

LAW OFFICES

*Stein & Silverman, P.C.*

230 SO. BROAD STREET

PHILADELPHIA, PA. 19102

ELIAS H. STEIN  
LEON W. SILVERMAN  
ALISON S. LAPAT  
ANDREW J. LAPAT

(AREA CODE 215)  
985-0255  
TELECOPIER (215) 985-0342

July 30, 2003

Certified Mail RRR # 7001036000062145197

Mr. Dominic Morgan  
3360 Chichester Avenue  
Apt. M. 11  
Boothwyn, PA 19061

**RE: Herbert J. Nevyas M.D., Anita Nevyas Wallace M.D.  
and Nevyas Eye Associates vs. Dominic Morgan - DEFAMATION**

Dear Mr. Morgan:

I represent Herbert J. Nevyas M.D., Anita Nevyas Wallace M.D. and Nevyas Eye Associates. It has come to my attention that the Web site you have established Lasiksucks4u.com contains falsehoods relating to my clients and is intentionally designed to injure the fine reputations of Dr. Herbert J. Nevyas, Anita Nevyas Wallace and Nevyas Eye Associates. Initially you state that "Nevyas Eye Associates, a somewhat reputable (supposedly) company...." Intentionally slandering the company by the innuendo that it is not reputable. You then state referring to Dr. Herbert Nevyas and Dr. Anita Wallace Nevyas "These people were supposed to be so accredited, reputable, honest, and caring. I hardly think so!" By this statement you have intentionally cast aspersions on their reputation, honesty, their being accredited and caring doctors. You further state that they have lied and tried to force you to lie, all of which is false and defamatory and intended to cause harm to the doctors and their practice.

You have further stated that cases against the practice have been settled by the payment of "HUSH MONEY" implying illegality in the manner in which lawsuits have been settled and further implying that the doctors have made improper payments to circumvent the judicial system. You further state "with all of the patients who have been damaged by Lasik surgery losing their cases in court, is it possible there is a cover-up?" This again implies that my clients in some way have improperly tampered with the legal system, a false and defamatory claim intended to damage my clients and a claim which you know or should know is false and totally without foundation. You further state "These people lied from day one!" A statement you know to be false and a statement intended to injure my clients.

*Stein & Silverman, P.C.*

Dominic Morgan

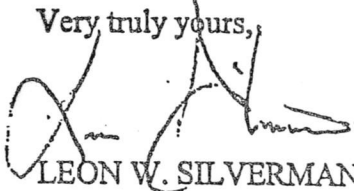
July 30, 2003

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You further state "... the methods they used during their investigational study, to me reflect very deceitful people (and I've seen it first hand)." Again, Mr. Morgan, this statement is intended to do harm to my clients, is false, and known to you to be false. You further state "I carry much anger, depression, bitterness and hatred toward the Nevyas'...." Showing that the defamatory falsehoods contained on your web site are intentional and placed there to damage the doctors and their business. You further use the term "so-called doctors" implying that Dr. Herbert Nevyas and Dr. Anita Nevyas Wallace are not doctors, a claim you know to be false and a claim made for the sole purpose of damaging Dr. Nevyas and Dr. Wallace. You further state "... Herbert Nevyas and Anita Nevyas Wallace, **I feel you are a disgrace to your profession.**" This is a statement made for the purpose of showing my clients in a false light and intentionally seeks to damage their reputations.

The statements quoted in this letter and your entire web site have as their major purpose the destruction of the reputation of Dr. Herbert Nevyas, Dr. Anita Nevyas Wallace, and Nevyas Eye Associates. The web site is libelous, tortiously interferes with the business of Nevyas Eye Associates, intentionally seeks to damage the good reputation of my clients, and subjects you to damages. As there is no adequate remedy at law and the harm being done to my clients is irreparable, injunctive relief will be sought to force you to cease and desist from your improper and illegal acts immediately. You must immediately remove this web site and the falsehoods contained within that site or legal action will be instituted against you immediately. You will receive no further notice.

Very truly yours,



LEON W. SILVERMAN

cc: Herbert J. Nevyas M.D.  
Anita Nevyas Wallace M.D.  
Steven Friedman Esq.

July 31, 2003

VIA FAX and CERTIFIED MAIL

Jonathan Sobel, Esq.  
General Counsel, Yahoo Inc.  
701 First Avenue  
Sunnyvale, CA 94089

Re: Harassment Constituting Breach of the Yahoo Terms of Service and Defamation

Dear Mr. Sobel:

I represent two doctors, Dr. Herbert Nevyas and Dr. Anita Nevyas-Wallace, who have been defamed on a Yahoo hosted website. Yahoo is the host of a website with the address [www.lasiksucks4u.com](http://www.lasiksucks4u.com). The use of this sight by its administrator, Dominic J. Morgan, constitutes a violation of Yahoo's Terms of Service, which state in pertinent part, "You agree not to use the Service to: a. upload, post, email, transmit or otherwise make available any Content that is unlawful, harmful, threatening, abusive, harassing, tortious, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful, or racially, ethnically or otherwise objectionable."

The site contains a section called "doctors." In this space Mr. Morgan repeatedly calls Dr. Nevyas and Dr. Nevyas-Wallace liars, that the they are not concerned about the well-being of their patients, that they destroy peoples lives. Specifically Mr. Morgan through the site states:

"These people were **supposed** to be accredited, reputable, honest and caring. I hardly think so!"

"They've lied to me from day one"

"She is the main person I hold responsible for ruining my life."

"They have no feelings as to the damages they do to people."

"I know that the cause of the problems are due to the lasik, hell, Herbert and Anita knows [sic] this as well."

"So-called doctors"

Jonathan Sobel, Esq.  
July 31, 2003  
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"I am so bitter and angry"

"I see now I've been misled"

"I find it very hard to use the term 'doctor'"

"I've never felt more deceived, degraded, used"

"They've lied from day one"

"I know several real doctors who actually care about people"

"I carry much anger, depression, bitterness and hatred towards the Nevyas'."

"I write this for all to see Herbert Nevyas and Anita Nevyas-Wallace, **I feel you are a disgrace to your profession**"

You are now formally on notice as to the content of the website [www.lasiksucks4u.com](http://www.lasiksucks4u.com). This site must be shut down immediately as it is in clear violation of the Terms of Service. Such defamatory, inciteful and hate-filled material cannot be permitted to remain on the internet. Any failure to act by Yahoo will be considered an act of complicity in this ongoing tort and we will consider you a joint tort-feasor for the purposes of any legal action.

Very truly yours,

Andrew Lapat

Dominic J Morgan  
3360 Chichester Ave. M-11  
Boothwyn, PA 19061

Stein & Silverman, PC  
230 S. Broad St.  
Philadelphia, PA 19102  
Attn: Leon Silverman

August 1, 2003

Mr. Silverman,

With regards to the certified letter dated July 30, 2003 pertaining to my website LasikSucks4u, I have conformed to your requests insofar as to remove any stated libelous reference to the Nevyas' and their practice only. I will not remove the website in its entirety, and will be updating this site or others with facts of my care, treatment, history, all of the legal issues pertaining to my case and all necessary documentation substantiating those facts within the legal guidelines as allowed by law and the First Amendment which grants me freedom of speech.

Although the courts ruled no causation as to the damages done to me in my case against the Nevyas', they do not state the truths. Regardless of your representation of the Nevyas' and their business, they still did this to me, and no one will stop me from telling the truth. I did not want nor agree to any confidentiality pertaining to my case, and will expose and report the Nevyas' as to the damages they've inflicted on me, as well as the wrongdoings they've done regarding their investigational laser. If you were to have read the whole website, not just what pertained to the Nevyas', maybe you would actually understand it. Incidentally, some pages to the website which was posted were not the actual pages I intended to post to this site. I have just learned how to

design these things (barely) and have run into a few problems, accidentally posting the wrong ones. I do not have the necessary experience with java, and believe it or not, I have visual problems.

I find it disgusting you people represent the Nevyas' knowing full well their history. They ruined my life as well as others. That is the truth! Does the money really mean that much? Apparently my health and welfare does not.

As far as legal representation by Mr. Steven Friedman, any further contact you may require can be done with me **directly**.

Sincerely,



Dominic J. Morgan

850 WEST CHESTER PIKE, 1<sup>ST</sup> FLOOR  
HAVERTOWN, PA 19083

TEL: 610.789.0568  
E-MAIL: md-jd@mindspring.com

**Steven A. Friedman, M.D., J.D., LL.M.**  
*Physician and Attorney at Law*

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INTERNAL MEDICINE AND CHEST DISEASE ☼ HEALTH AND CORPORATE MEDICAL LAW

August 4, 2003

Leon Silverman, Esquire  
Andrew Lapat, Esquire  
Stein & Silverman  
230 South Broad Street  
Philadelphia, Pa. 19102  
Fax 215/ 985-0342

Re: Your letter to Mr. Morgan July 30, 2003

Dear Counsel:

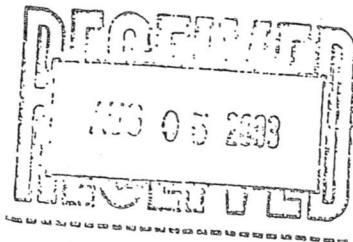
In Mr. Lapat's telephone call to me July 31, 2003, you assumed I represent Mr. Morgan. I represent him for this letter.

In Mr. Silverman's last telephone call to me August 1, 2003, he stated that the contents of Mr. Morgan's web site as of that time were legally satisfactory to him. I then asked Mr. Morgan to print out his web site and mail it to me; and he did so except for pictures; and I now mail you a copy of this. In order that there be no mistake I ask that you confirm that all this material is legally satisfactory to you. (I have not read either the material he sent me nor the web site.)

Sincerely yours,



Steven A. Friedman



LAW OFFICES

*Stein & Silverman, P.C.*

230 So. Broad Street, 18<sup>th</sup> Floor  
Philadelphia, PA 19102

ELIAS H. STEIN  
LEON W. SILVERMAN  
ALLISON LAPAT  
ANDREW LAPAT

Telephone: (215) 985-0255  
Telecopier: (215) 985-0342

August 14, 2003

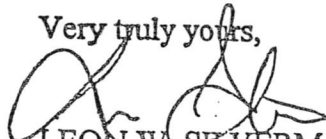
*Via Fax 610-789-9989*  
Steven A. Friedman, Esquire  
850 West Chester Pike  
Havertown, PA 19083

RE: Morgan v. Nevyas, et al  
Philadelphia County CCP, April Term 2000; No.: 002621

Dear Steven:

I have reviewed the printout which you sent me of Mr. Morgan's Web site Lasiksucks4u. Although I strongly believe that this web site should be removed in its entirety, Dr. Nevyas has agreed to take no legal action against Mr. Morgan provided that the changes and deletions made to the web site as shown on the print out which you sent to me are not reinserted into the web site and provided further that Mr. Morgan makes no further attempts to defame my clients. We reaffirm the statements contained in my letter of July 30, 2003 detailing the defamatory material contained in the web site at that time, but agree that if there are no further attempts at defaming my clients we will take no legal action against Mr. Morgan for his past defamatory statements.

Very truly yours,

  
LEON W. SILVERMAN

cc: Herbert J. Nevyas M.D.



trying to update website and posted pages inadvertently. i am fairly new at this, have quite a few different versions of my website, & am legally blind. lawyers for doctors that did my website sent me letter seeking cease & desist request, which i complied as soon as notified. you shut my website down as well as email account i would imagine as soon as you were notified from their lawyers. i have complied to their requests and website was not in violation of yahoo's tos. essentially you charged me for another month's service after website was shut down. i've had this account for some time and my website was on since 02/2002. what the doctors did to me was bad enough, having warn others of the dangers is my intention, not to seek retribution against the doctors. what was posted was private to me personally to vent (not publicly). this is a borrowed email...don't shut this down too.

**EXHIBIT**

M-74  
D1 6-9-05

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

NEVYAS, MD, NEVYAS-WALLACE, MD and NEVYAS EYE ASSOCIATES, PC, Plaintiffs	:	NOVEMBER, 2003
	:	
	:	
vs.	:	
	:	No. 946
	:	
MORGAN and FRIEDMAN, Defendants	:	

ORDER

WHEREAS, on July 26, 2005, the Parties in the above-referenced action were before the Court for a non-jury trial in a matter sounding in Defamation, which included count three, a motion to enforce a contract between the defendant and the plaintiff. The court after taking testimony on count three only, entered the following order more fully discussed in the Notes of Testimony (N.T. 7/26/05,93-96):

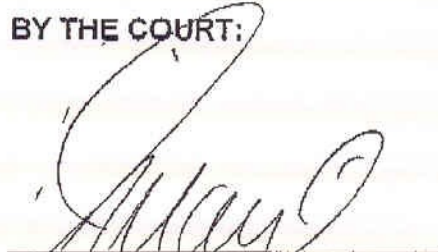
**IT IS HEREBY ORDERED and DECREED,**

On Count Three of the Complaint in the above-referenced action, the Agreement which was entered into by defendant Morgan and the plaintiffs on or about the period July 30, 2003 through August 4, 2003 is hereby enforced and defendant Morgan will not mention Dr. Nevyas or his practice or anything concerning past items from Dr. Nevyas or his practice in defendant's website.

Defendant Morgan is ordered to operate his website and any website in accordance with the August 4, 2003 Agreement.

The defamation action by Dr. Nevyas against Mr. Morgan is hereby dismissed, as agreed to in the July 30, 2003 through August 4, 2003 agreement.

BY THE COURT:

  
EUGENE EDW. J. MAIER, J.

9/29/05

COPIES SENT  
PURSUANT TO Pa.R.C.P. 236(b)

SEP 30 2005

FIRST JUDICIAL DISTRICT OF PA  
USER I.D.: