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10 Attorneys for Plaintiff
MATTHEW MOORE

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14
15 MATTHEW MOORE,
16 Plaintiff

Case No.:

COMPLAINT

17 vs.

**1. Intentional Infliction of
Emotional Distress**

18 ELAINE JONES, M.D.; TORRANCE
HEALTH ASSOCIATION, INC.;
19 TORRANCE MEMORIAL PHYSICIAN
NETWORK; and DOES 1 through 10,
20

2. Libel

21 Defendants.
22

23
24 COME NOW Plaintiff MATTHEW MOORE and alleges as follows:
25

26 **GENERAL ALLEGATIONS**
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28 1. Plaintiff MATTHEW MOORE (hereinafter "Plaintiff") is an individual

1 who was at all times relevant hereto a resident of the County of Los Angeles,
2 State of California.

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4 2. The Plaintiff is informed and believes and thereon alleges that
5 Defendant ELAINE JONES, M.D. ("Jones") was and is a medical doctor and a
6 resident of the County of Los Angeles, State of California.

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8 3. The Plaintiff is informed and believes and thereon alleges that
9 Defendant TORRANCE HEALTH ASSOCIATION, INC. ("THAI") is a corporation
10 organized and existing under and by virtue of the laws of the State of California.

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12 4. The Plaintiff is informed and believes and thereon alleges that
13 Defendant TORRANCE MEMORIAL PHYSICIAN NETWORK ("TMPN") is a
14 business entity, the form of which is unknown.

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16 5. The Plaintiff is informed and believes and thereon alleges that
17 Defendants named herein as DOES 1 through 10 are in some manner
18 responsible for the events and wrongful conduct described herein, and are liable
19 to the Plaintiff for the damages that the Plaintiff has incurred. The true names
20 and capacities of said Defendants, whether individual, corporate, associate, or
21 otherwise, are unknown to the Plaintiff, who therefore sues said Defendants by
22 such fictitious names. The Plaintiff will amend this Complaint to show their true
23 names and capacities when same have been ascertained.

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25 6. The Plaintiff is informed and believes and thereon alleges that
26 Defendants, and each of them, were the agents, servants, and co-conspirators of
27 each of the remaining Defendants, and at all times mentioned herein, were acting
28 within the knowledge of one another within the purpose, scope and course of

1 their agency, service, employment and conspiracy with the express and/or
2 implied knowledge, permission and consent of the remaining Defendants and
3 approved the acts of one or more of the other Defendants.
4

5 7. Beginning in April of 2013 the Plaintiff was a patient of Jones who
6 was an agent, employee or associate of THAI and TMPN. The Plaintiff's treatment
7 with Jones was related to routine medical issues, none of which involved the
8 Plaintiff's sexual orientation, state of mind or psychiatric issues. After the
9 Plaintiff's initial treatment, and sometime in May of 2013, the Plaintiff learned
10 that Jones had recorded and published defamatory information regarding the
11 Plaintiff by writing and publishing for disclosure to others that the Plaintiff was
12 suffering from a loathsome disease, to wit, homosexuality. This publication was
13 made utilizing not only the words that the Plaintiff suffered from a chronic
14 condition of homosexuality, but used codes that are known and read by those
15 who viewed the materials that the Plaintiff suffered from a chronic disease, to
16 wit, homosexuality.
17

18 8. In and around June of 2013, the Plaintiff became aware of these
19 publications and confronted the Defendants regarding the defamatory conduct.
20 The Defendants, and each of them, immediately agreed to retract the defamatory
21 statements and made public representations that such retraction would occur.
22 The Plaintiff, in reliance on the Defendants' promise of retraction and upon
23 written confirmation of the promise of retraction, elected to not pursue a legal
24 remedy arising from the defamatory conduct.
25

26 9. It was not until May of 2014 that the Plaintiff learned that in fact the
27 Defendants had not retracted the statements, but had allowed the defamatory
28 content to remain in its records for publication and consumption. Thereafter,

1 the Plaintiff again brought the foregoing to the attention of the Defendants who
2 then engaged in a pattern of deceit and medical record doctoring to attempt to
3 establish that they had earlier removed and retracted the defamatory content
4 when in fact they had not.

5
6 10. As a further direct and proximate result of the conduct of
7 Defendants, and each of them, the Plaintiff has experienced anger and
8 frustration which has resulted in feelings of mental suffering, anxiety,
9 humiliation and emotional distress all to his general damage and detriment in an
10 amount in excess of the jurisdictional limit of this Court and in a sum to be
11 determined at the time of trial.

12
13 **FIRST CAUSE OF ACTION**

14 ***Intentional Infliction of Emotional Distress***

15 ***Against All Defendants***

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17 11. Plaintiff hereby refers to and incorporates herein by reference all prior
18 and subsequent paragraphs of this Complaint, as though set forth in full.

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20 12. The actions of Defendants, and each of them, in making the
21 outrageous comments and purposefully failing to remove the offensive language
22 in the Plaintiff's medical records were done with the intent to cause or were done
23 with reckless disregard of the probability that the Plaintiff would suffer emotional
24 distress. The conduct of Defendants, and each of them, went beyond all bounds
25 of that which is usually tolerated in this enlightened community.

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27 13. As a direct and proximate result of Defendants' malicious and
28 oppressive acts as set forth herein, the Plaintiff is entitled to recover punitive

1 damages in an amount to be determined at the time of trial.

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3 **SECOND CAUSE OF ACTION**

4 ***Libel***

5 ***Against All Defendants***

6 14. Plaintiff hereby refers to and incorporates herein by reference all prior
7 and subsequent paragraphs of this Complaint, as though set forth in full.

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9 15. On April 18, 2013 and May 16, 2013, the Defendants printed,
10 published and made the Plaintiff's medical records containing the afore-
11 referenced offensive comments available to employees of the Defendants and
12 others. The comments are false in that homosexuality is not a "problem". The
13 references clearly exposed the Plaintiff to hatred, contempt, ridicule and obloquy.
14 The comments were read by several persons including but not limited to the
15 author of the apology letter as well as those who received copies of the apology
16 letter. The person who typed the entries into the Plaintiff's medical records
17 should have realized that the comments were obviously false and grossly
18 libelous. The Defendants published the comments either knowing that they were
19 false or with reckless disregard for whether they were true. As a direct and
20 proximate result of Defendants' acts as set forth herein, the Plaintiff has suffered
21 harm to his reputation, shame mortification and hurt feelings in a compensable
22 amount in excess of the jurisdictional limit of this Court.

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24 **PRAYER FOR RELIEF**

25 **WHEREFORE**, Plaintiff prays for judgment against all Defendants, and each
26 of them, as follows:


- 27 1. For general damages according to proof;
28 2. For special damages according to proof;

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- 3. For punitive damages according to proof;
- 4. For costs of suit incurred herein;
- 5. For such other and further relief as the Court deems just and proper.

Dated: July 7, 2014

SNYDER ♦ DORENFELD, LLP

By: 
BRADLEY A. SNYDER
DAVID K. DORENFELD
Attorneys for Plaintiff MATTHEW MOORE

SNYDER ♦ DORENFELD, LLP