

RUBIN | SHULMAN  
ATTORNEYS AT LAW

November 14, 2008

**Via email only at Perry.Bradshaw@meredith.com**

Mr. Perry Bradshaw  
General Counsel - Broadcasting  
Meredith Corporation  
1716 Locust St.  
Des Moines, Iowa 50309

RE: Lifestyle Lift – Atlanta

Dear Mr. Bradshaw,

By way of introduction, my name is Allan S. Rubin and our office represents Lifestyle Lift® and its Atlanta center. I have been contacted by my client as they are very concerned regarding the nature of a story your wholly owned subsidiary is considering broadcasting in Atlanta on CBS 46 News. As a result, my client has requested that I reach out to you in order to remind you that they take their reputation quite seriously and will take active steps to protect their reputation, including litigation, if necessary, to ensure that their reputation is not harmed.

From my review of the email exchanges between you and Mr. Zorn, it appears that this story based upon patient complaints. As you know, accusations of medical malpractice, improper surgical techniques, or other improper medical conduct are injurious to a doctors good name and reputation. We trust that you will have had both the patient files reviewed and the patients examined by an independent facial plastic surgeon and/or plastic surgeon, to determine whether any breach of the standard of care occurred in the patient's treatment and care or whether the patient complaints are within the medically accepted and fully disclosed risks of surgery, as assertions of malpractice are per-se defamatory.

Lifestyle Lift® has provided you with a substantial number of materials regarding the Lifestyle Lift facelift procedure and the surgeons who perform it. To this end, The Lifestyle Lift® is surgery is a facelift, involving the superficial musculoaponeuroticsystem ("SMAS"), performed under local anesthesia. This procedure is known in the medical literature as a SMAS Rhytidectomy, Skin-SMAS, Mini-Facelift, and the Short Scar Facelift, amongst other names, including the Lifestyle Lift®. It is widely recognized as a generally accepted plastic surgery technique.<sup>1</sup> The Lifestyle Lift® is performed, in one fashion or another, by nearly every plastic

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<sup>1</sup> See e.g. The Quicklift™: A Modification of the S-Lift, *Cosmetic Dermatology*, Vol.17, No. 6 (June, 2004); *Advances in facial rejuvenation surgery*, Anderson, Baker, *Current Opinion in Otolaryngology & Head and Neck Surgery*, 11:256-260, Lippincott Williams, & Wilkens, 2003; *The S-lift; Less is more*; Saylan Z., *Aesthetic Surgery*

and facial plastic surgeon in the United States. The Lifestyle Lift® is simply the trademarked name for this surgery as it is performed by Lifestyle centers and licensees.

As it relates to patient complaints, Lifestyle Lift® has provided you with substantial information demonstrating the Lifestyle Lift's complication rate is substantially lower the general rate of complications in the plastic surgery field. In most cases, there are no significant medical problems with Lifestyle Lift patients. In fact, an examination of 2007 and 2008 data related to dissatisfied patients reveals a complication rate of less than .5%, a substantially lower amount than the complication rates reported in the medical literature which reports such rates as between 2% and up to 10%. While every surgeon in the cosmetic surgery business experiences must deal with dissatisfied patients, in a recent comprehensive survey, Lifestyle Lift® physicians noted less than a 1% dissatisfaction rate amongst its patients. For the most part, these patients do not have medical complications, but rather had an unrealistic expectations regarding the results which may be achieved by procedures such as the Lifestyle Lift®. We trust that any "fair and balanced" reporting will include disclosure of these facts.

Lifestyle Lift has also provided you with their informed consent form which each patient reads before having surgical procedures performed. In this informed consent, the patients are advised of various risks, including the following:

**Introduction** - The *Lifestyle Lift*® is a surgical procedure, a type of facelift, to improve some visible signs of aging on the face and neck. As individuals age, the skin and muscles of the face region begin to lose tone. The *Lifestyle Lift*® cannot stop the process of aging. It is designed to improve some visible signs of aging by tightening underlying structures and removing skin from the face and neck.

*Lifestyle Lift*® is not a full facelift or neck lift. The procedure is performed under local anesthesia and ***major changes to the neck and mid-face may not be possible.*** For example, your Nasal Labial folds may soften but not disappear. The procedure was designed as an alternative to the traditional facelift; bruising, discomfort and pain although not as severe as in a traditional facelift in some instances it can be. Some people may need extra healing time and may not be able to return to work or normal activities for a prolonged period. If you are undergoing an eyelid procedure in addition to a *Lifestyle Lift*® procedure expect some bruising and to take time off of work to recover. (Emphasis added)

**RISKS of *Lifestyle Lift*® SURGERY** Every surgical procedure involves a certain amount of risk and it is important that you understand the risks involved with the *Lifestyle Lift*®. An individual's choice to undergo a surgical procedure is based on the comparison of the risk to potential benefit among other things. Although the majority of

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J., 19:406, (1999); Fulton JE, Saylan Z, Helton P. et. al., The S-Lift facelift detailing the U-Suture and O Suture with Skin Resurfacing, *Dermatol. Surgery*, 2001, 27:18; Personal Techniques of Face Lifting, *Communications in Cosmetics Surgery*, Vol. 100(2), August 1997, Pg 5

patients do not experience the following complications, you should discuss each of them with your surgeon to make sure you understand the risks, potential complications, and consequences of the *Lifestyle Lift*®. Whenever the skin is cut it heals with a scar. You will have a permanent scar.

**Normal Symptoms during the recovery period:**

Swelling and Bruising  
Discomfort and some pain  
Crusting along the incision lines  
Numbness of operated upon skin lasting 3 months, occasionally longer  
Itching  
Redness of scars

**Scarring-** You will have a scar. Although good wound healing after a surgical procedure is expected, abnormal scars may occur on the skin and deeper tissues. Scars may be unattractive and of different color than the surrounding skin. There is the possibility of visible marks from sutures. Additional treatments may be needed to treat scarring. Thick, wide or depressed scars or Keloid scars can occur and may require injections or more surgery or steroid shots, these may not improve. If you have a history of Keloid or poor scars please notify your doctor. Your earlobes may be pulled or stretched after surgery (this is a common complication).

**Unsatisfactory Result-**There is the possibility of a poor result from the *Lifestyle Lift*® surgery. This would include risks such as unacceptable visible deformities, loss of facial movement, wound disruption, and loss of sensation. You may be disappointed with the results of surgery. You may need additional surgery. Surgery is not an exact science, your doctor will attempt to give you the best results possible however you may not receive the result you expect as individual results may vary. Complications can develop that are unexpected and are not even contemplated. The surgery may not improve or change your appearance. Having a realistic expectation is important; if you have any concerns discuss them prior to surgery with your doctor.

**Additional Surgery Necessary** - There is many variable conditions in addition to risk and potential surgical complications that may influence the long term result from *Lifestyle Lift*® surgery. Even though risks and complications occur infrequently, the risks cited are the ones that are particularly associated with *Lifestyle Lift*® surgery. Other complications and risks can occur but are even more uncommon. If complications occur additional surgery or other treatments may be necessary. The practice of medicine and surgery is not an exact science. Although good results are expected, there is no guarantee or warranty expressed or implied on the results that may be obtained. A touch up procedure is occasionally required. I understand that a touch-up is the only recourse for dissatisfaction with my results.

**Advertising** - I understand that the images of the patients depicted in the Lifestyle Lift advertising and advertising statements made, are patients that received the best possible results and/or experience from the Lifestyle Lift®. I understand that my results may not be the results as the patients depicted in advertising. I also understand my experience may not be similar as patients depicted in Advertising. Individual results will vary. The advertising statements and photographs do not constitute a promise or guarantee of any particular outcome or anything else.

Lifestyle Lift® would expect that any story accurately depict the fact that all risks of surgery have been fully disclosed by Lifestyle Lift to its patients.

In addition, as it relates to Lifestyle Lift's doctors at the Atlanta facility, each of them have substantial credentials.

- A. Ramon S. Franco, M.D., F.A.C.S. has been a long time board certified surgeon in the Atlanta area. He is a diplomat in the American Board of Facial Plastic and Reconstructive Surgery, a Fellow in the American Board of Otolaryngology, is a past chairman of the Greater Atlanta Otolaryngology – Head and Neck Surgery Society, the Past Chairman of the Department of Otolaryngology - Head and Neck Surgery at Northside Hospital, and a Clinical Attending Instructor in the Department of Otolaryngology at Emory University.
- B. John R. Coleman, M.D., F.A.C.S. is a board certified surgeon- holding board certifications by the American Board of Otolaryngology and the American Board of Facial Plastic and Reconstructive Surgery. In addition, he has been employed as a surgeon by a number of hospitals including Children's Healthcare of Atlanta, Piedmont Hospital, Northside Hospital, and as a clinical instructor of Otolaryngology at Emory University.
- C. Elizabeth G. Whitaker, M.D. F.A.C.S. is a board certified surgeon- holding board certifications by the American Board of Otolaryngology and the American Board of Facial Plastic and Reconstructive Surgery. Dr. Whitaker is the Clinical Instructor of Facial Plastic and Reconstructive Surgery – Department of Otolaryngology at the Medical College of Georgia, the former Chief of Facial Plastic and Reconstructive Surgery – Department of Otolaryngology at the Medical College of Georgia, and the Former Chief, Section of Otolaryngology, Department of Surgery at Kennestone Hospital. Dr. Whitaker has been honored by Duke University with The American Medical Women's Award.
- D. Kun Kim, M.D., F.A.C.S. is board certified by the American Board of Facial Plastic and Reconstructive Surgery and the American Board of Otolaryngology. Dr. Kime has been practicing facial plastic surgery in the Atlanta area since 1995 and is a graduate of Emory University Medical

School. Dr. Kim completed his internship and residency at the prestigious Bethesda Naval Medical Center and is a member of numerous medical and surgical academies and societies in Georgia.

Lifestyle Lift trust that you will include the substantial credentials of it surgeons in you upcoming story and invite you compare their qualifications with other facial plastic surgeons in the greater Atlanta area.

As stated previously, Lifestyle Lift is very concerned about its reputation, a reputation it has spent years developing. As you know, recently another television station published what was essentially an unsupported attack on my client which after substantial litigation, resulted in the issuance of a retraction and a confidential settlement. We trust that such litigation will not become necessary with you and that you will publish a fair, balanced, and accurate story. In the meantime, should you have any questions, please feel free to contact me. I remain,

Very Truly Yours,

*/s/ Allan S. Rubin*  
*(Electronically signed)*

Allan S. Rubin  
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cc: Mr. Kenneth Zorn