

RETURN DATE: JULY 6, 2010

VICTIMS OF CHIROPRACTIC ABUSE, LLC, : J.D. OF HARTFORD

Plaintiff, : at HARTFORD

:

v. :

:

CONNECTICUT CHIROPRACTIC :

ASSOCIATION, INC.; CONNECTICUT :

CHIROPRACTIC COUNCIL, INC., :

Defendants : JUNE 9, 2010

## C O M P L A I N T

1. Plaintiff Victims of Chiropractic Abuse, LLC (VOCA) is dedicated to improving public policy with respect to chiropractors in order to provide greater protection for chiropractic patients. VOCA has its main office in New Haven, CT.
2. Defendant chiropractic organization Connecticut Chiropractic Association, Inc., (CCA) is an association of Connecticut chiropractors with its principal place of business at 2257 Silas Deane Highway, Rocky Hill, Connecticut 06067. CCA purports to have 330 chiropractors as members. Its agent for service is Elizabeth Lepak, 90 Hillcrest Road, Windsor, CT 06895.
3. Defendant chiropractic organization Connecticut Chiropractic Council, Inc., (CCC) is an association of Connecticut chiropractors with its principal place of business in Hamden, CT. CCC purports to represent chiropractors statewide. Its agent for service is Attorney Mary Alice Leonhardt, 67 Russ Street, Hartford, CT 06106.
4. Together, defendants CCA and CCC represent the vast majority of chiropractors practicing in Connecticut.
5. VOCA represents the interests of those who have suffered injuries as a result of unsafe chiropractic practices, particularly the common chiropractic practice known as "high-velocity low-amplitude" neck manipulation. In many cases, treating chiropractor failed, neglected or refused to provide to patients material information with respect to their procedures. Consequently, the patients undertook the procedure without having given meaningful informed consent as the defendant organizations and their members deprived patients of information they needed to decide intelligently whether to undergo the procedure in light of all potential risks and proven benefits.
6. As a result of the injuries sustained by those who have suffered, most or all patients would have standing to sue in their own right. The affected parties suffered actual injury as a result of high-velocity low-amplitude neck manipulation, including but not limited to strokes. Most, if not all, patients had not been informed of the risk of stroke and would have chosen to forego the procedure had they been informed. A favorable decision in this case would compel chiropractic doctors to inform patients of the risk of stroke from high-velocity, low-amplitude neck manipulation, thereby reducing use of the procedure for minor ailments and limiting the number of victims who suffer strokes from unnecessary use of the procedure.
7. This suit is brought to further the organization's mission of improving public policy with respect to chiropractors in order to provide greater protection for chiropractic patients. VOCA claims association standing.
8. Neither the claim asserted in this complaint nor the relief requested requires the participation of individual patients.

9. Pursuant to Connecticut General Statutes § 42-110g(b), plaintiff organization brings this case as a class action to recover damages on behalf of persons who are residents of this state or who were injured in this state.

10. At all times relevant to this Complaint, most, if not all members of defendant chiropractic organizations CCA and CCC have been involved in the trade or commerce of treating illnesses, injuries and other maladies through application of principles of chiropractics.

11. At all times relevant to this Complaint, many, if not most, members of defendant chiropractic organizations CCA and CCC have used as a routine procedure a so-called neck adjustment known as "high velocity, low amplitude neck adjustments."

12. At all times relevant to this Complaint, chiropractors performing high velocity, low amplitude neck adjustments have been aware and are aware that the procedure has been associated with damage to both the vertebrobasilar artery and the carotid artery or both and that, in some cases, the damage associated with high velocity, low amplitude neck adjustments has caused strokes some of which have caused permanent serious injury or death.

13. Chiropractors in defendant chiropractic organizations have benefitted financially and continue to benefit financially from the use of high velocity, low amplitude neck adjustments in that chiropractors charge their patients a fee for use of the procedure and insurance companies routinely cover and pay for the procedure on behalf of their insured chiropractic patients.

14. Notwithstanding defendant chiropractic organizations' collective knowledge and the knowledge of individual chiropractors of the risks associated with high velocity, low amplitude neck adjustments, at all times relevant to this Complaint, a significant portion of chiropractors have failed, neglected and refused to inform patients of those risks, even in situations in which such chiropractors intend to use the procedure to treat relatively minor afflictions or conditions.

15. By failing, neglecting and refusing to inform patients of risks associated with high velocity, low amplitude neck adjustments, members of defendant chiropractic organizations intentionally imply that the procedure is safe enough so that the benefits of the procedure, even when those benefits are uncertain, outweigh the risks.

16. The failure, neglect and refusal by members of defendant chiropractic organizations to inform patients of risks associated with high velocity, low amplitude neck adjustments constitutes part of a strategy and trade practice adopted by defendant chiropractic organizations and its members to maximize profits by performing high velocity, low amplitude neck adjustments which provide little or no benefit to patients but for which they charge patients and their insurance companies.

17. The conduct of defendant chiropractic organizations and its members alleged in this count constitutes a deceptive act or practice within the meaning of Conn. Gen. Stat. § 42-110b(a) in the conduct of the trade or commerce described in paragraph seven of this count in that the failure, neglect and refusal to inform patients of material risks associated with high velocity, low amplitude neck adjustments constitutes a material misrepresentation or omission likely to mislead a patient/consumer acting reasonably under the circumstances.

18. As a result of the conduct of defendant chiropractic organizations and their members alleged in this count, patients have suffered an ascertainable loss of money or property, including an amount of money equal to the amount they had to pay to undergo a procedure they otherwise would have foregone; the amount they had to pay to treat injuries caused by high velocity, low amplitude neck adjustments, the loss of use of such money and the time expended and inconvenience suffered in attempting to heal, cure or overcome the physical damage inflicted by the procedure.

SECOND COUNT

1-18. Paragraphs 1-18 of the First Count are hereby incorporated as paragraphs 1-18 of the Second Count as though stated in full.

19. The conduct of defendant organizations and their members, alleged in paragraphs 1 - 18 constitute an intentional and wanton violation of the rights of those whose interests are represented by the plaintiff association or was done with a reckless indifference to those rights in that defendant organizations and their members knew their representations and omissions were false or misleading or they were recklessly indifferent to the truth or completeness of their representations.

### THIRD COUNT

1-10. Paragraphs 1-10 of the First Count are hereby incorporated as paragraphs 1-10 of the Third Count as though stated in full.

11. Connecticut General Statutes § 20-32 (a) requires chiropractors to:

- a. Disclose the fact that they are doctors of chiropractics any time they refer to themselves as "Doctor" or any abbreviation or synonym of "Doctor";
- b. Include the name of the licensed chiropractor or chiropractors who own the practice in the name of the practice; and
- c. Exhibit the name of each licensed practitioner or practitioners of chiropractics at the entrance to the place of business or on the office door.

12. Members of defendant chiropractic organizations CCC and CCA routinely violate Connecticut General Statutes § 20-32 (a) in that they:

- a. Use the title "Doctor" without designating themselves as licensed practitioners of chiropractics in phone book advertising, phone book listing, appointment or business cards, patient handouts and/or on entrance signs;
- b. Practice under a corporate name that fails to contain the name or names of the chiropractor or chiropractors who actually own the practice; and
- c. Fail to exhibit the name of each licensed practitioner or practitioners of chiropractics at the entrance to the place of business or on the office door.

13. The conduct of defendant chiropractic organizations and their members alleged in this count constitutes a deceptive act or practice within the meaning of Conn. Gen. Stat. § 42-110b(a) in the conduct of the trade or commerce described in paragraph 7 of this count in that the failure, neglect and refusal of chiropractic doctors to comply with Conn. Gen. Stat. § 20-32 (a) constitutes a strategy of material misrepresentations or omissions likely to mislead a patient/consumer acting reasonably under the circumstances.

14. As a result of the conduct of defendant chiropractic organizations and their members alleged in this count, those patients whose interests are represented by members of plaintiff organization have suffered an ascertainable loss of money or property, including an amount of money equal to the amount they had to pay to undergo a procedure or procedures they otherwise would have foregone; and, when injured by negligence or other misconduct by chiropractors, the time and inconvenience involved in determining the nature and corporate ownership of the practice responsible for such injury.

### FOURTH COUNT

1-14. Paragraphs 1-14 of the Third Count are hereby incorporated as paragraphs 1-14 of the Fourth Count as though stated in full.

15. The conduct of defendant organizations and its members, alleged in paragraphs 1 - 14 constitutes an intentional and wanton violation of the rights of those whose interests are represented by plaintiff association or was done with a reckless indifference to those rights in that defendant organizations and

their members knew their representations and omissions were false or misleading or they were recklessly indifferent to the truth or completeness of their representations.

FIFTH COUNT

1-14. Paragraphs 1-14 of the Third Count are hereby incorporated as paragraphs 1-14 of the Fifth Count as though stated in full.

15. The acts and omissions of defendant associations and its members as described in this Count are likely to harm plaintiff and its members in that they are likely to:

- a. create confusion and misunderstanding as to the nature, sponsorship, approval or certification of services provided by members of defendant associations;
- b. create confusion and misunderstanding as to members of defendant associations' affiliation, connection or association with or certification by other organizations than those strictly concerned with practice of chiropractics; or
- c. create the impression or representation that services provided by defendant chiropractors have sponsorship, approval, characteristics or benefits that they do not have or that certain chiropractors have sponsorship, approval, status, affiliation or connection that they do not have.

16. Pursuant to Conn. Gen. Stat. § 52-115e, plaintiffs are entitled to an injunction forbidding the use of the deceptive tactics described in this Count and other equitable relief, including but not limited to an order requiring chiropractors who have engaged in these deceptive tactics to pay appropriate fines to the State of Connecticut as provided for in Conn. Gen. Stat. § 20-33.

THE PLAINTIFF

By \_\_\_\_\_  
NORMAN A. PATTIS  
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Bethany, CT 06524  
203.393.3017  
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Juris No. 408681

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PRAYER FOR RELIEF

FIRST COUNT

Plaintiff claims:

- 1) Monetary damages in excess of \$15,000;
- 2) Punitive damages;

3) An injunction forbidding the use of high velocity, low amplitude neck adjustments by defendants unless they inform patients of the risk of stroke prior to undertaking the procedure;

4) An injunction requiring defendants to provide written instructions to patients who undergo high velocity, low amplitude neck adjustments explaining the symptoms of stroke and informing patients of steps to take if they believe they are suffering a stroke;

5) Attorney's fees pursuant to C.G.S. § 42-110g (d); and

6) Any other relief this Court shall deem fair and equitable.

#### SECOND COUNT

Plaintiff claims:

1) Monetary damages in excess of \$15,000;

2) Punitive damages;

3) An injunction forbidding the use of high velocity, low amplitude neck adjustments by defendants unless they inform patients of the risk of stroke prior to undertaking the procedure;

4) An injunction requiring defendants to provide written instructions to patients who undergo high velocity, low amplitude neck adjustments explaining the symptoms of stroke and informing patients of steps to take if they believe they are suffering a stroke;

5) Attorney's fees pursuant to C.G.S. § 42-110g (d); and

6) Any other relief this Court shall deem fair and equitable.

#### THIRD COUNT

Plaintiff claims:

1) Monetary damages in excess of \$15,000;

2) Punitive damages;

3) Attorney's fees pursuant to C.G.S. § 42-110g (d); and

4) Any other relief this Court shall deem fair and equitable.

#### FOURTH COUNT

Plaintiff claims:

1) Monetary damages in excess of \$15,000;

2) Punitive damages;

3) Attorney's fees pursuant to C.G.S. § 42-110g (d); and

4) Any other relief this Court shall deem fair and equitable.

#### FIFTH COUNT

Plaintiff claims:

- 1) Monetary damages in excess of \$15,000;
- 2) Punitive damages;
- 3) An injunction forbidding the use of the deceptive tactics described in this Count and other equitable relief, including but not limited to an order requiring chiropractors who have engaged in these deceptive tactics to pay appropriate fines to the State of Connecticut as provided for in Conn. Gen. Stat. § 20-33;
- 4) Attorney's fees pursuant to C.G.S. § 42-110g (d); and
- 5) Any other relief this Court shall deem fair and equitable.

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