

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-COMMERCIAL DIVISION

-----X
DR. AYMAN A. SHAHINE,

Plaintiff,

-against-

WPIX, LLC dba *Channel 11*, a Delaware Corporation,

Defendant.
-----X

Index No.:

SUMMONS

Plaintiff designates
the County of New York
as the place of trial


Basis of venue is
Defendant's place of
business in the
County of New
York

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of the answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
March 8, 2017

LAW OFFICES OF PAMELA ROTH, ESQ. P.C.

By: s/Pamela S. Roth 

Pamela S. Roth

20 Vesey Street, Suite 701
New York, New York 10007
(212) 766-8484
Attorney for Plaintiff
DR. AYMAN A. SHAHINE

Defendant's Address:
WPIX, LLC
220 E. 42nd Street
New York, New York 10017

C/O CORPORATION SERVICE COMPANY
80 State Street
Albany, New York 12207-2543

Plaintiff's residence:
334 86th Street, Brooklyn, NY 11209

Upon your failure to appear, judgment will be taken against you by default, in an amount that exceeds the jurisdiction of all lower courts, including compensatory and punitive damages and attorney's costs, with interest from the date of judgment, and costs of this action.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DR. AYMAN A. SHAHINE,

Plaintiff,

-against

WPIX, LLC dba *Channel 11*, a Delaware Corporation,

Defendant.

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INDEX NO:

VERIFIED COMPLAINT
DEMAND FOR
JURY TRIAL

PRELIMINARY STATEMENT

1. This is an action by Plaintiff Dr. Ayman A. Shahine against Defendant WPIX, LLC dba *Channel 11*, (“Channel 11” or “Defendant”), seeking redress for the commercial harm done to him, his professional and personal reputation as a Board certified medical doctor and surgeon, and his business opportunities as the result of several false, derogatory, malicious, slanderous and libelous offensive statements about him, posted and broadcasted by Defendant with the intent to harm Plaintiff’s business on

2. Plaintiff started his career as a medical doctor in obstetrics and gynecology over 20 years ago, and he evolved his medical practice to include becoming a trained cosmetic surgeon for the past 15 years with a medical office located at 1 West 34th Street, Suite #402, New York, New York 1001.

3. Plaintiff has developed innovative techniques of liposuction, liposculpture, laser and smart lipo, fat harvesting and fat grafting in his cosmetic surgery practice.

4. As a result of Defendant’s publication of defamatory statements on the internet as well as television, about Plaintiff, Plaintiff’s reputation has been irreparably damaged and

his medical practice has lost significant value, has lost patients, and lost business opportunities that were otherwise available to him have been lost and/or substantially impacted.

5. The economic damage to Plaintiff's name and reputation as a medical doctor and cosmetic surgeon caused by the defamatory, slanderous, and libelous television segment, has damaged Plaintiff in multiple millions of dollars. Plaintiff had numerous patients scheduled for cosmetic surgery and augmentation procedures, all of which have now been lost due to the reckless and malicious false statements made in the television segment which is also online on many other websites on the internet.

6. The segment aired on July 29, 2014 entitled "**Inside New York's Dangerous Cosmetic Surgery Loophole**". The segment details misinformation about Plaintiff's medical practice, medical techniques, the treatment of his patients, false information of Plaintiff failing to provide anesthesia to his patients, and drugging his patients in the waiting room of his medical office. The segment was intended to make Plaintiff a scapegoat for the shadowy cosmetic surgery practices in and around the city of New York.

7. It was since been aired numerous times since that date. Other cosmetic surgeons and medical doctors have used this WPIX television segment, which is also on the internet and internet web based, as a means of bolstering their credibility as medical doctors and their medical practice. There are numerous websites that continue to use Plaintiff's name to slander him and his medical practice all to gain economic benefits by steering business to them instead of to Dr. Shahine.

8. Defendant WPIX had no basis to make these false and highly defamatory statements.

9. Defendant WPIX admits these claims were “unsubstantiated”.

10. Prior to airing this segment on television and on the internet, Defendant WPIX never contacted Plaintiff for a comment.

11. Notwithstanding the lack of any reliable factual support for its claims, and the ability to interview other patients, and Plaintiff himself, WPIX made the conscious decision to publish and air the defamatory statements. At the time of the publication of the segment, WPIX was either aware that its statements about Plaintiff were false, or harbored serious doubts as to the truth of all of its claims about Plaintiff DR. AYMAN A. SHAHINE.

12. WPIX’s televised segment, which was also and remains online on the internet, of the defamatory claims about Plaintiff, has reached millions of viewers on television and on the internet. It is also foreseeable that this caused a chain-reaction of republication of the claims in many other news outlets, websites, blogs and social media, which reached millions more internet subscribers throughout the world.

13. Defendant’s false and defamatory statements about Plaintiff have caused tremendous harm to Plaintiff’s personal and professional reputation and prospective economic opportunities, as well as causing him significant humiliation and emotional distress.

14. Plaintiff is seeking to have the Defendant remove the story from its webpage and remove his name and information from the segment.

PARTIES

15. Plaintiff is a resident of the City and State of New York and maintained a medical practice at 1 W. 34th Street, Suite #402, New York, NY and an individual domiciled in Brooklyn, New York, residing at 334 86th Street.

16. That at all times hereinafter mentioned, defendant, WPIX LLC, was and still is a foreign limited liability corporation doing business in the State of New York.

17. That at all times hereinafter mentioned, defendant, WPIX LLC, was and still is a domestic limited liability corporation doing business in the State of New York.

18. That at all times hereinafter mentioned defendant, WPIX LLC, maintained a principal place of business at 22 East 42nd Street, New York, New York 10017.

19. On information and belief, Defendant WPIX, LLC is a Delaware corporation, with its principal place of business in New York, New York.

JURISDICTION AND VENUE

20. This Court has jurisdiction over WPIX LLC under CPLR § 301 because WPIX LLC has offices in, and has its principal place of business in, New York City and the causes of action alleged arise out of WPIX's activities in Brooklyn. The acts complained of occurred in New York County.

21. Venue is proper in this county under CPLR § 503 because Defendant is domiciled in New York County.

FACTS

22. On information and belief, WPIX LLC manages, operates, maintains, controls, oversees, directs, produces, creates and publishes news stories for the media, on television and on the internet.

23. The WPIX website has United States web traffic of approximately 1 million visitors each day.

24. On or about July 29, 2014, defendant WPIX on PIX 11 on television and on the internet with URL pix11.com/2014/07/29/inside-new-yorks-dangerous-cosmetic-surgery-loop-hole/, aired and published a segment entitled “**Inside New York’s Dangerous Cosmetic Surgery Loophole**”. The segment details misinformation about Plaintiff’s medical practice, medical techniques, the treatment of his patients, false information of Plaintiff failing to provide anesthesia to his patients, and drugging his patients in the waiting room of his medical office. The segment was intended to make Plaintiff a scapegoat for the shadowy cosmetic surgery practices in and around the city of New York.

25. The PIX11 News segment contained the some of the following false and defamatory statements:

- a. “Dr. Shahine worked around the clock, keeping them (the patients) drugged with pills doled out by non-medical personnel”.
- b. “A patient, Lavern Gordon, claimed there were 6 patients ahead of her, and they had been sleeping in the office for at least three to four days”.
- c. Falsely reported that “Dr. Shahine performed these surgeries in uninspected and unaccredited and unsanitary office-based surgery suites in his office.

26. The statements are false. Plaintiff performed legitimate surgical procedures in his office, which were medically sound, and performed properly as he is a trained medical doctor.

27. The statements made in the PIX 11 News segment were defamatory statements, not true and defendant WPIX published them anyway and ran the story. The comments were unsubstantiated.

28. Defendant WPIX made a conscious choice not to contact witnesses who were prior patients of Plaintiff, Dr. Shahine, who were likely to debunk the claims made in the segment.

29. Defendant WPIX published the story with reckless disregard of the truth.

30. Defendant WPIX's conduct at issue (false statements about Plaintiff) violated professional standards of journalism ethics as exemplified by the Society of Professional Journalists ("SPJ") Code of Ethics. The SPJ Code of Ethics provides, in pertinent part:

- a. "An ethical journalist acts with integrity".
- b. "Ethical journalism should be accurate and fair".
- c. "Journalists should be honest...in gathering, reporting and interpreting information".
- d. "Journalists should ...Verify information before releasing it".
- e. "Journalists should ...Use original sources whenever possible".
- f. "Ethical journalism treats ...subjects...as human beings deserving of respect".
- g. "Journalists should ...Balance the public's need for information against potential harm or discomfort".
- h. "Journalists should...Show compassion for those who may be affected by news coverage".
- i. "Journalists should ...Avoid pandering to lurid curiosity".

j. “Journalists should ...Consider the long-term implication of the extended reach and permanence of publication”.

k. “Journalists should ...Abide by the same high standards they expect of others”.

31. In publishing and airing the defamatory statements about Plaintiff, defendant WPIX failed to live up to *any* of these important ethical principles of journalism.¹

32. WPIX knew and intended that its defamatory statements about Plaintiff would be viewed by millions of people, and also would be republished by numerous other news outlets and websites.

33. This is precisely what happened in the instant case: Defendant’s defamatory statements about Plaintiff were re-published by numerous news outlets, and websites, including the search engine GOOGLE, which resulted in millions and millions of people throughout the New York and tri-state areas as well as, nationwide and internationally reading the aforementioned defamatory statements about Plaintiff.

34. Other medical doctors and plastic surgeons have been using Plaintiff’s name and his image, as well as, the false defamatory statements about him, to bolster their own medical practices and to have financial gain and economic gain by luring patient away from Plaintiff to their medical offices based upon the WPIX segment. WPIX has failed to

¹ The SPJ Code of Ethics states that is “not a set of rules” or “legally enforceable” but rather a “statement of abiding principles supported by additional explanations and position papers (at spj.org) that address changing journalistic practices” and should be used as a “guide that encourages all who engage in journalism to take responsibility for the information they provide, regardless of medium.”

and refused to remove and take down the story knowing that it has damaged Plaintiff's personal and professional image and reputation.

35. The aforementioned defamatory statements about Plaintiff continue to be repeated and re-published by others, and likely will continue to be repeated and re-published by others for many years to come, and the duration of Plaintiff's lifetime.

AS AND FOR A FIRST CAUSE OF ACTION
(Defamation)

36. Plaintiff realleges and incorporates by this reference Paragraphs 1 through 35 of this Complaint as though fully set forth therein.

37. WPIX published or caused to be published false, defamatory, libelous and slanderous statements in the television segment and online internet segment entitled *Inside New York's Dangerous Cosmetic Surgery Loophole*.

38. The defamatory statements in the segment were of and concerning Plaintiff.

39. The defamatory statements in the segment were false.

40. WPIX published the defamatory statements in the aired segment and article either knowing they were false or with reckless disregard for the truth.

41. The defamatory statements in the article and aired segment constitute defamation *per se* because they falsely portray Plaintiff as an unlicensed medical doctor and surgeon.

42. The defamatory statements in the article and aired segment also constitute defamation *per se* because they impugned his fitness to perform his personal and professional duties.

43. The defamatory statements in the article and aired segment have caused Plaintiff damages, including to his reputation and to his business interests, his medical reputation,

his prospective economic opportunities, as well as, causing significant humiliation in the community and emotional distress.

44. The republication of the defamatory statements in other publications and websites, which was both a foreseeable and an intended result of WPIX's conduct, caused Plaintiff additional damages.

45. WPIX's conduct was knowing, malicious, willful and wanton, entitling Plaintiff to an award of punitive damages.

46. As a result of WPIX's conduct, Plaintiff is entitled to an award of compensatory and punitive damages in an amount to be proven at trial and not less than \$100 million dollars.

AS AND FOR A SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

47. Plaintiff realleges and incorporates by this reference Paragraphs 1 through 46 of this Complaint as though fully set forth therein.

48. WPIX's conduct was extreme and outrageous and beyond the bounds of decency in a civilized society. Among other things, WPIX's conduct was extreme and outrageous in falsely making claims that Plaintiff drugged his patients in his office, and the other unverified false claims, when:

- a. WPIX's reporters and editors failed to check with other sources to be in position to deny and refute the claims;
- b. Plaintiff told WPIX reporter that the allegations were false.

49. By its actions, WPIX intentionally or recklessly caused emotional distress and financial ruin Plaintiff.

50. WPIX's conduct was knowing, malicious, willful, and wanton, entitling Plaintiff to an award of punitive damages.

51. As a direct result of WPIX's actions, Plaintiff has suffered emotional distress and is entitled to compensatory and punitive damages in an amount to be proven at trial and not less than \$100 million dollars.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- i. Awarding compensatory and punitive damages in appropriate amounts to be determined at trial;
- ii. Enjoining WPIX LLC from publishing or republishing the defamatory statements in the segment and/or story and/or article;
- iii. The immediate "take down" of the story on PIX 11 News website URL pix11.com/2014/07/29/inside-new-yorks-dangerous-cosmetic-surgery-loop-hole/, as it is repeatedly viewed and contains Plaintiff's name which can be found on Google search engine and directs viewers to this damaging, false and defamatory article;
- iv. Awarding Plaintiff the recovery of his costs associated with this action, including but not limited to his reasonable attorneys' fees and expenses; and
- v. For such other and further relief as the Court deems just and appropriate.

JURY TRIAL DEMAND

PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

Dated: New York, New York
March 8, 2017

LAW OFFICES OF PAMELA ROTH, ESQ. P.C.

By: s/Pamela S. Roth

Pamela S. Roth

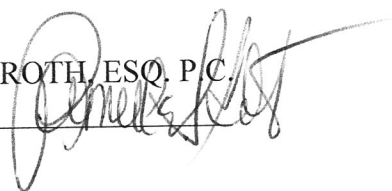
20 Vesey Street, Suite 701

New York, New York 10007

(212) 766-8484

Attorney for Plaintiff

DR. AYMAN A. SHAHINE



VERIFICATION

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

PAMELA S. ROTH, an attorney duly admitted to practice in the Court of the State of New York, states:


That I am a member of THE LAW OFFICES OF PAMELA S. ROTH, ESQ., P.C., attorneys of record for Plaintiffs in the within action. I have read the foregoing *Summons and Verified Complaint* and know the contents thereof; the same is true to my own knowledge except as to those matters therein alleged to be on information and belief and as to those matters, I believe them to be true.

The reason this Verification is made by me and not by Plaintiffs is that the residence of the Plaintiffs are outside the County wherein your deponent maintains her office.

The grounds of my belief as to all matters not stated upon my own knowledge are information, books, records, data and correspondence contained in deponent's file and conversation had with the plaintiff herein.

I affirm that the foregoing statements are true under the penalty of perjury.

Dated: March 8, 2017

Pamela S. Roth 

PAMELA S. ROTH

CERTIFICATION

STATE OF NEW YORK)

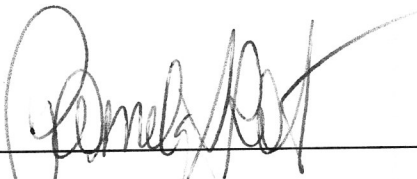
) SS.:

COUNTY OF NEW YORK)

PAMELA S. ROTH, an attorney duly admitted to practice in the Court of the State of New York, states:

That I am a member of THE LAW OFFICES OF PAMELA S. ROTH, ESQ., P.C., attorneys of record for Plaintiff in the within action. I hereby certify, pursuant to 22 NYCRR 130-1.1(a) and after performing an inquiry reasonable under the circumstances, that the withing *Summons and Verified Complaint* and it respective contentions, are not frivolous as set forth in and defined by 22 NYCRR 130-1.1(c).

Dated: March 8, 2017



PAMELA S. ROTH

Index No. *Year 2017*

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

DR. AYMAN A. SHAHINE,

Plaintiff,

-against

WPIX, LLC dba *Channel 11*, a Delaware Corporation,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

**Attorney for Plaintiff
LAW OFFICE OF PAMELA S. ROTH, ESQ. P.C.
20 Vesey Street, Suite 701
New York New York 10007
Telephone: 212-766-8484
Facsimile: 212-253-4220**

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: March 8, 2017

Signature.....s/Pamela S. Roth.....

Print Signer's Name...PAMELA S. ROTH.

Service of a copy of the within admitted.

is hereby

Dated:

.....
Attorney(s) for
