

San Francisco Superior Courts
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Feb-25-2008 9:21 am

Case Number: CGC-08-472522

Filing Date: Feb-25-2008 9:10

Juke Box: 001 Image: 02034744

COMPLAINT

STEVEN D.C. BIEGEL VS. CHRISTOPHER NORBERG et al

001C02034744

Instructions:

Please place this sheet on top of the document to be scanned.

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

_____ and _____, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
STEVEN BIEGEL, D.C.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
San Francisco Superior Court
400 McAllister St.
San Francisco, CA 94102

CASE NUMBER
(Número) **08-472522**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Eric L. Nordskog, Esq. SBN 120935
#34445 PO Box 7775 San Francisco, CA 94120-7775 (415) 515-3372

BY FAX

DATE:
(Fecha)

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons form, (POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

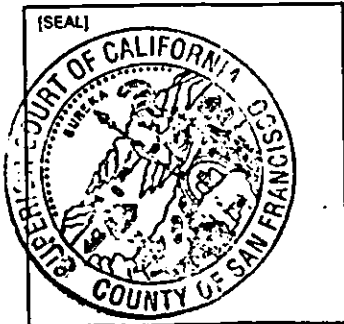
NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

4. by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Eric L Nordskog SBN 120935
 LAW OFFICES OF ERIC L NORDSKOG...
 #34445 PO Box 7775
 San Francisco, CA 94120-7775
 TELEPHONE NO.: 415-515-3372
 FAX NO.: 415-704-3097
 Steven Biegel, DC

FOR COURT USE ONLY
FILED
 Superior Court of California
 County of San Francisco
FEB 25 2008
 GORDON TAYLOR
 JUDGE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
 STREET ADDRESS: 400 McAllister St.
 MAILING ADDRESS:
 CITY AND ZIP CODE: San Francisco, CA 94102
 BRANCH NAME:

CASE NAME:
 Steven Biegel, DC v. Christopher Norberg

CIVIL CASE COVER SHEET
 Unlimited
 (Amount demanded exceeds \$25,000)
 Limited
 (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **0808-472522**
 JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

- Auto Tort**
 Auto (22)
 Uninsured motorist (46)
Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort
 Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other P/PI/D/W/D (23)
Non-P/PI/D/W/D (Other) Tort
 Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-P/PI/D/W/D tort (35)
Employment
 Wrongful termination (36)
 Other employment (15)

- Contract**
 Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)
Real Property
 Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)
Unlawful Detainer
 Commercial (31)
 Residential (32)
 Drugs (38)
Judicial Review
 Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

- Provisionally Complex Civil Litigation**
 (Cal. Rules of Court, rules 3.400-3.403)
 Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
 Enforcement of judgment (20)
Miscellaneous Civil Complaint
 RICO (27)
 Other complaint (not specified above) (42)
Miscellaneous Civil Petition
 Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
 a. Large number of separately represented parties
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. Substantial amount of documentary evidence
 d. Large number of witnesses
 e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 f. Substantial postjudgment judicial supervision
 3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
 4. Number of causes of action (specify): **Two**
 5. This case is is not a class action suit.
 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

BY FAX

Date: 2/13/08
 Eric L Nordskog
 (TYPE OR PRINT NAME)

[Signature]
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

FILED

Superior Court of California
County of San Francisco

FEB 25 2008

GORDON PARK II Clerk

BY *[Signature]* Deputy Clerk
CASE MANAGEMENT CONFERENCE SET

JUL 25 2008 - 9:00 AM

~~Summons Waived~~
SUBMIT 212

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

STEVEN BIEGEL, D.C.

Plaintiff,

v.

CHRISTOPHER NORBERG,

AND DOES 1 TO 25, inclusive,

Defendants.

Case No. 0808-472522

COMPLAINT FOR DAMAGES

BY FAX

Plaintiff alleges:

1. Defendant CHRISTOPHER NORBERG is and at all times herein mentioned was a resident of the City and County of San Francisco, California.

2. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1-25, inclusive, and therefore sues these defendants by such fictitious names.

Plaintiff will amend this complaint to allege their true names and capacities when

1 ascertained. Plaintiff is informed and believes and thereon alleges that each of the
2 notorious named defendants is responsible in some manner for the conduct herein
3 alleged, and that plaintiff's damages as herein alleged were proximately caused by their
4 conduct.

5
6 3. Defendants CHRISTOPHER NORBERG, and DOES 1 TO 25 at all times herein
7 mentioned were the agents and employees of their codefendants CHRISTOPHER
8 NORBERG, and DOES 1 TO 25, and in doing the things hereinafter alleged were acting
9 within the course and scope of such agency and with the permission and consent of their
10 codefendants.

11 **FIRST CAUSE OF ACTION**

12 (Defamation—Libel)

13 4. Plaintiff incorporates paragraphs 1 through 3 as though fully set forth herein.

14
15 5. At all times herein mentioned, plaintiff was, and now is, a Chiropractor duly licensed by
16 the State of California and practicing in the City and County of San Francisco, State of
17 California for eight years and at all times has enjoyed a good reputation both generally and
18 in his occupation.

19
20 6. On or about November 16, 2007, defendant, a former patient of plaintiff, published a
21 written statement online at Yelp.com, in a section posting reviews of the San Francisco
22 chiropractic services of Steven Biegel, D.C., Q.M.E., which is attached hereto as Exhibit A
23 and made a part hereof.

24
25 7. The publication was made about and concerning the plaintiff and was so understood by
26 those who read the publication.
27
28

1 8. The following statements are false as they apply to the plaintiff:

2 a) "A friend told me to stop going, cause Dr. Biegel billed his insurance company
3 funny awhile before."

4 b) "So, I saw the guy for 2 visits, expected a bill for about 125 bucks... So ends up,
5 Biegel billed me for over \$500. I called to pay, and he couldn't give me a straight answer
6 as to why the jump in price, we got into an argument..."

7 c) "He called me back to cover his ass, and had reasons as to why he could bill for
8 the extra amount, then tells me he would still write it off because he wanted to keep his word
9 from the previous conversation. One reason he gave me, was that he runs a business and
10 would stick it to insurance companies (even though that drives my premiums up, and makes
11 me wonder who else he sticks it to.)"

12 d) The next day I received a voicemail from the receptionist, she told me that she
13 talked to my insurance company and found out that my case settled, and even though it was
14 for an amount less than expected, they felt I owed them \$125.

15 e) [I was a bit put off by the fact that] "he wasn't keeping his word anymore..."

16 f) [I don't think good business means charging people whatever you feel like hoping
17 they'll pay without a fuss.] "Especially considering that I found a much better, honest
18 chiropractor."

19
20 9. Each statement described in paragraph 7, above, is libelous on its face. It clearly
21 exposes plaintiff to hatred, contempt, ridicule, and obloquy because

22 a) the statement in 7 a) above, "...billed his insurance company funny" suggests
23 plaintiff is dishonest.

24 b) the statement in 7 b) above, "...he couldn't give me a straight answer" suggests
25 plaintiff was billing in a fraudulent and dishonest manner.

26 c) the statement in 7 c) above "He called me back to cover his ass, and had reasons
27 as to why he could bill for the extra amount" suggests that plaintiff dishonestly made up
28

1 false reasons which excused his billing practices. "One reason he gave me, was that
2 he... would stick it to insurance companies, suggests that plaintiff dishonestly and
3 fraudulently bills insurance companies "(even though that drives my premiums up, and
4 makes me wonder who else he sticks it to)" suggests plaintiff dishonestly and fraudulently
5 bills his other patients, and other business entities he deals with in his business.
6

7 10. These statements contained in defendant's review posted online on yelp.com were
8 seen and read by thousands, if not tens of thousands of consumers and prospective
9 patients of plaintiff, as well as professional colleagues, who reside in and around the San
10 Francisco Bay Area, and were no doubt seen and read by many persons outside of the Bay
11 Area.
12

13 11. As a proximate result of the above-described publication, plaintiff has suffered loss of
14 his reputation, shame, mortification, and hurt feelings all to his general damage.
15

16 12. As a further proximate result of the above-described publication, plaintiff has suffered
17 the following special damages: injury to his business and profession, all to his injury.
18

19 13. The above-described publication was published by the defendant with malice,
20 oppression and fraud in that:

21 a) defendant knew and understood before his publication, that plaintiff lawfully and
22 ethically utilized a billing practice offering a "time of service" discount to persons paying at
23 the time of their visit, which is more efficient and less costly than filling out extra forms,
24 billing the patient's insurance company, answering any insurance representative's
25 questions, and waiting sometimes up to a year for payment;
26
27
28

1 b) defendant in his bodily injury claim utilized plaintiff's (higher) bill to the adverse
2 party's insurance company to maximize and settle defendant's claim, and with intention to
3 pay plaintiff nothing;

4 c) defendant falsely and knowingly stated to plaintiff, in a telephone conversation,
5 that he was a prospective patient inquiring about office billing, when that was a pretext: in
6 fact he was a former patient of plaintiff;

7 d) defendant falsely and knowingly stated to plaintiff, in a telephone conversation,
8 that his bodily injury claim had not settled, when in fact it had.

9 e) after defendant's publication, plaintiff in writing requested a retraction of said
10 publication, but plaintiff refused to do so.

11 Thus plaintiff seeks an award of punitive damages to punish defendant by way of example,
12 and to deter similar conduct in the future.

13 WHEREFORE, plaintiff prays for judgment as set forth below.

14
15 **SECOND CAUSE OF ACTION**

16 (False Light—invasion of privacy)

17 14. Plaintiff incorporates paragraphs 1 through 13 as though fully set forth herein.

18 15. On or about November 16, 2007, defendant, without plaintiff's consent, invaded
19 plaintiff's right to privacy by publishing a review on Yelp.com about plaintiff, which falsely
20 stated that plaintiff in his chiropractic practice defrauded insurance companies and patients
21 in billing for services, would "stick it" to insurance companies, was evasive in responding to
22 questions about billing practices, was dishonest and broke promises.

23
24 16. The disclosure by defendant created publicity in the sense of a public disclosure to a
25 large number of people in that it was published on the internet on the website yelp.com
26
27
28

1 17. The publicity created by defendant placed plaintiff in a false light in the public eye in that
2 the review contained false statements and information that defendant
3 plaintiff as dishonest, cheating insurance companies and patients out of his own greed
4 while trying to cover it up; uncaring about his patients, trying to evade their questions
5 about his billing practices, and breaking promises made to patients.
6

7 18. The publicity created by defendant was offensive and objectionable to plaintiff and to a
8 reasonable person of ordinary sensibilities in that it made plaintiff the object of scorn and
9 distrust.
10

11 19. The publicity created by defendant was done with malice in that it was made either with
12 knowledge of its falsity or in reckless disregard of its truth in that

13 a) defendant knew and understood before publishing his review, that plaintiff lawfully
14 and ethically utilized a billing practice offering a "time of service" discount to persons paying
15 at the time of their visit, which is more efficient and less costly than filling out extra forms,
16 billing the patient's insurance company, answering any insurance representative's
17 questions, and waiting three to four months for payment;

18 b) defendant in his bodily injury claim utilized plaintiff's (higher) bill to the adverse
19 party's insurance company to maximize and settle defendant's claim, and then intended to
20 pay plaintiff nothing;

21 c) defendant falsely and knowingly stated to plaintiff, in a telephone conversation,
22 that he was a prospective patient inquiring about office billing, when that was a pretext: in
23 fact he was a former patient of plaintiff;

24 d) Defendant falsely and knowingly stated to plaintiff, in a telephone conversation,
25 that his bodily injury claim had not settled, when in fact it had.

26 e) after defendant's publication, plaintiff in writing requested a retraction of said
27 publication, but plaintiff refused to do so.
28

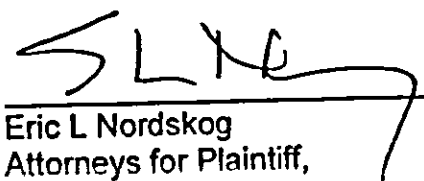
1 20. The above-described publication was published by the defendant with malice,
2
3 ~~approach minimum jurisdiction of this court entitled to punitive damages against Defendants~~
4 and each of them.

5 WHEREFORE, plaintiff prays judgment against defendants, and each of them, as follows:

- 6
7 1. For general damages in excess of the minimum jurisdiction of this court according to
8 proof.
9 2. For special damages in excess of the minimum jurisdiction of this court according to
10 proof.
11 3. For punitive damages.
12 4. For costs of suit incurred herein.
13 5. For such other and further relief as the court may deem proper.
14
15

16 DATED: February 13, 2008

Respectfully submitted,
LAW OFFICES OF ERIC L NORDSKOG

18
19 By: 
20 Eric L Nordskog
21 Attorneys for Plaintiff,
22 STEVEN BIEGEL, D.C.
23
24
25
26
27
28