

Immerman vs. Arizona Chiropractic

THE PRICE OF REVENGE: \$12,520.23

Editorial Staff

On August 24, 1994, Alan Immerman, DC, was taken off the legislative committee of the Arizona Association of Chiropractic (AAC). On December 10, 1994, Dr. Immerman was removed from his elected position of second vice president of the AAC. According to the AAC constitution, more than 75% of the board of trustees needed to vote for his removal.

While disagreements are not uncommon within organizations, chiropractic or otherwise, being stripped of office is less common.

Dr. Immerman's response to being removed by the board was to file a lawsuit on August 4, 1995, not against the ACC Board as an entity, but to file individual suits against each one of the 15 chiropractors on the board.

Even more unusual, was Dr. Immerman also filing suit against the spouses of the board members, the complaint reading:

"At all material times relevant hereto, the aforementioned defendant chiropractors were acting for and on behalf of the marital community."

Dr. Immerman sued the AAC Board members and their spouses on three counts: breach of contract; bad faith; and specific performance. For each count, he sought punitive and specific damages.

The court found in favor of the AAC Board members and their spouses. When it did, the AAC Board members sought the award of attorney fees and expenses. The court granted this as well, stating:

"Plaintiff (Immerman) essentially forced defendants to incur substantial legal fees to litigate a claim that, although novel, possessed marginal, if any, merit. Furthermore, it does not appear that assessing attorney fees against the plaintiff would cause an extreme hardship. Finally, it is clear that, at least on this record, the defendants essentially prevailed with respect to all relief sought.

"Therefore, the court has concluded that attorney fees in the amount of \$11,000 should be awarded, as well as \$1,452 in costs."

The ultimate lesson here is found in an old proverb:

"He who would pursue revenge should first dig two graves."

In this case, Dr. Immerman dug his own metaphorical grave. The AAC's insurance company originally covered most of the board's defense costs. On November 24th, Dr. Immerman paid \$12,520.23 of the ACC board members' legal expenses, accepted the judge's opinion, and agreed not to appeal the judgment against him.

The lesson? The time and money could have been put towards more constructive ends, such as promoting chiropractic in Arizona; instead, the money has gone to enhance the legal profession.

Fortunately, this type of behavior is occurring less frequently in the chiropractic profession.

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