

1 **COMP**
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12 *Dr. Kevin Buckwalter*

FILED
NOV 25 2009
Alvin L. Johnson
CLERK OF COURT

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

12 DR. KEVIN RAY BUCKWALTER,)
13 individually,)
14)
15 Plaintiff,)
16)
17 vs.)
18)
19 KAY VAN WEY;)
DOES I through X; ROE Corporations)
XI through XX, inclusive,)
Defendants.)

CASE NO.:
DEPT. NO.:

A-09-604371-C
XV

20 **COMPLAINT**

21 Plaintiff, Dr. Kevin Ray Buckwalter, by and through his attorneys, PRINCE &
22 KEATING, hereby files his Complaint against Defendant, Kay Van Wey, states, asserts and
23 alleges as follows:
24

25 **GENERAL ALLEGATIONS**

26 1. Plaintiff, Dr. Kevin Ray Buckwalter ("Plaintiff"), is and was at all times
27 relevant to these proceedings a resident and a licensed medical physician within the State of
28

1 Nevada, County of Clark.

2 2. Defendant, Kay Van Wey, Esq. ("Defendant"), is and was at all times a
3 resident and licensed attorney within the State of Texas that is actively doing business in the
4 State of Nevada.

5 3. The true names and capacities of Doe Defendants I through X, inclusive,
6 whether individual, corporate, associate, or otherwise, are unknown to Plaintiff, and as such,
7 Plaintiff sues said Defendants by such fictitious names. Said Doe Defendants issued and/or
8 were involved with the issuing of defamatory statements and writings about the Plaintiff
9 which may affect this action. The true names and capacities of the Doe Defendants are
10 presently unknown. When ascertained, Plaintiff will amend this pleading to substitute their
11 true names and capacities.
12

13 4. That the true names and capacities, whether individual, corporate, associate or
14 otherwise of those Defendants named herein as ROE Corporations XI through XX, are
15 Defendants presently unknown to Plaintiff, who therefore sues said Defendants by such
16 fictitious names. Said ROE Defendants issued and/or were involved with the issuing of
17 defamatory statements and writings about the Plaintiff which may affect this action. The true
18 names and capacities of the Roe Defendants are presently unknown. When ascertained,
19 Plaintiff will amend this pleading to substitute their true names and capacities.
20
21

22 5. Upon information and belief, Plaintiff was doing business within the State of
23 Nevada as a licensed medical physician.

24 6. Starting from late November, 2008, and continuing up to and including
25 November, 2009, Defendant has made numerous defamatory statements which were then
26 published by the *Las Vegas Sun* newspaper and distributed to a multitude of third parties
27 within the Las Vegas valley.
28

1 7. Such statements include that Plaintiff "was a rogue doctor and has reaped
2 enormous profits by using their prescription pads as a printing press to make money" among
3 other false and defamatory statements.

4 8. Defendant issued such statements with the purpose of exposing Plaintiff to
5 public hatred, contempt and ridicule.
6

7 9. Plaintiff is not a rogue doctor nor has Plaintiff ever intentionally written
8 prescriptions in an effort to unlawfully make a profit.

9 FIRST CLAIM FOR RELIEF

10 (Defamation Including Liable and Slander)

11 10. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through
12 9 of his Complaint as if fully set forth herein.

13 11. Defendant has knowingly made materially false statements by way of the *Las*
14 *Vegas Sun* newspaper and other documents.
15

16 12. Said false and defamatory statements and writings have been made and/or
17 read by numerous third parties including a majority of the Las Vegas valley.

18 13. The aforementioned accusations and statements made by Defendant would
19 normally tend to lower the reputation of Plaintiff in the community, excite derogatory
20 opinions about Plaintiff and hold Plaintiff up to contempt.
21

22 14. Defendant issued said accusations and materially false statements in an effort
23 to receive more business and income by way of the Las Vegas valley.

24 15. The aforementioned materially false statements and accusations were made
25 willfully and maliciously.
26

27 16. As a direct and proximate result of the aforementioned accusations and false
28 statements, Plaintiff suffered and continues to suffer anxiety, personal humiliation, mental

1 anguish, and embarrassment.

2 17. As a direct and proximate result of the aforementioned accusations and false
3 statements, Plaintiff's standing and reputation in the community has been negatively
4 effected.

5 18. As a result of the conduct of Defendant, Plaintiff has been damaged in an
6 amount in excess of \$10,000.00.
7

8 SECOND CLAIM FOR RELIEF

9 (Defamation Per Se)

10 19. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through
11 18 of his Complaint as if fully set forth herein.

12 20. Based upon the knowingly false statements made by Defendant concerning
13 the professional representation, business practices and quality of care given by Plaintiff to his
14 patients, Defendant is liable for defamation per se and therefore, damages are presumed.
15

16 21. As a result of the conduct of Defendant, Plaintiff has been damaged in an
17 amount in excess of \$10,000.00.
18

19 THIRD CLAIM FOR RELIEF

20 (Intentional Infliction of Emotional Distress)

21 22. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through
22 21 of his Complaint as if fully set forth herein.

23 23. The actions, conduct and statements of Defendant, as described in the
24 aforementioned Claims for Relief, were extreme and outrageous, and were done
25 intentionally, or with reckless disregard, and thus caused Plaintiff severe emotional distress.

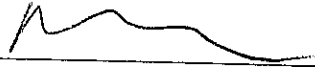
26 24. As a result of the conduct of Defendant, Plaintiff has been damaged in an
27 amount in excess of \$10,000.00.
28

1 WHEREFORE, Plaintiff prays for a judgment against Defendant as follows:

- 2 1. General and special damages in an amount in excess of \$10,000.00;
- 3 2. Punitive Damages;
- 4 3. Attorneys fees and costs; and
- 5 4. For such other and further relief that the Court deems just and proper.
- 6

7 DATED this 25th day of November, 2009.

8 PRINCE & KEATING

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10 BRYCE B. BUCKWALTER

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12 3230 South Buffalo Drive

13 Suite 108

14 Las Vegas, Nevada 89117

15 Attorney for Plaintiff

16 *Dr. Kevin Buckwalter*

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