against Dr. Dorin)

4 26. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 18 herein.

5 27. Dr. Dorin intentionally disseminated the July 17 Email.

6 28. In disseminating the July 17 Email, Dr. Dorin knew the claims contained therein
7 to be false, or acted with reckless disregard for the truth or falsity thereof.

8 29. The July 17 Email tends directly to injure Plaintiffs in respect to their
9 profession, trade or business, either by imputing to them general disqualifications in those
10 respects which their profession, trade or business requires, or by imputing something with
11 reference to their professional practice that has a natural tendency to lessen their profits, or
12 which, by natural consequences, causes actual damages to Plaintiffs.

13 30. The July 17 Email exposes Plaintiffs to hatred, contempt, ridicule or obloquy, or
14 causes them to be shunned or avoided, or have a tendency to injure them in their occupation.

15 31. The statements contained in the July 17 Email are defamatory *per se*, thereby
16 eliminating the need for Plaintiffs to prove special damages. Nevertheless, by engaging in the
17 malicious libel against Plaintiffs, Dr. Dorin has directly and proximately impugned and
18 disparaged Plaintiffs' reputation such that Plaintiffs have been damaged in an amount currently
19 unknown, but in an amount that will be proved at the time of trial.

20 32. The aforementioned acts of Dr. Dorin were willful, oppressive, despicable and
21 in conscious disregard of the rights of Plaintiffs, and the resulting harm to Plaintiffs. Plaintiffs
22 are therefore entitled to punitive damages in an amount according to proof at the time of trial.

23 THIRD CAUSE OF ACTION

24 (Intentional Infliction of Emotional Distress)

25 (By Plaintiffs against Dr. Dorin)

26 33. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 32 herein.

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1 34. The aforementioned acts of Dr. Dorin were extreme and outrageous, in that by
2 disseminating the False Emails against Plaintiffs, Dr. Dorin went beyond all possible bounds of
3 decency, and such acts are atrocious and utterly intolerable in a civilized society.

4 35. Dr. Dorin intended to cause, or acted with reckless disregard for the probability
5 of causing, emotional distress on Plaintiffs.

6 36. As a direct and proximate result of the aforementioned acts of Dr. Dorin,
7 Plaintiffs have suffered severe emotional distress, and have been damaged as a result thereof, in
8 an amount according to proof at the time of trial.

9 37. The aforementioned acts of Dr. Dorin were willful, oppressive, despicable and
10 in conscious disregard of the rights of Plaintiffs, and the resulting harm to Plaintiffs. Plaintiffs
11 are therefore entitled to punitive damages in an amount according to proof at the time of trial.

12 **FOURTH CAUSE OF ACTION**

13 **(Negligent Infliction of Emotional Distress)**

14 **(By Plaintiffs against Dr. Dorin)**

15 38. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 32 herein.

16 39. Plaintiffs are informed and believe, and thereon allege, that Dr. Dorin owed
17 Plaintiffs a duty to take all reasonable steps not to impugn nor disparage Plaintiffs' reputation.

18 40. Dr. Dorin breached his duty to Plaintiffs by disseminating the False Emails.

19 41. As a direct and proximate result of the aforementioned acts of Dr. Dorin,
20 Plaintiffs have suffered serious emotional distress, and have been damaged as a result thereof,
21 in an amount according to proof at the time of trial.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs pray for judgment in their favor and against Dr. Dorin as
24 follows:

25 1. General, special and consequential damages in excess of \$25,000.00, with the
26 total amount to be proven at the time of trial;

27 2. Punitive damages;

28 3. Costs of suit incurred herein;

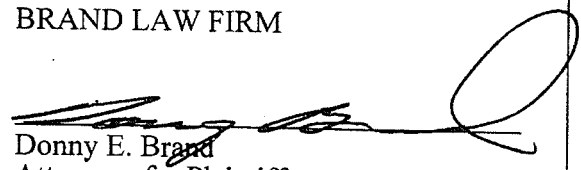
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- 4. Interest as permitted by law;
- 5. Attorney's fees as permitted by law; and
- 6. Alternative and additional relief as the Court deems just and proper.

DATED: December 3, 2012

BRAND LAW FIRM

By:



Donny E. Brand
Attorneys for Plaintiffs
RON S. BRAND and ILAN BRAND

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Donny E. Brand (SBN 249651) BRAND LAW FIRM 2321 E 4th St Ste C-473 Santa Ana, CA 92705</p> <p>TELEPHONE NO.: 714-769-6485 FAX NO. (Optional): 714-769-6486 E-MAIL ADDRESS (Optional): donny@brandlawfirm.net ATTORNEY FOR (Name): Plaintiffs RON S. BRAND and ILAN BRAND</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive MAILING ADDRESS: 700 Civic Center Drive CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center</p>	
<p>PETITIONER/PLAINTIFF: RON S. BRAND and ILAN BRAND RESPONDENT/DEFENDANT: SHARP HEALTHCARE, a California Corporation; DR. ADAM DORIN, an individual; et al.</p>	
<p style="text-align: center;">PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p>CASE NUMBER: 30-2012-00586522</p>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

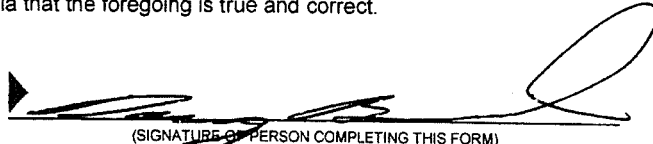
1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
 2321 E 4th St Ste C-473, Santa Ana, CA 92705
3. On (date): 12/03/2012 I mailed from (city and state): Santa Ana, CA the following documents (specify):
FIRST AMENDED COMPLAINT FOR DAMAGES BASED ON: (1) DEFAMATION (LIBEL); (2) DEFAMATION (LIBEL); (3) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND (4) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
 The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: Gary Lee Eastman
 - b. **Address** of person served:
 401 W "A" St Ste 1785
 San Diego, CA 92101

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12/3/2012

Donny E. Brand
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)