

Bratney Smears v. Dr. Bill

Bill *McGrave*, best known as Dr. Bill, is a TV personality and psychologist who gained celebrity status after helping Poprah, famed talk show host, survive the cattle industry's beef against her. Bill is a honky-tonky, tell it like it is, type of guy. There should be a website dedicated to generating new Dr. Bill sayings.

As Bill's star rose it was not without its bumps. Most recently *McGrave* attracted criticism for his visit to celebrity Bratney *Smears*' hospital room, where she was being involuntarily held pending a psychiatric evaluation.

Dr. Bill argues the sit-down with *Smears* was a misguided attempt, instigated by *Smears*' mother Lonely *Smears*, to take part in an "intervention" on the Dr. Bill show. The *Smears* family asserts this is just another example of a trust being betrayed. Rather than helping the family's situation, the celebrity psychologist caused additional damage.

People on the 4th floor of the hospital where *Smears* was a patient say the doctor arrived early in the morning on Saturday. They say Bratney did not invite him in; she didn't even know he was coming. Sources say it was Brat's parents who told Dr. Bill to go to the hospital. When he walked in the room the blindsided Bratney speared a fork across the room hitting *McGrave* in the head. She walked out, but eventually returned. At this point the pair sat-down and began to talk. Soon thereafter *they did it again* and Dr. Bill left in haste. *Oops*.

Dr. Bill leaves dazed and confused. The steps of the hospital are littered with paparazzi. "Dr. Bill, are you here to consult with Bratney?" "Dr. Bill what are you doing here." "Dr. Bill....!!!" Dr. Bill makes his statement:

"Hold your horses. Bratney is a very troubled girl. She's like a ship without a mast. The drugs are taking over her life and she is in dire need of intervention. Stay tuned..."

Dr. Bill's planned sit-down with the *Smears* family on his show dissolved into accusations that he was exploiting the troubled singer's emotional crackup. The TV shrink insists he canceled the taping because the situation is too intense and out of consideration for the family. A source close to Dr. Bill said it was Bratney's parents who cut him off, furious he blabbed about her mental state and drug use after the hospital visit.

Upon Bratney's exit from the hospital she was bombarded with paparazzi and quickly exclaimed in an agonizing British accent:

"Dr. Bill, you're a quack. I dislike your ways, you're a phony. I have always seen through you and hope you crash and burn."

Smears' complaint alleges negligent infliction of emotional distress (NIED), defamation, and breach of doctor-patient privilege. In her complaint she alleges damages of \$35 million.

Dr. Bills' cross-complaint alleges breach of contract due to losses incurred by the show cancellation including loss of sponsors, defamation, and personal injury. In his cross-complaint he alleges \$25 million in damages.

Attorneys for Dr. Bill and Bratney Smears have agreed to meet, in an attempt to effectuate a settlement agreement and bypass costly litigation and destructive publicity.

RELEVANT LAW:

CA Jury Instruction 1620: Negligent Infliction of Emotional Distress

1. D was negligent;
2. P suffered serious emotional distress; and
3. D's negligence was a substantial factor in causing P's serious emotional distress.

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and sham. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.

Private Facts for BRATNEY SMEARS

At the hospital, Bratney confided in Dr. Bill about her *toxic* lifestyle and exposure of that lifestyle to her children. Bratney thinks her mother is trying to get custody of her kids so that she could get her hands on Bratney's money. The debacle between Bratney and Dr. Bill is the last thing she needs. At this point in her life her main concern is battling K-Fad's sticky fingers and regaining custody of her children. *Smears* has directed you to settle this matter ASAP and create a reputation for her as the next Mother Theresa.

Bratney was shocked to learn that the focus of her Dr. Bill Show appearance was a staged intervention rather than as a musical guest promoting her new album. Feeling exploited, used, and abused she will not let it happen. Bratney's problem still remains that Lonely Smears has been appointed as conservator and given power of attorney over Bratney's estate and professional dealings, which may have lead to a binding contract between Dr. Bill and Smears.

Due to Dr. Bill's statements to the press regarding Bratney's hospital stay she has suffered severe emotional distress. Although Bratney is seeking \$35 million in damages, she is more interested in restoring her smeared reputation. She plans to release a greatest hits album in the next couple of months and could really use some positive publicity. Although Bratney believes Lonely Smears and Dr. Bill conspired against her to form an intervention, she is in fact willing to go on the show, but only on her terms. Bratney is tired of being a tabloid queen and knows that the negative publicity will stunt record sales. She demands a public apology from Dr. Bill and at least \$250,000.00 to cover incurred litigation costs.