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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMERICAN DENTAL ASSOCIATION, an Illinois non-profit corporation, Plaintiff, v. SHAWN KHORRAMI, an individual and doing business as the LAW OFFICES OF SHAWN KHORRAMI, Defendant.	Civil Case No. 02-3853 DT (RZx) COMPLAINT FOR DEFAMATION JURY TRIAL DEMANDED
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Plaintiff American Dental Association, an Illinois non-profit corporation ("ADA"), for its complaint against Defendant Shawn Khorrami, individually and doing business as the Law Offices of Shawn Khorrami ("Khorrami"), alleges as follows.

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this action under Title 28 of the United States Code, Section 1332 in that it is a civil action between citizens of different states (as alleged specifically below) in which the amount in controversy exceeds for each cause of action, exclusive of costs and interest, seventy-five thousand dollars (\$75,000). Venue is proper in this district pursuant to Title 28 of the United States Code, Section 1391(a), because Khorrami resides in this district and is subject to personal jurisdiction in this district.

NATURE OF THE CASE

2. This lawsuit arises out of a lawyer's attempts to promote himself through false and defamatory statements at the expense of a non-profit society of dentists. Khorrami orchestrated his campaign to promote himself and his firm in press releases and internet publications through a campaign of false, defamatory and malicious accusations against the ADA. Among other things, Khorrami falsely accuses the ADA of defrauding and endangering the lives of the American public by promoting allegedly unsafe dental practices - specifically the use of dental amalgam fillings - and of exerting "undue and unfair pressure" on dentists as a result of a purported "vested economic interest" of the ADA in amalgam. However, as Khorrami is well aware, scientific and consumer organizations independent of the ADA which have examined the issue have concluded that dental amalgam is safe. Moreover, the ADA has no financial (or other economic) stake in dental amalgam or the use of mercury. Thus, Khorrami's self-promoting campaign of lies and distortion, targeting the ADA, is based on defamatory statements that Khorrami published with reckless disregard of their truth or falsity. The ADA files this action to vindicate its reputation and to stop Khorrami's campaign of lies.

THE PARTIES

3. Plaintiff American Dental Association is a not for profit corporation duly organized under the laws of the State of Illinois with its principal place of business in Chicago, Illinois. Founded in August 1859 by 26 dentists representing various dental societies, the ADA is the national professional association for dentists in the United States. The ADA has more than 141,000 members with 53 constituent (state or territorial) and 529 component (local) dental societies. It is the largest and oldest national dental association in the world.

4. Upon information and belief, Defendant Shawn Khorrami is a citizen of the State of California and a resident of Los Angeles County. Upon information and belief, Khorrami is an attorney licensed to practice law in the State of California who does business as the Law Offices of Shawn Khorrami.

GENERAL ALLEGATIONS

5. The ADA is committed to the public's oral health, ethics, science and professional advancement. The ADA's mission is to lead a unified profession through initiatives in advocacy, education, research and the development of standards. The ADA employs more than 400 employees at its headquarters in Chicago and its office in Washington, D.C.

6. The use of dental amalgam has been widely studied by numerous scientific and consumer organizations that are unrelated to the ADA. These organizations include the United States Food and Drug Administration ("FDA"), the National Institute of Health ("NIH"), the FDI World Dental Federation ("World Dental Federation"), the World Health Organization ("WHO"), the United States Public Health Service ("Public Health Service") and Consumers Union of United States ("Consumers Union"), publisher of Consumer Reports magazine. The published findings on the safety of amalgam include the following.

7. As recently as February 2002, the FDA reaffirmed the safety of dental amalgam, concluding that "no valid scientific evidence has ever shown that amalgams cause harm to patients with dental restorations." This is consistent with the findings of the FDA's Dental Products Panel in March 1991 that amalgam caused no direct hazard to patients and that there was no health reason to remove amalgam fillings.

8. In 1997, the World Dental Federation and the WHO issued a consensus statement that "no controlled studies have been published demonstrating systemic adverse effects from amalgam restorations."

9. In January 1993, the Public Health Service published a report which found that "[t]here is no solid evidence of any harm for millions of Americans who have these [dental amalgam] fillings" and "no persuasive reason to believe that avoiding amalgams or having them removed will have a beneficial effect on health."

10. In August 1991, an NIH technology assessment conference found that "[t]here is no scientific evidence that currently used restorative materials [i.e., amalgam] cause significant side effects. Available data do not justify discontinuing the use of any currently available dental restorative materials or recommending their replacement."

11. Consumers Union is an independent, non-profit testing and information organization. By Consumers Union's own account, "[s]ince 1936, [its] mission has been to test products, inform the public and protect consumers. We are a comprehensive source for unbiased advice about products and services, personal finance, health and nutrition, and other consumer concerns." In its June 2001 Consumer Reports, Consumers Union concluded that "as far as we know in this well-studied area, your silver amalgam fillings are doing you no harm If you need new fillings for your back teeth, amalgams remain the cheapest, most durable choice."

12. The ADA has also published scientific studies on the safety of amalgam. In 1998, the ADA's Council on Scientific Affairs published a report based on a review of scientific literature on amalgam. That report concluded that "based on currently available scientific information, amalgam continues to be a safe and effective restorative material" and that "there currently appears to be no justification for discontinuing the use of dental amalgam."

13. In February 1999, Professors David Wekstein and Stanley Saxe of the University of Kentucky published a report in the Journal of the American Dental Association finding no association between Alzheimer's Disease and the use of dental amalgam. Dr. Wekstein is a professor of physiology and biophysics, the associate director of the Alzheimer's Disease Research Center and an associate director of the Sanders-Brown Center on Aging at the University of Kentucky. Dr. Saxe is a professor of periodontics and geriatric dentistry and the director of the Geriatric Oral Health Program in the College of Dentistry, Chandler Medical Center, of the University of Kentucky. In addition to this 1999 article, Drs. Wekstein and Saxe have also published an article regarding dental amalgam and cognitive function in older women in 1995.

14. The ADA has no financial or other economic stake in dental amalgam and the use of mercury.

15. Upon information and belief, Khorrani was aware of these scientific findings and reports when he published his self-promoting, false and defamatory accusations against the ADA.

16. At all relevant times, and continuing to date, Khorrani issues press releases and operates a website in which he attempts to generate business for his law firm and to promote himself as an expert in lawsuits concerning dental amalgam with "particular knowledge of the history of amalgam use, and the science relating to amalgams and mercury." Among other things, Khorrani has stated in press releases and on his website:

a. "The [Khorrani] firm has been extensively involved in litigation with the American Dental Association, and is well familiar with the ADA's practices and its efforts to conceal the dangers associated with amalgam for the financial benefit of itself and those of organized dentistry."

b. "The ADA has a vested economic interest in the continued use of mercury and which has exercised undue and unfair pressure on dentists not to warn their patients of the dangers of mercury."

c. "When scientifically analyzed, amalgam fillings represent nothing more than a con on the U.S. population, orchestrated by the American Dental Association and its web of constituent associations and component societies. . . ."

True and correct copies of printouts of such publications are attached as Exhibit "A."

17. Khorrami's false and defamatory campaign of self-promotion was published continuously over the internet twenty-four hours a day, seven days a week, three hundred sixty-five days a year, and continues unabated to this day.

18. Upon information and belief, Khorrami has made, and continues to make, statements of a similar nature to others which, among other things, essentially accuse the ADA of promoting unsafe dental practices by (a) concealing "the dangers associated with amalgam for the financial benefit of itself and those of organized dentistry," (b) "exercising undue and unfair pressure" on dentists because of its purported "vested economic interests in amalgam," (c) perpetuating a "con" on the American public concerning amalgam and (d) placing its interests above those of its members or their patients.

CAUSE OF ACTION

(Defamation)

19. The ADA realleges and incorporates herein by this reference, as though set forth in full, the allegations in paragraph 1 through paragraph 18, inclusive.

20. Khorrami published the foregoing statements with the intent to convey false and defamatory meanings of and concerning the ADA. Khorrami intended to convey, and did convey, the following false and defamatory meanings, among others, about the ADA: (a) that the ADA supposedly promoted and/or knowingly encouraged dental practices that would impair the health of dental patients (specifically the use of amalgam in dental fillings); (b) that the ADA supposedly "conceal[ed] the dangers associated with amalgam for the financial benefit of itself and those of organized dentistry;" (c) that the ADA supposedly exerted "undue and unfair pressure" on dentists because of its alleged "vested economic interests in amalgam;" (d) that the ADA supposedly perpetuated a "con" on the American public concerning amalgam; (e) that the ADA supposedly placed its own economic interests above the interests of its members and their patients; and (f) that the ADA supposedly caused an increase in such horrible disorders as autism and Alzheimer's Disease.

21. Khorrami conveyed such false and defamatory meanings through each of his specific statements as well as the combination of such statements and the juxtaposition of words, which in the aggregate in each publication, and in the context of all publications, conveyed the foregoing defamatory and false meanings of and concerning the ADA.

22. Each and every one of Khorrami's statements, implications and meanings alleged above is false.

23. Each and every one of Khorrami's statements, implications and meanings alleged above is libelous per se.

24. At the time of Khorrami's publications of these false and defamatory statements, implications and meanings, Khorrami knew the facts described above, and specifically in paragraphs 6 through 14, inclusive, and knew (or recklessly disregarded the facts) that the ADA did not promote or knowingly encourage any unsafe dental practices, that the ADA did not defraud or

"con" the public, that the ADA did not "conceal" any danger from the public, that the ADA did not have any economic interest in amalgam, that the ADA did not endanger the public with respect to amalgam by putting its own economic interests above the interests of its members or their patients and that the ADA did not cause any increase in the occurrence of diseases like autism or Alzheimer's Disease. Specifically, Khorrami was aware that the ADA's position on amalgam was supported by substantial scientific research which confirmed both the safety of the use of amalgam in dental fillings and the lack of danger to the public.

25. Thus, in light of Khorrami's knowledge of the substantial scientific support for the ADA's position on amalgam, Khorrami made his false and defamatory statements, innuendos, implications, meanings and accusations against the ADA with knowledge of their falsity or with reckless disregard as to their truth or falsity.

26. As a direct and proximate result of Khorrami's false and defamatory campaign of self-promotion, the ADA has suffered actual and consequential damages, including but not limited to damages to its reputation. The amount of such damages are currently unknown but will be proven at trial.

27. Khorrami's false and defamatory campaign of self-promotion alleged above was intentional and was committed willfully, maliciously, with fraud, oppression or malice, and in conscious disregard of the ADA's rights. As a result, in addition to its actual damages, the ADA is entitled to exemplary damages in an amount as a jury may find necessary to punish Khorrami for his malicious and wrongful conduct and to deter Khorrami and others similarly situated, from engaging in such wrongful conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff American Dental Association prays for judgment against Defendant Shawn Khorrami, individually and doing business as the Law Offices of Shawn Khorrami, as follows:

- A. For compensatory and consequential damages in an amount to be proved at trial but which amount exceeds this Court's jurisdictional minimum.
- B. For exemplary and punitive damages in an amount sufficient to make an example of Defendant Shawn Khorrami and to deter him and others similarly situated from engaging in similar wrongful conduct in the future.
- C. For reasonable costs incurred in this action.
- D. For such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff American Dental Association hereby demands a trial by jury on all issues triable by jury.

DATED: May 14, 2002

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