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THOMAS R. FALLQUIST
SPOKANE COUNTY

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

WILLIAM P. WERSCHLER, JR.,
M.D. and PAMELA JO SCHELL
WERSCHLER, husband and wife,

Plaintiffs,

v.

KARA WERSCHLER, an individual;
and JOHN/JANE DOES 1-5,

Defendants.

NO. **10201800-4**
COMPLAINT

Plaintiffs William P. Werschler, Jr. and Pamela Jo Schell Werschler, by and through their attorneys of record, Dunn & Black, P.S., hereby allege as follows:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiffs William P. Werschler, Jr., M.D. ("Dr. Werschler") and Pamela Jo Schell Werschler (collectively "Plaintiffs Werschler") are a married couple residing in Spokane County, Washington, engaging in the profession of health care in Spokane County, Washington.

2. Defendant Kara Werschler, the former spouse of Plaintiff Dr. William Werschler, is an unmarried woman residing in Spokane County, Washington.

1 3. Defendants John/Jane Does 1-5 are believed to be unmarried individuals
2 residing in Spokane County, Washington.

3
4 4. The acts alleged herein occurred in Spokane County, Washington, unless
5 specified otherwise.

6 5. Jurisdiction and venue are proper in this Court.

7
8 **II. FACTS**

9 6. In 1981, Dr. Werschler graduated magna cum laude from Eastern Washington
10 University with his BA and BS.

11 7. In 1985, Dr. Werschler graduated with honors from George Washington
12 University Medical Center.

13
14 8. Following numerous residency and intern positions around the country, Dr.
15 Werschler opened Spokane Dermatology Clinic located in Spokane, Washington in 1989,
16 where he has continuously engaged in the private practice of medicine.

17
18 9. In 1984, Pamela Jo Schell Werschler graduated from Washington State
19 University with a Bachelor's Degree in Nursing. In 2009, she received a Master's Degree
20 in Nursing and her license as an ARNP. She has worked as a registered nurse since 1985.

21
22 10. In the course and scope of Dr. Werschler's medical practice, he has been
23 affiliated with more than one business entity and has employed various assistants,
24 technicians and support staff.

1 11. In September 2003, Kara Werschler filed for divorce, which became a highly
2 contentious proceeding.

3
4 12. In May 2005, Dr. Werschler and Kara Werschler's dissolution was tried to
5 conclusion by Spokane County Superior Court Judge Maryann C. Moreno. As part of the
6 final Dissolution Decree, the Court determined that Dr. Werschler's medical practice was
7 his separate asset.

8
9 13. On September 5, 2006, Kara Werschler was charged with two counts of 4th
10 Degree Domestic Violence, having assaulted Dr. Werschler and their son, John.

11
12 14. Three weeks later, on September 26, 2006, an "anonymous" complaint was
13 filed with the Washington Department of Health--Medical Quality Assurance Commission
14 ("MQAC") alleging a host of outrageous, defamatory and inflammatory complaints against
15 Dr. Werschler.

16
17 15. Upon information and belief, with knowledge of the falsity of some or all of
18 the contents therein, Defendants Kara Werschler and/or John/Jane Does 1-5 were the
19 individuals who sent the "anonymous" complaints to the MQAC.

20
21 16. In April 2007, Dr. Werschler learned that he might be the subject of some
22 type of investigation. During this period, Dr. Werschler had been negotiating a partnership
23 buy-out. The "investigation" had a significant detrimental effect on these negotiations and
24 ultimately resulted in a flubbed sale. Dr. Werschler has, as a result, needed to postpone his
25 planned retirement and consulting business.
26

1 17. In July 2007, Dr. Werschler and Pamela Werschler were married.

2 18. Between September 2006 and March 2009, Defendants Kara Werschler
3 and/or John/Jane Does 1-5 continued to make knowingly false, misleading, inaccurate and
4 inflammatory statements in the course of the MQAC investigation, causing a further and
5 prolonged investigatory process for the purpose of causing hardship for and injury to Dr.
6 Werschler and Pamela Werschler.
7

8 19. In March 2009, the MQAC actually filed formal charges against Dr.
9 Werschler, upon information and belief, based on the false and fraudulent statements made
10 and submitted by Defendants.
11

12 20. In the course of the MQAC's prosecution of the charges against Dr.
13 Werschler, Defendants Kara Werschler and/or John/Jane Does 1-5 continued to make
14 knowingly false, misleading, inaccurate and inflammatory statements.
15

16 21. On April 8, 2009, Spokane news channel 4 (KXLY) broadcast and published
17 a story on regional television about the charges against Dr. Werschler.
18

19 22. On April 11, 2009, the Spokesman Review published and disseminated a
20 story about the charges against Dr. Werschler.
21

22 23. In December 2009, the false and unsupported MQAC charges against Dr.
23 Werschler were withdrawn, but not before substantial injury and damage had been inflicted
24 upon the Plaintiffs as a result of the exposure and resulting public ridicule caused by such
25 false and unsupported charges.
26

1 **III. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**
3 **(Abuse of Process)**

4 24. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 23
5 above as if set forth fully herein.

6
7 25. Defendant Kara Werschler instituted a complaint against Dr. Werschler with
8 the MQAC primarily to accomplish an ulterior purpose, namely economic coercion and
9 punishment against Dr. Werschler, despite being fully advised that the facts alleged were
10 false, misleading, inaccurate and/or inflammatory, thereby precluding any legal or factual
11 basis for institution of any complaint or action against Dr. Werschler.

12
13 26. Defendants' complaint to MQAC was not well grounded in fact, was not
14 warranted by existing law, and/or was frivolously initiated for the improper purpose of
15 harassment, coercion and the needless imposition of litigation costs upon Dr. Werschler.

16
17 27. As a direct and proximate result of such abuse of process, Dr. Werschler has
18 been damaged in an amount to be proven at trial.

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20 **SECOND CAUSE OF ACTION**
21 **(Malicious Prosecution)**

22 28. Plaintiff Dr. Werschler re-alleges and incorporates by reference paragraphs 1
23 through 27 above as if set forth fully herein.

24
25 29. Defendants Kara Werschler and John/Jane Does 1-5 falsely instituted
26 proceedings against Dr. Werschler with the Washington MQAC and/or caused the

1 continuation of such proceedings knowing there was no provable cause for institution or
2 continuation thereof and did so through malice. The presentment of such false claims and
3 proceedings was terminated on the merits in favor of Dr. Werschler and was abandoned.
4

5 30. As a direct result of Defendants' malicious prosecution of such false claims,
6 Dr. Werschler suffered injury and damage in an amount to be proven at trial.
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8 **THIRD CAUSE OF ACTION**
9 **(Defamation)**

10 31. Plaintiff Dr. Werschler re-alleges and incorporates by reference paragraphs 1
11 through 30 above as if set forth fully herein.

12 32. The Defendants negligently and/or willfully and maliciously made defamatory
13 statements about Plaintiff Dr. Werschler, both personally and about his professional
14 abilities and job performance. Such statements were false, without privilege and were
15 published by the Defendants.
16

17 33. As a direct and proximate result of Defendants' defamatory statements made
18 about Plaintiff Dr. Werschler, he has suffered personal injury, including damage to his
19 reputation for which he is seeking compensation in an amount to be proven at trial.
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21 **FOURTH CAUSE OF ACTION**
22 **(Invasion of Privacy/False Light Disclosure)**

23 34. Plaintiff Dr. Werschler re-alleges and incorporates by reference paragraphs 1
24 through 33 above as if set forth fully herein.
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1 35. Defendants Kara Werschler and John/Jane Does 1-5, by their conduct as
2 alleged herein, wrongfully interfered with and invaded Plaintiff Dr. Werschler's rights to
3 privacy of his private affairs and concerns in such a manner as to be highly offensive and
4 objectionable, and did so by disclosing publicly, matters which were private to Plaintiff Dr.
5 Werschler's personal life, employment and work history.
6

7 36. In addition, the Defendants invaded Plaintiff Dr. Werschler's right to privacy
8 by recklessly disregarding the falsity of matters which they publicized in such an
9 unreasonable and objectionable manner as to place Plaintiff in a false light which was
10 highly offensive.
11

12 37. As a direct and proximate result of Defendants' conduct, Plaintiff Dr.
13 Werschler suffered emotional and mental distress for which he is seeking to be
14 compensated in an amount to be proven at trial.
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17 **FIFTH CAUSE OF ACTION**
18 **(Infliction of Emotional Distress)**

19 38. Plaintiff Dr. Werschler re-alleges and incorporates by reference paragraphs 1
20 through 37 above as if set forth fully herein.

21 39. By their conduct toward Plaintiff Dr. Werschler, Defendants were careless,
22 reckless, intentional, unreasonable and/or negligent, and are the proximate cause of Plaintiff
23 Dr. Werschler suffering severe mental anguish and emotional distress for which he is
24 entitled to recover damages in an amount to be proven at the time of trial.
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1 those business expectancies. The Defendants engaged in conduct which was directly
2 detrimental to Plaintiff Dr. Werschler's business interests and contracts with third parties.

3
4 47. As a direct and proximate result of Defendants' wrongful interference with
5 Plaintiff Dr. Werschler's business expectancies, Plaintiff Dr. Werschler suffered damages in
6 an amount to be proven at trial.

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8 **EIGHTH CAUSE OF ACTION**
9 **(Outrage)**

10 48. Plaintiffs Werschler re-allege and incorporate by reference paragraphs 1
11 through 47 above as if set forth fully herein.

12 49. The Defendants' utter disregard for the truth, the damage that their actions
13 were causing and their unlawful conduct toward the Plaintiff was intentional and so
14 outrageous in character, and so extreme in degree, as to be absolutely intolerable and
15 atrocious in a civilized society, and went beyond all possible bounds of decency, thereby
16 constituting a tort of outrage, which directly and proximately caused Plaintiff Dr. Werschler
17 severe mental anguish, humiliation, embarrassment and emotional distress, for which he is
18 entitled to receive actual damages in an amount to be proven at the time of trial.
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21 **NINTH CAUSE OF ACTION**
22 **(Civil Conspiracy)**

23 50. Plaintiff Dr. Werschler re-alleges and incorporates by reference paragraphs 1
24 through 49 above as if set forth fully herein.
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