

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

DR. SANFORD SIEGAL &
DR. SIEGAL'S DIRECT
NUTRITIONALS, LLC, a
Florida limited liability company,

Plaintiffs,

v.

KIM KARDASHIAN,

Defendant.

VERIFIED COMPLAINT FOR DEFAMATION

Plaintiffs, DR. SANFORD SIEGAL and DR. SIEGAL'S DIRECT
NUTRITIONALS, LLC, sue defendant, KIM KARDASHIAN, and allege:

**ALLEGATIONS CONCERNING
THE PARTIES & GENERAL MATTERS**

1. This is an action seeking damages in excess of this Court's jurisdictional damages requirement, excluding interest, fees and costs.
2. Dr. Sanford Siegal ("Dr. Siegal") resides in Florida. He is the well-known physician, author and creator of Dr. Siegal's COOKIE DIET[®] weight-loss program and products.

3. Dr. Siegal's Direct Nutritionals, LLC ("Dr. Siegal's Cookie Diet Company") is a Florida limited liability company and the worldwide distributor for Dr. Siegal's COOKIE DIET® weight-loss products ("Dr. Siegal's cookies and shakes").

4. In the past year alone, Dr. Siegal and/or Dr. Siegal's Direct Nutritionals, LLC ("Dr. Siegal's Cookie Diet Company") have commanded the attention of the world's most influential and respected media, appearing on/in NBC's Today Show, ABC's Good Morning America, ABC's The View, the front page of The Wall Street Journal, The New York Times, The Miami Herald, Entertainment Tonight and People Magazine.

5. Kim Kardashian is a well-known entertainer and cable TV celebrity who, upon information and belief, resides primarily in California.

6. All conditions precedent to bringing this action have been satisfied or waived.

7. Dr. Siegal and Dr. Siegal's Cookie Diet Company have retained the undersigned law firm and attorneys to represent them in this action and they are obligated to pay the undersigned law firm a reasonable fee for their services.

BACKGROUND INFORMATION

8. In the Spring of 2009, a representative of Dr. Siegal's Cookie Diet Company hand delivered to Kim Kardashian's publicist in New York a package containing samples of Dr. Siegal's cookies and shakes. The package was delivered in response to the President and CEO of Dr. Siegal's Cookie Diet Company reading a published article stating that Kim Kardashian was one of numerous celebrities who were fans of Dr. Siegal's cookies and shakes.

9. Although Kim Kardashian's publicist acknowledged receiving the package, neither the publicist, Kim Kardashian herself, nor anyone else acting on her behalf informed Dr. Siegal's Cookie Diet Company that the reports that Kim Kardashian was a fan of Dr. Siegal's cookies and shakes were inaccurate.

10. Dr. Siegal's Cookie Diet Company provided a hyperlink on its website www.CookieDiet.com to a subsequent article that once again stated that Kim Kardashian, among other celebrities, had lost weight using Dr. Siegal's Cookie Diet Company products (the "Kardashian Weight Loss Article"). Dr. Siegal's Cookie Diet Company provided the hyperlink just as it does with all legitimate news stories about Dr. Siegal and/or his products that appear in the print media or on the internet. Dr. Siegal's Cookie Diet

Company, however, never stated anywhere on its website that Kim Kardashian uses its products. Furthermore, neither Dr. Siegal nor anyone associated with him or Dr. Siegal's Cookie Diet Company wrote the article. Dr. Siegal and Dr. Siegal's Cookie Diet Company have a longstanding policy of not making public statements regarding any patient or customer that uses their products unless that person has expressly requested that they do so. All the website did was to provide its visitors with a link to an article written by a third party about Dr. Siegal and his products.

11. Approximately nine months after Dr. Siegal's Cookie Diet Company delivered the sample of its products to Kim Kardashian's publicist, Dr. Siegal received a demand letter on or about December 11, 2009 from Kim Kardashian's attorneys claiming that the hyperlink to the Kardashian Weight Loss Article was "misleading" and creates the "false impression" that Kim Kardashian is a celebrity endorser of Dr. Siegal's Cookie Diet Company products. This was the first time that either Dr. Siegal or Dr. Siegal's Cookie Diet Company received information that Kim Kardashian disputed the accuracy of the information contained in the Kardashian Weight Loss Article.

12. Despite the fact that neither Dr. Siegal nor anyone associated with Dr. Siegal's Cookie Diet Company wrote the Kardashian Weight Loss

Article, despite the fact that neither Dr. Siegal nor anyone associated with Dr. Siegal's Cookie Diet Company had ever stated that Kim Kardashian used or endorsed Dr. Siegal's cookies and shakes, despite the fact that the article contained other information of significant benefit to Dr. Siegal that had nothing to do with Kim Kardashian, and despite the fact that Dr. Siegal's Cookie Diet Company had no legal obligation to remove the hyperlink, Dr. Siegal's Cookie Diet Company in good faith immediately accommodated Kim Kardashian's request. It removed the hyperlink to the Kardashian Weight Loss Article because it had no desire to refer its website visitors to an article referencing Kim Kardashian against her personal wishes.

THE DEFAMATORY PUBLISHED STATEMENTS

13. While Dr. Siegal and Dr. Siegal's Cookie Diet Company were responding in good faith to Kim Kardashian's demand that they remove the hyperlink to the Kardashian Weight Loss Article from www.CookieDiet.com, they did not know that Kim Kardashian had already published, more than a month earlier, false statements on her Twitter page stating that Dr. Siegal is a liar and that Dr. Siegal's COOKIE DIET® weight-loss program is unhealthy. Dr. Siegal did not learn that Kim Kardashian had published

these false statements until after he received the demand letter from her lawyer.

14. Specifically, Kim Kardashian published the following two statements on her Twitter page on October 29, 2009:

14(a). Dr. Siegal's Cookie Diet is falsely promoting that I'm on this diet. NOT TRUE! I would never do this unhealthy diet! I do QuickTrim! (See Exhibit A)

14(b). If this Dr. Siegal is lying about me being on this diet, what else are they lying about? Not cool! (See Exhibit B)

15. What Kim Kardashian failed to include in either of her false statements is the fact that she is a paid spokesperson for QuickTrim, thereby providing her with the commercial motive for her to defame Dr. Siegal and Dr. Siegal's Cookie Diet Company. For months, and not until she began publicly promoting QuickTrim, Kim Kardashian had benefited from her name being publicly associated with Dr. Siegal and Dr. Siegal's Cookie Diet Company products, both of which had received incredible media attention over the past year.

16. Furthermore, Dr. Siegal did not learn until after Dr. Siegal's Cookie Diet Company had in good faith removed the hyperlink to the Kardashian Weight Loss Article from its website that the entertainment news website www.TMZ.com had received and published a copy of Kim

Kardashian's demand letter of December 11, 2009. Regardless of how www.TMZ.com came to be in possession of the demand letter (which it did not receive from Dr. Siegal or anyone associated with Dr. Siegal's Cookie Diet Company), the publication of the demand letter presented Kim Kardashian with yet another opportunity to benefit from the publicity that will most assuredly result from any tie or association with Dr. Siegal's notoriety.

LONG-ARM PERSONAL JURISDICTION OVER DEFENDANT

17. Kim Kardashian's false defamatory statements set forth in paragraph 14 were published in Miami-Dade County, Florida, when they were retrieved by Dr. Siegal, his family members and employees. Venue, therefore, is proper in Miami-Dade County, Florida.

18. By publishing the false defamatory statements set forth in paragraph 14 in Florida, Kim Kardashian has committed a tortious act within the State of Florida.

19. Kim Kardashian intended to, and did, cause tortious injury to Dr. Siegal and Dr. Siegal's Cookie Diet Company in Florida. The tortious acts were expressly aimed at defaming Dr. Siegal, who lives in Florida, as well as defaming Dr. Siegal's Cookie Diet Company, which has its primary place of business in Florida.

COUNT I
DEFAMATION AS TO DR. SIEGAL (1st Twitter Statement)

20. Dr. Siegal realleges the allegations set forth in paragraphs 1 through 19.

21. The published statement made by Kim Kardashian that is set forth in paragraph 14(a) is false.

22. When Kim Kardashian published the statement set forth in paragraph 14(a), she did so with knowledge as to its falsity or with negligent disregard for its falsity.

23. As a result of the statement set forth in paragraph 14(a) that was published by Kim Kardashian, Dr. Siegal has been damaged.

24. The published statement made by Kim Kardashian as set forth in paragraph 14(a) is defamatory because it has prejudiced, and will continue to prejudice, Dr. Siegal in the eyes of far more than just a substantial and respectable minority of the personal, social, and business community in which he has relations. Indeed, given Dr. Siegal's immense popularity with the country's most influential media sources, Kim Kardashian's false statement will prejudice Dr. Siegal's reputation and relationship with these very lucrative business relationships.

25. The published statement made by Kim Kardashian as set forth in paragraph 14(a) is defamatory per se.

WHEREFORE, Dr. Siegal requests the entry of a judgment in his favor and against Kim Kardashian for all damages recoverable under Florida law, pre-judgment and post-judgment interest, and such other and further relief as the Court may deem just and proper.

**COUNT II
DEFAMATION AS TO DR. SIEGAL'S
COOKIE COMPANY (1st Twitter Statement)**

26. Dr. Siegal's Cookie Diet Company realleges the allegations set forth in paragraphs 1 through 19.

27. The published statement made by Kim Kardashian that is set forth in paragraph 14(a) is false.

28. When Kim Kardashian published the statement set forth in paragraph 14(a), she did so with knowledge as to its falsity or with negligent disregard for its falsity.

29. As a result of the statement set forth in paragraph 14(a) that was published by Kim Kardashian, Dr. Siegal's Cookie Diet Company has been damaged.

30. The published statement made by Kim Kardashian as set forth in paragraph 14(a) is defamatory because it has prejudiced, and will continue to prejudice, Dr. Siegal's Cookie Diet Company in the eyes of far more than just a substantial and respectable minority of the business

community in which it has relations. Indeed, given Dr. Siegal's immense popularity with the country's most influential media sources, Kim Kardashian's false statement will prejudice Dr. Siegal's Cookie Diet Company's reputation and relationship with these very lucrative business relationships.

31. The published statement made by Kim Kardashian as set forth in paragraph 14(a) is defamatory per se.

WHEREFORE, Dr. Siegal's Cookie Diet Company requests the entry of a judgment in its favor and against Kim Kardashian for all damages recoverable under Florida law, pre-judgment and post-judgment interest, and such other and further relief as the Court may deem just and proper.

**COUNT III
DEFAMATION AS TO DR. SIEGAL (2nd Twitter Statement)**

32. Dr. Siegal realleges the allegations set forth in paragraphs 1 through 19.

33. The published statement made by Kim Kardashian that is set forth in paragraph 14(b) is false.

34. When Kim Kardashian published the statement set forth in paragraph 14(b), she did so with knowledge as to its falsity or with negligent disregard for its falsity.

35. As a result of the statement set forth in paragraph 14(b) that was published by Kim Kardashian, Dr. Siegal has been damaged.

36. The published statement made by Kim Kardashian as set forth in paragraph 14(b) is defamatory because it has prejudiced, and will continue to prejudice, Dr. Siegal in the eyes of far more than just a substantial and respectable minority of the personal, social, and business community in which he has relations. Indeed, given Dr. Siegal's immense popularity with the country's most influential media sources, Kim Kardashian's false statement will prejudice Dr. Siegal's reputation and relationship with these very lucrative business relationships.

37. The published statement made by Kim Kardashian as set forth in paragraph 14(b) is defamatory per se.

WHEREFORE, Dr. Siegal requests the entry of a judgment in his favor and against Kim Kardashian for all damages recoverable under Florida law, pre-judgment and post-judgment interest, and such other and further relief as the Court may deem just and proper.

COUNT IV
DEFAMATION AS TO DR. SIEGAL'S
COOKIE COMPANY (1st Twitter Statement)

38. Dr. Siegal's Cookie Diet Company realleges the allegations set forth in paragraphs 1 through 19.

39. The published statement made by Kim Kardashian that is set forth in paragraph 14(b) is false.

40. When Kim Kardashian published the statement set forth in paragraph 14(b), she did so with knowledge as to its falsity or with negligent disregard for its falsity.

41. As a result of the statement set forth in paragraph 14(b) that was published by Kim Kardashian, Dr. Siegal's Cookie Diet Company has been damaged.

42. The published statement made by Kim Kardashian as set forth in paragraph 14(b) is defamatory because it has prejudiced, and will continue to prejudice, Dr. Siegal's Cookie Diet Company in the eyes of far more than just a substantial and respectable minority of the business community in which it has relations. Indeed, given Dr. Siegal's immense popularity with the country's most influential media sources, Kim Kardashian's false statement will prejudice Dr. Siegal's Cookie Diet

Company's reputation and relationship with these very lucrative business relationships.

43. The published statement made by Kim Kardashian as set forth in paragraph 14(a) is defamatory per se.

WHEREFORE, Dr. Siegal's Cookie Diet Company requests the entry of a judgment in its favor and against Kim Kardashian for all damages recoverable under Florida law, pre-judgment and post-judgment interest, and such other and further relief as the Court may deem just and proper.

Dated: December 28, 2009

STACK FERNANDEZ ANDERSON
& HARRIS, P.A.

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By:



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Florida Bar No.: 0724009

Sammy Epelbaum

Florida Bar No.: 0031524

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America and the State of Florida that the foregoing statements are true and correct to best of my knowledge and belief.

Dated: December 28, 2009


Dr. Sanford Siegal

DR. SIEGAL'S DIRECT
NUTRITIONALS, LLC

By: 
Matthew Siegal, President & CEO

Radstar
online.com



EXHIBIT A

Radar
online.com

Dr. Siegal's Cookie Diet is falsely promoting that I'm on this diet. NOT TRUE! I would never do this unhealthy diet. I do QuickTrim!

KimKardashian

Date and Time Properties

Date & Time | Time Zone | Internet Time

Date: October 25, 2009

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Current time zone: Eastern Standard Time

OK Cancel Apply





EXHIBIT B

Radar
online.com



Twitter

If this Dr. Siegal is lying about me being on this diet, what else are they lying about? Not cool!



KimKardashian
Kim Kardashian

7:10 429 400 100 1000

2009 Twitter About Us Privacy Blog Help

Log in Join Twitter!

11:38:42 AM

Date and Time Properties

Date & Time Time Zone Internet Time

Date

December 2009

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Current time zone: Eastern Standard Time

OK Cancel Apply