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COMP  
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*Shirley B. Pirogini*

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FILED

DISTRICT COURT  
CLARK COUNTY, NEVADA

NAVNEET NAROTUM SHARDA,

Plaintiff,

vs.

DHAN KAUSHAL,

Defendant.

)  
)  
) CASE NO.: *A491456*  
) DEPT NO.: *I*  
)  
) ARBITRATION EXEMPT (EQUITABLE  
) RELIEF REQUESTED)  
)  
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)

COMPLAINT

Plaintiff, NAVNEET NAROTUM SHARDA ("SHARDA") complains against Defendant DHAN KAUSHAL ("KAUSHAL"), and alleges as follows:

I.

FACTS COMMON TO ALL CLAIMS

1. Plaintiff Sharda is an individual who, at all times relevant, resided and resides in Clark County, Nevada.
2. Defendant Kaushal is an individual who, upon information and belief and at all times relevant, resided and resides in Clark County, Nevada.
3. Plaintiff Sharda is a Las Vegas physician who specializes in the practice of radiation oncology, and has so specialized in Las Vegas since May, 2000.

CLARK COUNTY  
SEP 02 2004  
RECEIVED

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Sharda's medical practices operates as the Cancer Care Center, which is a Nevada S corporation wholly owned and operated by Sharda.

4. Sharda's trade, business and profession as a radiation oncologist, that is, the financial health of Cancer Care Center, is dependent upon Sharda's reputation within Clark County, Nevada, as a qualified and competent physician.

II.

**FIRST CLAIM FOR RELIEF**  
**(SLANDER PER SE)**

5. Plaintiff Sharda incorporates the allegations set forth in each of the above paragraphs as though fully set forth herein.

6. From March 2003 until the present, Kaushal, on numerous occasions, spoke false and defamatory words concerning Sharda's trade, profession, and medical competency. For example, without privilege or justification, Kaushal made statements to third parties that Sharda is a "horrible physician," a "malpractioner," causes "very severe and painful side effects" when treating patients, "burns people" when treating patients, and "overtreats" patients.

7. The words were heard by multiple physicians and others within the community.

8. These words were slanderous per se because they tend to injure Sharda in his trade, business, and profession as a radiation oncologist by imputing that he is unqualified, incompetent, and unfit to practice medicine.

9. The words uttered were false because Sharda is a Board Certified, qualified and competent radiation oncologist who performs his utmost to help patients.

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10. The words were defamatory because they tend to lower Sharda in the estimation of the community, excite derogatory opinions about Sharda, and hold him up to contempt.

11. The words were understood by those who heard them in a way that damaged Sharda.

12. As a result of the above-described words being uttered, Sharda has suffered general damages to his reputation in an amount in excess of \$10,000.00.

13. As a further proximate result of the above-described words, Sharda has suffered special damages in an amount to be proved at trial.

14. The above-described words were spoken by Kaushal with malice, and thus an award of exemplary and punitive damages is justified in an amount in excess of \$10,000.00.

15. Sharda has been required to hire counsel to prosecute this action, and is entitled to an award of reasonable attorney's fees.

**III.**

**SECOND CLAIM FOR RELIEF**  
**(TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIP)**

16. Plaintiff Sharda incorporates the allegations set forth in each of the above paragraphs as though fully set forth herein.

17. At the time they heard the above-described words, certain physicians had a referral relationship with Sharda.

18. Defendant Kaushal knew of and was aware of those relationships, as he would also see patients in concert with Sharda.

19. From March 2003 until the present, Kaushal, on numerous occasions, told these physicians to stop referring patients to Sharda, and threatened that if they

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continued to refer patients to Sharda, he would retaliate against them by refusing to accept referrals from them to treat the same patients.

20. In making the above-described statements, as well as those defamatory statements contained in Sharda's First Claim for Relief, Defendant Kaushal intended to harm Sharda by preventing Sharda's prospective business/referral relationships with multiple physicians.

21. Kaushal made his statements with the absence of any privilege or justification.

22. As a result of Kaushal's statements, Sharda suffered general damages in an amount in excess of \$10,000.00.

23. As a further proximate result of the above-described conduct, Sharda has suffered special damages in an amount to be proved at trial.

24. The above-described conduct with undertaken by Kaushal with oppression, fraud, and malice and thus an award of exemplary and punitive damages is justified in an amount in excess of \$10,000.00.

25. Sharda has been required to hire counsel to prosecute this action, and is entitled to an award of reasonable attorney's fees.

IV.

**THIRD CLAIM FOR RELIEF**  
**(INJUNCTIVE RELIEF)**

26. Plaintiff Sharda incorporates the allegations set forth in each of the above paragraphs as though fully set forth herein.

27. Kaushal is continuing to make statements to physicians, Sharda's patients, and others within the community that Sharda is unfit to practice medicine and that the patients should replace Sharda with another physician and that other physicians should no longer continue to refer patients to Sharda.

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28. As a result of Kaushal's false and defamatory statements concerning Sharda's ability to competently practice medicine, Sharda is losing patients and other physicians within the community are no longer referring patients to Sharda. Furthermore, if Sharda continues to lose patients and referrals due to Kaushal's false and defamatory statements, his right to practice medicine and his medical practice will be destroyed.

29. Kaushal's false and defamatory statements have caused, and will continue to cause, irreparable harm to Sharda's medical practice and his property rights.

30. Sharda has demonstrated a strong likelihood of success on the merits of this case.

31. The balance of equities favors Sharda in this matter.

32. Sharda has no adequate remedy at law.

33. Sharda would therefore request that this Court enter an injunction enjoining Kaushal from continuing to make any future false and defamatory statements about Sharda to other physicians, Sharda's current or prospective patients, or any other third parties.

WHEREFORE, Plaintiff Sharda prays for judgment against Defendant Kaushal as follows:

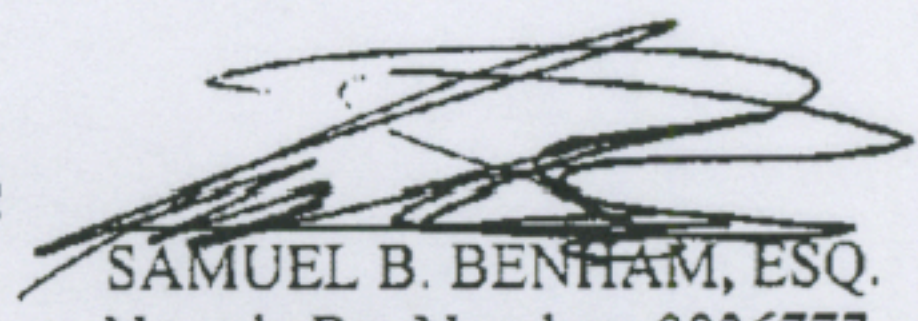
1. For his First and Second Claim for Relief, general damages in excess of \$10,000.00;
2. For his First and Second Claim for Relief, special damages according to proof at trial;
3. For his First and Second Claim for Relief, an award of exemplary and punitive damages;

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- 4. For his Third Claim for Relief, that a Preliminary Injunction be issued enjoining Kaushal from making any future false and defamatory statements about Sharda's practice of medicine and/or his medical practice.
- 5. For an award of attorney's fees and cost; and
- 6. For such other relief as the Court deems just.

DATED this 2nd day of September, 2004

HUNTERTON & ASSOCIATES

By: 

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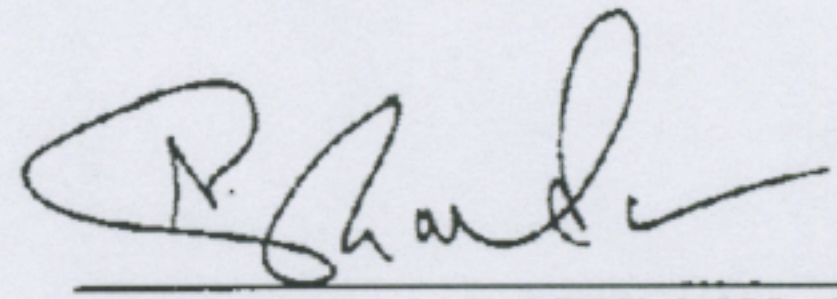
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VERIFICATION

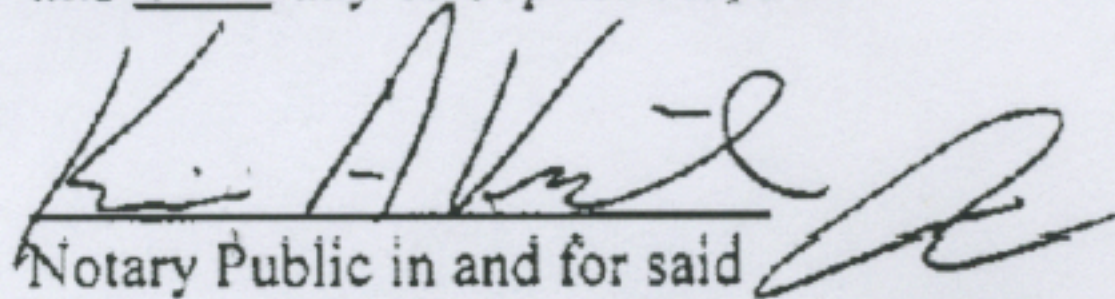
STATE OF NEVADA )  
 ) ss:  
COUNTY OF CLARK )

NAVNEET NAROTUM SHARDA, under penalties of perjury, being first duly sworn deposes and says:

That affiant is the Plaintiff in the above-entitled action; that he has read the foregoing Complaint and knows the contents thereof; that the same is true of his own respective knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, he believes it to be true.

  
NAVNEET NAROTUM SHARDA

Subscribed and sworn to before me this 2nd day of September, 2004.

  
Notary Public in and for said County and State

