

1 Eric A. Dover, MD  
2 1615 Cloverleaf Rd.  
3 Lake Oswego  
4 Oregon 97034

5 UNITED STATES DISTRICT COURT  
6  
7 DISTRICT OF OREGON  
8  
9

10 Eric A. Dover, MD, )  
11 )  
12 ) Plaintiff, )

13 v. )

14 Kathleen Haley, JD; Warren Foote, JD; )  
15 John Kroger, JD; Nicole Krishnaswami, )  
16 JD; Rick Barber, ALJ; Jim Peck, MD; )  
17 Phillip Parshley, MD; Joseph Thaler, MD; )  
18 James Calvert, MD; Lisa Cornelius, DPM; )  
19 Linda Johnson, MD; Ralph Yates, DO; )  
20 Roger McKimmy, MD; Donald Girard, )  
21 MD; George Koval, MD; Ramiro Gaitan; )  
22 Douglas Kirkpatrick, MD; Lewis Neace, )  
23 DO; Patricia Smith; Gary LeClair, MD; )  
24 Sarojini Budden, MD; Clifford Deveney, )  
25 MD; Keith White, MD; W. Kent )  
26 Williamson III, MD; Nathalie Johnson, )  
27 MD; Shirin Sukumar, MD; Clifford Mah, )  
28 DPM; Michael Mastrangelo Jr., MD; )  
29 Angelo Turner; Jay Drum; Gary Stafford; )  
30 Eric Brown; Oregon Medical Board; State )  
31 of Oregon 25 John Does and 25 Jane )  
32 Does, )

Defendants, )

Civil No.: \_\_\_\_\_

COMPLAINT

Civil Rights Action  
(42 USC 1983)

DEMAND FOR JURY TRIAL

DEMAND FOR AN ARTICLE III JUDGE  
TO PRESIDE OVER THIS CASE

1 COMPLAINT

2  
3 Comes now this injured Plaintiff, Eric A. Dover, MD, and for cause of  
4 action would state as follows:

5  
6 I. INTRODUCTION

7 1. This civil rights action challenges the constitutionality of ORS  
8 677.190, ORS 677.205 and SB 267 (1983), which deprives Plaintiff of his  
9 constitutional rights to liberty interests in his medical profession and property in  
10 the occupation of Plaintiff's choice.

11 2. These rights are guaranteed by the Due Process, Equal Protection and  
12 Privileges or Immunities Clauses of the Fourteenth Amendment to the United  
13 States Constitution.

14 3. Plaintiff Eric A. Dover, MD (see **Exhibit-A**) seeks to protect and  
15 vindicate his right to earn a living in his chosen profession without being subjected  
16 to unconstitutional, arbitrary, unfair, unjust and discriminatory barrier established  
17 by State law, namely ORS 677.190 et seq and SB 267.

18 4. Plaintiff further seeks declaratory judgment that the challenged laws  
19 and policies are unconstitutional, invalid, unenforceable and void, permanent  
20 injunctions against any further enforcement of the challenged laws or further  
21 implementation of similar policy by defendants.

22 5. Plaintiff seeks to protect and vindicate his right to enjoy the liberty  
23 interests guaranteed to him by the Constitution of the United States, pursuant to the  
24 Fourteenth Amendment against abridgment and deprivation by defendants.

25 6. Defendants, by depriving Plaintiff of his physician license to work in  
26 his chosen profession, implicated Plaintiff's Due Process, Equal Protection and  
27 Property Clauses of the Fourteenth, Fourth and Fifth Amendments of the  
28 Constitution of the United States.

29 7. Defendants, by depriving Plaintiff of his physician license to work in  
30 his chosen profession, violated Plaintiff's Fourth, Fifth and Due Process and Equal  
31 Protection Clauses of the Fourteenth Amendment of the United States Constitution.

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## II. JURISDICTION AND VENUE

8. The United States District Court has jurisdiction over this action pursuant to 28 USC 1331, 1332, and 42 USC 1983, Article III and Article VI of the Constitution of the United States, and the Judiciary Act of 1789.

9. Plaintiff brings this action for damages, declaratory relief and injunctive relief, pursuant to 42 U.S.C. 1983; and the Articles and Amendments of the Constitution of the United States referenced below.

10. The amount in controversy exceeds the amount of seventy-five thousand dollars (\$75,000.00) exclusive of interest.

11. This Court also has supplemental jurisdiction over this economically and financially damaged Plaintiff and his Constitutional claims based upon 28 U.S.C 1367.

12. Venue is proper before this Court, pursuant 28 U.S.C. 1391(b), because the acts, omissions and unlawful enforcement plaintiff complains of occurred within this judicial district or the district of Oregon.

13. This is a civil action under 42 USC 1983 for deprivation of Plaintiff's Constitutional rights under color of law.

## III. JURISDICTIONAL STATEMENT PURSUANT TO ARTICLE III AND V OF CONSTITUTION OF THE UNITED STATES AND JUDICIARY ACT OF 1789 CLAIMING DEFENDANTS' ACTS AND OMISSIONS EXERCISED AGAINST PLAINTIFF CAUSED HARM TO PLAINTIFF'S LIBERTY INTERESTS

### Defendant Doctors of Oregon Medical Board

14. Defendant doctors conspired to violate, and did violate, Plaintiff's Due Process of law under Fifth and Fourteenth Amendments of Constitution of the United States, under color of law, acting in tandem or confederating with members of the State's Attorney General Office to undermine, abridge and defeat Plaintiff's right to liberty interests in his profession and property.

15. Defendants' conduct under color of law and the abuse of their power is the proximate cause of this Plaintiff's injuries.

1           16. Defendant doctors willfully participated in this joint activity with the  
2 State or its agents. Defendants' conduct under color of law and the abuse of their  
3 power is the proximate cause of this Plaintiff's injuries.

4           17. Defendant doctors conspired to violate, and did violate, Plaintiff's  
5 Due Process of law under Fifth and Fourteenth Amendments of Constitution of  
6 the United States, under color of law, implicating this Plaintiff's Fourteenth  
7 Amendment right to property and liberty interests by depriving this Plaintiff  
8 physician of his property interests in the physician license.

9           18. Defendant doctors willfully participated in this joint activity with the  
10 State or its agents. Defendants' conduct under color of law and the abuse of their  
11 power is the proximate cause of this Plaintiff's injuries.

12  
13                           Defendant Attorneys and Attorney Generals  
14                           of the Oregon Department of Justice

15           19. Defendant attorneys Kathleen Haley, Nicole Krishnaswami and  
16 Warren Foote had the power to affirmatively remedy the Constitutional violations,  
17 but instead, aided and assisted with their superior knowledge and skills of the  
18 State's vast legal resources against this Plaintiff in their efforts to prosecute and  
19 enforce the State's arbitrary statutes and policies intended to harm Plaintiff in his  
20 rights, privileges or immunities or enjoyments guaranteed by the Fourteenth  
21 Amendment of the Constitution of the United States.

22           20. Defendant attorneys willfully participated in this joint activity with  
23 the State or its agents. Defendants' conduct under color of law and the abuse of  
24 their power is the proximate cause of this Plaintiff's injuries.

25           21. Defendants Warren Foote and John Kroger ignored the gravamen of  
26 their unconstitutional conduct which severely injured Plaintiff and the resulting  
27 financial liability, and acquiesced with the other defendants intending to deprive  
28 this Plaintiff of his Constitutional rights as alleged in this complaint.

29           22. Defendants' unjust, excessive and unfair conduct which deprived this  
30 Plaintiff of his Due Process and Equal Protection rights, under color of law, and  
31 the abuse of their power is the proximate cause of this Plaintiff's injuries.

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1                                    Defendant Judge of Oregon Administrative Court

2                    23. Defendant administrative judge Rick Barber, by carrying and  
3 enforcing the law contained in SB 267 and ORS 677, aided and assisted in the  
4 deprivation of this Plaintiff's Due Process and Equal Protection rights in the  
5 collective effort to prosecute and enforce the State's arbitrary statutes, intending to  
6 harm Plaintiff's liberty interests guaranteed by the Fourteenth Amendment.

7                    24. Defendant administrative judge willfully participated in this joint  
8 activity with the State or its agents.

9                    25. Defendant administrative judge's unjust, unfair and excessive  
10 conduct, under color of law, and the abuse of his power is the proximate cause of  
11 this Plaintiff's injuries.

12  
13                                    Defendant Investigators of Oregon Medical Board

14                    26. Defendant investigators Eric Brown, Jay Drum and Gary Stafford  
15 aided and assisted with their police training and experience in their collective effort  
16 to prosecute and enforce State's arbitrary statutes intending to harm Plaintiff in his  
17 rights, privileges or immunities guaranteed by the Fourteenth Amendment of the  
18 Constitution of the United States.

19                    27. Defendant investigators willfully participated in this joint activity  
20 with the State or its agents. Defendant agents' conduct under color of law and the  
21 abuse of their power is the proximate cause of this Plaintiff's injuries.

22  
23                                    Defendants State Actors Acting Under Color of Law

24                    28. At all times relevant herein defendants acted under color of state law.

25                    29. Defendants are State actors and can be held liable for their State  
26 actions in violation of the Fourteenth Amendment rights, including the Due  
27 Process and Equal Protection clauses and the Fifth Amendment to the Constitution.

28                    30. At all times relevant herein defendants exercised the powers which  
29 they possessed by virtue of State law and made possible only because they were  
30 clothed with the authority of State law.

31                    31. Defendants' actions are attributable to the State by virtue of its laws,  
32 namely, SB 267, ORS 677.190 and ORS 677.205, among others.

1           32. Defendants' action manifested by fear and intimidation, to extract or  
2 extort \$30,722.38 (see **Exhibit-B**) from this Plaintiff amounts to malicious and  
3 predatory conduct under color of law, and the abuse of their power is tantamount to  
4 grossly excessive and destructive fee practices, which deprived Plaintiff of his  
5 Eighth and Fourteenth Amendment rights, and the Due Process and Equal  
6 Protection guaranteed by the Constitution of the United States.

7  
8                                   IV. JUDICIAL NOTICE

9           33. Judicial Notice is hereby requested to be taken of the Constitution and  
10 laws of the United States and other Supreme Court and other authorities referenced  
11 in this civil rights Complaint.

12                                   V. STANDING

13           34. Plaintiff is economically and financially damaged by the arbitrary and  
14 direct actions, statutes, policies and administrative process of defendants in their  
15 collective effort of deprivation of plaintiff's physician license without Due Process  
16 of law guaranteed by the Fifth and Fourteenth Amendments to the Constitution of  
17 the United States.

18  
19                                   VI. RESERVATION OF RIGHTS

20           35. Plaintiff reserves all of the rights enumerated, unenumerated, and  
21 unalienable and implied under the Constitution of the United States and Federal  
22 law, and does not waive, nor acquiesces in the waiving of any rights.

23           36. Plaintiff suffered irreparable damage, both financial and economic in  
24 fact, inflicted at the hands of the abusive defendants, including the State, and has  
25 standing to allege the violations and deprivations which caused the irreparable  
26 damage complained of herein.

27  
28                                   VII PRO SE CONSTITUTIONAL RIGHTS

29           37. Plaintiff proceeds *pro se* in this cause against defendants, pursuant to  
30 standing as alleged above, and pursuant to certain United States Supreme Court  
31 and appellate courts' authorities confirming this fundamental Constitutional right  
32 in federal courts.

1 VIII. CONSTITUTIONAL RIGHTS OF  
2 PLAINTIFF TO ACCESS TO COURT

3 38. Plaintiff is entitled to a meaningful access to court, which is a right  
4 confirmed by the Supreme Court and various appellate courts.

5  
6 IX. DECLARATORY JUDGMENT  
7 DEMANDED ON STATE LAWS

8 39. Plaintiff respectfully requests this Court for a declaratory judgment  
9 on the Oregon Revised Statutes 677.190, 677.205 and Oregon Senate Bill 267  
10 which have been enforced or used against this Plaintiff, as the foundation for the  
11 deprivation of his Constitutional rights to liberty interests in his profession and in  
12 his property.

13  
14 X. INJUNCTIVE RELIEF DEMANDED  
15 AGAINST STATE OF OREGON MED. BOARD

16 40. Plaintiff respectfully requests injunctive relief against the State of  
17 Oregon Medical Board with regard to unconstitutional revocation of Plaintiff's  
18 license without Due Process of law, and to cease and desist from stigmatizing  
19 Plaintiff at the federal Government website National Practitioners Data Bank  
20 (NPDB), and to refund Plaintiff the sum of \$30,722.38 (see **Exhibit-B**) obtained  
21 by fear of arrest and intimidation under color of law.

22  
23 XI. PARTIES TO THIS LAWSUIT

24 **Plaintiff**

25 41. Plaintiff Eric A. Dover, MD, a graduate with a degree of Doctor of  
26 Medicine from UCLA School of Medicine (see **Exhibit-A**) is a natural born  
27 Citizen in the United States of America, and at all material times herein is a  
28 resident in the district of Oregon.

29 42. Plaintiff Eric A. Dover, MD, who practiced as Doctor of Medicine,  
30 was licensed in the district of Oregon, and maintained a private medical office at  
31 11705 NE Glisan Avenue, Portland, Oregon 97220.

32 43. Plaintiff Eric A. Dover, MD, is severely stigmatized in his person

1 and severely injured in his property and in his liberty interests guaranteed by Due  
2 Process and Equal Protection clauses of the Fourteenth Amendment, and seeks  
3 vindication of these rights which defendants deprived him under color of law.

4 **Defendants**

5 44. Defendant Kathleen Haley, JD is the executive director for defendant  
6 Oregon Medical Board (hereinafter, OMB), and at all material times herein is a  
7 resident presumably in the district of Oregon.

8 45. Defendant Kathleen Haley is a “person” subject to lawsuit, and the  
9 jurisdiction of this Court, within the meaning of 42 USC 1983.

10 46. Defendant Kathleen Haley is vested with the supervision, legal  
11 workings and decisions of the OMB, and she exercises significant oversight and  
12 legal authority over board members, her staff and new appointees to the board.

13 47. Defendant Kathleen Haley’s actions occurred under color of law  
14 which deprived Plaintiff of his Constitutional rights guaranteed by the Fourteenth  
15 Amendment.

16 48. Defendant Kathleen Haley is sued in her individual capacity, as well  
17 as in her official capacity, with respect to injunction demanded about NPDB and  
18 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

19 49. Defendant Warren Foote, JD is an Assistant Attorney General for the  
20 State of Oregon, and does significant lawyering for the OMB with regard to the  
21 deprivation of doctors of their physician licenses and other “disciplinary” matters  
22 instituted by OMB against unsuspecting physicians targeted for revocation trial  
23 proceedings by OMB.

24 50. At all material times herein, defendant Warren Foote is presumably a  
25 resident in the district of Oregon.

26 51. Defendant Warren Foote is a “person” subject to lawsuit, and the  
27 jurisdiction of this Court, within the meaning of 42 USC 1983.

28 52. Defendant Warren Foote is vested with supervision, legal workings  
29 and decisions of the OMB, and he exercises significant legal authority and  
30 influence over the board members whether or not legal proceedings of OMB are  
31 underway.

32 53. Defendant Warren Foote represents himself as legal counsel for OMB



1 and other boards or State entities, while at the same time furnishes significant legal  
2 work for the Oregon Department of Justice (DOJ).

3 54. Defendant Warren Foote's actions occurred under color of law which  
4 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
5 Fourteenth Amendment.

6 55. Defendant Warren Foote is sued in his individual capacity as well as  
7 in his official capacity, with respect to injunction demanded about NPDB and the  
8 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

9 56. Defendant Rick Barber is an administrative law judge for the State of  
10 Oregon, carrying out and enforcing the law and policy of ORS 677 and SB 267,  
11 often involved in the deprivation of physicians' licenses at the behest of or upon  
12 written complaints filed by OMB with Office of Administrative Hearings (OAH).

13 57. At all material times herein, defendant Rick Barber is presumably a  
14 resident in the district of Oregon.

15 58. Defendant Rick Barber is a "person" subject to lawsuit, and the  
16 jurisdiction of this Court, within the meaning of 42 USC 1983.

17 59. Defendant Rick Barber is vested with authority of an administrative  
18 judge of the State, and exercises significant legal authority and influence by way of  
19 his legal opinions rendered in the decision making process of deprivation of this  
20 State's physicians of their medical licenses and their liberty interests attached  
21 thereto.

22 60. Defendant Rick Barber's actions occurred under color of law, which  
23 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
24 Fourteenth Amendment of the Constitution of the United States.

25 61. Defendant Rick Barber is sued in his individual capacity as well as in  
26 his official capacity, with respect to injunction demanded about NPDB and the  
27 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

28 62. Defendant John Kroger, JD was the Oregon Attorney General (OAG)  
29 charged by law with power and authority over OMB pursuant to ORS 180.060.

30 63. At all material times herein, defendant John Kroger is presumably a  
31 resident in the district of Oregon.

32 64. Defendant John Kroger is a "person" subject to lawsuit, and the

1 jurisdiction of this Court, within the meaning of 42 USC 1983.

2 65. Defendant John Kroger's actions occurred under color of law which  
3 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
4 Fourteenth Amendment of the Constitution of the United States.

5 66. Defendant John Kroger is sued in his individual capacity as well as in  
6 his official capacity, with respect to injunction demanded about NPDB and the  
7 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

8 67. Defendant Nicole Krishnaswami, JD is a staff attorney for OMB, and  
9 at all material times herein is a resident presumably in the district of Oregon.

10 68. Defendant Nicole Krishnaswami is a "person" subject to lawsuit, and  
11 the jurisdiction of this Court, within the meaning of 42 USC 1983.

12 69. Defendant Nicole Krishnaswami oversees the legal workings and  
13 writings of the OMB, including filings of OMB's decisions about doctors with the  
14 federal agency NPDB.

15 70. Defendant Nicole Krishnaswami's actions occurred under color of  
16 law which deprived Plaintiff of his Due Process and Equal Protection rights  
17 guaranteed by the Fourteenth Amendment of the Constitution of the United States.

18 71. Defendant Nicole Krishnaswami is sued in her individual capacity as  
19 well as in her official capacity, with respect to injunction demanded about NPDB  
20 and the Eighth Amendment claim for refund of \$30,722.38 obtained by  
21 intimidation.

22 72. Defendant Jim Peck, MD was at all times relevant hereto a medical  
23 director of OMB.

24 73. At all material times herein, defendant Jim Peck is presumably a  
25 resident in the district of Oregon.

26 74. Defendant Jim Peck is a "person" subject to lawsuit, and the  
27 jurisdiction of this Court, within the meaning of 42 USC 1983.

28 75. Defendant Jim Peck's actions occurred under color of law which  
29 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
30 Fourteenth Amendment of the Constitution of the United States.

31 76. Defendant Jim Peck is sued in his individual capacity as well as in his  
32 official capacity, with respect to injunction demanded about NPDB and the Eighth

1 Amendment claim for refund of \$30,722.38 obtained by intimidation.

2 77. Defendant Phillip Parshley, MD was at all times relevant hereto a  
3 medical director of OMB.

4 78. At all material times herein, defendant Phillip Parshley is presumably  
5 a resident in the district of Oregon.

6 79. Defendant Phillip Parshley is a "person" subject to lawsuit, and the  
7 jurisdiction of this Court, within the meaning of 42 USC 1983.

8 80. Defendant Phillip Parshley's actions occurred under color of law  
9 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
10 by the Fourteenth Amendment of the Constitution of the United States.

11 81. Defendant Phillip Parshley is sued in his individual capacity as well  
12 as in his official capacity, with respect to injunction demanded about NPDB and  
13 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

14 82. Defendant Joseph Thaler, MD was at all times relevant hereto an  
15 OMB member, an Investigative Committee (IC) ex-chair and is the medical  
16 director for defendant OMB.

17 83. At all material times herein, defendant Joseph Thaler is presumably a  
18 resident in the district of Oregon. Defendant is a "person" subject to lawsuit, and  
19 the jurisdiction of this Court, within the meaning of 42 USC 1983.

20 84. Defendant Joseph Thaler's actions occurred under color of law which  
21 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
22 Fourteenth Amendment of the Constitution of the United States.

23 85. Defendant Joseph Thaler is sued in his individual capacity as well as  
24 in his official capacity, with respect to injunction demanded about NPDB and the  
25 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

26 86. Defendant James Calvert, MD at all times relevant hereto was  
27 presumably an expert witness of OMB against Plaintiff's liberty interests.

28 87. At all material times herein, defendant James Calvert is presumably a  
29 resident in the district of Oregon.

30 88. Defendant James Calvert is a "person" subject to lawsuit, and the  
31 jurisdiction of this Court, within the meaning of 42 USC 1983.

32 89. Defendant James Calvert's actions occurred under color of law which

1 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
2 Fourteenth Amendment of the Constitution of the United States.

3 90. Defendant James Calvert is sued in his individual capacity as well as  
4 in his official capacity, with respect to injunction demanded about NPDB and the  
5 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

6 91. Defendant Lisa Cornelius, DPM at all times relevant hereto was a  
7 member and ex-chair of OMB.

8 92. At all material times herein, defendant Lisa Cornelius is presumably a  
9 resident in the district of Oregon.

10 93. Defendant Lisa Cornelius is a "person" subject to lawsuit, and the  
11 jurisdiction of this Court, within the meaning of 42 USC 1983.

12 94. Defendant Lisa Cornelius' actions occurred under color of law which  
13 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
14 Fourteenth Amendment of the Constitution of the United States.

15 95. Defendant Lisa Cornelius is sued in her individual capacity as well as  
16 in her official capacity, with respect to injunction demanded about NPDB and the  
17 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

18 96. Defendant Linda Johnson, MD at all times relevant hereto was a  
19 member of OMB.

20 97. At all material times herein, defendant Linda Johnson is presumably a  
21 resident in the district of Oregon.

22 98. Defendant Linda Johnson is a "person" subject to lawsuit, and the  
23 jurisdiction of this Court, within the meaning of 42 USC 1983.

24 99. Defendant Linda Johnson's actions occurred under color of law  
25 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
26 by the Fourteenth Amendment of the Constitution of the United States.

27 100. Defendant Linda Johnson is sued in her individual capacity as well as  
28 in her official capacity, with respect to injunction demanded about NPDB and the  
29 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

30 101. Defendant Ralph Yates, DO at all times relevant hereto is an OMB  
31 member, and was an Investigative Committee (IC) member and ex-chair of OMB.

32 102. At all material times herein, defendant Ralph Yates is presumably a

1 resident in the district of Oregon.

2 103. Defendant Ralph Yates is a “person” subject to lawsuit, and the  
3 jurisdiction of this Court, within the meaning of 42 USC 1983.

4 104. Defendant Ralph Yates’ actions occurred under color of law which  
5 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
6 Fourteenth Amendment of the Constitution of the United States.

7 105. Defendant Ralph Yates is sued in his individual capacity as well as in  
8 his official capacity, with respect to injunction demanded about NPDB and the  
9 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

10 106. Defendant Roger McKimmy, MD at all times relevant hereto was a  
11 member and is the current chair of OMB.

12 107. At all material times herein, defendant Roger McKimmy is  
13 presumably a resident in the district of Oregon.

14 108. Defendant Roger McKimmy is a “person” subject to lawsuit, and the  
15 jurisdiction of this Court, within the meaning of 42 USC 1983.

16 109. Defendant Roger McKimmy’s actions occurred under color of law  
17 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
18 by the Fourteenth Amendment of the Constitution of the United States.

19 110. Defendant Roger McKimmy is sued in his individual capacity as well  
20 as in his official capacity, with respect to injunction demanded about NPDB and  
21 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

22 111. Defendant Donald Girard, MD was at all times relevant hereto a  
23 member and is current vice chair of OMB.

24 112. At all material times herein, defendant Donald Girard is presumably a  
25 resident in the district of Oregon.

26 113. Defendant Donald Girard is a “person” subject to lawsuit, and the  
27 jurisdiction of this Court, within the meaning of 42 USC 1983.

28 114. Defendant Donald Girard’s actions occurred under color of law which  
29 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
30 Fourteenth Amendment of the Constitution of the United States.

31 115. Defendant Donald Girard is sued in his individual capacity as well as  
32 in his official capacity, with respect to injunction demanded about NPDB and the

1 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

2 116. Defendant George Koval, MD at all times relevant hereto was and is  
3 a current member of OMB.

4 117. At all material times herein, defendant George Koval is presumably a  
5 resident in the district of Oregon.

6 118. Defendant George Koval is a “person” subject to lawsuit, and the  
7 jurisdiction of this Court, within the meaning of 42 USC 1983.

8 119. Defendant George Koval’s actions occurred under color of law which  
9 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
10 Fourteenth Amendment of the Constitution of the United States.

11 120. Defendant George Koval is sued in his individual capacity as well as  
12 in his official capacity, with respect to injunction demanded about NPDB and the  
13 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

14 121. Defendant Ramiro Gaitan at all times relevant hereto is a member of  
15 OMB.

16 122. At all material times herein, defendant Ramiro Gaitan is presumably a  
17 resident in the district of Oregon.

18 123. Defendant Ramiro Gaitan is a “person” subject to lawsuit, and the  
19 jurisdiction of this Court, within the meaning of 42 USC 1983.

20 124. Defendant Ramiro Gaitan’s actions occurred under color of law  
21 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
22 by the Fourteenth Amendment of the Constitution of the United States.

23 125. Defendant Ramiro Gaitan is sued in his individual capacity as well as  
24 in his official capacity, with respect to injunction demanded about NPDB and the  
25 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

26 126. Defendant Douglas Kirkpatrick, MD at all times relevant hereto was  
27 a member, an IC member and an ex-chair of the Board.

28 127. At all material times herein, defendant Douglas Kirkpatrick is  
29 presumably a resident in the district of Oregon.

30 128. Defendant Douglas Kirkpatrick is a “person” subject to lawsuit, and  
31 the jurisdiction of this Court, within the meaning of 42 USC 1983.

32 129. Defendant Douglas Kirkpatrick’s actions occurred under color of law

1 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
2 by the Fourteenth Amendment of the Constitution of the United States.

3 130. Defendant Douglas Kirkpatrick is sued in his individual capacity as  
4 well as in his official capacity, with respect to injunction demanded about NPDB  
5 and the Eighth Amendment claim for refund of \$30,722.38 obtained by  
6 intimidation.

7 131. Defendant Lewis Neace, DO was a member of OMB and IC member.

8 132. At all material times herein, defendant Lewis Neace is presumably a  
9 resident in the district of Oregon.

10 133. Defendant Lewis Neace is a “person” subject to lawsuit, and the  
11 jurisdiction of this Court, within the meaning of 42 USC 1983.

12 134. Defendant Lewis Neace’s actions occurred under color of law which  
13 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
14 Fourteenth Amendment of the Constitution of the United States.

15 135. Defendant Lewis Neace is sued in his individual capacity as well as in  
16 his official capacity, with respect to injunction demanded about NPDB and the  
17 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

18 136. Defendant Patricia Smith was a member and ex-chair of OMB.

19 137. At all material times herein, defendant Patricia Smith is presumably a  
20 resident in the district of Oregon.

21 138. Defendant Patricia Smith is a “person” subject to lawsuit, and the  
22 jurisdiction of this Court, within the meaning of 42 USC 1983.

23 139. Defendant Patricia Smith’s actions occurred under color of law which  
24 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
25 Fourteenth Amendment of the Constitution of the United States.

26 140. Defendant Patricia Smith is sued in her individual capacity as well as  
27 in her official capacity, with respect to injunction demanded about NPDB and the  
28 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

29 141. Defendant Gary LeClair, MD was at all times relevant hereto a  
30 member, an IC member and ex-chair of OMB.

31 142. At all material times herein, defendant Gary LeClair is presumably a  
32 resident in the district of Oregon.

1           143. Defendant Gary LeClair is a “person” subject to lawsuit, and the  
2 jurisdiction of this Court, within the meaning of 42 USC 1983.

3           144. Defendant Gary LeClair’s actions occurred under color of law which  
4 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
5 Fourteenth Amendment of the Constitution of the United States.

6           145. Defendant Gary LeClair is sued in his individual capacity as well as  
7 in his official capacity, with respect to injunction demanded about NPDB and the  
8 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

9           146. Defendant Sarojini Budden, MD was at all times relevant hereto a  
10 member of OMB.

11           147. At all material times herein, defendant Sarojini Budden is presumably  
12 a resident in the district of Oregon.

13           148. Defendant Sarojini Budden is a “person” subject to lawsuit, and the  
14 jurisdiction of this Court, within the meaning of 42 USC 1983.

15           149. Defendant Sarojini Budden’s actions occurred under color of law  
16 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
17 by the Fourteenth Amendment of the Constitution of the United States.

18           150. Defendant Sarojini Budden is sued in her individual capacity as well  
19 as in her official capacity, with respect to injunction demanded about NPDB and  
20 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

21           151. Defendant Clifford Deveney, MD was a member of OMB.

22           152. At all material times herein, defendant Clifford Deveney is  
23 presumably a resident in the district of Oregon.

24           153. Defendant Clifford Deveney is a “person” subject to lawsuit, and the  
25 jurisdiction of this Court, within the meaning of 42 USC 1983.

26           154. Defendant Clifford Deveney’s actions occurred under color of law  
27 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
28 by the Fourteenth Amendment of the Constitution of the United States.

29           155. Defendant Clifford Deveney is sued in his individual capacity as well  
30 as in his official capacity, with respect to injunction demanded about NPDB and  
31 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

32           156. Defendant Keith White, MD is a member of OMB.



1           157. At all material times herein, defendant Keith White is presumably a  
2 resident in the district of Oregon.

3           158. Defendant Keith White is a “person” subject to lawsuit, and the  
4 jurisdiction of this Court, within the meaning of 42 USC 1983.

5           159. Defendant Keith White’s actions occurred under color of law which  
6 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
7 Fourteenth Amendment of the Constitution of the United States.

8           160. Defendant Keith White is sued in his individual capacity as well as in  
9 his official capacity, with respect to injunction demanded about NPDB and the  
10 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

11           161. Defendant W. Kent Williamson, MD is a member and ex-chair of  
12 OMB.

13           162. At all material times herein, defendant W. Kent Williamson is  
14 presumably a resident in the district of Oregon.

15           163. Defendant W. Kent Williamson is a “person” subject to lawsuit, and  
16 the jurisdiction of this Court, within the meaning of 42 USC 1983.

17           164. Defendant W. Kent Williamson’s actions occurred under color of law  
18 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
19 by the Fourteenth Amendment of the Constitution of the United States.

20           165. Defendant W. Kent Williamson is sued in his individual capacity as  
21 well as in his official capacity, with respect to injunction demanded about NPDB  
22 and the Eighth Amendment claim for refund of \$30,722.38 obtained by fear of  
23 arrest and by intimidation.

24           166. Defendant Nathalie Johnson, MD was a member of OMB.

25           167. At all material times herein, defendant Nathalie Johnson is  
26 presumably a resident in the district of Oregon.

27           168. Defendant Nathalie Johnson is a “person” subject to lawsuit, and the  
28 jurisdiction of this Court, within the meaning of 42 USC 1983.

29           169. Defendant Nathalie Johnson’s actions occurred under color of law  
30 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
31 by the Fourteenth Amendment of the Constitution of the United States.

32           170. Defendant Nathalie Johnson is sued in her individual capacity as well

1 as in her official capacity, with respect to injunction demanded about NPDB and  
2 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

3 171. Defendant Shirin Sukumar, MD is a member of OMB.

4 172. At all material times herein, defendant Shirin Sukumar is presumably  
5 a resident in the district of Oregon.

6 173. Defendant Shirin Sukumar is a "person" subject to lawsuit, and the  
7 jurisdiction of this Court, within the meaning of 42 USC 1983.

8 174. Defendant Shirin Sukumar's actions occurred under color of law  
9 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
10 by the Fourteenth Amendment of the Constitution of the United States.

11 175. Defendant Shirin Sukumar is sued in her individual capacity as well  
12 as in her official capacity, with respect to injunction demanded about NPDB and  
13 the Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

14 176. Defendant Clifford Mah, DPM is a member of OMB.

15 177. At all material times herein, defendant Clifford Mah is presumably a  
16 resident in the district of Oregon.

17 178. Defendant Clifford Mah is a "person" subject to lawsuit, and the  
18 jurisdiction of this Court, within the meaning of 42 USC 1983.

19 179. Defendant Clifford Mah's actions occurred under color of law which  
20 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
21 Fourteenth Amendment of the Constitution of the United States.

22 180. Defendant Clifford Mah is sued in his individual capacity as well as  
23 in his official capacity, with respect to injunction demanded about NPDB and the  
24 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

25 181. Defendant Michael Mastrangelo Jr., MD is a member of OMB.

26 182. At all material times herein, defendant Michael Mastrangelo is  
27 presumably a resident in the district of Oregon.

28 183. Defendant Michael Mastrangelo Jr. is a "person" subject to lawsuit,  
29 and the jurisdiction of this Court, within the meaning of 42 USC 1983.

30 184. Defendant Michael Mastrangelo Jr.'s actions occurred under color of  
31 law which deprived Plaintiff of his Due Process and Equal Protection rights  
32 guaranteed by the Fourteenth Amendment of the Constitution of the United States.

1           185. Defendant Michael Mastrangelo Jr. is sued in his individual capacity  
2 as well as in his official capacity, with respect to injunction demanded about  
3 NPDB and the Eighth Amendment claim for refund of \$30,722.38 obtained by fear  
4 of arrest and by intimidation.

5           186. Defendant Angelo Turner is a member of OMB.

6           187. At all material times herein, defendant Angelo Turner is presumably a  
7 resident in the district of Oregon.

8           188. Defendant Angelo Turner is a “person” subject to lawsuit, and the  
9 jurisdiction of this Court, within the meaning of 42 USC 1983.

10           189. Defendant Angelo Turner’s actions occurred under color of law  
11 which deprived Plaintiff of his Due Process and Equal Protection rights guaranteed  
12 by the Fourteenth Amendment of the Constitution of the United States.

13           190. Defendant Angelo Turner is sued in his individual capacity as well as  
14 in his official capacity, with respect to injunction demanded about NPDB and the  
15 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

16           191. Defendant Jay Drum was an investigator of OMB.

17           192. At all material times herein, defendant Jay Drum is presumably a  
18 resident in the district of Oregon.

19           193. Defendant Jay Drum is a “person” subject to lawsuit, and the  
20 jurisdiction of this Court, within the meaning of 42 USC 1983.

21           194. Defendant Jay Drum’s actions occurred under color of law which  
22 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
23 Fourteenth Amendment of the Constitution of the United States.

24           195. Defendant Jay Drum is sued in his individual capacity as well as in  
25 his official capacity, with respect to injunction demanded about NPDB and the  
26 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

27           196. Defendant Gary Stafford was the Chief Investigator of OMB.

28           197. At all material times herein, defendant Gary Stafford is presumably a  
29 resident in the district of Oregon.

30           198. Defendant Gary Stafford is a “person” subject to lawsuit, and the  
31 jurisdiction of this Court, within the meaning of 42 USC 1983.

32           199. Defendant Gary Stafford’s actions occurred under color of law which

1 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
2 Fourteenth Amendment of the Constitution of the United States.

3 200. Defendant Gary Stafford is sued in his individual capacity as well as  
4 in his official capacity, with respect to injunction demanded about NPDB and the  
5 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

6 201. Defendant Eric Brown is Chief Investigator of OMB.

7 202. At all material times herein, defendant Eric Brown is presumably a  
8 resident in the district of Oregon.

9 203. Defendant Eric Brown is a "person" subject to lawsuit, and the  
10 jurisdiction of this Court, within the meaning of 42 USC 1983.

11 204. Defendant Eric Brown's actions occurred under color of law which  
12 deprived Plaintiff of his Due Process and Equal Protection rights guaranteed by the  
13 Fourteenth Amendment of the Constitution of the United States.

14 205. Defendant Eric Brown is sued in his individual capacity as well as in  
15 his official capacity, with respect to injunction demanded about NPDB and the  
16 Eighth Amendment claim for refund of \$30,722.38 obtained by intimidation.

## 17 18 XII. GENERAL ALLEGATIONS

### 19 20 The Challenged Law: SB 267; ORS 677.190 et seq

21 206. **Oregon Senate Bill 267** (Feb. 1983) discusses various schemes and  
22 theories purporting to regulate the practice of medicine in Oregon, and toward the  
23 end of its 2 ½ hours meeting the members engaged in a question and answer with  
24 the public, including members of OMB and the Board of Engineering presumably  
25 to ascertain to what extent the physicians can be revoked nationwide. The minutes,  
26 show on page 7, that one of the OMB members present at the Senate Committee  
27 gave the following terse message to doctors, in response to Oregon State Senator  
28 Ripper:

29 "MR. ULWELLING replied that that is true and they can  
30 virtually say that if a physician loses his license in Oregon  
31 that he is probably not going to be able to practice in the  
32 United States. There is a clearing house that posts all

1 disciplinary actions taken by every state. In addition a state  
2 also contacts the other states where a physician has a license  
3 so there are two ways you find out.” (see Exhibit-C, 12 pp).

4 207. It is clear from the above statement that Oregon Senate Bill 267 by  
5 its terms does not allow Due Process and Equal Protection for any doctor who falls  
6 prey to the OMB revocation prosecutorial scheme. The intent of the bill thus is to  
7 deprive doctors of their liberty interest in their profession across the United States,  
8 and this would be guaranteed in “two ways”—the SB 267 boldly professes.

9 208. A fair reading of the above SB 267 clearly indicates that the doctors  
10 are going to be revoked without Due Process and Equal Protection or any  
11 rudimentary semblance of Due Process and Equal Protection of the law, namely a  
12 meaningful Notice and a meaningful opportunity to a hearing.

13 209. **ORS 677.190 and ORS 677.205** purport to regulate the practice of  
14 medicine and conduct of doctors in Oregon by way of “discipline”. The statutes do  
15 not distinguish between “discipline” and “revocation”, which are two different  
16 words with their own peculiar meaning. For example, the word discipline’s  
17 primary meaning is “training that develops self-control, character or orderliness  
18 and efficiency” (Webster’s New World Dictionary, 2nd College Ed.). Black’s Law  
19 Dictionary 8th Edition defines the word discipline: “punishment intended to  
20 correct or instruct”. The word revocation’s primary meaning is “cancellation,  
21 annulment, rescind, to recall, to repeal, to withdraw (a law, permit) (Webster’s  
22 New World Dictionary, 2nd College Ed.). Black’s Law Dictionary 8th Edition  
23 defines the word revocation: “an annulment, cancellation or reversal of an act or  
24 power”. Therefore, the Oregon laws, Chapter 677, by incorporating in its  
25 disciplinary scheme the word “revocation”, as a form of “discipline” has abridged  
26 Plaintiff’s Due Process and Equal Protection rights guaranteed by the Fourteenth  
27 Amendment to the Constitution of the United States.

28 210. By its terms ORS 677.190 and 677.205 do not allow Due Process  
29 and Equal Protection for any doctor who falls prey to OMB revocation  
30 prosecutorial scheme. The intent of these two statutes, thus, is to deprive doctors of  
31 their liberty interests in their profession in Oregon and subsequently across the  
32 United States.

1           211. A fair reading of the above two statutes clearly indicates that the  
2 doctors are going to be revoked without Due Process or any rudimentary  
3 semblance of Due Process, namely a meaningful Notice and a meaningful  
4 opportunity to a hearing.

5           212. Plaintiff physician has unsuspectingly fallen prey to defendants'  
6 revocation prosecutorial scheme involving high-handed tactics, masquerading as a  
7 hearing, when in fact defendants prosecute a trial with all its components intending  
8 to revoke the victim's license so ambushed into defendants' masquerading hearing  
9 operating its course without Due Process and Equal Protection of the law.

10           213. During the purported "hearing" resulting in revocation and instigated  
11 by the co-conspirators defendants, this victim Plaintiff has been subjected to  
12 various degrees of intimidation and bullying by incompetent experts on the stand,  
13 and by the presence of defendant assistant attorney general Warren Foote who  
14 applied his own dose of intimidation and bullying Plaintiff into "admitting" certain  
15 things in violation of Due Process and Equal Protection of the law.

16           214. Defendants' revocation prosecutorial scheme is predicated upon the  
17 provisions of SB 267, ORS 677.190 and 677.205 which are devoid of the most  
18 rudimentary Constitutional protections a physician is entitled to, including this  
19 injured Plaintiff.

20           215. Plaintiff is informed and believes, and on that basis alleges, the  
21 conduct of defendants Warren Foote, Rick Barber and Kathleen Haley, acting  
22 under color of law and who participated in the prosecution of the trial for  
23 revocation of Plaintiff's physician license, amounted to deprivation of Plaintiff's  
24 liberty interests in his profession and in his property.

25           216. Plaintiff is informed and believes, and on that basis alleges, that  
26 defendant Rick Barber conspired and tacitly agreed with the other defendants to  
27 deprive Plaintiff of his liberty interests in his profession and in his property.

28           217. Plaintiff is informed and believes, and on that basis alleges, that  
29 defendant Rick Barber concocted revocation theories and distorted Plaintiff's  
30 statements by which Plaintiff declined to subject himself to Center for Personalized  
31 Education for Physicians (CPEP).

32           218. Plaintiff is informed and believes, and on that basis alleges, that

1 defendants OMB and Lisa Cornelius conducted and acted themselves, during the  
2 revocation prosecutorial scheme, under color of law, as a rubberstamp for the  
3 defendants Kathleen Haley, Warren Foote and ALJ Rick Barber in their tacit effort  
4 to deprive this Plaintiff physician of his Constitutional right to his liberty interest in  
5 his medical profession.

6 219. Plaintiff is informed and believes, and on that basis alleges, that  
7 defendants Kathleen Haley and Nicole Krishnaswami, acting under color of law,  
8 have conspired with the other defendants to severely stigmatize Plaintiff before his  
9 peer physicians and the public by posting false, malicious and defamatory  
10 statements intended to prevent Plaintiff from obtaining employment in his chosen  
11 vocation, and to harm him in his property and his economic well-being.

12 220. Plaintiff is informed and believes, and on that basis alleges, that all  
13 of the defendants, under color of law, conspired in the revocation trial of Plaintiff  
14 to enforce SB 267 and ORS 677.190 and 677.205 in a certain way which will  
15 deprive this Plaintiff of his Constitutional rights to Due Process and Equal  
16 Protection of the laws guaranteed by Fourteenth Amendment of Constitution of the  
17 United States.

18 221. Plaintiff is informed and believes, and on that basis alleges, that all  
19 of the defendants knew or should have known that the Constitutional command of  
20 the Fourteenth Amendment is binding upon them irrespective of their belief  
21 whether SB 267 and ORS 677.190 and 677.205 were legal to apply to the  
22 revocation of this Plaintiff's physician license.

23 222. Plaintiff is informed and believes, and on that basis alleges, that all  
24 of the defendants' malicious actions and predatory conduct, manifested during the  
25 revocation prosecutorial scheme, denied the Due Process rights guaranteed by the  
26 Fourteenth Amendment to this Plaintiff physician amounted to deprivation of his  
27 liberty interest in his chosen profession and in his property.

28 223. Plaintiff is informed and believes, and on that basis alleges, that  
29 defendants Jim Peck, Phillip Parshley, Joseph Thaler, James Calvert, Lisa  
30 Cornelius, Linda Johnson, Ralph Yates, Roger McKimmy, Donald Girard, George  
31 Koval, Ramiro Gaitan, Douglas Kirkpatrick, Lewis Neace, Patricia Smith, Gary  
32 LeClair, Kathleen Haley, Sarojini Budden, Clifford Deveney, Keith White, W.

1 Kent Williamson, Nathalie Johnson, Shirin Sukumar, Clifford Mah, Michael  
2 Mastrangelo, Angelo Turner, Jay Drum, Gary Stafford and Eric Brown—all agreed  
3 to and acted under color of law to enforce ORS 677.190 and 677.205 and SB 267  
4 revocation policy—in violation of the Fourteenth Amendment’s commands which  
5 guaranteed to this Plaintiff Due Process and Equal Protection of the law with  
6 respect to Plaintiff’s liberty interests in his medical profession and in his property.  
7

### 8 XIII. ALLEGATIONS OF FACT

#### 9 **Facts about Plaintiff**

10 224. Eric A. Dover, MD (Plaintiff) is a graduate with a degree of Doctor  
11 of Medicine from the University of California at Los Angeles (UCLA) in June  
12 1985 (see Exhibit-A).

13 225. Eric A. Dover, MD spent approx. \$100,000.00 to acquire the  
14 abovesaid medical education together with the Doctor of Medicine degree.

15 226. Defendants are liable to Plaintiff for the deprivation of his medical  
16 profession, university education and the license in the amount of \$100,000.00.

17 227. Eric A. Dover, MD completed his internship and residency at the Los  
18 Angeles County-Harbor-UCLA Medical Center, Torrance, California from 1985 to  
19 1988 with emphasis on Family Practice.

20 228. Eric A. Dover, MD was selected as Chief Resident for Family  
21 Practice in 1987 at the Los Angeles County-Harbor-UCLA Medical Center,  
22 Torrance, CA.

23 229. Eric A. Dover, MD was entrusted with supervisory residence over  
24 the Pediatric Floor at the Los Angeles County-Harbor-UCLA Medical Center in  
25 1987-1988, which was a primary pediatric hospital for southern L.A. metropolitan  
26 area.

27 230. Eric A. Dover, MD began his work as a physician in private practice  
28 at San Luis Obispo, California, beginning in August 1988 until December 1990.

29 231. Eric A. Dover, MD worked at Urgent Care, San Luis Obispo,  
30 California August 1989 to December 1990 and February 1992 to March 1994.

31 232. Eric A. Dover, MD worked concurrently as Hospice Medical  
32 Director for San Luis Obispo County in San Luis Obispo, California from



1 May 1989 to December 1990.

2 233. Eric A. Dover, MD worked for Kaiser Permanente at Sunnyside  
3 Office, Salem, Oregon from January 1991 to January 1992.

4 234. Eric A. Dover, MD worked in Emergency Medicine at Vandenberg  
5 Air Force Base, California from June 1992 to November 1993.

6 235. Eric A. Dover, MD worked at the Salem Clinic in Salem, Oregon  
7 from April 1994 to August 1998.

8 236. Eric A. Dover, MD worked at the Adventist Medical Group in  
9 Portland, Oregon from September 1998 to October 2001.

10 237. Eric A. Dover, MD worked at the Willamette Falls Immediate Care  
11 at Clackamas, Oregon from December 2001 to December 2005.

12 238. Eric A. Dover, MD maintained his Private Family Practice office at  
13 11705 NE Glisan Avenue, Portland, Oregon 97220 from November 2003 to  
14 November 2010.

15 239. Eric A. Dover, MD carried a malpractice insurance policy in the  
16 amount of \$1,000,000.00/\$3,000,000.00 as required.

## 17 18 **Community Involvement**

19 240. Eric A. Dover, MD evidenced his medical skills towards societal  
20 responsibility as a physician in the community by involvement with the following:

21 (a) Physicians for Social Responsibility (Oregon State Board Member  
22 1997-2001 and National Board Member 1998-2000)

23 (b) NW Neighborhood Association Environmental Task Force (1999-  
24 2002)

25 (c) Citizens Against Toxins (Salem, Oregon)

26 (d) Little League Coach during the years 2006 through 2012.

27 (e) Eric A. Dover, MD has distinguished himself in society by conducting  
28 himself as people's doctor.

## 29 30 **Social Activism Involvement**

31 (f) Nuclear issues activist (Diablo Canyon, California)

32 (g) Pesticide issues activist (Oregon, California)

1 (h) Forest issues activist (Oregon)

2 (i) Animal rights issues activist (Oregon)

3  
4 241. Eric A. Dover, MD lost \$225,000.00 which represents legitimate  
5 income of three years while being harassed and intimidated in various ways by  
6 defendant OMB (February 2008 through February 2011).

7 242. Defendants are liable to Plaintiff for the deprivation of his legitimate  
8 income of three years, in the amount of \$225,000.00.

9 243. Eric A. Dover, MD lost \$30,722.38 to OMB which obtained these  
10 funds under duress, intimidation and fear of arrest (see **Exhibit-B**).

11 244. Defendants are liable to Plaintiff for the deprivation of \$30,722.38.

12 245. Eric A. Dover, MD lost \$7,500,000.00 in income over 30 years as a  
13 result of defendants' predatory, unjust, unfair and malicious conduct.

14 246. Defendants are liable to Plaintiff for the deprivation of  
15 \$7,500,000.00.

16 247. Eric A. Dover, MD lost \$10,000,000.00 in future investments and  
17 saving opportunities over 30 year's period.

18 248. Defendants are liable to Plaintiff for the deprivation of  
19 \$10,000,000.00.

20 249. Eric A. Dover, MD lost \$500,000.00 in general damages and  
21 \$10,000,000.00 for emotional distress, pain and humiliation at defendants' hands.

22 250. Defendants are liable to Plaintiff for the injuries and humiliation in  
23 the amount of \$10,500,000.00.

24  
25 **Facts about Defendants and Defendants' Actions**

26 251. Oregon Senate Bill 267 is a legislative scheme purporting to regulate  
27 the practice of medicine in a way that defeats Due Process and Equal Protection of  
28 this Plaintiff and other physicians similarly situated and registered with OMB, by  
29 revoking their licenses with nationwide and international legal effect.

30 252. ORS 677.190 and ORS 677.205 are legislative schemes purporting to  
31 "discipline" physicians who are registered with OMB, in the practice of medicine,  
32 in a way that defeats Due Process and Equal Protection of this Plaintiff and other

1 physicians similarly situated and registered with OMB, by revoking their licenses  
2 with nationwide and international legal effect (see Exhibit-C, 12 pp.).

3 253. Defendants OMB, its legal counsel defendants Kathleen Haley and  
4 Warren Foote, enforced ORS 677.190 and ORS 677.205 against Plaintiff through  
5 a legal scheme involving high-handed tactics, masquerading as a “hearing”, and so  
6 represented to the physicians, whereas the defendants knew or should have known  
7 that the “hearing” is in fact a trial which lasts 2 to 4 days.

8 254. Defendants OMB and Kathleen Haley knowingly, willfully,  
9 recklessly, maliciously, and with intent to cause economic harm to Plaintiff,  
10 provided false information in respect to Plaintiff’s medical office address to then  
11 Oregon Governor Theodore Kulongoski (see Exhibit-D).

12 255. Defendants OMB and Kathleen Haley knowingly, willfully,  
13 recklessly, maliciously, and with intent to cause harm to Plaintiff, endeavored to  
14 withhold material information necessary to Plaintiff for rebuttal of OMB’s witness  
15 who masqueraded as an expert in rheumatology, chronic pain management and  
16 chart review, and who caused irreparable financial and economic harm to Plaintiff  
17 by influencing OMB to revoke Plaintiff’s physician license.

18 256. Defendants Kathleen Haley, OMB and Warren Foote knew or should  
19 have known that OMB’s witness in rheumatology, chronic pain management and  
20 chart review was not a bona fide medical expert in these areas of medicine.

21 257. Defendants Kathleen Haley, OMB and Warren Foote concealed a  
22 material fact, namely that OMB’s witness in rheumatology, chronic pain  
23 management and chart review was in fact himself under investigation for  
24 rheumatology misdiagnosis, inappropriate chronic pain treatment and killing one  
25 patient (and almost killing a second) as a consequence of his incompetence.

26 258. Defendants Kathleen Haley, OMB and Warren Foote conspired to  
27 conceal a material fact with respect to a witness testimony which infringed the  
28 Plaintiff’s Due Process and Equal Protection rights of the Fourteenth Amendment.

29 259. Defendants Warren Foote and Rick Barber conspired to anticipate  
30 (holding a private eyeball-to-eyeball conference without the presence of Plaintiff’s  
31 counsel) the results leading to revocation of Plaintiff’s medical license and the  
32 destruction of his medical career, and in doing so, their conduct infringed upon

1 Plaintiff's Due Process and Equal Protection rights of the Fourteenth Amendment.

2 260. Defendant Rick Barber willfully, knowingly entertained and allowed  
3 witnesses to play with their testimony against Plaintiff so as to obtain maximum  
4 economic damage and deprivation of his Due Process and Equal Protection rights.

5 261. Defendant Rick Barber's conduct to allow (fast and loose) testimony  
6 against Plaintiff caused irreparable injury to Plaintiff's name and reputation in the  
7 public domain that even the Oregonian newspaper published such distorted facts  
8 (see **Exhibit-F**).

9 262. Defendants OMB and the administrative law officer defendant Rick  
10 Barber, willfully, knowingly and under color of law participated in enforcement of  
11 ORS 677.190 and ORS 677.205 through a legal scheme involving high-handed  
12 tactics, masquerading as a "hearing", and so represented to the physicians, whereas  
13 the defendants knew or should have known that the "hearing" is in fact a trial  
14 which lasts 2 to 4 days.

15 263. Defendants OMB and Kathleen Haley willfully, knowingly and  
16 under color of law, participated in the enforcement of ORS 677.190 and ORS  
17 677.205 through a legal scheme involving high-handed tactics, masquerading as a  
18 "hearing" having in view revocation of this physician Plaintiff.

19 264. Defendants OMB and Lisa Cornelius willfully, knowingly and under  
20 color of law, participated in the enforcement of ORS 677.190 and ORS 677.205  
21 through a legal scheme involving high-handed tactics, masquerading as a  
22 "hearing", and so represented to the physicians, whereas the defendants knew or  
23 should have known that the "hearing" is in fact a trial which lasts 2 to 4 days.

24 265. Defendants OMB, Kathleen Haley, Warren Foote, Rick Barber and  
25 Lisa Cornelius conspired into the unconstitutional enforcement of ORS 677.190  
26 and ORS 677.205, and by their actions they deprived this Plaintiff of his Due  
27 Process and Equal Protection rights guaranteed by the Fourteenth Amendment to  
28 the Constitution of the United States.

29 266. Defendant John Kroger tacitly acquiesced into Plaintiff's deprivation  
30 of his Due Process and Equal Protection of the laws, by his subordinate defendant  
31 Warren Foote, knowing that his conduct deprived Plaintiff of his Due Process and  
32 Equal Protection rights guaranteed by the Fourteenth Amendment.

1           267. Defendants Jim Peck, Phillip Parshley and Joseph Thaler tacitly  
2 acquiesced into Plaintiff's deprivation of his Due Process and Equal Protection of  
3 the laws by conspiring to withhold material information and documents necessary  
4 to vindicate Plaintiff's innocence and reputation in the community.

5           268. Defendants Joseph Thaler and Jim Peck conspired with the other  
6 defendants to conceal a material fact, namely that OMB's witness in rheumatology  
7 and chronic pain management was, in fact, himself under OMB investigation for  
8 rheumatology misdiagnosis, inappropriate chronic pain treatment and killing one  
9 patient (and almost killing a second) due to his incompetence; and defendants  
10 Thaler and Peck were aware of this witness physician, James Calvert's extreme  
11 lack of expertise in 3 medical areas of discipline: rheumatology, chronic pain  
12 management and chart review.

13           269. Defendant James Calvert, MD conspired with OMB, Joseph Thaler,  
14 Jim Peck, Phillip Parshley, Warren Foote and Kathleen Haley to misrepresent the  
15 material medical facts necessary to Plaintiff for the vindication of his reputation in  
16 the medical community.

17           270. Defendants Jim Peck, Phillip Parshley, Joseph Thaler, James Calvert,  
18 Linda Johnson, Ralph Yates, Roger McKimmy, Donald Girard, George Koval,  
19 Ramiro Gaitan, Douglas Kirkpatrick, Lewis Neace, Patricia Smith, Gary LeClair,  
20 Sarojini Budden, Clifford Deveney, Keith White, W. Kent Williamson, Nathalie  
21 Johnson, Shirin Sukumar, Clifford Mah, Michael Mastrangelo, Angelo Turner, Jay  
22 Drum, Gary Stafford and Eric Brown—all these conspired and tacitly agreed in the  
23 unconstitutional enforcement of ORS 677.190 and ORS 677.205, and by their  
24 actions they deprived Plaintiff of his Due Process and Equal Protection of the laws  
25 guaranteed by the Fourteenth Amendment of the Constitution of the United States.

#### 26 27           XIV. DECLARATORY RELIEF ALLEGATIONS

28           271. Plaintiff incorporates and realleges each and every allegation  
29 contained in the preceding paragraphs of this Complaint.

30           272. A substantial controversy exists between Plaintiff and Defendants  
31 with regard to the unconstitutional enforcement of ORS 677.190 and ORS  
32 677.205.

1           273. Plaintiff contends here, that on their face and as applied to Plaintiff,  
2 the challenged laws SB 267, ORS 677.190 and ORS 677.205 deprived Plaintiff of  
3 his Due Process and Equal Protection rights guaranteed by the Fourteenth  
4 Amendment and Fifth Amendment to the Constitution of the United States.

5           274. Plaintiff further contends here that the challenged laws SB 267, ORS  
6 677.190 and ORS 677.205 deprived Plaintiff of his Privileges or Immunities clause  
7 of the Fourteenth Amendment to the Constitution of the United States.

8           275. Therefore, Declaratory Relief would be appropriate pursuant to 28  
9 U.S.C. 2201.

#### 10                                   XV. INJUNCTIVE RELIEF ALLEGATIONS

11           276. On or about September 2010, defendants held an unconstitutional  
12 trial pursuant to ORS 677.190 and ORS 677.205 and SB 267, with the intent to  
13 deprive Plaintiff of his Constitutional rights guaranteed by the Fourteenth  
14 Amendment.

15           277. Defendants further conspired to levy a \$30,722.38 fee against this  
16 Plaintiff, by way of intimidation and fear of arrest, depriving Plaintiff of his  
17 Constitutional rights guaranteed by the Due Process and Equal Protection rights  
18 guaranteed by the Fourteenth Amendment to the Constitution of the United States.

19           278. Defendants continued their conspiracy to further damage this  
20 Plaintiff by posting false, misleading and highly stigmatizing material at the  
21 federal agency NPDB with a view to prevent Plaintiff from exercising his rights to  
22 liberty interest in his profession and to obtain a decent employment adequate to his  
23 education.

24           279. Since the date defendants deprived Plaintiff of his liberty interests in  
25 his medical profession along with highly stigmatizing posting at NPDB, Plaintiff  
26 cannot find employment in his chosen medical profession for which he spent the  
27 best part of his life to educate himself along with tens of thousands of dollars to  
28 prepare himself for the practice of this profession.

29           280. Defendants are subject to this Court's jurisdiction, as alleged herein.

30           281. Defendants have endeavored to enforce the unconstitutional statutes  
31 alleged herein, against this Plaintiff, which has caused irreparable damage to his  
32 good name and reputation along with destruction of his liberty interests in his

1 profession, and their actions will continue to maintain this unconstitutional effect  
2 upon Plaintiff if this Court does not enjoin defendants from these actions.

3 282. More specifically, defendants' course of conduct under ORS  
4 677.190, ORS 677.205 and SB 267 will continue to deprive Plaintiff indefinitely of  
5 his Constitutional rights to liberty interests in his profession and property, and will  
6 continue to inflict these and other deprivations of his livelihood along with his  
7 \$30,722.38 defendants obtained by intimidation and fear of arrest, if this Court  
8 does not enjoin defendants from these actions.

9 283. Plaintiff has no adequate remedy left for the enormous injuries which  
10 were inflicted by defendants, as enumerated above.

11 284. Therefore, Injunctive Relief would be appropriate, pursuant to 42  
12 U.S.C. 1983 and other authority.

#### 13 14 XVI. FIRST CLAIM FOR RELIEF

15 (Due Process of Law; Deprivation of Liberty Interests;  
16 U.S. Constitution Amendment XIV; 42 U.S.C. 1983)

17 285. This injured physician Plaintiff incorporates and realleges each and  
18 every allegation contained in the preceding paragraphs of this Complaint.

19 286. Defendants' unconstitutional trial masqueraded as hearing intended  
20 to deprive this Plaintiff of his Constitutional rights guaranteed by the Fourteenth  
21 Amendment bears no relationship to protecting the public health, safety or welfare.

22 287. As a consequence of defendants' enforcement of the challenged  
23 laws, which deprived Plaintiff of his Due Process and Equal Protection rights  
24 guaranteed by the Fourteenth Amendment, this Plaintiff is barred from engaging in  
25 his chosen profession or occupation in any State of the United States (Exhibit-C).

26 288. In addition, defendants have created and posted a highly stigmatizing  
27 advertisement, at the federal website NPDB, which prevents this Plaintiff to enjoy  
28 any of the benefits of his liberty interests in his profession for which he spent the  
29 best years of his life along with tens of thousands of dollars for his education.

30 289. By enforcing the fundamentally unfair, arbitrary and unconstitutional  
31 procedures in ORS 677.190, ORS 677.205 and SB 267, defendants acting under  
32 color of law have deprived and will continue to deprive Plaintiff of his guaranteed

1 Constitutional right to earn a living in his chosen profession without Due Process  
2 of law.

3 290. Plaintiff is informed and believes, and on that basis alleges, that  
4 defendants' unconstitutional actions which deprived Plaintiff of his medical  
5 profession and the enjoyment of liberty interests in his profession and property,  
6 have occurred under color of law, and with the State-sponsored unconstitutional  
7 statutes by depriving Plaintiff of his Due Process and Equal Protection rights  
8 guaranteed by the Fourteenth Amendment of the United States Constitution.

9 291. Plaintiff contends that on their face and as applied to Plaintiff the  
10 challenged laws SB 267, ORS 677.190 and ORS 677.205 deprived Plaintiff of his  
11 Due Process and Equal Protection rights guaranteed by the Fourteenth Amendment  
12 and Fifth Amendment of the United States Constitution.

13 292. Plaintiff further contends that the challenged laws SB 267, ORS  
14 677.190 and ORS 677.205 deprived Plaintiff of his Privileges or Immunities rights  
15 guaranteed by the Fourteenth Amendment of the United States Constitution.

16 293. A substantial controversy exists between this Plaintiff and defendants  
17 with regard to the enforcement of SB 267, ORS 677.190 and ORS 677.205, and  
18 Plaintiff (and other physicians similarly situated) will continue to suffer an ongoing  
19 and irreparable harm unless the challenged laws SB 267, ORS 677.190 and ORS  
20 677.205 are declared and held unconstitutional as have been applied to this  
21 Plaintiff, and enjoined by this Court.

## 22 23 XVII. SECOND CLAIM FOR RELIEF

24 (Due Process of Law; Deprivation of Liberty Interests in  
25 Property; U.S. Const. Amend. IV & XIV; 42 U.S.C. 1983)

26 294. This damaged physician Plaintiff incorporates and realleges each and  
27 every allegation contained in the preceding paragraphs of this Complaint.

28 295. Defendants, under color of law, subjected this Plaintiff to immense  
29 economic destruction and harm, deprived him of the pursuit of happiness, deprived  
30 him of liberty interests in his medical profession without Due Process of law, as  
31 these fundamental rights are guaranteed to Plaintiff by the Constitution and laws of  
32 the United States under the Fourth and Fourteenth Amendments, and Article V of



1 the United States Constitution.

2 296. Plaintiff's Constitutional rights to be free from enhanced public  
3 stigma, including the right to not be excluded from his medical occupation without  
4 Due Process of law, which defendants deprived Plaintiff of these rights that are  
5 enforced through the absolute command of the Fourteenth Amendment and also  
6 against the State defendant by prohibiting it to make or enforce "any law which  
7 shall abridge the privileges or immunities of Citizens of the United States, ...".

8 297. Plaintiff and his family have the right to be free, and to enjoy the  
9 Constitutional liberty against defendants' arbitrary and unlawful conduct which  
10 stigmatizes this plaintiff at NPDB by destroying his good name and professional  
11 reputation, and deprives him of his Due Process and Equal Protection rights  
12 guaranteed by the Fourteenth Amendment to the United States Constitution.

13 298. Plaintiff has the right to be treated with meaningful fairness, and to  
14 prohibit defendants from depriving Plaintiff from his Privileges or Immunities to  
15 medical employment in this chosen profession in Oregon and all other 49 States of  
16 the United States.

17 299. Defendants arbitrarily and unlawfully enforced and implemented  
18 against this Plaintiff ORS 677.190 and ORS 677.205, under color of law, and by an  
19 abusive and arbitrary course of conduct in their administrative adjudicative  
20 procedures, and by these instruments of oppression prohibited by the Fourteenth  
21 Amendment, defendants deprived Plaintiff of his Due Process and Equal Protection  
22 rights guaranteed by the United States Constitution.

23 300. Defendants enforced against Plaintiff, their statutory scheme ORS  
24 677.190 and ORS 677.205, by disseminating malicious information at the NPDB  
25 website about plaintiff, under color of law, and in doing so have deprived Plaintiff  
26 of his Due Process and Equal Protection rights guaranteed by the Fourteenth  
27 Amendment.

28 301. Defendants posted highly stigmatizing matters at NPDB intending to  
29 inflict irreparable harm, and continue to deprive Plaintiff of his liberty interest in  
30 his medical profession, and his enjoyment of liberty interests in all 50 States of the  
31 United States, and to preclude adequate medical employment in his profession.

32 302. Plaintiff had a Constitutional right of enjoyment of liberty in the

1 pursuit of happiness, the enjoyment of liberty in his profession and to be free from  
2 highly stigmatizing matters at NPDB, but defendants chose to deprive Plaintiff of  
3 his Due Process and Equal Protection rights guaranteed by the Fourteenth  
4 Amendment to the United States Constitution.

5  
6 **XVIII. THIRD CLAIM FOR RELIEF**

7 (Due Process of Law; Deprivation of Liberty Interests  
8 in Property; U.S. Constitution Amendment V & XIV;  
9 Denial of Due Process; 42 U.S.C. 1983)

10 303. This damaged physician Plaintiff incorporates and realleges each and  
11 every allegation contained in the preceding paragraphs of this Complaint.

12 304. Defendants, under color of law, deprived Plaintiff of his liberty  
13 interests in the profession of physician without Due Process of law, as otherwise  
14 guaranteed by the Fourteenth and Fifth Amendments to United States Constitution.

15 305. Plaintiff had a Constitutional right to be free from defendants'  
16 unconstitutional course of conduct under ORS 677.190 and ORS 677.205, which  
17 deprived him of his medical license clothed with Constitutional protections.

18 306. Defendants, under color of law, deprived this Plaintiff of his liberty  
19 interests in the physician license and the profession of physician protected by the  
20 Constitution of the United States under Fifth and Fourteenth Amendments, causing  
21 actual loss of gross income in the amount of \$225,000.00 over a 3 year period, all  
22 in violation of Due Process clauses of the Fifth and Fourteenth Amendments.

23 307. Defendants, acting under ORS 677.190, ORS 677.205 and OMB  
24 policy have deprived this Plaintiff of his liberty interest in the profession of  
25 physician protected by the United States Constitution under the Fifth and  
26 Fourteenth Amendments by coercing and intimidating Plaintiff into a license  
27 impairment status which caused Plaintiff financial damages in the amount of  
28 \$225,000.00, in violation of Due Process and Equal Protection rights of the United  
29 States Constitution.

30 308. Plaintiff had a Constitutional right to be free from defendants'  
31 arbitrary, abusive and excessive course of conduct aimed to oppress and intimidate  
32 him in the enjoyment of his rights or privilege of liberty interest in his profession,

1 guaranteed by the Constitution of the United States.

2 309. Plaintiff had the right to the enjoyment of liberty interest in his  
3 medical profession and to be free from defendants' arbitrary actions of revocation  
4 of his license, but defendants chose to go to great lengths to deprive Plaintiff of  
5 these rights guaranteed by the United States Constitutional.

6 310. Plaintiff suffered and will continue to suffer \$7,500,000.00 financial  
7 damages over a 30 years period, as a consequence of defendants' deprivation of his  
8 medical license without Due Process and Equal Protection of the laws.

9 311. Plaintiff suffered and will continue to suffer \$10,000,000.00 in future  
10 bona fide investments as a consequence of defendants' deprivation of his medical  
11 license without Due Process and Equal Protection of the laws.

12 312. Plaintiff suffered financial damages in the amount of approximately  
13 \$100,000.00 in medical school costs, as a consequence of defendants' deprivation  
14 of his medical license without Due Process and Equal Protection of the laws.

15 313. Plaintiff suffered and will continue to suffer pain and humiliation in  
16 the amount of \$10,500,000.00 damages, as a consequence of defendants'  
17 deprivation of his medical license without Due Process and Equal Protection of the  
18 laws.

19 XIX. FOURTH CLAIM FOR RELIEF

20 (Denial of Due Process and Equal Protection of the Laws;

21 U.S. Constitution XIV Amendment; 42 U.S.C. 1983)

22 314. This damaged physician Plaintiff incorporates and realleges each and  
23 every allegation contained in the preceding paragraphs of this Complaint.

24 315. Defendants, under color of law, denied Plaintiff Due Process and  
25 Equal Protection rights, with respect to meaningful Notice of impending loss of  
26 physician license instigated by defendants in their administrative process,  
27 guaranteed by the Fourteenth Amendment of the United States Constitution.

28 316. Defendants, under color of law, denied Plaintiff Due Process and  
29 Equal Protection rights with respect to Plaintiff's right to know of or about an  
30 impending loss of physician license, and the right to know about the intent of  
31 defendants to deprive Plaintiff of his license in their administrative process in  
32 violation of the Fourteenth Amendment's Privileges or Immunities.

1           317. Plaintiff had a Constitutional right to be free from denial of Due  
2 Process and Equal Protection of the laws by defendants, being guaranteed by the  
3 Fourteenth Amendment's Privileges or Immunities.

4           318. Plaintiff had a Constitutional right to be free from denial of Due  
5 Process and Equal Protection rights by defendants with respect to his right to rely  
6 upon the good standing with his professional liability insurance, and raise this  
7 issue as a defense against the arbitrary license revocation proceedings.

8           319. Plaintiff and his family had the right to enjoy the guarantees provided  
9 by the Due Process and Equal Protection of the laws, and to be free from the  
10 arbitrary and humiliating acts of defendants aimed to intimidate Plaintiff.

11           320. Plaintiff had a Constitutional right to enjoy the protection from an  
12 unconstitutional exacting of arbitrary fees in the amount of \$30,722.38 in violation  
13 of the Eighth and Fourteenth Amendments of the United States Constitution.

14           321. Defendants' denial of his rights of liberty interests in his profession  
15 of physician deprived Plaintiff of his Due Process and Equal Protection rights  
16 which are guaranteed by the Fourteenth Amendment to the United States  
17 Constitution.

18   XX. FIFTH CLAIM FOR RELIEF

19   (Denial of Equal Protection of the Laws;

20   U.S. Constitution XIV Amendment; 42 U.S.C. 1983)

21           322. This injured physician Plaintiff incorporates and realleges each and  
22 every allegation contained in the preceding paragraphs of this Complaint.

23           323. Defendants OMB and other defendants prosecuting the revocation  
24 against Plaintiff used harsh treatment and high handed tactics to accomplish that  
25 end in contrast to other physicians favored by defendants.

26           324. Defendants, for example, are treating certain doctors with different  
27 views and approaches to treatment of diseases harshly and unequally in contrast to  
28 those who hold to dogma developed by OMB, which plays the economic interests  
29 of pharmaceutical giants and insurance corporations.

30           325. Defendants OMB and other defendants prosecuting the revocation  
31 against Plaintiff targeted this Plaintiff because of his views on medical approaches  
32 to treatment of diseases or ailments.

1           326. Defendants, for example OMB and its legal counselor defendants,  
2 target certain classes of doctors because of their clinical acumen and Constitutional  
3 views on medical approaches which differ some varying degree to other physicians  
4 who are held more favorably by OMB.

5           327. Defendants OMB and other defendants prosecuting the revocation of  
6 Plaintiff's license have discriminated against Plaintiff and targeted him because of  
7 his professional views and personal medical approaches to treatment of diseases or  
8 ailments.

9           328. Defendants OMB and its legal counsels, for example, by enforcing  
10 the unconstitutional ORS 677.190, 677.205 and SB 267, feel at liberty to  
11 discriminate against certain classes of medical doctors who hold professional  
12 views and approaches to medical illness, while those physicians who hold to OMB  
13 dogma and hold the same views are held more favorably and seldom get revoked  
14 even if they commit some gross malpractice deed or other grievous errors and  
15 violations.

16           329. Defendants OMB and their legal counsels prosecuting the revocation  
17 of this Plaintiff's license have used false hearsay and perjury in the furtherance of  
18 revocation, and targeted him because of his professional views and personal  
19 medical approaches to the treatment of diseases or ailments.

20           330. Defendants OMB and their legal counsels have enforced principles  
21 of retribution and economic destruction against this Plaintiff rather than applying  
22 principles of fair play discipline and rational rehabilitation.

23           331. Defendants OMB and its legal counsels, for example, by enforcing  
24 the unconstitutional ORS 677.190, 677.205 and SB 267, operate their business on  
25 the dictatorial principles of retribution and economic destruction rather than the  
26 principles of fair discipline and rehabilitation.

27           332. Defendants OMB and their legal counsels have endeavored to  
28 conceal material documents and evidence from this Plaintiff in the prosecution of  
29 his license revocation, and therefore, their actions deprived Plaintiff of his Due  
30 Process and Equal Protection rights guaranteed by the Fourteenth Amendment to  
31 the United States Constitution.

32           333. Defendants OMB and its legal counsels, for example, operate their

1 official business under a veil of secrecy, not transparency as the Equal Protection  
2 Clause of the Fourteenth Amendment would demand, and maintain the lowest  
3 evidentiary standard. As they begin their process of revocation, defendants will  
4 withhold material information, documents and other prima facie evidence which  
5 are necessary to Plaintiff's defense against their charges (see **Exhibit-E**).

6 334. Defendants OMB and their legal counsels have used an inferior  
7 standard of evidence and conspired to revoke this Plaintiff's physician license in  
8 violation of the Fourteenth Amendment, and in doing so have deprived Plaintiff of  
9 his Due Process and Equal Protection rights guaranteed by the Fourteenth  
10 Amendment to the United States Constitution.

11 335. The defendants' unconstitutional conduct in revoking physicians'  
12 licenses is an affront to the principles of Due Process enshrined in the Constitution  
13 and deprives this Plaintiff of his right to liberty interests in his property, in his  
14 profession and in his pursuit of happiness.

15 336. Defendants' denial of his rights of liberty interests in his profession  
16 of physician deprived Plaintiff of his Due Process and Equal Protection rights  
17 which are guaranteed by the Fourteenth Amendment to the United States  
18 Constitution.

#### 19 RESERVATION OF RIGHTS

20 337. Plaintiff hereby reserves all of his rights, secured and implied,  
21 enumerated and unenumerated, in the Constitution of the United States and the  
22 Federal laws; and, by proceeding with this action, Plaintiff does not waive any  
23 Constitutional rights, nor acquiesces in the waiving of any Constitutional rights or  
24 other federal and State laws.

#### 25 PRAYER FOR RELIEF

26 WHEREFORE, this severely damaged Plaintiff, respectfully prays and asks  
27 this Court for judgment against defendants, and each of them, jointly and severally,  
28 including the State, and the relevant departments acting in the name of the State, as  
29 follows:

30 a. For a declaratory judgment pursuant to 28 U.S.C. 2201 and 2202  
31 declaring that this seriously damaged Plaintiff's rights, privileges or immunities  
32 guaranteed by the Constitution of the United States were violated by the

1 defendants; and,

2 b. That all State employees named in this civil rights complaint be  
3 enjoined from enforcing the State statutes complained of herein which have aided  
4 and assisted defendants to take the following unconstitutional course of conduct:

5 (1) destroying Plaintiff's means of livelihood;

6 (2) causing governmental interference with and deprivation of physician's  
7 license without Due Process of law;

8 (3) destroying Plaintiff's physician employment under contract;

9 (4) and inflicting actual financial damages estimated at over \$255,000.00,  
10 as plead under Third Claim for Relief; and,

11 c. That, all of the State employees named in this civil rights Complaint be

12 (1) enjoined or be ordered enjoined retroactively from maintaining their  
13 agency decision in effect, which deprived and continue to deprive Plaintiff of his  
14 physician license without Due Process of law; and

15 (2) to order Plaintiff to be restored to his former status enjoyed under the  
16 Constitution of the United States and federal laws; and,

17 d. for a Declaratory Judgment against the State of Oregon, pursuant to the  
18 absolute authority of the Fourteenth Amendment to the Constitution of the United  
19 States, and Article III and Article VI of the Constitution of the United States; and  
20 the Judiciary Act of 1789,

21 (1) declaring unconstitutional, void and unenforceable ORS 677.190 and  
22 ORS 677.205, which severely damaged physician Plaintiff, and further,

23 (2) declaring unconstitutional, void and unenforceable Oregon Senate  
24 Bill 267 of Feb. 7, 1983, which irreversibly damaged Plaintiff and, furthermore,

25 e. order defendants to retract or remove their highly stigmatizing,  
26 unlawfully obtained and malicious submission posted at the NPDB, which prevents  
27 physician Plaintiff from obtaining a medical employment in this State or in other  
28 States; and,

29 f. for actual damages inflicted by defendants on this Plaintiff, in the  
30 amount of \$7,500,000.00 as plead in the Third Claim for Relief; and,

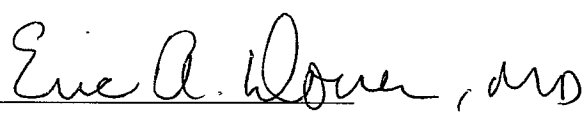
31 g. for actual damages inflicted on this Plaintiff in the amount of  
32 \$225,000.00 as plead in the Third Claim for Relief; and,

- 1 h. for actual damages inflicted by defendants on this Plaintiff in the
- 2 amount of \$10,050,000.00 as plead in the Third Claim for Relief; and,
- 3 i. for actual damages inflicted by defendants on this Plaintiff in the
- 4 amount of \$10,000,000.00 as plead in the Third Claim for Relief; and,
- 5 j. for general and economic damages which defendants inflicted on
- 6 Plaintiff's practice, profession and reputation in the amount of \$500,000.00 per
- 7 year since January 2011 to date; and,
- 8 k. for punitive damages, as this Court deems just and fair; and,
- 9 l. for pre-judgment interest on the amount of damages award prayed for,
- 10 m. for such other and meaningful relief as this Court deems just and fair,
- 11 including enjoining the highly stigmatizing submissions posted with NPDB by
- 12 defendant doctors and defendant Oregon Medical Board; and,
- 13 n. for this Court to convene a trial in this cause.

14  
15 **PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE**

16  
17 **PLAINTIFF DEMANDS AN ARTICLE III JUDGE TO PRESIDE OVER**  
18 **THIS CASE**

19  
20 Dated the 6th day of August, 2013.

21  
22 Respectfully submitted:  
23   
24 ERIC A. DOVER, MD  
25  
26 *(In Propria Persona)*



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Affidavit

I, Eric A. Dover, MD, am the Plaintiff in the above entitled cause. I know that all the foregoing are true and correct as I verily believe.

Eric A. Dover, MD  
ERIC A. DOVER, MD

SUBSCRIBED and affirmed to before me: Sara Ann Tallard, a Notary Public in and for the State of Oregon, Multnomah County, on the 6th day of August, 2013.

Signature of the Notary Public: [Handwritten Signature]

My Commission expires : November 17, 2015

Seal of the Notary Public: \_\_\_\_\_

