

**NEW YORK STATE SUPREME COURT
COUNTY OF CHAUTAUQUA**

**TODD SHATKIN, D.D.S.
2500 Kensington Avenue
Buffalo, New York 14226****SECOND
AMENDED VERIFIED
COMPLAINT****v.****Index No. EK1-2022-689****STEVEN ALD
716 Central Avenue
Dunkirk, NY 14048**

Plaintiff, **Todd Shatkin, D.D.S.**, (“Plaintiff” or “Dr. Shatkin”) by and through his attorneys, **SCHRÖDER, JOSEPH & ASSOCIATES, LLP**, for his Second Verified Amended Complaint against Defendant **Steven Ald**, states as follows:

NATURE OF THE ACTION

1. This Complaint seeks preliminary and permanent injunctive relief as well punitive damages and other damages against the Defendant, Steven Ald, arising out of his continuing harassment and stalking of Plaintiff, Dr. Shatkin, and his family, by, among other things, making false and defamatory statements about the Plaintiff which have been published by Defendant on, among other things, numerous websites, in mailings sent to residents of Amherst, and through online advertisements.

2. Furthermore, Defendant, an attorney, has continuously engaged in this unlawful conduct for almost nine years despite, the fact that the various internet hosting companies and media outlets have removed the defamatory content when informed of the illegality of this conduct. Significantly, this lawsuit was brought because Defendant has continued to publish these false statements only to punish Plaintiff for a consensual affair with Defendant’s wife

which ended approximately a decade ago. Accordingly, there is no public concern in these communications and they are not protected by any First Amendment rights and, instead, represent tortious and unlawful conduct on the part of Defendant.

3. Because this conduct is causing irreparable harm, pain and suffering to Plaintiff and his family and otherwise harming and damaging Plaintiff, Plaintiff is seeking by this action a temporary restraining order, preliminary and permanent injunctive relief, as well as punitive damages and other relief.

PARTIES, JURISDICTION AND VENUE

4. Plaintiff Todd Shatkin, D.D.S. is an individual who is a licensed dentist and who conducts a dental practice at 2500 Kensington Avenue, Buffalo, New York 14226.

5. Defendant Steven Ald is an individual who is a licensed attorney admitted to practice law in the State of New York. Defendant Ald resides in Erie County, New York but is, upon information and belief, employed in Dunkirk, New York and some of the conduct complained of herein took place in Chautauqua County, New York.

6. Defendant Ald, in the spring of 2022, leased or purchased the rights to a billboard which displayed a photograph of Plaintiff, and which is located between the Angola Exit 57A and the Silver Creek Exit 58 of the Thruway, U.S. 90 and included a phone number of (716) 934-3669, which Defendant has admitted is his, and refers individuals to a website which Defendant has admitted he owns and controls. Notably, despite the presence of this phone number on the billboard, Defendant has admitted under oath at an evidentiary hearing in this action that he has not received phone calls from anyone seeking his legal assistance which further confirms that the publication by Defendant of false statements about Defendant is not a matter of public concern

and is being engaged in by Defendant solely to punish Plaintiff for a consensual affair with Defendant's wife which ended many years ago.

7. While the billboard has been taken down by the owner—and not by Defendant Ald—the same unlawful conduct by Defendant continues through his use of internet websites, mailings and advertisements containing defamatory statements about Plaintiff as alleged in detail below.

8. Venue in this action is proper in New York Supreme Court for Chautauqua County based on the occurrence of the facts pertaining to the claims having occurred in Chautauqua County by reason of the Defendant's wrongful misconduct engaged at locations within Chautauqua County, including without limitation the billboard which was located in Chautauqua County and which caused damage in Chautauqua County to Plaintiff even though it has since been removed by the owner of the billboard—not by Defendant, who arranged for its display in Chautauqua County.

FACTS PERTINENT TO ALL CAUSES OF ACTION

9. Defendant has been engaged in harassment of Plaintiff for approximately nine years following a brief consensual relationship between Plaintiff and Defendant's wife.

10. Thus, for approximately nine years or more, the Defendant has engaged in a relentless campaign of harassment targeting not only Plaintiff personally, but also Plaintiff's employees at his dental practice, his patients and his family members.

11. Defendant has testified at a hearing before this Court that the purpose and intent of this harassment is purely personal – to “protect his family” and to keep the Plaintiff away from his wife.

12. Prior to the commencement of this action, the Defendant established at least two websites—using the identical picture that appears on the billboard and post card described herein—even though he is well aware that his websites were removed from the internet by the webhosting companies. While many of the webhosting companies took down Defendant’s website upon learning, two of the websites continue to be available on the internet. Copies of the contents of these websites at the time this action was commenced are attached hereto as Exhibits A and B.

13. Despite Defendant’s status as an attorney and Officer of the Court and his awareness of the unlawfulness of his behavior, Defendant Ald, in 2022, escalated this erratic and compulsive misconduct by erecting a billboard posted between the Angola Exit 57A and the Silver Creek Exit 58 of the Thruway, U.S. 90 which included an enlarged photograph of Plaintiff, all of which has been done by Defendant for the purpose of harassing and disparaging Plaintiff and causing pain and suffering not only to him but also to members of his family. A photograph of the Billboard is attached hereto as Exhibit C.

14. After the commencement of this action, the Defendant established numerous additional websites which included photographs of the Plaintiff and his dental offices, and contained names such as “buffalopredator.com,” “buffaloperverts.com,” and “pervertshatkinfamiy.com.” A copy of the photographs of Plaintiff appearing on one of the websites is attached hereto as Exhibit D.

15. In or about November of 2022, Defendant sent a postcard to residents in Amherst stating “This doctor has acted inappropriately. Help us stop him.” The postcard contained a photograph of the Plaintiff. A copy of the November 2022 postcard is attached hereto as Exhibit E. In or about April of 2023, the Defendant sent out a second postcard to residents of Amherst

stating “SHATKIN He is drilling more than his patients’ teeth. Report him to metoo-buffalo.com.” A copy of the April 2023 postcard is attached hereto as Exhibit F.

16. The Defendant admitted during a hearing held in this action that he was responsible for these two postcards. Based upon the Defendant’s conduct, the Court in this action has issued an order directing that Defendant cease harassing Plaintiff and cease communicating with Plaintiff, his workplace and his family members and imposed sanctions on Defendant, further illustrating that Defendant’s communications are not matters of public concern and instead are being engaged in by Defendant solely to punish Plaintiff for a consensual affair with Defendant’s wife which ended many years ago.

17. Thereafter, on or about March 3, 2003 and September 20, 2023, the Defendant placed online advertisements with Fox Sport, WIVB and WKBW which, like the second postcard, stated “SHATKIN He is drilling more than his patients’ teeth” and “Report him.” Screen shots of these advertisements are attached hereto as Exhibit G.

18. Just recently, the Defendant sent out another postcard to residents of Amherst again stating “SHATKIN He is drilling more than his patients’ teeth.” A copy of the latest postcard mailed by Defendant to residents of Amherst is attached hereto as Exhibit H.

19. An ordinary and reasonable person would understand the phrase “SHATKIN He is drilling more than his patients’ teeth” to mean that Plaintiff is currently engaging in inappropriate sexual relationships with patients.

20. An ordinary and reasonable person would understand the phrase “This doctor has acted inappropriately. Help us stop him” when combined with the name of a website bearing the domain name “metoo” and the website’s content to state that Plaintiff had engaged and is continuing to engage in numerous non-consensual relationships with women.

21. The Defendant admitted under oath in a hearing held in this action that, despite over nine years of efforts, he has failed to identify a single patient or any other women with whom Dr. Shatkin has had an inappropriate relationship since Plaintiff's consensual relationship with Defendant's wife ended more than eight years ago.

22. Indeed, the Defendant continues to include on his website a reference to litigation commenced in 1999 in which Dr. Shatkin was accused of sexual harassment. Not only did Dr. Shatkin prevail on his motion for summary judgment, but the woman involved was sanctioned for bringing a frivolous claim. To this day, despite knowing the absolute falsity of his references to this litigation on his website and that the woman's claims were found by a court to be frivolous, the Defendant continues to reference this litigation on his website.

23. Defendant Ald published the billboard, the websites, the postcards and the online advertisements to the public despite knowing that they contained false statements, all for the sole purpose of punishing Plaintiff for a consensual affair with his wife which ended many years ago. Indeed, as stated above, Defendant conceded his purposes are purely personal by testifying under oath that he has engaged in this conduct to "protect his family" and to keep the Plaintiff away from his wife.

24. The defamatory statements which knowingly, falsely and maliciously defame Plaintiff in his profession as a dentist, include without limitation, the following false statements:

a. **Exhibit A to this Amended Complaint:** The metoo-Shatkin Sexual Predator Dentist website falsely states that (1) Plaintiff is a "Sexual Predator Todd Shatkin DDS (Exhibit A at page 1); (2) that Plaintiff is a "panty snatching, home wrecking, piece of human garbage" (Exhibit A at page 1); (3) that Plaintiff has "been involved in numerous sexual misconduct incidents" (Exhibit A at page 1); (4) that Plaintiff" uses his wealth and influence to

keep quiet numerous claims of improper sexual advances toward women” (Exhibit A at page 1); (5) that cases include “an interior decorator” (Exhibit A at page 1); and (6) goes on to falsely describe a case in which not only did Dr. Shatkin prevail, but the woman involved was sanctioned on grounds that her complaint was frivolous (Exhibit A at page 2). All of these false accusations are made by Defendant on this website because of his anger arising from a consensual affair that Defendant’s wife had with Plaintiff over ten years ago and as Defendant himself testified in order to “protect his family.”

b. **Exhibit B to this Amended Complaint:** Similarly, Exhibit B—the metoo-Buffalo.com website—seeks referrals to Defendant’s law practice by falsely claiming that Plaintiff has “been hit with lawsuits and investigations” and “has never faced consequences for his actions and is still allowed to perpetuate the behavior as he continues to practice dentistry.” (Exhibit B at page 1). In support of this request for referrals, Defendant refers to a matter before “the professional review board for misconduct by dental professionals” but fails to disclose that this matter was brought by Defendant and his former wife and was dismissed as meritless because the relationship with the former wife was consensual. (Exhibit B at page 1). This website also makes the false statement that Plaintiff has engaged in “unethical, depraved behavior” and falsely states, among other false statements, that his “accusers” include “multiple patients of the dental practice.” (Exhibit B on pages 1 and 2, respectively).

c. **Exhibits C and E:** Spring 2022 billboard and November 2022 postcard, both stating that “This doctor has acted inappropriately. Help us stop him” with the domain name for the website metoo-buffalo.com which contains the defamatory statements described above.

d. **Exhibits F to H:** April 2023 and October 2023 postcards and the online

advertisements stating that “SHATKIN He is drilling more than his patients’ teeth.”

25. The foregoing quotations from the websites, billboard, postcards and online advertisements—Exhibits A to H to this Complaint—constitute just a few of the false, malicious and defamatory statements that have been made and continue to be made by Defendant against Plaintiff. More specifically, upon information and belief, the Defendant has placed similar false and defamatory advertisements on other online platforms which are not yet known to the Plaintiff.

26. The fact that Defendant Steven Ald— as an attorney—has continuously engaged in all this unlawful conduct and after numerous website host companies and online advertisers have removed these postings from the internet based on their illegality, demonstrates that Defendant also has violated the professional obligations he has as an attorney to abide by the law and is irreparably harming Plaintiff in his professional capacity.

27. Finally, this erratic, continuing and escalating conduct on Defendant’s part raises serious questions as to his potential to cause physical harm to Plaintiff and his family and must be stopped to ensure that there is no further unlawful escalation on Defendant Ald’s part.

28. Given the foregoing, because this unlawful conduct is causing irreparable harm, pain and suffering to Plaintiff and his family and otherwise harming Plaintiff, Plaintiff is seeking by this action preliminary and permanent injunctive relief as well as punitive damages and other relief.

AS AND FOR A FIRST CAUSE OF ACTION FOR DEFAMATION PER SE

29. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 28 above as though fully set forth herein.

30. Defendant Ald has repeatedly made and continues to make knowingly false and malicious statements which are specifically set forth in paragraph 24 above and in Exhibits A, B, and E to H to this Second Amended Verified Complaint.

31. The knowingly false statements identified in paragraph 24 and Exhibits A, B, C and E to H to this Second Amended Verified Complaint above have been published and continue to be published to the public through the websites previously posted as well as the currently posted websites, postcards mailed to Amherst residents and online advertisements as evidenced by Exhibits A, B, and E to H.

32. The false statements identified in paragraph 24 above and contained in Exhibits A, B, and E to H are damaging to Plaintiff's career and livelihood and his profession and, as such, constitute defamation per se.

33. Based on the foregoing, Plaintiff has suffered, and will continue to suffer, irreparable harm and damage.

34. Based on the foregoing, the Plaintiff is entitled to a preliminary injunction and permanent injunction directing Defendant Ald to cease and desist in the display and/or exhibit of the websites attached as Exhibit A and B or similar websites, and to cease and desist from stating or implying in any mailing, advertisement or other publication or disseminating in any way any statements that imply that Dr. Shatkin is engaged in inappropriate relationships with his patients, along with an award of damages, punitive damages and such other and further relief as the Court deems proper and just.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT FOR
VIOLATION OF THE NEW YORK COMMON LAW RIGHT OF PRIVACY OR,
ALTERNATIVELY, FOR PRIMA FACIE TORT**

35. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 34 above as though fully set forth herein.

36. Defendant's posting of Plaintiff's photographs and Defendant's statement that "This doctor has acted inappropriately. Help us stop him" and "SHATKIN He is drilling more than his patients' teeth" on the billboard in question, and Defendant's continued posting of Plaintiff's photograph and the false statements contained in the websites, postcards mailed to Amherst residents and online advertisement, attached to this Amended Verified Complaint as Exhibits A, B and E to H, violated and continues to violate Plaintiff's privacy rights under the New York Common Law.

37. Thus, Defendant has used the billboard in question and continues to use the websites, the U.S. Mail and the online advertising in question to harass Plaintiff and to unlawfully invade the privacy of Plaintiff and his family.

38. Alternatively, Defendant's conduct described above constitutes a prima facie tort in that it is malicious, intended to cause harm and is without justification.

39. Based on the foregoing, Plaintiff has suffered, and will continue to suffer, irreparable harm and damage.

40. Based upon the foregoing, the Plaintiff is entitled to a preliminary injunction and permanent injunction directing Defendant Ald to cease and desist in the display and/or exhibit of the false statements contained on the websites attached as Exhibits A and B, and from stating or implying in any mailing, advertisement or other publishing or disseminating statements that Dr. Shatkin is engaged in inappropriate relationships with his patients or employees, along with an award of damages, punitive damages and such other and further relief as the Court deems proper and just.

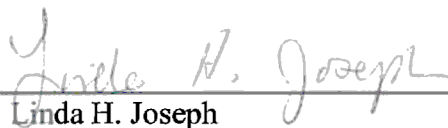
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that he be granted judgment on his Causes of Action by means of an Order awarding him damages, punitive damages to be determined by the trier of fact, together with attorney's fees and such other and further relief as the Court deems proper and just, along with the following preliminary and permanent injunctive relief prohibiting Defendant from continuing to defame Plaintiff by making false statements such as those contained in the websites attached as Exhibits A and B to the Complaint or similar websites, from stating or implying in any mailing, advertisement or other publishing or disseminating statements that imply that Dr. Shatkin is engaged in non-consensual relationships with his patients, or employees.

Dated: December 11, 2023
Buffalo, New York

Respectfully submitted,

SCHRÖDER, JOSEPH & ASSOCIATES, LLP



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