

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOS**

Civil Action, File No.: 18-civ-5426

Dr. Jay Joshi and National Pain
Centers, LLC

Plaintiffs,

v.

Dr. Jay K. Joshi, Institute of Advanced
Care & Analytics, PC d/b/a Prestige
Clinics,

Defendants.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
AND DEMAND FOR TRIAL BY JURY**

Plaintiffs, DR. JAY JOSHI (“the Real Dr. Joshi”) and NATIONAL PAIN CENTERS, LLC (“NPC”) (collectively “Plaintiffs”), by and through undersigned counsel, hereby sue Defendants, DR. JAY K. JOSHI (“the Imitator Dr. Joshi”) and INSTITUTE OF ADVANCED CARE & ANALYTICS, PC d/b/a PRESTIGE CLINICS (“Prestige Clinics”) (collectively “Defendants”), and allege as follows:

NATURE OF THE ACTION

1. Plaintiff the Real Dr. Joshi, founder of Plaintiff NPC, is known throughout the country as a leading pain management physician. He is a board-certified Anesthesiologist and fellowship trained Interventional Spine and Pain Management physician with 18 years of experience (all in anesthesiology, pain medicine, and interventional pain management). For the last decade, the Real Dr. Joshi has been recognized nationally and internationally for

achievements in medicine and pain management, including multiple first-in-the-world discoveries, descriptions, treatments, procedures, and techniques.

2. This action arises out of the criminal and tortious conduct of the Imitator Joshi, an opportunistic physician cum business person who, when he realized that he happened to share the same first and last name as the internationally renowned pain doctor the Real Dr. Joshi, intentionally misappropriated the Real Dr. Joshi's commercial reputation and credentials in order to deceive patients and others into believing that he, the Imitator Joshi, was a pain medicine expert. Then, the Imitator Joshi, despite having no experience whatsoever in pain medicine, used the Real Dr. Joshi's name, reputation, and credibility to transform his modest family medicine practice, Defendant Prestige Clinics, into a lucrative moneymaking opioid "pill mill," where the Imitator Joshi wantonly dispensed and over prescribed dangerous and addictive drugs with complete disregard for medical standards, guidelines, and practices.

3. The Imitator Joshi's conduct in indiscriminately distributing pain medicine prescriptions without performing the necessary medical examinations was so brazen and reckless that he was recently **indicted and arrested** by federal authorities on four counts of dispensing hydrocodone (a powerful opiate-based pain medicine) "not prescribed for a legitimate medical purpose, and outside the scope of professional practice." The Imitator Joshi's indictment and subsequent **guilty plea** to illegally distributing opioid medication received copious national media coverage. Because of the market confusion resulting from the Imposter Joshi's unfair, deceptive, and criminal actions, people everywhere, from patients, to medical colleagues, to journalists, are confused into incorrectly believing that the Real Dr. Joshi is the person in all the news stories about the doctor that was arrested for giving out pain pills like candy.

4. As explained in greater detail, *infra*, this confusion has had a devastating effect on

the life, career, and business of the Real Dr. Joshi. His business and medical practice have been decimated financially, as the Imitator Joshi's actions have harmed, and will continue to harm, the Real Dr. Joshi's and NPC's reputation and goodwill associated with the Real Dr. Joshi's name, and result in additional injury that cannot entirely be quantified or captured.

JURISDICTION AND VENUE

5. Plaintiff brings this action for trademark infringement, unfair competition, false designation of origin or sponsorship/endorsement, and palming off/passing off under the Lanham Act; trademark infringement, trademark dilution and tarnishment, unfair competition and deceptive and unfair trade practices, and unjust enrichment under Illinois and Indiana law.

6. This Court has original subject matter jurisdiction over this action and the claims asserted herein, pursuant to 28 U.S.C. 1331 and 1338(a). This Court has subject matter jurisdiction over the state law claims pursuant to 28 U.S.C. 1338(b) and 1367(a) in that the claims are so related to the federal claims that they form part of the same case or controversy.

7. Defendants are subject to the personal jurisdiction of the Court because they do or transact business in, have agents in, or are otherwise found to have purposefully availed themselves of the privilege of doing business in Illinois and in this District, and because they have caused an injury in this state by using unfair and deceptive trade practices in the State of Illinois.

8. Venue as the Imitator Joshi is properly founded in this District pursuant to 28 U.S.C. 1391(b)(1), (2), and (3) because he lives in this district, is subject to personal jurisdiction within this district and/or because a substantial part of the events or omissions giving rise to the claims occurred within this jurisdiction occurred in this District. Defendant Prestige Clinics is subject to personal jurisdiction within this judicial district and/or because a substantial part of the

events or omissions giving rise to the claims occurred within this jurisdiction occurred in this District.

9. All conditions precedent to bringing this action have been waived, excused, performed, or otherwise occurred.

THE PARTIES

10. Plaintiff the Real Dr. Joshi is an individual practicing medicine in Vernon Hills, Hoffman Estates, and Elk Grove Village, Illinois.

11. Plaintiff NPC is an Illinois limited liability company with its principal place of business located at 230 Center Dr., Ste. 201 (Vernon Square), Vernon Hills, IL 60061.

12. Upon information and belief, Defendant the Imitator Joshi is a resident of Burr Ridge, Illinois. Upon information and belief, before his Illinois and Indiana medical licenses were revoked, the Imitator Joshi practiced medicine in and around the greater Chicagoland area in Illinois and Indiana.

13. Defendant Prestige Clinics is an Indiana professional corporation owned and operated by the Imitator Joshi, with its primary place of business at 931 Ridge Road, Suite B, Munster, IN, 46321.

BACKGROUND

The Real Dr. Jay Joshi and National Pain Centers

14. Plaintiff Dr. Jay Joshi (the “Real Dr. Joshi”) is a locally and nationally recognized board certified Anesthesiologist and fellowship trained Interventional Spine and Pain Management physician with 18 years of experience (all in anesthesiology, pain medicine, and interventional pain management). He was accepted into medical school at the age of 16 via an accelerated honors BS/MD program with full scholarships. He completed an Internal Medicine

internship at Northwestern University and a residency and fellowship at Henry Ford Hospital. The Real Dr. Joshi regularly lectures nationally on various pain management guidelines and has a reputation for being a physician who has a strong education, outstanding skills, and unwavering ethics. Additionally, the Real Dr. Joshi is and has a reputation for being one of the leading scientific thought leaders on proper pain management, who is on a mission to educate and help patients across the country control their pain so their pain does not control them. Internationally, he has worked in the Department of Substance Abuse at the World Health Organization in Geneva, Switzerland.

15. In or around January 2011, the Real Dr. Joshi founded Plaintiff National Pain Centers, LLC (“NPC”). NPC manages physician services in two clinics and two surgical centers in the Chicagoland area, providing diagnostic care, surgical and other treatment, research, advocacy, education, and standards setting within the interventional and multi-modal pain management paradigm.

16. NPC’s primary stock in trade is the pain medicine and management services of the Real Dr. Joshi. The Real Dr. Joshi is the only treating physician at NPC’s locations, and he and his expertise are featured prominently on and in NPC’s marketing materials and website. As a result of Plaintiffs’ long use, significant advertising, and promotional activities of the name “Dr. Jay Joshi,” both NPC and the Real Dr. Joshi have amassed invaluable goodwill in the name “Dr. Jay Joshi.” To the general public, consumers, journalists, and other practitioners and medical professionals, the name “Dr. Jay Joshi” serves to identify the source of NPC’s services and represents both NPC’s and the Real Dr. Joshi’s impeccable reputation for responsible pain treatment and management. The trade name “Dr. Jay Joshi” is famous in the field of pain medicine.

The Opioid Epidemic in the U.S. and The Real Dr. Joshi's Vanguard Efforts to Fight It

17. In 2015, the U.S. Drug Enforcement Administration stated that “overdose deaths, particularly from prescription drugs and heroin, have reached epidemic levels.” From 1999 to 2008, overdose death rates, sales, and substance abuse treatment admissions related to opioid pain relievers all increased substantially. By 2015, there were more than 50,000 annual deaths from drug overdose, causing more deaths than either car accidents or guns. Upwards of 65,000 people died from drug overdose deaths in 2016. This is a tremendous increase from 1980, when about 5,000 people per year died from drug overdoses. Currently over 2 million heroin addicted people got their start from prescription pain pills.

18. It is generally accepted that the cause of this dramatic increase stems from the development of the pain drug OxyContin in the 1990s, and the subsequent trend of either incompetent, or greedy and unethical doctors prescribing the drug recklessly. This practice is especially egregious, as doctors are professionally and morally tasked with the responsibility to be on the lookout to identify patients who are using opioids inappropriately or diverting opioids for illegal sale.

19. The Real Dr. Joshi was one of the first medical professionals to publicly predict and warn against the devastating opioid epidemic that has wrought addiction, despair and death in communities all over the country. The Real Dr. Joshi saw early on that physicians who were not experts in pain management, such as family practitioners, surgeons, neurologists, psychiatrists and non-fellowship-trained anesthesiologists, were overprescribing dangerous and addictive opioids to their patients. The Real Dr. Joshi has taken a public and outspoken position on the reckless over prescription of opioids, and has actively cultivated a professional and commercial reputation for his conservative use of opioids in treating pain, and doing so only

after careful examination to establish a patient has legitimate, chronic, and debilitating pain that has first failed to resolve with non-opioid treatment options. Dr. Joshi has spoken about the opioid epidemic and the need for physician education at over 600 conferences and presentations, including PAINWeek, the largest Pain Management Conference in the United States.

20. As such, the name “Dr. Jay Joshi” has come to represent to the public not only the highest standards of pain management care provided by the Real Dr. Joshi and NPC, but it also represents the public face of the medical profession’s efforts to fight against the opioid crisis and implement stricter standards of certification in the practice of pain medicine.

The Pretender, The Imposter Dr. Jay Joshi

21. Defendant, Dr. Jay K. Joshi aka Dr. Jay Joshi (“The Imitator Joshi”) practiced general medicine in Illinois and Indiana at Defendant Prestige Clinics up until his recent arrest. As a general practitioner/family doctor, the Imposter Joshi was a generalist, *i.e.*, a physician who does not specialize in one particular area of medicine. General practitioners provide things like routine health care, physical examinations, immunizations, and treatment of colds and flu. Unlike the Real Dr. Joshi, the Imitator Joshi is not an anesthesiologist, not an interventional pain physician, has no board certifications in anesthesiology or pain management, and has no special training or education in pain medicine or the treatment of chronic pain.

22. Upon information and belief, the Imitator Joshi, upon learning that he shared a first and last name with the famous and well-regarded pain specialist the Real Dr. Joshi, saw an opportunity to capitalize on this coincidence. Specifically, the Imitator Joshi began holding himself out to the public as a pain specialist, despite having no experience or expertise in pain medicine whatsoever. Not only did the Imitator Joshi and Prestige Clinics welcome the inevitable market confusion that arose from two doctors with the exact same name practicing in

the same niche in the same metropolitan area, they in fact actively stoked and intentionally abetted such confusion. For example, upon information and belief Defendants combined and/or did not fix the Real Dr. Joshi's contact information with the Imitator Joshi's on several online professional profile pages, and also misappropriated the Real Dr. Joshi's credentials and patient reviews.

23. In short order, the Imitator Joshi began marketing himself as a pain specialist using the Real Dr. Joshi's credentials and reviews. The Imitator Joshi gave interviews to journalists who were trying to get in touch with, and then thought they were speaking with, the Real Dr. Joshi. The Imitator Joshi would intentionally conceal, suppress, and omit the material fact that he was in fact not the Real Dr. Joshi and not a pain medicine specialist. Based on such misguided publicity, Defendant Prestige Clinics saw a huge surge in the amount of pain patients it was servicing, and the Imitator Joshi jumped at the chance to improperly line his own pockets by overprescribing opioids during the greatest opioid epidemic the U.S. has ever seen.

The Imitator Dr. Joshi's Indictment and Guilty Plea to Federal Drug Charges

24. Because he was interested first and foremost in generating revenue, and not in the health or well-being of his patients, the Imitator Joshi did not treat his patients responsibly; instead he abused his position and authority as a doctor by turning his family practice into an opioid "pill mill."

25. Between April and December 2017, the Imitator Joshi issued more than 6,000 prescriptions for controlled substances. The Imitator Joshi was seeing 30-40 pain patients a day, giving all or most them prescriptions for dangerous addictive painkillers, and without performing the necessary medical evaluation. Part of the decision process required to write an opioid prescription includes taking a proper history from the patient, performing a proper physical

exam, and evaluating special tests like MRI scans. At 30-40 patients a day, there was not time for the Imitator Dr. Joshi to do much of anything else besides write opioid prescriptions, let alone perform proper evaluations. Despite having no training whatsoever as an anesthesiologist or in pain medicine, general practitioner Imitator Joshi ranked as the number one prescriber of controlled substances in Lake County, Indiana, and ninth statewide, in 2017.

26. On January 18, 2018, the Imitator Joshi was indicted on four counts of dispensing opioids “not prescribed for a legitimate medical purpose, and outside the scope of professional practice.” The indictment also alleged that the Imitator Joshi illegally signed prescriptions prior to even seeing patients, and instructed his staff to dispense prescriptions while he vacationed in Greece. The indictment received a great deal of press attention, with the U.S. Attorney releasing a public statement, and media outlets all over the country picked up the story, including the Chicago Tribune and the local news station WGN television. On July 26, 2018, the Imitator Joshi pled guilty to dispensing opioids “not prescribed for a legitimate medical purpose, and outside the scope of professional practice,” and again the story was all over the news in print, on the television, and online.

The Catastrophic Effects of the Imitator Joshi’s Actions on the Real Dr. Joshi

27. The catastrophic effects of the Imitator Joshi’s actions on the Real Dr. Joshi’s life, reputation, business, medical practice, family, and patients cannot be understated. As a result of the Imitator Joshi’s misrepresentation of himself as the Real Dr. Joshi and subsequent indictment, the Real Dr. Joshi’s and NPC’s medical practice was decimated. New patients are no longer referred by other physicians, because they incorrectly think the Real Dr. Joshi was the one who got indicted. People the Real Dr. Joshi has known for years, even decades, won’t return his calls or associate with him. Typically, the Real Dr. Joshi is invited to give over fifty

presentations a year at conferences all over the country. He has not received a single invitation to speak since the Imposter Joshi's indictment.

28. The most cruel, ironic, and devastating aspect of the Imitator Joshi's actions is that the Real Dr. Joshi, who up until recently enjoyed a hard earned reputation not only of impeccable credibility in pain medicine, but also of being on the vanguard of speaking out publicly against counterfeit pain physicians such as the Imitator Joshi, is now erroneously being disgraced and defamed as the lowest possible order of physician, the one who puts revenue before the well-being of his patients, and breaks drug laws while doing so. A large part of the reason news of the Imitator Joshi's indictment spread so fast, and the public was so fixated upon it, is because people found the idea of such a high-profile doctor (who publicly rallied against the role played by unscrupulous doctors in our nations opioid epidemic) being taken down for the very acts fought against irresistibly scandalous. This has taken a toll on the Real Dr. Joshi's health, well-being, and ability to help others. The Real Dr. Joshi's Legacy, and his honorable family legacy, that dates back generations, has been brought down and subjected to misguided shame. The Imitator Joshi was well aware that his conduct would have these devastating effects on the Real Dr. Joshi but did not care. The Imitator Joshi's selfish, arrogant, and narcissistic behavior had only one goal: revenue.

LEGAL CAUSES OF ACTION

COUNT I

FALSE DESIGNATION OF ORIGIN OR SPONSORSHIP/ENDORSEMENT, TRADE NAME DILUTION, AND UNFAIR COMPETITION UNDER 15 U.S.C. 1125(a) (Against All Defendants)

29. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

30. Plaintiffs have continuously marketed and performed their pain medicine services throughout the United States, including this judicial district. Plaintiffs have spent over 1 million dollars to build, maintain, advertise, promote and sell their services using the Real Dr. Joshi's name and professional reputation. For example, Plaintiffs use the Real Dr. Joshi's name in advertisements, promotional materials including professionally produced video contents, brochures and on their websites located at www.nationalpain.com.

31. Based on Plaintiffs' consistent and extensive use, the Real Dr. Joshi's name has become widely and favorably known, has acquired secondary meaning, has become famous, and has acquired extensive goodwill.

32. Defendants' misuse of the Real Dr. Joshi's name creates the false and deceptive commercial impression that Defendants, and all products and services of Defendants, are associated with, endorsed by, or sponsored by the Real Dr. Joshi. Defendants' conduct has caused actual consumer confusion. For example, the Real Dr. Joshi often serves as an expert witness in court cases. In a recent case, one of the attorneys in the matter attempted to disqualify the Real Dr. Joshi based on the mistaken belief that he was the Imposter Joshi who was indicted.

33. Defendants' acts described herein were and are intended to cause and have caused deception of the public, all or some of which have misled clients and prospective clients of Plaintiffs' as to the true characteristics and qualities of Plaintiffs' services; discouraged the public from doing business with a doctor and facility of superior quality, thereby depriving the public of services that could be beneficial to them; and led anyone who searches for "Dr. Joshi" on the internet to be led to links about the Imposter Joshi's crimes and misdeeds.

34. Defendants' misuse of the Real Dr. Joshi's name has wrongfully appropriated business and goodwill value that rightfully belongs to Plaintiffs and that Plaintiffs have invested

time, money, and energy in developing. Defendants' past and present acts have caused and are likely to cause confusion to the public and to health care practitioners as to whether to employ Plaintiffs for pain medicine services. This conduct is in violation of 15 U.S.C. 1125(a).

35. Plaintiffs have been damaged and continue to suffer damages and irreparable harm by the misappropriation and infringement described above in many ways, including but not limited to actual consumer confusion, and significant harm to reputation and goodwill, all in amounts not yet ascertainable but which are estimated to be not less than the jurisdictional minimum of this Court. The damage and negative impact of Defendants' improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois.

36. Such conduct of Defendants has been willful, wanton, reckless, and with full knowledge of Plaintiff's rights. Plaintiffs are therefore entitled to compensatory damages, treble damages as punitive damages, plus attorney's fees and costs pursuant to 15 U.S.C. § 1117. The injury to Plaintiffs continues to be immediate and irreparable. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated the Lanham Act as alleged;
- B. Enjoin Defendants from using the name "Dr. Jay Joshi" in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants' illegal conduct;

- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages of three-times compensatory damages;
- E. Award Plaintiffs Defendants' Profits;
- F. Award Plaintiff attorneys' fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT II
ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS
PRACTICES ACT (815 ILCS 505/1) AND ILLINOIS UNIFORM
DECEPTIVE TRADE PRACTICES ACT (815 ILCS 505/2)
(Against All Defendants)

37. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

38. For the purposes of this Count II, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiff for the conduct complained of herein.

39. Defendants' acts described herein were and are intended to cause and have caused deception of the public, all or some of which have misled clients and prospective clients of Plaintiffs' as to the source, sponsorship, affiliation, connection, association, certification or approval of Defendants' goods and services with Plaintiffs', as well as disparaged the true characteristics and qualities of Plaintiffs' services; discouraged the public from doing business with a doctor and facility of superior quality, thereby depriving the public of services that could be beneficial to them; and led anyone who searches for "Dr. Joshi" on the internet to be led to

links about the Imposter Joshi's crimes and misdeeds.

40. As a result of these aforesaid acts, Defendants have been and are engaging in deceptive trade practices and trade disparagement within the meaning of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.* and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 5120/1 *et seq.*

41. Plaintiffs have been damaged and continue to suffer damages and irreparable harm by the misappropriation and infringement described above in many ways, including but not limited to actual consumer confusion, and significant harm to reputation and goodwill, all in amounts not yet ascertainable but which are estimated to be not less than the jurisdictional minimum of this Court. The damage and negative impact of Defendants' improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois.

42. Such conduct and deception of Defendants has been willful, wanton, reckless, and with full knowledge of Plaintiff's rights. Plaintiffs are therefore entitled to compensatory damages, treble damages as punitive damages, plus attorney's fees and costs. The injury to Plaintiffs continues to be immediate and irreparable. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated the Illinois Consumer Fraud and Deceptive Business Practices Act and the Illinois Uniform Deceptive Trade Practices Act as alleged;
- B. Enjoin Defendants from using the name "Dr. Jay Joshi" in relation to pain medicine

treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants' illegal conduct;

- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages;
- E. Award Plaintiffs Defendants' Profits;
- F. Award Plaintiff attorneys' fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT III
TRADE NAME DILUTION UNDER 15 USC 1125(c)
(Against All Defendants)

43. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

44. For the purposes of this Count III, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiffs for the conduct complained of herein.

45. As explained above, the name "Dr. Jay Joshi" is famous for cutting edge and top tier pain management medical services, and it serves as an identifier of the services of both the Real Dr. Joshi and NPC.

46. Defendants' misuse of the Real Dr. Joshi's trade name and professional credentials to prop up their pain pill criminal enterprise has caused consumers to mistakenly associate the famous trade name "Dr. Jay Joshi" with the Defendants' inferior and offensive services. This has

caused and will continue to cause dilution by tarnishment of the distinctive quality of the trade name “Dr. Jay Joshi,” and therefore constitutes trade name dilution under the Lanham Act, 15 U.S.C. § 1125(c)(1).

47. The foregoing acts of dilution result from Defendants’ willful intention to trade upon the Real Dr. Joshi’s reputation, making this an exceptional case within the meaning of 15 U.S.C. 1125(c)(2), and entitling Plaintiffs to the remedies set forth in 15 U.S.C. § 1117.

48. The injury to Plaintiffs continues to be immediate and irreparable. The damage and negative impact of Defendants’ improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated the Lanham Act as alleged;
- B. Enjoin Defendants from using the name “Dr. Jay Joshi” in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants’ illegal conduct;
- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages of three-times compensatory damages;
- E. Award Plaintiffs Defendants’ Profits;
- F. Award Plaintiff attorneys’ fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT IV
TRADE NAME DILUTION UNDER THE ILLINOIS TRADEMARK REGISTRATION
AND PROTECTION ACT (765 ILCS 1036/65)
(Against All Defendants)

49. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

50. For the purposes of this Count IV, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiffs for the conduct complained of herein.

51. As explained above, the name “Dr. Jay Joshi” is famous in the state of Illinois for cutting edge and top tier pain management medical services, and it serves as an identifier of the services of both the Real Dr. Joshi and NPC.

52. Defendants’ misuse of the Real Dr. Joshi’s trade name and professional credentials to prop up their pain pill criminal enterprise has caused consumers to mistakenly associate the famous trade name “Dr. Jay Joshi” with the Defendants’ inferior and offensive services. This has caused and will continue to cause dilution by tarnishment of the distinctive quality of the trade name “Dr. Jay Joshi,” and therefore constitutes trade name dilution under the Illinois Trademark Registration and Protection Act (765 ILCS 1036/65) (the “ITRPA”).

53. The foregoing acts of dilution result from Defendants’ willful intention to trade upon the Real Dr. Joshi’s reputation, entitling Plaintiffs to the remedies set forth in Section 70 of the ITRPA.

54. The injury to Plaintiffs continues to be immediate and irreparable. The damage and

negative impact of Defendants' improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated the ITRPA as alleged;
- B. Enjoin Defendants from using the name "Dr. Jay Joshi" in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants' illegal conduct;
- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages of three-times compensatory damages;
- E. Award Plaintiffs Defendants' Profits;
- F. Award Plaintiff attorneys' fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT V
TRADE NAME DILUTION UNDER ILLINOIS COMMON LAW
(Against All Defendants)

55. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

56. For the purposes of this Count V, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting

within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiffs for the conduct complained of herein.

57. As explained above, the name “Dr. Jay Joshi” is famous in the state of Illinois for cutting edge and top tier pain management medical services, and it serves as an identifier of the services of both the Real Dr. Joshi and NPC.

58. Defendants’ misuse of the Real Dr. Joshi’s trade name and professional credentials to prop up their pain pill criminal enterprise has caused consumers to mistakenly associate the famous trade name “Dr. Jay Joshi” with the Defendants’ inferior and offensive services. This has caused and will continue to cause dilution by tarnishment of the distinctive quality of the trade name “Dr. Jay Joshi,” and therefore constitutes trade name dilution under the Illinois common law.

59. The foregoing acts of dilution result from Defendants’ willful intention to trade upon the Real Dr. Joshi’s reputation.

60. The injury to Plaintiffs continues to be immediate and irreparable. The damage and negative impact of Defendants’ improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated Illinois common law as alleged;

- B. Enjoin Defendants from using the name “Dr. Jay Joshi” in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants’ illegal conduct;
- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages;
- E. Award Plaintiffs Defendants’ profits;
- F. Award Plaintiff attorneys’ fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT VI
ILLINOIS COMMON LAW UNFAIR COMPETITION –
TRADE NAME INFRINGEMENT AND PALMING OFF
(Against All Defendants)

61. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

62. For the purposes of this Count VI, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiffs for the conduct complained of herein.

63. Defendants’ acts described herein were and are intended to cause and have caused deception of the public, all or some of which have misled clients and prospective clients of Plaintiffs’ as to the source, sponsorship, affiliation, connection, association, certification or approval of Defendants’ goods and services with Plaintiffs’, as well as disparaged the true characteristics and qualities of Plaintiffs’ services; discouraged the public from doing business

with a doctor and facility of superior quality, thereby depriving the public of services that could be beneficial to them; and led anyone who searches for “Dr. Joshi” on the internet to be led to links about the Imposter Joshi’s crimes and misdeeds.

64. As a result of these aforesaid acts, Defendants have been and are engaging in unfair competition and palming off under Illinois common law.

65. Plaintiffs have been damaged and continue to suffer damages and irreparable harm by the misappropriation and infringement described above in many ways, including but not limited to actual consumer confusion, and significant harm to reputation and goodwill, all in amounts not yet ascertainable but which are estimated to be not less than the jurisdictional minimum of this Court. The damage and negative impact of Defendants’ improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois.

66. Such conduct and deception of Defendants has been willful, wanton, reckless, and with full knowledge of Plaintiff’s rights. Plaintiffs are therefore entitled to compensatory damages, punitive damages, plus attorney’s fees and costs. The injury to Plaintiffs continues to be immediate and irreparable. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated Illinois common law as alleged;
- B. Enjoin Defendants from using the name “Dr. Jay Joshi” in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion

and damages caused by Defendants' illegal conduct;

- C. Award Plaintiffs compensatory damages in an amount to be determined;
- D. Award Plaintiffs punitive damages;
- E. Award Plaintiffs Defendants' profits;
- F. Award Plaintiff attorneys' fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

COUNT VII
INDIANA COMMON LAW UNFAIR COMPETITION –
TRADE NAME INFRINGEMENT AND PALMING OFF
(Against All Defendants)

67. Plaintiffs restate and reallege the previous paragraphs herein and further state and allege as follows:

68. For the purposes of this Count VII, each of the defendants acted as an agent for each of the other defendants in doing the acts or omissions alleged and each defendant ratified and otherwise adopted the acts and statements of the other defendants and was at all times acting within the course and scope of such agency with the knowledge and approval of each of the other defendants so as to make them directly and vicariously liable to Plaintiffs for the conduct complained of herein.

69. Many of Defendants' acts described herein took place in Indiana and were and are intended to cause and have caused deception of the public in Indiana, all or some of which have misled clients and prospective clients of Plaintiffs' as to the source, sponsorship, affiliation, connection, association, certification or approval of Defendants' goods and services with Plaintiffs', as well as disparaged the true characteristics and qualities of Plaintiffs' services; discouraged the public from doing business with a doctor and facility of superior quality, thereby depriving the public of services that could be beneficial to them; and led anyone who searches

for “Dr. Joshi” on the internet to be led to links about the Imposter Joshi’s crimes and misdeeds.

70. As a result of these aforesaid acts, Defendants have been and are engaging in unfair competition, trade name infringement, and palming off under Indiana common law.

71. Plaintiffs have been damaged and continue to suffer damages and irreparable harm by the misappropriation and infringement described above in many ways, including but not limited to actual consumer confusion, and significant harm to reputation and goodwill, all in amounts not yet ascertainable but which are estimated to be not less than the jurisdictional minimum of this Court. The damage and negative impact of Defendants’ improper conduct was experienced by Plaintiffs primarily at their principal places of business in the Northern District of Illinois.

72. Such conduct and deception of Defendants has been willful, wanton, reckless, and with full knowledge of Plaintiff’s rights. Plaintiffs are therefore entitled to compensatory damages, punitive damages, plus attorney’s fees and costs. The injury to Plaintiffs continues to be immediate and irreparable. Defendants will continue such willful and intentional conduct unless enjoined and instructed to engage in corrective action by this Court.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have violated Illinois common law as alleged;
- B. Enjoin Defendants from using the name “Dr. Jay Joshi” in relation to pain medicine treatment and to engage in widespread corrective advertising to mitigate the confusion and damages caused by Defendants’ illegal conduct;
- C. Award Plaintiffs compensatory damages in an amount to be determined;

- D. Award Plaintiffs punitive damages;
- E. Award Plaintiffs Defendants' profits;
- F. Award Plaintiff attorneys' fees and costs of suit;
- G. Award such other and further relief as deemed just and fair in equity or law.

**COUNT VIII
UNJUST ENRICHMENT**

73. Plaintiffs restate and reallege the previous paragraphs herein and further states and alleges as follows:

74. Defendants owed a duty to Plaintiffs and to the public at large to distinguish between the Imitator Joshi and the Real Dr. Joshi and to refrain from disseminating false information as to the Imitator Joshi's experience and credentials, and intentionally confusing the public. Defendants violated this duty.

75. Defendants have retained substantial financial gain and caused significant financial harm to Plaintiffs on account of Defendants' improper acts described herein.

76. The Defendants' retention of such financial benefit violates the fundamental principles of justice, equity, and good conscience.

WHEREFORE, Plaintiffs the Real Dr. Joshi and NPC pray that this Court enter judgment in their favor and against Defendants, and specifically that this Court:

- A. Issue an order and judgment declaring that Defendants have been unjustly enriched as alleged;
- B. Award Plaintiffs compensatory damages in an amount to be determined;
- C. Award Plaintiffs punitive damages;
- D. Award Plaintiffs Defendants' profits;
- E. Award Plaintiff attorneys' fees and costs of suit;

F. Award such other and further relief as deemed just and fair in equity or law.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of all issues triable as of right by jury

Dated: August 8, 2018

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