

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION NO:

Adam P. Beck, M.D.; and)
Bethany Carey)
102 Osgood St.)
Andover, MA 01810)
Plaintiffs)
v.)
The Eagle-Tribune,)
Eagle-Tribune Essex Corporation,)
Eagle-Tribune Publishing Company,)
North of Boston Media Group,)
Cambridge Acquisitions, Inc.)
David Joyner,)
Breanna Edelstein)
Defendants)

11/4/2022

RECEIVED

VERIFIED COMPLAINT AND DEMAND FOR TRIAL BY JURY

This is a civil action for damages sustained by Adam Beck, M.D. and his wife, Bethany Carey, through a loss of consortium claim.

THE PARTIES.

1. Plaintiff, Adam Beck, M.D. ("Beck"), is an individual, and at all times mentioned in this complaint is resident of Massachusetts and with a principle place of business in Massachusetts.

2. Plaintiff Bethany Carey ("Carey") is at all times, both during the incident of July 24, 2019 through the current date, the wife of Beck.

3. Plaintiff Beck has during all this time enjoyed a good reputation, both generally and in his occupation of a physician and ophthalmologist.

4. Plaintiff Beck has worked as an ophthalmologist for 22 years and has resided in Massachusetts for 18 years.

5. Defendant, The Eagle-Tribune, is a corporation organized under the laws of Massachusetts with a principal place of business in Massachusetts and is registered to do business in Massachusetts.

6. Defendant, Cambridge Acquisitions, Inc., is a foreign corporation doing business in Massachusetts and with a registered agent in North Andover, Massachusetts.

7. Defendant, Eagle Tribune Publishing Company is a foreign corporation doing business in Massachusetts and with a registered agent in North Andover, Massachusetts.

8. Defendant, Eagle-Tribune Essex Corporation, is a is a corporation organized under the laws of Massachusetts with a principal place of business in Massachusetts and is registered to do business in Massachusetts.

9. Defendant, North of Boston Media Group, is a corporation organized under the laws of Massachusetts with a principal place of business in Massachusetts and is registered to do business in Massachusetts.

10. Defendants, The Eagle-Tribune, Eagle-Tribune Essex Corporation, Eagle-Tribune Publishing Company, North of Boston Media Group, and Cambridge Acquisitions, Inc (collectively "Eagle Tribune"), are corporations registered to do business in Massachusetts or are conducting business in Massachusetts continuously and systematically and based upon reasonable information and belief operate under the collective name and are doing business as "The Eagle-Tribune."

11. Defendant, Breanna Edelstein, is an individual employed by and an agent of Eagle Tribune and was acting within the scope of her agency as to the facts in this complaint.

12. Defendant, David Joyner, is an individual employed by and an agent of Eagle Tribune and was acting within the scope of his agency as to the facts in this complaint.

13. Plaintiff Beck is informed and believes, and based on that information and belief alleges, that each of the defendants designated is legally responsible and jointly and severally liable for the events and happenings referred to in this complaint, and unlawfully caused the injuries and damages to plaintiff alleged in this complaint.

14. Plaintiff Beck is informed and believes, and based on that information and belief alleges, that at all times mentioned in this complaint, defendants Breanna Edelstein and David Joyner were the agents and employees of their codefendants Eagle Tribune and in doing the things alleged in this complaint were acting within the course and scope of such agency and employment.

JURISDICTION AND VENUE

15. Jurisdiction is properly conferred by G.L. c. 212, § 4 and c. 223A, §§ 2 and 3.

16. Venue is proper under G.L. c. 223, § 1.

STATEMENT OF FACTS

17. On or about July 24, 2019, Eagle Tribune published an online article by Breanna Edelstein (“the Article”) stating that Beck, who is a physician ophthalmologist in Massachusetts, had his medical license suspended by the Massachusetts Board of Registration in Medicine.

18. The article referred to plaintiff Beck by name throughout, was made of and concerning plaintiff, and was so understood by those who read the Article.

19. The entire statement “Medical board suspends Methuen, Andover doctors’ licenses” and “Beck’s license was suspended, according to the Massachusetts board, and he agreed to specific practice restrictions when it’s reinstated” is false as it pertains to plaintiff Beck.

20. The Article was posted online for several hours on July 24, 2019.

21. Plaintiff Beck received communication by employees, patients, other colleagues, and community members that the Article was posted and visible online upon the posting and into the evening hours of July 24, 2019, and continues to this day.

22. Upon learning of the article, Beck immediately contacted representatives of the Eagle Tribune to remove this article based on its false and defamatory statements.

23. After not getting results, Beck contacted the Eagle Tribune again, which resulted in the Article being taken down offline, after many hours of publication in the late evening of July 24, 2019.

24. At no point did Eagle Tribune offer an apology or retraction.

25. One of the representatives was David Joyner, an editor for Eagle Tribune.

26. Despite Beck's contact of the Eagle Tribune, Beck suffered and continues to suffer damages because of this defamatory article.

27. At no point was Beck's medical license ever suspended.

28. A review of the Massachusetts Board of Registration website indicates that no suspension ever occurred.

29. Beck was grouped in with another physician whose medical license was suspended.

Count I

LIBEL (AGAINST ALL DEFENDANTS)

30. The plaintiffs reallege the allegations contained in the foregoing and below paragraphs and incorporate those allegations by reference as if fully restated herein.

31. The Article is libelous on its face. It clearly exposes plaintiff to hatred, contempt, ridicule and obloquy because it states that Beck's medical license was suspended, which never occurred.

32. The Article, was seen and read on or about July 24, 2019 by online readers of the libelous publication by the Eagle Tribune.

33. As a proximate result of the above-described publication, plaintiff Beck has suffered loss of his personal and professional reputation, shame, mortification, and injury to his feelings, all to his damage of a total amount to be determined at trial.

34. The above-described publication was not privileged because it was published by defendants with negligence, malice, hatred and ill will toward plaintiff and the desire to injure him. Because of defendants' negligence and malice in publishing, plaintiff seeks punitive damages, a total amount to be established by proof at trial.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

Count II

NEGLIGENCE (AGAINST ALL DEFENDANTS)

35. The plaintiff realleges the allegations contained in the foregoing and below paragraphs and incorporate those allegations by reference as if fully restated herein.

36. The article is negligent on its face. It clearly exposes plaintiff to hatred, contempt, ridicule and obloquy because it states that Beck's medical license was suspended, which never occurred.

37. Before publishing the Article, defendants had a duty to research the Massachusetts Board of Medicine website and newsletter.

38. The duty to research the Massachusetts Board of Medicine website and newsletter never occurred.

39. If these sites were reviewed, it would have been seen prior to publication that Beck's medical license was never suspended.

40. Before publishing the Article, Defendants had a duty to conduct a good-faith investigation into the facts, which would include contacting the plaintiff or other parties with knowledge of facts for comment.

41. The Article, was seen and read on or about July 24, 2019 by online readers of the libelous publication by the Defendants.

42. The duty to conduct a good-faith investigation never occurred and Beck was never given the opportunity to comment, nor was any individual quoted in the Article as a source to support the suspension as stated in the Article.

43. As a proximate result of the above-described publication, plaintiff Beck has suffered loss of his personal and professional reputation, shame, mortification, and injury to his feelings, all to his damage of a total amount to be determined at trial.

44. The breach in duty by the writer and editor of the Eagle Tribune was the direct and proximate cause of Beck's damages.

45. Beck has suffered humiliation, stress, and emotional distress.

46. The above-described publication was not privileged because it was published by defendants with negligence, malice, hatred

and ill will toward plaintiff and the desire to injure him. Because of defendants' both negligence and malice in publishing, plaintiff seeks punitive damages, a total amount to be established by proof at trial. The Eagle Tribune is vicariously liable for the acts and omissions of its employees, here Breanna Edelstein and David Joyner.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

Count III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (AGAINST ALL DEFENDANTS)

47. The plaintiff realleges the allegations contained in the foregoing and below paragraphs and incorporate those allegations by reference as if fully restated herein.

48. As a result of the above-described libelous publication, plaintiff Beck has suffered loss of his personal and professional reputation, shame, mortification, and injury to his feelings, as well as severe emotional distress, amounting to a total amount to be determined at trial.

49. The conduct of the defendants was so severe and outrageous that it incited physical symptoms in Beck.

50. The breach in duty by the writer and editor of the Eagle Tribune, as well as the Eagle Tribune itself, was the direct and proximate cause of Beck's damages.

51. Beck has suffered and continues to suffer humiliation, stress, and emotional distress.

52. Because of defendants' both negligence and malice in researching and publishing, plaintiff seeks punitive damages, a total amount to be established by proof at trial.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

Count IV

TORTIOUS INTERFERENCE OF CONTRACTUAL RELATIONS
(AGAINST ALL DEFENDANTS)

53. The Plaintiff realleges the allegations contained in the foregoing and below paragraphs and incorporate those allegations by reference as if fully restated herein.

54. As a result of the above-described libelous publication of the Article, plaintiff Beck has suffered substantial economic harm, involving numerous third parties including hospitals, insurers, and other organizations, amounting to a total amount to be determined at trial.

55. The interference occurred when Defendants improperly published the unsubstantiated and libelous publication of the Article that was the direct cause of the plaintiff's damages.

56. Plaintiff Beck has suffered substantial economic harm because of Defendants' improper motive and means of such publication.

57. Because of Defendants' improper motives and means causing Plaintiff Beck's substantial economic harm, involving third parties, plaintiff Beck seeks actual and punitive damages, a total to be established by proof at trial.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

Count V

UNFAIR AND DECEPTIVE TRADE PRACTICES: VIOLATION OF THE
MASSACHUSETTS CONSUMER PROTECTION LAW: Mass. Gen. Laws.
ch.93A § 2 and 9 (AGAINST ALL DEFENDANTS)

58. The Plaintiff realleges the allegations contained in the foregoing and below paragraphs and incorporate those allegations by reference as if fully restated herein.

59. As a result of the above-described libelous publication of the Article, Plaintiff Beck has suffered loss of his personal and professional reputation, shame, mortification, and injury to his feelings. as well as severe emotional distress, amounting to a total amount to be determined at trial. At the same time, all Defendants unfairly and falsely used Beck's name, image, and likeness as advertising in order to lure in customers to read their publication as well as receiving a pecuniary interest in selling false information.

60. The Plaintiff is a consumer of the Defendants' publication for personal purposes and the Defendants are in the business of selling such publications.

61. The Defendants' actions were unfair and deceptive when the published the libelous Article without fact checking in good faith and falsely reporting the information within the publication.

62. The Defendants' unfair and deceptive actions resulted in the consumer Plaintiff Beck's loss of money personally and professionally.

63. Because of Defendant's unfair and deceptive actions, plaintiff Beck seeks punitive damages, a total amount to be established by proof at trial.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT VI

NEGLIGENCE/ RESPONDEAT SUPERIOR/ AGENCY
(AS TO DEFENDANTS EAGLE TRIBUNE)

64. The Plaintiffs re-allege and incorporate by reference herein all of the allegations contained in paragraphs above and below.

65. That during all of the times alleged herein that the defendants David Joyner and Breanna Edelstein were employed by Eagle Tribune and they were acting within the scope of that employment.

66. That Defendants Eagle Tribune are responsible for the breach of applicable care occasioned by their employees, the defendants herein, which resulted in a physical injury to the Plaintiff.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffss damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT VII

RESTITUTION AND UNJUST ENRICHMENT (AGAINST ALL DEFENDANTS)

67. The Plaintiffs re-allege and incorporate by reference herein all of the allegations contained in paragraphs above and below.

68. By posting incorrect and defamatory information, all defendants received a financial benefit based upon the advertising of Plaintiff Beck's status of being a local physician at the expense of Plaintiff's loss of reputation.

69. All Defendants knew, or should have known, and as appreciation of the benefit of using Beck's name in a public manner.

70. The use of Beck's name for advertising under the circumstances is inequitable without payment for its value.

71. Beck will continue to suffer damages going forward as his name and false accusations are now broadcast over the internet.

72. Retention of the benefit of Beck's name and reputation without proper compensation, would be unconscionable.

73. As a direct and proximate result of the acts and omissions of all defendants and then making false accusations, the Plaintiff has suffered damages.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffss damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT VIII

VIOLATION OF MASSACHUSETTS GENERAL LAW Ch. 214 § 3A AGAINST ALL DEFENDANTS

74. Beck repeats and realleges the allegations set forth above and incorporates the same by reference herein.

75. M.G.L Ch. 214 §3A states the following:

Section 3A. Any person whose name, portrait or picture is used within the commonwealth for advertising purposes or for the purposes of trade without his written consent may bring a civil action in the superior court against the person so using his name, portrait or picture, to prevent and restrain the use thereof; and may recover damages for any injuries sustained by reason of such use. If the defendant shall have knowingly used such person's name, portrait or picture in such manner as is prohibited or unlawful, the court, in its discretion, may award the plaintiff treble the amount of the damages sustained by him. Nothing in this section shall be so construed as to prevent any person practicing the profession of photography from exhibiting in or about his or its establishment specimens of the work of such person or establishment, unless the exhibiting of any such specimen is continued after written notice objecting thereto has been given by the person portrayed; and nothing in this section shall be so construed as to prevent any person from using the name, portrait or picture of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by such manufacturer or dealer which such person has sold or disposed of with such name, portrait or picture used in connection therewith; or from using the name, portrait or picture of any

author, composer or artist in connection with any literary, musical or artistic production of such author, composer or artist which such person has sold or disposed of with such name, portrait or picture used in connection therewith.

76. At all times Plaintiff Beck was living in Massachusetts.

77. At all times Defendants were transacting and conducting business within the Commonwealth of Massachusetts and advertising their services to the residents of Massachusetts.

78. Defendants benefited from this advertising and use of Beck's name in that Defendants had the benefit of using a local doctor's name and defamation in order to increase sales.

79. The advertising on Defendants website was done knowingly and for advertising and trade purposes in order to lure new customers in, at the expense of Beck's name and reputation.

80. At no time did Plaintiff Beck give consent for his name to be used in advertising.

81. At all times all Defendants were attempting to profit on Plaintiff Beck's name and his reputation, prestige, or other value.

82. Beck was a Massachusetts Eye and Ear Infirmary trained ophthalmologist whereby he was linked with this institution.

83. At no point was the use of Beck's name for an incidental purpose. His name was repeatedly mentioned multiple times in the publication.

84. Beck has suffered severe and ongoing damages as a result.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT IX

VIOLATION OF MASSACHUSETTS GENERAL LAW ANN. Ch. 214 §1B
AGAINST ALL DEFENDANTS; INVASION OF PRIVACY AGAINST ALL
DEFENDANTS

85. Beck repeats and realleges the allegations set forth above and incorporates the same by reference herein.

86. M.G.L Ann. Ch. 214 §1B states the following:

A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in

equity to enforce such right and in connection therewith to award damages.

87. At all times Plaintiff Beck was living in Massachusetts.

88. At all times Defendants were transacting and conducting business within the Commonwealth of Massachusetts and advertising their services to the residents of Massachusetts.

89. Defendants benefited from this advertising and use of Beck's name in that Defendants had the benefit of using a local doctor's name and defamation in order to increase sales.

90. The advertising on Defendants website was for advertising and trade purposes in order to lure new customers in, at the expense of Beck's name and reputation.

91. At no time did Plaintiff Beck give consent for his name to be used in advertising.

92. At all times all Defendants were attempting to profit on Plaintiff Beck's name and his reputation, prestige, or other value.

93. Beck had a legitimate expectation of privacy.

94. Beck has suffered severe and ongoing damages as a result of the false publication.

WHEREFORE, Plaintiffs pray for judgment against all Defendants for all of Plaintiffs' damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT X

LOSS OF CONSORTIUM (v. all Defendants)

95. The Plaintiffs incorporate by reference all the above and below paragraphs as though fully set forth herein.

96. At the time of the incident complained of in the Plaintiffs' Complaint, the Plaintiffs Beck and Carey were married. Plaintiffs continue to be married.

97. That as a result of the wrongful and negligent acts of all of the Defendants, and each of them, the Plaintiffs were caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of their marital relationship.

98. That all the injuries and damages were caused solely and proximately by the negligence of all of the Defendants.

WHEREFORE, the Plaintiffs jointly as husband and wife, demand judgment against the Defendants, jointly and severally, in an amount to be determined at trial, plus costs, pre-judgment interest, post-judgment interest, and any other costs this court deems appropriate.

COUNT XI

INTENTIONAL, IMPROPER INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONSHIP (v. ALL DEFENDANTS)

99. The Plaintiffs incorporate by reference all the above and below paragraphs as though fully set forth herein.

100. At all relevant times, Plaintiff Beck had specific written and/or implied terms with area hospitals, insurers, medical boards, and professional societies. The Defendants knowingly and/or wrongfully attempted to and did interfere with the Plaintiff's business relationships. The Defendants interference with the Plaintiff's business relationship was wrongful and intentional and done through improper motives and means so as to cause Plaintiff harm and damages as a result of their actions. As a result of said

actions, Plaintiff has sustained significant damages as further described above.

WHEREFORE Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants on this Count and award damages, costs, interest and, if applicable punitive damages and whatever other or further relief that this Court finds just.

COUNT XII

DAMAGES

101. Plaintiffs allege that as a direct and proximate and foreseeable result of the defendants' acts and failure to act as stated herein, they have suffered the following permanent damages:

A. Personal injuries, severe symptoms, fear and anxiety, emotional distress, loss of enjoyment of life and life's pleasures, and such other losses as are proven at trial – in the past, currently and in the future.

B. Medical and hospital bills and expenses.

C. Costs, expenses, expert witness fees, attorney fees, and lawful interest.

D. Such other and further damages as proven at trial.

WHEREFORE, Plaintiff prays for judgment against all Defendants for all of Plaintiff's damages in the amount greater than the jurisdictional minimum of this Court, and for any further just and proper relief.

COUNT XII

REQUEST FOR RELIEF

A. Trial by jury on all issues;

B. Reasonable compensation for all damages suffered as alleged herein, including enhanced compensatory damages where allowed by law;

C. Statutory damages including costs and attorney fees as allowed under Massachusetts General Laws Chapter 93A, §§ 2 & 9;

D. Treble damages as allowed under Massachusetts General Laws Chapter 93A, §§ 2 & 9;

E. Interest as allowed by law;

F. Costs of suit; and

and

G. For such other and further relief as may be just and equitable.

PLAINTIFFS DEMAND A JURY TRIAL AS TO ALL CLAIMS SO TRIABLE

Adam P. Beck

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Bethany Carey

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VERIFICATION

I, Adam Beck, M.D. am a Plaintiff in the above-entitled action. I have read the foregoing and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Essex Superior Court.

/s/ Adam Beck

DATED: November 4, 2022