

1 the map.”

2 4. Dr. Klein practices in Beverly Hills, California and his practice has catered to many
3 wealthy and high profile individuals, including numerous celebrities. He is known as the
4 Dermatologist to the Stars.

5 5. Dr. Klein has worked hard to establish a stellar reputation as a physician in the area
6 of cosmetic dermatology. Dr. Klein has been a highly sought after publisher of medical articles,
7 presenter and lecturer. A list of Dr. Klein’s pertinent lectures and presentations are attached
8 hereto and incorporated by reference as Exhibit “A.”

9 6. Due to Dr. Klein’s excellent skill and reputation, his work in his field, as well as
10 publications, presentations and lectures, he has been able to attract high-end, well-established
11 celebrity patients. Such patients are extremely hard to obtain and keep. Indeed, it took Dr. Klein
12 extensive time, effort and work in order to build a stellar reputation and successful high-profile
13 practice that caters and services high-end and celebrity clients.

14 7. Dr. Klein is informed and believes and thereon alleges that Defendant, Steven
15 Hoefflin, M.D. (hereinafter “Defendant” or “Hoefflin”) is, and at all times pertinent hereto was,
16 an individual residing in the State of California, County of Los Angeles.

17 8. Plaintiff is ignorant of the true name and capacities, whether individual, corporate,
18 associate or otherwise of the other Defendants sued herein as DOES 1 through 50 and therefore
19 sues said Defendants, and each of them, under such fictitious names. Dr. Klein will amend his
20 complaint to set forth the true names and capacities of these Defendants and each of them when
21 ascertained. Dr. Klein is informed and believes and thereon alleges that said Defendants, and
22 each of them, were negligent or acted in some other actionable manner and are legally responsible
23 for causing the events, happenings and occurrences alleged herein.

24 9. Dr. Klein is informed and believes and based thereon alleges that at all times herein
25 mentioned, Defendants, and each of them, were the agents, trustees, partners, servants, joint
26 ventures, contractors, authorized representatives and/or employees of their Co-Defendants and the
27 acts and omissions herein alleged were done by them, acting individually, through such capacity
28 and within the scope of their authority, and with the permission, consent, authorization and

1 ratification of their Co-Defendants and/or were thereafter ratified by each of the Co-Defendants
2 and that each of them are jointly and severally liable to Dr. Klein. Dr. Klein further alleges that as
3 between certain corporation Defendants, there exists, at all times mentioned herein a unity of
4 interest of ownership between such Defendants such that any individual and separateness between
5 those Defendants have ceased, and that such Defendant is the alter-ego of each other so that
6 adherence to the fiction of the separate existence of these corporate Defendants as distinct entities
7 from other Defendants would permit abuse of the corporate privilege, sanction fraud and promote
8 injustice.

9 **MICHAEL JACKSON**

10 10. It had been widely reported and known that Dr. Klein was the Dermatologist for
11 Michael Jackson (along with other notable individuals) for quite some time. Indeed, Dr. Klein's
12 relationship with Michael Jackson spanned many years and during this time they became close
13 friends. It was also widely known that Dr. Klein would visit socially with Michael Jackson, his
14 children and their mutual friends.

15 11. For a period of time, Hoefflin also worked as a healthcare provider for Michael
16 Jackson. Media reports have claimed that Hoefflin treated Michael Jackson between 1978 and
17 2002.

18 12. Dr. Klein and Hoefflin were and are doctors practicing in Los Angeles, California.
19 Dr. Klein and Hoefflin both catered to similar patients, and from time to time, shared a few
20 patients. Despite the fact that Dr. Klein and Hoefflin shared patients, they were and continue to
21 be competitors in a highly specialized and elite field which caters to a very exclusive clientele.

22 13. On June 25, 2009, Michael Jackson died. Following this death, the Los Angeles
23 Coroner's office commenced an investigation to determine the cause of death of Michael Jackson.
24 On September 1, 2009, the Los Angeles County Coroner's office released a statement which
25 stated:

26 "Earlier this month, the Los Angeles County Department of
27 Coroner completed its investigation into the death of Michael
28 Joseph Jackson, age 50, who died on June 25, 2009.

The cause of death was established as:

1 ACUTE PROPOFOL INTOXICATION

2 OTHER CONDITIONS CONTRIBUTING TO THE DEATH:
3 BENZODIAZEPINE EFFECT.”

4 The manner of death has been ruled . . . HOMICIDE”

5 14. Subsequent to the death of Michael Jackson, there has been a media frenzy around
6 the world regarding the life of Michael Jackson and the facts, circumstances and cause of his
7 death. This media frenzy unfortunately has provided a number of individuals with a “stage” to
8 get their “fifteen minutes of fame” and to broadcast and publish a number of untrue and baseless
9 allegations against various individuals, including Dr. Klein.

10 15. One of the central individuals inserting himself into the media circus is Hoefflin.
11 Soon after the death of Michael Jackson, Hoefflin claimed that he was an authorized spokesman
12 of Katherine Jackson and that he was also working on a book with her. Hoefflin used this
13 purported cache to garner interviews with various media outlets. Interestingly, Katherine
14 Jackson’s lawyer indicated Hoefflin was not authorized to speak on her behalf. The same is true
15 with respect to the Estate of Michael Jackson and its special administrators. Copies of e-mails
16 disputing such claims by Hoefflin are attached hereto as Exhibit “B.”

17 16. Hoefflin also made libelous, slanderous and other statements about Dr. Klein. Said
18 statements affected Dr. Klein in his profession, disclosed private facts about Dr. Klein and
19 portrayed him in a false light.

20 17. After hearing Hoefflin’s statements, on July 24, 2009, counsel for Dr. Klein
21 forwarded an e-mail to Hoefflin demanding he:

22 “immediately agree to retract all false information which you have
23 disseminated about Dr. Klein and not to publish any further such
24 false statements.”

25 18. Despite this e-mail, the statements made by Hoefflin continued. Most egregiously,
26 and pertinent hereto, on or about August 26, 2009, Hoefflin made a number of untrue and
27 injurious statements about Dr. Klein during an interview with David Willetts, a reporter with The
28 Sun. During that interview, Hoefflin unbelievably stated that in the minutes following Michael

1 Jackson's death that: "Murray definitely called Klein because Klein taught him how to
2 administer Propofol." Hoefflin continued that "Murray would have counted on Klein to be the
3 source of Propofol and guide him in its use."

4 19. The statements identified in Paragraph 18 above are referred to herein as the
5 "ACTIONABLE STATEMENTS." At the time Hoefflin uttered the ACTIONABLE
6 STATEMENTS, he failed to use reasonable care to determine the truth or falsity of those
7 statements. The ACTIONABLE STATEMENTS were and are false statements of fact and
8 unprivileged. Hoefflin orally uttered and communicated the ACTIONABLE STATEMENTS to
9 The Sun reporter, David Willetts and David Willetts reasonably understood that the
10 ACTIONABLE STATEMENTS were about Dr. Klein.

11 20. Worse yet, at the time Hoefflin made the ACTIONABLE STATEMENTS, he knew
12 the those statements were false and/or had serious doubts about the truth of those statements.

13 21. At the time Hoefflin made and published the ACTIONABLE STATEMENTS to
14 David Willetts, a reporter with The Sun, it was reasonably foreseeable that the ACTIONABLE
15 STATEMENTS would be republished. In fact, on or about August 26, 2009, The Sun,
16 republished Hoefflin's ACTIONABLE STATEMENTS and quoted Hoefflin in an article,
17 entitled, *Jacko 'dead 47 mins' as doc made 3 calls'* (hereinafter "ACTIONABLE
18 REPUBLISHED STATEMENTS"), a true and correct copy of the Sun Article is attached hereto
19 as Exhibit "C."

20 22. Because the facts and circumstances known to the public and reporters following
21 Michael Jackson's death, at the time Hoefflin made the ACTIONABLE STATEMENTS,
22 Hoefflin intended to thrust Dr. Klein into the media frenzy, portray Dr. Klein in a negative light
23 and subject Dr. Klein to contempt, ridicule and shame. Further, Dr. Klein is informed and
24 believes and thereon alleges that Dr. Hoefflin made the ACTIONABLE STATEMENTS in an
25 effort to damage Dr. Klein's reputation and divert Dr. Klein's clients away from Dr. Klein's
26 practice.

27 23. At the time Hoefflin uttered the ACTIONABLE STATEMENTS, he reasonably
28 understood that David Willetts and/or the readers of The Sun article described above, and any

1 other reporters or members of the public following Michael Jackson's death would erroneously
2 believe that Dr. Klein was implicated in the homicidal death of Michael Jackson, either as the
3 source of the lethal Propofol and/or as the guide to whoever was responsible for the lethal
4 Propofol treatment of Michael Jackson and/or the alleged immediate post-mortem activities
5 surrounding Michael Jackson's death. Hoefflin knew that the ACTIONABLE REPUBLISHED
6 STATEMENTS and the ACTIONABLE REPUBLISHED STATEMENTS would be picked up
7 on the internet and viewed around the world.

8 24. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
9 STATEMENTS, or any conclusions naturally flowing from are ludicrous, utterly false, and
10 baseless.

11 25. Hoefflin's ACTIONABLE STATEMENTS were despicable and expose, and
12 continue to expose, Dr. Klein to hatred, contempt, ridicule, and disgrace. As a natural
13 consequence of the ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
14 STATEMENTS, Dr. Klein has been shunned and avoided. As a further result of the
15 ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS, Dr.
16 Klein has suffered shame, mortification and hurt feelings. In making said ACTIONABLE
17 STATEMENTS, Hoefflin was acting with actual malice, oppression and/or fraud. Said
18 ACTIONABLE STATEMENTS made by Hoefflin were slanderous per se and have caused
19 extensive damage to Dr. Klein's business and professional reputation. Further, Dr. Klein has
20 been forced to spend money as a direct result of the ACTIONABLE STATEMENTS.

21 **FIRST CAUSE OF ACTION**

22 **(Slander Against All Defendants, Including DOES 1-50)**

23 26. Dr. Klein incorporates by reference Paragraphs 1-25 as fully set forth herein:

24 27. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
25 STATEMENTS by Hoefflin and as ratified, authorized and approved by DOES 1-50 alleged
26 above are false statements of fact. These ACTIONABLE STATEMENTS of fact and
27 ACTIONABLE REPUBLISHED STATEMENTS expose Dr. Klein to hatred, contempt, ridicule,
28 disgrace, cause Dr. Klein to be shunned and avoided and have injured his reputation as a person

1 and in his occupation. Said ACTIONABLE STATEMENTS and ACTIONABLE
2 REPUBLISHED STATEMENTS imply Dr. Klein is involved with a crime. Further, the
3 ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS are
4 injuring Dr. Klein in his profession and as a natural consequence of these statements, Dr. Klein
5 has sustained damage.

6 28. The ACTIONABLE STATEMENTS set forth above were published to a reporter
7 during an interview and widely broadcast throughout the world. Hoefflin was aware of and had
8 knowledge of how his false and unprivileged statements would be disseminated throughout the
9 world and republished. In making the ACTIONABLE STATEMENTS, Hoefflin intended to
10 disseminate and publish the false and misleading statements to the public in general and
11 specifically to current and potential clients of Dr. Klein, as well as others in the medical
12 community. The ACTIONABLE STATEMENTS made by Hoefflin were made with actual
13 malice. Further, said ACTIONABLE STATEMENTS were slanderous per se.

14 29. As a result of Hoefflin's ACTIONABLE STATEMENTS and ACTIONABLE
15 REPUBLISHED STATEMENTS, Dr. Klein has incurred substantial injury to himself and his
16 practice. Dr. Klein has incurred and will continue to incur compensatory damages as well as
17 general and special damages. The amount of these damages will be proven at trial.

18 30. The conduct of Defendants and each of them was willful, fraudulent, malicious,
19 oppressive and reckless and done with the conscious disregard of Dr. Klein's rights and with the
20 intent to injure and harm Dr. Klein and with the intent to deprive Dr. Klein of his property and
21 legal rights, thus entitling Dr. Klein to recovery exemplary damages in an amount sufficient to
22 punish and make an example of Defendants.

23 **SECOND CAUSE OF ACTION**

24 **(For Trade Libel Against All Defendants, Including DOES 1-50)**

25 31. Dr. Klein hereby incorporates by reference 1 through 30 as fully set forth herein.

26 32. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
27 STATEMENTS by Hoefflin and as ratified, authorized and approved by DOES 1-50 were false
28 and misleading and intentionally disparaged the quality of Dr. Klein's medical services and

1 induced others in the general public not to deal with Dr. Klein. Said ACTIONABLE
2 STATEMENTS caused damage to Dr. Klein.

3 33. Said false ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
4 STATEMENTS disparage the quality of Dr. Klein's medical treatment.

5 34. Said ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
6 STATEMENTS induced others not to deal with Dr. Klein. Accordingly, Dr. Klein has
7 experienced general and special damages as a result of said ACTIONABLE STATEMENTS and
8 ACTIONABLE REPUBLISHED STATEMENTS.

9 35. As a result of Hoefflin's ACTIONABLE STATEMENTS and ACTIONABLE
10 REPUBLISHED STATEMENTS, Dr. Klein has incurred substantial injury to himself and his
11 practice. Dr. Klein has incurred and will continue to incur compensatory damages, as well as
12 general and special damages. The amount of these damages will be proven at trial.

13 36. The conduct of Defendants and each of them was willful, fraudulent, malicious,
14 oppressive and reckless and done with the conscious disregard of Dr. Klein's rights and with the
15 intent to injure and harm Dr. Klein and with the intent to deprive Dr. Klein of his property and
16 legal rights, thus entitling Dr. Klein to recovery of exemplary damages in an amount sufficient to
17 punish and make an example of Defendants.

18 **THIRD CAUSE OF ACTION**

19 **(Unfair Competition Against All Defendants, Including DOES 1-50)**

20 37. Dr. Klein hereby incorporates by reference paragraphs 1 through 36 as fully set forth
21 herein.

22 38. The above described ACTIONABLE STATEMENTS and ACTIONABLE
23 REPUBLISHED STATEMENTS by Hoefflin were false and misleading and intentionally
24 disparaged the quality of Dr. Klein's medical services and induced others in the general public
25 not to deal with Dr. Klein. Said ACTIONABLE STATEMENTS and ACTIONABLE
26 REPUBLISHED STATEMENTS caused damage to Dr. Klein.

27 39. Dr. Klein has brought the instant claim for unfair competition because he has
28 suffered injury in fact and individual loss of money as a legal and proximate result of the unfair

1 and illegal conduct by Hoefflin and DOES 1-50.

2 40. On information and belief, Hoefflin and DOES 1-20 have a pattern of practice of
3 violating statutes, ordinances and a common law in caring out unfair and/or unlawful conduct
4 complained of above.

5 41. Unless Hoefflin and DOES 1-50 are restrained by a preliminary or permanent
6 injunction of this Court, other individuals who may be subject to offensive and harassing and
7 illegal conduct above will be injured. Dr. Klein has no plain, speedy or adequate remedy at law
8 to prevent Hoefflin and DOES 1-50 from continuing to engage in the conduct complained of
9 above.

10 42. WHEREFORE, Dr. Klein prays the Court relief as set forth below.

11 **FOURTH CAUSE OF ACTION**

12 **(Intentional Infliction Of Emotion Distress Against All Defendants, Including DOES 1-50)**

13 43. Dr. Klein hereby incorporates by reference 1 through 42 as fully set forth herein.

14 44. The above described ACTIONABLE STATEMENTS and ACTIONABLE
15 REPUBLISHED STATEMENTS by Hoefflin were false, misleading and intentionally disparaged
16 the quality of Dr. Klein's medical services and induced others in the general public not to deal
17 with Dr. Klein. Said ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
18 STATEMENTS caused damage to Dr. Klein.

19 45. As a result of the intentional misconduct of Defendants as to the ACTIONABLE
20 STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS, Dr. Klein has suffered
21 and continues to suffer severe emotional distress. Dr. Klein suffered humiliation and emotional
22 stress by reading of the ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
23 STATEMENTS intentionally made by Hoefflin and as approved, and ratified by DOES 1-50.
24 These ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS
25 caused Dr. Klein extreme embarrassment and humiliation and has injured his practice. The fact
26 that Dr. Klein's practice which he has spent years building has been damaged by the
27 ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS caused
28 him extreme emotional distress.

1 46. The conduct of Defendants in making the ACTIONABLE STATEMENTS and
2 ACTIONABLE REPUBLISHED STATEMENTS was extreme, outrageous and unprivileged.
3 Such conduct goes beyond all bounds of decency so as to be regarded as atrocious and utterly
4 intolerable in a civilized community. Defendants, in making the ACTIONABLE STATEMENTS
5 and ACTIONABLE REPUBLISHED STATEMENTS, intended to cause Dr. Klein to suffer
6 extreme emotional distress; or in the alternative, were made with a reckless disregard of the
7 probability of causing Dr. Klein to suffer extreme emotional distress. As a direct and proximate
8 result of Defendants making ACTIONABLE STATEMENTS and ACTIONABLE
9 REPUBLISHED STATEMENTS, Dr. Klein suffered and continues to suffer severe emotional
10 distress. Dr. Klein suffers and continues to suffer substantial and enduring mental distress,
11 mental suffering and mental anguish, including fright, nervousness, grief, anxiety, worry,
12 mortification, shock, humiliation and indignity.

13 47. As a direct and proximate result of the conduct of Defendants in making the
14 ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS, Dr.
15 Klein has suffered and continues to suffer general and special damages.

16 48. The conduct of Defendants was willful, oppressive and done with a conscious
17 disregard of Dr. Klein's rights with the intent to injure Dr. Klein. Thus, Dr. Klein is entitled to
18 recover exemplary damages under Code of Civil Procedure in an amount sufficient to punish and
19 make an example of Defendants.

20 **FIFTH CAUSE OF ACTION**

21 **(Negligent Infliction Of Emotional Distress Against All Defendants, Including DOES 1-50)**

22 49. Dr. Klein hereby incorporates by reference 1 through 48 as fully set forth herein.

23 50. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
24 STATEMENTS by Hoefflin were false, misleading and intentionally disparaged the quality of
25 Dr. Klein's medical services and induced others in the general public not to deal with Dr. Klein.
26 Said ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS
27 caused damage to Dr. Klein.

28 51. As a result of misconduct of Defendants, Dr. Klein has suffered and continues to

1 suffer severe emotional distress. Dr. Klein suffered humiliation and distress by first learning of
2 the ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED STATEMENTS made
3 by Hoefflin.

4 52. The conduct of Defendants in making the ACTIONABLE STATEMENTS and
5 ACTIONABLE REPUBLISHED STATEMENTS was extreme, outrageous and unprivileged.
6 Such conduct was beyond all possible bounds of decency so as to be regarded as atrocious and
7 intolerable in a civilized community. Defendants, in making the ACTIONABLE STATEMENTS
8 and ACTIONABLE REPUBLISHED STATEMENTS were negligent towards the possibility of
9 causing Dr. Klein to suffer emotional distress. As a direct and proximate result of Defendants
10 making the ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
11 STATEMENTS, Dr. Klein suffered and continues to suffer, severe emotional distress.

12 53. Dr. Klein suffered and continues to suffer general and special damages.

13 **FIFTH CAUSE OF ACTION**

14 **(False Light Against All Defendants, Including DOES 1-50)**

15 54. Dr. Klein hereby incorporates by reference 1 through 53 as fully set forth herein

16 55. In making the ACTIONABLE STATEMENTS and ACTIONABLE
17 REPUBLISHED STATEMENTS referenced above, Hoefflin and DOES 1-50 portrayed Dr. Klein
18 in a false light in the public.

19 56. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
20 STATEMENTS made by Hoefflin and DOES 1-50 were publicized to the public in general.
21 Further, the ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED
22 STATEMENTS were untrue and were an unfair and inaccurate depiction of how Dr. Klein
23 practices medicine. This false light placed Dr. Klein in a position which is highly offensive to a
24 reasonable person. In making the ACTIONABLE STATEMENTS and ACTIONABLE
25 REPUBLISHED STATEMENTS referenced above which placed Dr. Klein in a false light,
26 Hoefflin and DOES 1-50 had knowledge of the falsity and acted in reckless disregard of Dr.
27 Klein's rights.

28 57. The ACTIONABLE STATEMENTS and ACTIONABLE REPUBLISHED

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STATEMENTS referenced above caused general and special damages to Dr. Klein.

58. The conduct of Defendants and each of them was willful, fraudulent, malicious, oppressive and reckless and done with the conscious disregard of Dr. Klein's rights and with the intent to injure and harm Dr. Klein and with the intent to deprive Dr. Klein of his property and legal rights, thus entitling Dr. Klein to recovery exemplary damages in an amount sufficient to punish and make an example of Defendants

PRAYER

WHEREFORE, Dr. Klein prays for judgment against Hoefflin and DOES 1-50, inclusive, as set forth below.

1. General damages according to proof at the time of trial;
2. Special damages according to proof at the time of trial;
3. Punitive damages;
4. Injunctive Relief to stop the offensive and harassing conduct;
5. Cost of suit herein incurred and for other such relief as the Court may deem just

and proper.

Dated: September 14, 2009

ROPER, MAJESKI, KOHN & BENTLEY

By: 

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