

IN THE SUPERIOR COURT OF CARROLL COUNTY  
STATE OF GEORGIA

DR. GORDON AUSTIN,

Plaintiff,

v.

JOHN DOES NOS. 1 – 10,

Defendants.

Civil Action No.

15CW000131

FILED  
GA. CARROLL COUNTY  
COURT  
CLERK  
2015 AUG 21 PM 2:08

**COMPLAINT FOR DAMAGES**

COMES NOW Dr. Gordon Austin ("Dr. Austin" or "Plaintiff"), and, for his Complaint for Damages against John Does Nos. 1-10, respectfully shows as follows:

**PARTIES, JURISDICTION AND VENUE**

1.

Dr. Austin is an individual resident of Carroll County, Georgia.

2.

Defendants John Does Nos. 1-10 (the "Doe Defendants") are unidentified persons or entities. Upon information and belief, the Doe Defendants are residents and domiciliaries of the State of Georgia and of Carroll County, Georgia. When identified, the Doe Defendants may be served with summons and process in accordance with Georgia law.

3.

Jurisdiction and venue are proper in this Court.

**FACTUAL BACKGROUND**

4.

Dr. Austin is a Doctor of Medicine in Dentistry who formerly owned Dr. Gordon T. Austin, DMD, a dentistry practice located in the jurisdiction of this Court.

5.

The Doe Defendants have published false, inaccurate and misleading statements regarding Dr. Austin and his dentistry practice.

6.

The Doe Defendants posted a video on youtube.com entitled "Psycho Dentist ..." In this video, the Doe Defendants maliciously defame Dr. Austin and his dentistry practice via various false accusations and statements.

7.

Upon information and belief, the Doe Defendants have repeated these statements and accusations orally and in various other media.

8.

The statements and accusations were not privileged, and the Doe Defendants have no legal justification for their publication.

9.

The Doe Defendants knew that these accusations and statements were false when made and published the statements intentionally and with malice despite knowing the statements were not true.

10.

The accusations and statements were designed and intended to, and did in fact, harm Dr. Austin's professional and personal reputation and goodwill.

11.

Dr. Austin has been harmed in his professional and business relationships by the intentional and knowing publication of these false and malicious statements.

12.

As a result of the defamatory statements made by the Doe Defendants, Dr. Austin has suffered special damages in amounts to be determined at trial.

**COUNT ONE – DEFAMATION**

13.

Plaintiff incorporates the above paragraphs as if fully restated herein.

14.

By virtue of the foregoing, the Doe Defendants are liable to Dr. Austin for defamation in amounts to be determined at trial.

**COUNT TWO – TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS**

15.

Plaintiff incorporates the above paragraphs as if fully restated herein.

16.

The Doe Defendants' false statements and accusations have interfered with Dr. Austin's professional and business relations with his patients, colleagues, vendors, and associates.

17.

The Doe Defendants are strangers to the business relationships between Dr. Austin and his patients, colleagues, vendors, and associates.

18.

The Doe Defendants are liable to Dr. Austin for tortious interference with business relations in amounts to be determined at trial.

**COUNT THREE – PUNITIVE / EXEMPLARY DAMAGES**

19.

The Doe Defendants' publication of the false and defamatory statements was malicious,

willful and wanton and in conscious disregard for the falsity of the statements and the harm that would necessarily flow from their publication.

20.

Dr. Austin is entitled to an award of punitive and exemplary damages to punish the Doe Defendants' conduct and to deter third parties from engaging in similar conduct.

**COUNT FOUR – ATTORNEYS' FEES AND LITIGATION EXPENSES**

21.

The Doe Defendants have acted in bad faith and put Dr. Austin to unnecessary trouble and expense.

22.

Dr. Austin is entitled to an award of his attorneys' fees and litigation expenses pursuant to O.C.G.A. § 13-6-11.

\* \* \* \* \*

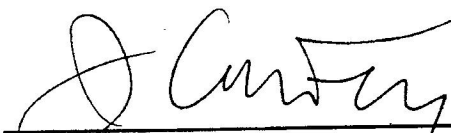
WHEREFORE, having fully stated his Complaint for Damages against the Doe Defendants, Plaintiff respectfully prays for judgment in his favor and against the Doe Defendants on all counts of his Complaint, for an award of punitive damages and attorneys' fees, and for such other and further relief as the Court may deem just and proper.

*[signature on following page]*

Respectfully submitted this 20<sup>th</sup> day of August, 2015.

**COLES BARTON LLP**

150 South Perry Street, Suite 100  
Lawrenceville, Georgia 30046  
(770) 995-5552 – Telephone  
(770) 995-5582 – Facsimile  
mcoles@colesbarton.com  
jautry@colesbarton.com



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Matthew S. Coles – Georgia Bar Number 178020  
John R. Autry – Georgia Bar Number 029029

*Attorneys for Plaintiff*  
*Dr. Gordon Austin*

IN THE SUPERIOR/STATE COURT OF CARROLL COUNTY

STATE OF GEORGIA

DR. GORDON AUSTIN

CIVIL ACTION  
NUMBER 15CV00931 JJK

PLAINTIFF

Vs.

JOHN DOES NOS. 1-10

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

MATTHEW S. COLES  
COLES BARTON LLP  
150 S. PERRY ST., SUITE 100  
LAWRENCEVILLE, GA 30046

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 21 day of August, 2015.

Clerk of Superior Court/State Court

By: Christopher Bennett

Deputy Clerk

**COLES BARTON LLP**

ATTORNEYS AT LAW

150 South Perry Street  
Suite 100  
Lawrenceville, Georgia 30046

Telephone (770) 995-5552  
Facsimile (770) 995-5582  
WWW.COLESBARTON.COM

Matthew A. Johnston  
Paralegal  
Direct: 678-822-5446  
mjohnston@colesbarton.com

August 24, 2015

Clerk, Attn: Civil  
Superior Court of Carroll County  
311 Newnan Street  
Carrollton, Georgia 30117

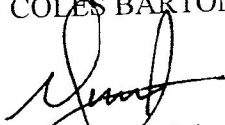
Re: Dr. Gordon Austin v. John Does Nos. 1-10  
In the Superior Court of Carroll County, Georgia  
Civil Action File Number 15CV00931JJK

Dear Madam or Sir:

Enclosed please find the original and one copy of the First Amended Complaint for Damages for filing in the above-referenced. Please file the original document with the Court and return the copy in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

Sincerely,

COLES BARTON LLP



Matthew A. Johnston  
Paralegal

Enclosures

IN THE SUPERIOR COURT OF CARROLL COUNTY  
STATE OF GEORGIA

FILED  
GA. CARROLL COUNTY

CLERK COURT

2015 AUG 31 PM 1:53

DR. GORDON AUSTIN,

Plaintiff,

v.

JOHN DOES NOS. 1 – 10,

Defendants.

Civil Action File

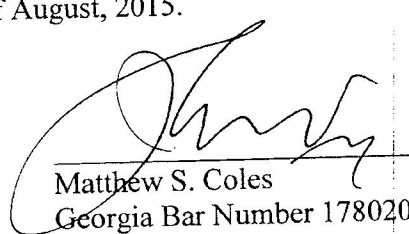
No. 15CV00931 JJK

*W. J. Lee*  
CLERK SUPERIOR COURT  
CARROLL COUNTY GEORGIA

**FIRST AMENDED COMPLAINT FOR DAMAGES**

COMES NOW Dr. Gordon Austin ("Dr. Austin" or "Plaintiff"), and respectfully amends his Complaint by submitting his Verification, attached hereto as Exhibit "A," which verifies the allegations contained in the Complaint are true and correct to the best of his knowledge.

Respectfully submitted this 24<sup>th</sup> day of August, 2015.

  
Matthew S. Coles  
Georgia Bar Number 178020  
John R. Autry  
Georgia Bar Number 029029  
*Attorneys for Plaintiff Dr. Gordon Austin*

COLES BARTON LLP  
150 South Perry Street, Suite 100  
Lawrenceville, Georgia 30046  
(770) 995-5552 – Telephone  
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mcoles@colesbarton.com  
jautry@colesbarton.com



# Exhibit A

IN THE SUPERIOR COURT OF CARROLL COUNTY  
STATE OF GEORGIA

FILED  
GA. CARROLL COUNTY  
CLERK. \_\_\_\_\_ COURT  
2015 AUG 31 PM 1:53

DR. GORDON AUSTIN,

Plaintiff,

v.

JOHN DOES NOS. 1 - 10,

Defendants.

Civil Action No. \_\_\_\_\_

*Wm J. Lee*  
CLERK SUPERIOR COURT  
CARROLL COUNTY GEORGIA

VERIFICATION

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, Dr. Gordon Austin, who, having been sworn, hereby deposes, testifies and states that he has reviewed the foregoing **Complaint for Damages** and that the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me this 18  
day of August, 2015.

*[Signature]*  
Dr. Gordon Austin

NOTARY



**Coweta Judicial Circuit**  
**ADR (Alternative Dispute Resolution) Program**  
**General Civil Initiation Form (GCIF)**

If Attorneys/Parties select mediator and schedule mediation,  
please provide scheduling information for ADR Office:  
Date: \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m.  
GODR registered mediator (name): \_\_\_\_\_  
Location: \_\_\_\_\_

For Superior Court Cases, this form is to be completed in full and filed with the Clerk of Court when case is filed; a copy is to be provided to the ADR office for scheduling as indicated below. For non-Superior Court cases, please send completed form directly to designated ADR Office for scheduling.

<u>Carroll or Heard Co. Cases</u> mail or fax to: Carroll County ADR Office Carroll County Courthouse 311 Newnan St., Mediation Suite, 3 <sup>rd</sup> Floor Carrollton, GA 30112 PH: 770-830-5993; FAX: 770-830-0434	<u>Coweta, Meriwether or Troup Co. Cases</u> mail or fax to: Coweta Circuit ADR Program Troup County Government Center 100 Ridley Avenue, Mediation Suite 2500 LaGrange, GA 30240 PH: 706-883-2168/2170; FAX: 706-883-2169
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**Case Information (Must be completed in full):**

County: CARROLL Case Number: \_\_\_\_\_ Filing Date: \_\_\_\_\_ Assigned Judge: \_\_\_\_\_

**\*\*Please note: All notices, releases and communication will be sent by email. Please do NOT submit your email address if you do not wish to receive all correspondence by e-mail.\*\***

**Address and Phone Numbers:** (If necessary, attach a separate sheet with information for additional parties and their respective attorneys.)

Plaintiff(s): DR. GORDON AUSTIN Defendant(s): JOHN DOES NOS. 1-10

**ATTORNEY INFORMATION: (please complete if party is unrepresented)**

Plaintiff OR Plaintiff's Attorney:

Defendant OR Defendant's Attorney:

Name: JOHN R. AUTRY

Name: \_\_\_\_\_

Georgia Bar Number: 029029

Georgia Bar Number: \_\_\_\_\_

Address: 150 S. PERRY ST., STE. 100  
LAWRENCEVILLE, GA 30046

Address: \_\_\_\_\_

Phone No.: (770) 995-5552

Phone No.: \_\_\_\_\_

Facsimile No.: (770) 995-5582

Facsimile No.: \_\_\_\_\_

Email address: jautry@colesbarton.com

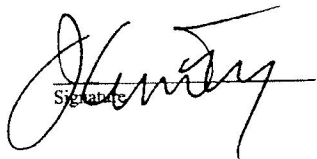
Email address: \_\_\_\_\_

1. (A) Court (i.e., Superior, State, Magistrate) and Type of Case (please indicate type of case i.e. personal injury, breach of contract, probate wills)

Court: SUPERIOR Type of Case: TORT - DEFAMATION

(B) Brief description of the case including what relief, damages, or special damages are being sought: \_\_\_\_\_

2. Are there any special circumstances which need to be taken into consideration? (i.e., physical limitations, language, etc.)

  
Signature

DATED this the 20<sup>TH</sup> day of AUGUST, 2015

JOHN R. AUTRY, ATTORNEY FOR PLAINTIFF  
Typed/Printed Name & Position