

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DELAWARE VALLEY AESTHETICS, PLLC :
d/b/a RUMER COSMETIC SURGERY :
105 Ardmore Avenue :
Ardmore, PA 19003 :

and :

KATHY RUMER, DO, FACOS :
105 Ardmore Avenue :
Ardmore, PA 19003 :

Plaintiffs, :

v. :

CIVIL ACTION

JOHN DOE 1 :
Unknown Name :
Unknown Address :

First Defendant :

No. 20-456

and :

JAMIE MILLER :
57 Laidlaw Avenue :
Apartment 1 :
Jersey City, NJ 07306 :

Second Defendant. :

FIRST AMENDED COMPLAINT

Plaintiffs, Delaware Valley Aesthetics, PLLC, d/b/a Rumer Cosmetic Surgery, and Kathy Rumer, DO, FACOS (“Plaintiffs”), by and through their counsel, ROGERS CASTOR, hereby submit the following First Amended Complaint against First Defendant, John Doe 1, and Second Defendant, Jamie Miller (hereinafter collectively referred to as “Defendants”), and in support thereof, aver as follows:

THE PARTIES

1. First Plaintiff, Delaware Valley Aesthetics, PLLC, is a professional limited

liability company, organized and existing under the laws of the Commonwealth of Pennsylvania, with a registered place of business at 105 Ardmore Avenue, Ardmore, Montgomery County, Pennsylvania. Delaware Valley Aesthetics, PLLC, is known to the public and conducts business under the registered fictitious name Rumer Cosmetic Surgery (First Plaintiff will hereinafter be referred to as “Rumer Cosmetics”).

2. Second Plaintiff, Kathy Rumer, DO, FACOS (hereinafter referred to as “Dr. Rumer”) is an adult individual maintaining a principal place of business at 105 Ardmore Avenue, Ardmore, Montgomery County, Pennsylvania. Kathy Rumer is a Doctor of Osteopathic Medicine (“DO”) and Fellow of the American College of Osteopathic Surgeons (“FACOS”). Dr. Rumer practices medicine at Rumer Cosmetics.

3. First Defendant, John Doe 1, is believed to be an adult individual, the identity and address of whom is unknown at this time. Plaintiffs intend to determine John Doe 1’s identity and address through further discovery and will amend this Complaint accordingly upon reviewing said information. Plaintiffs have yet to ascertain whether Second Defendant acted alone or whether John Doe 1 contributed to Second Defendant’s wrongdoing as alleged herein.

4. Upon information and belief, Second Defendant, Jamie Miller (hereinafter referred to as “Ms. Miller”), is an adult individual residing at 57 Laidlaw Avenue, Apartment 1, Jersey City, Hudson County, New Jersey. Ms. Miller is a former patient of Plaintiffs’. Ms. Miller has gone to considerable lengths to conceal her identity from Plaintiffs and to circumvent attempts to locate her.

JURISDICTION AND VENUE

5. Jurisdiction is founded upon diversity of citizenship of the parties and the amount in controversy pursuant to 28 U.S.C. § 1322, in that Plaintiffs are citizens and residents of the Commonwealth of Pennsylvania, Ms. Miller is a citizen of New Jersey, and John Doe 1 is

believed, and therefore averred, to be a citizen of a state other than Pennsylvania; and the amount in controversy exceeds \$75,000.00.

FACTS

6. Rumer Cosmetics, through Dr. Rumer, offers a host of cosmetic surgeries to potential patients, the majority of which focus on altering the body, such as nose surgery, breast implants, injectable fillers/Botox, hair restoration, etc.

7. Of the services offered by Rumer Cosmetics, Dr. Rumer is most renowned as a leading aesthetic and reconstructive plastic surgeon specializing in gender reassignment surgery. This includes both male to female surgeries (of which Dr. Rumer performs 200 to 250 every year) and female to male surgeries (of which Dr. Rumer performs more than 150 every year).

8. Patients travel from all across the United States to receive gender reassignment surgery at Rumer Cosmetics because of Dr. Rumer's stellar track record and reputation for excellence.

9. Rumer Cosmetics derives a bulk of its annual income from said gender reassignment surgeries, and the success of its business can be attributed to the reputation of Dr. Rumer in both the medical and lay-person communities.

10. In or around 2019, Dr. Rumer discovered a website known as "Kathy Rumer's Anonymous" a blog dedicated to "Chasing the #ButcherofArdmore." The URL of said website is: rumorsanonymous.blogspot.com (hereinafter the "Website").

11. The Website is maintained and edited by Ms. Miller, either individually or with the assistance of John Doe 1, with the goal of tarnishing Dr. Rumer and Rumer Cosmetic's reputation in the medical community as well as her reputation amongst potential clients.

12. Ms. Miller and/or Defendants have updated the Website making claims such as, *inter alia*:

- (a) That a quote in an advertisement for Dr. Rumer's service was not real. Defendants attributed said quote to a fake client, thus implying Plaintiffs lied in an advertisement.
- (b) Claiming that Dr. Rumer stormed out of a surgery room demanding her staff to "deal with it" because her patient was having an anxiety attack.
- (c) Claiming that Dr. Rumer instructed a patient to cut off a portion of her own labia with scissors.
- (d) Labeling Dr. Rumer the Butcher of Ardmore, thereby implying she repeatedly fails surgeries and "butchers" clients.
- (e) Posting Dr. Rumer's home address, when she does not disclose such information to her patients.
- (f) Labeling surgeries as "botched" without supporting facts.
- (g) Many other claims that are made with either knowledge of their falsity and/or recklessness as to their veracity with the intention of injuring Plaintiffs' reputation.

13. In addition to the above, Ms. Miller and/or Defendants have sent threatening emails to Dr. Rumer and Rumer Cosmetics. For example, on January 5, 2020, Dr. Rumer received an email from rualooker555@gmail.com that provided as follows:

Please allow me to introduce myself, I am the bringer of bad news and taste.

The trans community is about to have its own #metoo movement. I'm the one who has been running the Rumer's Anonymous blog. Do you like it? I know you read it, I know you scan reddit for the horror stories people post about you. I know you are slowly going insane from watching your reputation slowly on the decline. Do you know how many submissions I get from people that you hurt? It's all going to come to light soon enough.

Enjoy the inevitable.

Pleased to meet you, I hope you try to guess my name.

This is one of many threats, often referencing The Rolling Stones' lyrics, made by Ms. Miller and/or Defendants to tarnish Plaintiffs' reputations.

14. It is believed, and therefore averred, that the Website is hosted at IP Address 162.158.63.49. From said IP Address, it appears the Website is maintained by the Internet Service Provider CloudFlare, Inc.

15. Based on the present state of the Website, and the repeated threats made by Ms. Miller and/or Defendants, the injury to Plaintiffs' reputation will continue until the Website's creator is held accountable in a Court of Law.

COUNT I
Libel Per Se
Plaintiffs v. Ms. Miller and/or Defendants

16. Plaintiffs incorporate Paragraphs "1" through "15" by reference as though the same were set forth herein *in extenso*.

17. The statements posted by Ms. Miller and/or Defendants on the Website, as more fully described in Paragraph 11 above herein, disparages Plaintiffs' competence and integrity in its trade and business, thus constituting libel *per se*.

18. The libelous statements were authored and posted online by Ms. Miller and/or Defendants.

19. The Website is accessible to anyone with internet access. Ms. Miller and/or Defendants have gone out of her/their way to promote the Website by posting links to it on other social media websites such as Reddit.com. This conduct made the libelous statements contained on the Website highly visible.

20. Ms. Miller's and/or Defendants' defamatory blog was readily understood by its readers to be about Plaintiffs, and as a direct result thereof, Plaintiffs have suffered a permanent

false taint and substantial professional harm to their business reputations.

WHEREFORE, Plaintiffs demand judgment against Ms. Miller individually and/or Defendants jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

COUNT II
Commercial Disparagement
Plaintiffs v. Ms. Miller and/or Defendants

21. Plaintiffs incorporate Paragraphs “1” through “20” by reference as though the same were set forth herein *in extenso*.

22. Dr. Rumer and the staff of Rumer Cosmetics have been approached by existing and/or prospective customers who have seen the defamatory statements posted on the Website by Ms. Miller and/or Defendants. Said customers commented and/or question Dr. Rumer and Rumer Cosmetics’ staff about the statements.

23. Internet posts, such as the Website blog published by Ms. Miller and/or Defendants, are permanently archived on the Website’s host server, and can still be accessed even if removed or deleted.

24. Additionally, a “screenshot” and/or other permanent replications of the Website can be easily created and readily available to anyone reading the Website, which is still online as of the filing of this First Amended Complaint.

25. Plaintiffs have suffered financial loss as a direct result of the damage to their business reputation resulting from the defamatory online statements published by Ms. Miller and/or Defendants.

WHEREFORE, Plaintiffs demand judgment against Ms. Miller individually and/or Defendants jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

COUNT III

Intentional Interference with Business Relationships
Plaintiffs v. Ms. Miller and/or Defendants

26. Plaintiffs incorporate Paragraphs “1” through “25” by reference as though the same were set forth herein *in extenso*.

27. The conduct described in Paragraphs “11” and “12” above herein constitutes an effort by Ms. Miller and/or a concerted effort by Defendants to interfere with Plaintiffs’ existing and prospective business relationships. In fact, interfering with said relationships is Ms. Miller’s and/or Defendants’ stated intention in creating the Website.

28. Ms. Miller’s and/or Defendants’ conduct as described herein was wrongful and without justification or privilege.

29. Ms. Miller’s and/or Defendants’ conduct as described herein was intentional and was deliberately designed to cause harm to Plaintiffs.

30. Plaintiffs have suffered, and will continue to suffer, financial loss as a direct result of Ms. Miller’s and/or Defendants’ wrongful interference with Plaintiffs’ existing and/or prospective business relationships.

WHEREFORE, Plaintiffs demand judgment against Ms. Miller individually and/or Defendants jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

COUNT III

Invasion of Privacy: Public Disclosure of Private Fact
Dr. Rumer v. Ms. Miller and/or Defendants

31. Plaintiffs incorporate Paragraphs “1” through “30” by reference as though the same were set forth herein *in extenso*.

32. As stated above, Ms. Miller and/or Defendants published Dr. Rumer’s personal address and financial information on the Website.

33. The information on the Website was accessible, and still is accessible, to anyone with internet access.

34. Information regarding Dr. Rumer's personal address and finances is private and never disclosed to the average patient.

35. Ms. Miller's and/or Defendants' publicity of Dr. Rumer's personal address and finances is highly offensive to a reasonable person, and further is highly offensive to Dr. Rumer.

36. Dr. Rumer's personal address and finances is not a matter of legitimate concern to the public and evidences Ms. Miller's and/or Defendants' ongoing motive to repeatedly harass, discredit, smear, tarnish the reputation of, and annoy Dr. Rumer.

37. Ms. Miller's and/or Defendants' repeated, continual, and substantial publicity of Dr. Rumer's private information was outrageous, willful, malicious, and intentionally designed to and actually did cause economic and professional harm to Dr. Rumer.

38. Dr. Rumer suffered substantial monetary and non-economic harm from the Website's publication.

39. Ms. Miller's and/or Defendants' conduct was reckless and/or intentional and/or wanton and/or outrageous and therefore, she is individually and/or they are jointly and severally liable to Dr. Rumer for punitive damages.

WHEREFORE, Dr. Rumer demands judgment against Ms. Miller individually and/or Defendants jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

Date: December 2, 2020

Respectfully Submitted,

ROGERS CASTOR

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