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APR 19 2012

J. STEWART

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

HERBERT J. NEVYAS, M.D., and  
ANITA NEVYAS-WALLACE, M.D., and  
NEVYAS EYE ASSOCIATES, P.C.,  
Plaintiffs

v.

DOMINIC MORGAN and STEVEN FRIEDMAN,  
Defendants

November Term, 2003  
No. 00946

Nevyas Etal Vs Morgan-ORDER



03110094600384

Control No. 11113763

**ORDER ARISING FROM CONTEMPT HEARING**

**AND NOW**, to wit, this 19<sup>th</sup> day of April, 2012, after a hearing held on April 18, 2012 arising from Plaintiffs' "Petition to Declare Defendant Dominic Morgan in Contempt of this Court's Injunctive Order of March 16, 2011," this Court found that the Defendant, through publications from the following websites on or about July 27, 2011, violated the spirit of this Court's original injunctive order. There exists in this case a fine line between fair and reasonable criticism of Plaintiffs' professional conduct, which the Defendant has a Constitutional right to do as a matter of free speech, and crossing this line by infringing upon the Plaintiffs' professional reputation. Defendant has every right to criticize the medical services rendered to him by the Plaintiffs, but cannot defame them. With this concept in mind, this Court enters the following order pertaining to the following websites:

1. Lasikdecision.com: The following phrases shall be deleted:
  - a. Under the heading **Welcome to Lasikdecision.com**, "I know that Dr. Herbert Nevyas . . . damaged my eyes because they sued to shut down my website."
  - b. Under the heading **Welcome to Lasikdecision.com**, "I could not name Dr. Herbert Nevyas and Anita Nevyas-Wallace (the doctors who damaged my eyes) due to litigation (medical malpractice). After my med mal lawsuit, I added the doctors' names because I

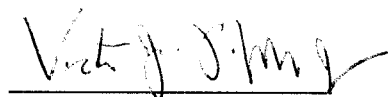
believed then (and still do) that as a matter of public safety, they should be named.

Their investigational study, as proven by the information (documents) posted resulted in numerous lawsuits. I posted all of the information I could get.”

- c. The entirety of Defendant’s letter to the American Academy of Ophthalmology, dated February 28, 2005, shall be deleted.
2. Nevyaslasik.com: The following phrases shall be deleted:
    - a. Under the heading **Before the Nevyas Study**, “. . . that the FDA was more concerned with being sued by the Nevyas’ for the information released, than by doing the right thing.”
    - b. Everything under the heading **Nevyas Threats of Lawsuit and Intimidation to Shut Down my Website**, approximately one page in length, which speaks of alleged threats and intimidation by the Plaintiffs, shall be deleted.
  3. Herbertnevyaslasik.com: The following shall be deleted:
    - a. Under the heading **Nevyas’ Investigational Laser**, the term “black box” is to be deleted.
  4. Anitanevyaslasik.com: The following phrase shall be deleted:
    - a. Under the heading **Before the Nevyas’ Study**, “. . . that the FDA was more concerned with being sued by the Nevyses for the information released, than by doing the right thing.”

**IT IS ORDERED** that the Defendant shall publish this Court’s injunctive order of March 16, 2011 on each of the four websites referenced herein. Defendant shall comply with the dictates of this order by Monday, April 30, 2012.

**BY THE COURT:**



**Victor J. DiNubile, Jr., S.J.**