

Doctor Lawsuits over Online Reviews by Patients (or their family members)

Updated May 1, 2012

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 (9th 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. 4th 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. Cal. 2010)	A doctor asserted that anonymous posts (apparently written by a wife to describe her husband's experiences) to RateMDs.com were defamatory. The doctor sought a subpoena to RateMDs to identify the posters.	The court rejected the subpoena request because the posts didn't appear to be defamatory.
Rahbar v. Batoon	San Francisco Superior Ct. case # CGC-09-492145 (filed Sept. 2, 2009) case # CGC-10-502884 (filed August 20, 2010) case # CGC-11-515742 (filed Sept. 8, 2011)	Dentist sued patient for defamation and other claims over Yelp review. Initial complaint at http://www.scribd.com/doc/24291878/iiiiiiiiiii-III-Iwiiiiiiiiiiiiiii Background: http://www.usatoday.com/news/opinion/editorials/2010-06-09-editorial09_ST_N.htm	Initial case dismissed on anti-SLAPP grounds; dentist ordered to pay \$43k in attorney's fees (July 21, 2010). Second case dismissed as another SLAPP and dentist ordered to pay another \$26k (July 12, 2011).
McKee v. Laurion	Case # 69-DU-CV-10-1706 (Minn. Dist. Ct. Apr. 28, 2011) On appeal: A11-1154 (Minn. App. Ct. Jan. 23, 2012)	Doctor sued patient's relative for defamation for critical online remarks. District court opinion: http://www.onpointnews.com/docs/Mckee-v-Laurion.pdf Appellate court reversed, saying that 6 of the statements were potentially facts instead of opinions and potentially injurious to reputation. Thus, the case can go to the jury on those statements. Appellate opinion (2012 WL 177371): http://www.mncourts.gov/opinions/coa/current/opa111154-012312.pdf	Pending.
Lynch v. Christie	2011 WL 3920154 (D. Me. Sept. 7, 2011)	Chiropractor sued former patient for Facebook and website postings.	The court denied the patient's anti-SLAPP motion because the judge concluded "that Lynch is highly likely to persuade a jury that Christie fabricated her story."
Pensler v. Hostetler	10 CH 35876 (filed 8/19/10)	Defamation claims against patients for their Yelp and CitySearch	Hostetler case voluntarily

Pensler v. Cuevas Pensler v. Bender	10 CH 35238 (filed 8/16/10) 09 CH 18628 (filed 6/10/09) All in Cook County Court	reviews. See case writeup at http://www.myfoxchicago.com/dpp/news/investigative/dr-jay-pensler-yelp-citysearch-reviews-20101115 Docket at http://www.cookcountyclerkofcourt.org Bender motion to dismiss at http://www.onpointnews.com/docs/pensler-v-bender_MTD.pdf	dismissed June 2011 Cuevas case voluntarily dismissed Dec. 2012 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
Dr. John Doe v. Google	1:11-cv-07814 (N.D. Ill.). 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

Related but factually distinguishable cases:

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Becker v. Hooshmand	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 parties ultimately settled with a confidential cash payment to the plaintiff and a permanent injunction against further defamation of the plaintiff.
Lifestyle Lift v. RealSelf	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.

Townson v. Liming	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.
Lifestyle Lift Holding Co. Inc. v. Prendiville	768 F. Supp. 2d 929 (E.D. Mich. 2011)	Cosmetic surgery procedure system sued a doctor for defamation, trademark infringement and other claims based on his critical online remarks.	Court dismissed for lack of personal jurisdiction.
Darm v. Craig	Case 1107-08823, Oregon Circuit Court	Doctor sued blogger for defamation for discussing the doctor's prior 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	Settled.
Lee v. Makhnevich	11-civ-8665 (S.D.N.Y. complaint filed Nov. 29, 2011)	Patient sued dentist for using Medical Justice's form contract to suppress reviews Complaint: http://www.citizen.org/documents/Lee-v-Makhnevich-complaint.pdf	Pending