

Barrett v. Rosenthal S122953 (A096451; 114 Cal.App.4th 1379; Alameda County Superior Court; 833021-5)

Supreme Court of California
350 McAllister Street, Fourth Floor
San Francisco, California
September 5, 2006
2:00 p.m.

Petition for review after the Court of Appeal vacated in part and otherwise affirmed an order granting a special motion to strike.

This case includes the following issues:

- 1) Does the Communications Decency Act (47 U.S.C. § 230) confer absolute immunity on an Internet “provider” or “user” who republishes statements made by third parties, or can liability still impose under traditional common law principles where the provider or user knows or has reason to know of the defamatory character of the statement it republished on the Internet?
- 2) What is the meaning of the term “user” under the Act?
- 3) For the purposes of the issue presented by this case, does it matter whether the “user” engaged in active or passive conduct?

Summary of case by Terry Polevoy (the plaintiff) in regards to Ilena Rosenthal (the defendant) and her libelous and defamatory campaign to destroy my professional and personal reputation with comments made on the internet over the last six years. These defamatory comments, slurs, and direct attacks against me were first initiated by the defendant on or about August 14, 2000.

I believe that she has acted with intent and malice by repeating lies and defamation of others, and has continued this through thousands of posts on Usenet, in numerous groups and on her own web sites.

Over the last six years she has helped to create a long and easily followed “paper” trail and it has been impossible to get her to apologize publicly or control these comments.

As a result of her deliberate actions, and in cooperation with others, the defendant leaves no doubt in the plaintiff's eyes that she did this deliberately with intent to defame and injure the plaintiff. She did this with the knowledge that the statements that she posted were untrue.

The defendant began by posting the defamatory rants of Tim Bolen (Patrick Timothy Bolen), a California resident and publicist for Hulda Clark. There were emails that were obtained during earlier discovery of Tim Bolen that showed there was an open channel between the defendant and Bolen. The volume and persistence of Ilena's posts showed that they were not casual or occasional. The thousands of posts and the creation of

sections on her own web sites where comments were made about me, independent of others showed that she acted with malicious intent.

The Communications Decency Act of 1996 (Act)

While the Act was clearly intended to protect ISP's from the myriad of things that could be posted without their knowledge and consent, Judge Richmond chose to use the language of that section to apply to "reposters" as if they were ISP's. I don't think Congress so intended that, but one has to go with the language of the Act and one cannot make law on "intent", rather than on the language of what Congress passed.

As well, what the Act was supposed to do was to immunize ISP's (but, if I'm not mistaken the Act used some term about "retransmitters"). I don't think you can make the defendant into an ISP. Whether you can make her into a "retransmitter" in the sense that was mentioned in the Act is another matter. The language of the Act is unclear.

The reason for the original lawsuit and for the Supreme Court of California to rule on the lower court's decision is to allow those of us who have been injured, defamed, or libeled to be allowed to have our day in court. In a summary below and with attached Appendices, I hope to establish my position.

A review of the original case A096451, Alameda County Superior Court, case 833021-5 will provide a general background.

My summary will begin chronologically, and I will only present the most egregious posts and reposts made by the defendant that attack me with serious defamatory comments. Where possible, I will also include sections of her posts, or web sites, and in some cases, complete articles that the defendant has used that are also libelous and defamatory. In most cases I will include the initial and subsequent dates that she has posted them, or at least mention that they have been posted numerous times. It is almost impossible to provide all of this information in a conventional print format. The Internet's Usenet archives, as we all know, go back to the early 80s, and her web sites are archived for posterity.

Wherever possible, I have saved exact copies of those posts and her older websites. In order to simplify the review of these libelous and defamatory statements I have in some instances, edited out the headers of the e-mails and Usenet posts. These are all available in computer versions that I have safeguarded, and will be able to make these accessible to the Court.

Chronological Posts on Usenet (archived using Google Groups (formerly Deja) Detailed text and/or references will be in Appendix. My comments and a short summary of key points are included in this section.

1. SLEAZY "QUACKBUSTER" #1 - Repost of Tim Bolen's libelous and defamatory statements – August 14, 2000.

The defendant distributed to two Usenet newsgroups an e-mail message from Tim Bolen that accused Dr. Polevoy of “stalking woman” and urged “ 'health activists...from around the world' to file complaints to government officials, media organizations, and regulatory agencies.” Sample complaints to governmental agencies were also provided. The republished statements claimed that the defendant stalked Christine McPhee, a Canadian radio personality whose program supported “alternative medicine”. According to Bolen, the defendant “terrified” McPhee by e-mailing her the details of his stalking activities. McPhee allegedly sought police protection and “the police kept two uniformed officers on site for some time, to deal with Polevoy.”

Bolen's statement describes the defendant's conduct as part of a “criminal conspiracy” and urged readers to bring this and other unspecified “criminal” conduct to the attention of various governmental officials, urging them to use their influence to see that a “criminal investigation” of the defendant's “subversive” activities” begins immediately”.

2. Sleazy Quackbuster #2. The defendant posted this on August 14, 2000. It is apparent that the defendant and Tim Bolen have communicated. This is a reply to an e-mail sent from Tim Bolen's email address, jurimed@yahoo.com.

When the plaintiff and others discovered the Bolen message that the defendant had posted, she was asked to withdraw the message and she was threatened with a lawsuit if it was not removed. She refused to do this, and since then has published hundreds, if not thousands of additional posts on Usenet that have contributed to the defamation of the plaintiff, directly or indirectly.

3. QuackBarrett threatens to sue me for Libel - The defendant posted her declaration to the Superior court made in May 30, 2001. She moved to strike the plaintiffs' complaint as a SLAPP. I am not certain how many times that she has reposted this, but it has continued like this for many years.

4. Defendant's post of her Declaration in Superior Court. When you put the word “polevoy” into a search on Google Groups it comes up #1.

5. Canadian MD Terry Polevoy Stalked a radio lady. Ilena Rosenthal's repeated allegations included in this Usenet newsgroups post. These posts started on July 24, 2004. In some of these posts she accuses the plaintiff of sending “Thugs” to stalk her mailbox in California and go to Costa Rica. She again repeated the false allegations that the plaintiff stalked Christine McPhee.

6. Natural Medicine: BC Leads the Way

The defendant continued to misinform the public over the years. She regularly referred to an article written by Lily Casura, a woman who lives in Washington State and who published her story in a Canadian Magazine called *Shared Vision*. That article was not a true description of the Christine McPhee situation. Unfortunately for the defendant, she again relied on somebody else's journalistic errors. This article appeared in the January 2001 and both the plaintiff and Dr. Stephen Barrett wrote to the editor to complain. The entire section of the issue that contained the defamatory material was initially removed, and we received an apology from the editor. Unfortunately, because of the availability of archives of this site, most of the article is still available. The defamatory quotes written by Casura were accepted as the truth by the defendant, and as you can see above, she still referred to it again and again. The defendant originally posted the entire article in March 2001.

7. Quackpot Barrett THRASHED in Illinois Court

Plaintiff's post on Usenet in response to Defendant's repeated posting of Lily Casura's article. It can be read in it's entirety at: <http://tinyurl.com/nsvd4>

Appendix "A"

1. SLEAZY "QUACKBUSTER" #1- Original reposting on Deja by Ilena Rosenthal of Tim Bolen's post – August 14, 2000. Note that she has not checked the validity of the Bolen post. Ilena in those days used the handle "Ilena Rose". Her e-mail address was ilena@san.rr.com.

From: i...@san.rr.com (Ilena Rose)
Subject: SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA'S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW... #1
Date: 2000/08/14
Organization: Humantics Foundation for Women
Reply-To: juri...@yahoo.com
NNTP-Posting-Date: Mon, 14 Aug 2000 02:52:11 PDT
Newsgroups: misc.health.alternative

From: "Tim & Jan Bolen"
juri...@yahoo.com

SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA'S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW... It is time to get angry...

Opinion by Tim Bolen

I have a "project" North American health freedom fighters can get their teeth into. Read this article - get angry - and then get involved. It's all explained here - and the reasons to get involved are obvious. And, we made it easy... It is all done on the internet.

The "Touch of Health Radio Show" with Christine McPhee was shut down the other day by Canadian Radio Executives acting under FALSE information provided to them by the "Quackbusters." It was the biggest "Alternative Medicine" show in Canada. We need to get the show back on the air - and the "quackbusters" need to get smacked hard...

With this, the "Quackbuster" organization, headed by de-licensed MD Stephen Barrett, has had a MAJOR VICTORY against health freedom fighters in North America. They have managed, through a series of lies and misrepresentations, to convince Canadian Radio Executives that "Alternative Medicine" shows must be banned from Canadian broadcasting, as "they represent a danger to the Canadian Public."

Barrett, who operates his murderous attack organization out of a basement in Allentown, Pennsylvania, has as his Canadian henchman, one Terry Polevoy MD, an acne doctor operating out of Kitchner, Ontario. Health leaders suspect that Barrett, who is in poor health, may be grooming Polevoy to succeed him as supreme leader in the North American conspiracy.

Operating in the way Barrett teaches, Polevoy has, in the current attack on McPhee, barraged Canadian Radio executives, the Canadian Radio-Television Telecommunications Commissions (CRTC), the Canadian Broadcast Standards Council (CBSC), and the radio stations, with bombacity, lies, and misrepresentations - all the while, holding up his MD license as evidence of his "credibility." Polevoy operates a "hate" website (www.healthwatcher.net) focusing his character assassination tactics on health humanitarians who spurn the heavy use of dangerous pharmaceutical drugs.

Polevoy, who obviously has little scientific training, claims his MD license gives him god-like credibility. Apparently, he feels that license entitles him to bad behavior, also.

HOW TO TURN THIS LOSS INTO VICTORY...

North American Health Professionals, AND HEALTH ACTIVISTS, have long been aware of a plot to destroy the consumer-driven "Alternative Medicine/Health" movement. The conspirators, brazenly calling themselves "The Quackbusters," falsely infer that there is something unwholesome, unsavory, or fraudulent, about leading-edge health professionals that don't deluge their patients, and clients, with expensive, dangerous pharmaceutical drugs.

Health activists, and "alternative practitioners" together, outnumber the "Quackbuster" ranks 100,000 to 1. All the "Quackbusters" have are those "deep pockets" behind them - and they way things are - that's probably a paper tiger. I think that when push comes to shove, Barrett, and his tiny little team, are going to find themselves very much alone in the world.

IT IS TIME TO PUSH AND SHOVE - and find out who is behind Barrett, Polevoy, and the others - and give them the bill for what they've done to North Americans.

Even worse for the "Quackbusters," North Americans, in a huge consumer-driven movement, have turned their backs on allopathic "standard of care" buffoonery, relying instead on the more cost-effective "Alternative" approach to medicine. It is obvious that Americans, given the "choice," want to be healthy, not drugged. And this fact alone rings the death knell for Barrett, and his cronies.

WHY DID BARRETT AND HIS CANADIAN MINIONS COME AFTER CHRISTINE MCPHEE?

"Choice" is the important word in the paragraph above. The only way the greedy drug lords can save themselves is to remove "choice" from Americans. That's why their minions have focused on Christine McPhee in Canada. McPhee had a superb "Alternative Medicine" radio show covering FIVE MAJOR CANADIAN MARKETS. The "Quackbusters" were desperate to get her off the air - after all, with her show, Canadians were hearing the truth about health care - something Barrett, Polevoy, and company, can't afford to let happen.

Hundreds of thousands, if not millions, of caring North Americans have organized into political groups to defend against the endless onslaught. The operative word here has always been "defend." It is time to go on the "offense" - it is time to shut down the "Quackbusters."

Health Freedom fighters believe the attack comes from bonded subversive groups conspiratorially formed into attack units, and funded both directly, and indirectly by the sleaziest elements of the pharmaceutical drug cartel. James Carter, MD's authoritative book "Racketeering in Medicine" succinctly explains the problem up to it's publishing date in 1994. Others are working on an update of the "Quackbuster" activities to the minute.

NO ONE HAS EVER STOPPED THE "QUACKBUSTERS" BEFORE NOW...

Don't get me wrong, lots of people have successfully defended against them - beaten back the attack - so to speak. But no one, so far, has made the attackers themselves, bleed, or wish they had adopted some other life activity. No one has made the attackers pay for what they've done, and

do, every day, to the people of North America.

IT IS TIME FOR THAT. And, I'm about to tell you how to do that - how you can help begin the smashing of the conspiracy, the destruction of the plotters, and help save the lives of millions of North Americans who are now being denied first-rate health care because of those conspirator's activities.

POLEVVOY'S OPERATION IS TYPICAL OF THE "QUACKBUSTER" TACTICS.

"Know thine enemy"... and you know how to beat him...

Canadian Polevoy is like one of those cartoon musicians (a one-man band) that plays the saxophone, the trombone, the drums, a keyboard, and twenty other instruments, trying to sound like a big band. And, all the while holding up his music degree from Julliard, as though that were justification for cacophony.

To the trained ear (health professionals) Polevoy sounds, and is, ludicrous. But it isn't the trained ear Polevoy is addressing. He is pure fraud - addressing those that are unaware, shoving in their face his MD license, as though that were some sort of special God-issued certificate, justifying lies, misrepresentations, and bad behavior - cacophony.

An MD license is issued by the people (that's us), and WE decide who gets one, and under what circumstances. We, the people, have the ultimate responsibility, and obligation, to decide who, and under what circumstances, can act in the intimate capacity of functioning as a "doctor."

Tell me people, after observing Polevoy's "hate" website, and his horrible actions, do we want people of the Polevoy ilk, to be able to touch us, or our loved ones, intimately? In fact, don't we, as a society, have an obligation to protect the "unawares" from the likes of Polevoy?

In Polevoy's attack on McPhee, first he tried to shut her down with scare tactics; stalking, and intimidation techniques. Polevoy followed McPhee for months from place to place, peering and peeping at her from concealment, but letting her know by e-mail afterwards that he was there... Terrified, McPhee called in the police - who visited Polevoy with some very pointed questions.

Polevoy made it clear that his intent was to shut down her "alternative medicine" radio shows across Canada. Polevoy, this time, (no more disguises, and "peeping" this time), has help from a Patricia Marchuk MD, who appears to be one more quackpot illiterate when it comes to non-drug science-based alternative modalities.

Polevoy and Marchuk developed a campaign of outright lies and misrepresentations of the subject material delivered on McPhee's shows. Using their "MD" titles to give them credibility for their dishonest campaign, Polevoy and Marchuk falsely claimed to radio industry executives that McPhee, and her "alternative medicine" guests represent a serious danger to the Canadian listening public.

The problem is that Canadian radio executives believed, or pretended to believe, Polevoy and Marchuk's lies. Because of that perceived "danger" they did, in fact, take McPhee's shows off the air.

Polevoy will probably get promoted (as the "heir apparent"), in the Barrett organization, for this. I predict we'll soon see his name as

"Editor" of >some sleazy drug promoting magazine. Rumors say that Barrett is in "bad health." I suspect Polevoy wants to be the new supreme leader - when Barrett goes out in the pine box.

A BUG IN THE RADIO EXECUTIVE'S ETHICS OINTMENT...

The radio network that is terminating McPhee's shows carries two "conventional" MDs, Gabe Merkin, and Al Hister - both of which spout the standard, and very dangerous, "allopathic" model of health care. Hister, who's show is owned by one of the networks, has 30 stations carrying that show. Merkin, a US based MD, has 60 stations - and his show is a "property" of a radio network (one of those cancelling McPhee's shows).

All of which forces Canadians to hear, on the radio "air" they own, and have licensed out to radio companies, only one side of a significant social and political issue. Canadians are now bombarded with Hister, and Merkin opinion, with no attention given to the other political opinion. In fact, it looks like Merkin's whole show is an "Infomercial" for his "News Letter for sale."

2. SLEAZY QUACKBUSTER #2. The defendant posted this on August 14, 2000. It is apparent that the defendant and Tim Bolen have communicated. This is a reply to an e-mail sent from Tim Bolen's email address, jurimed@yahoo.com.

From: i...@san.rr.com (Ilena Rose)

Subject: #2 SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA'S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW..."

Date: 2000/08/14
Organization: Humantics Foundation for Women
Reply-To: juri...@yahoo.com
Newsgroups: talk.politics.medicine

IS THIS A CIVIL AND CRIMINAL CONSPIRACY?

All is not rosie for the "quackbusters" and the radio broadcasters that own those MD shows. A good case can be made that Canadian broadcast executives, coupled with the subversive "quackbuster" organization, are engaging in a CIVIL AND CRIMINAL CONSPIRACY to eliminate "Alternative medicine" from Canadian broadcasting. And for this boys and girls, there is a solution...

SIMPLE FACTS:

SIMPLE FACT ONE: Canadians own Canadian Radio, and license a "privilege" to radio stations. Radio Executives with their finger in the financial pie of one side of a significant issue, do not own Canadian Radio or Television - they can lose those licenses.

ANSWER ONE: Use this tool. Take the licenses away from those stations and networks that don't comply with Canadian law. Give the licenses to those businesses that will comply, and properly "balance" Canadian social and political issues in their programming. Tell the CRTC, the CBSC, and your elected officials, what you want, and why. You'll get it... And, the reason you'll get it is right below...

SIMPLE FACT TWO: Health activists outnumber the "Quackbusters" 100,000 to 1...

ANSWER TWO: Use that fact... Speak out loudly, right now, and continuously.

HOW TO SPEAK OUT...

There are TWO MAJOR ISSUES that need to be dealt with.

(1). THE FIRST IMPORTANT ISSUE is the attack by Polevoy, and the virulence of that attack by Polevoy, on Christine McPhee, and "Alternative Medicine in Canada," AND Polevoy's relationship with the subversive "quackbuster" organization.

(2). THE SECOND IMPORTANT ISSUE is the one of "Balanced Presentation" -Canadian broadcast law "licenses" radio and television stations, in effect, giving them a broadcast monopoly over an area. That monopoly situation mandates, among other things, that a "balanced" presentation must be made of a "social or political issue." The social/political issue here is "allopathic versus alternative medicine" - and it is a recognized significant social/political issue in Canada.

The Canadian people have the right to take the licenses away from those radio

and television stations that refuse to comply with Canadian law -and give those licenses to companies that WILL "balance" their programming.

Removing Christine McPhee from the radio without removing Art Hister MD and Gabe Merkin MD, etc., violates Canadian law - for there are very few "Alternative Medicine shows on Canadian Radio. Hence, there is NO balance...

Having a radio station conglomerate decide that one side of a social issue has no value, or "is dangerous," could be construed as a violation of their licensing agreement - and that license could now be handed to a competitor that will "balance" social issues as required. The preferred "balance" would be to, not only give Christine McPhee her stations back, but match, hour-per-hour, with Lister and Merkin.

Let's put those radio stations and that network in front of the CRTC and Parliament in a license hearing.

THE ACTIVE SOLUTION:

Round One...

Five things need to be done by health activists, not just by Canadians, but >from around the world. All can be done on the internet. All five of these things need to be done by each and every supporter, and they need to be done all at once. Sample e-mails are at the end of this instruction.

(1). A complaint with the Ontario College of Physicians and Surgeons about Polevoy's activities. Those activities involve several issues.

(a). His STALKING (make sure you use the word "stalking") of Canadian radio personality Christine McPhee. Emphasize his actions of "following her around" to her radio show sites. Make sure you say that she had to call the police to get him to stop following her - and that the police kept two uniformed officers on site for some time, to deal with Polevoy. Mention the fact that you have heard that there were "others" (and there are) he followed (but you don't know their names). When they investigate they'll get those names.

(b). His "hate" website, which was completely inappropriate behavior for a man using the term "MD" after his name (professional misconduct). Emphasize the fact that Polevoy's website attacks drags down the medical profession as a whole. Make a big deal that his "hate" website was so offensive, and Polevoy was so "out there," that his Internet Service Provider finally took his site down at 3:30 PM on July 4th, 2000 -permanently. Mention his connection with the subversive "quackbuster" organization.

(c). His website is, and was, so virulent, that it brings into question Polevoy's mental state. Ask the question "Does the College of Physicians and Surgeons have an obligation to protect the public from those in a state of mental disorder?"

(d) Ask the question "Considering that Polevoy's actions were public for some time, why haven't you acted before to stop this MD's professional misconduct?"

(2). An "Urgent" complaint to the Canadian Radio-Television Telecommunications Commission (CRTC) about the radio network taking Christine McPhee off the air, allegedly, because of Polevoy's lies and misrepresentations.

Emphasize that this is a significant "Canadian social issue" in which the radio network, without any investigation on their own, has taken the side of the "allopaths." Emphasize that Polevoy and Marchuk, lied, and/or misrepresented facts, in their complaints - and that the radio stations did no investigations

of the actual facts. Emphasize that the radio stations that made the decision to remove "Alternative Health" from Canadian Broadcasting have a financial interest in the issue (they own the MD shows). Include, in the complaint, a description of Polevoy and his "hate" website. Send a copy of the complaint to the radio stations, and the networks and the station owners. This is a "restraint of freedom of speech issue, and a balance issue." Ask the CRTC to "Remove the license of any Canadian radio station which does not do "balanced" broadcasting in this significant social and political issue. Send a copy to the local newspaper.

(3). (a). A complaint the CBSC exactly like the one above, plus below...

(b). Complain to the CBSC that they, themselves, have apparently failed in their mission to "inform their member broadcasters of significant social issues."

(4). A complaint to the station owners - same as above...

(5). Send a copy of the above complaints to all Ontario MPs. Make sure you send a cover e-mail that states that the Ontario College of Physicians has been aware of Polevoy's activities for some time, and has obviously chosen not to discipline him. This, in itself, shows the OPSC's tacit approval of Polevoy and his activities - if not their own involvement.

SAMPLE E-MAILS:

Note: E-mails to each sub-group are similar. The first is to the CPSO and the CMA. The second set is to the Elected and appointed government officials that have jurisdiction over the issues. The third set is to the radio executives.

To the CPSO

The Registrar Investigations & Resolutions The College of Physicians and Surgeons of Ontario 80 College Toronto, Canada M5G2E2
investigations&resour...@cpso.on.ca

FORMAL COMPLAINT:

Dear Registrar:

Terry Polevoy MD, a medical doctor under your jurisdiction, is an embarrassment to the medical profession. He is now, and has been for some time, engaging in a series of activities which could only be described as "Professional Misconduct." I believe the seriousness of his misconduct merits an investigation for the purpose of disciplinary action not excluding revocation of licensure.. Please begin such an investigation immediately.

It may be that Polevoy, in his current mental state, is a danger to the Canadian community. As such, it might be prudent to suspend his license pending outcome of the investigation.

Polevoy, it appears, is obsessed with a public attack on "Alternative Medicine" proponents. His attack method is virulent, far outside normal discussion method, focuses on personal attack, defamation, character assassination, and malicious falsehood. Polevoy never uses scientific argument, nor does he back up his virulent attacks with facts. He uses instead, as his "proof," as it were, of his credibility, his MD license -and ONLY his MD license.

I believe Polevoy, with his virulent, obsessive attacks on proponents of alternative medicine, may be in violation of several subsections of clause 51(1)(c) of the Health Professions Procedural Code, as follows:

Subsection 4) - Practicing the profession while the member's ability is impaired...

Subsection 5) - Having a conflict of interest...

Subsection 13) - Making a misrepresentation respecting a remedy, treatment or device...

Subsection 14) - Making a claim respecting the utility of a remedy, treatment, device or procedure other than a claim which can be supported as reasonable professional opinion...

Subsection 16) - Falsifying a record relating to the member's practice...

Subsection 18) - Signing or issuing, in the member's professional capacity, a document that the member knows, or ought to know, is false or misleading...

Subsection 33) - An act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional...

Subsection 34) - Conduct unbecoming a physician...

THE FACTS...

Polevoy, police reports show, STALKED Canadian Radio Personality Christine McPhee, until, terrified, she called in police. He followed her around, affecting disguises, for months - then further terrified her by e-mailing her the details of his stalking actions. Police agencies felt it necessary to assign armed uniformed officers to protect McPhee from Polevoy. Reports show that McPhee was not the only female Polevoy stalked.

Polevoy operates a "hate" website targeting "Alternative Health" practitioners, and competent Canadian authority. On this website, Polevoy characterizes all of his targets as "cheats, frauds, swindlers, whose sole motivation is profit at any cost." His virulent attacks, both by e-mail, and on his website (www.healthwatcher.net) bring into question his overall mental state.

Alternative Medicine is a significant social and political issue in Canada. Competent authority ie; Universities, medical and health associations, government agencies, elected and appointed officials, and the Canadian Medical Association have legitimized the "Alternative" model. Polevoy accuses them all of the same "fraud, swindling, etc..."

Polevoy's most recent campaign is a venomous attack, in partnership with a Patricia Marchuk MD, against Radio Personality Christine McPhee - again. Polevoy has, in the current attack on McPhee, barraged Canadian Radio executives, the Canadian Radio-Television Telecommunications Commissions (CRTC), the Canadian Broadcast Standards Council (CBSC), and the radio stations, with bombast, lies, and misrepresentations - all the while, holding up his MD license as evidence of his "expertise." They offered no proof - except their MD licenses, claiming that that license qualified them as "experts."

Not only were Polevoy and Marchuk's claims about McPhee's show FALSE, but their claim that they were "Experts" solely based on that licensure were also FALSE. Canadian law makes no provision, nor intended any situation, placing an MD license as some God-like authority of health or medical issues. Canadian law, in fact, forces MDs to take further training and qualify in a field before claiming expertise in that field.

Neither Polevoy, nor Marchuk, have engaged in, or completed, any special training in the areas they publicly claim expertise. Polevoy and Marchuk MISREPRESENTED their qualifications to Canadian Radio Executives - to further their plot.

The problem is that Canadian radio executives believed Polevoy and Marchuk's lies. Because of that perceived "danger" they did, in fact, take McPhee's shows off the air.

Considering that Polevoy's actions were, and have been, public for some time, why haven't you acted before to stop this MD's unprofessional conduct?

Please act now... I believe the situation to be urgent.

Tim Bolen

To the CMA

Canadian Medical Association Ethics Committee 1867 Alta Vista Drive Ottawa, ON
Canada K1G3Y6 public_affa...@cma.ca

FORMAL COMPLAINT:

Dear Ethics committee:

I have filed a formal complaint against one Terry Polevoy MD. I believe it important that you review this complaint, and its overall issue, in light of your own experiences with Polevoy, and comment to the CPSO on this issue.

It is time to deal with Polevoy, and his ilk... The complaint is as follows:

The Registrar Investigations & Resolutions The College of Physicians and Surgeons of Ontario 80 College Toronto, Canada M5G2E2

FORMAL COMPLAINT:

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Subsection 16) - Falsifying a record relating to the member's practice...

Subsection 18) - Signing or issuing, in the member's professional capacity, a document that the member knows, or ought to know, is false or misleading...

Subsection 33) - An act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional...

Subsection 34) - Conduct unbecoming a physician...

THE FACTS...

Polevoy, police reports show, STALKED Canadian Radio Personality Christine McPhee, until, terrified, she called in police. He followed her around, affecting disguises, for months - then further terrified her by e-mailing her the details of his stalking actions. Police agencies felt it necessary to assign armed uniformed officers to protect McPhee from Polevoy. Reports show that McPhee was not the only female Polevoy stalked.

Polevoy operates a "hate" website targeting "Alternative Health" practitioners, and competent Canadian authority. On this website, Polevoy characterizes all of his targets as "cheats, frauds, swindlers, whose sole motivation is profit at any cost." His virulent attacks, both by e-mail, and on his website (www.healthwatcher.net) bring into question his overall mental state.

Alternative Medicine is a significant social and political issue in Canada. Competent authority ie; Universities, medical and health associations, government agencies, elected and appointed officials, and the Canadian Medical Association have legitimized the "Alternative" model. Polevoy accuses them all of the same "fraud, swindling, etc..."

Polevoy's most recent campaign is a venomous attack, in partnership with a Patricia Marchuk MD, against Radio Personality Christine McPhee - again. Polevoy has, in the current attack on McPhee, barraged Canadian Radio executives, the Canadian Radio-Television Telecommunications Commissions (CRTC), the Canadian Broadcast Standards Council (CBSC), and the radio stations, with bombast, lies, and misrepresentations - all the while, holding up his MD license as evidence of his "expertise." They offered no proof - except their MD licenses, claiming that that license qualified them as "experts."

Not only were Polevoy and Marchuk's claims about McPhee's show FALSE, but their claim that they were "Experts" solely based on that licensure were also FALSE. Canadian law makes no provision, nor intended any situation, placing an MD license as some God-like authority of health or medical issues. Canadian law, in fact, forces MDs to take further training and qualify in a field before claiming expertise in that field.

Neither Polevoy, nor Marchuk, have engaged in, or completed, any special training in the areas they publicly claim expertise. Polevoy and Marchuk MISREPRESENTED their qualifications to Canadian Radio Executives - to further their plot.

The problem is that Canadian radio executives believed Polevoy and Marchuk's lies. Because of that perceived "danger" they did, in fact, take McPhee's shows off the air.

Considering that Polevoy's actions were, and have been, public for some time, why haven't you acted before to stop this MD's unprofessional conduct?

Please act now... I believe the situation to be urgent.

Tim Bolen

To the Minister of Communications:

Honorable Sheila Copps Department of Canadian Heritage Communications Division
15 Rue Eddy Street, 12th Floor Hull, Quebec K1A0M5 min_co...@pch.gc.ca

Attn: Mr. Robert Fry

FORMAL COMPLAINT:

Honorable Sheila Copps:

As you know, Canadian Radio has an obligation to broadcast a "balance" in significant social and political issues. A recent occurrence has made it clear to me that some broadcasters have no intent of following that rule. Without a proper investigation, representatives of the below described broadcasters have removed one whole side of a significant social issue -declaring it's offering "dangerous to the Canadian public." They may have done so for financial gain...

The Touch of Health Radio Show, produced by HTI productions Inc., hosted by Canadian Radio personality Christine McPhee has been taken off the air after FALSE complaints were filed against the show, to the radio stations, by a representatives of a subversive political group.

The radio stations were convinced by an organization calling itself "Canadian Quackwatch," that McPhee's interviews represented "a threat to Canadian safety." This hoax, perpetrated on the unknowing(?) radio broadcast management was completed for the express purpose of removing "balance" in Canadian radio over "one of the most significant social and political issues facing Canada - the dispute between allopathic (conventional) and alternative (leading-edge) medicine."

Canadian radio management was completely duped - and failed to make their own investigation of the charges (which would have quickly exonerated McPhee) - which, to me, suggests complicity. Two "MD" shows, featuring only "allopathic medicine" dialogue and advertising, and owned by a network and a station group comprise ninety (90) daily broadcasts of one side of a significant political issue across Canada - with, now, zero (0) "alternative medicine" viewpoints.

There is now no "balance" over this issue, what-so-ever, in Canadian radio.

"Canadian Quackwatch," in reality, one MD named Terry Polevoy - an acne doctor who operates a website health professionals describe as "a hate website," began their campaign to discredit McPhee in March 2000 with a series of "hate" type articles on his website, actual "stalking" of Christine McPhee (following her around), and spurious complaints to the CRTC, CBSC, and the radio stations.

Polevoy's website was so virulent, that his Internet Service provider removed him from the Internet. Polevoy has since found another provider.

Please deal with this issue immediately, and restore "balance" to Canadian broadcasting over this significant Canadian social and political issue. Canadians are suffering.

Please use your influence to see that a criminal investigation of "Canadian Quackwatch" subversive activities begins immediately.

Tim Bolen

3. QuackBarrett threatens to sue me for Libel - Ilena Rosenthal's response to Stephen Barrett, MD, after he threatened to sue her for libel and defamation when she posted Tim Bolen's rant. Note that there are three parts to her post. They include e-mail from Dr. Barrett who told her in no uncertain terms that there was no police report that would support Tim Bolen's false allegations. At this point she was posting to several newsgroups. Then she sends copies to Tim Bolen. She has a wild explanation for her reasons for posting this, including these statements:

"In re-reading Mr. Bolen's Opinion piece, I notice nowhere that he claims that QuackPolevoy was found guilty. If in fact, in Mr. Bolen's piece, it declares that the police "judged him (QuackPolevoy) guilty," I will of course, retract that statement that I published in good faith."

Since this statement was made, I don't believe that the defendant has made any attempt to retract this or for that matter, any other statement about the plaintiff.

However, from my reading, Mr. Bolen stated:

"THE FACTS... Polevoy, police reports show, STALKED Canadian Radio Personality Christine McPhee, until, terrified, she called in police. He followed her around, affecting disguises, for months - then further terrified her by e-mailing her the details of his stalking actions. Police agencies felt it necessary to assign armed uniformed officers to protect McPhee from Polevoy. Reports show that McPhee was not the only female Polevoy stalked."

The defendant never made any attempt to check Bolen's e-mail for accuracy.

From: i...@san.rr.com (Ilena Rose)
Subject: QuackBarrett threatens to sue me for Libel
Date: 2000/08/25

Organization: Humantics Foundation for Women NNTP-Posting-Date: Fri, 25 Aug
2000 11:31:43 PDT Newsgroups: misc.health.alternative,talk.politics.medicine

To: sbi...@quackwatch.com
cc: Tim Bolen (juri...@yahoo.com)

Never a dull moment!

A few weeks ago, I posted an Opinion piece of Tim Bolen's regarding an apparently successful hate campaign by "Quackbusters" Polevoy and Barrett to remove Ms. Christine McPhee's radio show off of Canadian radio. (The references to those postings are listed below.)

Although I am sure QuackBarrett can afford far more expensive attorneys than I, I still doubt that posting an opinion piece of another, on a public bulletin board constitutes "libel." QuackBarrett has every opportunity to publicly respond in kind, but has chosen instead to attempt to extort \$\$\$\$\$\$\$ from me and threaten serious legal ramifications.

QuackBarrett claims: "We have in our possession a copy of the police report concluding that Dr. Polevoy did nothing wrong. Do you think that a judge or jury will excuse you for posting Bolen's lie that the police judged him guilty? I do not."

I think it would very useful for Barrett to publish this police report in its entirety.

In re-reading Mr. Bolen's Opinion piece, I notice nowhere that he claims that QuackPolevoy was found guilty. If in fact, in Mr. Bolen's piece, it declares that the police "judged him (QuackPolevoy) guilty," I will of course, retract that statement that I published in good faith. However, from my reading, Mr. Bolen stated:

"THE FACTS... Polevoy, police reports show, STALKED Canadian Radio Personality Christine McPhee, until, terrified, she called in police. He followed her around, affecting disguises, for months - then further terrified her by e-mailing her the details of his stalking actions. Police agencies felt it necessary to assign armed uniformed officers to protect McPhee from Polevoy. Reports show that McPhee was not the only female Polevoy stalked."

Further, Barrett claims: "Neither I nor Quackwatch had anything to do with anything that was done to Christine Ncphee or her show. Before you continue to spread criticisms, I suggest that you attempt to verify what you say."

This rings a bit hollow to me. For one, why is Barrett threatening to sue me, and not Polevoy?

Does Barrett deny that Polevoy was a main figure in the "witchhunt" to remove Ms. McPhee's program?

It is my understanding that Quacks Barrett & Polevoy are closely aligned and work together through lists and various other ways. Why is Barrett speaking on behalf of Polevoy?

~~~~~

Here are the original postings I made of Mr. Bolen's Opinion piece, followed by Barrett's Libel Threats.

[#1 SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA1S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW...](http://x66.deja.com/[ST_rn=ps]/getdoc.xp?AN=658066171&CONTEXT=967225164.1337393175&hitnum=43)

[#2 SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA1S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW...](http://x66.deja.com/[ST_rn=ps]/getdoc.xp?AN=658066276&CONTEXT=967225164.1337393175&hitnum=44)

[#3 SLEAZY "QUACKBUSTER" SCAM SHUTS DOWN CANADA1S NUMBER ONE "ALTERNATIVE MEDICINE RADIO SHOW...](http://x66.deja.com/[ST_rn=ps]/getdoc.xp?AN=658066499&CONTEXT=967225164.1337393175&hitnum=38)

~~~~~

Date: Mon, 14 Aug 2000 13:48:32 -0400
From: "Stephen Barrett, M.D." <sbi...@quackwatch.com>
Reply-To: sbi...@quackwatch.com
To: i...@san.rr.com, sbi...@quackwatch.com
Subject: Libel warning

Tim Bolen's message that you posted on misc.health.alternative and talk.politics.medicine contains many false and defamatory statements about me and Dr. Polevoy. The fact that you are posting someone else's message does not excuse you from responsibility. We are planning to file suit against him in the near future. We are prepared to name you as a defendant also. If you want to escape liability, it would be a good idea to remove your message and any other like it very quickly.

The message you posted states that a police investigation concluded that Dr. Polevoy was guilty of criminally staling Christine McPhee. That statement is false and defamatory. We have on our possession a document from the polkice stating that their investigation found no criminal wrongdoing. I am not going to take the time to list the other statements in Bolen's message that are false. Rest assured that there are many.

~~~~~

Date: Wed, 23 Aug 2000 22:11:32 -0400  
To: ilena rose <i...@san.rr.com>  
From: "Stephen Barrett, M.D." <sbi...@quackwatch.com>  
Subject: Libel: Final notice

Re: Alt.misc.health message #19 on DejaNews Neither I nor Quackwatch had anything to do with anything that was done to Christine NcPhee or her show. Before you continue to spread criticisms, I suggest that you attempt to verify what you say.

About a week or two ago, I sent you a warning and requested that you remove your posting of Tim Bolen's libelous message falsely accusing Dr. Polevoy of stalking and various other things. You responded that you didn't think that posting someone else's message to a news group could make you liable for damages. I strongly suggest that you ask an attorney about this.

We have in our possession a copy of the police report concluding that Dr. Polevoy did nothing wrong. Do you think that a judge or jury will excuse you for posting Bolen's lie that the police judged him guilty? I do not.

Since my last message, I have learned that messages posted to alt,misc.health can get reposted to a large number of groups, not just to DejaNews. Neither Dr. Polevoy nor I intend to tolerate this situation. This message is intended to offer you an opportunity to enter into an amicable settlement instead of winding up with greater expense defending yourself in court. With reservation of rights, here's my offer:

1. You will pay me \$500 to compensate me for the time I have had to waste in tracking down your messages. 2. You will provide me with a letter directing any Internet provider hosting a message from you about me or Dr. Polevoy to remove it. If you have something you want to say about me that is not libelous, or if a previous message was not libelous, you can post it again.

This offer will expire at midnight, August 31.

- - - - -  
Stephen Barrett, M.D. Board Chairman, Quackwatch, Inc.

**4. Defendant's post of her Declaration in Superior Court. When you put the word "polevoy" into a search on Google Groups it comes up #1 even today.**

From: Ilena Rose <i...@san.rr.com>

Newsgroups: misc.health.alternative

Subject: Re: Canadian MD Terry Polevoy Stalked a radio lady

Date: Sat, 24 Jul 2004 19:33:56 -0600

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ALAMEDA

STEPHEN J. BARRETT, M.D., TERRY POLEVVOY, M.D., CHRISTOPHER E. GRELL,

Plaintiffs,

vs.

HULDA CLARK, TIM BOLEN, JAN BOLEN, JURIMED, DR. CLARK RESEARCH ASSOCIATION, DAVID P. AMREIN, ILENA ROSENTHAL, AND DOES 1 TO 100,

Defendants.

) Case No. 833021-5

DECLARATION OF ILENA ROSENTHAL IN SUPPORT OF HER SPECIAL MOTION TO STRIKE PLAINTIFFS' COMPLAINT AS A SLAPP

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Date: May 30, 2001  
Time: 2 p.m.  
Dept: 31

I, ILENA ROSENTHAL, hereby declare:

I hereby declare that the above statements are true and correct. Signed under the penalty of perjury under the laws of the State on California, on the date set forth below, in San Diego, California.

Dated: May 7, 2001

38. My introduction to plaintiff Polevoy was reading Tim Bolen's opinion piece which I had received by email. On August 14, 2000, I posted Bolen's opinion piece on two relevant newsgroups (misc.health.alternative and talk.politics.medicine) as a 3-part message that was clearly labelled as the "Opinion" of Tim Bolen. (Exhibit 11 to Complaint [see urls below])

Bolen's piece claimed that the alternative medicine radio show of Christine McPhee in Canada was abruptly cancelled as a result of a campaign lead by Polevoy in which he claimed to radio industry executives that McPhee and her "alternative medicine" guests

represented a serious danger to the Canadian listening public. In this writing, Bolen urged readers to express their opinions to Canadian government agencies on this cancellation and gave background to the accounts leading to the loss of McPhee's voice on Canadian radio.

39. I called McPhee in Canada and spoke with her at length on the telephone. She told me that the information in Tim Bolen's post was accurate and spoke of how terrorized she felt and how she had called the police for protection. McPhee said she did feel stalked, did call the police, and a police report was written, as Bolen stated in his opinion piece.

40. After my discussion with McPhee, I began to investigate who Polevoy was and why he would go to such lengths to get her alternative radio show cancelled. I was also curious as to the relationship between Polevoy and Barrett, as Barrett's initial threat to me was on behalf of Polevoy.

41. I found out that Polevoy was an American pediatrician who had moved to Canada. Polevoy, according to his own on-line signature, has four websites: [www.healthwatcher.net](http://www.healthwatcher.net), [www.chirowatch.com](http://www.chirowatch.com), [www.acnecareclinics.com](http://www.acnecareclinics.com), and [www.dietfraud.com](http://www.dietfraud.com). It appears that Polevoy's main website, [www.healthwatcher.net](http://www.healthwatcher.net), is the sister group to Barrett's [www.Quackwatch.com](http://www.Quackwatch.com); Polevoy calls his site "Canadian QuackeryWatch." Both Polevoy and Barrett were very active contributors on the "Healthfraud" email list, which could be accessed by both Polevoy's and Barrett's webpages.

42. When I began to read Polevoy's website, I found it full of hatred and hostility to those whose opinions he did not share. I discovered that Polevoy has also led a hostile campaign to personally and professionally discredit Dr. Leonard Horowitz, a personal friend of mine. Horowitz is a Harvard-educated dentist with a Masters in Public Health. Horowitz has authored several books, including *Aids, Ebola and Emerging Viruses*, and is a vocal opponent several controversial medical practices. In an Internet media campaign that runs for several pages, Polevoy writes about "The Trials and Apocalyptic Revelations of the Divine Dental Surgeon," calling him an "an evangelical crackpot," and even attempts to confuse readers by taking Horowitz's name and using it in an email directed to Polevoy.

43. After this Complaint was filed against me, I read in it a reference to Polevoy being called a "pimple doctor." In a newsgroup post, I then publicly asked Polevoy, "are you not a 'pimple doctor' and why does this term offend you?" Indeed, Polevoy, a pediatrician, runs the Acne Care Clinic. (See Exhibit R. <http://www.acnecareclinics.com>)

5. **Canadian MD Terry Polevoy Stalked a radio lady. Ilena Rosenthal's repeated allegations included in these Usenet newsgroups posts. This series of posts started on July 24, 2004. In some of them she accuses the plaintiff of sending "Thugs" to stalk her mailbox in California and go to Costa Rica. She again repeated the false allegations that the plaintiff stalked Christine McPhee. In addition, she included part of a defamatory Shared Vision magazine article written by Lily Casura that has previously been removed from their web site.**

From: Ilena Rose <i...@san.rr.com>  
Newsgroups: misc.health.alternative  
Subject: Re: Canadian MD Terry Polevoy Stalked a radio lady  
Date: Sat, 24 Jul 2004 19:32:57 -0600

On Thu, 15 Jul 2004 13:26:57 GMT, "M,a,r,k P,r,o,b,e,r,t-July 15, 2004" <M,a,r,k P,r,o,b,e,r,t 07-15...@lymbercartel.com> wrote:

And, of course, the stalking report as you call it has been thoroughly debunked.

LOL ... far, far, far, far from it.

Ms McPhee definitely felt stalked by Polevoy ... aka "Vera Teasdale" and should the case return to Superior Court ... then it will be decided ... not because you, a failure as an attorney and a shill for "Vera" says so ...

Polevoy's propensity for "donning disguises" will DEFINITELY also be brought up should that case go back ...

This piece nicely described "Vera's" behavior ...

Shared Vision > January 2001 > Natural Medicine

Natural Medicine: BC Leads the Way

By Lily G. Casura

### **EXCERPT:**

Despite McPhee's popularity, her show was cancelled for what amounted to political reasons. "I can't stand the heat," said one of her bosses, in response to Polevoy's one-man e-mail-and-letter crusade to the station saying McPhee should be taken to task for promoting alternative medicine.

"I'd have to hire someone part-time just to respond to his mailings." A colleague of McPhee's, a medical doctor also being persecuted by the Canadian Quackwatch, says she's received more than 100 e-mails from this man alone in recent months.

## 6. Natural Medicine: BC Leads the Way

**The defendant continued to misinform the public over the years. She regularly referred to an article written by Lily Casura, a woman who lives in Washington State and who published her story in a Canadian Magazine called *Shared Vision*. That article was not a true description of the Christine McPhee situation. Unfortunately for the defendant, she again relied on somebody else's journalistic errors. This article appeared in the January 2001 and both the plaintiff and Dr. Stephen Barrett wrote to the editor to complain. The entire section of the issue that contained the defamatory material was initially removed, and we received an apology from the editor. Unfortunately, because of the availability of archives of this site, most of the article is still available. The defamatory quotes written by Casura were accepted as the truth by the defendant, and as you can see above, she still referred to it again and again. The defendant originally posted the entire article in March 2001. Only the paragraphs that pertain to the plaintiff are include here:**

Newsgroups: misc.health.alternative

Subject: Re: Natural Medicine: BC Leads the Way

Organization: Humantics Foundation for Women

Date: Wed, 14 Mar 2001 03:14:40 GMT

their chutzpah is sinking them ...

terry the terror defines "NATURAL MEDICINE EQUALS "QUACKERY."

now god is a quack using his logic.

In article <20010313220609.16823.00001...@ng-fe1.aol.com>, jdrew63...@aol.com (JDrew63929) wrote:

Leads the Way

From: i...@san.rr.com (Ilena Rose)

Date: 3/13/01 8:38 PM US Eastern Standard Time

Message-id: <ilena-1303011736350...@24-25-197-25.san.rr.com>

\*\*

\*\*Thank you lady!! It seem Barrett is loosing the battle. I guess people aren't

\*\*listening to his side kick Terry!

\*\*

\*\*Jan

\*\*

<http://www.shared-vision.com/y01m01/storya01.html>

Shared Vision > January 2001 > Natural Medicine

Natural Medicine: BC Leads the Way

By Lily G. Casura

Across Canada, in Toronto, Ontario, radio host Christine McPhee could stand for a little of this enthusiasm. In July, her syndicated radio talk show, "The Touch of Health," was cancelled abruptly because of mounting and increasingly personal pressure from several disgruntled and self-proclaimed "Quackwatcher"

physicians. "Quackwatch" is the brainchild of Stephen Barrett, MD, an American doctor on a crusade against what he perceives to be the rampant quackery of natural medicine. In Canada, the two main proponents of Barrett's point of view seem to be McPhee's most ardent attackers, Dr T. Polevoy and Dr P. Marchuk. Polevoy's website, [www.healthwatchers.com](http://www.healthwatchers.com), was criticized for being a hate site and was shut down by regulators at one point, says McPhee.

Despite McPhee's popularity, her show was cancelled for what amounted to political reasons. "I can't stand the heat," said one of her bosses, in response to Polevoy's one-man e-mail-and-letter crusade to the station saying McPhee should be taken to task for promoting alternative medicine. "I'd have to hire someone part-time just to respond to his mailings." A colleague of McPhee's, a medical doctor also being persecuted by the Canadian Quackwatch, says she's received more than 100 e-mails from this man alone in recent months.



## 7. Quackpot Barrett THRASHED in Illinois Court

**Plaintiff's post on Usenet in response to Defendant's repeated posting of Lily Casura's article. It can be read in it's entirety at: <http://tinyurl.com/nsvd4>  
Here are some exerpts from this post:**

From: tpole...@healthwatcher.net (Terry Polevoy)  
Newsgroups: misc.health.alternative,alt.support.breast-implant  
Subject: Re: Quackpot Barrett THRASHED in Illinois High Court...  
Date: 1 Nov 2003 13:34:14 -0800

The illogical motives of Ilena Rosenthal are a puzzlement. Why does she continue to present previous defamatory and libelous statements of others after the recent Court of Appeal's decision in California?

It's illogical indeed. I think that since she wants to bring up the Lily Casura article again, it might be time for a little Common Sense 101. Who in their bloody right mind would continue to post copyrighted articles that have been previously withdrawn from the Magazine's web site because the content of them was without question, and baseless. Who, but Ilena Rosenthal, that's who.

Who is the liar here folks?

Here is my recent e-mail to the Shared Vision Magazine in Vancouver that will set the record straight. I think that Ilena's lawyer needs to sit down with her and advise her of the consequences of what she does. Indeed, the EFF attorney needs to get off the pot, because the lower court now has a chance to revisit the entire issue of free speech and internet libel.

---

Dear Shared Vision Magazine management:

In January 2001 your magazine published an article called  
Natural Medicine:  
BC Leads the Way  
By Lily G. Casura

I objected strongly to the misinformation and defamation in the article as I recall, and you immediatly removed this article from your internet site. In fact, I can't find the article for that issue on your site. So, you did remove it from your site.

[http://www.shared-vision.com/old\\_site/y01m01/](http://www.shared-vision.com/old_site/y01m01/)

So, Ms. Ilena Rosenthal, who I will face in court in California for repeating lie after lie after lie by someone else, now lies again. And she violates your copyright law.

The google group post below on October 31, 2003 was from Ilena Rosenthal. The entire Casura article is republished.

I assume that it is without your permission.

I wonder if your magazine might want to comment on what happened, and tell them why you withdrew the article from your site. I suggest that you answer her directly on the Google Group link provided below.

A recent court case in the Appellate Court in California went against Ilena Rosenthal, and I can now complete the lawsuit for defamation and libel against her there.

We will be calling Ms. Casura as a witness I can assure you.

Here is the present link that you must review. It is not only libelous and defamatory to me, but it violates your copyright law.

[http://groups.google.com/groups?  
hl=en&lr=&ie=UTF-8&oe=UTF-8&threadm=20031031211856.05993.00000116%40mb-  
m02.aol.com&rnum=1&prev=/groups%3Fq%3Dterry%2Bpolevoy%26hl%3Den%26lr%3D  
%26ie%3DUTF-8%26oe%3DUTF-8%26scoring%3Dd%26selm  
%3D20031031211856.05993.00000116%2540mb-m02.aol.com%26rnum%3D1](http://groups.google.com/groups?hl=en&lr=&ie=UTF-8&oe=UTF-8&threadm=20031031211856.05993.00000116%40mb-m02.aol.com&rnum=1&prev=/groups%3Fq%3Dterry%2Bpolevoy%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8%26scoring%3Dd%26selm%3D20031031211856.05993.00000116%2540mb-m02.aol.com%26rnum%3D1)

In case you need to review the fact in the case about myself, Hulda Clark, Christine McPhee, etc. it might be a good idea to look here:

This is the text of an e-mail that I sent to you on January 4, 2001:  
In regards to the January 2001 issue of Shared Vision Magazine  
<http://www.shared-vision.com/y01m01/storya01.html>

The article by Lily G. Casura is a terrible example of the alternative medical movement.

As a result of the publication of this article on the web, millions of potential readers have the opportunity to be duped by statements made by the author.

I think that you owe Dr. Barrett, Dr. Marchuck and myself an apology for printing not only defamatory information, but you also linked to the wrong web site.

There are so many lies in the piece, we ask that you immediately retract the piece and issue an apology on the site. IF this is not done immediately, we will be contacting our attorney to seek legal redress.

Where did Ms. Casura, the author, get her information? She never spoke to me. Who is the identity of the medical doctor, the colleague of McPhee's, who alleges that I sent her 100 e-mails?

My web site is not a hate site. It was never shut down by anyone. McPhee knows that and she is lying.

This is not just terrible example of yellow journalism. For the author and the editor and publisher of the magazine to repeat lies and false accusations allegedly made by at least two unnamed individuals, and Christine McPhee is a very serious matter.

Shared Vision Magazine is published in Vancouver, B.C.  
#203 - 873 Beatty Street  
Vancouver, BC  
V6B 2M6

Tel: (604) 733-5062  
Fax: (604) 731-1050  
Toll Free: 1-800-929-0991

E-mail: <mailto:publis...@shared-vision.com>  
<http://www.shared-vision.com>

Publisher

Rex Weyler  
<mailto:r...@shared-vision.com>

Editor

Susan Squarey  
<mailto:edi...@shared-vision.com>

I wonder if any lawyer proof-read her article before it appeared in Shared-Vision Magazine?

I expect that the web site that contains the false allegations and libel will be taken down immediately, and that any printed versions will contain a full apology in the next issue.

Sincerely,

Terry Polevoy

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