

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ADAM ROSENDORFF,

Plaintiff,

Index No.

-against-

**SUMMONS WITH NOTICE**

HULU LLC,  
THE WALT DISNEY COMPANY,  
20<sup>TH</sup> CENTURY STUDIOS, INC.,  
ELIZABETH MERIWETHER,  
ELIZABETH MERIWETHER PICTURES, and  
SEMI-FORMAL PRODUCTIONS, INC.

Defendants.

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To the Persons Named as Defendants Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff at the address set forth below, and to do so within 20 days after the service of this summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

NOTICE: The nature of this action is defamation.

In or around April 2022, the defendants wrote, developed, produced, directed and broadcast a dramatic series entitled “The Dropout.” The series was based upon the events leading up to, surrounding, and culminating in, the widely known criminal prosecution and conviction of Elizabeth Holmes, the founder of the fraudulent medical testing company Theranos. Plaintiff, a licensed

physician, had been employed by Theranos as its lab director, and what he observed in that capacity was that Theranos's entire business model was fraudulent. He then resigned and later became a key witness for the prosecution in the trial of Holmes, testifying for nearly a week.

In several episodes of the series, a character named Mark Roessler, whose identity is based upon the plaintiff, is depicted as occupying the same role in the drama as the position which plaintiff occupied while working for Theranos. However, the character of Roessler is utterly different from that of plaintiff. Roessler is portrayed and shown as directing other employees to destroy testing results damaging to Theranos, to falsify other records and to engage in other unethical conduct unworthy of a physician. The character is portrayed and shown as covering up Theranos's fraudulent scheme, thereby endangering patients' lives, of abruptly leaving his employment with Theranos without providing notice or discussing his separation, and as otherwise unfit to practice medicine.

Persons who know plaintiff have concluded, and publicly stated, that the Roessler character is based upon him. Media publications have stated their belief that the fictional Dr. Roessler and the real Dr. Rosendorff are one and the same. Those persons have assumed, falsely, that plaintiff possesses and shares the dishonest and professionally corrupt qualities of the Roessler character. The statements uttered by the Roessler character are therefore of and concerning plaintiff.

Taken both individually and in their entirety, the statements and fictional portrayal have had a devastating effect upon the plaintiff's reputation and professional status as a physician. At the time of the trial, he was considered a heroic whistle-blower, a witness who was instrumental in the jury's verdict convicting Holmes. Now he has been falsely portrayed as a perjurer, a criminal, and of being completely unfit to practice his profession.

The statements were made with malice, in that defendants knew well, or should have known, the nature and substance of plaintiff's actions while at Theranos, and of his testimony at the trial. Yet they willfully falsified those actions and testimony with the intention to damage plaintiff's excellent reputation as an honorable and ethical physician, and they have succeeded in doing so. Without necessarily admitting that he is one, the defendants' reckless disregard is sufficient evidence of the malice which a public figure must show to establish claims for defamation.

The relief sought is monetary damages in amounts to be determined by the Court and a judgment that the statements complained of are false and defamatory.

Plaintiff designates New York County as the place of trial. The basis of this designation is defendants' transaction of business in New York County.

Dated: March 23, 2023

/S/

LAW OFFICE OF RICHARD A. ALTMAN  
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Defendant's addresses:

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The Walt Disney Company  
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500 S. Buena Vista St.  
Burbank, CA 91521

Hulu LLC  
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2710 Gateway Oaks Dr., Ste. 150N  
Sacramento, CA 95833

20<sup>th</sup> Century Studios, Inc.  
ATTN: Legal Department  
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Burbank, CA 91521

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