

FEATURE ARTICLE[SUBSCRIBE](#) to this newsletter[Bolen Report ARCHIVES](#)**Quackbusters CRUSHED by California Supreme Court...**Opinion by Consumer Advocate [Tim Bolen](#)

Tuesday, November 23rd, 2006

I don't know how the "*quackbusters*" can even come out in public any more. Their constant humiliation in the US Court system has got to be incredibly embarrassing. I don't know how they can withstand the solid stream of laughter from the general public.

It's not just the losses in Court (and they are legion), it's how badly they lose, and the criticism they draw on themselves by the participants in the Court system. They just don't seem to learn.

Yesterday, November 20th, 2006, the California Supreme Court voted unanimously (all seven Justices) to slap down the latest "*quackbuster*" attempt to use, and abuse, the US Court system to silence their critics. The case, originally known as Barrett v. Clark, then for the appeals process renamed Barrett v. Rosenthal, began over five years ago when three individuals decided to sue "*a room full of people.*"

In the end, the GOOD GUYS, that's us, had drawn the support of some of the largest players on the internet, and more.

"*Friend of the Court*" Briefs, arguing in our favor, were provided by Amazon, the Electronic Frontier Foundation, EBay, the ACLU of Northern California, AOL, Microsoft, Yahoo, Google, ABC, Ask Jeeves, the Cable News Network, Compuserve, Earthlink, ESPN, Netscape, SBC Internet, Time Warner, Washington Post, Association for Competitive Technology, California Newspaper Publishers Association, Information Technology of America Association, Internet Commerce Coalition, National Cable and Telecommunications Association, Netchoice, NetCoalition, Newspaper Association of America, Online News Association, Online Publishers Association, Technet, and the United State Internet Service Providers Association.

The case became a rallying point for American free speech and an opportunity to teach a lesson to those that would try, through intimidation, to stop Americans from exercising their free speech rights .

The original poorly written case (Barrett v. Clark), almost forgotten, claimed that (get ready to laugh) world-renowned scientist and author, Hulda Regehr Clark PhD hired Consumer Advocate and Crisis Management Consultant Tim Bolen (that's me!) to defame them. More, they claimed that several other people allegedly "*conspired*" to defame them, including Ilena Rosenthal, the head of the Humantics Foundation.

Those three individuals were de-licensed MD Stephen Barrett of "*quackwatch.com*" infamy, Oakland attorney Christopher Grell (the guy who was just humiliated by the California Supreme Court), and Terry Polevoy, Canada's low-rent version of Stephen Barrett.

The original case was a hoot to start with. The threesome filed the case in attorney Grell's home town, Oakland, California, and before the Court Stamp ink was dry, the case was on Stephen Barrett's sleazy website "*quackwatch.com*" bolstered with Barrett's asinine commentary.. No efforts, however, were made to "*serve*" anyone. The whole thing was viewed as an obvious attempt to "*shut people up,*" an intimidation technique designed to stop Health Freedom Activists from publicly criticizing the "*quackbuster*" operation.

My memory is a little foggy about the details, as it's been over five years, but as I recall, the Judge in the case had to order the threesome to finally "serve" me. After eighteen months they had made no effort to properly deliver the court paper to my legal address, and had gone to the Judge requesting that they be allowed to "publish" the lawsuit against me in my home town newspaper claiming that that act was necessary because "Tim Bolen is hiding."

However, my attorney, the famous Carlos F. Negrete, pointed out the Judge that "if they know what his hometown newspaper is, then they know where his legal address is." The Judge ordered them to serve me at my legal address - or else.

But Barrett, et al, didn't count on California's anti-SLAPP law, legislation designed to protect Californians from just this kind of "shut up or I'll sue you" kind of lawsuits. "SLAPP" is short for Strategic Lawsuits Against Public Participation. In layman's language that means that, in California, if you sue someone for voicing their thoughts about a public issue and get caught - you lose - and pay the Defendants attorney fees.

And that's what happened to Barrett, Grell, and Polevoy in this case - they got caught trying to "shut up" Ilena Rosenthal, and now they owe her all of her attorney fees from the case, the Appeal, and the California Supreme Court. You can read the details of the Court's decision by clicking [here](#).

And, I'd bet that right about now Ilena Rosenthal and her attorney Mark Goldowitz, are preparing the paperwork to go after those fees (I'm estimating at about \$200,000 US) with Gusto.

Stay tuned...

Tim Bolen - Consumer Advocate

