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10 AUG 2011 10:33 am

**Civil Administration**

N. MONTE

# EXHIBIT 7

LAW OFFICES

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June 7, 2011

VIA EMAIL - lasikdecision@yahoo.com

Dominic Morgan  
P.O. Box 1011  
Marlton, NJ 08053

**RE: Nevyas v. Morgan et al**  
**Philadelphia County CCP, November Term 2003; No.: 946**

Dear Mr. Morgan:

I am writing to put you on notice that your websites are in violation of the Order of the Court of Common Pleas, Philadelphia County dated March 16, 2011. You should immediately remove from your websites "any defamatory material pertaining to and against Plaintiffs, particularly regarding their professional actions as ophthalmologists and Lasik surgeons on any website owned, operated, controlled or possessed by Defendant Morgan." See the Court's March 16, 2011 Order specifically enforcing the agreement between you and the Nevnyases, as affirmed in part by the Superior Court at ¶ 1.

Statements on the websites in violation of the Court's Order include, but are not limited to, the following:

1. Your statement that "After damaging my eyes with refractive surgery, Drs. Herbert Nevnyas' and Anita Nevnyas-Wallace sued to silence me." This statement is false and defamatory. The Nevnyases did not damage your eyes nor did they sue to silence you, rather they sued to enforce the agreement you made with them to prevent you from defaming them on the internet. This statement appears on more than one of your websites.
2. Your statement that "the courts were misled in many of their decisions and/or opinions regarding my medical malpractice lawsuit Morgan v. Nevnyas and the current Nevnyas v. Morgan lawsuit." This statement is false and defamatory. The Nevnyases have not misled the courts and the fact that you lost and the Nevnyases prevailed in both your medical malpractice case and in the defamation action is not evidence of wrongdoing by the Nevnyases.

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Control No.: 11081051

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3. Your heading "Nevyas' deviation from Standard of Care" is false and defamatory. The Nevyses did not deviate from the standard of care.
4. Your statement that the pre-operative examination "was not complete" is false and defamatory. You signed an eleven page Informed Consent Form which was specifically approved by the IRB. You also took a quiz to make sure that you understood the form.
5. The following statement is also false and defamatory: "I was not told that a change in prescription gave me a better than 20/50 Best Corrected Visual Acuity (BCVA) than I ever had, and that instead of Lasik, the new prescription would have worked just as well if not better than what I was seeing (refracted to 20/20-2 according to their records.)"
6. Also defamatory is the following: "In July '99 Dr. Herbert Nevyas, the doctor who runs the laser center (Anita's father) I went to told me "Deal with it . . . People lose their sight every day . . . I'll see you in eight months." Dr. Nevyas never made any such statement.
7. "Bottom line is after reviewing ALL of my records since having had Lasik. I cannot be corrected because some of the damage was due to increased pressure from the suction cups used to lift the corneal flaps. Dr. Salz stated I SHOULD NOT HAVE EVER BEEN CONSIDERED A CANDIDATE FOR LASIK and submitted to my attorneys many reports." This statement is also false and defamatory.
8. You state "the FDA was more concerned with being sued by the Nevyses for the information released than by doing the right thing." The Nevyses do not control or intimidate the FDA in any way and this statement is false and defamatory. The FDA may well have a different idea of what "doing the right thing" means than you do and the FDA certainly has concerns for the privacy rights of other participants in the study.
9. "I believe the Nevyses constantly misrepresented themselves and their study to both Schulman Associated (the Nevyses IRB) and the FDA. This statement is also false and defamatory.
10. "I started some time ago to contact doctors on the LIST the Nevyses sent to the FDA as being co-investigators. Three of those contacted who responded have

never even heard of the Nevyases. This statement is false and defamatory. As you know, the FDA required any doctor who had a patient who was interested in having LASIK performed under the study and who wanted to provide follow-up care to their patient to be listed as a co-investigator. If a patient did not participate in the study or chose not to return to their doctor, that doctor would not have any responsibilities under the study.

11. You have a heading entitled "Deviations of Nevyas Eye Associated, As Stated in Letter from the FDA dated 01/07/99." This heading is false and defamatory.
12. Another heading reads: "Nevyases Deviations and Discrepancies continue almost 5 years into their study." This heading is false and defamatory.
13. Another false and defamatory heading from your websites reads: "IDE Deficiencies Request Letter from the FDA to Nevyases."
14. You also call the Nevyases' laser a "black box laser" which is false and defamatory.
15. You also complain about "Nevyas' Promotion of An Investigational Device" despite having seen the report of FDA Inspector Stokes who specifically found that all of the Nevyases' promotions had been properly approved by the IRB.
16. You further state: "The charts submitted to the FDA listing adverse events and complications do NOT show data relevant to the number of medical malpractice claims filed against them during their study." This statement is also false and defamatory. You have seen FDA Inspector Stokes' report stating that the Nevyases' data was complete. Moreover, you reference a "number" of malpractice claims without stating that not one court or arbitrator ever found that the Nevyases had committed malpractice.
17. Your websites also contain the following: "Through threats of lawsuit, intimidation and (I believe) violation of my First Amendment rights . . ." This statement is also false and defamatory. The Nevyases have every right to attempt to protect themselves from the false and defamatory statements you have published. Moreover, you entered into a contract with the Nevyases, and you, like every other adult, are accepted to comply with your contractual obligations.

18. "Because of the way my medical malpractice lawsuit was handled through the courts, I believe it necessary to document this case in its entirety." You again seek to blame others. The Court looked at the evidence -- including your own testimony under oath -- and made its rulings. You, through your attorney, agreed to binding arbitration, and as a result of that choice you received \$100,000 even through you lost your case.
19. In LasikDecision.com you write: "After my medical malpractice lawsuit I added the doctor's names because I believed then (and still do) that as a matter of public safety, they should be named. Their investigational study, as proven by the information (documents) posted resulted in numerous lawsuits. I posted all the information I could get." These statements are also highly defamatory. The Nevyases do not now and never have posed any threat to public safety. During their study -- which ended in 2001 -- they were routinely inspected by the FDA who not only approved the continuation of the study, but who also agreed to extend the study and to expand its scope. Nor did you post all of the information you could get about the "numerous lawsuits." You are aware that all of the lawsuits were withdrawn except for Keith Wills which resulted in a JURY verdict in favor of the Nevyases, after Mr. Wills demonstrated in court that his vision was excellent.
20. You also falsely state that "the Nevyases' attorney, misrepresenting the Philadelphia Court's Order . . ." The Nevyases have never, on their own or through their attorneys, made any such misrepresentations.
21. "For those of you who have followed my situation throughout this ordeal know the truth, and the truth should not be silenced." This statement, in conjunction with the sentences that follow it, are false and defamatory. The truth is that you had over 20 independent doctors examine your eyes and not one of them found any fault with the Lasik performed on you by the Nevyases. The only doctors who ever found fault were the doctors hired by your attorney. No court has ever found that the Nevyases committed malpractice when they performed Lasik on you. You also talk about the truth being silenced. Again -- you entered into an agreement. There is no reason why you should not be held to the same standards as everyone else and have to live up to your agreements.
22. You have a heading: "Dr. Terrence O'Brien's Reports Concerning a Prior Patient, Also Damaged." This is false and defamatory.

*Stein & Silverman, P.C.*

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23. Another defamatory heading reads: "Nevyas' Deviation from Standard of Care – Kenneth Kenyan"
24. You write under the heading: "Help from the AAO & State Medical Boards" that "The help received from them was none even though the documents clearly show deviations from the standard of care and many violations." This statement is also false and defamatory.
25. You again publish your letter to the AAO. The entire letter is full of false and defamatory statements and we demand removal of the letter in its entirety.

The Nevyses demand that you immediately comply with the Court's March 16, 2011 Order by immediately removing all of the statements set forth in this letter, your letter to the AAO and any and all other similar statements.

Please notify me that you have removed all such statements and your letter to the AAO within five (5) business days or I will have no choice but to bring a contempt proceeding against you.

Very truly yours,

**STEIN & SILVERMAN, P.C.**



Leon Silverman

LWS/meh

cc: Maureen Fitzgerald, Esquire (via email transmission)

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June 21, 2011

VIA EMAIL - [lasikdecision@yahoo.com](mailto:lasikdecision@yahoo.com)

Dominic Morgan  
P.O. Box 1011  
Marlton, NJ 08053

**RE: Neyvas v. Morgan et al**  
**Philadelphia County CCP, November Term 2003; No.: 946**

Dear Mr. Morgan:

Whether you are legally blind does not relieve you from your obligation to comply with the Court's March 16, 2011 Order specifically enforcing the contract you entered with the Nevyases as affirmed, in part, by the Superior Court.

That Order has now been in effect for more than two months. You are under an obligation to comply with that Order.

The Order specifically states that "Defendant Dominic Morgan is precluded from past or future publishing of any defamatory material pertaining to and against Plaintiffs, particularly regarding their professional actions as ophthalmologists and Lasik surgeons . . . ." Order at ¶ 1. This is the language used by the Court.

The statements which I detailed in my June 7<sup>th</sup> letter to you are all defamatory statements pertaining to the Plaintiffs regarding their professional actions as ophthalmologists and/or Lasik surgeons. You are therefore prohibited from publishing those statements on any of your websites and those statements must be removed.

*Stein & Silverman, P.C.*

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We have now given you more than the five (5) days set forth in our June 7, 2011 letter. Cease and desist your publication of the statements set forth in our June 7, 2011 letter within seven (7) days or we will bring this matter to the attention of the Court, and seek enforcement of the Court's Order.

Very truly yours,

**STEIN & SILVERMAN, P.C.**



Leon Silverman

LWS/meh

cc: Maureen Fitzgerald, Esquire (via email transmission)