

SUMMONS
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

DR. PHILLIP C. McGRAW, CBS TELEVISION, an unknown business entity,
and DOES 1 through 50, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

MATTHEW BARASCH,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA
111 N. Hill Street
Los Angeles, CA 90012
CENTRAL DISTRICT

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
(323) 377-1474

Matthew Miles Barash, Esq. in Pro Per
5935 Chula Vista Way, Suite 205
Los Angeles, CA 90068

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
Matthew Miles Barash, Esq. in Pro Per 5935 Chula Vista Way, Suite 205 Los Angeles, CA 90068			
TELEPHONE NO.: (323) 377-1474 FAX NO.:			
ATTORNEY FOR (Name): Plaintiff in Pro Per			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL DISTRICT			
CASE NAME: BARASCH vs. DR. PHILLIP C. McGRAW, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER:	
		JUDGE:	
		DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input checked="" type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 12 - Breach of Contract, Fraud, Negligence, etc...
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 7, 2015

Matthew Barasch, Esq., in Pro Per

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: BARASCH vs. DR. PHILLIP C. McGRAW, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input checked="" type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: BARASCH vs. DR. PHILLIP C. McGRAW, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: BARASCH vs. DR. PHILLIP C. McGRAW, et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

ADDRESS:

5935 Chula Vista Way, Suite 205

☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

CITY:

Los Angeles

STATE:

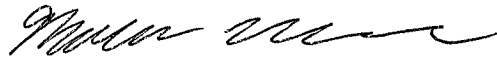
CA

ZIP CODE:

90068

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the L.A.S.C. courthouse in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: January 7, 2015



(SIGNATURE OF ATTORNEY/FILING PARTY)

Matthew Barasch, Esq., in Pro Per

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

Matthew Miles Barasch, Esq.
IN PRO PER
5935 Chula Vista Way, Suite 205
Los Angeles, CA 90068
(323)377-1474

Attorney for Plaintiff, Matthew Barasch

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MATTHEW BARASCH,

Plaintiff,

vs.

DR. PHILLIP C. McGRAW,
CBS TELEVISION, an unknown business
entity, and DOES 1 through 50, Inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES FOR

- 1. BREACH OF WRITTEN CONTRACT
BASED ON CORRESPONDENCE;**
- 2. BREACH OF ORAL CONTRACT;**
- 3. BREACH OF IMPLIED COVENANT AND
FAIR DEALING;**
- 4. FRAUDULENT INDUCEMENT;**
- 5. FRAUD;**
- 6. NEGLIGENT MISREPRESENTATION;**
- 7. NEGLIGENCE;**
- 8. VIOLATION OF BUSINESS AND
PROFESSIONAL CODE SECTION 17200
AGAINST ALL DEFENDANTS;**
- 9. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;**
- 10. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS;**
- 11. SLANDER PER SE;**
- 12. LIBEL PER SE**

DEMAND FOR JURY TRIAL

Plaintiff Matthew Barasch, for causes of action against the Defendants Dr. Phillip C. McGraw, and CBS Television Distribution Company (collectively referred to as Defendants) and each of them alleges on information and belief as follows:

1. At all times herein mentioned, Plaintiff Matthew Barasch, (hereinafter "Barasch") was a resident of the County of Los Angeles, State of California.

1 2. At all times herein mentioned Defendant Dr. Phillip C. McGraw (hereinafter "Dr. Phil")
2 was a resident of the County of Los Angeles, State of California. Barasch is further informed and
3 believes that at all times herein mentioned, Dr. Phil was an employee and/or officer of Defendant CBS
4 Television Distribution Company (hereinafter "CBS").

5 3. Barasch is unaware of the true capacity of CBS and will seek leave of this court to
6 amend the complaint appropriately to allege the true capacity of said Defendant when ascertained.
7 Barasch is informed and believes and thereon alleges that CBS at all times herein mentioned, conducted
8 business within the County of Los Angeles, State of California as either a partnership or a corporation,
9 existing under and by virtue of the laws of the State of California.

10 4. Barasch is ignorant of the true names and capacities of the Defendants sued herein as
11 DOES 1 through 50, inclusive, and therefore, sues these Defendants by such fictitious names. Barasch
12 is informed and believes, and thereon alleges, that each of the fictitiously named Defendants are
13 responsible in some manner for the occurrences herein alleged and that Barasch's damages as herein
14 alleged were proximately caused by the acts of said Defendants. Barasch will amend this complaint to
15 reflect the true name and capacities of such DOE Defendants when ascertained.

16 5. At all times herein mentioned, the Defendants, and each of them, were the agents,
17 servants, and/or employees of the remaining Defendants, and in doing the things hereinafter alleged
18 were acting within the course and scope of their agency, employment and/or authority and with the
19 consent, either actual or implied, of the remaining Defendants.

20 6. The Dr. Phil Show (hereinafter "Show") is a daytime television program featuring Dr.
21 Phil and owned, produced, licensed, syndicated and distributed by Defendants. Dr. Phil is a "former"
22 practicing clinical psychologist. By his own admission in his book, "Life Code",

23 Dr. Phil is perhaps the best known expert in the field of psychology and human
24 functioning in the world today. In his 16th year of the Show, Dr. Phil has devoted his
25 international platform to delivering common sense information to individuals...seeking
26 to improve their lives. Passionately pursuing such topics as ...anti-bullying, addiction and
27 the myths of mental-illness, he works tirelessly both on and off the air. Dr. Phil has
28 carried his message from the Senate Chambers of Washington D.C.... Dr. Phil is the

1 prolific author of six number-one New York Times best-sellers, published in 39
2 languages with nearly 30 million copies in print.

3 7. Barasch shall provide a brief overview of his life in order to put into perspective all of
4 the transactions, occurrences and interpersonal relationships that explain why Barasch sought the help
5 of Defendants and to establish the information and evidence in the possession of Defendants at the time
6 the Show was produced on October 9, 2013.

7 8. Barasch graduated at the top of his class from high school in 1980, graduated early from
8 Franklin and Marshall College earning a Bachelor Degree in Accounting and was voted Senior Class
9 Vice President. In 1984 Barasch attended the distinguished Communications Law Institute at Catholic
10 University School of Law in Washington D.C., where he became a distinguished member of Law
11 Review and one of his articles on criminal matters selected for publication. During law school, Barasch
12 worked as the assistant to the Supreme Court Law Correspondent at Cable News Network ("CNN") and
13 as a clerk at the Justice Department, Office of Special Investigations Nazi War Criminal Division.

14 9. After graduating from law school in 1987, among the jobs Barasch held include:
15 assistant to the Director of Business Affairs at Harmony Gold Productions; assistant professor at
16 U.C.L.A.'s extension class entitled, "Television Production: Business and Legal Aspects"; law practice
17 representing hundreds of clients which included two members of the Jackson family, an Emmy Award
18 Winning Best Actress and even his ex-boyfriend, New York Times multiple Best Selling author J.
19 Randy Taraborrelli (hereinafter "JRT")whom Barasch helped successfully defend against a One-
20 Hundred Million Dollar lawsuit filed by Motown legend Berry Gordy.

21 10. In 1996 Barasch created one of first cyber cafes in the country, Industry Cyber Café
22 ("Industry") in addition to developing a state of the art computer program for the business. Barasch
23 earned accolades for his visions appearing on the front pages of both the Los Angeles Times and the
24 Business Section of the Los Angeles Daily News, in Rolling Stone Magazine and the L.A. Weekly as
25 well as appearances on CNN, CNBC and featured on the KTLA Morning News. Barasch's cutting edge
26 cyber café serves to demonstrate Barasch's early expertise in the tech industry.

27 11. In 1998, Barasch attended the University of San Francisco's Sports Management Masters
28 Program in order to help facilitate his dream of working in Major League Baseball. Barasch completed

1 an internship with the San Jose Earthquakes of the MLS before landing a position assisting the
2 President of the San Diego Padres, Larry Lucchino. With the Padres, Barasch produced the first HIV
3 Awareness day in major league baseball outside of San Francisco and became one of the first openly
4 gay baseball "executive staff" members, also landing him on the front pages.

5 12. While with the Padres, Barasch created a non-profit corporation called, TIKCETS
6 FOUNDATION ("terminally-ill kids can enjoy theatre and sports") whose mission was to donate MLB
7 tickets to terminally-ill children; after Lucchino resigned, Barasch continued to produce HIV
8 Awareness Events for the San Diego Padres as well as for the Anaheim Angels till around the year
9 2004.

10 13. In 2005, Barasch developed a sophisticated on-line fundraising site which he called A
11 Mutual Benefit (hereinafter "AMB") to help everyday people raise funds for their favorite causes while
12 contemporaneously improving their own lives (i.e., quit smoking for the Cancer Society).

13 14. During the spring of 2006, Barasch moved to Florida from where he planned to operate
14 AMB; incidents of stalking that will be set forth below interfered with his successfully completing
15 AMB forcing Barasch to concentrate on other endeavors that including his writing a book which he
16 titled "Zero Degrees of Separation."

17 15. In this book Barasch shared some of his life experiences that included; surviving a fatal
18 car crash that killed his best friend; coming out of the closet professionally; his childhood friendship
19 with Andy Fastow of Enron fame; his adventures with "Last Great Train Robber Ronnie Biggs"; his
20 intimate relationship with infamous gay author, Paul Monette; his romantic relationships with several
21 celebrities; discussions about the loss of his cousin Marc Rothenberg who was the passenger in Seat 1A
22 on flight 93 during 9/11; living with HIV; his travels behind the "Iron Curtain" that included Fidel
23 Castro cancelling an interview with Barasch when he was in Cuba.

24 16. Barasch's motivation for providing his life history up through the time the stalking began is
25 to create a foundation to refute Dr. Phil's defamatory portrayal of Barasch on the Show; the Barasch
26 presented to the world by Defendants is inconsistent with the life Barasch actually lived, evidenced on
27 Face Book in which every period of his life is highlighted; with respect to each and every cause of
28

1 action in this Complaint, Defendants intentionally and maliciously, misrepresented, omitted, concealed,
2 lied and misinterpreted Barasch's evidence in order to achieve the Show's agenda.

3 17. At all times in this Complaint Barasch intends the word "stalked" to be used
4 interchangeably with other synonyms that include bullied, gang stalked, terrorized, threatened,
5 ostracized, cyber stalked, harassed, followed, intimidated and "under surveillance," not an exhaustive
6 list.

7 18. Barasch's troubles appear to have started back in 2008 when a narcotics detective by the
8 name of Oscar Gonzalez (hereinafter "Gonzo") without Barasch's permission unconstitutionally gained
9 entry into Barasch's home, planted a small quantity of crystal meth, intimidated Barasch into signing a
10 search warrant, ultimately forcing Barasch into serving in the capacity of a police informant. Common
11 sense dictates as Barasch would never have signed a search warrant had there been drugs in his home.

12 19. Barasch's ability to realize when he is being followed is confirmed by Gonzo's admitting
13 to Barasch that Barasch had in fact been under surveillance the preceding four months; Barasch's
14 response "thank god, I thought I was going crazy." Barasch was also able to comprehend that all
15 surveillance ceased immediately after Barasch was forced to participate as an informant.

16 20. Because Barasch was never a willing informant, to protect his dealers, Barasch distanced
17 himself from the entire drug community. Barasch will introduce evidence that the stalkers and/or law
18 enforcement enticed the dealers to cooperate against him by offering them immunity, allowing them to
19 continue to deal without fear of prosecution and most importantly, by enlightening them to the fact that
20 Barasch was an informant.

21 21. While on the surface Barasch no longer appeared to be under surveillance, in actuality
22 he always was. After six months of remaining clean, upon Barasch's having to put his pit-bull to sleep,
23 Barasch resorting to using drugs to ease the pain; the dealer Barasch purchased drugs from that night
24 made the mistake of ripping Barasch off; obviously Barasch had still been under surveillance because
25 the next day Gonzo told Barasch to "flip" on this dealer or go to jail; that was the first time Barasch
26 learned that he was expected to participate directly in the sting operation.

27 22. Barasch was introduced to the entire squad of undercover agents each dressed in every
28 imaginable disguise, from mailman to plumber. Upon wiring Barasch and providing him with a coffee

1 cup containing a hidden camera, Barasch successfully completed his forced compliance earning him the
2 praise of the entire vice squad. With respect to dropping the charges, Gonzo kept his word, disposed of
3 the drugs used to blackmail Barasch and thanked Barasch for his efforts that lead to bringing down an
4 entire chain of drug dealers and their suppliers.

5 23. While Barasch had been assured anonymity, his freedom proved short-lived as the
6 threats and hostility had just begun; the hostility and shunning by his neighbors and the drug
7 community marked the beginning of Barasch's stalking. Barasch also found it odd that Gonzo would
8 actually tell Barasch that if he wanted to use drugs occasionally, that he would look the other way;
9 Barasch would later learn the motivation behind Gonzo's authorizing him to use. Immediately after
10 helping the police, Barasch once again started to notice a constant presence of people sitting in parked
11 cars on his street reminiscent of Gonzo's previously acknowledged surveillance.

12 24. Upon Barasch confronting Gonzo about the presence of undercover cars on his street
13 turning their headlights or their ignition on every time Barasch walked by them, Gonzo conceded the
14 cars were law enforcement; only this time Gonzo explained that it was Barasch's neighbor who was
15 under surveillance for suspicion of dealing cocaine. Despite being advised not to, Barasch shared this
16 information with his neighbor who was not the least bit fazed. Barasch would later learn that
17 disseminating false information about Barasch's neighbor was precisely the strategy that Gonzo had
18 used to get Barasch's neighbors to act against him; Barasch points out to refute Dr. Phil's contention
19 that Barasch was delusional that once again Barasch was able to recognize when he was under
20 surveillance.

21 25. The next incident confirmed by text further demonstrates that Barasch remained under
22 surveillance long after his undercover operation was completed; one year later, Barasch found a
23 powerful police flashlight engraved with Gonzo's name on his kitchen counter. Upon confronting
24 Gonzo about his flashlight, his response, "Oh, that's where I left it. I have been looking all over for it."
25 Gonzo's completely inappropriate response demonstrated that he had recently been in Barasch's home.
26 Dr. Phil spent the entire Show using incidents just like this one that simply made no sense to validate
27 his contentions that Barasch was delusional; Dr. Phil omitted the evidence that Barasch had provided to
28 prove the truth of the matters he asserted.

1 26. Barasch now sets forth that the transactions, occurrences, events and incidents that
2 constituted stalking continued to transpire in his life up through the point he sought the help of Dr. Phil;
3 Barasch has the evidence to prove every incident set forth as well as to prove thousands of similar
4 occurrences that were contemporaneously taking place, all provided to Defendants to investigate, all
5 omitted from the Show. For strategic reasons, Barasch has been advised by counsel not to set forth any
6 of this evidence to prevent Dr. Phil from retroactively making it appear that he done his due diligence
7 investigating. In addition, Barasch has booby trapped over one thousand pages of his previous
8 versions of the Complaint with misinformation to be able to determine if the information has been lifted
9 off his devices by the stalkers and provided to Defendants.

10 27. The exact same patterns of stalking that had taken place in Florida through 2010
11 continued after Barasch moved to Los Angeles. None of Barasch's neighbors would so much as
12 acknowledge him and his phones, computers, routers, e mails and text messages were hacked. Barasch
13 continued to take screen shots, photographs of every occurrence. Barasch's job search became futile
14 since his applications or responses were not being delivered. Barasch provided Defendants with
15 irrefutable evidence that his incoming and outgoing e mails were being intercepted, that fact alone
16 enough to justify Barasch's claims.

17 28. Barasch points out that he continued to contact the FBI, the HPD and even he West
18 Hollywood Police Department, every letter confirmed by certified mail and every call registered;
19 Barasch's demands for investigation categorically denied by every one of these agencies. While local
20 law enforcement refused to take reports Barasch was finally directed to contact the Internet Crime
21 Complaint Center ("IC3"), a division of the FBI; Barasch questions why he was not directed to this
22 agency three years earlier. Barasch has saved all of his submissions to the IC3, never receiving a
23 response, presuming they were not intercepted by the stalkers, either scenario indicative of stalking.

24 29. Within two months of seeking Dr. Phil's help in the summer of 2013, Barasch was
25 contacted by Defendant Goldman of the Show. Numerous telephone conversations, e mails and texts
26 later, Goldman requested that Barasch drop off some of his evidence to the studio. In chatting with
27 Barasch upon his dropping off the material, Goldman expressed to Barasch that he was nothing like the
28 person she was expecting to meet. Goldman told Barasch that he came across as extremely credible and

1 she never would have been able to guess that Barasch was being stalked; this conversation with
2 Goldman when they first met evidences the way Barasch truly comes across, a far cry from how he was
3 portrayed on the Show. Evidencing the comfort level Goldman's truly felt, Goldman "friended"
4 Barasch on Face Book, expressing to Barasch that she was impressed that they had mutual friends.

5 30. Barasch was contacted by Goldman the following day to express their interest in
6 Barasch being on the Show; accordingly, Goldman requested that Barasch provide Defendants with the
7 contact information of his closest friends, family and colleagues to insure that Barasch was in fact what
8 he appeared to be. Barasch's attorney, John Taylor ("Taylor") also contacted Defendants to not only
9 vouch for Barasch's sanity but to inform Defendants that he would be representing Barasch should there
10 be any contracts that needed to be signed. Goldman relayed to Barasch that all of the people she
11 contacted all shared the same opinion about Barasch, that he was sane, smart and popular, none of them
12 so much as noticing any strange behavior that would have lead them to believe Barasch was even being
13 stalked. Goldman also told Barasch that his mother had thanked her for the prospect of getting Dr.
14 Phil's help with the stalking transformed Barasch back to his old self.

15 31. Next Defendants requested that Barasch provide a statement of his goals and objectives
16 for wanting to appear on the Show, a copy of this statement attached hereto as Exhibit 1, making
17 Barasch's reasons for agreeing to appear on the Show unequivocally clear.

18 32. Barasch was then requested to prepare some of his evidence and to expect to spend the
19 entire upcoming Saturday presenting his case to Defendants. Almost none of that evidence has been
20 set forth in this Complaint. Despite the meeting starting three or four hours later than planned,
21 Defendants found the evidence so compelling that Defendants requested that Barasch commit to being
22 on the Show that they planned to shoot just nine days later. Barasch immediately responded and then
23 confirmed in e mails that he was excited about the opportunity but was concerned that nine days would
24 not be enough time for Defendants to meaningfully examine and investigate the evidence considering
25 the complexity of the issues. Defendants reassured Barasch that they were the best, that they had done
26 more complex Shows in less time and that it was now or never.

27 33. Barasch acknowledges that on the day before the meeting, he had received a call from
28 Defendant Producer Beth Thompson ("Thompson") asking Barasch if he would object if the Show

1 touched upon the issue of mental-illness for the sole purpose of producing a fair and objective Show.
2 Barasch responded in no uncertain terms that he would only approve so long as he was not personally
3 associated to the topic. The following morning, Barasch presented Thompson with a handwritten letter
4 specifically reiterating that point and demanding both a drug test and psychological examination to
5 provide both the Defendants and himself with an option to cancel should they conclude Barasch not
6 sane. Barasch has retained a copy of said letter.

7 34. During the period of time leading up to the Show, Defendants reassured Barasch that all of
8 their observations, research and evidence confirmed that Barasch was being stalked. Barasch's
9 attorney Taylor again contacted Defendants to reiterate that he was representing Barasch and to insure
10 that Defendants were keeping their word. After speaking to Defendants, Taylor sent Barasch the
11 following e mail:

12 hey matt, spoke to producer about piece....was impressed with the amount of
13 work that they are doing re forensics, etc. to help figure out what is going on. They said
14 all the right things about you-...cannot make the show...deadline stuff here.

15 35. Defendants continued to lull Barasch into a false sense of security never providing
16 Barasch any reason to doubt their promises. Defendants reassured Barasch that their investigation had
17 been so successful that they even rejected the personal research Barasch he tried to give them on gang
18 stalking, domestic terrorism as well as a study on the psychological effects of being stalked. Further
19 misleading Barasch, Defendants at all times treated Barasch more like friend and family than as a guest.
20 Defendants purported to be so prepared that they apparently felt comfortable allowing Barasch's
21 primary liaison Goldman to leave for a wedding the weekend before the Show; ultimately the burden
22 was on Barasch to get Defendant Rachel up to speed on the evidence. E mails and texts support
23 Barasch's contentions.

24 36. Defendants insisted on picking Barasch up the morning of the Show to deliver him to
25 the set. Photographs of Barasch in his dressing room and posing with Defendant staff members
26 confirm that Barasch was clueless that Defendants were about to crucify him.

27 37. While Barasch was trying to memorize some important statistics in his dressing room
28 prior to the Show, Defendants provided Barasch with a contract to sign; Barasch of course

1 photographed the contract in an attempt to e mail it to his attorney to no avail. Since Barasch had
2 already negotiated and performed all of his duties set forth in all of the e mails, documents and oral
3 conversations, Barasch felt confident he would not be double crossed; nevertheless, Barasch explained
4 to Defendants that he was uncomfortable signing any agreement without his attorney present.
5 Defendants assured Barasch that the written instrument was a mere formality and pressured Barasch to
6 sign by telling him the Show was about to begin.

7 38. Barasch sets forth that there are many other reasons the written contract fails beside the
8 fact that he was not being represented by counsel: no additional consideration was provided; Barasch
9 had never been advised that a written contract would be forthcoming; Barasch was not provided
10 reasonable time to read the contract; and Defendants threatened Barasch that he would be in breach if
11 the Show cancelled, all of the aforementioned constituting duress. Defendants contract constitutes a
12 contract of adhesion where the terms and conditions are set by one of the parties, and the other party
13 has little or no ability to negotiate more favorable terms putting Barasch in a take it or leave it"
14 position, making the contract unconscionable. Even if delusional, Barasch would not have signed that
15 kind of contract had he had a moment to digest it, thus Defendants reasons for providing it to Barasch
16 last minute without his attorney present. Even more heinous, Defendants were acting in the capacity of
17 Barasch's mental healthcare providers and must have already concluded that Barasch was mentally-ill;
18 consequently Defendants were aware that Barasch did not have the capacity to sign it. Defendants
19 actions were calculated, manipulative, a breach of their fiduciary responsibilities and exceeded all
20 bounds of human decency. Despite unequal bargaining power and Barasch not having the capacity to
21 sign the contract, Defendants contract ultimately authorized Defendants unbridled and unfettered
22 discretion to engage in any tortuous, illegal and malicious conduct against Barasch.

23 39. From the moment the Show began, Defendants were so brazen, they do not even try to
24 disguise the fact that the Show was going to be about Barasch's mental-illness and not about the falsely
25 advertised topic "cyber stalking"; Defendants immediately prejudiced the viewers by presenting a
26 craftfully edited video that misrepresented Barasch's entire problem:

27 Today on an all new Dr. Phil. This organization wants to terrorize me. Imagine believing
28 your every move was being monitored. You said ten to fifteen stalkers followed you. I

1 have 1784 pieces of evidence. He signaled the car did you see that? Is he dealing in
2 reality? You said you had a stalker on your roof. Were the police called? They have no
3 record of it. The paranoia. Maybe it's not happening. I am honestly afraid of you, I am
4 honestly afraid of you.

5 40. Defendants deceived the audience by intentionally failing to lay any foundation to
6 validate Barasch's rational conclusions. By concluding that Barasch was mentally-ill, Defendants
7 slander escalated to the cause of action "slander per se" meaning the consequences so harmful, Barasch
8 need only prove the statements were made, the damages presumed.

9 41. Defendants briefly reflected on Barasch achievements in life for illusory purposes, their
10 true intention to magnify how far Barasch had fallen as a result of mental-illness, effectively
11 accomplished by the video that morphed into what appeared to be a trailer for the Blair Witch Project.
12 The tone of the video, the manner in which it was edited, the fact that it was presented at the start of the
13 Show and its sensationalized narration were achieved to falsely depict Barasch as a person too afraid to
14 even cross the street. This false characterization of Barasch was intentional and malicious. Barasch, a
15 producer of his own talk show on public access for the last fifteen years knows precisely how to edit a
16 Show to present a particular point of view. Barasch's contentions have been confirmed by another
17 famous talk show host who has agreed to testify on Barasch's behalf.

18 42. The narrative of the video prematurely and inaccurately projected a secret organization
19 with technological prowess as the source of Barasch's delusions, failing to disclose those facts that gave
20 rise to Barasch's conclusions in addition to the fact that Barasch only offered the organization as just
21 one of a number of possibilities. Barasch would later learn and based on the evidence at their disposal,
22 Defendants were in a position to have realized that the primary participation of the organization was as
23 the producer of some of the technology used by the stalkers to terrorize Barasch; upon reviewing all of
24 the evidence, Barasch's characterization of "an organization" was rational, based on the facts at his
25 disposal, facts supported by hundreds of experts who contacted Barasch after the Show aired.

26 43. When filming all pre-Show videos, Barasch was coached to act in a manner that made
27 him look like a crazy guest on the Jerry Spring Show, protesting this portrayal every step of the way;
28 Barasch similarly complained about the questions he was being asked and the way Defendants were

1 asking him to speak. With regard to the voice chosen to narrate the video, of course Barasch could not
2 have known that it would be sensationalized, all of the aforementioned concerns voiced to Defendants
3 who reassured Barasch that he had nothing to be worried about.

4 44. Barasch could sense that the audience did not know whether they should cry or laugh,
5 but it was instantly clear that they were not taking Barasch seriously. Barasch points out that the
6 prejudicial shots of the audience laughing at Barasch were inserted throughout the Show to reinforce
7 Defendants' point of view in the eyes of the viewers.

8 45. Upon Barasch coming out onto the stage, Dr. Phil asked Barasch why he wanted to be
9 on the Show sparking a most telling response, "to open an investigation." Barasch was thereby asking
10 for Dr. Phil's assistance, not claiming he had the answers. Despite the defamatory video that had
11 already been shown, Barasch was praying that Defendants' motivation for starting the Show with it was
12 to build for a dramatic and happy ending.

13 46. Dr. Phil reminded Barasch that he analyzing all of his Shows from the perspective of a
14 mental health professional thereby foreshadowing that the Show would not be about cyber stalking as
15 advertised, but about mental-illness.

16 47. Since Defendants had sworn and reassured Barasch that they would not betray him and
17 even confirmed their intentions to Barasch's attorney, Barasch had no reason to doubt them; ironically,
18 had Barasch doubted Defendants motives during pre-production, Barasch now realizes that it would
19 certainly have been used to support Defendants conclusion that Barasch suffered from paranoid
20 delusions, placing Barasch in an unenviable catch twenty-two position.

21 48. Barasch will discuss in great detail the diagnosis of the psychiatrist later in the
22 Complaint; however, to comprehend the travesty of what was about to take place, Barasch sets forth
23 now that he was unequivocally diagnosed as sane, non-delusional and even as a genius earlier during
24 the week. Further evidence that Defendants deceived Barasch was Goldberg's telling Barasch during
25 pre-production that he "should feel lucky because he (Sophy) was not supposed to tell you that"; this
26 supports the fact that Barasch was fraudulently induced by being specifically told that he was not going
27 to be depicted as mentally-ill and that the Show would not be about mental-illness.

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1 49. Dr. Phil next asked Barasch a trick question, whether Barasch considered the fact that
2 Dr. Phil would approach the Show from a mental-health perspective, to be "good or bad." Since
3 Barasch had already been determined sane and could not have known that Defendants were about to
4 misrepresent, conceal and omit the evidence, of course Barasch responded "good" and even triggered
5 Barasch to add that he looks at the situation like a game of "rock, paper, scissors" that he called
6 "evidence, substance abuse, mental health and evidence wins." As Dr. Phil responded "let's agree on
7 that" he knew that he was going to make Barasch regret ever making that statement. Barasch's
8 response, "I appreciate that" demonstrated that Barasch remained clueless that he was about to be
9 humiliated.

10 50. Further supporting that Barasch was rational, Barasch has always acknowledged that not
11 every single piece of his evidence or the transactions and occurrences were a result of his being stalked,
12 but that he had a rational basis for so concluding at the time; that being said, Barasch sets forth that the
13 vast majority of his conclusions have proven to be a result of the stalking. To promote the perspective
14 that Barasch was mentally-ill, Defendants merely prevented the audience from hearing the evidence
15 that proved Barasch's conclusions were rational; after all, Defendants had sole discretion as to what
16 evidence to disclose and what evidence to conceal, putting Barasch at the mercy of the Defendants. Of
17 course the viewers were never made privy to the pre-production video in which Barasch was diagnosed
18 as sane; by the same token, had the viewers known that Barasch was a genius, they would attached
19 more credibility to Barasch's technology based contentions, all the misinformation accomplished by the
20 strategic editing by the Defendants.

21 51. The words chosen by Dr. Phil to introduce evidence were carefully chosen to condition
22 the audience not to believe any evidence introduced by Barasch. For example, Dr. Phil introduced the
23 first video in which Barasch is stalked by qualifying it with words such as "now Matt says he's even
24 caught some of the stalkers actually on tape, so you said evidence trumps, so let's take a look at this."
25 Dr. Phil's use of "Matt says" and "evidence trumps" will be driven home by Dr. Phil to mean that he
26 does not agree; when the self-proclaimed most famous psychologist in the world disagrees, despite the
27 evidence, viewers tend to believe him. Over the course of the Show Dr. Phil uses these specific words
28 and phrases repeatedly and with precision; these words take on a secondary meaning to emit and cause

1 a subconscious meaning that whatever follows has no merit. Dr. Phil's strategy is aided by the fact that
2 he prevents the viewers from making up their own minds, merely by preventing them the opportunity to
3 examine the actual evidence. Dr. Phil's legendary association to Oprah adds to the disparity of
4 credibility between Barasch and the Defendants, meaning that Dr. Phil had the duty to weigh the power
5 of his celebrity to minimize its consequences with regard to the truth.

6 52. Defendants further created the illusion that Barasch is delusional by playing two
7 consecutive videos out of sequence and without laying any foundation, further aided by the fact that
8 Barasch has already been discredited. In order to have been fair, the viewers needed to be educated that
9 the "act of being followed" is known in the private investigator profession to be almost impossible to
10 capture on film.

11 53. The mere fact that Defendants chose to show a video without laying a foundation is
12 prima facie evidence that Defendants were acting with malice aforethought. From Barasch perspective
13 as an attorney, the videos were so prejudicial on their face that Barasch himself would not have allowed
14 a jury to view them even though they actually evidenced his being stalked; this further proves that
15 whether the videos were indicative of stalking or not, not all evidence is probative, and the selection of
16 what evidence to be used by an attorney or by a talk show host is critical and highly subjective.

17 54. The fact that the Show has been produced for over fourteen years is prima facie evidence
18 that Defendants knew precisely what they were doing. The editing, the content, the evidence selected,
19 omitted and misrepresented as well as the order in which it was introduced, Dr. Phil's body language,
20 tone of voice, gestures, dry sense of humor as well as the experts chosen to be on the Show were all
21 woven together masterfully to present Defendants' point of view. The length of this Complaint is a
22 product of the number of defamatory individual statements as well as the difficulty of translating into
23 words how all of the aforementioned individual components taken as a whole created a defamatory
24 Show. Barasch analogizes his mission to prove the Show was defamatory on its face to former
25 Supreme Court Judge Rehnquist description of pornography, "it's hard to define but I know it when I
26 see it."

27 55. Dr. Phil subtly created the impression that Barasch endorsed Defendants playing of the
28 video by having Barasch narrate it; without a foundation, Barasch himself would not have even

1 believed it. First Defendants failed to disclose any of Barasch's irrefutable evidence that his life had
2 been threatened, that he had been a police informant or that he had been used as an undercover agent to
3 bring down a ring of drug dealers. The following passage from the transcript is again narrated by
4 Barasch without his knowledge that it would be used against him:

5 The street Russell that you see, is not used very often, now as cars are going by
6 me you might notice they're going to start to slow down and they're going to make right
7 turns there're just too many cars turning three straight cars and another one turning, that's
8 4 cars in three seconds that just turned on the street. Maybe he turned because of the
9 traffic, but I don't believe so but I'm also sane enough to know that there are other reasons
10 a car could be turning. Here's a gentleman what the hell is this gentleman doing on the
11 street; look - he's not crossing the street because the light's going to change and he's not
12 gonna (he's looking around why is he looking down that street? Is he waiting for
13 someone? doesn't look like it; he is not happy about me in this car look... he just gave this
14 person a little wink (as if he was telling the car "don't worry, I got him covered") another
15 car ...two cars in one second turning he just made, if you look carefully, he signaled the
16 car did you see that hand motion? Shall we go back? ... And right about now, any second,
17 there, was the hand.

18 56. Defendants utilized the video and Barasch's narration to mock Barasch, not as evidence
19 to support him. Defendants easily accomplished this by forcing Barasch to speak in a ridiculous tone
20 (Barasch objected the entire time he was doing it), by the use of outlandish sound bites and a facetious
21 number popping up every time a car turned the net effect to mock, humiliate and discredit Barasch.
22 Barasch notified the Defendants after the Show not to destroy the uncut original video footage that
23 confirms Barasch's contentions. On the video as edited, Dr. Phil posted the actual number of cars that
24 turned onto Russell and added a comical sound that might be heard on a cartoon; the visual and sound
25 effects created the false and prejudicial implication that Barasch believed that every single car that
26 turned was stalking him.

27 57. While on the Show, Barasch can be seen trying desperately to lay the deliberately
28 omitted foundation, "ok, by the naked eye that doesn't prove anything. To me, I know what happened

1 before the video started. I know that I had been followed that day. I also know" And on cue, Dr.
2 Phil prevented Barasch from giving the true version with that phrase Barasch previously set forth meant
3 to not believe anything Barasch says, "We said evidence is going to control the situation... what does
4 that evidence show?" Dr. Phil effectively squelched Barasch from telling the whole story. Dr. Phil's
5 asking Barasch "and that proves what to you?" was to provide the illusion that Defendants cared and
6 cutting Barasch off in mid-sentence was their means of telling his viewers that Barasch's response
7 should be disregarded.

8 58. Barasch tried to respond by stating "that corroborates" when Dr. Phil cut him off yet
9 again "here's more video..." Time after time, evidence will be misrepresented by not allowing Barasch
10 to explain it. Barasch sets forth now that the Defendants intentionally played the videos out of
11 sequence because the third "video" was crucial to corroborate the first one; as will be explained shortly,
12 the cars turning on Russell were coming out of the supermarket parking lot, the scene of the last video.

13 59. Dr. Phil failed to investigate corroborating factors that supported Barasch's contentions
14 that cars rarely turn onto Russell. Barasch had suggested to Defendants that they simply have a private
15 investigator to observe the traffic pattern on any given Sunday at that same time and Barasch's
16 observations would have been confirmed; after the Show, Barasch had independent individuals do just
17 that and all of Barasch's contentions were verified.

18 60. Other obvious indicators ignored by Defendants included failing to explain why the
19 passengers in the cars driving by Barasch were fixated on him; Barasch was inconspicuously sitting in
20 his car where nobody could see that he was videotaping them. With regard to the person giving hand
21 signals, Barasch has been sent hundreds of videos evidencing that exact conduct by other victims of
22 stalking; these videos were easily researchable on Google, yet the "best research team in the world"
23 could not find any of them. Further, Defendants merely needed to retain the services of a lip reader to
24 determine what the stalker giving the hand signals was saying; with regard to the aforementioned and
25 all of the evidence in this case, Defendants either failed to use due diligence investigating the facts or
26 concealed their findings.

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1 61. Barasch sets forth that the second video was prejudicial for all of the reasons previously
2 alleged regarding the first video. Again, Barasch unknowingly narrated,

3 On this video that you are going to see, I am leaving a person's house, up in the
4 hills late at night. Right up there a car is already driving by now this is not a surprise to
5 me because I knew I was going to be followed when I left because I was followed there.
6 There we go, a second the car already, there should be no one out of their house at this
7 time at night I see the third car it's two o'clock in the morning right now Ok I'm
8 coming to a stop sign almost every single time when I'm in a situation when I'm being
9 followed ... right, there we go. This car is parking. Why would a car park on the middle
10 of a ... oh turning his car off 4 cars in a one minute drive and I'm almost down the
11 hill... oh another car's lights went on, that's 5 cars we counted in 2 minutes winding
12 down look at that two o'clock in the morning and there's two people sitting beside their
13 car it happens every single time that I'm followed. Ask yourself how many times that
14 happened to you.

15 62. Among the fatal flaws in Defendants' depiction of Barasch is the lack of foundation.
16 For one, Barasch was threatened earlier that day by a gun carrying dealer simply because Barasch
17 demanded he stop contacting Barasch; hours later, Barasch realized that the person whom he met on
18 Craig's List who lived up in those Hills was a client of that same dealer and that it might be a set up;
19 numerous statements, actions and the fact that Barasch was kicked out of this persons house in a split
20 second all confirmed Barasch's suspicions. Immediately upon getting into his car, Barasch recognized
21 that at least one of those cars in that video had followed him there. Defendants failed to disclose any
22 of these essential facts.

23 63. Defendants also failed to investigate inexpensive and easily attainable corroborating
24 issues. Defendants could have corroborated Barasch's contention that there were never that many cars
25 on that road at that time of the night by simply having their own investigator verify it; since the Show
26 aired, Barasch has had others witness and has videotaped that same street on the same day of the week
27 at the same time to confirm his findings. Viewers have also sent Barasch similar videos of their own
28 experiences eerily paralleling Barasch's. Defendants failed to remind the viewers that Barasch had

1 been proven correct every time he had claimed to have been under surveillance in the past, referencing
2 back to Gonzo.

3 64. Barasch sets forth that it was painful to hear the audience laughing after the video
4 prompting Barasch to ask Dr. Phil "ask yourself how many times that happens to you." Mocking
5 Barasch again, Dr. Phil responded facetiously, "The "This that's happening are these cars, pulling out
6 turning their lights on or off". Barasch yet again tried to explain, "Dr. Phil, this is very scary. If you
7 knew what happened before I went to the home that I was leaving from than you wouldn't be in doubt
8 of what I'm saying." Even the audience realized that Dr. Phil had no interest in Barasch's statement as
9 Dr. Phil asked Barasch "tell me what it is?" Dr. Phil had all the facts at his disposal the prior week
10 making his discrediting Barasch by virtue of his body language, tone, attitude, posture and sarcasm that
11 much more despicable.

12 65. Besides just that particular night discussed on the Show, Barasch had provided
13 Defendants with multitudes of evidence that Craig's List was being used to target him on many other
14 occasions as well. For example, just too many postings contained random but very specific language
15 that only Barasch would respond to. Much of the language used in the postings and actually reiterated
16 to Barasch after meeting the people who posted them could only have been known by people who had
17 access to information about Barasch as written in the book he had been writing that had been wiped off
18 of his computer. In addition, when Barasch would post his own advertisements, the words Barasch
19 would use would spring up suspiciously in just too many postings by others. Defendants during pre-
20 production had admitted that these postings were no coincidence, yet Defendants denied it in response
21 to Barasch's statement,

22 I responded to an ad on Craig's List. I look for certain ads that obviously correlate
23 to things that I believe is this organization, and they have certain words that they know
24 are characteristic to me, certain words like chill, kick it

25 I know that they're setting up bait for me when they're using words like that. It
26 sounds crazy but I do a search in LA on Craig's list and then I do a search in a different
27 city and I count how many ads have words in them and the answer is zero in Boston but
28 you'll see 25 in LA, which means they're just setting up the bait for me."

1 66. Dr. Phil's response "let me tell you, the nomenclature of Los Angeles versus the
2 nomenclature of Boston, there are differences in language between what's used there and what's used
3 here. You live in this area, you use those words, and other people use those words" completely misses
4 the mark because Barasch on the fly just happened to use Boston and New York to illustrate his point;
5 Defendants had already been provided specific evidence that these words were only found on Craig's
6 List in Los Angeles and not even in cities that did share the same nomenclature as Los Angeles, such as
7 in Orange County, San Bernardino and San Diego. Further, since Barasch is from the East Coast, the
8 nomenclature he routinely uses is more reminiscent of that used in both New York and Boston anyway;
9 thus based on Dr. Phil's theory, those words should have shown up on Craig's List in Boston and New
10 York too. Defendants having been provided with hundreds of pages of Craig's List organized by date
11 and geographic location similarly failed to disclose that those very same words would suddenly
12 disappear from usage only days after Barasch would cease using Craig's List for periods at a time. By
13 omitting corroborating evidence, Defendants were able to discredit Barasch and make him appear
14 delusional.

15 67. Barasch provided Defendants with evidence that on one particular evening more than
16 fifty percent of the people who responded to Barasch's post on Craig's list all worked for the
17 'organization'; by Dr. Phil rationalizing that it was a coincidence, Dr. Phil was proving that he believed
18 he was powerful enough to use his "celebrity" to defraud the public. Similarly Barasch provided
19 Defendants with evidence that on particular nights more than half of the on-line members of a
20 particular dating site consisted of members of the organization. Defendants have willfully, maliciously
21 concealed, omitted and misrepresented evidence and the meaning of statistics to make Barasch appear
22 delusional.

23 68. Dr. Phil statement "And, you know, I really was curious when you said look at these
24 cars pulling out, and lights turning on...I've gotta tell you, that seems to me to be absolutely non-
25 indicative of conspiratorial behavior" helps Barasch prove his entire premise; of course under ordinary
26 circumstances, lights turning on and cars pulling out would not indicate conspirational conduct;
27 Defendants concealed all of the corroborating evidence that would have laid the foundation to prove
28 that conspirational behavior was at play on that evening. Barasch reiterates that conspirational behavior

1 is virtually impossible to depict on video. Barasch contends further that the word "conspirational" was
2 intentionally used by Dr. Phil because the general population associates that word with delusional
3 people.

4 69. Barasch sets forth that the only expert witness not on Dr. Phil's payroll verified that
5 Barasch's phone had been hacked.

6 "I Andrea, was a representative that assisted Matthew with his Pantac phone. He stated
7 that there was no access of data on his account. I verified there was no access of data on
8 his account but his phone had signs of the device being on the internet, although he had
9 no access to the internet. The phone was compromised. Due to the issue, I exchanged the
10 phone to the same make and model.

11 Dr. Phil spent no time discussing the ramifications of that statement; Barasch's phone was
12 hacked. The diagnosis came from a neutral third party expert. Dr. Phil used his "celebrity" to
13 trivialize one of the most substantiating pieces of evidence on the entire Show further demonstrating the
14 lengths Defendants went to make Barasch look delusional. Further, Dr. Phil failed to use the original
15 affidavit provided by the AT&T representative substituting it for a different one; Defendants never
16 returned to Barasch the original affidavit because Defendants changed the wording to minimize its
17 effect; a statement written at the time the phone was analyzed is significantly more reliable than one
18 rewritten months later. Defendants had to have a reason to change the original affidavit. Equally
19 telling was the fact that Dr. Phil failed to address any of the issues surrounding just how the phone
20 became hacked because it helped corroborate the fact that it was hacked, hence Barasch was being
21 stalked and thereby not delusional.

22 70. Barasch finally managed to interject how he felt about the order the evidence was
23 introduced, "I was hoping you weren't going to start to show off in this way because if you put
24 everything in perspective to the other hard evidence people wouldn't find what I'm showing to be (can
25 not decipher) surreal?" Dr. Phil blasted Barasch intended to have a chilling effect on Barasch the
26 remainder of the Show. Dr. Phil's juvenile response "But you don't get to tell me what I'm going to
27 ask..." was so fundamentally wrong that Defendants naturally edited it off the Show.
28

1 71. Only by editing Dr. Phil's outbursts were Defendants able to make statements by
2 Barasch that included the reasons why he was afraid of Dr. Phil look irrational; Defendants exploited
3 these untruths in trailers promoting the Show. The viewers were also not privy to the fact that during
4 commercial breaks Dr. Phil further intimidated Barasch by refusing to so much as make eye contact or
5 accept Barasch's gratuitous apologies. Barasch realizes that Dr. Phil underestimated that Barasch
6 would make a worthy opponent, lost his composure and used his antics to try to make Barasch hesitant
7 to enter into any meaningful dialogue about the evidence. Barasch re-watched the Show in disgust as
8 he realized he was bullied into becoming a "kiss ass" "yes man" to a person who abused his power.

9 72. Dr. Phil then strung together words that individually and collectively could only invoke
10 to the image of a very delusional person as he states "Matt says he has been "followed stalked
11 wiretapped and hacked by an unknown group of people trying to terrorize him". Again, Defendants
12 have yet to lay any foundation that would have supported Barasch's reference to the "unknown"
13 organization; Defendants did actually read a text sent by one of the stalkers obviously not intended for
14 Barasch that corroborated that the "organization" sarcastically realized Barasch referred to them as the
15 "organization"; the sender of that text stated she was from the organization. Nobody refers to
16 themselves as "from the organization." Further, Defendants were provided the true name of the
17 organization, Github, as Barasch was seeking the Defendants' help trying to determine their culpability.
18 Dr. Phil could have provided the audience with information about the advanced technological products
19 that this organization produces and the lack of specificity not providing the organization by name
20 intentionally compounded the appearance of delusion.

21 73. Dr. Phil then introduced one of Barasch's oldest friends Rick Reidy (hereinafter
22 "Reidy") via satellite failing to lay any foundation about Reidy's credentials that included working for
23 President Clinton.

24 "let me tell you something, Matt is too smart to be crazy. I have known Matt for 25
25 years. I have never known Matt to be delusional or paranoid. The crazy person doesn't
26 preface what they're going to say by saying ... It may sound crazy ...but.... Matt says, '...I
27 know this sounds crazy' and he's very specific about what's been happening so it doesn't
28 make sense that he's not right. "

1 74. Defendants did not appropriately weight the factors making Reidy's testimony most
2 reliable; Reidy had nothing to gain and everything to lose in the business community by supporting his
3 best friend being depicted as mentally-ill; Reidy was in the best position to determine if Barasch's drug
4 use had impacted his thinking; Reidy was also lied to about the topic of the Show and would not have
5 appeared had he known otherwise; Furthermore, had Reidy believed Barasch needed therapy, he
6 obviously would have acted in Barasch's best interests on the Show that could have been an episode of
7 the actual real show called Intervention. Last, Reidy's statement "I suspect that whatever is happening
8 to him is probably happening to other people" confirms that Reidy was privy to Barasch's objectives for
9 appearing on the Show, as set forth in Exhibit 1; to educate the viewers about the threat of cyber
10 stalking and technology. Barasch reveals that his appearance on the Show has subsequently lead to the
11 disclosure by five other non-drug using friends that they too were being stalked, ironically including
12 one of Reidy's other best friends.

13 75. Then Dr. Phil introduced one of Barasch's other best friends, Paul Davis (hereinafter
14 "Davis"), all of the same arguments with respect to Reidy apply to Davis as well. Upon Davis
15 declaring that he too supports Barasch, Dr. Phil asked "do you just support him or do you believe him."
16 Dr. Phil was trying to get Davis to succumb to the tremendous pressure of having heard all of the
17 previously misrepresented evidence to sway Davis into flipping on Barasch. Dr. Phil's facial
18 expression demonstrated his disappointment as Davis responded "Sure, I do believe what he's saying,
19 yes, I do believe it". Davis too appeared on the Show on false pretenses.

20 76. Barasch points out that as well-respected as Reidy and Davis are in their respective
21 fields, some of Barasch's more powerful and influential friends that include judges, professional sports
22 executives, movies stars, law school professors and colleagues would have carried far more weight; for
23 the ones that could not appear, at the minimum Defendants could have read their statements.
24 Defendants spoke at length to Barasch's former boss at the Justice Department, a retired Judge in Los
25 Angeles who is currently head the legal department at a prestigious law school who in no uncertain
26 terms told Defendants that Barasch was perfectly sane; of course Defendants did not want the viewers
27 to hear the testimony of a judge that has known Barasch for over 25 years.
28

1 77. Defendants mislead the viewers by making Barasch look like he was certain that the
2 organization was created for the sole purpose of terrorizing Barasch when the truth was that Barasch
3 had provided concrete evidence that there were other much more viable sources of the stalking.
4 Barasch only learned after the Show aired that organization was simply an integral part of the stalking
5 equation by having developed the technology utilized by the stalkers, many of whom Barasch
6 previously plead were also members of the organization.

7 78. Before addressing the laundry list of potential sources that Defendants introduced in a
8 calculated manner to make Barasch appear delusional, Barasch again reiterates that since the viewers
9 were never provided with any evidence regarding their threats to Barasch, by the time the potential
10 sources were introduced, the viewers were already convinced Barasch was crazy.

11 We ask you what you thought was behind it. You said there were seven
12 possibilitiesand you didn't want to be too specific because you don't want to slander
13 anybody of course, careful not to do that you said it could the mafia, Scientologists,
14 billionaire ex-relationship, veteran support organization, a friend that you threatened to
15 sue, bail bondsmen, drug dealers, or clients. Out of the 7 what would be your most likely?

16 79. Without Defendants providing the viewers with the hard evidence that consisted of
17 affidavits, court pleadings, texts, recorded conversations and photographs not meant as an exhaustive
18 list, Defendants decision to list off a sensationalized laundry list of suspects in rapid succession was
19 calculated to make it impossible for anyone to take Barasch seriously. Defendants were too smart not
20 to realize that the average person associates a delusional person with the precise kinds sensational
21 villains presented; Defendants failed to lay a foundation for any of them.

22 80. Barasch never claimed to know which suspect was responsible for the stalking, only
23 provided Defendants with evidence to prove that each of the aforementioned suspects posed a
24 significant threat to Barasch in the past; Barasch refuses to allow Defendants to get away with the fact
25 that he had at their request opened up his life to scrutiny in order to help them with what was supposed
26 to be an investigation. In a murder investigation, the detectives ask witnesses to not leave anything out
27 because it could be significant. Barasch acted accordingly and Defendants used Barasch revealing all
28 potential suspects to make it look like he believed with certainty that they were involved.

1 81. Barasch only jest when he said that for all he knew the stalking could have been the
2 result of a group of nerds playing a very cruel game but Dr. Phil continued to use anything uttered out
3 of Barasch's mouth as a weapon against him. In a world in which according to the Wall Street Journal
4 165,000 murders took place in the United States in the last ten years and that last year, 14 out of every
5 1,000 people were stalked, Eric Snowden outed the over the top power of the NSA and Sony's
6 computers being hacked, it becomes way less difficult to find Barasch's situation so far-fetched.

7 82. Barasch now provides relevant evidence in the possession of the Defendants that by
8 their concealing made the entire Show a farce. Barasch previously set forth some of the potential
9 perpetrators in relation to the book he is writing, "Zero Degrees of Separation"; evidence pertaining to
10 some of the others are now set forth.

11 83. Defendants failed to disclose that they were provided the actual legal pleadings from the
12 lawsuit during which the mafia threatened Barasch's life. Defendants failed to disclose that they had an
13 affidavit from Barasch's client David Jones confirming this threat and the fact that Jones was willing to
14 appear on the Show. Had this information along with the details about Barasch's undercover
15 operations with the police been disclosed, nobody would have entertained any notion that Barasch was
16 mentally-ill.

17 84. With regard to the Scientologists, Barasch adamantly set forth to Defendants that he did
18 not believe for one second that they were behind any of the stalking; that being explained, Barasch still
19 provided Defendants with an episode of his talk show that explained why they were even mentioned;
20 since Barasch had no desire to revisit a subject that has long been resolved, no further information
21 about that subject matter will be provided. Barasch points out that Defendants were aware that Barasch
22 not only continues to host his own talk show in Los Angeles but that statistics put talk show hosts at the
23 top of the list of people most likely to be stalked.

24 85. Barasch reiterates that his working undercover with the police, a fact that was
25 confirmed, stood alone as the most bonafide and likely reason for his being stalked; Defendants failed
26 to disclose a single detail about this fact.

27 86. Barasch has previously set forth details about the VSO's participation. Barasch had
28 requested that Dr. Phil not disclose the identity of the VSO because he feared repercussions;

1 nevertheless, Dr. Phil not only referred to the VSO by name, but posted their name on the overhead and
2 then failed to honor Barasch's written notification after the Show that the VSO's name be removed, all
3 making Dr. Phil's statement "...and you didn't want to be too specific because you don't want to slander
4 anybody of course" evidence that Defendants acted maliciously. In the alternative, even if Barasch was
5 delusional, the fact that Barasch still feared the VSO should have prompted a reasonable psychologist
6 to remove their name from the telecast.

7 87. All of the transactions and occurrences with regard to the bail bondsmen were provided
8 to and in the possession of Defendants, yet again Defendants failed to discuss any of it; Barasch had
9 bailed his "boyfriend" Luke out of jail in Arkansas; when Luke escaped from Barasch's custody,
10 Barasch was repeatedly threatened by the bail bondsman. Barasch used his best efforts to get Luke to
11 return for trial, during which time Luke confessed that he had become an informant for Gonzo and was
12 working surveillance alongside Barasch's neighbors; this admission by Luke certainly explains why the
13 warrant for Luke had never been reissued by the Arkansas authorities and why all charges against Luke
14 for murder had been inexplicably dismissed by Judge Elmore in 2009.

15 88. Barasch corrects the reference on the Show to a billionaire ex-boyfriend; Barasch was
16 actually referring to his ex-millionaire boyfriend and best friend JRT who appears to have been forced
17 to cooperate with the stalkers evidenced by his sending Barasch the following e mail after Barasch
18 questioned his sudden disappearance from Barasch's life,

19 Matt, please come on. Sometimes people drift apart. You have to let it go. I
20 made a decision. I have my reasons, and you just have to let it go, okay? I don't want to
21 explain it. I don't want to do it. I just wish you well and know you feel the same, and I
22 just want to let this go, and I have let it go. We had great memories and a lot of history
23 and I just want to leave it at that. Please. Thanks, JRT.

24 First, Barasch and JRT did not just drift apart; JRT suddenly and out of nowhere banished
25 Barasch from his life. Barasch provided Defendants with additional evidence that at least made it
26 appear that JRT had become a member of Github, the "organization" exactly twenty-five days after
27 Barasch received that e mail; but for that e mail, Barasch would have believed that the stalkers created
28 JRT's membership in the organization to make it just appear that JRT was involved.

1 89. Defendants deliberate substitution of screen shots to take the place of a surveillance
2 video at Ralphs supermarket that would prove beyond a shadow of a doubt that Barasch was being
3 stalked single-handedly makes the entire Show defamatory; Defendants intentionally tampering with
4 the evidence to depict Barasch in a false light demonstrated that Defendants acted with malice
5 aforethought to make Barasch look delusional. Dr. Phil states:

6 You had some very specific examples of being stalked, like you said, you had 10 to 15
7 stalkers followed you into a grocery store and actually followed you isle to isle. We got a
8 hold of the security tape for that grocery store when you were there and let's take a look
9 at that, this is you in the circle..... (Matt ok) I'm looking in this aisle in the second picture
10 from the left at the top, third picture there's not anybody in that isle, 4th picture, 5th, 6th,
11 7th we had an investigator look at this entire tape and trust me these are very
12 representative of what was on the entire tape there and we didn't see anything on the tape
13 that looked out of the ordinary we took very representative stills here, and I don't think
14 there's 10 or 15 customers in the entire store."

15 90. Barasch has previously plead that capturing the act of being followed on video is
16 challenging enough; trying to show it by screen shots thereby must be impossible. Making Defendants'
17 actions more heinous is the fact that Defendants personally selected the most prejudicial screen shots
18 that would completely conceal the fact that Barasch was in fact being stalked; in court this conduct
19 constitutes the crime of tampering with the evidence; as Dr. Phil pointed out earlier, since it was his
20 Show, he could conduct himself any way he pleased.

21 91. Just as suspect was the convenient excuse Defendants invented to avoid having to use
22 the uncut actual Ralphs' surveillance video; since the Defendants claimed they could not show the
23 actual footage, the only fair alternative would have been to not Show any of it. Defendants fatally erred
24 again by believing they could get away with this kind of misconduct.

25 92. If Defendants were truly acting in good faith and in the best interests of Barasch,
26 Defendants could have privately allowed Barasch to view the video so that he could truly see that he
27 needed to be institutionalized; Defendants were never acting in Barasch's best interests. As such,
28 Barasch notified Defendants the day after the Show was taped and in his retraction letter after the Show

1 aired that destruction of that footage would constitute spoilage of evidence. Even so, Barasch is
2 confident that Defendants will arrange to have that surveillance footage destroyed or conveniently
3 unattainable in collaboration with Ralphs because it proves that Dr. Phil is a fraud.

4 93. At this juncture of the Complaint, it becomes obvious that statements by Dr. Phil are
5 absurd, "we had an investigator look at this entire tape and trust me these are very representative of
6 what was on the entire tape there and we didn't see anything on the tape that looked out of the
7 ordinary." Any evidence reviewed or analyzed by any person or expert on Dr. Phil's payroll is suspect
8 on its face because the experts have been compensated to support him. Furthermore, based on the facts
9 set forth in this Complaint, what has Dr. Phil done to earn his words "trust me"?

10 94. Barasch will now provide independent evidence to corroborate the fact that Defendants
11 lied. First while Dr. Phil makes fun of Barasch "I don't think there's 10 or 15 customers in the entire
12 store" the fact is Barasch can independently prove the store was crowded and that the actual
13 surveillance footage reflects that fact. The previous "out of sequence" video used by Defendants
14 inadvertently shows the heavy traffic coming out of the Ralphs parking lot completely contradicting
15 Defendants' claims that the store was empty. Further, Barasch had his own "investigators' videotape
16 Ralphs on the exact same time on the same day of the week that confirmed that that supermarket is
17 always packed; hence Defendant intentionally misrepresented the facts.

18 95. Still further, Barasch contends that he actually confronted one of the stalkers in Ralphs
19 that day, yet that confrontation was somehow overlooked by the investigator assigned by Defendants to
20 review the footage; this fact was concealed. Looking at this from the perspective of Barasch being
21 delusional, the level of delusion that Barasch would have to have been suffering from would be off the
22 charts for him to have imagined that he confronted a customer; this corroborates the fact that
23 Defendants had to have intentionally misrepresented the evidence. The fact that Defendants chose not
24 to present a single screen shot that evidenced Barasch's version shows the degree Defendants were
25 willing to go to discredit Barasch.

26 96. Barasch now provides the exact exchange of dialogue with Barasch as Dr. Phil
27 introduces the screen shots further demonstrating that Barasch was being bullied. "Well Dr Phil, it's
28 very hard for me to really argue with you because I respect you so much." Dr. Phil answered, "well do

1 you want to argue?" Barasch illustrates that Dr. Phil is trying to provoke Barasch by stating "You said
2 you want to find the truth". Barasch answered "I do want to find the truth" as Dr. Phil just completely
3 cut Barasch off again "but it sounds like what you want to do is confirm your belief, whether it's the
4 truth or not, because if I challenge you then you go 'ahh well I respect you but you know, come
5 on"

6 97. Barasch simply states the exchange of words speak volumes about the futility of Barasch
7 even attempting to defend himself. Dr. Phil had created a situation in which Barasch loses if he
8 defends himself and loses if he doesn't. Dr. Phil, only by the power of his "celebrity", is able to make
9 Barasch appear wrong for being happy when the evidence supports his position. Dr. Phil's statement is
10 ironic because almost no evidence supported Barasch's position anyway; Barasch was merely trying his
11 best to set the record straight each time his evidence was misrepresented.

12 98. Barasch went on to say, "I do respect you but I haven't seen the tape myself and I know
13 there were a number of other people in there and ..." Dr. Phil again cuts Barasch off, " Well there's
14 certainly not evidence of 10 or 15 people that seem to be attending to you in some way". Barasch
15 responds today that the only reason there was no evidence of 10-15 people in the store was because
16 Defendants were in complete control of what screen shots to use. Barasch continued "Well there's not
17 one picture there of me walking by really anybody and to think that I walked all the way down the
18 aisle." Dr. Phil mocked Barasch yet again, "Well, that's true no, look at number two second on the left,
19 (Matt that's one) you're walking past a person there" continuing to prevent Barasch from setting the
20 record straight. Barasch tried to point out that Defendants attempt to replace video with screen shots
21 was inherently unreliable "What happened 5 seconds before that?" Again Dr. Phil's was making a
22 mockery out of a very serious issue, exponentially cruel in that Barasch was, according to Dr. Phil,
23 mentally-ill.

24 Well look at third from the left on the bottom, there's a person going by there,
25 look at bottom left. There's a person walking by there on the bottom right hand of the
26 screen and there's one/two people right by you on your right that appear to be looking
27 into the coolers or whatever there are people in those pictures.

28 ///

1 99. Barasch somehow managed to interject, "you know, there's a legal term called
2 declarations against interest and I don't think I would subject myself to this if I didn't truly believe this
3 was happening. I know you're going to say well I know you might believe it but it's not happening ...".
4 Barasch reiterates that same sentiment in this Complaint.

5 100. At this point, the Show has become a game as Dr. Phil continued to toy with Barasch. "I
6 didn't say it wasn't happening, I'm just looking at the evidence." Again, the use of the word evidence is
7 a reference to Barasch's statement that "evidence trumps" meant to invoke that subconscious
8 conditioned emotion that Barasch was wrong and thus delusional.

9 101. Barasch sets forth that every transaction, occurrence, statement and conclusion during
10 the next segment on the Show is premised on an illusory investigation of Barasch's computers and
11 devices by a biased expert. No trustworthy, meaningful, fair and probative analysis of the computers
12 ever took place. Dr. Phil continued to mislead the audience into believing that he complied with
13 Barasch's demands for agreeing to appear on the Show with the introduction of a carefully edited video
14 clip featuring his compensated forensic expert Doug Kane; Kane is introduced as "one of the best" in
15 sharp contrast to the fact that the credentials of neither of Barasch's friends nor of Barasch's own
16 computer proficiency or genius ever referenced.

17 102. In that video, Kane commented,

18 What we're trying to do is make a determination if there is any type of
19 software/malware that someone could be accessing his computers remotely one of the
20 things that Matt had provided here was a chord that he believed that this contained a
21 method that they were attacking him. It's basically a standard phone cord that is found in
22 everyone's household. This phone cord is not unusual in any way.

23 103. Barasch contends that every single statement uttered by Kane during the video section of
24 the show was intentionally misrepresented and plain false. First, with regard to malware, Barasch had
25 emphatically stated that his computers and devices were hacked by the direct, unsupervised, and
26 deliberate acts of specific stalkers, not by malware. Not one of those stalkers who Barasch knew
27 hacked his computers was questioned, investigated or referenced on the Show. Barasch provided to
28 Kane all of his computers, hard drives, devices, cellular phones, screen shots along with the previously

1 attached memo (Exhibit 2) explaining his conclusions. Barasch does not believe that every one of
2 his submitted devices was ever examined. Further, Barasch's has never again been able to access his
3 most compromised computer since the time it was returned to him by Defendants.

4 104. Proving that Kane confirmed yet deliberately concealed having diagnosed Barasch
5 computer as being hacked, precisely as Barasch had set forth in Exhibit 2, was his statement to Barasch
6 witnessed by Davis immediately after the Show that he too found it odd that the settings in his internet
7 security and antivirus programs had been changed to "permit" and "allow" enabling the stalkers remote
8 access and control of his computers; Kane's statement prompted Barasch immediately angrily respond
9 "then why the fuck didn't you say that on the Show." Barasch relayed Kane's admissions to
10 Defendants by e mail and by phone immediately after the Show. Barasch even sent an e mail to Kane
11 himself which went undenied. Consequently, Barasch computers were compromised, Kane concurred
12 as to how, deliberately concealed that information meaning that Barasch was not only sane but that
13 Defendants acted maliciously.

14 105. Defendants continued to prove the computer analysis was devoid of any merit by
15 focusing on that chord that Barasch submitted to Defendants in an envelope marked "alarm wire"; the
16 wires were clipped and saved from the attic of Barasch's home in Florida and provided to Defendants in
17 an envelope marked "alarm wire" that Barasch has still saved. Standing alone, this blatant
18 misrepresentation proves that Barasch had provided that wire to Defendants with regard to an entirely
19 different issue unrelated to the computers.

20 106. Defendants maliciously and intentionally included the chord within the computer analysis
21 to make Barasch look irrational, delusional and stupid. Further evidence that Defendants acted
22 intentionally is the fact that Defendants refused to edit this segment off the Show despite Barasch
23 notifying Defendants of their error in writing the day after the Show was taped and then again in the
24 retraction letter.

25 107. Barasch also tried without success to set the record straight regarding this chord on the
26 Show "but what I'm trying to say is like, he referred to that wire which really bothered me that wire was
27 never supposed to go to you, it had nothing to do with computers, it's an alarm system wire so I know
28 that what you must think of me." Barasch respectfully even asked Kane to defend him, "It was given

1 to the computer expert to analyze as if it was part of my interpretation, do you agree with that sir?"
2 Kane refused to respond because he did not want to oppose Dr. Phil. Dr. Phil trying to protect Kane
3 responded, "It was a phone wire right? Barasch added "that had nothing to do with the computers. I
4 gave it to him for other purposes." Again, the "celebrity" of Dr. Phil along with the fact that Barasch
5 had long been concluded delusional by the audience made his appeal futile.

6 108. To avoid having to admit wrongdoing, Kane further misrepresented the truth by stating
7 "so we brought them into our lab, our technicians then went through them, made back up files, made
8 clones of the copies so they could then go on and look for any software, malware, key loggers, any type
9 of tracking software that might have been put on there by third parties." Kane attempted to get away
10 with "a fast one" by concluding that malicious software was not found; the problem is that he added the
11 phrase "installed by third parties" to avoid having to admit that malicious software was actually found.
12 Kane would have absolutely no way of knowing who actually installed the malicious software that he
13 claimed not to have found, therefore no way to rule out that it had been installed by one of the stalkers
14 that had unsupervised, direct access to his computers.

15 109. Barasch knows that Kane lied about not finding malicious software and used the term
16 "third parties' parties to not have to admit; Barasch knows this because Barasch personally installed key
17 logger on his computer. Kane had no way to know that Barasch's roommate stalker was not the person
18 who installed key logger; that begs the question as to how many other malicious programs Kane found
19 on the computers or devices that he failed to disclose. Since Barasch time stamped exactly when some
20 of the stalkers actually changed his settings, as well as copied the hard drives, Defendants could have
21 actually confirmed Barasch's conclusions as to who actually installed the malicious software.

22 110. While Kane already misrepresented the fact that malicious software had been found and
23 that Barasch's settings had been changed to "allow", Kane failed to educate the viewers that a program
24 does not have to be inherently malicious in order to be used maliciously. A listening device or camera
25 on any computer can be programmed or accessed to be used in a malicious way. Therefore Kane failed
26 to search for non-malicious devices that were installed on Barasch's devices without Barasch's
27 knowledge to perform a malicious task. Defendants purposely failed to rule out all potential
28

possibilities of hacking, particularly important when the alternative was to diagnose Barasch as delusional.

111. Dr. Phil then points over to the table alongside the stage and asked Barasch to confirm, "Ok so these are the phones" and then asked Kane, "did they find that this was being bugged, hacked spied on?" Again, these three words used together in rapid succession insured that the viewers would not take them seriously. And as any paid expert would attest with his reputation now on the line, Kane answered "no" contradicting the findings of the unbiased expert from AT&T.

112. Barasch will now reinforce the fact that at least three of the stalkers who had access to Barasch's devices also had the expertise surpassing that of Kane's, Barasch having provided the resumes and contact information of all three of them to Defendants; all three of them having the capability to cover their tracks, not leave a trace and perform the exact types of cyber terrorism that Barasch had been subjected to, as evidenced by screen shots. Similarly Barasch has since the Show aired acquired affidavits from unpaid unbiased forensic experts who have found, among other things, traces of data that the stalkers attempted to wipe off Barasch's hard drives.

113. Barasch sets forth that Defendants further breached their agreement with Barasch by only illusory purporting to comply with Barasch's demand for a forensic expert; since forensics were never actually applied, Defendants attempted to deny Barasch of the benefit of his bargain. If forensics had been applied, then Kane's findings would have had to have mirrored the findings of Barasch's experts.

114. Further proving that Defendants never truly analyzed his devices, upon challenging Kane "You're a computer expert, and you're still not explaining to me how twenty computer files all have a virus marked with the same name referring to this company, and they are all individual files that came from different dates." First issue, despite being provided screen shots, Kane failed to find traces of any of viruses at all. Even odder, Barasch provided Defendants with a screen shot and an anti-virus report that on one particular occasion twenty viruses were found of all file types and formats scattered in different locations all relating to the "organization". The permutation of this occurrence is impossible, the fact that these files all pertained to the "organization" provided Barasch a rational basis for concluding the organization was involved. Kane's only response "Ok, all I can say is there was

1 nothing on those computers when we examined them." Barasch has previously proven that Kane had
2 lied, meaning that any of words uttered from his mouth cannot be trusted.

3 115. Armed with all of the evidence that Kane had just lied, Barasch told Kane, "ok, I respect
4 that, your analysis"; Dr. Phil trying to antagonize a mentally-ill Barasch by stating "Well I don't think
5 you really do". Barasch, fed up, admits "ok "I don't." Dr. Phil lied again in stating "But you say that to
6 be nice because you're a nice guy" when the truth was that everybody knew that Dr. Phil did not
7 consider Barasch a nice guy.

8 116. Dr. Phil relentlessly tried to bait Barasch "You think have hidden cameras in the house
9 somewhere?" In responding in the affirmative, Dr. Phil then asked Barasch whether he had scanned for
10 them. When Barasch said that he hadn't, Dr. Phil unmistakably laughed at Barasch "my god you've
11 done everything else, that'd be the first thing I'd look for." The irony here is that Barasch had scanned
12 for video cameras, the results were positive and the actual scanner used by Barasch was sitting on the
13 table on the stage with the other equipment. Barasch only stated that he did not test for video was
14 because the equipment was cheap and the results could not be trusted. Rather than making Barasch
15 look foolish, Dr. Phil could have used that time to discuss that one of Barasch's previous roommates,
16 Will Ashby confessed to having left on listening devices in Barasch's home claiming he was listening
17 for paranormal activity.

18 117. Although Barasch has been advised by counsel not to disclose any of his evidence other
19 than that to directly refute those issues misrepresented by Dr. Phil on the show, Barasch will offer the
20 following limited incidents involving cyber related stalking. In October of 2012, Barasch was
21 contacted by a guy named Scott Setterberg ("Scott") who Barasch ranks high on the list of his most
22 heinous stalkers. Scott helped lead Barasch to the most probative evidence that proves Barasch was not
23 only being stalked but the identity of the technological organization, Github, whose products, programs
24 and applications' ability to transcend all platforms enabled the stalkers to keep Barasch under constant
25 surveillance.

26 118. The circumstances by which Barasch met Scott six months earlier should have alerted
27 Barasch that he was a stalker. Barasch met Scott on-line, Scott showed up at Barasch's hotel room, told
28 Barasch he was not attracted to him only to show up an hour later to say that he was. Consistent with

1 the pattern of many of the stalkers, Scott only an hour later purported to have developed strong feelings
2 for Barasch.

3 119. Upon Barasch showing up at Scott's for a "second date" Barasch was welcomed with a
4 plate of crystal meth that included a pile that Scott called the "good stuff" that Scott claimed he had
5 saved just for Barasch. Scott later explained to Barasch that the "special" stash of drugs was actually a
6 sea sickness medication; Barasch later researched that medicine to be "Scopolamine", a drug that
7 renders a person incapable of exercising free will. Barasch remembered feeling those same effects with
8 other stalkers that also insisted he try the "good stuff"; Scott continued to profess his feelings for
9 Barasch inviting Barasch to meet his family up in San Francisco.

10 120. Scott was now coordinating his efforts with other stalkers with the use of a "gay only"
11 mobile application called Grinder. Barasch had been stalked on Grinder many times before and since
12 Barasch had not yet realized Scott was a stalker, Barasch looked to Scott for confirmation that it was
13 strange that there were at least twenty people less than one five hundred feet away, many of them
14 woman and straight according to their profile. Grinder is a one hundred percent gay application that
15 measures the actual distance between gay men looking for sex. All gay men will agree that woman
16 (not even lesbians) or straight men ever use Grinder; Barasch has over 1000 screen shots demonstrating
17 that both women and straight men, however, were on-line when Barasch used the Grinder; thus either
18 these people were on Grinder to stalk Barasch or Barasch's application was compromised to make it
19 look that way, either scenario a form of stalking.

20 121. Barasch points out that upon running to the store to bring back lunch for the two of
21 them, Barasch ran into every one of these people on Grinder; this is an impossible phenomenon;
22 reminiscent of Barasch's roommate, one of those three stalkers with unparalleled computer prowess,
23 Scott also did not find this fact strange, implicating both of them. Barasch provided Defendants with
24 evidence of all of these occurrences which included a verifiable means to ascertain the identity of
25 certain stalkers; Defendants opted not to investigate.

26 122. Rather than setting forth each and every mental game inflicted upon Barasch by Scott,
27 Barasch instead has attached the e mail he sent Scott the following day as Exhibit 3. Defendants
28 refused to discuss any of the information gathered about Scott on the Show because Scott turned out to

1 actually be mentally-ill and committed suicide shortly after he terrorized Barasch; Defendants claimed
2 that it would not be fair to discredit Scott since he could not defend himself. Ironically, Barasch was
3 alive and was still not provided the opportunity to defend himself.

4 123. Scott's arrogance and underestimation of Barasch's knowledge of computers enabled
5 Barasch to figure out precisely how Scott was accomplishing certain incidents as well as the programs
6 he was using. Immediately upon returning home, Barasch emulated all of the steps he observed Scott
7 take and used his development tools to uncover the name and identity of the "organization", Github;
8 Github valued at around 750 million dollars developed the kinds of applications that explained the
9 previously inexplicable transactions and occurrences that had been taking place. From here on in, the
10 use of the word "organization" refers to all companies, including Github that develops similar products.
11 Defendants intentionally concealed Barasch's discoveries thereby denying viewers an invaluable
12 education about the state of technology today and its use in stalking.

13 124. Barasch also provided Defendants with evidence of the means Scott used to
14 communicate to the other stalkers, a very distinctive notification system that Barasch recognized on
15 Scott's phone, later connecting its format to that of Github. Not investigating this issue intentionally
16 undermined Barasch's ability to present his case.

17 125. Defendant CBS had complete knowledge and understanding of the types of technology
18 that Barasch was able to identify on his and Scott's devices, evidenced on an episode of 60 Minutes
19 entitled "Data Brokers" that pre-aired the taping of the Show. On that episode, CBS introduced one
20 expert after another all confirming Barasch's findings, yet for without explanation, none of those
21 experts were asked to appear on Barasch's behalf. Barasch provided Defendants with screen shots of
22 the identical issues being discussed on 60 Minutes that he was experiencing on his own devices, the
23 presence of third parties; thus CBS confirmed that Barasch was not delusional. CBS further confirmed
24 that on every program on Barasch's and everyone's computers are disclaimers and warranties that
25 potential invasion of privacy is taking place by third party intrusion. Barasch has thus demonstrated
26 that no matter who was behind it, the technology has always been in place to facilitate the monitoring
27 of Barasch.

28 ///

1 126. Barasch uncovered yet another irrefutable means used by Scott to hack into all of his
2 devices none of this information disclosed on the Show. Scott used an incomprehensively powerful
3 computer the size of a credit card that costs less than thirty dollars explaining how easily accessible this
4 was to the stalkers; this device is called a Raspberry Pi.

5 127. Barasch stumbled upon the use of Raspberry on his own computer by unknowingly
6 printing out a Raspberry report which he provided to Defendants to investigate; what made this report
7 so invaluable was that every time Barasch touched a certain word on the report with his mouse,
8 Barasch's phone would ring or vibrate. Experts have since explained to Barasch that this report proves
9 that radio frequencies were used to control, compromise and hijack Barasch's devices. All of Barasch's
10 contentions are renowned facts within the tech industry; consequently Defendants' experts obviously
11 knew this was happening and by not addressing it, Defendants successfully made Barasch look nuts;
12 despite the Show being entitled "cyber stalking" and the Defendants having this information, the topic
13 was never addressed on the Show.

14 128. Further proving that Barasch's contentions, on another occasion, Barasch switched
15 positions on line at the supermarket with one of his stalkers to catch a glimpse of the stalker's name on
16 his credit card and immediately after located the stalker on Face Book; at that point, Barasch also
17 learned that a large number of the people on this person's "friends list" consisted of some of the others
18 who had been stalking Barasch that weekend. Barasch immediately started to print out all of these
19 "friends" profiles; upon Barasch later trying to access these profiles again, Barasch had been locked out
20 of every single one of their Face Book pages. Barasch sets forth that this is irrefutable evidence that the
21 stalkers had access to Barasch's computers or Face Book accounts; Barasch provided Defendants the
22 print outs of his browser "history" before and after he was denied access to these stalkers' Face Book
23 pages. All of Barasch's conclusions that this proved his devices were compromised independently
24 confirmed by experts since the Show aired.

25 129. At some point during the Show, Dr. Phil asked Barasch about something Defendants had
26 displayed on the overhead. Upon Barasch failing to recognize the evidence Dr Phil was noticeably
27 perturbed. During a commercial break, Dr. Phil steaming at Barasch muttered under his breath "245 e
28 mails" and guilted Barasch with the words, "you don't appreciate how hard my staff worked on your

1 behalf". Dr. Phil failed to comprehend that the mistake was the product of his staff not having the
2 expertise or the time to prepare for the Show properly. The 245 e mails would not have been necessary
3 had Goldman not left for a wedding and Barasch not be left the responsibility to get Rachel up to speed.

4 130. Since Dr. Phil mentioned his staff on Show, Barasch finds this the appropriate time to
5 point out that had his staff truly did not believe that Barasch was mentally-ill; in fact, Barasch has the
6 texts from one of his employees asking Barasch to "hang out" on more than one occasion; Defendant
7 staff member would have to be awfully creepy to want to "play around" with a mentally-ill guest.

8 131. The following incident that took place on the Show was also cut out of the finished product
9 to avoid embarrassing Dr. Phil; regardless, its value in proving Defendants malicious intent cannot be
10 denied. Barasch again had no idea who Dr. Phil was referring to when he asked Barasch if he knew a
11 Kyle, Brian or Ed (not the actual names). Barasch later learned that Dr. Phil was referring to three
12 members of a long list of more than one hundred inconsequential members of the "organization" whom
13 Barasch had not had any personal dealings with. Barasch realizes now that had he actually remembered
14 their names on the Show, Dr. Phil would have somehow used it to further discredit him; that fact only
15 further provs Defendants' malicious intent because considering Barasch provided Defendants with the
16 detailed information of over twenty potential stalkers, why would Dr. Phil choose to ask Barasch about
17 three he never even mentioned; this tactic backfired on Dr. Phil and was thus edited off the Show.

18 132. With regard to that other incident in which Dr. Phil was angry at Barasch earlier, Dr.
19 Phil's exact words to Barasch

20 Now wait a minute....I resent that... I am treating you with dignity and respect, I
21 am dealing with what you brought me, and if I don't agree with something then you start
22 being critical of it and you might bully other people like that but you aren't going to bully
23 me that way.

24 The jury will realize that Dr. Phil did not treat Barasch with dignity or respect, never once
25 agreed with any of Barasch's evidence, was dealing with "what Barasch brought" by misrepresenting
26 and concealing it and that it was Barasch who treated Dr. Phil with dignity and respect. Barasch has no
27 idea who Dr. Phil was referring to when he claimed that Barasch had bullied other people. Even Dr.
28

1 Phil fans wrote in after the Show to defend Barasch as not being the bully; how can Dr. Phil purport
2 that a mentally-ill person could even form the mental capacity to be a bully?

3 133. Barasch next exposes Dr. Phil's most heinous attempt to humiliate and discredit him
4 through a series of carefully orchestrated tactics stemming from a missing police report pertaining to a
5 stalker who fell off of Barasch's roof in 2009. But for this Complaint, Defendants would have gotten
6 away with it.

7 134. First, Defendants tried to create the impression that Barasch would deny the incident
8 even took place. Defendants accomplished this by cross-examining Barasch as if he were a hostile
9 witness, the details of the line of questioning set forth in Exhibit 4 attached hereto. By asking Barasch
10 leading questions that dictated yes or no answers, Barasch was successfully prevented from simply
11 providing the details of what actually happened in his own words; thus a talk show turned into a trial,
12 yet Barasch denied his most basic constitutional rights. Consequently, Barasch was forced to accept
13 Defendants' prejudicial version.

14 135. Defendants failed to disclose that Barasch not only informed Defendants about the
15 incident, but also about the fact that the police report could not be located. Dr. Phil was thereby able to
16 create the illusion that Barasch was surprised by the fact that the police report was missing when the
17 truth was that Barasch was only surprised by Defendants failure to comply with the law of defamations'
18 requirement to secondarily verify the incident. Furthermore, on another level of common sense, why
19 would Barasch have even attempted to contact the WPD to find the report of an incident that never took
20 place? And why would Barasch even tell Defendants about an incident that could so easily be
21 disproved if it had never actually taken place? This confirms that the incident had to have taken place.

22 136. Barasch actually notified Defendants about the missing police report one week before
23 the Show was taped providing the Defendants with plenty of time to honor their constitutional
24 obligation. At that time, Barasch not only apprised Defendants of their constitutional duties to verify
25 the incident but actually provided Defendants with specific ways to do it.

26 137. Proof that Defendants acted maliciously is demonstrated by the fact that Defendants
27 tried to make it look like they actually complied with their duty to verify. This was accomplished by
28 Defendants boasting that they had the WPD search their records all the way back to 2003; therefore

1 Defendants did not try to secondarily verify the incident, Defendants merely repeated the exact same
2 steps taken by Barasch. Consequently viewers could never have known the truth that Defendants'
3 attempt to verify the incident was merely illusory. Further implicating Defendants is the fact that had
4 they taken any further steps to validate the existence of the incident, Defendants would have surely
5 disclosed their efforts on the Show to discredit Barasch.

6 138. Defendants intentionally concealed the fact that they would be discussing the incident to
7 prevent Barasch from utilizing his time leading up to the Show to verify the incident himself; again,
8 Defendants strategy backfired because since the Show has aired Barasch has found countless ways to
9 verify the incident that will now be used against Defendants. For example Barasch's friend has since
10 hired a private investigator who managed to get sworn testimony from other neighbors who witnessed
11 the event. Barasch also realized that he not only had a guest staying with him that night that witnessed
12 the incident but another friend actually accompanied Barasch to the police station the next day.
13 Barasch had also received notice from the court to testify against the stalker that fell of his roof, that
14 hearing eventually continued; Barasch presumes any record of that hearing and any charges against that
15 stalker have long since been destroyed; Defendants certainly underestimated Barasch resiliency with
16 regard to saving evidence. Barasch has again decided to omit some of his most compelling evidence
17 of the incident in order to impeach the testimony of anyone who later denies its occurrence.

18 139. Only by not fulfilling their obligation to verify the incident were Defendants able to use
19 the fact that the police report could not be found as evidence that Barasch was delusional; the problem
20 for Defendants is that Barasch realized after the Show that a police report had never even been filed.
21 Barasch's neighbors called the police and upon their arrival, in an illusory attempt to protect Barasch,
22 ordered him to get back to his house immediately; Florida gun law only allows a person to stand his
23 ground at his home, not run down the street after the perpetrator; the police told Barasch they would
24 stop by later to take Barasch's statement. It was because the police never showed up that Barasch went
25 down to the police station with his friend the next day, as referenced in the preceding paragraph.
26 Barasch is confident that the charges against the stalker who fell off the roof must have been dismissed
27 for reasons similar why murder charges were dropped against Luke.

28 ///

1 140. Dr. Phil was only able to use the incident against Barasch in the first place because
2 Barasch had notified them that the police report was missing; thus Defendants built their entire case
3 around that missing report. And only by not trying to verify the incident were the Defendants able to
4 pronounce the incident did not take place and thus Barasch delusional. In summary, Barasch was not
5 the person who called the police, the police never took a statement from Barasch and probably to
6 protect the stalker, a police report either not filed or conveniently lost. Based on the foregoing,
7 Defendants' allegations that the incident never occurred must fail.

8 141. Taking Defendants misconduct to the next level, if Defendants intended on making a
9 case that the incident did not take place because a police report could not be located, then Defendants
10 breached their duty to provide statistics on the prevalence of lost police reports; Barasch has evidence
11 that police reports get lost quite frequently completely negating Defendants sole argument.

12 142. Barasch introduces Exhibit 5, a copy of a letter from the Los Angeles Police Department
13 ("LAPD") dated April 10, 2014, 2014 that states "based on the information provided, there is no report
14 on file with the LAPD" with regard to an incident that occurred on December 13, 2013; precluding any
15 speculation that the December 13th incident never took place either, Barasch next introduces Exhibit 6,
16 two letters from the LAPD referencing the fact that a police report had been filed on December 13,
17 2013. Barasch attaches his response to those letters as Exhibit 7.

18 143. Only two conclusions can be drawn from this evidence, both defeating Defendants entire
19 case; either police reports get lost frequently or only Barasch's reports get lost. If police reports do get
20 lost routinely, then Defendants entire premise fails. If only Barasch's reports have been getting lost,
21 then clearly Barasch is being targeted. Further supporting the latter theory, Barasch next introduces
22 Exhibit 8, a letter from the Department of Public Health notifying Barasch that his medical records had
23 been stolen. Even stranger, Dr. Phil's request that the police search the records all the way back to 2003
24 did not even bring up the police report relating to the burglary at Barasch's house in which two of
25 Barasch's computers and a hard drive were the only items stolen. Now proving that the burglary took
26 place, Barasch has in his possession the receipt from the WPD that they had dusted for finger prints.
27 The only conclusion that can be reached with one hundred percent certainty is that Barasch is not
28 delusional.

1 144. Dr. Phil next presented an extremely prejudicial soliloquy reminiscent of a closing
2 argument, Barasch never even being provided the opportunity to rebut any of the false accusations:

3 Yeah, but it's like ...check my computer, well, you didn't find anything, you didn't
4 know how to check it.... we go get video with the grocery store.... well you didn't look at
5 all of it- we actually go get you physical evidence cause I'm trying to help you (Matt
6 right sure) and what you do is poo poo it and then insult the process because you say
7 "I'm not a conspiracy theorist" although you have a theory that there is a conspiracy of
8 hundreds of people from this Giant organization that are trying to harass you for reasons
9 you don't understand, and you have examples of people turning on their car lights or
10 turning off their car lights you had a cell phone that doesn't have internet service and all
11 of a sudden it does have internet service when you don't have an internet cell service plan
12 and you said you talked to some woman who said I don't know how that happened
13 because we didn't do that. Well we tracked that person down (Matt-which person?) this
14 woman that you talked to at the phone company. (Matt- ok I got a statement from her)

15 Dr. Phil used his "closing argument" to further mislead the viewers that a meaningful
16 investigation had taken place, inconsistent with all of the evidence Barasch has provided to the
17 contrary.

18 145. Dr. Phil ends that segment with a statement to the audience, "We gotta take a break
19 Matt may be the first guest to ever request a drug test, and a mental examination before the show. Well,
20 he requested it, and again, we did our best to comply ... we'll get results of both when we come back."
21 Again, Defendants never truly complied with the spirit underlying Barasch's demands; the specific
22 reasons why Barasch insisted on a drug test and a mental examination never disclosed: first, to give
23 Barasch the opportunity to gracefully bow out should those exams lead Defendants to the belief that
24 Barasch was mentally-ill; second, by ruling out mental-illness, the Show would have more time to
25 devote to the issue of the stalking.

26 146. Dr. Phil continued, "Matt also told us about his past history with past drug abuse,
27 specifically meth amphetamines now he says, that he's clean right now, but he's convinced the
28 organization has motives for getting him to use again take a look." First, Defendants strategically

1 failed to just disclose that Barasch had tested clean. Next, Dr. Phil yet again referenced the
2 "organization" to prevent the audience from comprehending that Barasch truly attributed his being an
3 informant as the reason for the stalking, thus the reason Barasch disclosed his history with respect to
4 drugs.

5 147. Upon returning from the commercial break, Dr. Phil presented a video in which Barasch
6 explains he was about to take a drug test; again Dr. Phil still refused to just reveal that Barasch had
7 passed the test, the only purpose of the video to keep the Show focused on Barasch's drug use and
8 alleged mental-illness. Barasch reminds the Court that the words "cyber stalking", the topic of the
9 entire Show have yet to be mentioned.

10 148. In order to comprehend its prejudicial impact, Barasch attaches hereto as Exhibit 9, a
11 mini-transcript of the last third of the Show pertaining only to the subject matter of drugs and mental-
12 illness. The fact that Barasch has already proven that he is not mentally-ill only magnifies the
13 emotional distress resulting from Defendants insistence that he was for the remainder of the Show.

14 149. Barasch reiterates that the only other relevance of drugs being discussed on the Show
15 was with respect Barasch's "perfect storm" theory; when Barasch was being stalked when using drugs,
16 he could not call the police for fear of being arrested and he would not tell his friends for fear of not
17 being believed. Instead of investigating Barasch's theory, Defendants used it as a weapon to discredit
18 him.

19 150. Barasch explained that it was this theory that motivated him to stop using,
20 "that's how come I stopped using it's been six months, and this continued to occur after I
21 would leave the dealer's house, or go to a dealers house, the exact same things were
22 occurring I wasn't using that's why I wanted to be drug tested... I was really going under
23 cover in my own life. I stayed high maybe 3 or 4 months straight and I figured out maybe
24 it's not that I'm high, but that they think I am high so I started calling up dealers and I
25 would pretend to buy the drugs, go into the bathroom like I'm hiding the drugs on my
26 body and then flush them down the toilet so I would come out and everybody in the
27 world that was involved, thought I was high, but I wasn't. I was under cover."
28

1 In response, Dr. Phil's only move left was to now discredit the fact that Barasch was clean by
2 reminding the viewers that "we know ... it can stick with you for a period of time."

3 151. Dr. Phil failed to discuss why Barasch knew the drug dealers were involved in the
4 surveillance of Barasch. Barasch provided Defendants with evidence of the unorthodox pattern of
5 behavior of his dealers that since the Show aired experts agree was indicative of stalking. Among the
6 hundreds of examples of the abnormal dealer conduct all reduced to texts and secretly recorded
7 conversations include the dealers relentlessly pursuing Barasch to purchase drugs. To get Barasch
8 paranoid that he was getting arrested, the dealers would always overstate the quantity that Barasch was
9 purchasing despite Barasch repeatedly telling them to stop. Just like Barasch being provided goody
10 bags to take with him by previous stalkers, the dealers would provide Barasch with considerably more
11 than he had actually purchased for two reasons: to keep him high and to make him think that he would
12 be charged for a greater offense if he was caught by the police. Barasch directly expressed to his
13 dealers the fact that he was paranoid and that he had been an informant; that alone should have been
14 enough for the reasonable dealer to cut Barasch off for good, yet their persistence in getting Barasch to
15 use would only increase. Not until Barasch threatened to and actually posted one dealer's texts on Face
16 Book was Barasch finally left alone. Defendants disregarded all of Barasch's compelling evidence with
17 regard to how he knew the dealers were participating in the stalking.

18 152. Barasch soon realized that he did not have to be high in order to catch the stalkers, just
19 pretend to be; consequently Barasch would go through the motions, purchase the drugs and then flush
20 them down the toilet. Barasch believed that accumulating evidence without actually being high would
21 make it more reliable to the authorities. Thus, Barasch continued to play all the games, take out the
22 same advertisements on Craig's List and spend time on dating sites all for the sake of appearing as if he
23 was high. Texts, audio, video recordings and photographs of secret meetings taking place outside
24 Barasch's apartment; one time a dealer even text Barasch that he had not left yet as Barasch watched
25 him from his roof. Another time Barasch's building manager inexplicably allowed an extremely seedy
26 looking dealer into the security apartment building each of them providing a different account as to
27 how and why. Again, Defendants did not investigate any of this evidence in their possession.

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1 153. Defendants were also able to discredit Barasch by not educating his viewers that meth is
2 not a hallucinogenic and by adding "ok so in your reasoning and logic the sentence 'this happens more
3 when I'm high' does that suggest any not correlation, but cause and effect between your perception of
4 what's happening and the use of mind altering drugs?"; this statement is false, misleading and irrelevant
5 to Barasch.

6 154. Defendants failed to disclose the truth, that when a person is on meth their senses are
7 actually heightened, making terrorizing a person who is more alert and perceptive that much easier.
8 Consequently, a person on meth would more likely notice that he was being followed in situations
9 where others might not even notice. For example, Hitler invented this same drug to keep his soldiers
10 awake, alert and to heighten their senses.

11 155. Equally as effective, when a person on meth realizes that he is being stalked, the effect
12 and his reaction will be exasperated exponentially. Thus, while Barasch was paranoid, he had a
13 reasonable right to be. Rather than explore Barasch's "alternative" explanations, Dr. Phil instead
14 unfairly punished Barasch like a defense attorney impeaching a rape victim.

15 156. Dr. Phil used his "celebrity" to prevent his viewers from realizing that he actually
16 endorsed Barasch's entire theory, "Oh I've always said, the hardest thing in the world to treat is the
17 paranoid who really does have somebody after them." Dr. Phil's irresponsible implication is that
18 paranoid and delusional people do not get stalked.

19 157. Since the Show aired, experts have provided Barasch with case studies that demonstrate
20 that psychologists often overlook that their patients have reason to be paranoid, and hence are not
21 delusional. Barasch presents an excerpt from one such study on this phenomenon (Bell, V., Halligan,
22 P.W., Ellis, H.D. (2003) Beliefs About Delusions. The Psychologist, 6 (8), 418-422):

23 Sometimes, improbable reports are erroneously assumed to be symptoms of mental
24 illness [due to a] failure or inability to verify whether the events have actually taken
25 place, no matter how improbable intuitively they might appear to the busy clinician. In
26 other words, psychologists who haven't taken the time to examine for themselves the
27 claims of their patients will tend to label as delusional anything which they "intuitively"
28 feel is improbable. Many psychologists - just as Martha Mitchell's - will tend to assume

1 any claim of conspiracy is improbable. However, conspiracies are actually common
2 occurrences which are well-recognized by the law. Psychologists are even more apt to
3 label government conspiracies as improbable. ...Psychologists who have attempted to
4 label as delusional those who raise the possibility of ...conspiracies do not have even a
5 basic understanding ... or have not examined whether or not there is any factual basis for
6 their patient's claims...They are too busy and/or arrogant to actually examine their
7 assumptions as to whether or not the claims which feel improbable to them are true.

8 As Dr. Phil would have stated to Barasch, the aforementioned study was certainly something
9 that would have to be considered.

10 158. Upon asking Barasch "so, is there a possibility that the use of these drugs, extensively at
11 times, as recently as 6 months ago, could have altered your thinking and reasoning, to the point that
12 you're interpreting things differently than what they might actually be? Is that an alternative
13 explanation?" Barasch, left with no alternative other than to agree or look irrational, responds, "it's
14 absolutely and alternative explanation I certainly can't argue with that."

15 159. Dr. Phil intentionally failed to disclose the fact that Barasch provided Defendants with a
16 twenty-page report detailing all of the control measures Barasch employed as well as case studies to
17 insure that his perception were accurate.

18 160. Dr. Phil finally got around to telling the audience that Barasch had passed the drug test,
19 "And by the way, I didn't talk about the drug results, we did a drug test, and your drug test came back
20 negative for all substances.... be right back." Dr. Phil strategically prevented any significant dialogue
21 about Barasch having passed the drug test. First, he the purposely used the expression "by the way" to
22 give it no muster. Next, he announced the results just a second before the break to avoid having to talk
23 about it. Upon returning from break, Dr. Phil did not bring it back up. Still further, Dr. Phil had
24 already diminished its significance by drugs remain in the system six months after using them. With
25 respect to the specific words used by Defendants, viewers might not have been able to distinguish the
26 difference between having "traces" of drugs in the system and actually being high at the time the Show
27 was taped.

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1 161. The Show returned from break with Dr. Phil welcoming his cohort Sophy, "Matt said he
2 is willing to take any test to prove his sanity because he's tired of people not taking his stalking claims
3 seriously. Matt requested a mental evaluation so I sent him to see Dr Charles Sophy a very noted and
4 respected psychiatrist here in the LA area." Again, Barasch went to Sophy to minimize the amount of
5 time that mental-illness would need to be discussed, not to increase it, another illusory attempt by Dr.
6 Phil to make it look like Barasch's demands were complied with.

7 162. Dr. Phil next showed the actual video footage of Barasch's private session with Sophy;
8 what people did not see was Barasch protesting and walking out of the shoot; only by lying to Barasch
9 was Sophy able to convince Barasch to return. First, Sophy gained Barasch's trust by sharing with him
10 that he too was gay and then promised Barasch that he would testify to the fact that Barasch was "same,
11 non-delusional and a genius." Corroborating that Barasch had no knowledge beforehand that his session
12 was going to be taped is the fact that Barasch was so underdressed that he had to borrow one of Sophy's
13 shirts. Without those reassurances, Barasch would not have appeared on the Show; Barasch was lulled
14 into a false sense of security by his own psychiatrist into doing something against his best interests.
15 And the fact that Sophy and Dr. Phil were both renowned in the world of psychology exponentially
16 increased the degree that their diagnosis was believed.

17 163. Barasch's responses to Sophy's questions "If I'm right, and this is happening and you guys
18 don't support me, you are giving satisfaction and achieving" the stalkers' objectives "which is to
19 terrorize me" and "I need help for what I've been through for the last few years. I'm being stalked and
20 terrorized and harassed and cyber bullied" means that Sophy had knowledge of Barasch's anxiety
21 making his falsely accusing Barasch, his patient, whom he firsthand knew was suffering from Post
22 Traumatic Stress Syndrome" (hereinafter "PTSS") unconscionable.

23 164. PTSS is often used by psychologists to explain the effect stalking has on its victims. In
24 fact, during Sophy's later sessions with Barasch, he confirmed this diagnosis as did hundreds of mental
25 health professionals who reached out to Barasch after the Show aired. Defendants also rejected a five
26 hundred page study on PTSS that Barasch provided them during pre-production with the words, "no
27 thanks, we have the best research team in the world, we don't need it!". Considering all of the mental
28 disorder explanations offered by Defendants to explain Barasch's condition, the fact that PTSS was not

1 even considered as an alternative explanation had to be intentional. While Dr. Phil may attempt to
2 shield himself from culpability by claiming to be both a talk show host and a psychologist, albeit
3 unlicensed, Sophy does not have either such luxury.

4 165. Dr. Phil even used Barasch's attempt as humor to further his mission,

5 So you think because you've been a lawyer longer than he's been a psychiatrist
6 that you trump him even though you're in his field, so I've been doing this longer than
7 you've been doing that so if I come to the courtroom do I tell you to sit down I'm going to
8 take over here because I've been doing my job longer than you've been doing your job
9 that doesn't sound rational.

10 Yet again, Dr. Phil left Barasch no alternative other than to agree with him "that does not sound
11 rational now does it?" going so far as to request that Barasch "...take it back" analogous to forcing
12 Barasch to waive his Six Amendment right to not incriminate himself.

13 166. Sophy is now physically welcomed on to the Show with an introduction unlike that
14 provided any of Barasch's supporters,

15 Well, Dr Charles Sophy is board certified in adult, child, and adolescent
16 psychiatry as well as well as family practice. He is the medical director for the county of
17 Los Angeles department of child and family services. He is the author of Side By Side
18 the revolutionary mother daughter program for conflict free communication. He is one of
19 the people in this profession that I have a great respect for, so please welcome Dr Charles
20 Sophy.

21 Again Dr. Phil demonstrates that he understands the importance of laying a foundation; and
22 after a public relations coupe with an introduction like that, it becomes perfectly clear why Sophy
23 would willingly abandon his oath as a psychiatrist.

24 167. Dr. Phil could not hide his joy at having a distinguished psychiatrist expert join his
25 crusade against Barasch, "Come on up, Dr. Sophy, good to see you....take my chair because I'm going
26 to do some stuff over here in just a minute". Barasch reiterates that the Show was supposed to be
27 about cyber stalking and technology; by having Sophy join him on stage, Dr. Phil just insured that the
28 rest of the Show would be only about mental-illness. Dr. Phil asks Sophy for his conclusion,

I mean, it's obvious that you are not crazy, you're not psychotic, you're not
walking around delusional and confused and hallucinating, you're highly highly anxious

1 you have drugs on board, not now, but you've had a history of them, you've had damage
2 to your brain and then you have ideas of reference. Ideas of reference are things when
3 you look at that light, that's just a light to me but if I'm highly anxious or I am a little
4 delusional or paranoid or suspicious I'm going to think there's something in that light.

5 Sophy's statement was a complete contradiction; Sophy had previously acknowledged that
6 Barasch was not delusional yet now Sophy is concluding that Barasch might not only be
7 delusional, both of his new diagnosis to avoid contradicting Dr. Phil. Barasch only agreed to appear on
8 the Show because Sophy declared him completely sane.

9 168. Sophy intentionally contends that Barasch had drugs on board to negate the fact that
10 Barasch passed the drug test; viewers tuning into the Show during that statement would have presumed
11 Barasch was high. Sophy's inference that Barasch may have suffered permanent brain damage
12 demonstrates why falsely claiming a person is mentally-ill is a "per se" category of defamation; the
13 resulting damages are exponentially increased. No reasonable person watching the Show would ever
14 consider retaining a brain damaged attorney.

15 169. Dr. Phil has reiterated on previous Shows that labeling a child creates an unnecessary
16 stigma, yet that is precisely what he has done to Barsach. Moreover, before even contemplating
17 labeling Barasch as brain damaged, Sophy owed Barasch the duty to conduct extensive testing of the
18 brain; Sophy had met with Barasch less than one hour, told Barasch that he was sane then proceeded to
19 broadcast to the world that Barasch may be brain damaged. No reasonable psychiatrist would ever
20 refer to his own patient as brain damaged, even made more horrific by having already diagnosed
21 Barasch as suffering from great anxiety. If Sophy truly believed Barasch was brain damaged, he too
22 would have realized that Barasch did not have the capacity to agree to appear on the Show; thus either
23 Sophy tricked a brain damaged patient or knew that Barasch was not brain damaged. Both scenarios
24 constitute despicable conduct.

25 170. The irony here is that the only way Dr. Phil is able to produce a Show about psychology
26 is by avoiding the very license that qualifies him to give advice. Dr. Phil attempts to avoid the
27 responsibilities and duties that come with the practice of psychology merely by not renewing his
28 license; yet according to the law of negligence, the reasonable standard test is determined by the level

1 of education or knowledge a person actually has; consequently, at all times Dr. Phil's conduct will be
2 held to the standard of a reasonable psychologist as determined by his profession. Consequently Dr.
3 Phil cannot hold himself out in every possible way as a renowned psychologist in order to host a talk
4 show from a mental health professional perspective just to avoid being held accountable to the
5 standards of the governing law.

6 171. No reasonable psychiatrist or psychologist would resort to the despicable conduct
7 exhibited by both Sophy and Dr. Phil in exploiting and humiliating a patient that they had just
8 diagnosed as mentally-ill, brain damaged, delusional and anxious. Dr. Phil hypocritically starts his
9 Show off each day by claiming he wants to change lives, thereby capitalizing on his holding himself
10 out as a psychologist; making Dr. Phil's conduct even more unscrupulous is that he is treating people
11 without having to complete the continuing education courses that are required to maintain a license in
12 good standing.

13 172. Defendants escalated and added the cause of action of libel by presenting his next
14 psychiatric diagnosis with a graphic:

15 I put together a graphic, because in my specialty when my practiced I did a lot of
16 work on brain and central nervous system these are the long term effects of meth
17 amphetamines it may include addiction of course psychosis including and function
18 deficits in thinking and motor skills increased distractibility memory loss aggressive and
19 violent behavior, mood disturbances severe dental problems and weight loss. Now
20 among these, that I just mentioned paranoia, hallucinations and changes in brain structure
21 these are the LONG term effects not while you're high, or when you're coming down but
22 long term effects that can be permanent, or certainly take at least a year to really clean
23 your brain. So, is there a possibility that the use of these drugs, extensively at times, as
24 recently as 6 months ago could have altered your thinking and reasoning, to the point that
25 you're interpreting things differently than what they might actually be.

26 Dr. Phil yet again forced Barasch to incriminate himself by asking him if he would consider his
27 diagnosis as an "alternative explanation"; the word "alternative" carefully selected to leave Barasch no
28 reasonable way to disagree without looking irrational.

1 173. Possibly the most far-fetched of the defamatory conclusions reached by Sophy are his
2 "ideas of reference" diagnosis; Sophy stated "when you look at that light, that's just a light to me but if
3 I'm highly anxious or I am a little delusional or paranoid or suspicious I'm going to think there's
4 something in that light." Sophy was able to intentionally misdiagnose Barasch by ignoring significant
5 evidence that automatically refuted his theory. How would it be possible for Barasch to not take having
6 been burglarized three times, drugs planted in his house, his police reports lost, his medical records
7 stolen and a person falling off his roof as not directly applying to him?; every one of these transactions
8 and occurrences were directed at Barasch specifically. Further demonstrating Sophy's malicious intent
9 is the fact that Sophy heard the recordings of three people who admitted to stalking Barasch; Barasch
10 recorded Sophy listening to these recordings.

11 174. Illustrating the degree to which Barasch was being traumatized during the Show is the
12 fact that he can be seen whispering to Sophy "to save" him as Sophy is seated on stage; this
13 demonstrates Barasch's state of mind. Barasch has again threatened Defendants with intentional
14 spoilage of evidence if this footage is destroyed. Last, if there are any doubts regarding the actual
15 words whispered by Barasch to Sophy, the services of a lip reader will resolve them.

16 175. Dr. Phil then chimed in "can I add something here that is just food for thought?" as if an
17 after-thought. Sophy responded "of course" and Dr. Phil continued "....because one of the things that
18 you have to think about is something that we refer to as personality disorders and these things are
19 arranged in clusters and a personality disorder is an enduring pattern of inner experience so these are
20 lasting things they don't just come and go and there are 3 in what is called cluster 8." Dr. Phil's remark
21 did not constitute an afterthought; it was a pre-planned intentional medical conclusion.

22 176. Personality disorder was thereby added to the defamatory list of mental-illnesses that
23 Barasch was falsely accused of being inflicted by; Barasch was forced to sit on that stage quietly as the
24 specific names and attributes of those personality disorders were introduced one by one. Barasch
25 cannot comprehend how the diagnosis of an unlicensed psychologist somehow superseded the
26 diagnosis of a licensed psychiatrist, despite the diagnosis by both of these distinguished mental
27 healthcare professionals being falsely charged to Barasch. Even further telling is the fact that Dr. Phil
28 had never even met with Barasch.

1 177. The symptoms for the paranoid personality disorder alleged by Dr. Phil were not just
2 read aloud line by line, but displayed on the overhead for the viewers to read along with Dr. Phil. The
3 first element listed was that Barasch

4 1) suspects without sufficient basis that others are exploiting harming or deceiving
5 him or her Barasch has already demonstrated that he had sufficient basis for every single contention he
6 made that the stalkers who were both harming and deceiving him. The viewers could not have known
7 this since the evidence was misrepresented and concealed.

8 2) him or her is pre-occupied with unjustified doubts Barasch has already proven
9 that all of his "doubts" were justified and thereby he was only pre-occupied with trying to figure out
10 who was behind it all.

11 3) is reluctant to confide in others because of unwarranted fear that the information
12 might be used against them This element fails on its face because Barasch had confided not just to
13 "others" but to the world despite the justified fear that the information would be used against him. Dr.
14 Phil's use of Barasch's experiences demonstrated that his concerns were warranted. Barasch had
15 provided evidence that he had previously confided the issue of the stalking to anyone that would listen
16 including the FBI, the police, judges, family, attorneys and friends.

17 4) reads hidden meaning or threatening meaning into benign remarks or events
18 Barasch has already demonstrated that this element does not apply to him in response to Sophy's "ideas
19 of reference" propaganda. Since the events and remarks were real, they were not benign.

20 178. Again, no reasonable doctors would have arrived at these medical conclusions without
21 taking into consideration other factors that could have contributed to a false diagnosis; no control group
22 mechanisms were utilized by Defendants to insure the validity of the data relied on; for example, the
23 timeline of when Barasch was being stalked alone made the a diagnosis of mental-illness preposterous.
24 Defendants knew that Barasch stated that he had been stalked up till the moment he moved to South
25 Africa to get away from the stalking in 2009, was not stalked in South Africa even though Barasch
26 admitted he used meth there. Barasch's stalking returned immediately upon moving back to the United
27 States through the moment he moved out of his house in Florida. Thereafter Barasch moved in with his
28 parents for eight months without one single incident of stalking. And finally, immediately upon

1 moving back to Los Angeles, the stalking resumed. Mental-illness has no boundaries, yet Defendants
2 ignored this fact.

3 179. Even so, Dr. Phil continued to label Barasch with even more mental disorders, now
4 adding schizotypal. Schizotypal was a particularly dangerous prognosis because of the stigma that
5 comes with the average person confusing this disorder with schizophrenia. Yet Dr. Phil still managed to
6 get the endorsement of this diagnosis from Sophy as he looked over to him in unity and stated "and if
7 you go to schizotypal for example, it's what Sophy was talking about ideas of reference odd beliefs,
8 unusual perceptual experiences, suspiciousness or paranoid ideation." Again, Barasch has already
9 completely disproven Sophy's ideas of reference theory.

10 180. Despite Barasch never getting the opportunity to respond to any of the aforementioned
11 defamatory conclusions, Dr. Phil added, "I'm not saying it's the right explanation but it would be one of
12 the ones that if you were problem solving this you would have to put in on the short list of
13 considerations." Every viewer realized that various forms of mental-illness were the only explanations
14 provided on this short list; stalking, the alleged topic of the Show, never addressed one single time.

15 181. Since Dr. Phil Show needs to be the savior, Dr. Phil is forced to come up with a
16 solutions albeit predicated on his false conclusions "and the good news is....these are things that can be
17 treated;" these things of course related to the symptoms stemming from Barasch's alleged psychiatric
18 disorder. Dr. Phil stated "where if this is contributing to your experience you can be helped with that,
19 so it goes away." In response to Dr. Phil condescending statement "these are things that can be treated
20 and if it's not, what have you lost?" Barasch responds now that he has lost all of his credibility in the
21 eyes of the world. Further demonstrating Dr. Phil's only diagnosis was that Barasch was mentally-ill is
22 the fact that he irresponsibly did not even provide Barasch with a backup plan should he be wrong.

23 182. Dr. Phil continued to patronize Barasch "like you say it's just a game" knowing all along
24 that Barasch truly did not believe it was a game and that even if it was, it was a game that Barasch was
25 being forced to play. Dr. Phil escalated his abuse of Barasch to another level of unconscionability by
26 blaming Barasch, the victim, for "giving them the power, by reacting"; Dr. Phil mocked Barasch by
27 referring to a "them" when Barasch and everyone else knew that Dr. Phil did not believe there was ever
28

1 a "them". Dr. Phil was lying when he stated "or maybe it's not happening at all" because the evidence
2 presented in this Complaint cannot be misconstrued.

3 183. As the Show ended, Dr. Phil asked Barasch, "How do you feel about coming here today?
4 Barasch responded truthfully "I wish never came here" and added "I have nothing but respect for you
5 and nice things to say but I just don't feel like you showed any of the other evidence... "I think this is
6 something that would take three months of time. I have 1784 pieces of evidence I don't really feel that
7 this person as much as I respect you ever saw the screen shots to explain how they got on my
8 computer."

9 184. In response, Dr. Phil again provides Barasch with an illusory opportunity to present one
10 issue; Barasch requested that Defendants display the screen shot of two calls made to Barasch's "pre-
11 paid" phone by one of his stalkers, but never gets the opportunity to explain that those calls were made
12 by Nader, the stalker earlier referenced with respect to Defendant Tien. Embarrassing Barasch, Dr. Phil
13 simply confirmed that the calls came from Nader without Dr. Phil allowing Barasch to explain the
14 significance.

15 185. Nader had called Barasch's phone despite nobody in the world even knowing that phone
16 existed. Consistent with the stalkers, Nader had developed irrational feelings for Barasch almost
17 immediately, had a sophisticated computer background, even boasting that he had been personally
18 trained by Steve Job of Apple; accordingly Nader always arrived at Barasch's place with multiple
19 laptops used to compromise Barasch's devices.

20 186. But most haunting, upon Barasch informing Nader that he was HIV positive before
21 intimacy, Nader asked Barasch whether he was sure that his viral load was still undetectable since
22 Barasch had stopped taking his medication; the only person in the world that knew Barasch was off his
23 medication was Barasch's physician. Barasch has saved all the texts, screen shots, hard- drives time-
24 stamped before and after Nader left that prove Nader hacked his devices; Despite telling Nader to leave
25 him alone and that he exposed his suspicions that he was a stalker to Dr. Phil, Barasch continues to get
26 contacted by Nader, even moving only a few blocks away.

27 187. Defendants personally witnessed several other instances of Barasch being terrorized
28 during pre-production, several incidents involving Nader, others involving text messages disappearing

1 in plain sight and passwords being changed. Further demonstrating that Defendants deliberately abused
2 Barasch, despite being alerted that Barasch was scared that the stalkers might be in the studio audience
3 since they had slipped into the Kimmel Show, Dr. Phil breached Barasch's specific request to not
4 disclose that fact on the Show. Validating Barasch's right to be fearful, despite Barasch never having
5 disclosed the name of the "organization" to anyone other than to the Defendants, Barasch learned the
6 day following the Show that members of the "organization" checked out his profile on LinkedIn.
7 Barasch saved the screen shots.

8 188. Barasch sets forth that by the age of fifty, he had a very clear idea where he lies in the
9 pecking order of good-looking eligible guys. Because Barasch did not appear to be gay, he was rarely
10 hit on by men in straight environments. Barasch has thousands of texts, photographs and recorded
11 conversations indicating that he had suddenly become the most eligible bachelor "on the block" courted
12 by the best looking guys all in spite of the truth that Barasch was actually at the lowest point in his life,
13 out of shape, unemployed, broke and justifiably paranoid; in addition, even sharing that he was HIV
14 positive did not deter the stalkers, most of whom were advanced computer programmers and the
15 majority of them encouraging Barasch to get high them even after Barasch disclosed to them that he
16 was sober.

17 189. Barasch will provide evidence of just one of these romantically interested stalkers. On
18 a night when Barasch was being stalked relentlessly, Barasch was approached by a guy named Rudy
19 who chose Barasch over dozens of younger, better looking guys; even Barasch telling him that he was
20 HIV positive and under police surveillance did not wean his interest. Rudy's direct quote to Barasch
21 was "you are so handsome, masculine and I can sense there is something so special about you. I know
22 what you are going through and I want to help." Barasch gave Rudy his business card and left the
23 scene.

24 190. Two hours later, Barasch received a text from Rudy that he had already stopped by
25 Barasch's home,

26 Dude if you need someone to help you through whatever it is you're going
27 through, I know the program and I will help. I am not here to play games. Call me man. I
28 am not here to play games. I came to your place earlier. Whats up? Can I see you?

1 Rudy continued "How much time you got? Enough?" Barasch replied, "enough
2 to what?" Rudy replied,

3 Whatever, to explore in peace I just have a couple things with me. I am going to
4 show you what I do. I am here for you. You are really not alone. Anytime you want to see
5 me, let me know.

6 In stating that "I have just a couple of things with me" Rudy confirms one of the main patterns
7 of the stalkers in bringing all kinds of devices to Barasch's home for incomprehensible reasons; in
8 reading those texts, realize that Barasch had known Rudy less than five minutes.

9 191. Just like all of the stalkers, even though Rudy admitted in his texts that he knew Barasch
10 was sober, Barasch caught Rudy planting a meth pipe in his couch; recall that Rudy had stated in his
11 texts "that he knows the program." Rudy claimed that he hid the pipe in order to protect Barasch's
12 sobriety; as texts will confirm, before kicking Rudy out, Barasch tested Rudy's motives by asking him
13 to leave Barasch "a line." When Rudy obliged, Barasch blew the drugs on the floor. Before he left,
14 Rudy managed to steal Barasch's pre-paid phone that had evidence that Barasch luckily had already
15 taken photographs of. Barasch's undenied text sent to Rudy after he left and Rudy's continued pursuit
16 of Barasch demonstrates that Barasch was clearly being stalked. Defendants were privy to all of the
17 transactions and occurrences regarding Rudy and other stalkers following the same pattern; Defendants
18 failed to disclose or investigate any of it.

19 192. Months later, Rudy pursued Barasch on a dating site, changing his profile to conceal the
20 fact that he was the same person; upon his returning to Barasch's home, Barasch learned that he actually
21 worked at the Los Angeles Children's Hospital ("LACH") in the cancer research department. And
22 consistent with yet another pattern of the stalkers, Rudy insisted that Barasch hook him up with a
23 dealer; yet when the dealer arrived, Rudy purchased drugs, did not request the dealers contact
24 information, handed over all of the drugs to Barasch and just left. Barasch saved every text, e mail and
25 even the screen shots of their conversation on the dating site, none of which peaking Defendants'
26 interest.

27 ///

28 ///

1 193. More unsettling, not only has Rudy moved just a block away from Barasch's home, but
2 after the Show aired, viewers, not knowing anything about the Rudy incident, wrote into the Dr. Phil
3 Forum to warn Barasch that many of their own personal stalkers worked at the LACH. Screen shots of
4 those posts were made by Barasch.

5 194. Upon the Show almost to a close, Dr. Phil now confirmed that he had concluded
6 Barasch was mentally-ill by offering Barasch therapy. Barasch denied this diagnosis till the bitter end
7 by responding to Dr. Phil's offer of therapy "can I make a trade? I will go through every single bit of
8 therapy that you think I should explore if you will just open that one door to have all of my evidence
9 inspected by the FBI." Dr. Phil accepted Barasch's offer "I'll make you a deal and I'll tell you all about
10 it right after the break."

11 195. Upon returning from break, Dr. Phil announces

12 "we've tried to tell the story here, he doesn't feel like we've covered everything
13 that he would like us to cover and he said, 'I told your producers I don't think this show
14 should air tomorrow, or in ten days because he thinks it takes time to drill down on this.'
15 He has asked me to make a request to my contacts with the FBI, both active and retired,
16 to look into this in a serious way and I have agreed to do that. I've made that deal now I'll
17 make you another deal. I will hold this show for 90 days if you will agree to spend that 90
18 days getting some help, and see if it changes your perceptions.

19 196. Barasch accepted Dr. Phil's counter offer by stating "you've got a deal." In truth,
20 Barasch never requested that the Show not air for ninety days; Barasch was referring to his warning
21 Defendants that even ninety days was not enough time to have had his evidence meaningfully
22 investigated. Extending the air date ninety days was actually the last thing Barasch wanted, giving him
23 too much time to worry about the damage that would ensue.

24 197. Pursuant to this Agreement, Barasch immediately tried to schedule an appointment with
25 Sophy. All of the e mails between Barasch and Sophy demonstrate that Sophy made it virtually
26 impossible for Barasch to see him. Upon finally fitting Barasch in at 10 p.m. on a Sunday night, it was
27 evident that Sophy neither considered Barasch mentally-ill nor delusional, attempting to treat Barasch
28 for his anxiety and sleep issues. After the first meeting, Barasch had to practically beg Sophy, as

1 depicted in over thirty e mails between them, to schedule another session. Had Sophy truly believed
2 that Barasch was as disturbed as depicted on the Show, then Sophy's actions after the Show certainly
3 violated the duties owed Barasch as his doctor. Since Sophy not one single time during their two
4 sessions intimated that Barasch needed help, Sophy had to have lied on the Show; Barasch recorded his
5 sessions with Sophy that constitute proof that Sophy never believed Barasch needed treatment for
6 mental-illness.

7 198. Barasch needed to complete his treatment within a reasonable amount of time to have
8 his evidence reexamined before the Show aired. Barasch confided to Sophy that he intended to sue Dr.
9 Phil and forced Sophy to listen to the recorded confessions of three stalkers. While never once
10 purporting that he believed Barasch was mentally-ill, Sophy still resisted speaking out against Dr. Phil
11 causing Barasch to realize that Sophy's treating Barasch constituted a complete conflict of his interest
12 with respect to his affiliation to Dr. Phil. Upon Barasch apprising Sophy of his beliefs and walking out
13 of the session, Barasch received a call from Sophy the following day that he had notified Defendants
14 that Barasch had successfully completed treatment. Thus either the Defendants misdiagnosed Barasch
15 on the Show or Defendants breached their fiduciary duty by failing to treat Barasch for his mental-
16 illness. Proving that Defendants committed fraud, considering the entire Show was about Barasch
17 having delusions for four years, it would be impossible that Barasch complete treatment in less than
18 two sessions.

19 199. Defendants only made an illusory attempt to have Barasch's case reinvestigated; since the
20 scheduled appointment was with Kane who worked with Dr. Phil to discredit Barasch, any
21 reinvestigation was going to be worthless. Defendants were clearly going to use those meetings with
22 Kane to further discredit Barasch, Barasch denied Defendants the privilege of videotaping them; surely
23 those meetings would have been edited once again to humiliate Barasch; proving that Barasch was not
24 insane, he refused to allow Defendants to repeat the same behavior twice that would have required
25 Barasch to have expected a different result.

26 200. Upon arriving at Kane's office, Barasch was introduced to two other members of Kane's
27 company who along with Kane all admitted that they had never received or read the memorandum
28 Barasch prepared that outlined how Barasch knew that his devices were hacked. The meeting proved to

1 be another sham, less than one hour allotted to trying to convince Barasch that the analysis on the Show
2 was legitimate; Barasch has already plead all the reasons the computer segment of the Show was a
3 fraud; thus Defendants breached their agreement to reinvestigate this case.

4 201. With only a few minutes left during the meeting, Barasch managed to convince the other
5 agents to at least look at one single piece of evidence that Barasch had brought with him. Barasch
6 played for them a recording of the call he made to Dish Network during pre-production in which the
7 call was hijacked and redirected to a hoax company that produced products that were completely
8 designed to poke fun at Barasch regarding some very personal matters. While the two agents were
9 baffled and actually interested in figuring out how that redirected call could have happened, Kane
10 refused to allow their continued investigation, his refusal set forth in e mail. The fact that two former
11 FBI agents could not even explain a simple incident Barasch experienced is representative of why
12 Barasch went to Dr. Phil for help; inexplicable phenomena was taking place and Barasch was seeking
13 answers.

14 202. Barasch notified Defendants immediately after the meeting that they were in breach.
15 Defendants responded by offering Barasch a second meeting with Kane and refused to provide Barasch
16 with a written agenda of what the meeting would be about to give Barasch time to prepare. Barasch
17 notified Defendants that they had materially breached the Agreement. Barasch never heard back from
18 Defendants again.

19 203. Barasch realized after the Show that he actually had far more evidence than the 1784
20 figure he represented he had on the Show. With regard to his devices alone, Barasch points out some
21 of the many kinds of incidents that Kane failed to investigate that include definitive evidence that his e
22 mails were being intercepted; Barasch attaches this list hereto as Exhibit 10.

23 204. Barasch put Defendants on notice the day following the taping of the Show that Barasch
24 intended to litigate if Dr. Phil aired the Show; consequently Defendants had ample time to
25 independently reinvestigate all of facts constituting the causes of action of this Complaint and either
26 cancel or edit the Show. Evidencing Defendants malicious intent, not one single defamatory issue was
27 edited off the Show. Defendants realized that had they honestly reopened an investigation, the entire
28 Show would have had to have been scrapped; Defendants rolled the dice that Barasch would not sue.

1 205. After the Show was taped but before the Show aired, Barasch's stalking escalated
2 exponentially. Barasch notified Defendants by e mail and by phone that he had additional evidence
3 that included taped conversations of stalkers' confessions and even one death threat. Barasch's former
4 dealers were relentless contacting Barasch despite his continued demands that they leave him alone.
5 Barasch had warned Defendants repeatedly both before and after the Show was taped that not taking his
6 stalking issues seriously would escalate his problems. Whether Barasch's beliefs were justified or not,
7 no reasonable doctor, psychologist or psychiatrist would have taken the chance of the effect it might
8 have on such a "disturbed" guest, patient.

9 206. Barasch just continued to accumulate more evidence including his finally finding a
10 recording of a stalker stating, "no wonder they all hate you so much that they want you dead" that
11 transpired before the Show aired. After all of these years, Barasch was strangely contacted by one of
12 those three stalkers whose IT skills were among the top in the country on the pretense that he needed
13 legal help; this stalker brought drugs over to Barasch's home despite Barasch apprising him that he no
14 longer used. Barasch secretly recorded the seven hours spent at Barasch's in which he admitted that
15 Barasch's computers had been hacked as well as to the existence of all of the strange occurrences that
16 Barasch provided evidence of to Defendants. Predictably, this stalker came over to Barasch's house
17 with three laptops and never discussed a word about his legal matter. Barasch was prepared, copied the
18 hard drives of his computers before he arrived and again after he left; they were all hacked. This
19 stalker can be heard telling Barasch that he had put a tracking device on his wife's cellular phone, all
20 along while he was installing the same program on Barasch's phone. From beginning to end, Barasch
21 now had evidence of the entire process the stalkers used to manipulate their victims.

22 207. Next, on December 13, 2014, Barasch was burglarized yet again. Despite a front door
23 locked drilled in, his house ransacked and another laptop stolen, the HPD refused to take a police
24 report. Upon Barasch informing the HPD that he had already filed three grievances against their
25 branch, one of their detectives was assigned to the case. As Barasch told the detective that he was tired
26 of not being taken seriously, referencing the Dr. Phil Show and immediately upon Barasch saying "I
27 might end up shooting the next burglar who enters my house in the middle of the night" the detective
28

1 proceeded to handcuff Barasch and lock him up on a statutory 5150 hold; not only did the police fail to
2 investigate the burglary, the police's lied in order to meet the criteria to hold Barasch on a 5150.

3 208. Barasch has irrefutable proof that the police fabricated evidence in order to lock Barasch
4 up; the criteria for a 5150 hold are clear: there must be evidence that a person show a significant mental
5 disorder AND that there be evidence that a person pose an immediate danger to himself or to others.
6 First, Barasch did not have a gun, thus there was no immediate threat. Second, Barasch said he would
7 shoot a future burglar under particular circumstances warranting his legal use of a weapon. Barasch
8 used the word "would" a conditional tense about a "future" burglar. Next to meet the mental disorder
9 element, the detective only used the fact that Barasch had confessed that Dr. Phil had concluded he was
10 delusional. And last, the entire event was captured on surveillance video that was running the entire
11 time in the lobby of the police station; the police still refuse to review that footage.

12 209. Escalating the degree to the police misconduct, Barasch later read the reports from the
13 detention center which false stated, "he had a gun and that he would go back home and shoot himself
14 and if that didn't work, he would start shooting other people." Once again, the video footage will
15 prove that the police had lied. Barasch has demanded in another grievance he has filed against the HPD
16 and in letters to the mental health care officers that the footage be reviewed, but all his requests have
17 been denied.

18 210. This incident continues to escalate making it absolutely clear that a police cover up is
19 taking place. On March 23, 2014, Barasch filed a Petition for Release from Fire Arms Prohibition
20 ("petition") which required Barasch to attach a copy of the police report stemming from that incident to
21 the Petition; Barasch has previously attached EXHIBIT 6 to prove that the incident took place and that
22 the police report could not be found. In addition, the stalkers intervened by wiping the Declaration for
23 the petition off Barasch's computer the morning of the hearing. Barasch reiterates that all these
24 provable transactions demonstrate that he is not delusional.

25 211. Barasch provides one additional example of the lengths law enforcement will go to
26 conceal evidence. On August 17, 2014 Barasch received what purported to be a ruling on the grievance
27 that Barasch filed on September 30, 2013, pertaining to Rudy (attached hereto as Exhibit 6). However,
28 in that ruling letter, the LAPD references the 5150 that took place on December 13, 2013; this means

1 this means that the LAPD had in their possession that police report Barasch needed for his March 17,
2 2014 petition. Barasch speculates that the LAPD intentionally confused the grievances providing an
3 opportunity to claim the grievances were mixed up that might have provided them the right to destroy
4 the surveillance video.

5 212. Upon the Show airing on January 9, 2014, Barasch learned that the majority of the
6 people who wrote in to the forum on Dr. Phil's website, to his Face Book page and to his channel on
7 You Tube not only supported Barasch but have experienced the exact same type of stalking; while
8 Barasch no longer felt alone, Barasch realized that his supporters only constitute less than a fraction of
9 one percentage point of the viewing audience; Barasch understood this because the vast majority of
10 those who recognized Barasch on the street, the comments made to him on his own Face Book page
11 and his isolation from long term friends who had not privy to Barasch's stalking have been completely
12 influenced by Defendants portrayal of Barasch as mentally-ill; nevertheless, just like the Dr. Phil
13 employee that asked Barasch out, Barasch managed to change the perceptions of virtually every single
14 one of those people who later came into personal contact with Barasch; these people conceded they had
15 wrongfully prejudged Barasch as a result of the way he was portrayed on the Show.

16 213. Nothing demonstrates Defendants malicious and tortuous actions more than their efforts to
17 prevent Barasch from disclosing the truth after the Show aired. Defendants deleted all of Barasch's
18 accounts on the Dr. Phil forum to prevent Barasch from presenting his evidence in response to viewers'
19 questions. Defendants demonstrated that they did understand technology by even deleting accounts
20 Barasch tried to create to respond to viewers with the use of Barasch's IP address. Obviously Dr. Phil
21 went to extraordinary lengths to prevent Barasch from presenting his side of the story, the truth. All
22 Barasch has tried to preserve the evidence pertaining to this issue, Barasch has also requested that
23 Defendants not destroy it.

24 214. By February 9, 2014, Barasch presented Defendants with the statutory required demand
25 for retraction letter; Defendants rejected Barasch's request in its entirety. It was only after the official
26 retraction letter was delivered to Defendants that the stalking started to subside, again less than five
27 incidents per week. Of course Barasch does not believe that Defendants were behind the original
28 stalking, although their malicious conduct exasperated it. Barasch speculates that the reason the

1 stalking has diminished is that the stalkers have realized that by bringing this lawsuit, Barasch will be
2 able to expose them.

3 215. Even still, Barasch continues to be stalked. Upon meeting a guy several weeks ago in
4 November 2014, this person admitted knowing things that Barasch had never disclosed to anybody.
5 Barasch has over fifty texts from this guy. Upon Barasch texting him back, "I couldn't get into detail
6 there but in less than ten minutes you hit on about ten issues I have gone thru..kind of strange huh". His
7 response, "well you are in the know.. yes more will be revealed... yes PRO FOUND". Later that week,
8 upon Barasch asking this person where he was, his response was, "around the corner...Santa Monica
9 and Fountain' which was exactly where Barasch was located. When Barasch asked this person how he
10 knew Barasch's locations, his response, "higher power is in control". Barasch saved all the texts, the
11 bulk of them even spookier.

12 216. With the stalking subsiding, meaning only about ten incidents of stalking per week,
13 Barasch was finally able to maintain a job; Barasch will not discuss his position for a variety of reasons
14 but will state that it was not till November 16, 2014 that his company learned that he had been on the
15 Show; Barasch will reveal any evidence of stalking pertaining his new position only if circumstances
16 require.

17 217. Today Barasch has continued to receive support and assistance from multiple thousands
18 of individuals in the same predicament, most of whom providing Barasch with corroborating evidence
19 that has included scientific data, videos, affidavits and live testimony. Among those who have
20 contacted Barasch are former FBI agents, former police officers, government officials in various
21 branches of the government, famous rock star Scott Stapp of Creed, forensic computer experts two
22 Olympic athletes, a former famous talk show host and psychologists all offering to help and testify on
23 Barasch's behalf without any expectation of compensation.

24 218. Defendants self-proclaimed status as the best research team in the world should have
25 informed Barasch, as did thousands of Americans after the Show that the term for what has been
26 happening to Barasch is "gang stalking". While Barasch behavior, contrary to the lies of the
27 Defendants, did not meet the elements for any of the mental-illness categories set forth on the Show,
28 the transactions constituting Barasch's stalking does meet a minimum of 15 of the top 20 elements of

1 being gang stalked. Dr. Phil conspicuously and intentionally failed to provide gang stalking as one of
2 his alternative explanations, obviously intentional considering the Show was agreed to be and promoted
3 to be about cyber stalking.

4 219. Gang stalking is such a known phenomenon that the Discovery Channel interviewed
5 Barasch to be on a series that they conclude affects the lives of more than three hundred thousand
6 people worldwide; had Defendants googled the term gang stalking they would have discovered that
7 more than 5 million entries pop up, the first "Urban Dictionary" making it clear that Barasch could have
8 been the "poster boy". Since Barasch himself provided Defendants with two articles on gang stalking,
9 it becomes obvious that Defendants intentionally and deliberately concealed this conclusion. Barasch
10 previously pointed out that CBS failed to even disclose relevant information that they exposed on Sixty
11 Minutes demonstrating that Barasch discovered before even the populous how easily computers are
12 hacked.

13 220. Barasch's burden in this Complaint is not to prove that he was stalked but to prove that he
14 has a rational basis for so concluding; in other words, Barasch is not mentally-ill nor delusional.
15 Defendants concealed the truth and invented an explanation that only the power of Dr. Phil could sell.
16 Barasch has never purported to know the answers, but speculates that Defendants malicious conduct
17 occurred for reasons beyond the scope of this Complaint. Dr. Phil has defrauded his fans by
18 concealing the truth and not educating them about the infinite ways technology can be used against
19 them today. Barasch went to Dr. Phil for a solution and Dr. Phil turned out to be his biggest problem.
20 Gang stalking is about bullying and discrediting, and there it is clear that is precisely what Dr. Phil has
21 inflicted on Barasch.

22 FIRST CAUSE OF ACTION

23 (Breach of Written Contract Based on Correspondence

24 Against All Defendants)

25 221. The allegations set forth above are incorporated herein by reference as though fully set
26 forth.

27 222. During the period between September 26, 2013 and October 9, 2013, Barasch and
28 Defendants entered into preliminary negotiations regarding Barasch appearing on the Dr. Phil Show.

223. By exchange of letters, e mails and documents by all means of communication as well as by personal delivery, in addition to oral representations, Barasch and Defendants agreed that Barasch would appear as a guest on the Show, would provide all relevant evidence, would make himself available around the clock to respond to questions and to assist the producers; Defendants agreed to investigate Barasch's claims and evidence, provide Barasch with a drug test, complete psychological examination and a computer forensic specialist and to avail themselves of all resources necessary to assist Barasch resolve his stalking dilemma. Barasch specifically set forth his goals for appearing on the Show and made it adamantly clear that he would not be associated with or appear on the Show associating him in any way to being mentally-ill or delusional.

224. Barasch has performed all conditions, covenants and promises required on his part to be performed in accordance with the terms and conditions of the written contract based on correspondence between the parties.

225. On or about October 9, 2013, Defendants materially breached the written contract by misrepresenting material evidence, failing to disclose material facts, failing to lay a foundation for any of the evidence presented, editing the Show in a manner which made Barasch look mentally-ill and failing to actually investigate the issues in an a meaningful and honest manner. The examination of Barasch's devices and the psychiatric examination proved to be an illusory attempt to appear to comply with the contract. Defendants further materially breached the Agreement by airing the Show on January 9, 2014, deliberately and thereby depriving Barasch of the benefits of the Agreement. Defendants' breaches have been specifically set forth above.

SECOND CAUSE OF ACTION

(Breach of Oral Contract Against All Defendants)

226. The allegations set forth above are incorporated herein by reference as though fully set forth.

227. On October 9, 2014, Barasch and Defendants entered into an oral agreement witnessed by the studio audience.

228. Barasch and Defendants made mutual promises pursuant to that Agreement constituting consideration. Barasch promised to undergo any psychological therapy recommended and offered by

1 Defendants and upon completion Defendants agreed to reexamine and investigate all of Barasch's
2 evidence pertaining to the stalking with the help of the FBI or similar agency.

3 229. Barasch performed all of the conditions required by Defendants by completing all of the
4 therapy deemed necessary by Sophy on or around October 30, 2014. Defendants confirmed that
5 Barasch had performed all of his duties pursuant to that agreement by e mail, by telephone. Further,
6 the act of setting up an appointment with Kane to investigate the stalking evidenced their confirmation
7 that Barasch had completed his phase of the agreement.

8 230. Defendants breached the oral contract by failing to provide any meaningful
9 reexamination or investigation of the evidence, the reexamination consisting of less than one meeting
10 lasting approximately forty minutes. Further by having Barasch meet with Kane, the same expert
11 whom Barasch has set forth was biased and now a Defendant to this Complaint was an illusory attempt
12 to perform, constituting a material breach. E mails, texts and phone calls will demonstrate that Barasch
13 provided Defendants with ample opportunity to cure their breach to no avail. Defendants further
14 breached the oral contract by not providing Barasch with the treatment commensurate with the mental-
15 illness Defendants diagnosed Barasch as suffering from.

16 **THIRD CAUSE OF ACTION**

17 **(Breach of Implied Covenant and Fair Dealing Against All Defendants)**

18 231. The allegations set forth above are incorporated herein by reference as though fully set
19 forth.

20 232. During the period between September 26, 2013 and October 9, 2013, Barasch and
21 Defendants entered into preliminary negotiations regarding Barasch appearing on the Dr. Phil Show.

22 233. By exchange of letters, e mails and documents by all means of communication as well as
23 by personal delivery, in addition to oral representations, Barasch and Defendants agreed that Barasch
24 would appear as a guest on the Show, would provide all relevant evidence, would make himself
25 available around the clock to respond to questions and to assist the producers; Defendants agreed to
26 investigate Barasch's claims and evidence, provide Barasch with a drug test, complete psychological
27 examination and a computer forensic specialist and to avail themselves of all resources necessary to
28 assist Barasch resolve his stalking dilemma. Barasch specifically set forth his goals for appearing on

1 the Show and made it adamantly clear that he would not be associated with or appear on the Show
2 associating him in any way to being mentally-ill or delusional.

3 234. Barasch has performed all conditions, covenants and promises required on his part to be
4 performed in accordance with the terms and conditions of the written contract based on correspondence
5 between the parties.

6 235. On or about October 9, 2013, Defendants materially breached the implied covenant of
7 good faith and fair dealing by misrepresenting material evidence, omitting material facts, failing to lay
8 a foundation for any of the evidence presented, editing the Show in a manner which made Barasch look
9 mentally-ill and failing to actually investigate the issues in an a meaningful and honest manner. The
10 examination of Barasch's devices and the psychiatric examination proved to be an illusory attempt to
11 appear to comply with the contract. Defendants further breached the covenant of good faith and fair
12 dealing by deliberately and intentionally producing and airing a Show that deprived Barasch of all
13 benefits of the agreement. In that Defendants had all the control to the affect the rights of Barasch, the
14 covenant imposes a duty to exercise that discretion in good faith and in accordance with fair dealing. In
15 that the topic of the Show was not even what Barasch agreed to appear on the Show to discuss and the
16 overwhelming material portion of the Show was about the specific subject matter that Barasch
17 specifically stated that he would not appear on the Show about, Defendants breached this covenant.
18 Defendants materially breached their agreement when the Show was taped on October 9, 2013 and
19 fatally breached by airing the Show on January 9, 2014, Barasch having provided Defendants with
20 notice constituting an extraordinary amount of time within which to cure, instead exasperating the
21 breach by intentionally moving forward by airing the Show. Defendants' breaches have been
22 specifically set forth above.

23 **FOURTH CAUSE OF ACTION**

24 **(Fraudulent Inducement against all Defendants)**

25 236. The allegations set forth above are incorporated by reference as thought fully set forth
26 below.

27 237. Defendants made misrepresentations to Barasch to induce him into appearing on the
28 Show. The representations included but were not limited to entering into a contract in which all of

1 Barasch's specific demands were agreed to without any intention of adhering to them. All of the
2 conduct, words and written documents were designed to manipulate Barasch to appear on the Show by
3 trickery. Defendants failed to comply with any of the terms of the Agreement as set forth above that
4 proved to be only illusory. Defendants provided Barasch with the psychological examination in order
5 to provide the Defendants and Barasch with the option not to appear on the Show should the results
6 lead Defendants to conclude that Barasch was mentally-ill. Defendants continued to act in accordance
7 with the Agreement on the surface knowing at all times that the Show would be about Barasch's
8 specific mental-illness and thus defeat all of Barasch's objectives for his willingness to appear on the
9 Show. On a secondary level of fraudulence Defendants fabricated evidence in order to be able to make
10 Barasch appear delusional on the Show. On one level Barasch was lied to that the evidence
11 demonstrated that he was sane and on the second level Defendants fabricated the evidence at the time
12 of Show to make Barasch appear delusional. Barasch would not have appeared on the Show had he
13 had reason to know that his evidence would be misstated, misrepresented, concealed and omitted,
14 Defendants realized Barasch would not have appeared.

15 238. Defendants willfully lead Barasch to believe that the Show was going to be about the
16 stalking and consistent with the objectives set forth in the statement of objectives Defendants requested
17 that Barasch submit. Defendants by their conduct, actions and words at all times during pre-
18 production continued to create the impression that Defendants believed Barasch was in fact being
19 stalked. Sophy provided Barasch with a true diagnosis that he was sane prior to the Show and then a
20 false diagnosis that he was brain damaged, delusional and suffered from ideas of reference when he was
21 on the Show. Defendants at all times were aware that providing Barasch with even the slightest hint
22 that they were going to find him not sane would have completely thwarted Barasch's objectives and
23 would have lead Barasch to legally cancel appearing on the Show.

24 239. Defendants further represented to Barasch both before and up to the minute the Show
25 was taped that Barasch would be on a Show whose topic was about Cyber Stalking.

26 240. Defendants additionally either affirmatively made representations about or intentionally
27 concealed that the Show was not going to have anything to do with stalking.

28 ///

241. The representations made by Defendants were in fact false and or constituted omissions of material facts. The true facts were set forth above.

242. As a proximate result of the fraudulent conducts of Defendants, Barasch has been damaged in the amount to be proven at trial.

243. The conduct of the Defendants constituted intentional misrepresentation, deceit, and or concealment of material facts known to Defendants with the intention of their part to deprive Barasch of legal rights or otherwise cause injury, and was despicable conduct that subjected Barasch to cruel and unjust hardship in conspicuous disregard for his rights, so as to justify an award of exemplary and punitive damages.

FIFTH CAUSE OF ACTION

(Fraud against all Defendants)

244. The allegations set forth above are incorporated by reference as though fully set forth below.

245. Defendants made misrepresentations to Barasch to induce him into being on the show. The representations included but were not limited to entering into a contract in which all of Barasch's specific demands were agreed to without any intention of adhering to them. All of the conduct by Defendants presented the appearance of complying but were illusory. Defendants provided Barasch with the psychological examination in order to provide the Defendants the option to not go forward with the Agreement should the results have lead the Defendants to conclude that Barasch was mentally-ill. Defendants continued to act in accordance with the Agreement knowing that that their fabricated conclusion would not only defeat Barasch's objectives for being on the Show but would also immediately terminate Barasch's agreement to appear on the Show. Defendants induced Barasch to appear on the Show with falsified evidence that would have precluded Barasch from agreeing to be on the Show. Defendants willfully lead Barasch to believe that the Show was going to be precisely about the objectives that Defendants requested that formed the basis of the written contract based on all correspondence between the parties. Defendants conduct at all times during pre-production continued to create the impression that Defendants did not believe Barasch was mentally-ill. Defendants by their actions and words pretended to believe Barasch. Sophy provided Barasch with a false diagnosis that he

1 did not believe that Barasch was delusional or mentally-ill, yet on the Show diagnosed Barasch as
2 being brain damaged, have ideas of reference and to be a little delusional. Defendants at all times were
3 aware that providing Barasch with even the slightest hint that they were going to find him not same
4 would have completely thwarted Barasch's objectives and would have lead Barasch to legally cancel
5 appearing on the Show.

6 246. Defendants additionally either affirmatively made representations about or intentionally
7 concealed that the Show would be about cyber stalking by their actions, conduct, words and failure to
8 ask any questions that would leave Barasch to think otherwise and that Dr. Phil was not a licensed
9 medical professional.

10 247. The representations made by Defendants were in fact false and or constituted omissions
11 of material facts. The true facts were that the show was a sensationalized "Jerry Springer" like show
12 that would exploit Barasch problems with the stalking. Alternatively, Barasch would not only have
13 been a guest on the Show if he knew that he would be classified as mentally-ill but would not have
14 agreed to have been on any show in which an unlicensed doctor would be offering a diagnosis.

15 248. As a proximate result of the fraudulent conducts of Defendants, Barasch has been
16 damaged in the amount to be proven at trial.

17 249. The conduct of the Defendants constituted intentional misrepresentation, deceit, and or
18 concealment of material facts known to Defendants with the intention of their part to deprive Barasch
19 of legal rights or otherwise cause injury, and was despicable conduct that subjected Barasch to cruel
20 and unjust hardship in conspicuous disregard for his rights, so as to justify an award of exemplary and
21 punitive damages.

22 SIXTH CAUSE OF ACTION

23 (Negligent Misrepresentation Against All Defendants)

24 250. The allegations set forth above are incorporated by reference as though fully set forth.

25 251. When the Defendants made the misrepresentations and or omitted material facts, they
26 had no reasonable ground for believing them to be true and or with the intention of inducing Barasch
27 not to act, or with the expectation that they would so act or not act.
28

252. As a result of the Defendants conduct, Barasch has been damaged in an amount to be proven at trial.

SEVENTH CAUSE OF ACTION

(Negligence Against All Defendants)

253. The allegations set forth above are incorporation by reference as though fully set forth.

254. Defendants Dr. Phil and Sophy owed Barasch a duty as trained medical professionals to treat Barasch in the manner as would any other reasonable trained psychologist or psychiatrist under the same circumstances. Overlapping with Defendants duties as doctors or unlicensed doctors, Defendants also had a duty pursuant to Barasch appearing on the Show to use necessary resources to diligently insure that all the technology issues could not be misinterpreted, misconstrued exasperated by the deliberate omission of irrefutable evidence that would lead Defendants and the viewers to a false conclusion or diagnosis.

255. It was foreseeable that Defendants' actions as described above would cause Barasch severe emotional distress.

256. Defendants breached their duties and were negligent, for among other things, assigning an extremely sophisticated, technologically advanced complicated issue that required, not meant to be an exhaustive list, knowledge of technology, covert operations, detailed organization, psychological training and legal analysis to inexperienced associate producers. Defendants were negligent for not allotting sufficient time to investigate and examine the issues, documents and material. Defendants were negligent for not preparing properly or researching the primary issues of the case on the internet or following up on research Barasch had already provided, not retaining the services of independent and unbiased experts in all relevant fields. Defendants are negligent for not providing the experts that were enough time to intelligently examine the devices or evidence. Defendants are negligent for confusing the evidence, not providing the experts with all of the documents, in particularly specifically prepared memos prepared by Barasch that would have potentially reduced the damage from the aforementioned matters. Examples of just some of the hundreds of negligent acts included providing Kane with a telephone wire not intended for his analysis, mixing up some evidence so drastically that Defendants actually omitted from the Show that aired because it made Defendants look incompetent.

Neither the negligent incidents set forth under the cause of the action negligence or throughout the complaint are meant as an exhaustive list; Barasch reserves the right to amend the Complaint upon discovery of additional acts of negligence during discovery.

257. As proximate result of Defendants actions, Barasch has been damaged in an amount to be proven at trial.

EIGHT CAUSE OF ACTION

(Breach of Fiduciary Duty Against Defendants)

258. The allegations set forth above are incorporated here by reference as though fully set forth.

259. Defendants breached their fiduciary duty to Barasch by among other things making misrepresentations and omitting material facts to induce Barasch into participating on the Show and practicing medicine without a license.

260. As a result of Defendants breach of fiduciary duty, Plaintiff has been damaged in an amount to be proven at trial.

NINTH CAUSE OF ACTION

(Violation of Business and Professional Code Section 17200 Against all Defendants)

261. The allegations set forth above are incorporated here by reference as though fully set forth.

262. Defendants have committed acts of unfair competition, as defined by Business and Professions Code section 17200 including, but not limited to, the following practices: making misrepresentations and omitting material facts to induce Barasch into participating in the show, and practicing medicine without a license.

263. Each Defendant aided and abetted the other Defendants in the commission of the wrongful and lawful acts described herein. Furthermore, the Defendants conspired to commit the above-described acts.

264. As a direct and proximate result of Defendants' wrongful conduct, Barasch has been damaged in the amount to be proven at trial.

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1 language, tone of voice, gestures, dry sense of humor, failure to lay foundations, failure to provide
2 alternative conclusions, the length of the Show devoted to mental illness, the less than a second time
3 devoted to discussing that Barasch tested negative, failure to take into consideration control measures,
4 as well as the biased failure to allow Barasch to speak, the biased experts chosen to be on the Show
5 were all woven together masterfully to falsely diagnose Barasch as mentally-ill, brain damaged,
6 delusional as well as suffering from cluster 8 personality disorder, paranoid personality disorder,
7 schizotypal personality disorder. The length of this Complaint is a product of the number of
8 defamatory individual statements as well as the difficulty of translating into words how all of the
9 aforementioned individual components taken as a whole created a defamatory Show.

10 274. Individual and specific segments and words were false and constitute sufficient basis to
11 satisfy the requirements for slander. Defendants stated that a stalker did not fall off Barasch's roof
12 premised solely on the fact that a police report could not be located. Defendants claimed that Barasch
13 alleged that a telephone cord was used to hack his computers. Barasch has set forth most of
14 Defendants' statements that were false throughout this Complaint.

15 275. Falsely concluding that Barasch was mentally-ill was intentional, malicious and
16 calculated. The Show was published worldwide on January 9, 2014 when Defendants broadcast the
17 Show on CBS and said Defendants intended publication. Defendants continued to publish the Show on
18 the Dr. Phil web site, on Dr. Phil's channel on You Tube for a period of time that Barasch will
19 determine through discovery. The Show has continued to be broadcast by hundreds of different media
20 outlets, on the web, on anonymous viewers You Tube Channels not meant to be an exhaustive list. As
21 a result of this Show airing, all of the false statements and the Show continue to be broadcast up
22 through the filing of this Complaint and if forever in general circulation all of these subsequent
23 broadcasts attributed to Defendants. As a further result of the statements of Defendants and their
24 subsequent publication, numerous persons both of the general public and in the
25 film/television/entertainment business heard these words, all to Barasch's detriment and damage.

26 276. The Show were false inasmuch as they falsely and wrongfully attributed mental-illness
27 to Barasch, mental-illness alone constituting "per se" slander but also in relation to Barasch's
28 occupation as an attorney and as a writer of a non-fiction novel, the effect if which obvious, Barasch no

1 longer able to work as an attorney and the true adventures in his book no longer will be believed by the
2 general public, collectively damaging to Barasch's status and standing as an attorney and author, all to
3 Barasch's further damage.

4 277. The above-described words and Show by Defendants were spoken by Defendants with
5 malice in that they were false and known to be false by Defendants. The statements were made and the
6 Show produced by Defendants as a result of the Defendants' inability and/or unwillingness to proceed
7 with terms of the agreement, so as to fabricate an excuse for Defendant's non-performance under the
8 terms of the contract with Barasch, and were made as result of Defendant's own selfish motives in
9 attempting to use the statements, and their effect thereof, to exculpate Defendants from their breach of
10 their contractual obligations.

11 278. The Show by Defendant as aforesaid which was caused to be published exposed Barasch
12 to hatred, contempt, ridicule, and obloquy by general public, and in Barasch's chosen profession in
13 general life. And an award of exemplary damages in the amount of \$100,000,000.00 is justified.

14 279. On or about October 10, 2013, the day after the Show was produced Barasch demanded
15 that Defendants not air the Show or retract the false statements. Defendants through their attorneys
16 refused. On or around February 8, 2014, Barasch made a written demand upon Defendants through
17 their counsel, the retraction demand pursuant to statute, and apologize for the defamatory statements
18 and Show. Said notice and demand was served on Defendants' counsel within the statutory required
19 period of time, containing defendant's defamatory statements, the Show. Notwithstanding Barasch's
20 demand for a retraction, Defendants have failed and refused, and continue to fail and refuse to make a
21 retraction of the Snow which defamed Barasch.

22 **TWELTH CAUSE OF ACTION**

23 **(Libel Per Se Against All Defendants)**

24 280. The allegations set forth above are incorporated here by reference as though fully set
25 forth.

26 281. Defendants displayed various mental-illnesses that they attributed Barasch of being
27 inflicted by. The truth is that
28 Barasch does not suffer from a single mental-illness Defendants diagnosed by Barasch.

1 282. Defendants written words were false as they falsely and wrongfully attributed mental-
2 illness to Barasch, mental-illness alone constituting "per se" slander but also in relation to Barasch's
3 occupation as an attorney and as a writer of a non-fiction novel, the effect if which obvious, Barasch no
4 longer able to work as an attorney and the true adventures in his book no longer will be believed by the
5 general public, collectively damaging to Barasch's status and standing as an attorney and author, all to
6 Barasch's further damage.

7 283. Falsely concluding that Barasch was mentally-ill was intentional, malicious and
8 calculated. The Show was published worldwide on January 9, 2014 when Defendants broadcast those
9 written words on the Show and said Defendants intended publication. Defendants continued to publish
10 the Show on the Dr. Phil web site, on Dr. Phil's channel on You Tube for a period of time that Barasch
11 will determine through discovery, those written words in each. The Show has continued to be
12 broadcast by hundreds of different media outlets, on the web, on anonymous viewers' You Tube
13 Channels not meant to be an exhaustive list. As a result of this Show airing, all of the false statements
14 and the Show continue to be broadcast up through the filing of this Complaint and if forever in general
15 circulation all of these subsequent broadcasts attributed to Defendants.

16 284. As a further result of the statements of Defendants and their subsequent publication,
17 numerous persons both of the general public and in the film/television/entertainment business heard
18 these words, all to Barasch's detriment and damage. The Show by Defendant as aforesaid which was
19 caused to be published exposed Barasch to hatred, contempt, ridicule, and obloquy by general public,
20 and in Barasch's chosen profession in general life. And an award of exemplary damages in the amount
21 of \$100,000,000.00 is justified.

22 285. On or about October 10, 2013, the day after the Show was produced Barasch demanded
23 that Defendants not air the Show or retract the false statements. Defendants through their attorneys
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25 their counsel, the retraction demand pursuant to statute, and apologize for the defamatory statements
26 and Show. Said notice and demand was served on Defendants' counsel within the statutory required
27 period of time, containing defendant's defamatory statements, the Show. Notwithstanding Barasch's
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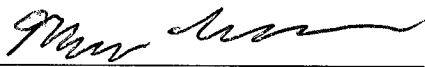
1 demand for a retraction, Defendants have failed and refused, and continue to fail and refuse to make a
2 retraction of the Snow which defamed Barasch.

3 WHEREFORE, Barasch prays judgment against Defendants and each of them as follows:

- 4 1. For general damages in an amount according to proof;
- 5 2. For special damages in an amount according to proof;
- 6 3. For \$100,000,000.00 as exemplary damages in order to punish Defendants and to deter
7 future similar conduct;
- 8 4. For attorney fees as allowed by law;
- 9 4. For costs of suit incurred herein; and
- 10 5. For such other and further relief as the court may deem proper.

11
12 Dated: January 7, 2015

MATTHEW M. BARASCH

13
14 By: 
15 Matthew M. Barasch
16 In Pro Per

17
18
19 **DEMAND FOR JURY TRIAL**

20 Plaintiff requests a jury trial.

21
22 Dated: January 7, 2015

MATTHEW M. BARASCH

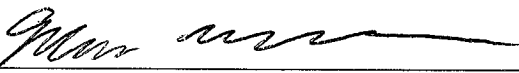
23
24 By: 
25 Matthew M. Barasch
26 In Pro Per

EXHIBIT 1

September 17, 2013

Dear Lisa and Wendy,

I want to just give you an idea of what Dr Phil can do to help my life and the lives of many others facing the same problems:

Provide forensic experts to analyze my computers, media devices, cell phones to not only demonstrate the extent of the terrorism but to provide an entire additional layer of evidence to validate my allegations.

Provide private investigators to again confirm, validate and support all of my assertions and to unearth even more evidence that will assist law enforcement identify and convict the perpetrators and lead to the identity of the master minds behind this campaign of terror against me.

Publicly validate that the terrorism, stalking, bullying and harassment has in fact taken place and is taking place. This very simple public validation by itself will enable me to hold my head of high again, reduce my shame, allow my dad to know that his son is not crazy and that there is hope, enable me to not be ashamed to talk about it and to basically reclaim my life.

Utilize the power of Dr Phil to not only uncover the truth behind who is behind this, to put a stop to it and to encourage the FBI or law enforcement to step in and prosecute the perpetrators.

By validating that I have been terrorized, providing me with the security that if I was to ever or continue to encounter this type of problem, that I will not have any difficulty being believed and getting the law enforcement to take charge.

Providing awareness to everyone in this country and the world who might be confronted with this type of problem in the future.

Provide possible solutions to people and potential ways people can protect themselves.

The very fact that I have gone public with the issue and that knowing I have credibility by its very self will prevent those responsible from ever targeting me again personally.

Providing me with tools to protect my media devices, phones and computers from being compromised in the future although my experience and my knowledge of one of the organizations behind this cyber invasion leaves me with the unfortunate wisdom to know that if someone wants to hack your computer, they will.

Provide me with much needed counseling as I do not think I have even touched the iceberg of how deeply this has and continues to affect me mentally.

In a nutshell, I promise that these cyber terrorists and stalkers really did not realize who they were dealing with when they came after me. I am proud of myself for having been able to even deal

with this for so long and not already given up. I have been relentless with my collection of evidence in ways I think will shock them.

Thanks again.

Sincerely,

Matthew Barasch

EXHIBIT 2

To Whom It May Concern:

I apologize for so poor grammar. I had to write this up quickly so you would have something.

I am providing you with a

Lenovo Windows 7 laptop

Sony Vaio Windows 7 Desktop

Windows 95 Desktop in which the memory cards are missing

A Western Digital External Drive

Galaxy S2 Samsung Cell phone

And possibly a second Galaxy.

I am not sure if a forensic expert needs to know precisely what to look for or whether you have the capability to just know when something is not normal with a computer or cell phone.

I can comfortably tell you that I have lost control of my computers. The settings change without any adjustments or modifications by me. I am extremely confident with regard to at least the Lenovo and Sony that the antivirus programs are the key to how the computers have been compromised. For one, I only installed Kapersky on one of the two computers but like the second time I turned on the other one, I forgot which one had it first, the second one had it already on and installed and set up. I lost complete control of every administrative password on all computers. I was never able to access so many files and reports and often when I tried to, the folders were empty. **If there IS ONE SINGLE THING that I would want you to find on this computer was something called a raspbury report, something like that. I do not know how I got there, but I created that report and every time I put the cursor on one of the words I think radio something I could get my phone to vibrate or ring. I am POSITIVE this was how they have been accessing my phones, through radio frequencies.**

I know that my computers were full of HOOKs, never quite sure what they were, but Kapersky always allowed them. The permissions etc on my computers were out of my control. Again, changing continuously and understanding them was out of my league. Files were continuously uploaded to external storage and to online storage sites that I had not access to and never heard of them. On my Sony and the possibly the other two, my genius roommate often made changes to my computer, changed settings without my knowledge etc. I am positive, and again, not sure of the lingo and ramifications, but seemed to have me a member of the Microsoft Exchange that uploaded all of my files somewhere and overnight changed every extension on my computer. I am certain that a program on the computer hid files by changing their icon and extension kind of decrypting them. I once found on one of the computers a program that tracked every single phone call and text etc. on my phone, something I never installed and had nothing to do with me plugging my phone into the computer with

USB and I cannot remember the name of the program and cannot find the hard file I had made but it was a program used to track every single device in a person's life. I found my roommate's presence on the Sony and the 95 PC and not because I turned on sharing. It was never ever supposed to be turned on. I am positive that any of my files that I print are uploaded onto the internet. I know that the wifi aspect of the printer has been deleted so forensically I hope it could be found. I always have trouble getting on line at my home on my Sony desktop and the experts at Time Warner told me that it could be on purpose because too many outsiders were trying to jam my frequency. I know for a fact that I have brought in experts on the Sony and the 95 to create an invisible SSID and within ten minutes of them leaving my house the SSID name duplicated with a one next to it and became visible. Just two weeks ago, and this is CRITICAL, something was going on when I turned my computer on and it was the Norton going crazy. I opened Norton and I have the MOST BASIC cheapest plan mainly because I gave up trying to even attempt to keep my computer protected because no matter what I did and now much money I spent, I would have no control of my computer. On that day, I noticed that I for about fifteen minutes that I had become a premium member and allowed to access every single level of protection, about 10 different additional protections. I tried to make screen captures showing that I was accessing all of the components and then all of a sudden, the computer stopped downloading or whatever it was doing, and suddenly I was back to being a basic member. I know that the computer was doing was making necessary changes through the Norton program. I have no idea how of course this was done, but I witnessed it firsthand. I also had a version of AVG on the Sony which was installed by a computer expert and I was pissed to learn that he added a program to clean the computer which I never wanted to do because I always wanted to be able to see changes made etc. MY computer, Sony has had so many viruses, so many bad versions of Chrome, Internet Explorer and Firefox and without me running the antivirus programs the computer would just fix itself. I am not an expert, but I am pretty sure that a lot of these processes happened during time outs and when I turn the computer on and before I can really access it. I have turned off automatic windows updates a hundred times but it always updates anyway. If you ever saw one of those movies where someone goes out and buries a body that returns home and the body is right back where it had been. It is freaky. That is the feeling I get often on my computer. One day I came home and on the laptop, all of I went to the audio and sound section and it was an advanced installations, something that was so clearly downloaded or somehow my computer was accessed that my hands were shaking. This was at the very beginning of me starting to figure out how to gather evidence and it scared me so much, that I just deleted it all, regrettably. I am not sure what it is but there is a drupal code and a sandbox issue on the computers that I get the feeling is pretty good evidence of something. On every computer, the biggest red flag has been the presence of GITHUB all over the place. All kinds of programs such as Commit, site chat, when I am on Google or anywhere, I see the presence of other people chatting on my computer yet I cannot speak to them. I am pretty sure that there has been some kind of mirroring at times of at least Craig's list. I do not know if that is something you can actually detect with forensics. There has been something called MAILLOOP with regard to Craig's list that I recall screwed me up somehow, preventing me from getting mail, I am not sure, I just remember it was an issue. I think bootstrapping or another term that I am positive was used in connection with Craig's list that I just can't think of this second but I will contact you with it. What I did often on the Sony in order to see the change in files after I was confident that person accessed it, was make a copy of every single new file added or changed during a 24 hour period and you can find all

of those saved files under 9292013 that is what the folder contains, but in that folder I have other folders labeled by date. I also saved many entire reports in their such remote access reports, IPconfig, processes tests; you will see all the reports in that folder. I will just give you a few examples. I am extremely confident that there have been hidden key loggers on all of my computers. Not sure just damn good feeling. I know that with my Windows 95 computer that my computer was accessed so many different ways, but the 1394 rings a bell.

I could probably write for another hour but I think I gave you some idea what to look for. In that 929 folder again, if you read the file folder names or names of individual file you will get another idea thru screen shots of things I thought could be issues. I am not sure what percentage I am accurate but I know that it is enough to reflect my computers have been compromised. The Sony and others also turn on and off and wake up from sleep when they want to on their own.

If have question, please call me Matt 3233771474

With regard to my Galaxy, I lost control of it. One one date particularly, my galaxy went crazy was on 8/19/2013. I WATCHED THE phone first hand go nuts, vibrating violently and after a particular person left my house, that same time, hundreds or a large number of applications were mysteriously added. Each one of them had permissions that allowed access to do just about anything, All Share Cast Dongle. This all happened on that date and if for any reason you are not finding that this occurred I have reason to believe that this person has access to my phone still and can listen to anything I am saying not because I am paranoid, but with good reason. He knows exactly when he is being talked about and when I wake up, and it is not like he is ever wrong. If he deleted these files, I took photographs on that day of as many screen shots as I could and at the very least, if you would be able to compare the two and realize he had deleted the applications or files. I have not done one single thing to the phone since that date. I took battery out and put it to retirement, but have since then turned that phone on and put battery in twice and he called both times. He only calls once every few weeks. Also, no matter how many applications I would delete, I never had storage room, memory at all times too low to do anything even when I put an additional memory card in, did not matter. And a lot of the very innocuous programs, if you look at the permissions they can do crazy things. The phone also takes pictures, turns on and off on its own, the list goes on. No matter what is wrong with the phone, the lookout protection on phone no matter what happened said, safe, and phone protected. Never found one single problem on phone. Bull crap. Look for presence of Github on phone. I did put a couple github programs on there not knowing they were github. One night at worst opportune time, an e mail I did not want anyone to see popped up out of nowhere and it played music as it was on screen. And same thing happened with a picture. Always says backed up even when not backed up. The wireless has mind of its own as Bluetooth. But the key is that 8/19 day.

EXHIBIT 3

Subj: **from Matthew Barasch**
 Date: 11/14/2012 10:48:00 P.M. Pacific Standard Time
 From: Milesbaron@aol.com
 To: ssetterberg@me.com

Scott,

I do not know exactly what I could have done to you personally or to anyone to warrant the cruel punishment and torture that has been unleashed on me for the past two years. I guess you really are a sadist bro. At the very least, if you could not tell, I really liked you.

Are you happy that while I am sinking to the lowest point in my life, when I told you that I thought I was being followed etc., that you could just continue to lie to me. What an actor you are man, I guess you win the prize at role playing but for you it was real, not acting. Inviting me to party with you, providing me with endless supplies of meth which I guess could fuel me to exhibit the very behavior or conduct that I suppose you are punishing me for. Even giving me "a to go" stash so you could be sure to keep me spiraling downward.

When I think back at every single lie you told me over the course of two days in which I thought I found a good friend, it sickens me. I mean I do not even know how deep the plan to bring me down really goes and how much more damage you caused me that I do not even know about. Maybe you really are not as good of a liar as I just gave you credit for because as crazy as people have thought I am thanks to the two year campaign against me by you, Github and whoever else is involved, I knew that what I was sensing was real. I mean what is your objective? Do you guys really want me to die, commit suicide, what?

I came back from that walk to get a juice shake and as hard as it was for me to share, I wanted to protect you in case it was law enforcement. So lets see, when I was in your bedroom having sex with that guy, there was someone on speaker phone cheering me on, and you acted mad at me for insisting that I heard something. And if he was cheering me on, does that mean he saw me having sex? Did you tape the entire two days? Did you leave the drug supply out in the open so I would be seen on film? You are a twisted fuck man, changing the computer screen settings every time I came near you and insisting I was crazy? And your ridiculous pretending that you were nervous when I came back and told you I was being followed hiding your drugs. What an act. And then trying to force me to go on skype to engage in whatever when I told you I did not want to be on the camera as you kept sliding the computer around so that I would be on camera and it was just a charade anyway. You, leather bear and Mr. McCullough. How sick was that. And those calls that you said were disconnected with them on pause, I researched all about the VCM player and every single program that GitHub created. Now I know for sure that every single e mail, text, phone call was intercepted. So what did you want me to do on skype, just setting me up.

Did you tape our role plays, all our conversations? Are you content that you made me believe you really wanted me to go to San Francisco with you and even offered to pay for my plane ticket. Sick man. Cruel. And letting me stay the entire next day, what was that about? Keeping me out of my apartment so your buddies at Github could get into my apartment and sabotage my computers? Which by the way I have not had a day free of sabotage on my computers for two years, every single computer. cell phone had to be stripped, thrown out, reset. I have spend more fucking money on new computers and cell phone and getting computer help, money that I do not have to spend.

Dude, I could write a beautifully drafted letter letting you see how good a writer I really am but that is not the purpose of this e mail. I really owe you one because I was never able to make so much sense of all the strange occurrences as I was able to after leaving your house. From decoding a report on my computer seeing that it was infiltrated by Github, but the real turning point came when I downloaded pictures of the entire staff and every single person on Grindr following me around your neighborhood was pictured on their site. Do you have any idea what it is like to walk around and not only think I am being followed and in fact know that I am being followed and at the same time no one believing me. So on one hand I think I am either going to jail or going to be killed and have to deal with that pain and at the very same time have to have everyone I do tell think I am nuts and if I don't tell anyone I have to keep all of that angst fright and pain to myself.

So again, what could I have done that warrants torturing me like has been going on for two years? Do you think if someone had just told me two years ago, I could have perhaps changed my behavior and made amends. Lets just say it is because I failed to tell you I was HIV poz, I mean give me a break. On the phone before I met you, you talked about the sickest most perverted sexual acts I have ever heard. Do you not think that either I think you know I must be poz, that I must think you are poz or that you have to know how unsafe

the things that YOU wanted me to do would be? I mean it is kind of hypocritical. And all the time, money spent on following me on sexual excursions, lets just say , and I still do not know the reason, but you guys get me fucked up so I would be even more unlikely to have the sense to be safe? so you follow me around to punish me perhaps and the very act of punishing me could make me do it again, meaning you guys are hypocrites and don't even care about the other person or me?

You know I sat on this letter a day to make sure I wanted to mail it. And of course the same thing happened again over the last few days. Yay GitHub.

Maybe I have done something while I was high that I regretted but I have never in my life terrorized a person like I am being terrorized. So you guys are judge and jury and you can take it in your own hands to hand out my sentence.

Later dude

Matt

EXHIBIT 4

EXHIBIT XIII

Dr. Phil - In 2009 said you had a stalker on your roof - did you tell us that?

Barasch - I did

Dr. Phil - Did you tell us that the person fell off the roof

Barasch - I did

Dr. Phil - Were the police called

Barasch - They were

Dr. Phil - And they came out, and you were surprised that when people came out and neighbors came they were all dressed in the middle of the night

Barasch - correct

Dr. Phil - and you thought it was really odd that people would already be dressed in the middle of the night and you want to talk about evidence so we contacted that police department we had them search their records, not just from 2009, but all the way back to 2003

Barasch - correct

Dr. Phil - and here's what they said, "we can find nothing in our current records reflecting an incident with Matt, finding a subject on his roof and assisting our department with an arrest our checks went back from to 2003 to present. There was no record found concerning such an incident after checking the provided name address, and the possible date of occurrence of 3/9/09

Barasch - I'm aware of that

Dr. Phil - So they have no record

Barasch - ok

Dr. Phil - Did you tell us that happened?

Barasch - I absolutely told you that

Dr. Phil - And that is the police department and they say, they've got no record of that happening

Barasch - I'm shocked again I'm too sane to go into some kind of conspiracy theory but I do know that it was 5 days before the Show days when I asked your staff, when I couldn't find the record because I was part of the process of trying to find that record and I asked your staff to just please have a PI go over and speak to the next door neighbor to confirm that it did happen.

EXHIBIT 5

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-8100
Fax: (213) 486-8125
TDD (877) 275-5273
Ref #: 10.4

Date: AUDIT APR 10 2014 8 5 47

Dear Requestor:

The Records and Identification Division is in receipt of your request for a report. It is being returned to you for the following reason(s):

- ☐ Pursuant to Section 6254 of the Government Code, you must be named as a victim or be an authorized representative of the victim on the report.
- ☐ All insurance and adjusting companies must provide the name of the insured member, name of the insurance company and claim number.
- ☐ An attorney must provide a release or waiver signed by the client.
- ☐ The investigating officer will not authorize release of the requested report. Please contact Det. _____ Division at () _____.
- ☐ The accident or crime did not take place within the jurisdiction of the LAPD. We suggest you contact _____.
- ☒ Based on the information provided, there is no report on file with the LAPD.
- ☒ Other Your check #8098 is returned.

Note: A traffic collision report is *not* always taken, even if officers are present. Often times, officers only ensure that the involved parties exchange the proper documentation for their insurance companies.

If you are entitled to have any questions,

Very truly yours,

CHARLIE BECK
Chief of Police

[Signature]

D'ANNA MARK
Commanding Off
Records and Ident

Enclosure

MATTHEW BARASCH 624 NW 30TH COURT, PH 954 665 5697 WILTON MANORS, FL 33311 5955 Chola Vista Way LA, CA 90068		16-49 72 1220 0721232668 DATE <u>3/14/2014</u>	8098
PAY TO THE ORDER OF <u>LAPD</u>		<u>\$24.00</u>	DOLLARS
UNION BANK OF CALIFORNIA BEVERLY HILLS #72 9460 WILSHIRE BLVD., BEVERLY HILLS, CA 90212-2075 800.238.4486			
MEMO <u>Police Report</u>		<u>[Signature]</u>	
1220004961 0721232668 8098			

06/2013-12

EXHIBIT 6

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 972-2900
TDD: (213) 485-2122
TDD: (877) 275-5273
Ref #: 6.1

August 26, 2014

CF No. 13-002815

Mr. Matthew Barasch
5935 Chula Vista Way, Suite No. 205
Los Angeles, California 90068

Dear Mr. Barasch:

An investigation into your complaint that was reported on September 30, 2013, regarding the conduct of an employee of the Los Angeles Police Department has been completed. The investigation has gone through several levels of review, including myself and the command staff of Internal Affairs Group. Your allegation that a Department employee placed an improper \$150 Hold on you was classified as *Non-Disciplinary - No Misconduct*, which means that the act alleged did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.

Thank you for bringing this matter to our attention. It is the goal of the Los Angeles Police Department to provide the highest level of quality service to every member of the community. Should you have any questions concerning this matter, please contact Sergeant Chris Haines or me at (213) 972-2900.

Very truly yours,

CHARLIE BECK
Chief of Police

M. Valdez (CR)

PETER A. ZARCONE, Captain
Area Commanding Officer
Hollywood Community Police Station

AN EQUAL EMPLOYMENT OPPORTUNITY
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www.ci.lapd.com

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



P.O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 972-2900
TDD: (213) 485-2122
TDD: (877) 275-5273
Ref # 6.1

ERIC GARCETTI
Mayor

August 13, 2014

CF No. 13-002815

Mr. Matthew Barasch
5935 Chula Vista Way Suite No. 205
Los Angeles California 90068

Mr. Barasch:

An investigation into your complaint, which was reported on September 30, 2013, regarding the conduct of employees of the Los Angeles Police Department, has been completed. The investigation has gone through several levels of review, including myself the command staff of Operations-West Bureau. Your allegations that a Department employee placed an improper \$150 Hold on you was classified as, *NON DISCIPLINARY/ NO MISCONDUCT*. This means that the employee's actions did not rise to the level of misconduct.

Thank you for bringing this issue to our attention. It is the goal of the Los Angeles Police Department to provide the highest level of quality service to every member of the community. Should you have any questions regarding this matter, please contact Sergeant Chris Haines or me at (213) 972-2900.

Very truly yours,

CHARLIE BECK
Chief of Police

A handwritten signature in black ink, appearing to read "P. Zarccone".

PETER A. ZARCONE, Captain
Area Commanding Officer
Hollywood Community Police Station

EXHIBIT 7

September 7, 2014

Mr. Charlie Beck, Chief of Police

Los Angeles Police Department

Internal Affairs Department

Re: Complainant Matthew Barasch/ CF No. 13-002815

Dear Mr. Beck:

This letter will be quick and to the point. Thank you so much for your letter dated August 26, 2014 in which you ruled on one of the many grievances I filed against the Hollywood Police Department.

Your department made a very serious mistake. The aforementioned case number of the grievance you ruled on was sent to me twice, the first one corresponding to a grievance I filed on September 13, 2013 and the other that I filed on September 30, 2014.

There is a fatal flaw and mistake in your ruling. First of all, it took you over ONE year to respond to me. Secondly, obviously your investigation did not involve even bothering to speak to me once.

But here is the big problem Mr. Beck. You purport that my grievance involved a 5150. The problem for you is that the grievance I filed pertaining to the 5150 could not have been reviewed, because the 5150 took place on the nights and morning of December 13th and December 14th. In the grievance I filed pertaining to that particular incident, the entire incident appear on your police surveillance video in the lobby of your Hollywood Police Department. I explained in my grievance that reviewing that footage would reflect that I never even remotely said the things the detective claimed I said. Not even close. I said, I will tell you once again, that "you guys better start taking my burglaries more seriously because one of these days a burglar is going to break into my home and I will end up shooting him. That is all I said Mr. Beck. It is all right there on the video for you to see. Because upon realizing that your detective lied one hundred percent, it would obviously mean that he would probably have to step down as from being an officer along with any of the officers present at that time who supported his outright and blatant lie. Listen sir, if I was lying, I certainly would not be asking you to review the surveillance video, would I? The fact that you reference the wrong case and the 5150 obviously means that you never actually reviewed the video footage. I explained to you when I filed the grievance that if that I demand to see that footage and that if it somehow disappears, or get erased, your department will be liable for spoliation of evidence. You certainly have no right to destroy any footage pertaining to a 5150.

So you realize that you had to have made a big mistake that has negatively impacted my life. By the way, the officer lied and said that I said, according to the psychiatric records that I was going to kill or

EXHIBIT 8



On behalf of Los Angeles County Department of Health
Services (DHS) and Department of Public Health (DPH)
C/O ID Experts
PO Box 6336
Portland, OR 97228-6336



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MATTHEW BARASCH
9539 CHERRY BLOSSOM CT
BOYNTON BEACH, FL 33437-5431

April 4, 2014

Dear Matthew Barasch,

We are writing to provide you an important communication regarding your personal and health information which may have been compromised. We take patient privacy very seriously, and it is important to us that you are made fully aware of a recent event.

We provide patient billing and other services for Los Angeles County. This letter is being sent to you as part of Los Angeles County's and Sutherland Healthcare Solutions' (SHS) commitment to protecting patient privacy.

Brief Description of the Incident

On February 5, 2014, SHS' Southern California office was broken into and eight computers were stolen. The Torrance Police Department was immediately informed of this incident. The Los Angeles County District Attorney is the lead investigator where this criminal case is ongoing. After analyzing the information contained on the stolen computers, we identified a group of impacted individuals and on February 25, 2014, we provided that information to Los Angeles County. Since then, we have continued our analysis to determine if other individuals were affected. On March 27, 2014, we provided Los Angeles County with updated information. We have now confirmed that your personal information was also included on the computer equipment that was stolen on February 5, 2014.

What Information Was Involved

The computers contained personal information including your first and last name, Social Security number, and billing information. In addition, the stolen computers may have included your date of birth, address, diagnoses and other medical information.

Actions We Are Taking In Response To This Incident

We take this incident very seriously and are taking the necessary precautions to protect all patient related information from theft or criminal activity. SHS and Los Angeles County are actively working with law enforcement. Los Angeles County will be notifying the U.S. Department of Health and Human Services, Office for Civil Rights. In addition, we are reviewing our policies and procedures and have provided additional training to our workforce. Los Angeles County is also working with us to review our information privacy and security program and determine whether enhancements should be made.

As You Can Take To Protect Yourself

As a result of the type of personal information involved, we encourage you to take steps to protect yourself from theft. We are offering credit monitoring services through ID Experts® to provide you with FraudStop™. In addition, ID Experts fully managed recovery services will include: 12 months of credit monitoring, a



EXHIBIT 9

"right now at my insistence, I am about to go in to get drug tested, because I want Dr Phil to know that I am completely clean. Ok just finished my drug test, I'm waiting for the results, and think everything went great."

Dr. Phil - My guest Matt says that he's reached out to the police and the FBI for help to prove a multimillion dollar tech company is using every means necessary to monitor his every move and ruin his life, he says it's a kind of a game, is his best theory but he admits doesn't know he that it's difficult to get people sometimes to take him seriously. I think he's wondering if I'm taking him seriously but I'm certainly am weighing everything as carefully as I can matt also told us about his past history with past drug abuse, specifically meth amphetamines now he says, that he's clean right now, but he's convinced the organization has motives for getting him to use again take a look

(Matt Narrative on video) - I started using crystal meth about ten years ago I've been clean for the past 6 months, but I definitely notice that there was a parallel between my using crystal meth... crazy things started to happen. The stalkers are creating what I call the perfect storm. If they can terrorize me when I'm high I really have no ability to defend myself For one, I can't go to the police, because I'm high, I don't want to be arrested, I can't go to friends and seek help, because they'll know I'm high and they won't believe me. And I said you know, this must be happening only when I'm high and that made me continue to get high. I know that everyone is going to say. oh he's just looking for another excuse to get high but I was really going under cover in my own life. I stayed high maybe 3 or 4 months straight and I figured out maybe it's not that I'm high, but that they think I am high so I started calling up dealers and I would pretend to buy the drugs, go into the bathroom like I'm hiding the drugs on my body and then flush them down the toilet so I would come out and everybody in the world that was involved, thought I was high, but I wasn't I was under cover.

So I'd walk out of the house and I'd still start seeing cars stalking me this is because this is what is happening. It was the full-proof. I need to know, not only am I sane, but there's a pattern.

Dr. Phil - Ok so in your reasoning and logic the sentence "this happens more when I'm high" (Matt right) does that suggest any not correlation, but cause and effect between your perception of what's happening and the use of mind altering drugs?

Matt - 100 per cent. You're absolutely right that's how come I stopped using. It's been six months, and this continued to occur after I would leave the dealer's house, or go to a dealers house, the exact same things were occurring I wasn't using that's why I wanted to be drug tested when it's been six months

P - I put together a graphic, because in my specialty when my practiced I did a lot of work on brain and central nervous system these are the long term effects of meth amphetamines it may include addiction of course psychosis including and function deficits in thinking and motor skills increased distractibility memory loss aggressive and violent behavior, mood disturbances severe dental problems and weight loss. Now, among these, that I just mentioned paranoia hallucinations and changes in brain structure these are the LONG term effects not while you're high, or when you're coming down (Matt- yes sir) but long term effects that can be permanent, or certainly take at least a year to really clean your brain (Matt- absolutely). So, is there a possibility that the use of these drugs, extensively at times, as recently as 6 months ago, could have altered your thinking and reasoning, to the point that you're interpreting things differently than what they might actually be? Is that an alternative explanation?

Matt - It's absolutely and alternative explanation I certainly can't argue with that

Dr. Phil - We know that people on meth have a tendency to become very paranoid while they're using, short term effects we know that it can stick with you for a period of time what I'm asking you is it a possible alternative that while you were high you perceived you were being talked because of the way the drugs effect you and make you hyper-vigilant

Matt - I'm a logical guy so I'm going to say that it could be perceived as a logical explanation but it can also be the perfect time to stalk me, if there was a schizoid person and he reported he was being stalked , you probably wouldn't believe him because he's schizo

Dr. Phil - Oh I've always said, the hardest thing in the world to treat is the paranoid who really DOES have somebody after them

P - and by the way, I didn't talk about the drug results, we did a drug test , and your drug test came back negative for all substances

Matt - Thank you

Dr. Phil - Be right back

(Matt narrative in the break - Stalkers have, use every possible means to keep abreast of my every move My father is 84 years old and has a really hard time believing this and that really hurts , it is so important to me that I vindicate myself so my father go to his grave believing that his son is sane.)

Dr. Phil- Matt says he is willing to take any test to prove his sanity because he's tired of people not taking his stalking claims seriously Mat requested a mental evaluation so I sent him to see Dr Charles Sophy a very noted and respected psychiatrist here in the LA area.

Dr. Sophy - Matt, thank you for coming here joining today (Matt pleasure to have me here)do you think you need help

Matt - I need help for what I've been through for the last few years I'm being stalked and terrorized and harassed and cyber bullied ... (Dr. Sophy- How?)**I would say I have about 2000 different evidences and I would say that I'm only right about 70% of them**

Dr. Sophy - You sleep ok? I tend to rehash things in my mind so I don't forget them. One of the reasons I journal a lot and write things down is because as soon as I do that I stop thinking about them (Dr. Sophy- and you have anxiety) (Matt- I don't) (Dr. Sophy-But you're anxious)

Matt - I'm anxious for 4 years where I'm running, so if you think I can turn of the anxiousness. If I'm right, and this is happening and you guys don't support me, you are giving satisfaction and achieving the goal that this organization wants which is to terrorize me

Dr. Sophy - If we go through something and there's evidence and it's found to not really be, then you have to be open to the other option

Matt - Ok, except for the fact that, I'm also an attorney of 25 years... I don't know how old Dr Phil is but I have more experience as an attorney than you do as a psychiatrist and it trumps you my evidence overrides whatever psychological opinion you make of me.... there is nothing wrong with me, I'm the sanest person you're ever going to meet

Dr. Phil - Well, Dr Charles Sophie is board certified in adult, child, and adolescent psychiatry as well as well as family practice. He is the medical director for the County of Los Angeles department of child and family services. He is the author of Side By Side the revolutionary mother daughter program for conflict free communication he is one of the people in this profession that I have a great respect for, so please welcome Dr Charles Sophy.

Come on up, Dr Sophy, good to see, good see....take my chair because I'm going to do some stuff over here in just a minute

So you think because you've been a lawyer longer than he's been a psychiatrist that you trump him even though you're in his field, so I've been doing this longer than you've been doing that so if I come to the courtroom do I tell you to sit down I'm going to take over here because I've been doing my job longer than you've been doing your job that doesn't sound rational, (Matt- not at all) (Dr. Phil- take it back) (Matt- I take it back)...(Dr. Phil- alright)

applause

Dr. Phil to Sophy - What was your conclusion?

Dr. Sophy- I mean, it's obvious that you are not crazy, you're not psychotic, you're not walking around delusional and confused and hallucinating, you're highly anxious you have drugs on board, not now, but you've had a history of them, you've had damage to your brain and then you have ideas of reference ideas of reference are things when you look at

that light, that's just a light to me but if I'm highly anxious or I am a little delusional or paranoid or suspicious I'm going to think there's something in that light

Dr. Phil - Can I add something here that is just food for thought (Dr. Sophy- of course)because one of the things that you have to think about is something that we refer to as personality disorders and these things are arranged in clusters and a personality disorder is an enduring pattern of inner experience so these are lasting things they don't just come and go and there are 3 in what's called cluster B one of them is a paranoid personality disorder look at what they assign to it. Suspects without sufficient basis that others are exploiting harming or deceiving him or her him or her is pre-occupied with unjustified doubts is reluctant to confide in others because of unwarranted fear that the information might be used against them reads hidden meaning or threatening meaning into benign remarks or events and if you go to schizotypal for example, it's what Dr Sophie was talking about ideas of reference odd beliefs, unusual perceptual experiences suspiciousness or paranoid ideation you know, it is an alternative explanation right, I'm not saying it's the right explanation but it would be one of the ones that if you were problem solving this you would have to put in on the short list of considerations

Matt - Yes sir, alternative explanation?

Dr. Phil - and the good news is these are things that can be treated where IF this is contributing to your experience you can be helped with that, so it goes away and if it's not what have you lost there're either like you say it's just a game and you're giving them the power, by reacting, or maybe it's not happening at all

Matt - can I make a trade? (Dr. Phil- sure) I will go through every single bit of therapy that you think I should explore if you will just open that one door to have all of my evidence inspected by the FBI

Dr. Phil - well I can certainly make the referral to people who will listen I don't speak for the FBI, I can't tell you what they will do

Matt - ok, then you'll have a deal

Dr. Phil - How do you feel about coming here today (Phil why)

Matt - I wish never came here (Dr. Phil- why?) I am afraid of you. How's that I'm honestly afraid of you because I'm on national television and what I want to say I won't and I have nothing but respect for you and nice things to say but I just don't feel like you showed any of the other evidence that's all and I know you're going to say you can't show one piece I told the producers before the show that I don't think this show should air in ten days I think this is something that would take three months of time. I have 1784 pieces of evidence I don't really feel that this person as much as I respect you ever saw the screen shots to explain how they got on my computer

Dr. Phil - I'll make you a deal and I'll tell you what it is right after the break

Dr. Phil - well I'm back with Matt and we've been talking about his perceptions of being harassed by a large organization and he doesn't read something big intrigue into it, he says he thinks it's kind of a game like the hunger games where they've targeted him and they're having great sport just harassing him and bothering him, and we've tried to tell the story here, he doesn't feel like we've covered everything that he would like us to cover and he said I told your producers I don't think this show should air tomorrow, or in ten days because he thinks it takes time to drill down on this he has asked me to make a request to my contacts with the FBI, both active and retired, to look into this in a serious way and I have agreed to do that I've made that deal now I'll make you another deal. I will hold this show for 90 days if you will agree to spend that 90 days getting some help, and see if it changes your perceptions

Matt - You've got a deal

Dr. Phil - I am glad you came because I enjoyed meeting you

Matt - thanks very much, I appreciate it.

EXHIBIT 10

Defendants were notified of the following: files on his computers and devices were removed, deleted, intercepted, changed and hidden behind camouflaged file types and icons; all of the ports on his computers and means of transmission to access the devices utilized, access points, internet network connection compromised; infinite numbers of open source programs utilized to accomplish hundreds of inexplicable transmission and occurrence. Barasch provided Defendants with screen shots depicting that internal and external devices and drives were added, removed, accessed, changed and hidden. Barasch of course at all relevant time concedes that the infinite means by which the cyber stalkers accomplished their objectives beyond the scope of Barasch's expertise. Barasch used his development tools to uncover the numerous open source programs running on his computer at one time which enabled the cyber stalkers to actually chat on Barasch's computer, enable Barasch to chat with other users, Barasch capturing what seemed to be unimaginable by screen shots, never once glanced at by the Defendants. Barasch will present evidence of various drives, both external and virtual including those created by his internet security and anti-virus programs to compile, download, upload, remove and transfer data. Barasch will show the capability of altered

ordinary programs, most noteworthy, Microsoft Word, being used in malicious fashions and located in the most peculiar locations. Barasch will demonstrate that despite not cleaning or running any kind of anti-virus or anti-malware programs, no matter how unstable, slow or even irreparable his computers became one a particular day, by the very next time Barasch turned his computer on, the problems were automatically fixed and the computer ran faster than ever. Barasch realized that in order for the cyber stalkers to implement their surveillance, the computers needed to run at optimal performance. Barasch would often find different audio programs on his computer always disguised with innocuous types of icons. Barasch lost control of when his computers would turn on or off, the computers would update themselves at will, no matter how many times Barasch turned off the automatic updates. Barasch's experts have determined that the stalkers would actually clone Barasch's drives, make changes and then replace the same with their latest version. Barasch has screen shots of the daily changing appearance of his computers and his cellular phones. In addition, one of the most haunting of all of Barasch's evidence is the number of different accounts running on Barasch's devices that Barasch had neither accessed, heard of nor logged onto. Barasch has screen shots of the log-in accounts with visible but encrypted names and passwords. Barasch located online storage

programs and internet protocol accounts. E mails were not received, deleted, documents hidden, documents changed, and sent without authorization. Devices on his computers were upgraded, wifi hidden, router passwords changed, methods of access changed daily, codes generated, inability to control internet settings, suspicious and factitious Google search history, inability to control the surfing on the internet, hidden SSID issues, duplicate WIFI settings, web sites such as Face Book U Tube, sex sites, dating sites etc, being signed onto from different locations, different browsers, messages sent, mirrored web sites, sites, dating sites being signed into.