



1 in the County of Los Angeles. At all times mentioned herein, Santa Monica possessed the authority  
2 to make decisions, and to give instructions to its legal representatives, concerning all matters in  
3 which it appears as a litigant. Plaintiff UZUN filed a government claim against Santa Monica on  
4 December 27, 2023, which was rejected on February 8, 2024. The original Complaint was filed  
5 on August 5, 2024, which was within the statutory period.

6 3. Defendant Medical Board of California (Board) is a state-wide administrative  
7 agency responsible for the licensure and regulation of physicians under the California Medical  
8 Practice Act.

9 4. Rachel La Sota is an individual and resident of Los Angeles County, and was at all  
10 times mentioned herein an employee and agent of Board, working as an investigator for the Board.

11 5. George Cardona is an individual and resident of Los Angeles County, and was at  
12 all times mentioned herein an attorney licensed to practice in California. attorney licensed to  
13 practice in California, and was employed as an attorney in the City Attorney's Office of defendant  
14 Santa Monica, and in such capacity was authorized to advise Santa Monica's City Council and all  
15 its officials pertaining to their official duties, and to represent Santa Monica and its employees,  
16 and Council members in civil lawsuits.

17 6. Karen Durya is an individual and resident of Los Angeles County, and was at all  
18 times mentioned herein an attorney licensed to practice in California, and was employed as an  
19 attorney in the City Attorney's Office of defendant Santa Monica, and in such capacity was  
20 authorized to advise Santa Monica's City Council and all its officials pertaining to their official  
21 duties, and to represent Santa Monica and its employees, and Council members in civil lawsuits.  
22 Defendants George Cardona and Karen Durya will hereafter be referred to as "City Attorneys."

23 7. Robert Bell is an individual and resident of the County of Los Angeles, and was at  
24 all times mentioned herein an attorney licensed to practice in California; served as Supervising  
25 Deputy Attorney General in the Office of the California Attorney General, and was authorized to

1 advise and represent defendant Board in matters relating to the licensure and discipline of  
2 California physicians.

3 8. David Rudnick, MD, an individual, is a licensed physician and resident of the  
4 County of Los Angeles.

5 9. Defendants Santa Monica, Board, La Sota, Cardona, Durya, Bell, and Rudnick will  
6 hereafter be collectively referred to as the RICO Defendants.

7 10. Plaintiff is unaware of the true names and capacities of Defendants sued in this  
8 complaint as DOES I through 25, inclusive, and therefore sues such Defendants by these fictitious  
9 names. Plaintiff will amend this pleading to allege their true names and capacities when  
10 ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously  
11 named Defendants is responsible in some manner for the occurrences alleged in this complaint,  
12 and that Plaintiff's injuries as alleged herein were proximately caused by Defendants' negligence.

13 11. Plaintiff is informed and believes, and on that basis alleges that at all times herein  
14 mentioned, each of the Defendants sued herein including DOES 1 through 25, was the agent,  
15 partner, affiliate, and employee of each of the remaining Defendants and was at all times acting  
16 within the course and scope of such position and with the knowledge and consent of each other.

17 **Non-Party Co-Conspirators**

18 12. Certain other non-party individuals played roles, direct or indirect, in the scheme  
19 to injure plaintiff, among which are the following:

- 20 a. Mark Young, Judge of the Superior Court of California.  
21 b. Rochelle East, Judge of the Superior Court of California.  
22 c. Dorothy Kim, Justice of the California Court of Appeal.

23 **FACTUAL BASIS FOR CLAIMS**

24 13. Uzun was formerly a licensed physician and board-certified Neurologist. His  
25 medical license was revoked in 2017, and his application for reinstatement of his license was  
26 denied by the Board in 2024.

1           14. Over the course of several years, and continuing to the present, the RICO  
2 defendants and co-conspirators named above, have sought to tortiously injure plaintiff Uzun by  
3 means of a plan they conceived, acquiesced and participated in, and executed within this judicial  
4 district. The plan has been carried out by, among others, the City of Santa Monica; the City of  
5 Santa Monica City Attorney's Office, led by City Attorneys George Cardona and Karen Durya,  
6 the Medical Board of California and its employees and agents, including Rachel La Sota;  
7 Supervising Deputy Attorney General, Robert Bell, and David Rudnick, MD.

8           15. The conspiracy's ultimate aim is, and has always been, to damage Uzun's  
9 professional standing and reputation as a physician, through the unlawful revocation of plaintiff's  
10 medical license, the thwarting of plaintiff's efforts to regain licensure and to obtain restitution for  
11 the financial losses he sustained as a result of defendants' actions, including the loss of his medical  
12 license, the injuries and damages he sustained as a result of an arrest carried out by Santa Monica  
13 police officers, and his subjection to sham criminal investigations and unsubstantiated criminal  
14 charges that were ultimately dismissed. Said scheme is, and has always been, motivated by (a)  
15 defendants' discriminatory animus against plaintiff by reason of his Turkish ethnicity, and (b)  
16 defendants' designs to punish plaintiff for exercising his First Amendment right to criticize the  
17 investigative, prosecutorial and quasi-judicial actions taken against him by defendant agencies and  
18 governmental entities, and supported by the individual defendants named herein.

19           16. To effect this plan, the Federal Bureau of Investigations (FBI) and the U.S.  
20 Attorney's Office, Central District of California (USAO), initiated a sham healthcare fraud  
21 investigation into plaintiff's medical practice in 2008. They did so in order to promote and position  
22 themselves to obtain judicial appointments. At the time, defendants George Cardona and Mark  
23 Young were Assistant U. S. Attorneys in that office and actively involved in the investigation. At  
24 the time of, and during the investigation, Jeffrey Rutherford, Attorney at Law, was plaintiff's legal  
25 counsel and represented him in connection with the investigation. Unbeknownst to plaintiff, Mr.

1 Rutherford's wife, Dorothy Kim, was an Assistant U.S. Attorney in the USAO, and was actively  
2 involved in the healthcare fraud investigation into plaintiff's practice.

3 17. As part of the investigation, plaintiff's medical office was raided and searched by  
4 the FBI based on a search warrant obtained by the USAO, and reviewed and approved by defendant  
5 George Cardona, and non-parties Mark Young and Dorothy Kim. The affidavits in support of the  
6 warrant contained misrepresentations, and the search therefore yielded no contraband or any  
7 evidence of criminal conduct, and the investigation was ultimately closed, with no action taken  
8 against plaintiff.

9 18. Notwithstanding the closure of their investigation, the FBI and the USAO, acting  
10 by and through defendant George Cardona, and others, surreptitiously provided patient charts  
11 which they had seized during the raid and search of plaintiff's office, to the Board, and,  
12 specifically, to Rachel La Sota, who was then a Board investigator, in an attempt to advocate and  
13 push for disciplinary action against plaintiff's medical license. As an indication of her  
14 consciousness of guilt in the unlawful handling of her investigation, Defendant Rachel La Sota  
15 failed to appear and testify at a subsequent Board hearing to revoke plaintiff's medical license,  
16 despite being subpoenaed to appear. La Sota claimed, and representations were made to the  
17 Administrative Law Judge by Deputy Attorney General Coleen McGurrin, that La Sota was  
18 mentally ill. But no corroborating proof, such as a physician's letter, was presented to support the  
19 claim. There was no illness, and the representations by Deputy Attorney General Coleen McGurrin  
20 to the judge were false. When plaintiff complained about McGurrin's conduct, defendant Bell  
21 emailed her with the directions to "give him [plaintiff] the old heave ho." La Sota's failure to  
22 appear and testify, and subject herself to cross examination about her complicity with co-defendant  
23 George Cardona and the FBI, and defendant Bell's directions to his underling to give plaintiff's  
24 complaint "the old heave ho", were part of an ongoing conspiracy involving the Board and its  
25 agents and employees, to injure plaintiff by revoking his medical license. That conspiratorial  
26 conduct included the presentation of fabricated evidence, including biased expert evidence, that

1 led to the revocation of plaintiff’s medical license, despite plaintiff’s presentation of expert  
2 testimony in his defense, including two board-certified Neurologists, one of whom was a professor  
3 at the UCLA School of Medicine.

4 19. Following the revocation of plaintiff’s medical license in 2017, plaintiff petitioned  
5 for reinstatement of his medical license in 2022. A hearing was held in 2024, after which the  
6 Board denied the petition. In denying the petition, the Board concluded that petitioner had failed  
7 to establish his mental fitness to practice medicine, despite the fact that the Board had never  
8 claimed that plaintiff suffered from any mental illness; despite the fact that the previous revocation  
9 of his license was not based on mental unfitness to practice, and despite the fact that the only expert  
10 report admitted in evidence at the reinstatement hearing, that of Dr. Gary Fisher, concluded that  
11 Plaintiff was fit to practice medicine. The Board’s decision was, thus, contrary to the only  
12 competent evidence on the question of petitioner’s mental fitness to practice.

13 20. Plaintiff filed a petition for administrative mandate to review the Board’s decision  
14 denying his petition for reinstatement, which was denied by the Superior Court for the County of  
15 San Francisco. The court, Judge Rochelle East, failed to inquire into the evidentiary sufficiency  
16 of the Board’s Factual Findings relating to plaintiff’s mental fitness to practice, despite her  
17 obligation to do so under Code of Civil procedure section 1094.5, which requires judicial inquiry  
18 into the validity of an administrative decision by inquiring into the sufficiency of the evidence and  
19 into whether the findings are supported by the evidence. Instead, she characterized the findings  
20 relating to plaintiff’s mental fitness as “loose” and “superfluous” statements and made no inquiry  
21 into their evidentiary premises. The judgment denying plaintiff’s petition for writ of  
22 administrative mandate in being challenged in the Court of Appeal.

23 21. To accomplish their plan to injure plaintiff, as alleged above, the RICO Defendants  
24 cited fabricated evidence, employed biased expert reports, initiated and conducted a sham  
25 healthcare fraud investigation, asserted and filed trumped-up criminal charges which were  
26 ultimately dismissed, and made false statements to administrative tribunals and the courts.



1 Attorneys, served an Independent Medical Examination Demand (IME Demand) for a psychiatric  
2 evaluation of Plaintiff, which was performed by Defendant David Rudnick, MD on behalf of Santa  
3 Monica in June 2021. The purported objective of the evaluation was to assess Plaintiff's claim of  
4 mental anguish resulting from the handcuffing incident.

5 26. At the time that Santa Monica served the IME Demand in the Santa Monica lawsuit,  
6 it, through its agents and employees, including its City Attorneys George Cardona and Karen  
7 Durya, among others, knew that Plaintiff had filed a Petition for Reinstatement of his medical  
8 license with the Medical Board of California, and that said petition was still pending before the  
9 Board. Plaintiff's medical license had been revoked by the Board in July 2017 for conduct  
10 unrelated to any mental-health issues or claims of unfitness to practice due to a mental illness.

11 **Conspiratorial agreement and acts in furtherance thereof**

12 27. Based on the deposition testimony of Defendant Dr. Rudnick, as described and  
13 alleged below, plaintiff is informed and believes, and based on such information and belief, alleges  
14 that in order to minimize any special damages that Santa Monica and Defendants might potentially  
15 incur in the Santa Monica lawsuit, including economic losses that could potentially be awarded  
16 against them in that litigation, Santa Monica, acting through its City Attorneys, devised and entered  
17 an agreement with each other to prejudice Plaintiff's claim for reinstatement of his medical license  
18 by directing, or having their Defense Attorneys direct, defendant Dr. Rudnick, who was selected  
19 by Santa Monica to perform Plaintiff's psychiatric evaluation, to include an opinion in his written  
20 report regarding Plaintiff's mental unfitness to practice medicine, and to opine as to what remedial  
21 steps Plaintiff would have to take to regain his medical license.

22 28. Any and all statements or opinions regarding Plaintiff's fitness to practice medicine  
23 were irrelevant to the purpose and scope of the contemplated psychiatric evaluation, which was to  
24 assess Plaintiff's claim of mental anguish resulting from the physical injuries he sustained in the  
25 handcuffing incident in the Santa Monica lawsuit. Santa Monica and its City Attorneys knew, or  
26 should have reasonably known, that such statements and opinions regarding Plaintiff's fitness to

1 practice, and fitness to resume the practice, of medicine were irrelevant to any of the factual or  
2 legal issues involved in the Santa Monica lawsuit, and that such statements and opinions were  
3 therefore outside the scope of a psychiatric evaluation to assess the personal injuries sustained by  
4 Plaintiff in the Santa Monica lawsuit.

5 29. Plaintiff is informed and believes, and based on such information and belief, alleges  
6 that defendants Santa Monica and its City Attorneys also knew that defendant Dr. Rudnick's  
7 written report would be discoverable in Plaintiff's Reinstatement proceeding before the Board and  
8 that the Board could—and would—use and rely on that written report in deciding whether to grant  
9 or deny Plaintiff's Petition for Reinstatement.

10 30. In his deposition taken in the Santa Monica lawsuit on November 16, 2023,  
11 defendant Dr. Rudnick conceded that Santa Monica had probably asked him to opine on Plaintiff's  
12 mental fitness to practice medicine and on the remedial measures plaintiff would have to undergo  
13 to regain licensure, neither of which opinions was relevant to the issues in the Santa Monica  
14 lawsuit.

15 31. Defendant Dr. Rudnick acquiesced in the requests made by Santa Monica and its  
16 City Attorneys and included in his written report his opinion that plaintiff suffered from bipolar  
17 disorder; that he was mentally unfit to resume the practice of medicine, and that he would have to  
18 enter an intensive psychiatric and psychological treatment for two years, in order to regain  
19 licensure.

20 32. Based on his professional training and experience, Defendant Dr. Rudnick knew,  
21 or should have known, that such opinions were beyond the scope of a psychiatric evaluation  
22 performed for the purpose of assessing injuries sustained in a personal injury case, but he  
23 nonetheless included those opinions in his written report.

24 33. By agreeing to include in his written report his gratuitous opinions on Plaintiff's  
25 unfitness to practice medicine and the remedial measures he would have to meet to regain medical  
26 licensure, as requested by his co-defendants, defendant Dr. Rudnick joined in defendants'

1 conspiratorial agreement to prejudice Plaintiff's petition for reinstatement of his medical license  
2 for the purpose of minimizing any special damages that Santa Monica and Defendants might  
3 potentially incur in the Santa Monica lawsuit, including economic losses, that could potentially be  
4 awarded against them in that litigation.

5         34. Defendant Dr. Rudnick also admitted in his deposition testimony of November 16,  
6 2023, that he met with Plaintiff on but one occasion for three hours; that he did not perform a  
7 physical examination, as recommended by the American Psychiatric Association Practice  
8 Guidelines (APA Practice Guidelines); that he did not perform a review of systems, as  
9 recommended by the APA Practice Guidelines; that he did not conduct or administer any  
10 diagnostic of psychological testing, as recommended by the APA Practice Guidelines, and that he  
11 did not document Plaintiff's medical or social history in his written report, as required by the APA  
12 Practice Guidelines. Finally, despite diagnosing Plaintiff with bipolar disorder and opining that  
13 said condition rendered him unfit to resume the practice of medicine, defendant Dr. Rudnick was  
14 unable to state the statutory standard set forth in the California Business and Professions Act for  
15 making a determination on the question of a physician's ability to practice medicine safely and  
16 competently due to mental illness. Defendant Rudnick's evaluation and report did not meet the  
17 standard of care for conducting a psychiatric evaluations, and that failure demonstrates his lack of  
18 good faith in carrying out the evaluation.

19         35. Plaintiff is informed and believes and on such information and belief alleges that  
20 Santa Monica and its City Attorneys formed and carried out their conspiratorial scheme to  
21 minimize Santa Monica's potential liability for economic damages in the Santa Monica lawsuit.  
22 In furtherance of the conspiracy, Santa Monica, its City Attorneys and its agents and employees,  
23 engaged in wrongful conduct by directing that Dr. Rudnick opine on Plaintiff's fitness to resume  
24 the practice of medicine, an opinion that was totally irrelevant to the issues in the Santa Monica  
25 lawsuit and beyond the purpose of the psychiatric evaluation that was contemplated, namely, to

1 assess Plaintiff's claim of mental anguish resulting from the injuries he sustained in the  
2 handcuffing incident in the Santa Monica lawsuit.

3           36. Plaintiff is informed and believes and on such information and belief alleges that  
4 the conduct of Defendants Santa Monica and its City Attorneys, in formulating their plan and  
5 agreement to request, and in requesting that Dr. Rudnick opine on Plaintiff's fitness to practice  
6 medicine and what remedial steps Plaintiff would have to take to regain his medical license—  
7 matters that were not in issue in the Santa Monica lawsuit—was unlawful and carried out with the  
8 intent to prejudice Plaintiff's Petition for Reinstatement of his medical license, in order to  
9 minimize any special damages that Santa Monica and Defendants might potentially incur in the  
10 Santa Monica lawsuit, including economic losses, that could potentially be awarded against them  
11 in that litigation.

12           37. Plaintiff is informed and believes and on such information and belief alleges that  
13 Santa Monica and its City Attorneys, communicated with defendant Bell and the Board and  
14 informed them of the existence of defendant Dr. Rudnick's written report, which they knew, or  
15 should have known, did not comply with the standard of care; that they knew contained gratuitous  
16 and irrelevant opinions concerning Plaintiff's fitness to resume the practice of medicine, and which  
17 they knew, or should have known, that the Board could—and would—use and rely on in deciding  
18 whether to grant or deny Plaintiff's Petition for Reinstatement.

19           38. Defendants Bell and Board, acting under color of state law in their capacities as  
20 governmental entities and/or agencies and/or or governmental agents and employees, received and  
21 accepted the forgoing communications from Santa Monica and its City Attorneys, as alleged  
22 above, and, based on said communications, made specific requests for the production of Dr.  
23 Rudnick's report with the intent of introducing said report in petitioner's reinstatement proceeding.

24           39. Plaintiff is informed and believes and on such information and belief alleges that  
25 Santa Monica and its City Attorneys knew, or should have known, that Dr. Rudnick's report would

1 be admitted in evidence at petitioner's reinstatement proceeding and that it would be considered  
2 and factored into the Board's deliberations in ruling on the petition for reinstatement.

3 40. Plaintiff is informed and believes and on such information and belief alleges that  
4 defendant Bell informed and/or assured Santa Monica and its City Attorneys that he would  
5 introduce Dr. Rudnick's report in evidence at petitioner's reinstatement proceeding.

6 41. The hearing on Plaintiff's petition for reinstatement of his medical license was  
7 conducted on June 7-8, 2023. Defendant Bell introduced Dr. Rudnick's report in evidence, and it  
8 was received over petitioner's objection as administrative hearsay. After hearing, the Board denied  
9 Plaintiff's petition for reinstatement. In denying the petition, the Board concluded that petitioner  
10 had failed to establish his mental fitness to practice medicine, despite the fact that the Board had  
11 never previously claimed that he suffered from any mental illness; despite the fact that the previous  
12 revocation of his license was not based on mental unfitness to practice; despite the fact that  
13 Petitioner presented the written report of his own expert, Dr. Gary Fisher, who concluded that  
14 Plaintiff was fit to practice medicine, and which was admitted in evidence for all purposes, and  
15 despite the fact that the Board claimed not to have relied on Dr. Rudnick's report, since it was  
16 admitted as administrative hearsay, which made it legally incapable of supporting a finding.

17 42. The Board's decision was, thus, contrary to the only competent evidence on the  
18 question of petitioner's mental fitness to practice, and contrary to the law, in that it necessarily  
19 rested on Dr. Rudnick's report which, as administrative hearsay, could not support a finding.

20 43. The actions of defendants and each of them resulted in the deprivation of plaintiff's  
21 constitutional right to a fair administrative hearing, which was also a violation of his statutory right  
22 to a fair hearing under the California Administrative Procedure Act. Defendants Santa Monica,  
23 its City Attorneys, Bell and the Board, and each of them, knew they were acting under color of  
24 state law in their capacities as governmental entities and agents and knew, or reasonably should  
25 have known, that their actions, as described above, would result in violations of Plaintiff's  
26 constitutional and statutory fair-hearing rights. Yet, by their conduct, defendants set in motion a

1 series of acts, as described above, which they knew, or reasonably should have known, would  
2 cause others to inflict the constitutional injury, in this case the impairment of a fair hearing  
3 resulting from the fabrication of a psychiatric evaluation that defendants knew, or should have  
4 known, would prejudice plaintiff's reinstatement proceeding.

5 44. As a result of defendants' wrongful conduct, as alleged above, the Board denied  
6 Plaintiff's Petition for Reinstatement, which denial has resulted, and will continue to result, in the  
7 loss of significant earnings which Plaintiff would otherwise earn as a practicing Neurologist, in an  
8 amount according to proof at trial.

9 45. Plaintiff's lawsuit against the City of Santa Monica proceeded to trial in the  
10 Superior Court of California, Santa Monica. Defendant Mark Young was assigned to preside over  
11 the case, but he failed to disclose to plaintiff that he had been an Assistant U.S. Attorney in the  
12 USAO during the healthcare fraud investigation into plaintiff's medical practice undertaken by  
13 that office, and that he had been involved in that investigation. During the trial, plaintiff mentioned  
14 to defendant Judge Young that he had been an Assistant U.S. Attorney in the USAO during the  
15 healthcare fraud investigation, but defendant Judge Young still refused to disclose said  
16 involvement and failed to recuse himself. Plaintiff is informed and believes and on such  
17 information and belief alleges that Judge Young was biased against plaintiff based on his prior  
18 involvement as an Assistant U.S. Attorney in the healthcare fraud investigation of plaintiff's  
19 medical practice, evidenced by his numerous erroneous evidentiary rulings that prejudiced  
20 plaintiff's case, resulting in judgment for defendants. That judgment is on appeal.

21 46. During the course of the Santa Monica lawsuit, plaintiff filed a Petition for Writ of  
22 Mandate in the Court of Appeal (Case No. B334855), seeking review of an order issued by Judge  
23 Young requiring plaintiff to undergo a second IME. Defendant Dorothy Kim was on the appellate  
24 panel, Division Five, that denied the petition. Despite having served as an Assistant US Attorney  
25 on the USAO during the healthcare fraud investigation into plaintiff's medical practice, and having  
26 been involved in that investigation, Judge Young did not disclose that information to plaintiff and

1 did not recuse herself from considering, and ruling on, plaintiff's petition for writ of mandate,  
2 which was summarily denied.

3 **Government Claim re Santa Monica and its agents and employees**

4 47. It was not until November 16, 2023, when defendant Dr. Rudnick's deposition was  
5 taken, that Plaintiff first learned that Santa Monica and its City Attorneys had requested him to  
6 include his gratuitous opinions in his written report.

7 48. The Government Claim against Santa Monica and its agents was filed on December  
8 27, 2023, and was based on defendant Dr. Rudnick's deposition testimony of November 16, 2023  
9 acknowledging that he had been asked to include his opinions concerning Plaintiff's fitness to  
10 practice and fitness to resume the practice of medicine in his report. The claim was thus timely  
11 presented, despite Santa Monica's assertion to the contrary in denying the claim on February 8,  
12 2024. The initial Complaint herein was filed on August 5, 2024, which was within the statutory  
13 period following the rejection of the claim.

14 **SECOND CAUSE OF ACTION**  
15 **(CONSPIRATORIAL PATTERN OF RACKETEERING ACTIVITY (18 U.S.C. § 1962))**  
16 **(Against all Defendants)**

17 49. Plaintiff incorporates herein by this reference all the allegations set forth above in  
18 paragraphs 1 through 48, above.

19 50. Commencing in 2008 and continuing uninterrupted until the present, the RICO  
20 Defendants have violated the Racketeer Influenced and Corrupt Organizations Act, 28 U.S.C. § I  
21 961 et seq., with predicate acts of fraud, obstruction of justice, and witness tampering, among  
22 others. In addition, Defendants' conduct constitutes common law fraud, intentional interference  
23 with prospective economic advantage and civil conspiracy, among others. To accomplish their  
24 plan to injure plaintiff, as alleged above, the RICO Defendants cited fabricated evidence, employed  
25 biased expert reports, initiated and conducted a sham healthcare fraud investigation, asserted and  
26 filed trumped-up criminal charges which were ultimately dismissed, and made repeated false

1 representations to judicial and quasi-judicial officers in both administrative tribunals and courts of  
2 record, to plaintiff's prejudice.

3 51. By engaging in the aforementioned conduct:

4 a. The conspiracy's ultimate aim is, and has always been, to damage Uzun's  
5 professional standing and reputation as a physician, through the unlawful revocation of  
6 plaintiff's medical license, the thwarting of plaintiff's efforts to regain licensure and to  
7 obtain restitution for the financial losses he has sustained as a result of defendant's' actions,  
8 including the loss of his medical license, the injuries and damages he sustained as a result  
9 of an arrest carried out by Santa Monica police officers, and his subjection to  
10 unsubstantiated criminal charges that were ultimately dismissed. Said scheme is, and have  
11 always has been, motivated by (i) defendants' discriminatory animus against plaintiff by  
12 reason of his Turkish ethnicity, and (ii) defendants' designs to punish plaintiff for  
13 exercising his First Amendment right to criticize the investigative, prosecutorial and quasi-  
14 judicial actions taken against him by defendant agencies and governmental entities, with  
15 the support of the individual defendants.

16 b. To effect this plan, the Federal Bureau of Investigations (FBI) and the U. S.  
17 Attorney's Office, Central District of California (USAO), initiated a sham healthcare fraud  
18 investigation into plaintiff's medical practice in 2008. At the time of the investigation,  
19 defendants George Cardona and Mark Young were Assistant U. S. Attorneys in that office  
20 and actively involved in the investigation. At the time of, and during the investigation,  
21 Jeffrey Rutherford, Attorney at Law, was plaintiff's legal counsel and represented him in  
22 connection with the investigation. Unbeknownst to plaintiff, Mr. Rutherford's wife,  
23 Dorothy Kim, was an Assistant U.S. Attorney in the USAO, and was actively involved in  
24 the healthcare fraud investigation into plaintiff's practice.

25 c. As part of the investigation, plaintiff's medical office was raided and searched by  
26 the FBI based on a search warrant obtained by the USAO, and reviewed and approved by

1 defendant George Cardona, and non-parties Mark Young and Dorothy Kim. The affidavits  
2 in support of the warrant contained misrepresentations, and the search therefore yielded no  
3 contraband or any evidence of criminal conduct, and the investigation was ultimately  
4 closed, with no action taken against plaintiff.

5 d. Notwithstanding the closure of their investigation, the FBI and the USAO, acting  
6 by and through defendant George Cardona, and others, surreptitiously provided patient  
7 charts which they had seized during the raid and search of plaintiff's office, to the Board,  
8 and, specifically, to Rachel La Sota, who was then a Board investigator, in an attempt to  
9 encourage and fuel disciplinary action against plaintiff's medical license. As an indication  
10 of her consciousness of guilt in the unlawful handling of her investigation, Defendant  
11 Rachel La Sota failed to appear and testify at a subsequent administrative hearing before  
12 the Board, despite being subpoenaed to appear.

13 e. Plaintiff's medical license was ultimately revoked and his petition for reinstatement  
14 was denied. In denying the petition, the Board concluded that petitioner had failed to  
15 establish his mental fitness to practice medicine, despite the fact that the Board had never  
16 claimed that plaintiff suffered from any mental illness; despite the fact that no questions  
17 regarding plaintiff's mental health had ever been raised during his 25 years of practice,  
18 during which he held hospital privileges at seven prestigious hospitals, none of which ever  
19 received any complaints regarding mental fitness; despite the fact that plaintiff underwent  
20 a mental and physical assessment by the Physicians Assessment and Clinical Education  
21 Program (PACE) as a requirement of his Board probation, and no indication of mental  
22 illness was found; despite the fact that the fact that the revocation of plaintiff's license was  
23 not based on mental unfitness to practice, and despite the fact that the only expert report  
24 admitted in evidence, that of Dr. Gary Fisher, concluded that Plaintiff was fit to practice  
25 medicine. The Board's decision was, thus, contrary to the only competent evidence on the  
26 question of petitioner's mental fitness to practice.

1 f. Plaintiff's petition for administrative mandate to review the Board's decision  
2 denying his petition for reinstatement was also denied by the Superior Court for the County  
3 of San Francisco. The court, Judge Rochelle East, failed to inquire into the evidentiary  
4 sufficiency of the Board's Factual Findings relating to plaintiff's mental fitness to practice,  
5 despite her obligation to do so under Code of Civil procedure section 1094.5, which  
6 requires judicial inquiry into the validity of an administrative decision by inquiring into the  
7 sufficiency of the evidence and into whether the findings are supported by the evidence.  
8 Instead, she characterized the findings relating to plaintiff's mental fitness as "loose" and  
9 "superfluous" statements and made no inquiry into their factual premises. The judgment  
10 denying plaintiff's petition for writ of administrative mandate in being challenged in the  
11 Court of Appeal.

12 52. Through the conduct of their criminal enterprise, the conspirators set about to  
13 manufacture false evidence and a fake "history" of plaintiff's mental fitness to practice medicine  
14 which they have repeated before state and federal investigative and administrative agencies and  
15 courts of record in order to injure plaintiff. All of this was done in furtherance of their scheme to  
16 injure plaintiff as punishment for the exercise of his free-speech rights in criticizing his treatment  
17 by state and federal investigative and administrative agencies and courts of record, and to  
18 oppressive plaintiff based on discriminatory animus due to his Turkish ethnicity.

19 THIRD CAUSE OF ACTION

20 (CONSPIRACY TO COMMIT UNLAWFUL INTERFERENCE WITH PROSPECTIVE  
21 ECONOMIC ADVANTAGE)

22 (Against all Defendants)

23 53. Plaintiff incorporates herein by this reference all of the allegations set forth above  
24 in paragraphs 1 through 52.

25 54. At the time that Santa Monica served the IME Demand in the Santa Monica lawsuit,  
26 it, through its agents and employees, including its City Attorneys, among others, knew that

1 Plaintiff had filed a Petition for Reinstatement of his California medical license with the Medical  
2 Board of California, and that said Petition was still pending before the Board. Defendant Dr.  
3 Rudnick likewise knew of Plaintiff's pending petition for reinstatement of his medical license, and  
4 also knew that Plaintiff's medical license had been revoked by the Board in July 2017 for conduct  
5 unrelated to any mental-health issues.

6 55. In order to minimize any special damages that Santa Monica and Defendants might  
7 potentially incur in the Santa Monica lawsuit, including economic losses that could potentially be  
8 awarded against them in that litigation, Santa Monica, acting through its City Attorneys, devised  
9 and entered an agreement with each other to prejudice Plaintiff's claim for reinstatement of his  
10 medical license by instructing their Defense Attorneys to direct defendant Dr. Rudnick, who was  
11 selected by Santa Monica to perform Plaintiff's psychiatric evaluation, to include an opinion in his  
12 written report regarding Plaintiff's mental unfitness to practice medicine, and to opine as to what  
13 remedial steps Plaintiff would have to take to regain his medical license.

14 56. Defendant Dr. Rudnick acquiesced in the request by agreeing to include, and  
15 including, in his written report his gratuitous opinions on Plaintiff's unfitness to practice medicine  
16 and the remedial measures he would have to undertake to regain medical licensure, as requested  
17 by defendants, despite his knowledge, based on his professional training and experience, that such  
18 opinions were irrelevant to the issues in the Santa Monica lawsuit and were beyond the scope of  
19 psychiatric evaluations performed for the purpose of assessing injuries sustained in a personal  
20 injury case.

21 57. By engaging in the aforesaid conduct, as alleged above, defendants and each of  
22 them intended to, and knew, that their conduct would prejudice Plaintiff's petition for  
23 reinstatement of his medical license and that their conduct was certain to interfere with and impair  
24 Plaintiff's ability to present his case fairly in his reinstatement proceeding.

25 58. Plaintiff was in fact harmed by defendants' conduct in that his petition for  
26 reinstatement of his medical license was denied.



**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury for all claims triable by jury.

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Plaintiff, Guven Uzun