

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2015-CA-001383

DIVISION:

STEVEN RHODES,

Plaintiff,

vs.

JOSEPH BRYANT and
OLGA VARAMOGIANNIS,

Defendants.

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff brings this action seeking compensatory damages and alleges the following:

1. This is an action for compensatory damages for defamation. Specifically, Plaintiff alleges that the Defendants committed libel per se against Plaintiff by making false statements tending to injure Plaintiff in his business and profession and also false statements accusing Plaintiff of committing insurance fraud.

JURISDICTION AND VENUE

2. Jurisdiction in this court is proper, pursuant to § 26.012(2)(a) Fla. Stat., because Plaintiff seeks damages in excess of \$15,000.

3. Venue in this court is proper because Defendant Bryant resides in St. Johns County, Florida.

PARTIES

4. Plaintiff, Dr. Steven Rhodes, is an individual, and at all times relevant has resided in Duval County, Florida. At all times relevant, Plaintiff was the operator of Oceanview Health, a chiropractic practice located at 320 1st St. N # 709, Jacksonville Beach, FL 32250. Plaintiff is a highly skilled and qualified chiropractic doctor, who has never treated his patients or staff unfairly, and has never engaged in fraudulent activity.

5. Defendant, Joseph Bryant, is an individual who resides in St. Johns County, Florida.

6. Defendant, Olga Varamogiannis, is an individual who resides in Duval County, Florida.

FACTUAL ALLEGATIONS

7. On December 29, 2013, Defendant Bryant posted a status update on his Facebook "timeline," attached as Exhibit A, which falsely stated that Plaintiff was a "scumbag" and that he was not a real doctor.

8. Specifically, the Facebook post stated: "Stephen Rhodes, Chiropractor (not a real doctor) is the ultimate scumbag. Pass it on."

9. By posting the message on his Facebook "timeline", Defendant Bryant's false statements were published to his Facebook friends and the public at large.

10. Indeed, after Defendant Bryant posted his defamatory statements, five Facebook users "liked" Defendant Bryant's post.

11. On the same date, Defendant Bryant also posted a "comment" on his original Facebook post, attached as Exhibit B, which was also visible to all of his Facebook friends and the public.

12. This comment also falsely stated that Plaintiff was not qualified to be a doctor, falsely claimed that Plaintiff abused his staff, and falsely accused Plaintiff of committing a crime.

13. Specifically, Defendant Bryant stated that "He's [Plaintiff] a scum bag, pretend doctor who is the most narcissistic piece of crap in Jacksonville. He abuses his staff, is untrustworthy and is guilty of insurance fraud. He should lose his license and be put out if [sic] business."

14. As a result of this post, Defendant Bryant's false messages were published to his Facebook friends and the public. Additionally, two other Facebook users "liked" Defendant's post.

15. On February 4, 2014, Defendant Bryant filed a tip with the Florida Department of Financial Service's website using an online form, attached as Exhibit C, falsely accusing Plaintiff of committing insurance fraud.

16. Specifically, the form falsely stated that Plaintiff "for some time has been billing patient's insurance companies for services that were never provided."

17. On Defendant Bryant's online tip, he also falsely stated that he had billed an unnamed woman who was involved in an automobile accident, \$56,000 in treatments that never took place.

18. Defendant Bryant's online tip also falsely stated that Plaintiff saw number of patients who are covered by either Medicare or Medicaid, whom Plaintiff did not actually treat, yet billed for a substantial treatment with each visit.

19. By submitting the online tip, Defendant Bryant published these statements to the Florida Department of Financial Services.

20. Likewise, just eight minutes after Defendant Bryant sent his tip referenced in Paragraphs 15 through 19, above, Defendant Olga Varamogiannis filed a tip with the Florida Department of Financial Service's website using an online form, attached as Exhibit D, also falsely accusing Plaintiff of committing fraud.

21. Specifically, the form falsely stated that Plaintiff billed Defendant Varamogiannis' insurance company for services that were not rendered.

22. Defendant Varamogiannis also falsely stated that her accusation was not a unique situation.

23. By submitting the online tip, Defendant Varamogiannis published the statements to the Florida Department of Financial Services.

24. At all times, Plaintiff is a qualified and skilled practitioner of chiropractic medicine, has never abused his staff, and never committed insurance fraud.

**COUNT I-DEFAMATION
(Facebook "Timeline" Post)
Defendant Bryant**

25. Paragraphs 1-24 are re-alleged and incorporated by reference herein.

26. Defendant Bryant's Facebook timeline post made on December 29, 2013, is defamation per se since the allegation that Plaintiff was "the ultimate scum bag" and that he was not a "real doctor", was of such a character that it imputed conduct, characteristics, or a condition incompatible with the proper exercise of his lawful profession as a chiropractor and they tended to subject Plaintiff to public hatred, distrust, ridicule, contempt, or disgrace.

27. Alternatively, the statements were of a defamatory character because they implied that Plaintiff was not competent to practice medicine and that he treated his patients in an unpleasant manner.

28. Defendant Bryant published these false and defamatory statements by posting them on his Facebook "timeline", where they were seen by members of the public.

29. Defendant Bryant published these false statements without reasonable care as to their truth or falsity.

30. As a result of these false statements, Plaintiff suffered damages which included but are not limited to loss of business, harm to his reputation, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant Bryant as follows:

- (a) an award of monetary damages;
- (b) such other relief to Plaintiff that the Court deems to be just and proper and equitable under the circumstances.

**COUNT II-DEFAMATION
(Facebook "Comment" Post)
Defendant Bryant**

31. Paragraphs 1-24 are re-alleged and incorporated by reference herein.

32. Defendant Bryant's statements made in his online Facebook comment, are defamation per se since the allegation accused Plaintiff of committing insurance fraud, which is a felony under Florida law. Furthermore, these statements also imputed conduct, characteristics, or a condition incompatible with the proper exercise of his lawful profession as a chiropractor and they tended to subject Plaintiff to public hatred, distrust, ridicule, contempt, or disgrace.

33. Alternatively, the statements were of a defamatory character because they implied that Plaintiff had committed a crime, that he was not competent to practice medicine, and that he treated his patients and staff in an unpleasant manner.

34. Defendant Bryant published these false and defamatory statements by posting them as a Facebook comment, where they were seen by members of the public.

35. Defendant Bryant published these false statements without reasonable care as to their truth or falsity.

36. As a result of these false statements, Plaintiff suffered damages which included but are not limited to loss of business, harm to his reputation, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant Bryant as follows:

- (a) an award of monetary damages;
- (b) such other relief to Plaintiff that the Court deems to be just and proper and equitable under the circumstances.

**COUNT III-DEFAMATION
(Department of Financial Services Form)
Defendant Bryant**

37. Paragraphs 1-24 are re-alleged and incorporated by reference herein.

38. Defendant Bryant's statements made to the Florida Department of Financial services, are defamation per se since the allegation accused Plaintiff of committing insurance fraud, which is a felony under Florida law. Furthermore, these statements also imputed conduct, characteristics, or a condition incompatible with the proper exercise of his lawful profession as a chiropractor and they tended to subject Plaintiff to public hatred, distrust, ridicule, contempt, or disgrace.

39. Alternatively, the statements were of a defamatory character because they implied that Plaintiff was a criminal and that he had deceived his patients and their insurance companies by billing for services that he did not perform.

40. Defendant Bryant published these false and defamatory statements to DFS investigators by submitting an online "tip" to them using their website.

41. As a result of these false statements, Plaintiff suffered damages which included but are not limited to loss of business, harm to his reputation, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant Bryant as follows:

- (a) an award of monetary damages;
- (b) such other relief to Plaintiff that the Court deems to be just and proper and equitable

under the circumstances.

**COUNT IV-DEFAMATION
(Department of Financial Services Form)
Defendant Varamogiannis**

42. Paragraphs 1-24 are re-alleged and incorporated by reference herein.

43. Defendant Varamogiannis' statements made to the Florida Department of Financial services, are defamation per se since the allegation accused Plaintiff of committing insurance fraud, which is a felony under Florida law. Furthermore, these statements also imputed conduct, characteristics, or a condition incompatible with the proper exercise of his lawful profession as a chiropractor and they tended to subject Plaintiff to public hatred, distrust, ridicule, contempt, or disgrace.

44. Alternatively, the statements were of a defamatory character because they implied that Plaintiff was a criminal and that he had deceived his patients and their insurance companies by billing for services that he did not perform.

45. Varamogiannis' falsely published these false and defamatory statements to DFS investigators by submitting an online "tip" to them using their website.

46. As a result of these false statements, Plaintiff suffered damages which included but are not limited to loss of business, harm to his reputation, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Varamogiannis 'as follows:

- (a) an award of monetary damages;
- (b) such other relief to Plaintiff that the Court deems to be just and proper and equitable under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff Rhodes hereby demands trial by jury on all issues so triable.

DATED this 3rd day of February, 2016.

Respectfully submitted,


/s/ Bryan E. DeMaggio

Wm. J. Sheppard, Esquire
Florida Bar No.: 109154
Elizabeth L. White, Esquire
Florida Bar No.: 314560
Matthew R. Kachergus, Esquire
Florida Bar No.: 503282
Bryan E. DeMaggio, Esquire
Florida Bar No.: 055712
Amanda J. Woods, Esquire
Florida Bar No.: 112296
Jesse B. Wilkison, Esquire
Florida Bar No.: 118505
Sheppard, White, Kachergus & DeMaggio, P.A.
215 Washington Street
Jacksonville, Florida 32202
Telephone: (904) 356-9661
Facsimile: (904) 356-9667
Email: sheplaw@att.net
COUNSEL FOR PLAINTIFF

EXHIBIT A

like to have the greatest daughter in the world?"
Her mother replied, "I don't know - you'll have to
ask Grandma."

18 Likes · 1 Share

 Share



Joe Bryant

December 29, 2013 at 6:37pm · Sawgrass,
FL ·

Steven Rhodes, Chiropractor (not a real doctor)
is the ultimate scum bag. Pass it on.

5 Likes · 9 Comments

 Share



Joe Bryant

December 29, 2013 at 7:47am ·

Time lapse photograph of skiers with torches

EXHIBIT B

doctors that I feel the same about. How about lets start a "Friends dont let friends be mutilated, ripped off, or

_____ by _____"

👍 1 · More · Dec 29, 2013



Tom Reed

?????

More · Dec 29, 2013



Joe Bryant

He's a scum bag, pretend doctor who is the most narcissistic piece of crap in Jacksonville. He abuses his staff, is untrustworthy and is guilty of insurance fraud. He should lose his license and be put out of business.

👍 2 · More · Dec 29, 2013



Kate Lyons

Seriously...what happened?

More · Dec 29, 2013

EXHIBIT C

DFS Division of Insurance Fraud
ACISS Tip Information T14-1406

Entry Date: 02/04/2014 15:56

Primary Information

Number: T14-1406
Category: TIP
Entry Date: 02/04/2014 15:56
Call Taker: FORM, WEB (DFS / ADMINISTRATIVE UNIT / DFS Division of Insurance Fraud)
Brief Description: Steven L Rhodes DC PIP/pro *Duval
Reporters Name: Joseph Bryant
Reporters Business Phone: (904) 371-0870
Reporters Address: 136 Plantation Circle South, Ponte Vedra Beach, FL 32082
Occurred Date: 11/14/2013 00:00
Source: Citizen Complaint
Class: DUVAL
Type: PERSONAL INJURY PROTECTION FRAUD
Sub-Type: BY PROVIDER
Status: CLOSED - CASE INITIATED:
Status Date: 02/07/2014 00:00
Related Case: 14-216

Synopsis

Tip Number:: T14-1406
Occurred County:: DUVAL
Occurred Date:: 11/14/2013 12:00:00 AM
Fraud Type:: Healthcare

Steven L. Rhodes is a chiropractor doing business in Jacksonville Beach, FL. Based on information I know to be true, Rhodes for some time has been billing patients insurance companies for services that were never provided. One example, a woman was involved in an automobile accident recently. In three months her insurance company was billed for over \$56,000 in treatments, the majority of which never took place.

Two individuals in his office have been aware of this issue for some time and have questioned him on several occasions. They were told to mind their own business. Jessie (don't know her last name) handled all billings and was so suspect of what was going on that she resigned and took another job in the last few months. Missie (again don't know her last name) is a massage therapist is totally aware of the fraud that is going on. The recent news that the above mentioned patient is claiming fraud against Rhodes caused her to seek out an attorney who counseled her to immediately leave the job to take her out of any potential liability.

Rhodes likes to brag that "all his patients love him" and that they are willing to cut corners with him in order for Rhodes to receive more income than he's entitled to. There are a number of patients who are elderly and thereby are covered by either Medicare or Medicaid, thus very little insurance reimbursement, where Rhodes "treats" an adult child of the patient and performs no treatments yet bills for substantial treatment with each visit.

Reporting Individual Information

Victim/Witness Type: Citizen
Victim/Witness Name: Bryant, Joseph
Business Name: Triserv Appraisal Management Solutions
Office Telephone: 9043710870
Cell: 9043710870
E-Mail Address: jbryant@triservllc.com
Mailing Address: 136 Plantation Circle South
: Ponte Vedra Beach, FL 32082
Preferred Contact Type: Email

EXHIBIT D

DFS Division of Insurance Fraud
ACISS Tip Information T14-1407

Entry Date: 02/04/2014 16:04

Primary Information

Number: T14-1407
Category: TIP
Entry Date: 02/04/2014 16:04
Call Taker: FORM, WEB (DFS / ADMINISTRATIVE UNIT / DFS Division of Insurance Fraud)
Brief Description: Steven L Rhodes DC/Ocean View PIP/pro *Duval
Reporters Name: Kevin Jones
Reporters Business Phone: (904) 798-4881
Reporters Address: 921 N Davis Street bldg B ste 149, Jacksonville, FL 32209
Occurred Date: 09/01/2013 00:00 -
Source: Citizen Complaint
Class: DUVAL
Type: PERSONAL INJURY PROTECTION FRAUD
Sub-Type: BY PROVIDER
Status: CLOSED - CASE INITIATED:
Status Date: 02/05/2014 00:00
Related Case: 14-216

Synopsis

Tip Number:: T14-1407
Occurred County:: DUVAL
Occurred Date:: 9/1/2013 12:00:00 AM -
Fraud Type:: PIP Fraud
The following was received from Olga Varamogiannis via e-mail:

I have been receiving services by a chiropractor due to an auto accident, while reviewing my insurance bills, I noticed thousand of dollars for services that I did not have. I was charged for massages, ultrasound and traction services for every visit, when in fact the only service I received consistently was adjustments and electric stimulation therapy. The services "in question" were provided during the period of September 1, 2013 through mid January 2014.

I'm very disappointed that this problem has occurred, since I had expressed concerns several times when signing paper work for services that were not rendered, the doctor and his staff personally assured me that the paper work would be submitted correctly to the insurance company but it was not. I have sent him correspondence asking him to correct the billing situation but instead he is calling me asking that we meet to discuss this in person assuring me that he would "make me happy"I think that this is NOT a unique situation, just recently one of his employees was laid off (the employee confided in me that she had questioned my bills and other similar billing inconsistencies, she was told to mind her business and then laid off). I can go on with many more examples. In addition, I have just left a messages with my insurance adjuster so I can give them a 'heads up'. Lastly, I have have been told by his employees that he uses intimidation and threatens any one that goes against him, so I am concerned for my own personal safety. I have stopped going to his office and do not want to have any further contact with him. I am willing to provide you with any additional information that will assist you in getting to the bottom of this matter.

Reporting Individual Information

Victim/Witness Type:: LEO
Victim/Witness Name:: Jones, Kevin
Business Name:: DIF Lieutenant - Jacksonville
Office Telephone:: 9047984881
Cell:: 9042376409
E-Mail Address:: kevin.jones@myfloridacfo.com