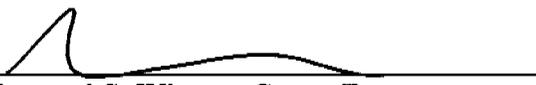


Dated: New York, New York
August 19, 2009

BROWN RUDNICK LLP

By: 
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*Attorneys for Plaintiffs
American Academy of Anti-Aging Medicine,
Robert M. Goldman, and Ronald M. Klatz*

Defendants' addresses:

Wikimedia Foundation, Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

Defendants John or Jane Does 1-10 are presently unknown and yet to be determined pursuant to CPLR § 1024.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ACADEMY OF ANTI-AGING
MEDICINE, ROBERT M. GOLDMAN, and
RONALD M. KLATZ,

Plaintiffs,

v.

WIKIMEDIA FOUNDATION, INC.
(solely as a nominal Defendant) and
JOHN OR JANE DOES 1-10,

Defendants.

Index No. _____

COMPLAINT

09111917

FILED

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NEW YORK

Plaintiffs American Academy of Anti-Aging Medicine ("A4M"), Robert M. Goldman ("Dr. Goldman"), and Ronald M. Klatz ("Dr. Klatz"), by their undersigned counsel, Brown Rudnick LLP, as and for their Complaint against Defendants Wikimedia Foundation, Inc. (solely as a nominal Defendant) and John or Jane Does 1 through 10, respectfully allege as follows:

INTRODUCTION

1. This defamation action arises out of an ongoing campaign by anonymous editors on the website for Wikipedia (<http://en.wikipedia.org>), a free encyclopedia available on the Internet to the public, to disparage and malign A4M and its two founders, Dr. Goldman and Dr. Klatz, by posting false and defamatory information about the medical credentials of Dr. Goldman and Dr. Klatz, A4M's scientific qualifications, and the research findings in the field of anti-aging medicine by A4M's founders and members.

2. The statements made on the Wikipedia webpage for A4M have caused A4M, and Dr. Goldman and Dr. Klatz, substantial and irreparable damages. More specifically, since early

2009, anonymous editors on A4M's webpage on Wikipedia have continued to post incorrect, misleading, and disparaging information about Plaintiffs' standing in the medical community and their medical credentials, which has threatened to destroy Plaintiffs' reputations and adversely affect the livelihoods of Dr. Goldman and Dr. Klatz as well as the livelihoods of A4M members.

PARTIES

3. Plaintiff A4M is a not-for-profit corporation with its principal place of business in Chicago, Illinois.

4. Plaintiff Goldman is a resident of Boca Raton, Florida. Dr. Goldman is the physician co-founder and Chairman of A4M.

5. Plaintiff Klatz is a resident of Boca Raton, Florida. Dr. Klatz is the physician co-founder and President of A4M.

6. Nominal Defendant Wikimedia Foundation, Inc. ("Wikimedia") is a not-for-profit corporation located in San Francisco, California. Wikimedia owns the trademark for the Wikipedia website and is a nominal Defendant only.

7. Upon information and belief, Defendants John or Jane Does 1 through 10 ("Defendants") are anonymous editors of the A4M website entry on Wikipedia, located at http://en.wikipedia.org/wiki/American_Academy_of_Anti-Aging_Medicine, attached hereto in its entirety as Exhibit A, who have posted false and damaging information, as alleged herein, about Plaintiffs on the webpage cited above. The true identities of Defendants are currently unknown to Plaintiffs, but Plaintiffs believe that information obtained in discovery will lead to the identification of each anonymous Defendant's true name and identity.

FACTS

A4M Background

8. A4M is a non-profit organization founded by Dr. Goldman and Dr. Klatz in 1992, with a current membership of over 22,000 physicians and scientists from 105 countries. The mission of A4M is to advance the science and technology of detecting, preventing, and treating aging related disease and to promote research into methods to retard and optimize the human aging process. A4M is dedicated to educating physicians, scientists, and members of the public on anti-aging issues. A4M believes that the disabilities associated with normal aging are susceptible to medical treatment, such that the human life span can be increased, and the quality of life at chronologically advanced ages can be improved.

9. Contrary to the statements made by Defendants about A4M on the Wikipedia website, Dr. Goldman and Dr. Klatz have never stated that their goal in founding A4M was “never growing old,” which Defendants repeat on the Wikipedia website from an article about A4M, which was published by the New York Times in 1998. In fact, neither Dr. Goldman nor Dr. Klatz ever made any such statement to the New York Times in connection with the article’s publication nor ever actually spoke directly with the article’s author. All responses to the author of the article were made in writing through legal counsel.

10. Among its most significant activities, A4M conducts regular scientific medical conferences and offers educational training programs for its physician members, including accredited continuing medical education programs and certification exams in the United States and overseas.

11. Defendants falsely state on the Wikipedia webpage for A4M that “[m]any exhibitors at A4M trade shows . . . have been indicted in federal and state investigations into

illegal trafficking of human growth hormone and anabolic steroids.” Defendants’ false statement of course implies that A4M, its co-founders, and its members are somehow implicated in, and accordingly tarnished by, the purported misconduct of “many” A4M conference exhibitors.

12. As a threshold matter, A4M does not promote or endorse any specific treatment nor does it sell or endorse any commercial product. As such, A4M is not affiliated with any exhibitor that attends an A4M conference. Moreover, only one exhibitor has ever been investigated for any wrongdoing, and, even then, the charges against the exhibitor were later found baseless and dropped. Further, when the exhibitor was charged, it was dropped as an exhibitor from the A4M conference, refunded its money, and banned from exhibiting at any future shows. Any suggestion by Defendants therefore that an exhibitor’s purported wrongdoing implicate A4M is not only damaging to the reputations of A4M, its co-founders, and its members, but also wholly unfounded and unwarranted.

13. A4M is also one of approximately 270 specialist medical societies and medical boards, only 24 of which in total have been approved by the American Board of Medical Specialties (the “ABMS”). Defendants offer misleading information on Wikipedia’s A4M webpage when they state that A4M’s specialty, anti-aging medicine, is “a field not recognized by the American Board of Medical Specialties.” The ABMS approves medical fields and medical specialties but rarely and, in its whole history, has only approved a total of 130 fields of medicine. In fact, the ABMS last approved a medical specialty – emergency medicine – over thirty years ago, in 1979. In a field of over 270 specialist medical societies, A4M is one of nearly 250 such societies that have yet to be approved by the ABMS. Defendants’ statement that A4M is not a recognized medical specialty is to mischaracterize the reality of gaining such approval and to infer – improperly – a lack of credibility on the part of A4M.

Medical Credentials for Dr. Goldman and Dr. Klatz

14. Dr. Goldman received his Bachelor of Science Degree (B.S.) from Brooklyn College in New York. He received his Doctor of Osteopathic Medicine and Surgery Degree (D.O.) from the Chicago College of Osteopathic Medicine at Midwestern University. He received his Doctor of Medicine Degree (M.D.) from the Central America Health Sciences University School of Medicine in Belize, a government-sanctioned, Ministry of Health-approved, and World Health Organization-listed medical university.

15. Dr. Klatz is a graduate of Florida Technological University. He received his Doctor of Medicine Degree (M.D.) from the Central America Health Sciences University School of Medicine in Belize, a government-sanctioned, Ministry of Health-approved, and World Health Organization-listed medical university. Dr. Klatz received his Doctor of Osteopathic Medicine and Surgery Degree (D.O.) from the College of Osteopathic Medicine and Surgery in Des Moines, Iowa.

16. Contrary to statements made by Defendants, both Dr. Goldman and Dr. Klatz are duly licensed as physicians and surgeons in the State of Illinois. Defendants state, quoting an article that appeared in *The New York Times*, that “[l]icensing authorities in Illinois did not recognize the [Plaintiffs’] Belize degrees, and in 2000 fined the doctors \$5,000 each for adding M.D. after their names.” However, in an order dated February 28, 2006, the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation determined that Dr. Goldman and Dr. Klatz are “licensed physicians and surgeons of osteopathic medicine in good standing in Illinois for over 20 years, which allows them to practice and carry out all duties equivalent to what a medical doctor, an M.D., may do in Illinois.” The order further stated that Dr. Goldman and Dr. Klatz “have valid M.D. degrees from a recognized

medical school, a school which is on the World Health Organization's list of approved and sanctioned medical schools. In fact, said medical school graduates are currently undergoing M.D. residency training in the USA and worldwide."

17. Defendants also falsely state on the Wikipedia webpage for A4M that Dr. Goldman and Dr. Klatz have "medical degrees from Central American [sic] Health Sciences University in Belize, despite never actually studying there," and, quoting an article published in *The New York Times*, that Dr. Goldman and Dr. Klatz "earned their medical degrees with transfer credit from previous academic work and a year in clinical rotations in Mexican hospitals" -- improperly implying that Dr. Goldman and Dr. Klatz did not receive appropriate or sufficient medical training. In fact, Dr. Goldman and Dr. Klatz completed over eight years of medical and surgical training and repeated a full year of clinical rotations in order to satisfy the requirements of the Central America Health Sciences University School of Medicine where they both received their Doctor of Medicine Degrees. That Dr. Goldman and Dr. Klatz completed the requisite medical education and training to earn their Doctor of Medicine Degrees and matriculate from the Central America Health Sciences University School of Medicine is not in any doubt.

Prior Criticism of A4M

18. Among their damaging statements about A4M on Wikipedia, Defendants also describe the "Silver Fleece Award" purportedly given to A4M in 2004 by aging "expert" H. Jay Olshansky ("Olshansky") and his colleague Thomas Perls ("Perls") by stating that:

The A4M received the third annual "Silver Fleece Award" in 2004 for "the most outrageous or exaggerated claims about slowing or reversing human aging." The award was announced by aging expert H. Jay Olshansky during the workshop on "Anti-Aging Medicine: The Hype and Reality" at the International Conference on Longevity in Sydney, Australia. According to Olshansky, A4M used misleading marketing to sell anti-aging products through an affiliate, with a short-term supply costing \$560. The "Silver Fleece" prize was a bottle of cooking oil re-labeled, "Snake Oil". [sic]

In fact, the “silver fleece award” was concocted by Olshansky, who is actually not a trained physician and has no medical or surgical training in aging intervention, as part of a larger campaign of disparagement by Olshansky and Perls aimed at discrediting A4M and its founders Dr. Goldman and Dr. Klatz in order to advance their own business agenda in promoting their own anti-aging projects and anti-aging conferences, sponsored by competitor entities to A4M, at which Olshansky and/or Perls themselves were featured speakers or personally assisted with the conference organizer’s programs.

19. More specifically, in February 2004, Olshansky issued a press release describing the “silver fleece award” and claiming that its purpose was to “expose” the “most outrageous or exaggerated claims about slowing or reversing human aging.” The press release further included the words “hoax” and “quackery” to describe the recipients of the “silver fleece award” and stated that the award would go to products “created” by Dr. Goldman and Dr. Klatz. Olshansky falsely claimed in the press release that these products contained “the most ridiculous, outrageous, scientifically unsupported or exaggerated assertions about intervening in aging or age-related diseases” and further disparaged these products by stating that “[a]bout the only thing these anti-aging products do is to further the wallets of those selling them.”

20. Olshansky also stated in the press release that he would be giving a “silver fleece award” to A4M in connection with its publication of the *International Journal of Anti-Aging Medicine* (the “Journal”), falsely claiming in the press release that the Journal was a publication of A4M. In fact, the Journal has not been associated with A4M since 1999, when all rights to the Journal were transferred from A4M to Intertec Publishing, of Primedia Business Inc. Furthermore, the Journal itself stopped all publication in 2001.

21. Olshansky repeated his disparaging comments that he made in the February 2004 press release at a conference in Australia in March 2004, at which he awarded a bottle of cooking oil labeled as “snake oil” to Dr. Goldman and Dr. Klatz *in absentia* and informed members of the audience there that recipients of the “silver fleece award” were promoters of “quackery.” At the conference, Olshansky and Perls also called A4M and Dr. Goldman and Dr. Klatz “quacks” and “charlatans,” and Perls described Dr. Goldman and Dr. Klatz as unscrupulous purveyors of anti-aging medicine. A number of A4M members were attending the March 2004 conference in Australia, and Olshansky’s disparaging remarks at the conference were also picked up by the press in Australia and circulated on the Internet.

22. Following the March 2004 conference in Australia, Olshansky and Perls also made false and damaging remarks about A4M, Dr. Goldman, and Dr. Klatz in an article published by the *Chicago Tribune* and also in media interviews regarding their medical and educational credentials, their publication record, and their business relationships with a company that distributed anti-aging products.

23. In September 2005, Plaintiffs initiated legal action against Olshansky and Perls in Illinois state court, alleging, *inter alia*, defamation *per se* and false light invasion of privacy. The parties to the Illinois litigation later reached a confidential settlement.

24. On the Wikipedia webpage for A4M, Defendants fail to offer any information regarding the false and disparaging basis for the “silver fleece award” announced by Olshansky in 2004 and likewise fail to offer any context for the broader campaign of disparagement undertaken by Olshansky in order to discredit A4M and its co-founders while advancing Olshansky’s own business agenda in the anti-aging arena. Furthermore, in reference to the Illinois litigation, Defendants falsely state that A4M “dropped the case after Olshansky

countersued.” In fact, the parties to that litigation reached a confidential settlement agreement outside of court.

25. Moreover, Defendants recite false information on the Wikipedia webpage for A4M regarding A4M’s former publication, the *International Journal of Anti-Aging Medicine*. Defendants repeat statements that the Journal is “misleading because it gives the false impression that it is a genuine scientific journal and that what is published in it is peer-reviewed” and also that the Journal is “little more than an advertising vehicle” for anti-aging products. Other statements repeated by Defendants say that the Journal is “not a recognized scientific journal.”

26. As stated *supra*, the Journal was no longer associated with A4M as of 1999, and the entire Journal halted publication over eight years ago, in 2001. Defendants wholly fail to note this information, thereby creating the impression on the Wikipedia webpage that the Journal is a current publication of A4M, which it is not.

27. Furthermore, contrary to Defendants’ statements, the actual articles from the Journal applied scientific methodology and were almost all peer reviewed by a well-qualified editorial board committee composed of board-certified physicians and surgeons for the Journal. Moreover, any advertising in the Journal, when it was in fact affiliated with A4M, was chosen at the direction of the publishing company itself, not A4M, whose only role at any given time was to provide editorial support.

AS AND FOR A CAUSE OF ACTION
(Defamation)

28. Plaintiffs hereby adopt and incorporate by reference the allegations contained in paragraphs 1 to 27 of this Complaint as if fully set forth herein.

29. Defendants defamed A4M, Dr. Goldman, and Dr. Klatz by publishing false and defamatory statements and writings regarding Plaintiffs’ medical educational and training

credentials, scientific qualifications, and medical publications on a publicly available webpage about A4M on Wikipedia's website.

30. All of these writings and statements by Defendants identified Plaintiffs, were published to third parties – namely the public – via the Internet, and are false. These writings and statements disparage Plaintiffs' scientific qualifications as well as their medical educational and training credentials and are calculated to discredit Plaintiffs and their reputations to the community at large, including members of the medical community.

31. Further, in publishing these false and defamatory writings, Defendants acted with actual malice in that they knew that the information published was false and untrue, or published the information with reckless disregard of whether they were false and untrue, for, with ordinary and reasonable care, Defendants would have realized or could have discovered that the writings and statements were obviously false and grossly libelous as they applied to Plaintiffs.

32. Plaintiffs have thereby suffered injury to their business and professional reputations within the medical community.

33. As a result of the foregoing, Plaintiffs are entitled to monetary damages, including, but not limited to, those for harm to Plaintiffs' reputations.

34. Further, the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

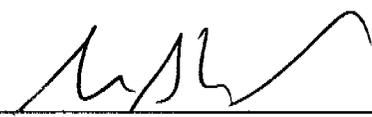
WHEREFORE, Plaintiffs respectfully request judgment from the Court:

- (i) Awarding Plaintiffs' monetary damages, plus interest, on Plaintiffs' cause of action for defamation; and
- (ii) Awarding such other and further relief as the Court deems just and proper.

DATED: New York, New York
August 19, 2009

Respectfully submitted,

BROWN RUDNICK LLP

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Index No. 20

**SUPREME COURT OF THE STATE OF NEW YORK
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SUMMONS AND COMPLAINT

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