

NADA THOMAS

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

ALAN M. LAZAR, M.D. and
ALAN M. LAZAR, M.D., P.A.

CASE NO:

0835069 04

Plaintiffs,

vs.

PUBLIX SUPER MARKETS, INC. and
BHUPENDRA SHAH,

Defendants.

COMPLAINT

FILED FOR RECORDS
CLERK OF CIRCUIT COURT
BROWARD COUNTY, FLORIDA
2009 JUL 31 AM 11:17
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Plaintiffs, ALAN M. LAZAR, M.D. and ALAN M. LAZAR, M.D., P.A., by and through their undersigned attorney, sue Defendants, PUBLIX SUPER MARKETS, INC. and BHUPENDRA SHAH, and allege as follows:

1. This is an action for damages that exceeds fifteen thousand (\$15,000.00) dollars.
2. At all times material, Plaintiff, ALAN M. LAZAR, M.D., was and still is a resident of Broward County, Florida employed as a licensed medical doctor with ALAN M. LAZAR, M.D., P.A., with offices at 350 NW 84th Avenue, Suite 206, Plantation, Florida.
3. At all times material, Plaintiff, ALAN M. LAZAR, M.D., P.A., was and still is a professional association authorized to do and doing business in Florida.
4. At all times material, Defendant, PUBLIX SUPER MARKETS, INC. [*hereinafter* referred to as "PUBLIX"], was and still is authorized to do and doing business in Florida at Publix Pharmacy #30406 at 6570 North State Road 7, Coconut Creek, FL 33073.
5. At all times material, Defendant, BHUPENDRA SHAH [*hereinafter* "SHAH"], was and still is a resident of Broward County, Florida and employed as a licensed pharmacist at Publix Pharmacy #30406

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6. At all times material, Plaintiff, ALAN M. LAZAR, M.D., was and still is a licensed medical doctor with a medical specialty of orthopedic surgery practicing in Broward County, Florida. Prior to May 14, 2008, ALAN M. LAZAR, M.D. enjoyed an outstanding reputation for competence, professionalism, and integrity within the State of Florida, especially South Florida. As part of his practice, ALAN M. LAZAR, M.D. diagnoses and treats patients for orthopedic and other injuries, treatment which can include the prescription of pain medication.

7. At all times material, Plaintiff, ALAN M. LAZAR, M.D., P.A., was and still is a medical professional association employing orthopedic surgeons and other medical assistance and physical therapist that provided orthopedic surgery and treatment to patients in Broward County, Florida. Prior to May 14, 2008, ALAN M. LAZAR, M.D., P.A. enjoyed an outstanding reputation for competence, professionalism, and integrity within the State of Florida, especially South Florida.

8. On May 14, 2008, Mrs. Garry Melfa, a patient of Plaintiffs, went to Publix Pharmacy #30406 at 6570 North State Road 7, Coconut Creek, FL 33073 to fill a prescription for pain medication which was written by ALAN M. LAZAR, M.D. after orthopedic surgery to her husband that day. Defendant SHAH, in the course and scope of her employment with PUBLIX, refused to fill the pain medication prescription and intentionally, maliciously, and with a reckless disregard for the truth or falsity made the following false assertions of fact about Plaintiffs to Mrs. Melfa in the presence of other customers and colleagues:

- a. "Dr. Lazar and his practice are drug pushers."
- b. "Dr. Lazar gives out too many narcotics."

Further, Defendant SHAH, stated that both ALAN M. LAZAR, M.D. and his practice, ALAN M. LAZAR, M.D., P.A., should not be allowed to prescribe medication because they are not treating their patients within

the medical standards set forth by like physicians

9. The above statements are in significant respects false statements of fact that tend to expose ALAN M. LAZAR, M.D. and ALAN M. LAZAR, M.D., P.A. to hatred, ridicule or contempt and/or tend to injure Plaintiffs in their business, reputation or occupation and/or charge that Plaintiffs committed a crime

10. The above described statements of Defendant SHAH, in the course and scope of her employment with PUBLIX, constitute slander *per se*.

11. In response, SHAH, on PUBLIX letterhead, admitted that the false statements were made in a letter attached as Exhibit "A."

12. As a direct and proximate result of the above slanderous and defaming statements made by Defendants, Plaintiffs have sustained injury to their reputation and/or health, and sustained shame, humiliation, mental anguish, and hurt feelings in the past and to be experienced in the future. Additionally, Plaintiffs have sustained a loss of earnings, and a loss of ability to earn money in the past and in the future.

WHEREFORE, Plaintiffs, ALAN M. LAZAR, M.D. and ALAN M. LAZAR, M.D., P.A., demand judgment for damages against the Defendants, PUBLIX SUPER MARKETS, INC. and BHUPENDRA SHAH, in excess of fifteen thousand (\$15,000.00) dollars, in addition to taxable costs. Further, Plaintiffs demand trial by jury on all issues so triable as of right by jury.

DATED this 30th day of July 2008.

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BY: 

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