

Exhibit A  
Lundquist original

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR  
THE MIDDLE DISTRICT OF TENNESSEE

AUG 24 PM 3:26  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

FRANCIS J. SAVARIRAYAN, M.D. Ex-Major )  
USAF/R (Pronounced as 'SAVA RYAN') & )  
COHCA (Commission on Quality Health care in )  
America) a Federal entity setup under Title IV of )  
Public Law 99-660-The Health Care Quality )  
Improvement Act of 1986. )  
PLAINTIFFS, )

v. )

WHITE COUNTY COMMUNITY HOSPITAL, )  
COMMUNITY HEALTH SYSTEMS, INC., )  
MR. MARK CAIN, (previous CEO of White County )  
Community Hospital), individually and in his )  
official capacity, GARY NEWSOME, (President of )  
Community Health Systems, Inc.), individually and )  
in his official capacity, CHAD GRIFFIN M.D., )  
DANIEL BARNETT M.D., and BLUE CROSS- )  
BLUE SHIELD OF TENNESSEE, John Wayne )  
Allen JD, attorney, Tom Nebel JD., Mr. Mark )  
Pincus, Chief, Practitioner Data Banks )  
Branch(PDBB), Ms. Ronda Pekalo, Manager, )  
National Practitioner Data Bank(NPDB), PDBB, )  
NPDB, Doe1, Doe2, Doe3, et al )  
DEFENDANTS. )

Case No. 2 07 0055  
JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the PLAINTIFF, FRANCIS J. SAVARIRAYAN, M.D., Veteran  
Commanding Officer of USAF/R as Pro Se, since the attorneys in TN have refused to provide  
Legal representation to him, and would show unto this Honorable Court as follows:

I. PARTIES

1. PLAINTIFF, FRANCIS J. SAVARIRAYAN, M.D., is a U.S. Citizen, and resident of the  
State of Tennessee. DR. SAVARIRAYAN is a veteran commanding officer of the U.S.

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- Air Force Reserve. DR. SAVARIRAYAN is an accomplished physician and surgeon, trained in Boston University, Boston, MA and board-certified urologist. (EXHIBIT #1)
2. DEFENDANT, **WHITE COUNTY COMMUNITY HOSPITAL**, is a for-profit hospital, owned by the Community Health Systems (CHS) of Brentwood, TN. DEFENDANT hospital may be served with process upon MR. CHIP CAMP, the current C.E.O., at 401 Sewell Road, Sparta, TN 38583.
  3. **COMMUNITY HEALTH SYSTEMS (CHS)** is a for-profit corporation, which as of 12/31/2005, owns about 70 hospitals in 21 states. DEFENDANT CHS may be served upon MR. GARY NEWSOME, at 7100 Commerce Way, Suite 100, Brentwood, TN 37027, and also individually as co-signer of the contract. (EXHIBIT #2)
  4. MR. MARK CAIN, previous C.E.O. of **WHITE COUNTY COMMUNITY HOSPITAL**, is a citizen and resident of the State of Arkansas, and may be served at Forest City Medical Center, 1601 Newcastle Road, Forest City, AR 72336, as co-signer of the contract.
  5. CHAD GRIFFIN, M.D., may be served with process at 433 Sewell Road, Sparta, TN 38583.
  6. DANIEL BARNETT, M.D., may be served with process at **BLUE CROSS-BLUE SHIELD OF TENNESSEE**, 801 Pine Street, Chattanooga, TN 37402.
  7. DEFENDANT GARY NEWSOME, President of **COMMUNITY HEALTH SYSTEMS, INC.**, upon information and belief, directed MR. CAIN to terminate PLAINTIFF'S income guarantee contract. MR. GARY NEWSOME may be served with process at 7100 Commerce Way, Suite 100, Brentwood, TN 37027
  8. DEFENDANT **BLUE CROSS-BLUE SHIELD OF TENNESSEE** may be served with process upon its Registered Agent, William E. Young at 801 Pine Street, Chattanooga, TN 37402.

9. Defendant John Wayne Allen J.D., may be served with process at 441 East Broad Street,  
Suite# 1, Cookeville, TN 38501
10. Defendant Tom Nebel J.D., may be served with process at 4141 Woodlawn Drive, Apt.32  
Nashville, TN 37205
11. Mark Pincus, Chief, Practitioner Data Banks Branch, may be served with process at  
Practitioner Data Banks Branch, Office of Workforce Evaluation & Quality Assurance  
Dept. of Health and Human Services, Bureau of Health Professionals,  
Rockville, MD 20857
12. Practitioner Data Banks Branch, may be served with process at  
Practitioner Data Banks-Attention: Mark Pincus, Branch, Office of Workforce  
Evaluation & Quality Assurance,  
Dept. of Health and Human Services, Bureau of Health Professionals,  
Rockville, MD 20857
13. Ms. Ronda Pekelo, Manager, may be served with process at  
The National Practitioner Data Bank,  
4094 Majestic Lane, PMB 332  
Fairfax, VA 22033
14. The National Practitioner Data Bank, may be served with process at  
The National Practitioner Data Bank.-Attention: Ms. Ronda Pelko,  
4094 Majestic Lane, PMB 332  
Fairfax, VA 22033
15. Doe1, Doe2, Doe3, et al, currently unknown, but will be identified through discovery  
and their names and addresses will be added at that time.

## II. JURISDICTION AND VENUE

16. This Court has jurisdiction over these parties and venue pursuant to the provisions of 28 U.S.C. Section 1332 & 1343 and 28 U.S.C. Section 1391 and Section 1443 and violation of US Citizenship rights of the Plaintiff, who is a US Veteran Commanding Officer of the USAF/R. These rights are clearly specified in **Article IV, Section 2, paragraph 1, and Amendments IX, XIV Section I, and Amendment XV Section 1 of the US constitution, the Supreme Law of the USA.**

## III. THE FACTS

17. In early October 2002, PLAINTIFF was invited to attend an interview at the White County Community Hospital, by a search consultant hired by the hospital to locate a Urologist to practice in the community.
18. After reviewing his CV and references, PLAINTIFF was invited to attend an interview with the hospital administration for a period of three days, starting on Friday 10/11/2002.
19. During the interview PLAINTIFF met DEFENDANT MARK CAIN, who was C.E.O. of the DEFENDANT hospital at the time. When PLAINTIFF left Sparta on 10/14/2002 DEFENDANT CAIN informed him that he would complete the contract within two (2) weeks.
20. Between 10/31/2002 and 11/12/2002 the parties executed a binding contract. (EXHIBIT #3)
21. At all times relevant herein, PLAINTIFF received enthusiastic support from the nursing and ancillary medical staff. The specialist physicians, though few in number, also supported PLAINTIFF'S practice enthusiastically. Many of the qualified and ethical family practitioners supported him.
22. However, other family practitioners who were treating many urologic problems and performing minor procedures like vasectomies, etc., not only did not refer any patients to

- PLAINTIFF, but they and their staff kept his Sparta Urologic practice, and his affiliation with the White County Community Hospital (WCH) a well-guarded secret.
23. These physicians exclusively sent their patients to Urologists in a town about 15 miles away, causing considerable inconvenience to their patients.
  24. Through discovery and testimony, PLAINTIFF intends to demonstrate that these family physicians also received secret, under-the-table gratuity from the specialists in this neighboring town. Such practices are prohibited by State Law, as well as by the AMA's principles of Medical Ethics. (EXHIBIT #4)
  25. Although the hospital administration agreed to advertise PLAINTIFF'S practice, no effective advertisement was done. After a month PLAINTIFF marketed his own practice, and his office practice increased by about 400%. The number of surgeries done under Urology at the hospital increased about 700% compared to the year before, when they had one Urologist, an American Medical Graduate of European ethnicity, providing services at the WCH. (EXHIBIT #5)
  26. In spite of the 700% increase in Urologic Surgery, the PLAINTIFF did not get any support from the administration. A *ureteroscope*, valued at about \$12,000, and approved by the OR committee (OR Manager Ms. Jennifer Halfacre) and also by the Nursing Director, Mrs. McDonald, were vetoed by MR. CAIN, who never released the funds to purchase this equipment.
  27. DEFENDANT CAIN also pledged to buy about \$140,000 worth of GI instruments within 6 months of PLAINTIFF'S start date. When PLAINTIFF asked that this be included in the written contract, DEFENDANT CAIN stated, "*we Southerners, when we give our word, it is like money in the bank*" or words to that effect.

28. DEFENDANT CAIN also stated to PLAINTIFF that hospital was in the process of obtaining certification for (mobile) lithotripsy services. Later on PLAINTIFF discovered that White County Hospital would never be issued a certificate because of it's proximity to Cookeville Regional Medical Center.
29. After September 2003, the hospital also delayed issuing its guaranteed income checks to PLAINTIFF by more than two weeks, which is contrary to the terms and conditions of the signed contract.
30. On Friday, 01/16/2004 PLAINTIFF was suddenly called to DEFENDANT CAIN'S office and asked to sign a release from PLAINTIFF'S contract. DEFENDANT CAIN would not give any reasons initially, but when pressed, he said that the hospital is operating in the red, and to avoid unnecessary legal and court costs, he had drafted a mutual release on PLAINTIFF'S behalf. He also said that no court anywhere will force a business to borrow money to pay its contractors or employees.
31. DEFENDANT CAIN refused to allow PLAINTIFF time to consult with an attorney, and informed him that if he did not sign the release, he would instruct the hospital attorney to start legal proceedings against the PLAINTIFF. In effect, this action would force PLAINTIFF into involuntary servitude, making him work for free, and bear his own overhead expenses.
32. PLAINTIFF later discovered that DEFENDANT CAIN lied to him, as the White County Community Hospital garnered a net profit of \$2.9 million in the year 2003. (EXHIBIT #6)
33. BLUE CROSS-BLUE SHIELD OF TENNESSEE also joined in the kill by refusing PLAINTIFF'S participation in their insurance program. This refusal was based upon a report that a U.S. District judge in Nebraska determined to be false. (EXHIBIT #7)  
(EXHIBIT #8) DEFENDANT DANIEL BARNETT denied PLAINTIFF'S participation

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with BLUE CROSS-BLUE SHIELD OF TENNESSEE. This effectively stopped all payments to the PLAINTIFF for his urologic services performed on patients insured with BLUE CROSS-BLUE SHIELD OF TENNESSEE and its affiliate plans, thus reducing PLAINTIFF'S income by 80-90%.

34. DR. DANIEL BARNETT, a white ethnic, American Medical School graduate with less academic credentials and an annual salary which was less than one third the annual income guarantee of the PLAINTIFF, DR. SAVARIRAYAN (EXHIBIT #9) (EXHIBIT #10) and BLUE CROSS-BLUE SHIELD OF TENNESSEE denied participation to the PLAINTIFF, a Boston University trained, board certified, non-white, Foreign Medical Graduate, who has had no malpractice judgments or settlements against him in more than fifteen years of practice, they promptly allowed participation to a white ethnic, American Medical School graduate who practices in Sparta, TN with the same hospital (WHITE COUNTY COMMUNITY HOSPITAL) as the PLAINTIFF, though he settled a malpractice case against him for over \$1 million in 2003, and is public record with the Tennessee Board of Medicine. To top this, DR. BARNETT and BLUE CROSS-BLUE SHIELD OF TENNESSEE have allowed participation of a white ethnic American Medical School graduate, a urologist, who is not board-certified, and practices in Nashville, TN. This urologist has committed gross malpractice by removing his patient's normal kidney and leaving her cancerous kidney behind, in a healthy and active 82-year old woman. This incidence was reported in the Channel 4 evening news in Nashville, TN. Talk about the pot calling the kettle black. Such discriminatory and fraudulent practices, especially against the PLAINTIFF who is an American Veteran commanding officer in the United States Air Force Reserve, is prohibited by State and Federal laws.

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35. Such discriminatory and fraudulent practice, especially against the PLAINTIFF who is an American Veteran commanding officer in the U.S. Air Force Reserve, is prohibited by state and federal laws.
  36. The selection process followed by BLUE CROSS-BLUE SHIELD OF TENNESSEE is similar to a fictitious situation in professional sports where minor league white ethnic players of the Chicago Bulls' farm teams were given exclusive authority to appoint or renew contracts for the Chicago Bulls major professional league players. In addition they were granted total secrecy; if that were so, the legendary Michael Jordan would not even be hired as a ball boy, let alone be allowed to play professional basketball.
  37. Such practices of bigotry, greed, jealousy and fraud, committed by hospitals and medical insurance companies like BLUE CROSS-BLUE SHIELD OF TENNESSEE, involved in the participation and/or appointment of physicians, under their secret by-laws in our country, are causing more than 90,000 deaths per year, due to avoidable physician errors. (EXHIBIT #11) This is more than 30 times the people killed by Bin Laden on September 11<sup>th</sup>. 2001.
  38. Such practices have reduced the life expectancy of U.S. citizens, which used to be one of the top three in the world during the presidency of Kennedy-Johnson, to 27<sup>th</sup> in the world. (EXHIBIT #12) Even citizens in some third world countries have a longer life expectancy than in the U.S.A. Even Japan, with limited natural resources, has a much higher life expectancy than the U.S.A. This is unacceptable, and must be stopped now, and the perpetrators of such fraud be subjected to civil and criminal liabilities.
  39. DEFENDANT CHAD GRIFFIN, M.D., a hospital-employed family practitioner whose yearly salary was less than one third of the yearly income guarantee of DR. SAVARIRAYAN, made a practice of only referring charity cases to PLAINTIFF. Patients



with insurance coverage were referred to urologists in Cookeville. In one case, DEFENDANT GRIFFIN terminated PLAINTIFF'S doctor-patient relationship by discharging one of his patients with private insurance, on the morning of scheduled surgery, and in collusion with a urologist in Cookeville, an American Medical School graduate of less academic credentials, training and experience than DR. SAVARIRAYAN, made arrangements for this procedure to be done by the other physician. This caused an immediate financial loss of about \$2,000 to PLAINTIFF'S practice, and about \$20,000 in lost revenues to the White County Community Hospital in Sparta, TN. In spite of his actions, DR. GRIFFIN was elevated/confirmed to the position of Chief of Staff of WHITE COUNTY COMMUNITY HOSPITAL by MR. CAIN, with the approval of MR. NEWSOME and the COMMUNITY HEALTH SYSTEMS, INC. administration.

40. These concerted efforts were undertaken to destroy DR. SAVARIRAYAN'S practice, which they eventually were successful in doing. This enabled MR. CAIN and MR. NEWSOME to garnish about half of DR. SAVARIRAYAN'S contract, which was for \$425,004 per year (EXHIBIT #13) and spread it among themselves as income and bonuses. These two administrative officials paid themselves salaries & bonuses of over \$3 million in the year 2005 by diverting hospital funds into their own pockets. Since there is no outside governmental auditing of these hospitals, which are heavily funded by the American taxpayers, through Medicare and Medicaid payments, such swindling of public funds is occurring. This is wrong and must be stopped. These two administrators jointly gave themselves salaries in the year 2005 that were more than ten times the salary of the President of the United States.(Exhibit #2)

41. PLAINTIFF later discovered that his patient had not asked to be transferred to a physician in Cookeville, but did so by the prompting of DEFENDANT GRIFFIN that this procedure would be better performed in Cookeville.
42. Defendant Tom Nebel, who is a white European ethnic attorney, a graduate of an American Law school, and practices in Nashville, agreed to provide legal representation after reviewing the exhibits submitted herewith, and other documents. He informed the Plaintiff that he had a strong case. He agreed to represent him on a full contingency fee agreement. He signed a questionnaire regarding the general standard of legal services he will provide (Exhibit 15 a) However, he delayed signing the attorney client contract (Exhibit 15 b). Meanwhile he moved his law offices to a more expensive office suites in Brentwood, TN. The White county hospital started discharging and transferring potential witnesses including its CEO Mr. Mark Cain. With great difficulty the Plaintiff was able to track him down to a small hospital in Arkansas. Plaintiff plans to show through sworn testimony and Mr. Nebel's financial records that he was bought off by the defendants and their lawyers. Plaintiff also plans to show to this court through sworn testimonies, that Mr. Nebel released sensitive attorney client privileged information, to the Defendants' attorneys and representatives.
43. Attorney John Wayne Allen, of Cookeville TN, a white ethnic American, a graduate of an American Laws school, agreed to provide legal representation to the Plaintiff. He signed a questionnaire regarding the general standard of legal services he will provide (Exhibit 16 a) He also signed the attorney client contract ( Exhibit 16 b) He invited the plaintiff frequently for conferences in his office. But he delayed filing the case. When Plaintiff threatened to go elsewhere or file the complaint himself self as Pro Se, he agreed to do so, if the Plaintiff

could draft the complaint for him since he was unable to type and has only his wife to do the typing who was a little sick then. Plaintiff agreed to draft the complaint and spent about 10 hours of his time typing the complaint and submitted it with about 30 exhibits

44. . . However when it was time to file, he presented a flimsy two page complaint with only 2 exhibits. Mr. Allen said that he had mislaid the exhibits and the draft, the Plaintiff had to redo these documents, which finally got filed on January 26, 2007 in Judge Maddux court.

45.. Between Jan 26<sup>th</sup>. of January and May 16, 2007, the Defendant Mr. Allen had called the Plaintiff almost on a weekly basis to discuss generalities of the case. When asked if the defendants have filed any response, Mr. Allen has consistently said that none were filed. In beginning of May 2007, when Plaintiff called the White County court and asked if they had received any response, the clerk said that all the Plaintiffs have responded. Plaintiff called Mr. Allen and made an appointment for May the 16<sup>th</sup>.2007.

46. When Plaintiff visited the Defendant on May 16<sup>th</sup>.07, Mr. Allen said he had received only one set of documents from White Community Hospital and the Community Health Systems. He gave Plaintiff photo copies of these (Exhibits# 17 a) & Exhibit # 17 b)

47. At no time did the Defendant Mr. Allen inform the Plaintiff that there had been a Motion for Summary Judgment filed on 2/15/2007, or a motion for hearing filed on 2/15.07 to be heard in Crossville on 3/30/2007. Neither did he inform the Plaintiff that on 4/10/2007 an Order of Non Suit was filed. To this date Plaintiff has not received from the Defendant or the Court this Order of Non suit.

48 On 5/25/2007, Plaintiff visited the White County Court House and out of curiosity enquired if they could print out any computer entries of activities on his case, since he was concerned about the non activity of his case up to that time. The Clerk informed him that these were known

as Case Docket history and she printed three pages of these, for which he paid about 0.50 cents a page.

49. Plaintiff first reviewed this Docket History pages on Memorial Day, May 28, 2007 and for the first time came to realize that his attorney had been lying to him with a straight and a very honest face for the last four months. Plaintiff was shocked, dismayed and saddened to note that this white Ethnic Anglo Saxon American lawyer, a graduate of a Tennessee Law school, has been working all along with the defendants, to sabotage and throw the case, so it will never come before a jury, so that the defendants may not be assessed both civil and criminal liabilities.

50. Exhibit 18 : White County Court Docket History pages. ( 3 pages in all) **Exhibit 18**, page 1 shows that the massive economic power of these cash heavy Hospital and Insurance Companies, to penetrate the hallowed walls of our court system to corrupt it. These defendants have succeeded in having the Court Docket data altered, through a court employee, presently may be known as Doe 1, who removed Judge Maddux name under whose court this case was filed on 1/26/2007 and substituted Judge Turnbull's name instead. The plaintiff will petition the judge to look into this in his Omnibus Motion. Proof of this : **Exhibit #18,19,19A**: A letter from Counsel dated 2/14/2007 addressed to Judge Maddux, objecting to the request of DR. Chad Griffin's attorney Mr. Daniel Rader III to transfer the case Francis Savarirayan MD v. White County Community Hospital, et al from Judge Maddux's court where it was filed, to the court of Judge Turnbull. Behind the plaintiff's back, his attorney Mr. John Wayne Allen, whom he trusted filed a Motion of Voluntary Dismissal (Exhibit A) and then later secretly agreed to a Court Order of Non Suit, signed by Judge Turnbull, which included DISMISSAL WITH PREJUDICE.( Exhibit B) As previously stated, the Plaintiff became aware of this fraud against him and the court for the first time on Memorial Day, 5/28/07. Immediately attorney Allen was terminated for malfeasance(Exhibit E) and a letter was sent to Judge Turnbull, with copies to the Justice Dept.,

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and members of the Congress(Exhibit D). Judge Turnbull issued an Order dated June 5, 2007 reinstating my case. (Exhibit 18a) Attorney Allen's action also violated the Attorney Client agreement he signed with the Plaintiff. (Exhibit C)

51 Exhibit #7 (2 pages) & #8( 6 pages): Rebuttal to Defendant's Exhibit J (Identified as Exhibit # 17 b. in this Amended Complaint.) In Exhibit 7 & 8, judge Kopf states that the defendants placed false information regarding Dr. Savarirayan in the National Practitioner Data Bank. All the physicians and the one attorney defendant were all white ethnic Americans, and graduates of American Medical and Law schools.

52.. **Exhibit #20: Rebuttal to Defendant's Exhibit J:** Attorney Zimmerman's evaluation of the hospital and Doctors referenced in Defendant's Exhibit # J. Attorney Zimmerman has had no business relationship with the Plaintiff. The Plaintiff was one of the two Board certified American foreign medical graduates, affiliating with that hospital. Both these American Foreign Medical Graduates names were not mentioned in this openly negative evaluation of the doctors. All these doctors, including Dr. Shannon referred to as a killer of patients, by Mr. Zimmerman were all white ethnic Americans and graduates of American Medical schools. Attorney Zimmerman's comments, published in a written format, without any grant of immunity by the hospital or its doctors is quite significant. To this day Mr. Zimmerman has not been sued by any of the parties named in his letter for Libel. Hence one must assume that the allegations of Attorney Zimmerman are true. It is also a matter of record, that less than 50% of American Medical School graduates practicing at the Box butte General Hospital, NE at that time were American Board certified in their specialty as opposed to 100% of Foreign Medical Graduates, who were American Board certified in their specialty.

It is also of record, that Dr. Shannon referred to as a 'Killer' by attorney Zimmerman has had only one year of Internship, but was able to have himself appointed as Chief of Surgery at that hospital, with supervisory authority over the two American (Surgical Specialty) Board certified Foreign Medical graduates- Plaintiff being one of them- practicing at that hospital. Usually it Takes 4-5 years of training after getting an MD degree to become a surgeon. If the surgeon passes a very intense examination process by the American Boards, then he becomes Board certified and is considered a qualified surgeon.

The Physician credentialing process carried out in most hospitals under the cloak of secrecy at best may be referred to as 'Sham' and at worst as 'Fraud'.

These attacks on the American People's Health and Lives occur daily through the large Lobby Money, funded through PAC Organizations supported by the Defendants' various Medical Insurance and Trial Lawyers' ORGANIZATIONS. This is directly related to the 90,000 deaths that occur per year in the US (Exhibit # 11) and the **fall in the American Life Expectancy** which used to be **among the top 3**, during the Johnson-Kennedy administration to our current status of **being the 29<sup>th</sup>** in the World, well behind Japan, England and even some Third World countries like Singapore (Exhibit#12)!! These Organizations who contribute Billions of Dollars to both parties through their PAC committees will guarantee to themselves that no meaningful legislation would be enacted to stop these wrongs against the American People, which may upset their gravy train.

The Plaintiff plans to ask this court for **Statutory relief** towards the end of this litigation so that at least many of the unnecessary deaths that occur due to physician errors could be stopped as well as a check on the run away healthcare costs. **THE AMERICAN PEOPLE DESERVE BETTER.**

53. We have a situation in our country to-day, with reference to Physician Credentialing, as exemplified here by the actions of the Defendants, Blue Cross Blue Shield and its Counsel, **SAVARIRAVANAN**.

Chairman Dr. Daniel Barnett, a family practitioner with minimal training, similar to a fictitious situation, in which, **Mr. Lee Iococa**, is given absolute powers to certify the road worthiness of every car allowed on the highways of this country. Moreover, through special legislation, Mr. Iococa is given absolute immunity, and his actions could not be questioned. If this were the case, then a Toyota with 0% pollution and 98% safety record as per various performance standards, would be declared as being not Road-worthy, and a Chrysler or a Ford with 23% pollution, and a 73% safety record, as per various performance standards, would be declared as being Road-worthy! The American public would not tolerate that. Such practices should be stopped through STATUTORY RELIEF.

54. DR. SAVARIRAYAN is the Chairman and C.E.O. of the Commission on Quality Health Care in America (CQHCA), a public interest agency established to report and query corrupt and unscrupulous medical professionals in America. The CQHCA is a public interest organization designed to comply with the Federal Law, Title IV, 45 CFR, Part 60.(Exhibit#22) These Federal regulations mandate such reporting and querying, and provide for maximum citizen participation. CQHCA has been a registered entity in good standing with the statutory and regulatory responsibilities to query and report to the NPDB (National Practitioner Data Bank) since December 14, 1999 (Exhibit#23). The CQHCA's registration was renewed by NPDB on 12/21/2005.(Exhibit#24)

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DEFENDANT MARK PINCUS is a middle level bureaucrat who has some jurisdiction over the National Practitioners Data Bank (NPDB).

56. On January 31, 2007 DEFENDANT PINCUS, on his own initiative, and without the knowledge of his Superiors, the Secretary of Health and Human Services, or the Federal Government, suspended the Registration of the CQHCA and its right to query and report corrupt, incompetent and unscrupulous physicians to the NPDB, as mandated by Title IV of Public Law 99-660.

57 In January 31, 2007 DEFENDANT PINCUS also voided all reports on practitioners filed by CQHCA. Mr. Pincus under the law does not have the authority to do so, a Exhibit #4 and may be subject to sanctions, as prescribed in the Federal law, Title IV, 45 CFR, Part 60.(Exhibit#22)

58

The actions of DEFENDANT PINCUS have impaired DR. SAVARIRAYAN'S statutory Responsibility to report and query incompetent, corrupt and unscrupulous healthcare professionals and further the public interest, as prescribed under Federal Law-Title IV of Public Law 99-660-The Health Care Quality Improvement Act of 1986, as amended 42 USC Sec. 11101 01/26/98. Title 42-The Public Health and Welfare Chapter 117-specifically denies immunity to those who conduct Professional review and other activities in Bad faith. (Exhibit #26) Mr.Pincus, the Practitioner Data Banks Branch, and the National Practitioner Data Branch have systematically conducted professional reviews against Foreign Medical Graduates in BAD FAITH and with MALICE, particularly in placing a negative report filed by Box Butte General Hospital, a 20 bed rural hospital in Nebraska ,against the Plaintiff, Dr.Savarirayan, a Veteran Commanding Officer, which was noted to be false as per a Federal Judge's Order, (Exhibit # 7 &8)as well as the reporting entity's-Box Butte General Hospital's- Chief of staff J.B. Wallace MD, which states that no findings of guilt or innocence was established against Dr.Savarirayan, and the investigation was terminated.(Exhibit#30) Such practices of Guilty by accusation alone is illegal and is Prohibited in Our country. Criminal sanctions as prescribed by law be imposed on Mr. Pincus and other Officials of the National Practitioner Data Bank.

59 The actions of DEFENDANT PINCUS have impaired DR. SAVARIRAYAN'S ability to promote quality assurance of medical practitioners in Tennessee and throughout the United States, as a Registered entity of the NPDB (National Practitioner Data Bank), mandated by Title IV of Public Law 99-660

60 The actions of DEFENDANT PINCUS have been highly defamatory and libelous to the PLAINTIFF, DR.SAVARIRAYAN.

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The actions of DEFENDANT PINCUS, is also a direct violation of the Federal Law under Title IV, 45 CFR, Part 60.(Exhibit#1)

62 The motive for the Defendant's action is to shield Dr.Daniel Barnett and the Blue Cross of TN, who have been practicing Apartheid and fraudulent credentialing of physicians, who apply to participate with Blue Cross, Blue Shield, so that these physicians could be paid, for their services performed on patients insured with Blue Cross Blue Shield of Tennessee.

63 Dr.Daniel Barnett and the Blue Cross of TN, are Defendants in a suit filed in White County Circuit Court, (Exhibit #33-Amended Complaint& 33A), in which the Plaintiff plans to use the NPDB reports, obtained through subpoena. Thus the actions of DEFENDANT PINCUS constitutes obstruction of justice.

The motive for Mr. Pincus actions is the improper secret collusion between the Defendant Pincus, Dr.Daniel Barnett and the Blue Cross Blue Shield of TN, with its cash heavy Political Action Committees. This fact will be established through full discovery process.

#### **IV. COUNT ONE:**

#### **BREACH OF CONTRACT**

64 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth.

65 FENDANTS, acting in collusion, terminated PLAINTIFF'S contract with DEFENDANT hospital and this breach of contract resulted in damages to the PLAINTIFF. This count applies also to the two Defendant Attorneys, who entered into a contractual agreement with the Plaintiff, but behind his back colluded with the defendant attorneys to sabotage

his very strong case against them, supported by Documents and Government Data.

**V. COUNT TWO:**

**VIOLATION OF PLAINTIFF'S CIVIL RIGHTS  
PURSUANT TO 42 U.S.C. 1981**

- 66 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth.
- 67 In breaching the PLAINTIFF'S contract with DEFENDANT hospital, DEFENDANTS CAIN, COMMUNITY HEALTH SYSTEMS, INC., and WHITE COUNTY COMMUNITY HOSPITAL denied PLAINTIFF equal benefit of the laws as enjoyed by white citizens and impaired his contract under color of State Law.
- 68 DEFENDANTS BLUE CROSS-BLUE SHIELD OF TENNESSEE and DANIEL BARNETT, M.D. denied PLAINTIFF equal benefit of laws as enjoyed by white citizens and denied him benefits, privileges, terms and conditions of his contractual relationship, and impaired his contract under color of State Law.
- 69 By interfering and intervening in PLAINTIFF'S doctor-patient relationships, and referring PLAINTIFF'S patient to urologic specialists in Cookeville, DEFENDANT GRIFFIN denied PLAINTIFF equal benefit of laws as enjoyed by white citizens, interfered with his professional and contractual relationship with patient, and impaired his contract under color of State Law.

**VI. COUNT THREE:  
DEFENDANT'S LIABILITY FOR  
TORTUROUS INTERFERENCE WITH A BUSINESS RELATIONSHIP**

70 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth.

71 These DEFENDANTS, individually, and in collusion with each other, knew, or should have known of PLAINTIFF'S business relationship with third-parties; DEFENDANTS individually, and in collusion with each other, interfered with those business relationships; acted with the sole purpose of harming the PLAINTIFF or used dishonest, unfair, or improper means, and injured or destroyed PLAINTIFF'S relationship with third-parties, destroying PLAINTIFF'S rights and privileges of practicing medicine in Tennessee.

**VII. COUNT FOUR:**

**DEFENDANTS VIOLATION OF  
TENNESSEE CONSUMER PROTECTION ACT, T.C.A. §47-18-101 ET SEQ.**

72 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth.

73 In denying PLAINTIFF'S participation in the medical profession, DEFENDANTS were engaged in unfair or deceptive trade, commerce or consumer transaction within the meaning of T.C.A. §47-18-103.

**VIII. COUNT FIVE:**

**LEGAL MALPRACTICE AND FRAUD.**

74 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth

75 This count is only applicable to the Attorney Defendants, Tom Nebel JD., and John Wayne Allen JD. The action against these two attorney defendants, in the above referenced Count is brought before this Court, well within the two year statutes of limitation.

**IX. COUNT SIX:**

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**ANTITRUST ( Civil & Criminal Provisions)**  
**(15 USCA gg 1311 et seq.,15USCA gg 1-7 and the Clayton**  
**Act (15 USCA gg12-27)**

- 76 All paragraphs in this Complaint are herein incorporated by reference as though fully set forth. Mr. Cain, Griffin MD, Barnett MD and Blue Cross-Blue Shield acted in a concerted coordinated manner to limit and destroy Dr. Savarirayan's practice, so that he will not be able to compete against the white ethnic American Medical School graduates practicing in that area. This they achieved by Mr. Cain, suddenly stopping Dr.Savarirayan's income guarantee in violation of his contract, by only referring charity and indigent patients to him, and when an insurance patient gets directly admitted under the plaintiff, then surreptitiously discharging him on the day of his proposed surgery, and have this same procedure done by a less experienced and qualified Urologist, a Dr. Collins, a white ethnic Urologist in Cookeville, and splitting the surgical fees with this other Urologist, as is practiced by Dr. Chad Griffin.
- 77 Dr. Barnett and the Blue Cross Blue shield (BCBS) also joined in the kill, by denying DR.Savarirayan's participation, so that he could not be paid by BCBS for his services performed to patients covered by their Health Insurance Plans. Dr. Barnett has allowed participation to a white ethnic **American, TN MDlicense #27701**, who also practices at the White County Community Hospital. who during the period of Dr.Savarirayan's affiliation, settled a malpractice claim against him for over \$1 Million. Because of the large PAC money that BCBS shells out to our elected representatives, they believe they are untouchable. This attitude is manifested in BCBS and Dr. Barnett allowing participation and thus paying all service vouchers to a White ethnic American Medical School graduate, a Urologist practicing in Nashville, TN. **TN MD License# 7673**, who
- .....

is not Board certified, and had shown gross negligence in removing an 82 year old active woman's normal kidney by mistake and leaving her cancer kidney inside her! This

Incidence was reported in the Channel IV evening News, Nashville.

#### **X. COUNT SEVEN**

##### **RACKETEER INFLUENCED CORRUPT ORGANIZATIONS ACT (RICO), 18 U.S.C. SECTION 1962(a)(b)(c) and (d)(1988) and Civil remedies, section 1964 (1988)**

78 All paragraphs in this Complaint are hereby incorporated by reference and are realleged as if fully set forth herein.

79. The defendants colluded among themselves to intentionally cause financial, mental emotional and professional harm to the plaintiff. This is prohibited by the above referenced act.

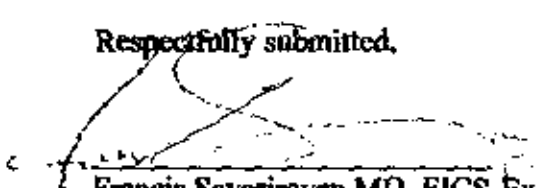
#### **XI. PRAYER**

##### **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

1. That service of process be issued to all DEFENDANTS.
2. That a jury be impaneled to hear the issues in the cause of action.
3. That PLAINTIFF be awarded Special Damages of \$3 million (three million dollars). (EXHIBIT #14) and Punitive Damages in excess of \$12 million ( twelve million dollars.)  
Exhibit 14 is the IRS Form 1120, of another Urologist, a foreign medical graduate, practicing in Michigan, who was allowed to practice normally by his white ethnic american medical school graduates, who did not attack him viciously as their colleagues did against Dr.Savarirayan in Tennessee. This physician's income during the reference period was in **excess of one million Dollars.** Dr. Savarirayan's income also would have been in this range, if he was not viciously and illegally attacked by his white ethnic physician colleagues, who are graduates of American Medical Schools.
4. That PLAINTIFF be awarded reasonable attorney fees pursuant to 42 U.S.C. 1988.

5. That DEFENDANT'S actions are sufficiently fraudulent, intentional, reckless and malicious to result in the award of punitive damages.
6. For general relief as the Court finds necessary.

Respectfully submitted,

  
Francis Savarirayan MD., FICS-Ex-Major  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been furnished, by U.S. Mail, postage prepaid and properly addressed, to the following defendants on this 4<sup>th</sup> day of September, 2007.

**FRANCIS J. SAVARIRAYAN, M.D., Pro Se**

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WHITE COUNTY COMMUNITY HOSPITAL  
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MR. GARY NEWSOME  
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Brentwood, TN 37027

MR. MARK CAIN, CEO  
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SAVARIRAYAN v. WHITE COUNTY

CLAD GRIFFIN, M.D.,  
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DANIEL BARNETT, M.D

William E. Young, Registered Agent.

BLUE CROSS-BLUE SHIELD OF TENNESSEE.

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Mark Pincus, Chief,

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