

1 MARC TER BEEK
 X JOHN TER BEEK - 132891
 2 LAW OFFICE OF MARC TER BEEK
 2648 International Suite 115
 3 OAKLAND, CA. 94601

4 Attorneys for Plaintiff

UCS

5
 6 State of California
 Superior Court County of Santa Clara

7 Judge

8 YVONNE WONG) Case No.:
)
 9 Plaintiff,) COMPLAINT FOR LIABLE PER SE,
) INTENTIONAL INFLECTION OF EMOTIONAL
 10 vs.) DISTRESS, NEGLIGENT INFLECTION OF
) EMOTIONAL DISTRESS, AND INJUCTIVE
 11 TAI JING, JIA MA, YELP.COM AND DOES 1-) RELIEF
)
 12 20 INCLUSIVE)
)
 13 Defendants)

108CV129971

14 FIRST CAUSE OF ACTION

15 LIABLE PER SE

16 AS AGAINST ALL DEFENDANTS

17 Plaintiff alleges as follows:

18
 19
 20 1) Defendants Jia Ma and Tai Jing (hereinafter referred to as "Ma" and
 21 "Jing") are residents of Santa Clara County.

22 2) Defendant Yelp.com is a California Corporation currently in good
 23 standing and was at all relevant times doing business in San Francisco,
 24 California.

25

1 3) On or about Feb 27, 2006, Plaintiff Wong filled a cavity from
2 Defendants Jing and Ma's son's teeth with a filling material which contained
3 trace amounts of Mercury.

4 4) In order to provide Defendants Ma and Jing with all proper and
5 relevant information so that they could make an informed decision, said
6 Plaintiff warned them that there was Mercury in the type of filler they
7 desired. Defendant Ma knew that there was Mercury in the filler as she
8 signed the dental material safety data sheet, which contained the relevant
9 information regarding Mercury as a component of the filling material that
10 defendant Ma signed on February 11, 2006.

11 5) On Yelp.com, as well as other sites, Defendants Jing and Ma
12 registered slanderous complaints against the Plaintiff by indicating on that
13 web site that the Plaintiff did not warn defendant Ma of the fact that her
14 son's filler contained trace amounts of Mercury. Jing and Ma, in their
15 Yelp.com posting, further indicated that Dr. Wong (Plaintiff) used a General
16 Anesthetic that is out of her scope of practice. Plaintiff could lose her
17 license to practice if she gave her patients general anesthesia. Dr. Wong
18 only uses laughing gas (nitrous oxide) and oxygen. This is also information
19 given verbally to each patient (or parent/guardian) before being used at the
20 patient's (or parent/guardian) discretion only.

21 6) Recently, on or about May 10, 2008 Defendant Ma came into the office
22 to have her minor child's teeth examined and cleaned. The Plaintiff and her
23 assistant struggled with the child as he tended to wriggle in the dentist
24 chair and it was not easy to take x-rays of the left side of his mouth due to
25 his strong gag reflex. Plaintiff told defendant Ma that the child had at

1 least two cavities on his right side and showed the x-ray of the right side
2 where the cavities were to defendant Ma.

3 7) Defendant Ma was told she could return for more x-rays of the left
4 side at a later date during the week as Plaintiff believed that there were
5 more cavities than there at first appeared to be. Defendants Jing and Ma
6 liked Saturday appointments, but Saturday appointments were made only for
7 short procedures, such as teeth cleaning, and for this reason Plaintiff
8 wanted to treat Defendant Jing and Ma's child on a weekday, rather than a
9 weekend.

10 8) Plaintiff later discovered that Defendants Jing and Ma had taken
11 their son to another dentist and had been informed that he had cavities in
12 the teeth on the left side of his mouth. A true copy of Defendant Jing's
13 false assertions are contained in Exhibit A, an exact replica of her Yelp.com
14 entry attached hereto and made a part thereof.

15 9) Subsequent to that day, Plaintiff had heard and in fact confirmed
16 that Defendants Jing and Ma had made several libelous statements on the web
17 site Yelp.com. The statements were made as assertions of fact, and such
18 statements were to the effect that Plaintiff had failed to tell her that her
19 son's filling contained Mercury, and that she had mis-diagnosed the case.
20 Defendant Jing's conduct was malicious, oppressive, and intentional, which
21 justifies punitive damages in this case. Defendant Yelp.com re-published the
22 libelous statements, and after Plaintiff notified said defendant of her
23 objections, it refused to retract the libelous entry. True copies of
24 Plaintiff's request for retraction and Defendant's refusal to do so are
25 attached hereto as exhibits B1 and B2 and made a part hereof.

1 professional stature of the Plaintiff. They did so with the intent to cause
2 extreme emotional distress.

3 14) As a direct and proximate result of the Defendant's intentional
4 conduct, Plaintiff suffered damages to her reputation as well as severe
5 emotional damage. Defendant Jing's conduct was malicious, oppressive, and
6 intentional, which justifies punitive damages in this case.

7

8 WHEREFORE, Plaintiff prays judgment against Defendant Jing as follows:

- 9 1) For compensatory damages in an amount according to proofs at trial;
10 2) For punitive damages in an amount according to proofs at trial;
11 3) For costs of suit herein incurred;
12 4) For reasonable attorney's fees; and
13 5) For such other and further relief as the Court deems just and
14 proper.

15

THIRD CAUSE OF ACTION

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NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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AS AGAINST DEFENDANT JING AND YELP.COM

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19 15) Plaintiff hereby re-alleges and incorporates by reference all
20 allegations contained in paragraphs 1-10 and 12-15 as though fully set forth
21 herein.

22

23

24

25

16) Defendants, and each of them, knew or should have known that such
false statements could cause extreme emotional distress by the Plaintiff.
Defendant Yelp.com re-published the slander originally published by
Defendants Jing and Ma without asking or inquiring into the truthfulness or
untruthfulness of Defendants Jing and Ma's false assertions of fact and, in

1 fact, refused to retract them after Plaintiff had requested so as evidenced
2 by exhibits B1 and B2 attached.

3 17) Defendants, and each of them, engaged in conduct that was the
4 proximate and actual cause of Plaintiff's emotional distress.

5

6 WHEREFORE, Plaintiff prays judgment against all Defendants as follows:

- 7 1) For compensatory damages in an amount according to proofs at trial;
- 8 2) For costs of suit herein incurred;
- 9 3) For reasonable attorney's fees; and
- 10 4) For such other and further relief as the Court deems just and
- 11 proper.

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13

FOURTH CAUSE OF ACTION

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SPECIFIC PERFORMANCE/INJUNCTIVE RELIEF

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AS AGAINST ALL DEFENDANTS

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17 18) Plaintiff hereby re-alleges and incorporates by reference all
18 allegations contained in paragraphs 1-10, 12-15 and paragraphs 16 and 17 as
19 though fully set forth herein.

20 19) Plaintiff's reputation has been seriously damaged by the
21 aforementioned entry on Yelp.com and continues to be injured. Unless
22 enjoined and/or ordered to take off the libelous entry, Plaintiff shall
23 continue to suffer damages to her professional reputation. It will cause a
24 minimal inconvenience to the Defendants if they are ordered to delete the
25 libelous entry and it will cause great damage to Plaintiff if said Defendants
are not so ordered.

Search for (e.g. taco, salon, Max's) Near (Address, City, State or Zip)

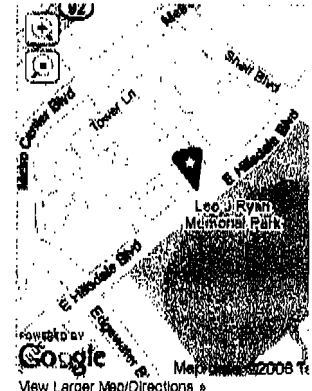
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Wong Yvonne DDS

1 star rating based on 1 review

Category: Pediatric Dentists [Edit]

983 E Hilldale Boulevard
Foster City, CA 94404
(650) 377-0281



By Appointment Only: Yes

[Edit Business Info](#) Is this your business?

First to Review T.J.

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"Like the others here, I hate going to the dentist. However, for the first time in my adult life, I hate going to the dentist less than I did..." read more »

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1 Review for Wong Yvonne DDS

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0
1
T.J.
Los Altos, CA

1 star rating 08/10/2008

Let me first say I wish there is "0" star in Yelp rating. Avoid her like a disease!

My son went there for two years. She treated two cavities plus the usual cleaning. She was fast, I mean really fast. I won't necessarily say that is a bad thing, but my son was light headed for several hours after the filling. So we decided to try another dentist after half a year.

I wish I had gone there earlier. First, the new dentist discovered seven cavities. All right all of those appeared during the last half a year. Second, he would never use the laughing gas on kids, which was the cause for my son's dizziness. To apply laughing gas is the easiest to the dentist. There is no waiting, no needles. But it is general anesthetic, not local. And general anesthetic harms a kid's nerve system. Heck, it harms mine too. Third, the filling Yvonne Wong used is metallic silver color. The new dentist would only use the newer, white color filling. Why does the color matter? Here is the part that made me really, really angry. The color tells the material being used. The metallic filling, called silver amalgams, has a small trace of mercury in it. The newer composite filling, white costing the dentist more, does not. In addition, it uses a newer technology to embed fluoride to clean the teeth for you.

I regret ever going to her office.

P.S. Just want to add one more thing. Dr Chul, who shares the same office with Yvonne Wong, is actually decent.

People thought this was: **Useful** (1)

- [Bookmark](#)
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1 to 1 of 1

[Write a Review](#)

Use yelp anywhere!

Search: Break-Up Spots

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Reviews of Foster City Dentistry on Yahoo!

EXHIBIT A

yywongdds@gmail.com

Yelp! Feedback: Questionable content
Business name: Dr. Yvonne Wong, dds
Location: Foster City
Reviewer: T.J.

Comments:

The review by T. J. on 9/10/2008 is full of lies and misinformation.
When a disgruntled patient makes false accusations against me, I can not refute these charges on your website because I must protect my patient's privacy. I demand that you take this review down immediately.

ref:00D3vCN.50046Wa55:ref

From: yvonne wong (yywongdds@gmail.com)
To: jim Ter Beek
Date: Tuesday, December 2, 2008 5:46:32 PM
Subject: Fwd: Message from Yelp.com HQ [ref:00D3vCN.50046Wa55:ref]

Hi, John:

This is the response that I got from [Yelp.com](http://www.yelp.com). I believe that we have a case against them because they refuse to take the review down even after I told them that they were not true. I also explain to them that I can't respond to those charges on the website, because I must protect the patients' privacy. This is a free for all web site that anybody can just bad mouth about other people without taking any responsibility. I like to proceed with the law suis ASAP. Thanks.

On Tue, Dec 2, 2008 at 5:12 PM, Roger at Yelp HQ <feedback@yelp.com> wrote:
Hi Yvonne,

Thank you for inquiring about the reviews of your practice on Yelp.

I just wanted to let you know that we've taken a close look at the review by T J, and after careful evaluation, we have decided to leave it intact. To the extent that a review appears to reflect the personal opinion and experiences of the reviewer, while adhering to our review guidelines (http://www.yelp.com/faq#great_review), it is our policy to allow the reviewer to stand behind his or her review.

Because we don't have firsthand knowledge of a reviewer's personal experience, we are not in a position to verify your claims versus those of the reviewer. Reviews are ultimately the responsibility of each reviewer.

While we understand that a negative review can be frustrating, you shouldn't overestimate the impact of a single negative review. We hope you can share our confidence that in the long run, the bigger picture will prevail and Yelp will serve your business well.

I also wanted to share with you a resource that provides guidance on how to claim your listing and create a Yelp for Business Owners account, which you can find here: <http://www.yelp.com/business#claim>. Also, for more information on how you can best use Yelp, please take a look at Yelp's Business Owners Guide (<http://www.yelp.com/business>).

While our decision regarding this review is final, please let us know if you have any other questions or concerns.

Thank you for using Yelp.

Regards,
Roger
Yelp User Support
San Francisco, California

Yelp Frequently Asked Questions | <http://www.yelp.com/faq>
Yelp for Business Owners | <http://www.yelp.com/business>

EXHIBIT B-2