

## **PMA Abandons Lawsuit against Dynamic Chiropractic**

Editorial Staff

Somehow when a federal district judge looks a client in the eye and says, 'I don't think much of your case,' it has a greater impact than when a lawyer says it. Not that this case is one of those.

-- Charles Murphy Jr., attorney for Practice Management Associates, Inc. (PMA) during proceedings in the chambers of United States District Judge Frank Hull, November 17, 1995, Atlanta, Georgia.

After 21 months of legal dickering, Practice Management Associates (PMA) has dropped its lawsuit with Dynamic Chiropractic ("DC"). The beginning of the end came when United States District Judge Frank M. Hull ordered PMA to specifically list each part of every "DC" article they contended was false:

"We'll give you (PMA) 10 days from today's date. You take this line by line and number each sentence in each article and you say, line one, whatever position or no position, whatever it is. Then if we can look at it and then if we can have a conference about it subsequent to that, because I'm going to get on the record not only what is false but what evidence you contend you have that's going to support that allegation."

While Judge Hull did not dismiss the case initially, she (yes, Judge Frank Hull is a woman) noted that PMA's case had numerous problems: "I've let you (PMA) stay in court here, but there are some real serious issues here about the viability of the case and how the complaint was brought and the circumstances under which it was amended."

The attorneys for Dynamic Chiropractic were very confident that they would win in summary judgment, seeking sanctions against both PMA and their attorneys. In her chambers, Judge Hull remarked: "Everybody needs to get on notice that we have a Rule 11 (sanctions motion) here and this is serious business with serious expense to the parties."

The fact that PMA had purposefully avoided stating what parts of the "DC" articles were false was seen as confirming the veracity of those articles. The accuracy of the articles, combined with the multitude of laws specifically designed to protect newspapers, made this a particularly onerous case for the plaintiffs.

PMA President Peter Fernandez, DC, made this statement about the case:

"We appreciate having the opportunity to express the reasons for PMA's decision to conclude its lawsuit with Dynamic Chiropractic.

"We filed the suit in February 1994 to recoup the significant expenses we incurred in defending actions brought by some of our clients that, in our opinion, resulted from articles that appeared in this publication. Those clients, and some others who chose not to take legal action, ended all dealings with PMA at that time. After we filed the suit, we understand that a change in the law

occurred making our ability to win our case very difficult. I was not willing to assume the risk of seeing the case through to the end when the company's chance of prevailing was small and the probability of spending sizable amounts in legal fees was great. Thus, I made the decision to resolve the matters between us.

"I hope that our conclusion of this case will allow us and those at Dynamic Chiropractic to look ahead to the future rather than dwell on historic events that neither of us can change."

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