

Stephen Barrett Loses Major Defamation Trial in Hometown

Editorial Staff

LEHIGH VALLEY, Pa. - On Oct. 13, 2005, Judge J. Brian Johnson, of the Lehigh County Court of Common Pleas, handed self-proclaimed "consumer medical advocate" Stephen Barrett another loss in court. Barrett had filed a defamation lawsuit against Dr. Tedd Koren and his company, Koren Publications, Inc.

The lawsuit, filed in August 2002, sought unspecified damages against Koren and his company for statements he wrote in his newsletter in 2001 about Barrett. Specifically, Barrett filed the lawsuit after Koren published that Barrett was "de-licensed," "in trouble because of a \$10 million lawsuit" and a "Quackpot." In his defense, Koren contended that the statements were true and not defamatory, and that he had a First Amendment right to print them in his newsletter.

The ruling by Judge Johnson represents a major reversal of the finding of arbitration in August 2004, wherein a panel of three local private attorneys reviewing the case found in favor of Barrett, awarded him \$16,500 in damages and ordered that Koren publish a retraction. Koren appealed that award.

In making the ruling to throw out the case, Judge Johnson granted a rare directed verdict to the jury, finding there was insufficient evidence to support Barrett's claims. Judge Johnson indicated that this case was one of those "rare times" in which such a motion was appropriate.

After his victory against Barrett, Dr. Koren exclaimed: "We didn't back down to his intimidation and intend to make this not the end, but the beginning. Now we go on the offensive for a change. Just as the Federal Trade Commission (FTC) battle had to do with the entire chiropractic profession, not just a single individual; so the Barrett v. Koren battle will affect much more than two people."

Dr. Koren was represented by Washington, D.C. attorney James Turner, of Swankin, Turner and Easton; and "health freedom" trial lawyer Carlos F. Negrete, of San Juan Capistrano, Calif. Turner and Negrete are well-known for their representation of clients in the health food, supplement and vitamin industries, as well as for representing chiropractors, naturopaths, nurses, dentists, physicians, and complementary health practitioners across the country.

Mr. Turner had this to say about the case: "It is very important that a very responsible judge in Barrett's hometown recognized that he was making false allegations and dismissed the case. Our interviews with jurors also revealed that they too saw through Barrett and felt that he was a litigious, ungrounded and biased denier of the truth. Barrett has been a gadfly, [a] thorn in the side of new ideas in health for over 30 years. He has cost untoward numbers of consumers pain, anguish and probably serious harm by his misrepresentation of the facts about subjects as diverse as acupuncture and zinc. It is time that his activities see the light of day under objective scrutiny. Because once they're seen for what they are, they will have no more impact.

"There are a number of pending financial judgments against Barrett that we are urging their attorneys to step forward and collect. There are a number of alternative health care professionals

that we are urging to take action against Barrett. There are a number of consumers that we are urging [to] step forward and join the fray. Our objective is to eliminate the false and misleading information from Barrett's website and his entire network of websites and replace it with sound, useful information for consumers."

Carlos Negrete is extremely active in his pursuit against Dr. Barrett. According to his Web site (www.healthfreedomlaw.com), Mr. Negrete has been involved in numerous lawsuits with Barrett, including:

- In June 2001, Barrett dismissed his libel suit against Dr. Joseph Mercola, DO, just days before the trial date. In July 2001, an Alameda County (Calif.) judge threw out Barrett's libel lawsuit against Ilena Rosenthal, awarding Rosenthal attorney's fees against Barrett.
- In November 2002, a federal court judge in Eugene, Ore., ruled that Barrett is a "public figure" and dismissed Barrett's \$100,000 defamation lawsuit against anti-fluoridation advocate Darlene Sherrell.
- In April 2003, the California Court of Appeals handed down a landmark decision in favor of homeopathy and against Barrett's National Council Against Health Fraud (www.chiroweb.com/archives/21/13/22.html). The lawsuit was against King Bio Pharmaceuticals, Inc. and its president, Dr. Frank J. King Jr., ND, DC, for false and misleading advertisement and unfair competition. The court upheld a Superior Court ruling issued in December 2001, in which NCAHF failed to provide any supportive evidence that homeopathic remedies produced and marketed by Dr. King's company were ineffective.

After his latest victory, Mr. Negrete had much to say:

"Stephen Barrett is part of a group of intolerant individuals that have labeled chiropractic as 'Quackery.' Even though they purport to be 'experts,' they generally have no training or even understanding of chiropractic. Ultimately, there is a danger that the 'big lie' that they spread could potentially be misinterpreted by the consumer and those that could benefit from treatment. Barrett is, perhaps, the most visible nemesis of chiropractic in this country. He is media savvy and has been regarded as the voice of anti-chiropractic advocacy.

"Dr. Koren, I am proud to say, had the courage and vision to stand up to Barrett and published revelations about this so called 'expert.' Dr. Koren published the little-known fact that Barrett, even though boasting he was a 'medical expert,' did not have a medical license himself since the early 1990s. This is something that infuriated Barrett to the point that he filed this meritless libel lawsuit against Dr. Koren, I believe to silence him and get money. Fortunately for all of his colleagues, Dr. Koren persevered and decided not to back down and took the case to trial.

"Indeed, in going to trial, Dr. Koren was able to de-bunk the de-bunker. At trial, while on the stand, Barrett had to admit that he not only gave up his license in 1994, but that he was, in fact, not a board-certified psychiatrist, because he had flunked the examination that was required to receive certification. More significantly, under intense cross-examination, Barrett admitted that he did not pass the *neurological* portion of the exam.

"Barrett has filed countless cases around the country against complementary health care professionals or supplement companies. Barrett admitted at trial that he has sued 'approximately' 40 people for libel alone. He has sued so many people that he could not even remember or testify as to how many he sued. Many of these never got to trial or were dismissed. Some of those cases unfortunately resulted in settlements by insurance companies and people that believed that it was "cheaper" to just pay someone off, rather than stand up to convictions. That is unfortunate and presumably inspired the continued filing of frivolous lawsuits. I have been blessed by having clients that believed in what they said or did and took 'no settlement' positions and, instead, stood their

ground to fight the menace. I am pleased to disclose that our firm has not settled any case with Barrett or his affiliate entities. We take no prisoners when our clients are attacked.

"Frankly, I am not certain who the supporters of the so-called Quackbusters are comprised of, but they seem to me to be just skinheads with stethoscopes around their necks. They are distinguished by the narrow and simple-minded intolerance of chiropractic. Chiropractors have brought no harm to them, why then do they feel it is so important to minimize the benefits of an entire, well-established healing art? These people have, for years, threatened, intimidated and harassed anyone that is not obedient and accepting of their banter. Finally, there has been a loud voice to silence their bullying tactics. All chiropractors can take in a breath of fresh air."

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