

Wesley J. Paul, Esq.  
PAUL LAW GROUP, LLP  
902 Broadway, 6<sup>th</sup> Floor  
New York, NY 10010  
Tel: (646) 202-2532  
Fax: (646) 514-6829  
wpaul@paullawgrp.com

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
DR. ROBERT M. GOLDMAN AND	:	
DR. RONALD KLATZ,	:	
	:	<b>Case Number 15-9223</b>
Plaintiffs,	:	
	:	
v.	:	<b>FIRST AMENDED COMPLAINT</b>
	:	
DR. STEPHEN J. BARRETT AND	:	
QUACKWATCH, INC.	:	
	:	
	:	
Defendants.	:	
	:	
_____	X	

Plaintiffs Dr. Robert M. Goldman and Dr. Ronald Klatz (the “**Plaintiffs**” or the “**Doctors**”),  
by and through their undersigned attorney, hereby file this Complaint against Defendants  
Stephen J. Barrett, an individual (“**Barrett**”) and Quackwatch, Inc., a commercial enterprise  
 (“**Quackwatch**,” collectively, the “**Defendants**”), and allege as follows:

**PARTIES**

1. Plaintiff ROBERT M. GOLDMAN (“**Dr. Goldman**”) is currently a resident of the State of Florida and also maintains a residence in Chicago, Illinois.
2. Plaintiff RONALD KLATZ (“**Dr. Klatz**”) is currently a resident of the State of Florida and also maintains a residence in Chicago, Illinois.
3. Dr. Goldman holds a Doctor of Medicine (M.D.) degree from Central America Health Sciences University, School of Medicine. Dr. Goldman also holds an osteopathic medical degree from Midwestern University/Chicago College of Osteopathic Medicine and Surgery.
4. Dr. Goldman co-founded and served as Chairman of the Board of Life Science Holdings, a biomedical research company which has had over 150 medical patents under development in the areas of brain resuscitation, trauma and emergency medicine, organ transplant and blood preservation technologies. He has overseen cooperative research agreement development programs in conjunction with such prominent institutions as the American National Red Cross, the US National Aeronautics and Space Administration (NASA), the Department of Defense, and the FDA's Center for Devices & Radiological Health.
5. Dr. Goldman also founded the National Academy of Sports Medicine (NASM) in 1987. NASM is now the leading sports training certification program in the world, having trained and certified over 250,000 trainers.
6. Dr. Klatz holds a Doctor of Medicine (M.D.) degree from the Central America Health Sciences University, School of Medicine. Dr. Klatz also holds a Doctor of Osteopathic Medicine and Surgery (D.O.) degree from the College of Osteopathic Medicine and Surgery in Des Moines, Iowa.

7. Dr. Klatz has served as the inventor, developer, or administrator of 100-plus scientific patents. In recognition of his pioneering medical breakthroughs, he was awarded the Gold Medal in Science for Brain Resuscitation Technology (1993) and the Grand Prize in Medicine for Brain Cooling Technology (1994). In addition, Dr. Klatz has been named as a Top 10 Medical Innovator in Biomedical Technology (1997) by the National Institute of Electromedical Information and he received the Ground Breaker Award in Health Care (1999) with Presidential Acknowledgment by William Jefferson Clinton from Transitional Services of New York.
8. Dr. Goldman and Dr. Klatz are both currently licensed to practice medicine and surgery in the State of Illinois.
9. Dr. Goldman and Dr. Klatz have authored or co-authored dozens of books, medical textbooks, medical papers and other publications.
10. Dr. Goldman and Dr. Klatz have pioneered the use of the term “anti-aging” and have appeared in hundreds of lectures and seminars in some of the world’s leading academic institutions.
11. Dr. Goldman and Dr. Klatz have founded, co-founded and/or serve in an executive or board capacity of multiple health care and fitness organizations and have devoted almost their entire professional lifetimes to promoting the ideals of fitness and health.
12. Dr. Goldman and Dr. Klatz co-founded the American Academy of Anti-Aging Medicine (“**A4M**”) in 1991, a not-for-profit medical organization dedicated to the advancement of technology to detect, prevent and treat aging related diseases and to promote research into methods to retard and optimize the human aging process.
13. A4M currently has over 26,000 physician and scientist members worldwide. A4M is generally known as the leading medical society dedicated to the advancement of technology to detect,

prevent and treat aging related disease and to promote research into methods to retard and optimize the human aging process.

14. A4M provides certified credentialing and certification training across a wide array of medical and health specialties. A4M's educational programming awards category 1 AMA/PRA physician credits, the highest level available for physicians and surgeons. The content of A4M's academic congresses are closely monitored and supervised by AMA-approved CME accreditation bodies. A4M's educational programming has consistently received the highest ratings and excellent reviews for the quality of medical education content by peer-reviewed organizations. A4M's educational programming has received recognition and support of national governments and universities worldwide. A4M's credentialing programs are used in connection with universities in post-graduate master's degree programs.
15. A4M's website is [www.worldhealth.net](http://www.worldhealth.net). A4M's conferences have been attended by over 200,000 participants from over 50 countries.
16. Upon information and belief, Defendant STEPHEN JOEL BARRETT is a resident of the State of North Carolina.
17. Barrett is the owner and operator of the website [www.quackwatch.org](http://www.quackwatch.org) (hereinafter, the "**Website**"), [www.quackwatch.com](http://www.quackwatch.com), and other affiliated websites including but not limited to [www.casewatch.org](http://www.casewatch.org) and [www.dentalwatch.org](http://www.dentalwatch.org) (the "**Affiliated Sites**").
18. Upon information and belief, Barrett is a retired psychiatrist who now operates the Website and the Affiliated Sites.
19. One stated objective of the Website is to identify certain medical practitioners for what are, in Dr. Barrett's view, questionable medical practices.

20. Upon information and belief, Defendant Quackwatch is a commercial entity formed by Barrett and his associates with the sole purpose of furthering Barrett's agenda against so-called "quackery".
21. As stated on the Website, Quackwatch is an "international network of people concerned about health-related frauds, myths, fads, fallacies, and misconduct."
22. Barrett styles himself as a crusader and public servant; however, Barrett and Quackwatch's actions have been self-serving and non-transparent.

### **JURISDICTION AND VENUE**

23. This Court has Diversity of Citizenship jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. §1332(a) because the parties are citizens of different states and the amount in controversy is greater than \$75,000.
24. The Court has personal jurisdiction over the named Defendants, as the Defendants (a) operated and continue to operate interactive websites that are regularly accessed by the public in this District and (b) solicit and engage in business within this District.
25. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to the claim occurred in New York City.

### **FACTUAL BACKGROUND**

26. The Defendants have consistently sought to publicly criticize Dr. Goldman, Dr. Klatz and other like-minded anti-aging medical practitioners despite the Plaintiffs' on-going desire to engage Dr. Barrett in a dialogue.
27. Barrett regularly maintains the Website by adding new articles and other content.
28. Barrett has the right to modify or update any content as he sees fit.

29. Defendants posted and made available on the Website an article dated December 6, 2000, titled “Anti-Aging ‘Gurus’ Pay \$5,000 Penalties” (the “**Article**”). The Article describes an Illinois medical board proceeding relating to Dr. Goldman and Dr. Klatz, and a reported settlement agreement between the Doctors and the State of Illinois.
30. On February 28, 2006 the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation (IDPR) determined that Dr. Goldman and Dr. Klatz are in fact “licensed physicians and surgeons of osteopathic medicine in good standing in Illinois for over 20 years, which allows them to practice and carry out all duties equivalent to what a medical doctor, an M.D., may do in Illinois.”
31. The IDPR further indicated in separate communications to Dr. Goldman and Dr. Klatz that the fines previously paid would be administratively vacated through a separate internal process. This fact was not mentioned in the Article.
32. The Website indicates that the Article was last edited on March 6, 2001. The Defendants have not posted any follow-up on the Website to reflect the February 2006 Illinois decree or to clarify the statuses of Dr. Goldman and Dr. Klatz.
33. Upon information and belief, Defendants engaged in active search engine optimization practices (“**SEO**”) on websites such as Google and Bing in order to actively promote and help ensure the high placement of the scurrilous and misleading article in typical web searches for anyone pursuing business with Dr. Goldman and Dr. Klatz.
34. Upon information and belief, the Defendants have also utilized “meta tags” on their Website and in the Article in order to ensure that the Article appears in connection with certain defamatory inferences against the Doctors.

35. Such searches include, but are not limited to, “Goldman Klatz Violation” “Dr. Goldman and Dr. Klatz Illinois,” and “Goldman Klatz Complaint.”
36. There are likely many other tags or hidden text that are included in the Defendants’ SEO program that have not yet been discovered and which contain inaccurate or disparaging information relating to Dr. Goldman and Dr. Klatz.
37. “Meta tags” are snippets of text that describe a page’s content but do not appear on the page itself. They can be used to provide a user’s website with a higher ranking on search engines and/or to describe the website. Meta tags can be apparent or they can be hidden.
38. These practices were intended to spread the Article across the internet in order to perpetuate the type of harm to the Doctors illustrated by the facts below.
39. Beginning in late 2014, the Defendants escalated their vendetta against Dr. Goldman and Dr. Klatz by affirmatively seeking to harm their reputations as well as their businesses without any justification whatsoever.
40. On at least two separate occasions that have been discovered and affirmed to Dr. Goldman and Dr. Klatz, the Defendants deliberately and maliciously maligned Dr. Goldman and Dr. Klatz.
41. In September 2014, Dr. Goldman and Dr. Klatz entered into an agreement to provide consulting services and support for a number of health education clinics and screening centers to be set up in various high-density population areas in China (the “**China Project**”). The China Project had committed internal and external financing of over one hundred million dollars.
42. As part of the China Project, Dr. Goldman and Dr. Klatz were to each receive a base consulting fee and equity in the business venture with a Chinese anti-aging company. The total value of the consulting fee and the equity would have been worth at least ten million dollars each assuming certain attainable financial thresholds were met.

43. Dr. Goldman and Dr. Klatz each made numerous trips to China and expended considerable time and other resources in order to advance the China Project.
44. Dr. Goldman and Dr. Klatz met with dozens of government officials, business persons, financial consultants, and other advisors.
45. The China Project would be developed over several stages. One such stage involved the build-out of various test centers and clinics as well as further background checks as required by Chinese ministry officials (the “**Officials**”).
46. The Officials conducted diligence in connection with the China Project and learned about the Defendants through a cursory internet search revealing the Article and its mention of Dr. Goldman and Dr. Klatz on the Defendant’s Website.
47. The Officials then contacted the Defendants to inquire further about the Article and more specifically about Dr. Goldman and Dr. Klatz.
48. Upon information and belief, these interviews took place in March and April 2015.
49. During such interviews, the Officials provided the Defendants with information relating to the China Project and the roles that Dr. Goldman and Dr. Klatz had within the China Project.
50. The Defendants told the Officials that Dr. Goldman and Dr. Klatz had violated numerous U.S. laws and they would likely be criminally prosecuted in the near future.
51. The Defendants told the Officials that Dr. Goldman and Dr. Klatz had tried to silence Dr. Barrett by using physical force and other intimidation tactics but that the Defendants had the means and financial support to defeat Dr. Goldman and Dr. Klatz.
52. The Defendants told the Officials that Dr. Goldman and Dr. Klatz were under further indictment by other countries for distributing drugs to foreign nations.



53. The Defendants asked the Officials whether providing this information to them would allow Barrett to collect a fee or reward and whether such information might terminate Dr. Goldman and Dr. Klatz's involvement in the China Project.
54. The Defendants told the Officials that they had more damning evidence against Dr. Goldman and Dr. Klatz and would provide such information if the circumstances were appropriate.
55. Following these interviews, the planned clinic was put on indefinite hold and approval of that critical stage of the China Project never occurred.
56. The China Project has since been terminated.
57. Dr. Goldman and Dr. Klatz were informed that the main reason for termination related to the inability to secure the required initial governmental approval for the construction of the test clinics.
58. Upon information and belief, such approvals were denied based on the Defendants' false and malicious assertions to the Officials regarding Dr. Goldman and Dr. Klatz.
59. A second project involved a consulting arrangement between Dr. Goldman and Dr. Klatz and the Malaysian government regarding various public health programs designed to increase health and productive longevity among the general population (the "**Malaysia Project**").
60. Terms of the Malaysia Project were agreed upon by the parties and Dr. Goldman initiated several presentations and trips to Malaysia to consult with local healthcare officials on developing wellness programs for the population group generally over the age of 60.
61. The Malaysia Project was terminated in late 2014, initially with little explanation. Upon further inquiry by the Plaintiffs, it was determined that certain officials in the Malaysian government had discussions concerning the Article and the Defendants.

62. Upon information and belief, it is likely Defendant Barrett had a similar conversation with Malaysian officials regarding the Malaysia Project which caused the consulting arrangement to be terminated.

**FIRST CLAIM FOR RELIEF**  
**(Defamation Per Se)**

63. Dr. Goldman and Dr. Klatz repeat and re-allege each and every allegation contained in Paragraphs 1 through 62 above.

64. The statements made by the Defendants to the Chinese officials are entirely false and no basis exists whatsoever for the Defendants to make such claims.

65. Specifically, Dr. Goldman and Dr. Klatz have not violated any Federal laws which would subject them to criminal prosecution in the near future as the Defendants alleged.

66. Dr. Goldman and Dr. Klatz are not under indictment by any foreign nations for illegally distributing drugs overseas as the Defendants alleged.

67. Dr. Goldman and Dr. Klatz never tried to use physical violence or the threat thereof to silence the Defendants as the Defendants alleged.

68. These statements are malicious, wholly untruthful, and made in an apparent effort to not only discredit Dr. Goldman and Dr. Klatz but also to benefit the Defendants in their crusade against successful medical professionals.

69. The Defendants' comments to the Officials injured Plaintiffs in their profession because they cast immediate doubt into the Plaintiffs' qualifications as both medical doctors and businessmen and resulted in not only damage to their hard-earned reputation but also a direct and immediate lost business opportunity.

70. Defendants' questions to the Officials specifically asking if the information provided would harm the Plaintiffs' business opportunity show a willful attempt to cause harm to their business.

71. Moreover, the Defendants used the Article to bait parties into inquiring further in order to spread their misinformation about Dr. Goldman and Dr. Klatz. This also demonstrates malice and a calculated attempt by the Defendants to attack the Plaintiffs with intent to injure them in their businesses.

72. Such actions by the Defendants were intentional, malicious and willful with the intent to injure Dr. Goldman and Dr. Klatz. Defendants are liable for damages and all reasonable attorneys' fees and costs.

**SECOND CLAIM FOR RELIEF**  
**(Tortious Interference with Prospective Economic Advantage)**

73. Dr. Goldman and Dr. Klatz repeat and re-allege each and every allegation contained in Paragraphs 1 through 72 above.

74. The Plaintiffs had entered into a contractual relationship with a Chinese anti-aging entity regarding the China Project.

75. The Chinese Officials clearly explained to the Defendants the purpose of their call and provided the Defendants with sufficient detail regarding the China Project and the nature of their relationship with the Doctors.

76. These details as well as the Defendants' questions relating to possible harm to the Plaintiffs show that the Defendants were aware of the business relationship between the Chinese entity and the Plaintiffs.

77. Defendants intentionally committed wrongful and culpable conduct by defaming Dr. Goldman and Dr. Klatz in the interviews with the intent to harm the Doctors in their business enterprises.

78. The Defendants used defamatory statements to not only harm the Plaintiffs' reputations but their specific business interests in the China Project.
79. As a result of the Defendants' actions, the China Project was terminated and Dr. Goldman and Dr. Klatz each suffered a loss of over ten million dollars.
80. Such actions by the Defendants are intended to be and are, in fact, tortious in nature, entitling Dr. Goldman and Dr. Klatz to damages and all reasonable attorneys' fees and costs.

**THIRD CLAIM FOR RELIEF**  
**(Conspiracy to Tortiously Interfere with Prospective Economic Advantage)**

81. Dr. Goldman and Dr. Klatz repeat and re-allege each and every allegation contained in Paragraphs 1 through 80 above.
82. The Chinese officials explained the detailed business relationship between Dr. Goldman and Dr. Klatz regarding the China Project to the Defendants.
83. Defendants conspired and worked together to maintain the defamatory Article on the Website despite its misleading nature which led directly to business associates of Dr. Goldman and Dr. Klatz reaching out to the Defendants.
84. Defendants also conspired to defame Dr. Goldman and Dr. Klatz to Chinese and Malaysian governmental officials relating to the China Project and the Malaysia Project.
85. As a result of Defendants' actions, Dr. Goldman and Dr. Klatz suffered actual damages in the loss of prospective business relationships.
86. Such actions by the Defendants are intended to be and are, in fact, tortious in nature, entitling Dr. Goldman and Dr. Klatz to damages and all reasonable attorneys' fees and costs.


**DEMAND FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully demand judgment that:

- A. The Plaintiffs are entitled to compensatory damages amounting to ten million dollars, including prejudgment interest, for those compensable injuries they have suffered due to the Defendant's conduct alleged herein;
- B. The Plaintiffs are entitled to special damages from the loss of business as a result of Defendants' actions in the Second Cause of Action stated herein;
- C. The Plaintiffs are entitled to attorneys' fees and costs incurred herein;
- D. The Plaintiffs are entitled to such other and further relief as may be just and proper.

Dated: October 7, 2016

PAUL LAW GROUP

By:   
Wesley J. Paul

902 Broadway, 6<sup>th</sup> Floor  
New York, New York 10010  
Tel: (646) 202-2532  
Fax: (646) 514-6829  
Email: wpaul@paullawgrp.com

*Attorney for Plaintiffs Dr. Robert M.  
Goldman and Dr. Ronald Klatz*