IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS
189TH JUDICIAL DISTRICT

DR. MARY TALLEY BOWDEN Plaintiff, v. THE METHODIST HOSPITAL d/b/a Houston Methodist Hospital -and- MARC L. BOOM Defendants.	)	Cause No. _____ **TRIAL BY JURY** **IS DEMANDED**

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, Dr. Mary Talley Bowden ("Dr. Bowden"), by counsel, files this Original Petition against Defendants, Methodist Hospital a/k/a Houston Methodist Hospital ("Methodist") and Marc L. Boom ("Boom"), jointly and severally.

I. DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure (the "Rules").

2. In accordance with Rule 47, Dr. Bowden seeks (a) compensatory damages and punitive damages in the sum of **$25,000,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from November 12, 2021 to the date of Judgment, and (c) court costs – arising out of Defendants' defamation and defamation by implication.

II. STATEMENT OF MATERIAL FACTS

3. Dr. Bowden is a licensed ENT physician who practices in Houston, Texas. She is 50 years old. She completed her residency at Stanford Medical School and is board-certified in both Otolaryngology and Sleep Medicine. She specializes in sinus, sleep and allergy disorders and treats both children and adults. She is the founder of BreatheMD, a medical practice focused on airway health. Since January 2020, she has seen and successfully treated over 4,000 patients with the novel coronavirus ("COVID"). [https://breathemd.org/our-team].

4. In March 2020, Dr. Bowden stepped up and agreed to help patients whose primary care doctors would not see them due to COVID. After doing extensive research and collaborating with other physicians, Dr. Bowden began using Ivermectin as part of a multimodality treatment protocol. She successfully kept over 4,000 patients out of the hospital with no dangerous side effects. In July 2021, she noticed a troubling trend: most of her COVID patients were fully vaccinated *and yet* experiencing symptoms. She reached out to an otolaryngology contact at Methodist, with whom she was collaborating on research papers based on her patient population, to see if the hospital was experiencing the same troubling trend. This physician at Methodist advised that a majority of the patients at the hospital were "unvaccinated". Dr. Bowden's contact further stated, "I guess the goal of the vaccines is to prevent against severe disease."

5. As time went on, Dr. Bowden became increasingly worried about serious side effects from vaccines that her patients were experiencing. Dr. Bowden developed concerns that the vaccines posed significant risks. She felt the government wasn't being candid about those risks. When vaccine mandates started, she had numerous patients

come to her extremely distraught because they were going to lose their jobs if they did not involuntarily submit to the vaccines. Dr. Bowden empathized with these patients and began to speak out against vaccine mandates. She became an opponent of vaccine mandates, and over time, the vaccines themselves. Dr. Bowden began sharing her opinions on Twitter, including her view that vaccine mandates are "wrong". [*See* https://twitter.com/MdBreathe].

6. Methodist and Boom retaliated against Dr. Bowden in an unprecedented manner. Without notice, they published false and defamatory statements to the press and on social media, affording no due process, acting contrary to and with reckless disregard for both the letter and spirit of Methodist's bylaws. Beginning in November 2021, Methodist and Boom, took to Twitter[1] and published a series of statements of fact about Dr. Bowden that injured Dr. Bowden's reputation, exposed her to public hatred, contempt, ridicule, financial injury, and impugned her professional judgment, integrity, honesty and veracity as a licensed medical professional, including the following:

(1) Dr. Bowden's "opinions [about the COVID-19 vaccine and treatments], which are harmful to the community, do not reflect reliable medical evidence"

[https://twitter.com/MethodistHosp/status/1459294184431570948]

(2) "Dr. Bowden … is spreading dangerous misinformation which is not based in science"

[https://twitter.com/MethodistHosp/status/1459294688423333892]

[1] As part of its business, Methodist operates a Twitter account, @MethodistHosp, which has over 23,000 followers. [https://twitter.com/MethodistHosp]. Upon information and belief, most of Methodist's followers are medical and other healthcare professionals.

(3) https://www.khou.com/article/news/health/houston-methodist-doctor-defends-herself-hospital-ceo-response/285-3a1a2699-f3e3-4268-b5f4-f9171e958e5a

("Houston Methodist Hospital's medical staff leadership decided to suspend and investigate Dr. Bowden for her inappropriate behavior, including spreading misinformation about COVID-19 vaccines and treatments. As a physician, I am personally offended by her behavior and by her misleading comments about COVID-19 and our hospital system")[2]

(4) https://twitter.com/KHOU/status/1461173571598835716

("CEO Marc Boom said Dr. Mary Talley Bowden was spreading 'dangerous' misinformation about COVID-19 vaccines and treatments")

(each a "Statement" and together the "Statements").

7. As was intended and as was naturally and reasonably foreseeable, Methodist and Boom's materially false and defamatory Statements and social media posts were republished locally, nationally and worldwide to millions inside and outside medical community, *e.g.*:

https://www.houstonchronicle.com/news/houston-texas/health/article/Houston-Methodist-suspends-River-Oaks-doctor-for-16615892.php

("**Houston Methodist suspends River Oaks doctor for spreading COVID misinformation**");

https://www.chron.com/news/houston-texas/article/Mary-Talley-Bowden-Houston-Methodist-vaccine-16775583.php

("**Former Houston Methodist doctor still licensed after using social media to spread COVID-19 misinformation**");

[2] Dr. Bowden sent an email to her patients and part of it mentioned that she had a patient whose urologist (Methodist) told her she would need to find a new urologist if she isn't vaccinated. The chairman of Otolaryngology at Methodist sent Dr. Bowden an email about this. He asked Dr. Bowden to check her sources before repeating something a patient stated. Dr. Bowden sent a subsequent email to her patients telling them that Methodist does not have a policy in place to not care for unvaccinated patients. This was the only private communication Dr. Bowden had with Methodist. Dr. Bowden never made any misleading statements about COVID or the Methodist hospital system.

https://www.khou.com/article/news/health/coronavirus/houston-methodist-doctor-resigns-over-anti-vaccine-mandate-pro-ivermectin-tweets/285-cc692887-75f4-41f3-a2cb-07e6ec45bbf6

("**Dr. Mary Bowden resigned from Houston Methodist after the hospital said she was spreading misinformation about COVID-19 on social media. Dr. Bowden was suspended last week. In a series of tweets, the hospital said she was spreading 'dangerous misinformation (about COVID-19 on social media) which is not based in science'**");

https://cw39.com/news/local/doctor-resigns-from-houston-methodist-after-being-suspended-for-spreading-misinformation-about-covid/

("**Doctor resigns from Houston Methodist after being suspended for spreading 'misinformation' about COVID-19 methods**");

https://www.kxan.com/news/texas/houston-doctor-suspended-for-spreading-dangerous-misinformation-on-covid-19/

("**Houston doctor suspended for 'spreading dangerous misinformation' on COVID-19**");

https://www.fox26houston.com/news/houston-doctor-accused-of-spreading-dangerous-misinformation-by-houston-methodist-hospital-fires-back

("**Houston doctor accused of spreading dangerous misinformation by Houston Methodist Hospital fires back**");

https://abc13.com/houston-doctor-suspended-dr-mary-bowden-covid-methodist/11230466/

("**Houston doctor suspended for 'spreading dangerous misinformation' responds to allegations**");

https://www.cbs42.com/news/health/coronavirus/texas-doctor-suspended-for-spreading-dangerous-misinformation-on-covid-19/

("**Texas doctor suspended for 'spreading dangerous misinformation' on COVID-19**");

https://www.kron4.com/news/national/texas-doctor-suspended-for-spreading-dangerous-misinformation-on-covid-19/

("**Texas doctor suspended for 'spreading dangerous misinformation' on COVID-19**");

https://fox59.com/news/texas-hospital-bans-doctor-for-spreading-misinformation-about-coronavirus/

("**Texas hospital bans doctor for spreading 'misinformation' about coronavirus**");

https://apnews.com/article/coronavirus-pandemic-business-texas-media-health-e1f97db1cda6335aff1523ebaf389bf7

("**Texas hospital suspends doctor for false COVID information**");

https://www.cbsnews.com/news/mary-bowden-suspended-covid-19-misinformation-vaccinated-patients-texas/

("**Texas doctor suspended for spreading COVID-19 misinformation and refusing to treat vaccinated patients, hospital says**");

https://www.nbcnews.com/news/us-news/suspended-texas-doctor-promoted-ivermectin-covid-treatment-resigns-hos-rcna5833

("**Dr. Mary Bowden was suspended from Houston Methodist Friday for 'spreading dangerous misinformation.' She resigned this week**");

https://www.washingtonpost.com/nation/2021/11/15/houston-doctor-suspended-hospital-misinformation-covid/

("**Hospital revokes Houston doctor's privileges for 'spreading dangerous misinformation' about covid on Twitter**");

https://www.usatoday.com/story/news/health/2021/11/15/texas-hospital-suspends-doctor-misinformation-covid-vaccines/8633323002/

("**Texas hospital suspends doctor for spreading false information about COVID-19, vaccines**");

https://www.theguardian.com/world/2021/nov/15/houston-doctor-suspended-hospital-spreading-covid-misinformation

("**Houston doctor suspended from hospital for spreading Covid misinformation**");

https://www.cnn.com/2021/11/13/us/houston-doctor-suspended-covid-19/index.html

("**Texas doctor suspended for spreading 'misinformation' about Covid-19 submits resignation letter**").

8. Methodist and Boom's Statements are materially false because:

- Dr. Bowden's opinions were not and are not harmful to patients or others in the community. Dr. Bowden has extensive first-hand experience treating COVID. She is considered an expert by other physicians who believe in outpatient treatment of COVID. She has kept over 4,000 patients out of the hospital, and no one who has received early treatment under her care has died. Dr. Bowden has had no serious adverse reactions from using Ivermectin. Methodist and Boom's Statements are provably false.

- Dr. Bowden is a clinical advisor for FLCCC (Frontline COVID Critical Care Alliance). Dr. Bowden's views were and are based in science and on reliable medical evidence, including multiple peer-reviewed studies, statistical data published by the Department of Health and Human Services, Vaccine Adverse Event Reporting System ("VAERS"), and the published opinions of renowned medical professionals and prominent scientists, including Dr. Peter A. McCullough, Dr. Jay Bhattacharya, a professor of health policy at Stanford, and Dr. Sunetra Gupta, an infectious disease epidemiologist who teaches at Oxford.

- Dr. Bowden did not once spread any kind of misinformation.[3] She published true facts with a scientific basis.

- Methodist did not suspend Dr. Bowden for spreading misinformation about COVID-19 vaccines and treatments. Rather, in a letter dated November 11, 2021, which did not "suspend" Dr. Bowden's clinical privileges, Methodist requested information concerning Dr. Bowden's vaccination status and made an unspecified reference to "public use of vulgar, offensive and abusive language directed at others".

- Dr. Bowden never published any misleading statements or comments about COVID-19 or Methodist's hospital system.

- Dr. Bowden never did anything dangerous or that put her patients or anyone else in danger.

9. Taken as a whole, the clear defamatory gist of Methodist and Boom's Statements is that Dr. Bowden is unfit to be a medical doctor, that her medical judgments

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[3] According to the United States Department of Homeland Security ("DHS"), "misinformation" is "false information shared with others without the intent to mislead." "Disinformation", by comparison, is "manufactured information that is deliberately created or dissemminated with the intent to cause harm." https://www.dhs.gov/sites/default/files/publications/ia/ia_combatting-targeted-disinformation-campaigns.pdf, p. 4]. According to DHS, the spread of misinformation has helped to create a heightened terrorist threat to the United States homeland. [https://www.dhs.gov/sites/default/files/ntas/alerts/22_0207_ntas-bulletin.pdf; https://www.cisa.gov/mdm; https://dailycaller.com/2022/02/09/department-homeland-security-misinformation-covid-19-election-fraud-possible-terrorist-threat/]. Misinformation and disinformation was/is such a serious threat that DHS created a "Disinformation Governance Board". [https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board].

and advice are unsafe and/or unsound, and that she peddles misinformation and disinformation, including harmful medical treatments and opinions and, therefore, endangers patients. The qualities disparaged by Methodist and Boom – Dr. Bowden's medical judgment, advice, credibility, honesty, veracity, integrity, ethics, intelligence, performance and ability to perform as a licensed medical doctor – are peculiarly valuable to her and are absolutely necessary in the practice and profession of any medical professional. The Statements ascribe to Dr. Bowden conduct, characteristics and conditions that are highly prejudicial to her or anyone in her profession.

10. Methodist and Boom's false Statements were immediately understood by third parties to convey the intended defamatory meaning about Dr. Bowden, *see, e.g.*:

> https://crooksandliars.com/2021/11/houston-hospital-suspends-doctor-spreading ("Why this woman has been allowed to keep her medical license, or to continue to spread dangerous lies on Twitter without being suspended is beyond me. It seems a hospital in Houston has finally had enough of her");
>
> https://twitter.com/stephandy03/status/1459299959828889604 ("Thank you @MethodistHosp for always practicing evidence-based medicine and caring for us during the pandemic #science");
>
> https://twitter.com/cleberz/status/1460309152866185218 ("Thanks for standing for the truth and preventing folks from spreading falsehoods. It's one 'doctor' undermining the hardwork of 25k employees, and worse, putting everyone's lives and health at risk");
>
> https://twitter.com/HrTherapyCat/status/1459508161551814659 ("Report Dr Bowden to the board of medicine, not Twitter");
>
> https://twitter.com/LoveLogCabins/status/1461081773735956487 ("I applaud the @MethodistHosp for taking action. Q-ackery does not instill trust. Quite the opposite. Dr Bowden can go back to her Veteranary [sic] practice");
>
> https://twitter.com/therightswrong/status/1460293267988389898 ("Send a message to every quack doctor peddling dangerous COVID disinformation and propaganda and revoke Dr. Bowden's medical license");

https://twitter.com/aditinfinite/status/1459956648064204802
("Glad to see this: Houston Methodist Hospital suspended Dr. Mary Bowden who repeatedly & baselessly defended Ivermectin as COVID-19 treatment. More hospitals & boards need to enact disciplinary measures against Drs who spread #COVID19 hoaxes. Enough is enough");

https://twitter.com/RomancingNope/status/1460289422608502786
("Let's talk about Dr. Mary Talley Bowden, and those like her, who have gone out of their way to spread disinformation and administer ineffective treatments in the pandemic");

https://twitter.com/McNado1/status/1459526948758048769
("Thank you @MethodistHosp for standing up for good care, and against misinformation from Dr. Bowden (@MDBreathe). None of us are shocked to find that another antivax grifter is in fact vaccinated");

https://twitter.com/RonDePinho/status/1460403398000484359
("@MethodistHosp suspended Dr Mary Bowden for sharing 'dangerous misinformation not based in science' about #CovidVaccine and treatments on social media. BRAVO to CEO Dr Marc Boom for placing public safety first");

https://twitter.com/NLFD_org/status/1459728722013999108
("A Texas hospital says it has suspended the privileges of Mary Talley Bowden, MD (@MdBreathe) – who spread misinformation about Covid-19 on her social media. That's progress. This isn't personal Mary, physicians must protect public health and safety").

11. Methodist and Boom's false and defamatory Statements injured Dr. Bowden. She lost patients. She and BreatheMD received negative reviews on Google. She lost business opportunities and substantial income. Her reputation as a physician was severely compromised. The Statements thrust Dr. Bowden into a public controversy and fundamentally changed her life. She is self-conscious in places and at times she was not before. She fears for her safety and the safety and welfare of her children. She worries about schools, physicians and therapists treating her children differently because of the damage done to her reputation (for example, her son was not accepted to any of the four private schools he applied to for high school and Dr. Bowden was informed by a board member at one of them that it was because of the Statements published by Methodist).

Dr. Bowden was featured in the Houston Chronicle as one of the most controversial Houstonians of 2021. Methodist and Boom's egregious and unnecessary attacks insulted, humiliated, shamed and traumatized Dr. Bowden.

12. In this case, Dr. Bowden seeks presumed damages, actual damages (past and future mental anguish and past and future injury to reputation), special damages (including career damage and impairment of future earning capacity) and punitive damages as a result of the defamation and defamation by implication.

III. PARTIES

13. Dr. Bowden is a citizen of Texas. She lives and works in Houston. She is a private individual.

14. Methodist is a Texas corporation with its principal place of business at 6565 Fannin Street, Houston, in Harris County, Texas.

15. Boom is a citizen of Texas. Upon information and belief, he lives in Houston. Boom is CEO of Methodist. His false Statements and defamatory implications were discussed with and approved by Methodist prior to publication. Boom used Methodist property and facilities to publish the Statements on Twitter and to the Houston Chronicle. Methodist is liable for Boom's defamation under the doctrine of *respondeat superior*.

IV. JURISDICTION AND VENUE

16. Defendants are at home in Texas, and are subject to the Court's general personal jurisdiction.

17. Venue is proper in Harris County, Texas, under Texas Civil Practice and Remedies Code §15.002(a)(1) and (3) because the parties are domiciled in Harris County,

Texas, and because a substantial part of the events or omissions giving rise to the claim occurred in Harris County, where Defendants published the Statements.

18. Prior to filing this action, Dr. Bowden fully complied with the Texas Defamation Mitigation Act (the "DMA"). *Tex. Civ. Prac. & Rem. Code § 73.051 et seq.* On April 18, 2022, Dr. Bowden served on Methodist and Boom at the place of publication a written notice specifying the statements that are defamatory and demanding, *inter alia*, that those statements be retracted and/or corrected and removed from the Internet.

19. Methodist and Boom completely ignored Dr. Bowden's written notice, and failed or refused to retract and correct the false and defamatory Statements.

V. CAUSES OF ACTION

A. Defamation

20. Dr. Bowden restates paragraphs 1 through 19 of this Complaint, and incorporates them herein by reference.

21. Methodist and Boom made, published and republished numerous false factual statements of and concerning Dr. Bowden. These false statements are detailed verbatim above. Methodist and Boom published the false Statements without privilege of any kind.

22. The false Statements are defamatory. The Statements accuse and impute to Dr. Bowden unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment, including violation of Dr. Bowden's professional duties as a licensed physician, lapse in judgment, fraud and misinformation, deception, lack of ethics, lack of integrity and lack

of veracity. The Statements also prejudice Dr. Bowden in her profession as a licensed medical doctor.

23. By publishing the Statements on social media and to the Houston Chronicle, Methodist and Boom knew or should have known that the statements would be republished over and over by third-parties to Dr. Bowden's detriment. Republication by Methodist and Boom's followers, mainstream media, and users of Twitter was the natural and probable consequence of Methodist and Boom's actions and was actually and/or presumptively authorized by Methodist and Boom. In addition to their original publications, Methodist and Boom are liable for the millions of third-party republications of the false and defamatory statements under the republication rule.

24. Methodist and Boom's false and defamatory Statements harmed Dr. Bowden and her reputation, causing presumed damages and actual damages. Methodist and Boom each lacked reasonable grounds for any belief in the truth of their statements and defamatory implication, and acted negligently and without reasonable care in failing to determine the true facts. Methodist and Boom's actions and Statements violated standards in the Houston community for addressing a physician's use of off-label, therapeutic treatments for COVID, and violated Methodist's own bylaws.

25. Methodist and Boom published the false and defamatory Statements with actual knowledge that they were false or with reckless disregard for whether they were false. Methodist and Boom acted with actual malice and reckless disregard for the truth for the following reasons:

a. Methodist and Boom fabricated the Statements about Dr. Bowden with knowledge that the events never occurred. Although Methodist and Boom made it

appear as if they had direct knowledge of facts, they did not have one shred of evidence to support the statements. *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) ("The finder of fact must determine whether the publication was indeed made in good faith. Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant [or] is the product of his imagination"); *Miller v. Watkins*, 2021 WL 924843, at * 18 (Tex App. 2021) ("If Miller indeed fabricated her allegations, then she by definition entertained serious doubts about them and had a high degree of awareness of the statements' falsity").

b. Methodist and Boom misrepresented that Dr. Bowden made disparaging claims about the Methodist hospital system either in writing or verbally. Based upon emails in their possession, Methodist and Boom knew their Statements were false.

c. Prior to publication, Methodist and Boom knew from the hospital's own data collected from its patients and from their review of scientific studies and reports about Ivermectin and other off-label medications and the efficacy and risks of the vaccines, including VAERS data, that Dr. Bowden's statements were true and were supported by an abundance of reliable medical evidence, including expert opinions from other renowned medical professionals. Methodist and Boom knew that Dr. Bowden's use of Ivermectin to treat patients with COVID had not harmed a single patient, and that there was no public record of any patient complaints. Moreover, Dr. Bowden was collaborating with 2 ENTs at Methodist to publish data related to all the COVID patients Dr. Bowden was testing, so for Methodist and Boom to say that Dr. Bowden was "dangerous" was clearly reckless disregard for the truth. Methodist and Boom published

the Statements in spite of their actual knowledge of the truth, and in order to disparage and discredit Dr. Bowden's professional reputation.

d. Methodist and Boom harbored an institutional entrenchment, hostility, hatred, extreme and unrelenting bias, spite and ill-will towards Dr. Bowden's treatment modalities and a blind allegiance to the "party line" concerning treatment of COVID. This bias and prejudice motivated Methodist and Boom to publish the intentionally false statements about Dr. Bowden. Methodist and Boom intended to inflict harm through knowing or reckless falsehoods. *Don King Productions, Inc. v. Walt Disney Co.*, 40 So.3d 40, 45 (Fla. 4th DCA 2010) ("[a]n intention to portray a public figure in a negative light, even when motivated by ill will or evil intent, is not sufficient to show actual malice unless the publisher intended to inflict harm through knowing or reckless falsehood.") (citing *Garrison v. Louisiana*, 379 U.S. 64, 73 (1964)); *Cochran v. Indianapolis Newspapers, Inc.*, 175 Ind.App. 548, 372 N.E.2d 1211, 1221 (1978) (evidence of ill will creates jury question on actual malice where "[t]here are no facts or statements of record which even remotely support" the defamatory implication at issue); *see Duffy v. Leading Edge Products, Inc.*, 44 F.3d 308, 315 fn. 19 (5th Cir. 1995) ("[E]vidence of ill will can often bolster an inference of actual malice.").

e. Methodist and Boom intentionally abandoned all standards in the medical community, ethics, morality and integrity in publishing and republishing the false Statements. They violated Methodist's bylaws. They did not seek the truth or report it. They betrayed the truth for the sake of their desire to discredit Dr. Bowden. Rather than minimize harm, Methodist and Boom set out to inflict maximum pain and suffering on Dr. Bowden in order to harm her reputation. Methodist and Boom published

the Statements in the broadest manner possible, to the media, Internet and social media audiences, for the sole purpose of injuring Dr. Bowden's reputation. They refuse to be accountable; refuse to acknowledge their mistakes; and, of course, refuse to apologize. As a sure sign of their actual malice, Methodist and Boom did not even bother to contact Dr. Bowden for comment prior to publication.[4] *Project Veritas v. New York Times*, Case 63921/2020 (Westchester County Mar. 18, 2021) (Opinion & Order, p. 13) (one of the reasons the New York Times was guilty of actual malice was that it intentionally declined to seek comment from the plaintiff prior to publication, which "blatantly violated NYT's own published policies and ethical guidelines".).

f. Methodist and Boom purposefully avoided the truth. After being notified that the Statements were false and defamatory, Methodist and Boom brazenly republished the Statements about Dr. Bowden. *Nunes v. Lizza*, 12 F. 4th 890, 901 (8th Cir. 2021) ("'Republication of a statement after the defendant has been notified that the plaintiff contends that it is false and defamatory may be treated as evidence of reckless disregard.' Restatement (Second) of Torts § 580A cmt. d (Am. L. Inst. 1977). Lizza tweeted the article in November 2019 after Nunes filed this lawsuit and denied the article's implication. The pleaded facts are suggestive enough to render it plausible that Lizza, at that point, engaged in 'the purposeful avoidance of the truth.'").

26. As a direct result of Methodist and Boom's defamation, Dr. Bowden suffered presumed damages, actual damages and special damages, including, but not limited to, loss of income, impaired future earnings and career damage, insult, pain,

[4] Methodist and Boom went so far as to notify a reporter at the Houston Chronicle, Julian Gill, that they were suspending Dr. Bowden's privileges. Dr. Bowden found out about the suspension from the Houston Chronicle.

embarrassment, humiliation, mental suffering and anguish (past and future), injury to her reputation (past and future), costs and other out-of-pocket expenses, in the amount of $25,000,000 or such greater sum as is determined by the Jury.

B. Defamation By Implication

27. Dr. Bowden restates paragraphs 1 through 26 of this Complaint, and incorporates them herein by reference.

28. In their Statements, Methodist and Boom juxtaposed a series of facts so as to imply a defamatory connection between them and conveyed the Statements in such a way as to create a false impression that Dr. Bowden was dangerous, incompetent, and unfit to be a medical doctor. Methodist and Boom stated or implied that Dr. Bowden was suspended and investigated because she was spreading medical misinformation. She was not. Boom's Statement that "[a]s a physician" he was personally offended by Dr. Bowden's "behavior" implied that Dr. Bowden had violated medical standards of care in her treatment of COVID patients. Boom implied that he knew facts about Dr. Bowden's "behavior" that no one else knew. He did not. Methodist and Boom implied that there was a correlation between Methodist treatment of COVID patients and Dr. Bowden's treatment, and that Methodist's treatment of "more than 25,000 COVID-19 inpatients" demonstrated that Dr. Bowden was spreading "dangerous misinformation". It did not. Methodist and Boom omitted material facts, such as Methodist's different treatment plans and patient data, including complaints and complications – to make it appear as if Dr. Bowden's was spreading "dangerous misinformation" COVID and that her treatment was not "based in science", and was contrary to Methodist's "values".

29. Methodist and Boom's Statements constitute defamation by implication.

30. The defamatory gist of Methodist and Boom's statements harmed Dr. Bowden and her reputation, causing presumed damages, actual damages and special damages, including loss of income and career damage and earnings impairment. The clickbait words chosen by Methodist and Boom and the manner in which the Statements were published demonstrate that Methodist and Boom intended or endorsed the defamatory implication of or concerning Dr. Bowden.

31. As a direct result of Methodist and Boom's defamation by implication, Dr. Bowden suffered presumed damages, actual damages and special damages, including, but not limited to, loss of income, impaired future earnings and career damage, insult, pain, embarrassment, humiliation, mental suffering and anguish (past and future), injury to her reputation (past and future), costs and other out-of-pocket expenses, in the amount of $25,000,000 or such greater sum as is determined by the Jury.

Dr. Bowden alleges the foregoing based upon personal knowledge, public statements of others, and records in her possession. Dr. Bowden believes that substantial additional evidentiary support, which is in the exclusive possession of Methodist and Boom, their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Dr. Bowden reserves her right to amend this Complaint upon discovery of additional instances of Methodist and Boom's wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Dr. Bowden respectfully requests the Court to enter Judgment against Methodist and Boom, jointly and severally, as follows:

A. Compensatory damages in the amount of $25,000,000;

B. Punitive damages in an amount to be determined by the Jury;

C. Prejudgment interest on the principal sum awarded by the Jury at the maximum rate allowed by law;

D. Postjudgment interest at the maximum rate allowed by law;

E. Costs and other recoverable amounts as allowed by law;

F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: July 25, 2022

Signature of Counsel on Next Page

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