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IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.:

Doctor Sam, LLC, a Florida limited liability
company, and Dr. Samantha Saltz, an
individual,

Plaintiffs,

v.

PatientPop, Inc., a Delaware corporation, and
Nora Feyl, an individual,

Defendants.

COMPLAINT

Plaintiffs, Doctor Sam, LLC (“**Doctor Sam**”) and Samantha Saltz, MD (“**Dr. Saltz**”) (collectively, “**Plaintiffs**”), through their attorneys, sues Defendants, PatientPop, Inc. (“**PatientPop**”) and Nora Feyl (“**Ms. Feyl**”) (collectively, “**Defendants**”), and state:

INTRODUCTION

1. This case arises from an intentional and malicious act of defamation perpetrated by PatientPop employee Nora Feyl immediately after Doctor Sam declined to engage PatientPop for online reputation management services. In a desperate attempt to convince Doctor Sam to purchase PatientPop’s online reputation management services, Feyl – using the alias “Jesse North” – left the following callous – and completely fabricated – 1-star review on the Doctor Sam Google business listing:



Jesse North
1 review

★★★★★ 3 hours ago

If I could leave no stars I would. I think she honestly needs the mental help. But I've heard people get into the profession because of their own issues and this makes total sense. STAY AWAY

2. PatientPop markets itself as a leader in helping doctors obtain positive patient reviews on Google and managing negative reviews – the very services that could help control the damage caused by the fake 1-star review left by PatientPop’s employee, Feyl. *See, e.g.,* <https://www.patientpop.com/manage-your-reputation/>, attached hereto as **Exhibit “A”** (“PatientPop reputation management helps your practice deliver an outstanding first impression.”).

3. Incredibly, this was not an isolated incident. Plaintiffs uncovered evidence of Feyl using this same corrupt scheme to sell (or attempt to sell) PatientPop’s services to at least one other local doctor.

JURISDICTION AND VENUE

4. Defendant PatientPop is subject to the personal jurisdiction of this Court because it: (a) operates, conducts, engages in, or carries on a business or business venture in this state or has an office or agency in this state, (b) committed a tortious act within this state, (c) caused injury to persons or property within this state arising out of an act or omission outside this state while engaged in solicitation or service activities within this state, and (d) is engaged in substantial and not isolated activity within this state. *See* Fla. Stat. § 48.193(1)(a)-(2).

5. Defendant Feyl is subject to the personal jurisdiction of this Court because this causes of action arises from Feyl (a) operating, conducting, engaging in, or carrying on a business or business venture in this state or having an office or agency in this state, (b) committing a tortious act within this state, and (c) engaging in substantial and not isolated activity within this state. *See* Fla. Stat. § 48.193(1)(a)-(2). Indeed, Feyl committed the acts described in this Complaint while living and working for PatientPop in Palm Beach County, FL.

6. Venue is proper in Palm Beach County, Florida because that is where (1) the cause of action accrued and (2) PatientPop has an agent or other representative. *See* Fla. Stat. § 47.011;

Fla. Stat. § 47.051.

THE PARTIES

7. Plaintiff, Doctor Sam, LLC, is a Florida limited liability company having its principal place of business in Boca Raton, Florida. Doctor Sam is a mental health company.

8. Plaintiff, Dr. Samantha Saltz, is an individual residing in Boca Raton, Florida. Dr. Saltz is a double board-certified child, adolescent and adult psychiatrist and owner of Doctor Sam. At the time of this cause of action arose, Dr. Saltz was the only Psychiatrist at Doctor Sam.

9. On information and belief, Defendant, PatientPop, Inc., is a Delaware corporation with its principal place of business at 214 Wilshire Blvd, Santa Monica, California 90401.

10. On information and belief, Defendant, Nora Feyl, is an individual who resided in Boca Raton, Florida at the time she committed the acts alleged in this Complaint. On information and belief, Feyl subsequently moved to Irvine, California.

11. Defendant, PatientPop is in the business of online reputation management and patient engagement for doctors and medical practices.

12. Defendant, Nora Feyl, is a former employee of PatientPop.

FACTUAL BACKGROUND

13. On November 19, 2019, Doctor Sam contacted PatientPop to inquire about setting up a demo of PatientPop's patient survey and review platform. The demo was scheduled for November 20, 2019 at 5:30 pm ET with PatientPop employee Nora Feyl.

14. On November 20, Feyl called Doctor Sam and spoke with Joshua Saltz (Dr. Saltz' husband) – who indicated that Doctor Sam was only interested in a service to manage patient surveys and reviews. Feyl explained that PatientPop does not offer patient surveys and reviews as

a standalone product. When Mr. Saltz explained that PatientPop was not going to be a good fit for Doctor Sam, Feyl became abrasive.

15. Feyl never spoke with or communicated with Dr. Samantha Saltz.

THE FAKE AND DEFAMATORY REVIEW

16. Approximately 45 minutes after the call between Mr. Saltz and Feyl ended, Doctor Sam was notified that a 1-star review had been left on the Doctor Sam Google business listing by a “Jesse North.” The review urged viewers to “STAY AWAY” from the Doctor Sam practice, suggested that Jesse North had met Dr. Saltz, and stated Dr. Saltz got into the mental health profession because of her own issues and needs mental help herself:



Jesse North

1 review

☆☆☆☆☆ 3 hours ago

If I could leave no stars I would. I think she honestly needs the mental help. But I've heard people get into the profession because of their own issues and this makes total sense. STAY AWAY

A printout of the fake review as shown on Google is attached hereto as **Exhibit “B.”**

17. The timing was so suspicious that Mr. Saltz called Feyl and explained his concerns. She denied leaving the review and bragged about how much money she was making in commissions with PatientPop.

18. Moments after hanging up with Feyl, Mr. Saltz looked at other reviews written by “Jesse North” and noticed that this person had left a 1-star Google review for another local doctor just one week earlier. Mr. Saltz refreshed the page and the 1-star review left by “Jesse North” changed to a 5-star review. He refreshed the page again and the review had been deleted.

19. Feyl was apparently attempting to cover her tracks in real time.

20. Mr. Saltz called the other doctor and – to no surprise – learned that “Nora” (Ms. Feyl's first name) from PatientPop had recently visited his office. This confirmed Feyl was

responsible for the fake Doctor Sam review and evidenced a pattern of the same conduct targeted at others.

21. Feyl subsequently confessed to writing both fake reviews under the alias Jesse North after she was confronted with the evidence Mr. Saltz gathered. She subsequently deleted the fake Doctor Sam review.

PUBLICATION

22. In addition to the fake review being published to Mr. Saltz and numerous employees at PatientPop – including without limitation, Alexis Kavazanjian, Betsy Bennett and Luke Kervin, during the time the time the fake review of Dr. Saltz was live, Google Analytics reported eleven (11) unique Client IDs that accessed the Doctor Sam website via a Google search.

The Google Analytics Client IDs for such individuals are identified below:

Google Analytics Client ID
██████████0716
██████████1649
██████████4889
██████████5284
██████████0405
██████████3563
██████████2675
██████████1559
██████████1886
██████████9061
██████████3402

23. When a user searches for Doctor Sam or Dr. Saltz via Google, the Doctor Sam Google Business listing typically appears, along with the star rating and reviews of the business. On information and belief, the individuals associated with the above-referenced Client IDs saw the false and defamatory review and decreased star rating for Ms. Saltz and her business, Doctor Sam. Because these Client IDs may be associated with potential patients of the Doctor Sam practice, the IDs have been redacted to protect the identity of these individuals and will be disclosed once a protective order is in place.

24. The actual number of people who saw the false and defamatory review may be much greater than those associated with the eleven (11) client IDs above. Plaintiffs do not have access to how many people searched for Doctor Sam or Dr. Saltz on Google during the relevant time but never actually clicked to visit the Doctor Sam website – presumably because they were not interested in becoming a patient of a doctor or practice that was the subject of such a horrific false review.

**MANUFACTURING A FAKE NEGATIVE REVIEW
AS A CORRUPT SALES TACTIC FOR PATIENTPOP**

25. Upon information and belief, Feyl published the false and defamatory review of Plaintiffs as part of a corrupt scheme to generate a sale for PatientPop and commission for herself.

26. Upon information and belief, Feyl engaged in a pattern of similar conduct over a period of months and actually generated sales for PatientPop and commissions for herself using such schemes.

27. Upon information and belief, such actions were taken by Feyl using a PatientPop laptop computer.

28. PatientPop itself recognizes the significant number of people who rely on Google reviews, and the importance these reviews have on decision-making:

“When sorting through information, the majority (54.6 percent) of people seek online patient reviews to make an informed decision. Therefore, it’s not surprising that 69.9 percent of people consider a positive reputation a very or extremely important factor. . . . **Half (48.8 percent) of people read reviews on Google, according to PatientPop.**” <https://www.patientpop.com/blog/where-patients-read-reviews/>, attached hereto as **Exhibit “C.”**

29. PatientPop has also acknowledged that “[r]eceiving negative patient reviews will impact your average star rating, which is considered the most important review factor among consumers, according to a survey by BrightLocal.” <https://www.patientpop.com/blog/the-best-way-to-respond-to-negative-online-reviews/>, attached hereto as **Exhibit “D.”**

30. Plaintiffs have suffered damages as a result of Feyl’s false and defamatory review.

31. According to Feyl's current LinkedIn page, attached hereto as **Exhibit “E”**, she continued to work for PatientPop until February 2020 – three (3) months after PatientPop became aware of Feyl's actions described herein.

32. Despite being aware of the on-going dispute between Plaintiffs and PatientPop, another local PatientPop sales agent contacted Doctor Sam in January 2020 to pitch PatientPop’s services.

33. Plaintiffs sent multiple demand letters to PatientPop and their counsel about this dispute, including notifying PatientPop to issue a litigation hold on materials relevant to this lawsuit and the contents of Ms. Feyl’s PatientPop-issued laptop computer.

34. Plaintiff has retained the undersigned counsel to represent it in this action and is obligated to pay them a reasonable fee for their services.

**COUNT I
DEFAMATION
(LIBEL)**

35. Plaintiffs incorporate their allegations in paragraphs 1-34 as if fully set forth herein.

36. Feyl has never met or spoken with Dr. Saltz.

37. Feyl's review of Plaintiffs was a complete fabrication of an encounter with Dr. Saltz that never actually took place.

38. Feyl's fake review of Plaintiffs was false and defamatory and falsely stated facts regarding the mental condition and competency of Dr. Saltz – the sole psychiatrist of Doctor Sam at the time the fake review was published.

39. Feyl published the false and defamatory review of Plaintiffs on the Doctor Sam Google business listing – a public business profile on the Google search engine that displays information about Doctor Sam and Dr. Saltz, including reviews and star ratings.

40. The Doctor Sam Google business listing displays a photograph of Dr. Saltz.

41. During the time the false and defamatory review was live on the Doctor Sam Google business listing, Google Analytics reported eleven (11) unique Client IDs that accessed the Doctor Sam website via a Google search.

42. During the time the false and defamatory review was live on the Doctor Sam Google business listing, the combined star rating of Doctor Sam was reduced from 5-stars to 4.2-stars.

43. Upon information and belief, Feyl's false and defamatory review was viewed by third parties, including potential patients of Plaintiffs and other PatientPop employees.

44. Feyl's false and defamatory statement was published with actual malice in a vicious attempt to inflict a harm on Plaintiffs that PatientPop could help to cure with its online reputation management services. Thus, Feyl had a motive for making the defamatory statement – manufacturing a need for PatientPop's reputation management services – thereby increasing the likelihood of a sale for PatientPop and commission for Feyl.

45. Feyl's false and defamatory statement against Plaintiffs constitute libel per se because such statement tends to injure Plaintiffs in a trade or profession, subject Plaintiffs to distrust, ridicule, contempt, or disgrace and/or attributes to Plaintiffs either conduct, characteristics, or conditions incompatible with the proper exercise of a lawful business, trade, profession or office.

46. Because Feyl's false and defamatory statement against Plaintiffs constitute libel per se, damages are presumed and Plaintiffs are not required to prove actual damages to be entitled to relief.

47. Punitive damages may be awarded in an action for libel per se regardless of whether any actual damages are shown.

48. Punitive damages are appropriate against Feyl because her defamatory statement was made intentionally and maliciously in an attempt to sell PatientPop's services and earn a commission.

49. Plaintiff has been damaged as a result of Feyl's false and defamatory statement.

**COUNT II
VICARIOUS LIABILITY**

50. Plaintiffs incorporate their allegations in paragraphs 1-49 as if fully set forth herein.

51. Feyl, was acting within the scope of her employment with Defendant PatientPop when she published the false and defamatory review of Plaintiffs.

52. Feyl published the false and defamatory review of Plaintiffs in an attempt to generate a sale for Defendant PatientPop and a commission for herself.

53. Feyl was acting at least in-part to serve the interests of Defendant PatientPop in publishing the false and defamatory review of Plaintiffs.

54. Defendant PatientPop is vicariously liable for damages arising from Feyl's defamatory statement.

55. Punitive damages are appropriate against Defendant PatientPop because Feyl made the false and defamatory statements about Plaintiffs as PatientPop's employee or agent, and upon information and belief, PatientPop engaged in conduct that constituted gross negligence which contributed to the loss, damages, or injury suffered by the Plaintiffs, including failing to properly screen, train or supervise Feyl, turning a blind eye or failing to investigate prior misconduct, and/or promoting a toxic company culture that enabled reckless and callous sales techniques.

56. Plaintiffs have been damaged due to PatientPop's actions.

REQUEST FOR RELIEF

Plaintiffs respectfully request that this Court:

1. Enter judgment against Defendants;
2. Award Plaintiffs compensatory damages and attorney's fees;
3. Award Plaintiffs punitive damages;
4. Award Plaintiffs prejudgment interest; and
5. Award any further relief this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 15, 2021

Respectfully submitted,

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