

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 DR. BILL

"This Bratney girl is crazier than a raccoon in a molasses swamp!"

While Dr. Bill's hometown sensibilities can hardly handle being labeled a quack by Ms. Smears, her claim is not that far off. Many other people in the media have already questioned his qualifications. Her claim that he is a "phony" may be brought on by the fact that he has never been licensed to practice psychology in California. Dr. Bill's license was revoked in Texas for disciplinary action nearly twenty years ago and expired due to his failure to complete the conditions imposed on him. Dr. Bill hopes to settle this suit because he is extremely worried that it will expose all these damaging facts, possibly even costing him his show.

Dr. Bill claimed that he was hurt and dazed when the fork struck him in the head yet he only suffered a small bump on his forehead. Only the fork handle struck him and he did not require any medical attention. He has placed a bandage over his head and complains of head-aches in hopes of boosting his bargaining power since he was a victim of a "brutal attack". Dr. Bill's ego was more bruised in the altercation than his head and wants a public apology for her "violent assault".

Dr. Bill is as angry as a "fox in a windmill fire" about the cancellation of the Smears intervention show. He did speak with Lonely Smears on two occasions about the possibility of the show, yet the terms were never finalized. Those two phone conversations are the only contact he has had with the Smears family.

Dr. Bill ultimately wishes that this settlement could result in the show still being shot and airing. Dr. Bill's cross complaint alleges damages for \$25 million but he would be willing to forgo these damages if a deal could be struck to go through with the intervention special. He would be willing to make concessions on how both sides are represented as long as he comes off as a "life changing doctor".