

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

JASON HERSH, DDS, individually

CASE NO.:

Plaintiff,

v.

WILLIAM SANDS, individually

Defendant.

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**COMPLAINT**

Plaintiff, JASON HERSH, DDS, an individual (“**Plaintiff or Dr. Hersh**”), by and through undersigned counsel, hereby sues Defendant WILLIAM SANDS, an individual (“**Mr. Sands**”), and states:

**JURISDICTION, VENUE & PARTIES**

1. This is an action for damages exceeding \$50,000.00, exclusive of interest, attorneys’ fees and costs, stemming from Mr. Sands’s defamation per se, tortious interference with an advantageous business relationship, and other wrongful actions. This action is therefore within the subject matter jurisdiction of this Court under Section 26.012(2), Florida Statutes.

2. Mr. Sands is an individual resident of the State of Florida, is over the age of eighteen, and is otherwise *sui juris*.

3. Venue and jurisdiction are proper in Palm Beach County under Fla. Stat. § 47.011 because it is where Mr. Sands and Lyric reside and is otherwise where the cause of action accrued.

**GENERAL ALLEGATIONS**

4. Dr. Hersh is a successful and well-respected periodontist in Palm Beach County, Florida. He is well-known for his expertise in the diagnosis and treatment of gum disease.

5. Dr. Hersh is presently affiliated with Sage Dental.

6. Mr. Sands knew of Dr. Hersh's significant ongoing business relationship with Sage Dental, pursuant to which Dr. Hersh has an advantageous business relationship, a contractual relationship and contractual rights, which relate to providing medical and surgical services.

7. Mr. Sands engaged in repeated, systematic, and not isolated, efforts to tortiously interfere with Dr. Hersh's contract with and advantageous business relationship with Sage Dental by negligently issuing and circulating false and defamatory communications and social media postings without reasonable care as to whether their content was actually true or false.

8. Mr. Sands repeatedly engaged in negligent behavior by publishing false and defamatory statements about Dr. Hersh without reasonable care as to whether the statements were actually true or false, and which were designed to cast Dr. Hersh in a negative light, and to defame and damage him by falsely asserting patently false and easily disproven claims relating to Dr. Hersh.

9. For example, Mr. Sands has made, threatened to make and has propagated and disseminated falsehoods and defamatory statements relating, referring or pertaining to Dr. Hersh, including but not limited to the following, intended to portray Dr. Hersh in a negative light:

- The nature, characteristics and details of medical care provided by Dr. Hersh.
- Irrelevant, false allegations pertaining to Dr. Hersh's family.
- A stated intention to expand the defamatory publications to wider audiences, including the press and regulatory authorities.
- Other statements (shared under seal) that would be deemed defamatory per se under any objective standard.

*See Exhibit "A" – Filed Under Seal Only.*

10. Mr. Sands has admitted his intentions underlying this conduct, bragging in writing: "I am going to destroy his career."

*See Exhibit "B" – Filed Under Seal Only.*

11. Mr. Sands made the above referenced statements, without reasonable care as to whether the statements were actually true or false, and in fact knowing they were false, intending to defame Dr. Hersh and interfere with and otherwise adversely affect Dr. Hersh's general personal and professional reputation.

12. Mr. Sands, through at least their posting of false and defamatory comments about Dr. Hersh, intentionally interfered with Dr. Hersh's business relationship with Sage Dental, without justification.

13. In the process of doing so, Mr. Sands, upon information and belief, created a false persona, including intentionally creating and utilizing false and counterfeit fictitious personal identification information, as defined by section 817.568(1)(g), with the intent to fraudulently use such information for the purpose of committing or facilitating the commission of a fraud on Dr. Hersh.

14. The false persona and use of counterfeit or fictitious personal identification information was willfully and fraudulently created by Mr. Sands with the intent to fraudulently use such information for the purpose of committing or facilitating the commission of a fraud on Dr. Hersh, and the public generally.

15. Mr. Sands created the false persona, including use of false and counterfeit fictitious personal identification information, and used it to publish false communications regarding Mr. Hersh and his business, with the fraudulent intent to harm Mr. Hersh's business and personal and professional reputation.

16. Mr. Sands's actions in so creating a fictitious or counterfeit individual and his subsequent actions detailed herein are considered a "pattern of criminal activity" under Florida

law.

17. Mr. Sands's actions detailed herein are in violation of Section 817.568(9), Florida Statutes, and potentially other Florida criminal provisions; and Mr. Sands's violation of Section 817.568(9), Florida Statutes, is considered "criminal activity" under Florida law.

18. It is currently unknown, and through this suit it will be determined through discovery, whether Mr. Sands has created additional false persona, or fictitious or counterfeit personal identification information with the fraudulent intent of harming Mr. Hersh's business and personal and professional reputation.

19. Section 772.103, Florida Statutes, provides that it is unlawful for any person "...associated with any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of criminal activity..."

20. Mr. Sands conspired or endeavored to violate section 772.103, Florida Statutes.

21. Dr. Hersh has satisfied all conditions precedent to the filing of this action, or all conditions precedent have otherwise been excused, waived, or have occurred.

22. As a result of Mr. Sands' wrongful actions, Dr. Hersh was required to retain the undersigned at a reasonable fee, and accordingly demands recovery of his costs in accordance with applicable law.

#### **COUNT I: DEFAMATION**

23. Plaintiff incorporates the General Allegations of paragraphs four (4) through twenty-three (23) as if fully set forth herein.

24. At all times material, Mr. Sands published the false statements alleged in paragraphs nine (9) and ten (10) above for the specific purpose of falsely disparaging Plaintiff, intending to defame him and interfere with and otherwise adversely affect his professional

reputation.

25. The communications published by Mr. Sands are false and were made without Plaintiff's knowledge or consent.

26. The communications published false and defamatory statements concerning Plaintiff.

27. The false communications were published by Mr. Sands without reasonable care as to whether the statements were actually true or false.

28. The false communications falsely suggested that Dr. Hersh committed a dishonest act.

29. The false communications were specifically intended by Mr. Sands to injure Dr. Hersh in his business, trade, or profession.

30. The false communications imputed to Dr. Hersh conduct, characteristics, or a condition incompatible with the proper exercise of his lawful business, trade, or profession.

31. The false communications are intended to and tend to subject Dr. Hersh to ridicule, contempt, or disgrace.

32. The false communications are intended to, and tend to degrade Dr. Hersh and bring him into ill repute, and tended to further destroy confidence in his integrity, or cause similar injury.

33. The false statements about Plaintiff contained within the communications published by Mr. Sands have resulted in damage to Plaintiff, including but not limited to injury to reputation.

34. Plaintiff hereby reserves the right to amend this Complaint when appropriate to request punitive damages due to the intentional, willful, and grossly negligent conduct by Defendant described here.

**WHEREFORE**, Plaintiff respectfully requests that the Court (1) enter judgment against Mr. Sands for defamation per se; (2) require Mr. Sands to retract and delete all defamatory social media posts made about Plaintiff; and (3) award Plaintiff the full extent of applicable monetary and other damages and relief available under the law, including but not limited to costs.

**COUNT II: VIOLATION OF SECTION 772.103, FLORIDA STATUTES**  
*(against Mr. Sands)*

35. Plaintiff incorporates the General Allegations of paragraphs four (4) through twenty-three (23) as if fully set forth herein.

36. Plaintiff has been injured by reason of violation of the provisions of section 772.103, Florida Statutes, as set forth in the allegations herein.

37. Section 772.104, Florida Statutes, provides that:

“(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 722.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of \$200, and reasonable attorney’s fees and court costs in the trial and appellate courts.”

38. The allegations contained and incorporated herein detail violations by Mr. Sands of at least section 772.103(3), Florida Statutes.

39. Mr. Sands’s violations have caused damages to the Plaintiff, Dr. Hersh.

40. Dr. Hersh is therefore entitled to threefold the actual damages sustained by him as a result of Mr. Sands’s violation of Florida law, in addition to reasonable attorney’s fees and court costs in the trial and appellate courts.

41. Plaintiff hereby reserves the right to amend this Complaint when appropriate to request punitive damages due to the intentional, willful, and grossly negligent conduct by Defendant described here.

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment against Mr. Sands for violation of section 772.103,(3), Florida Statutes and award Plaintiff the full extent of applicable monetary and other damages and relief available under the law, including but not limited to costs and attorney's fees available under applicable law.

**COUNT III: TORTIOUS INTERFERENCE WITH ADVANTAGEOUS BUSINESS  
RELATIONSHIP**

42. Plaintiff re-alleges and incorporates the General Allegations of paragraphs four (4) through twenty-three (23) as if fully set forth herein.

43. An important business relationship of significance exists between Sage Dental and Plaintiff, pursuant to which Plaintiff has contractual rights, including but not limited to the right to utilize Sage Dental's facilities to perform surgical procedures and otherwise generate revenue from performing surgical procedures.

44. Mr. Sands was well aware of those relationships, specifically including Plaintiff's beneficial interest in those relationships and Plaintiff's legal rights associated therewith, including but not limited to the right to perform surgical procedures on Sage Dental's clients and generate revenue therefrom.

45. The conduct of Mr. Sands as outlined in the allegations above constitutes intentional and unjustified direct interference with Plaintiff's significant business relationship with Sage Dental, including but not limited to the right of Dr. Hersh to conduct business with Sage Dental and generate revenue.

46. The conduct of Mr. Sands in intentionally and unjustifiably directly interfering with Plaintiff's significant business relationships, and has caused, and has further potential to cause Plaintiff significant and widespread pecuniary and reputational damage, including but not limited to lost profits and lost business opportunities.

47. Mr. Sands's intentional interference is in addition to, independent of, and separate from his defamatory statements described in the allegations hereto.

48. Plaintiff hereby reserves the right to amend this Complaint when appropriate to request punitive damages due to the intentional, willful, and grossly negligent conduct by Defendant described here.

**WHEREFORE**, Plaintiff respectfully requests the Court enter judgment against Mr. Sands for tortious interference with advantageous business relationships, including any and all damages together with interest, legal costs and expenses, and all other damages and relief allowable by law and found to be just, lawful and appropriate.

**JURY DEMAND**

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

DATED this 26th day of January 2024.

Respectfully submitted,

**THE MARKARIAN GROUP**

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