
From: Michael Botts <mbotts@oeblegal.com>

Date: Friday, February 20, 2015 at 3:01 PM

To: Wesley Paul <wpaul@paullawgrp.com>

Subject: Quackwatch article on A4M

Mr. Paul:

This is in response to your letter of February 9, 2015 and subsequent e-mails to Dr. Stephen Barrett. Before getting to the heart of this matter, I would like to correct what appear to be misconceptions on your part.

Quackwatch is an informal network of people who are concerned about quackery. It is not a formal organization or even a legal entity. At one time, Quackwatch, Inc. was a nonprofit organization, but it was dissolved in 2008. Dr. Barrett owns and operates the Quackwatch Web site and is solely responsible for its content. There is no group called ³Quackbusters² and there never has been an entity by that name. Nor does Dr. Barrett ever apply this term to himself because he is not a militant person and doesn't like it.

The caption of your letter describes the article as an attack on A4M. I don't see how it can be an attack on A4M without mentioning it.

Your letter states that the Quackwatch article titled ³Anti-Aging CEGurus¹ Pay \$5,000² Penalties is ³grossly misleading and presents an unbalanced view of our clients and their respective contributions to the medical, scientific and business community.² We respectfully disagree. The article merely summarizes what the 2000 Consent Order says. Moreover, in 2001, your clients and their attorney reviewed the article and had no objections to its wording.

You seem to be asserting that the February 2006 letter from the Illinois Division of Financial and Professional Regulation contradicts what Dr. Barrett's summary says. However, as we read it, that letter merely says that if your clients want to use the M.D. title outside of Illinois, the IDFPR will not object because it is outside of its jurisdiction. The original order is still in effect within Illinois and the IDFPR Web site still states that each:

Agreed to cease and desist using the designation "M.D." in addition to the appropriate "D.O." title. He received a degree as a doctor of medicine, but was never properly licensed to use the title "M.D." in Illinois. \$5000 FINE DUE AND PAID.

Dr. Barrett's summary states essentially the same thing.

You assert that because Dr. Barrett's article does not discuss your client's ³contributions to the medical, scientific, and business community² it is unbalanced and somehow defamatory. However, you have not identified a single word that is false or defamatory or provided any logical reason to believe that Dr. Barrett is obligated to discuss anything your clients have done that is not mentioned in the IDFPR's 2000 order.

Your e-mail of February 10 (11:03 AM) states that Dr. Barrett's article is inaccurate. It obviously is not. You go on to say it is misleading because it does not take into account the 2006 IDFPR. However, all these documents say is that the Board will not act if they use the M.D. credential outside of its jurisdiction. Dr. Barrett is willing to add that fact to his article.

Dr. Barrett is extremely conscientious about accuracy and takes accusations about inaccuracy very seriously. He has expressed willingness to modify his summary so that the IDFPR clarification is added. However, you appear to have refused to consider this.

Your third e-mail of February 10 (11:27 PM) asserts:

Including information relating to Dr. Goldman and Dr. Klatz in the context of a ³quack watch² or ³quack busters² or other similar context imparts meaning to the reader suggesting strong negative connotations about my clients that are simply not true.

Again, we disagree. Quackwatch mentions hundreds of people, some favorably, some not. The only relevant context of the article to which you object is the article itself to which your clients, with full knowledge of its content and context, made no objection at the time it was posted. Nevertheless, Dr. Barrett is willing to solve your ³context² problem by moving the article to Casewatch, where it would join thousands of other regulatory documents.

Your messages suggest that your clients don't think Dr. Barrett knows much about A4M. That's not true. At the moment, he knows that at least 19 of the speakers at A4M conferences have been subjected to government regulatory actions and many of the exhibitors have received FDA warning letters about illegal marketing (Dr. Barrett hasn't bothered to count the warning letters). To back up his assertion, Dr. Barrett compiled the following list of A4M speakers and their respective regulatory agencies that took action against them:

Name of Speaker	Government Agency
Eric R. Braverman, MD	Medical Board , NY Attorney General
Rashid A. Buttar, DO	Medical Board
Stanislaw Burzynski, MD	Medical Board
John Dommissie, MD	Medical Board (2 actions)
Mitchel Ghen, MD	Medical Board
Nicholas Gonzales, MD	Medical Board
I William Lane, PhD	FDA, FTC
Ronald Lawrence, MD	FTC
Joseph Mercola, DO	FDA (3 actions)
Joseph Montante, MD	Medical Board
Mathias Rath, MD	FDA, ASA of South Africa
Sherry Rogers, MD	Medical Board
Binyamin Rothstein, DO	Medical Board (4 actions)
Carol Ann Ryser, MD	Medical Board, US Justice Dept.
Norman Shealey, MD	FDA
David Steenblock, DO	Medical Board (4 actions)
Jacob Teitelbaum, MD	FDA
E. Denis Wilson, MD	Medical Board
Jonathan Wright, MD	Medical Board, FDA

Further regarding the A4M conferences, many A4M exhibitors made illegal and dangerously scientifically unsupported claims in brochures and other documents distributed at the meetings that Dr. Barrett collected after telling Dr. Klatz (in person) that permitting this activity was unethical.

Fundamentally, I do not believe that any court would look kindly at a suit about wording posted 14 years ago after your clients approved its content. Similarly, I don't believe that a court would permit your clients to pursue a suit brought seven years after they had information that they thought contradicted the 2001 article. I believe that both laches and the statute of limitations are relevant. Moreover, there is no malice and Dr. Barrett has not and never will act with reckless disregard of any truth.

Since your communications question the accuracy of Dr. Barrett's article, it makes me curious as to the accuracy in another article. In 2007, an article in the *New York Times* stated:

Both men received medical degrees in 1998 from the Central American Health Sciences University in Belize, without, they acknowledged, ever having studied in the country. Dr. Klatz and Dr. Goldman say through their lawyer that they earned their medical degrees with transfer credit from previous academic work and a year in clinical rotations in Mexican hospitals.

Is that New York Times statement about your clients¹ medical training and academics accurate?

I have known Dr. Barrett and observed his work for more than 25 years. Please believe me when I tell you that he is not someone who can be intimidated. He is, however, one who is always prepared to correct any misstatement of fact or factual error. But I do not believe that you have identified anything in the article that is false, and neither have you provided any legal reason why Dr. Barrett should remove the current article from Quackwatch.

In consideration of your comments, and in the spirit of cooperation, Dr. Barrett remains willing to move the article to Casewatch and to add mention of the IDFPR clarification. **PLEASE NOTE: Before making these offered changes, we will need acknowledgement and agreement from you on behalf of your clients that those changes will not increase your clients' complaints, cause them any injury, or be used to by your clients to argue against Dr. Barrett's current potential defenses of laches and the statute of limitations.**

As a practical matter, your clients should consider the fact that if a suit is filed, it is likely to receive a great deal of publicity that calls attention to the nature of your clients' M.D. credentials, the 2001 IDFPR order, and the extent of quackery promoted at A4M conferences. These are facts that will not go away even if you complain about them.

Thank you,

Mike

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