

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

13 - 6607

Randall M. Schaffer DDS
Plaintiff

-vs-

SECT. A MAG. 4

C. Barry Ogden, Brian Begue', Conrad McVea DDS, Dennis Donald DDS, H. O. Blackwood DDS, Camp Morrison, Camp Morrison Investigations, LLC, Arthur Hickham, Louisiana State Board of Dentistry
Defendant(s)

COMPLAINT

COMPLAINT FOR DAMAGES ARISING OUT OF

VIOLATIONS OF 42 U.S.C. 1983, and 15 U.S.C. §1 and §2.

NOW INTO COURT, pro sel, come Randall M. Schaffer DDS which hereby show as follows:

INTRODUCTION

This is an action for damages under Amendment XIV of the United States Constitution, 42 U.S.C. 1983, and 15 U.S.C. §1 and §2.

JURISDICTION

This Court has original jurisdiction pursuant to 28 U.S.C. §1331 over Plaintiffs' causes of action arising under the Constitution of the United States, 42 U.S.C. §1983, and 15 U.S.C. §1 and §2. This Court has supplemental jurisdiction over plaintiff's causes of action arising under Louisiana state law pursuant to 28 U.S.C. §1367.

This Court has original jurisdiction pursuant to 28 U.S.C. §1332 over all of Plaintiffs' causes of action.

Venue lies in the United States District Court for the Eastern District of Louisiana because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Orleans Parish, Louisiana, and a number of the named defendants reside in Orleans Parish, Louisiana. 28 U.S.C. § 1391(b)(1) and (2).

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PARTIES

PLAINTIFF

1.

Plaintiff Randall M. Schaffer is a resident of the State of Iowa

Defendants

Made Defendants herein are:

2.

Defendant Brian Begue is an individual of the full age of majority and a resident of Orleans Parish, Louisiana. Mr. Begue acted as general counsel to the Louisiana State Board of Dentistry ("the Board") at all times pertinent herein.

3.

Defendant Camp Morrison is an individual of the full age of majority and a domiciliary of Orleans Parish, Louisiana. Mr. Morrison is a private investigator employed by the Board.

4.

Defendant Camp Morrison Investigations, LLC is a Louisiana Limited Liability Company with its principal place of business in Orleans Parish, Louisiana. Camp Morrison Investigations, LLC is employed by the Board. All acts alleged herein of Camp Morrison were committed on behalf of Camp Morrison Investigations, LLC.

5.

Defendant C. Barry Ogden is an individual of the full age of majority and a domiciliary of Orleans Parish, Louisiana. He served as executive director of the Board at all times pertinent herein. He is named in his individual and official capacities.

6.

Conrad McVea DDS is an individual of full age of majority with a domiciliary of Washington Parish, Louisiana. Dr. McVea is employed by the Louisiana Board of Dentistry whose office and the actions of this complaint occurred in New Orleans

7.

Dennis Donald DDS is an individual of full age of majority with a domiciliary of Calcasieu Parish, Louisiana. Dr. Donald is employed by the Louisiana Board of Dentistry whose office and the actions of this complaint occurred in New Orleans

8.

Herman O. Blackwood DDS (HO Blackwood DDS) is an individual of full age of majority with a domiciliary of Caddo Parish, Louisiana. Dr. Donald is employed by the Louisiana Board of Dentistry whose office and the actions of this complaint occurred in New Orleans.

9.

Plaintiff is informed and believe and therefore allege that Defendants were aided and abetted in their activities by others. Plaintiff reserves the right to supplement and amend these pleadings.

COMPLAINT

10.

Dr. Schaffer graduated from Tulane University in 1976 with a degree in biology and from the University of Iowa College of Dentistry with a Doctors of Dental Surgery in 1982. He further had two residencies at Charity Hospital and Louisiana State University Dental and Medical Center in New Orleans. He was certified in General Dentistry in 1984 and Oral and Maxillofacial Surgery in 1988. He entered into private practice Oral and Maxillofacial Surgery in 1988 with an office in Marrero, Louisiana and Corinth Mississippi.

11.

As a resident in Oral and Maxillofacial Surgery at Louisiana State University, Dr. Schaffer became aware of the profound negative affects to patients receiving and jaw joint (TMJ) replacement device designed and implanted by the director of the Oral and Maxillofacial Surgery Department, Dr. John (Jack) Norman Kent. Dr. Schaffer was involved as a resident under Dr. Kent and through research done by Dr. Kent at the Louisiana State University College of Dentistry and all affiliated hospitals that the implants were defective (100%) in all patients implanted. Further, Dr. Kent received monetary compensation, was a stockholder and aided in marketing through written and verbal presentations to Oral and Maxillofacial Surgeons around the world. He continued his activities to support the implant named after him (Vitek-Kent Prosthesis) until removed by the FDA. Dr. Schaffer informed Dr. Kent of the disastrous results of his implant and the surgeries of Dr. Kent. Dr. Kent refused to stop his placement of the defective devises and threatened Dr. Schaffer with dismissal should this information regarding the research and adverse results be made public.

12.

In 1989 Dr. Schaffer now in private practice assisted victims of Dr. Kent and the defective TMJ devise by offering consultation and corrective procedures pro bono. As the hundreds of cases came forward Dr. Schaffer began assisting plaintiff attorneys in the cases against Dr. Kent his associates, and Louisiana State University. Eventually 675 patients were combined as a class for discovery purposes (Adelmann-Chester)

13.

When Dr. Schaffer was named as a witness and consultant in these cases, the Board of Dentistry began a campaign starting initially in 1990 and coming into full fruition in 1995 when Dr. Schaffer opened a practice full time in New Orleans. Beginning in 1995, the Board zealously embarked upon an

investigation, prosecution, and adjudication of a wide variety of claims against Dr. Schaffer, during the course of which the Board and its agents and contractors, (i) exceeded their lawful authority; (ii) violated Dr. Schaffer's rights to due process; (iii) acted without neutrality; (iv) simultaneously acted in adjudicatory and prosecutorial roles; (v) conducted themselves in a manner which was unlawful and at least in one case violative of the criminal laws of the State of Louisiana; (vi) violated the Board's duty of trust; and (vii) violated the Board's duty to maintain such investigations in confidence.

14.

The Board of Dentistry, and specifically those named in this complaint over the next five years endeavored to ruin Dr. Schaffer's dental practice. In September of 2005 after a hearing before the Louisiana Board of Dentistry fraught violations of Dr. Schaffer's rights the Louisiana Board of Dentistry revoked Dr. Schaffer's license to practice on the eve of his testimony on behalf of one of the patients against Dr. Kent (Lola Faye Jones). It has been shown that there were additionally hundreds of more patients who filed malpractice suits against Dr. Kent. The Louisiana Board of Dentistry and its agents acted to protect Dr. Kent, the Louisiana State University, and the patient compensation fund from what has been estimated at at least \$1 Billion dollars of liability for damages to patients by Dr. Kent.

15.

The Louisiana Board of Dentistry and specifically the additional defendants were aware of these hundreds of suits against Dr. Kent and did nothing to sanction Dr. Kent but were motivated by a scheme to protect the State of Louisiana and their Chairman of the Department of Oral and Maxillofacial Surgery at the College of Dentistry and Charity Hospital Dr. Kent.

16.

The Board rendered their decision on September 5, 2000 and modified it on September 20, 2000. Dr. Schaffer had his license revoked. The revocation is not "permanent". He was allowed to return to the board on a yearly basis if desired to appeal to the same three men who sanctioned him in 2000; Drs McVea, Donald and Blackwood.

17.

I was a dentist and oral surgeon licensed to practice in Louisiana. During the course of my practice I was an eyewitness to acts of malpractice involving another oral surgeon Dr. Jack Kent. I was retained as an expert witness to testify in favor of victims of Dr. Kent's [mal] practice.

Dr. Kent was a very powerful influential dentist with numerous friends on the Louisiana Board of Dentistry.

The LSBD set about to discredit and disqualify me in my role as a witness against Dr. Kent. It did so by pursuing, in bad faith, claims of professional misconduct, and imposing excessive, arbitrary and capricious penalties against me for Drug Enforcement Agency recordkeeping violations involving substance abuse by my former wife.

On September 5, 2000 a board panel consisting of H.O. Blackwood, Conrad McVea, Jr. and Dennis Donald, who were biased against me as a result of my complaints against Kent disciplined me by the revocation of my license, and imposed excessive penalties. They did so in bad faith and with ill will toward me. These panel members and Barry Ogden, Camp Morrison, Brian Begue and Arthur Hickham conspired to deprive me of my due process rights during my hearing. Unbeknownst to me, at least one panel member, Dr. McVea had a strong anti-Semitic bias against me (I am Jewish) which materially influenced his decision against me. Mr. B. Begue, who was both a prosecutor and General Counsel for the Board had conflicts of interest in his participation and violated orders of the La. Supreme Court to cease participation in the proceedings. Mr. Hickham overstepped his authority as independent counsel in writing brief and commenting on the evidence, without my knowledge.

I asked for reconsideration from the Board in 2004, 2007 and 2012. H. O. Blackwood acted as chairman on each of these hearings. On December 7, 2012 he admitted that he had promised and swore to himself "from the beginning "that I would never get my license reinstated. My license was not permanently revoked.

With such a pledge, Dr. Blackwood could never provide me with an unbiased hearing on my efforts to get my license reinstated.

Dr. McVea stated both to me and to the Board that I could not be expected to comply with professional standards because I had not accepted Jesus Christ as my personal savior. I believe he repeated this to the Board . His prejudice against me on the basis of my religion, as a representative of the State Of Louisiana is unlawful.

I seek a declaration by this court that the proceedings by which my license was revoked be declared a nullity by reason of violations of my due process rights and religious discrimination, that the hearings for reconsideration also be found to violate my due process rights and that I be awarded damages for these actions.

DEMAND

I would request relief in the amount of lost income from not practicing as I was trained as an Oral and Maxillofacial Surgeon for 13 years in the amount of \$3,250,000.00 (three million, two hundred and fifty thousand dollars)

Dated: 12/6/2013



Randall Mark Schaffer

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