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18 JUN -5 PM 1:04  
CIRCUIT COURT  
FOR MULTNOMAH COUNTY

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON 18CV23125**  
**FOR THE COUNTY OF MULTNOMAH**

**STACEY MOCK**

Plaintiff,

Vs,

**JODEE M. ANDERSON, FRESH FACES  
LLC, INVASIX INC, InMode MD, Ltd.**

Defendant,

**CASE NO:**

**-COMPLAINT-**

**MEDICAL MALPRACTICE, INFLICTION OF  
EMOTIONAL DISTRESS, STRICT LIABILITY,**

**DAMAGES: \$950,000**

**ORS 21.160(1)(C)**

**JURY TRIAL REQUESTED**

**(NOT SUBJECT TO MANDATORY MEDIATION)**

The Plaintiff Alleges:

**JURISDICTION AND VENUE**

1.

This court has jurisdiction to hear this case pursuant to ORS.14.030, 14.080 and ORCP 4 (C).

**PARTIES**

2.

The Plaintiff, STACEY MOCK at all material times was a citizen of the State of Oregon and resided in Multnomah County.

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The Defendant, JODEE M. ANDERSON was a resident of the State of Oregon and a licensed (MD26587) practicing physician in the State of Oregon in the County of Multnomah.

The Defendant JODEE M ANDERSON at all relevant times did own and operate a business enterprise in the State of Oregon. The Defendants business office is in Multnomah County and the events relevant to this action occurred in Multnomah County.

The Defendant, INVASIX, INC. is an Israeli based company incorporated in Delaware. Invasix, Inc's United States headquarters is located in California where it is registered as a foreign corporation that provides medical device distribution. INVASIX, INC. owns and manufactures medical devices that are sold and provided to medical providers for use within the State of Oregon.

The Defendant INMODE, LTD. is a California company believed to be owned in whole or in part, or a dba for or working in conjunction with INVASIX. Defendant INMODE, LTD has a North American head office located in California.

**FACTS**

**4.**

The Defendant, JODEE M ANDERSON, (hereafter Anderson) was at the relevant times listed below a licensed physician in the State of Oregon with a license number of MD26587.

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5.

Anderson is a member and registered agent for Fresh Faces RX LLC.

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Defendant, FRESH FACES RX LLC, (hereafter Fresh Faces) is a Boutique Aesthetic Medicine Spa registered as a domestic business with the Oregon Corporation Division. Fresh Faces advertises and offers skin care and body sculpting utilizing lasers, injectables, micro needling, microdermabrasion's, peels and medical grade skincare, including FRACTORA.

7.

FRACTORA, is a fractional skin resurfacing and subdermal tissue coagulation device. The Fractora treatment uses radiofrequency and claims to treat damaged or sagging skin. A handheld device with small pins, is utilized, and creates tiny punctures in the skin, sending heat below the surface which is claimed to promote collagen production.

8.

FRACTORA is manufactured, distributed, sold and promoted by Defendant INVASIX, INC and or INMODE, LTD.

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The Fractora device is sold and utilized throughout the State of Oregon.

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10.

The Defendant, INVASIX, INC. and or INMODE, LTD. (hereafter referred to collectively as Invasix) manufactured, distributed, sold provided instructions and training on the Fractora device to Anderson for use at Fresh Faces.

11.

On 4/23/2016 the Plaintiff went to Anderson, at Fresh Faces to have a lip filler procedure. At that time Anderson recommended the Plaintiff not proceed with the lip filler procedure but instead to receive laser treatment. Plaintiff informed Anderson that she would be leaving for vacation in a few days and could not have any down time after the procedure.

12.

Anderson recommended a series of six laser treatments, the first of which was given at that time. Anderson did not initially inform the Plaintiff that the procedure was a Fractora procedure, nor did Anderson inform the Plaintiff of specifics of the treatment, its risks, and other information necessary to provide an informed consent. Anderson did assure the Plaintiff that there would be no down time and that the procedure was non-invasive.

13.

The initial procedure cause excruciating pain during and after the procedure. And left hatch mark looking lacerations under and around the

1 Plaintiff's eyes along with swelling, redness, fluid below the eyes and scarring.

2 Plaintiff contacted Anderson the next day who assured her it was normal.

3 14.

4 Plaintiff is and was at the time of the incident hairstylist. Plaintiff's  
5 profession requires close personal contact with clients making her appearance  
6 an important and integral component.

7 15.

8 Due to the scarring and damage caused by the initial procedure the  
9 Plaintiff had to cancel her vacation was not able to recoup the money she had  
10 paid on tickets, reservations and other related expenses.

11 16.

12 Upon returning to work several clients and co-workers were stunned and  
13 dismayed by the Plaintiff's face that was still, swollen and scarred. The owner of  
14 the salon asked the Plaintiff to cancel her appointments and go home. As a  
15 result, the Plaintiff lost clients, work and income.

16 17.

17 Plaintiff scheduled an appointment with Anderson on 4/30/16 to evaluate  
18 the lacerations, redness and swelling to the Plaintiff's face. At that time Anderson  
19 informed the Plaintiff that her injuries were normal, that she was healing and sold  
20 her some cosmetics to cover the lacerations.

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18.

Thereafter, Plaintiff went to her dermatologist for an unrelated matter who expressed concern about the scars on Plaintiff's face and encouraged Plaintiff to seek a second opinion and gave her the name of a plastic surgeon that was familiar with laser and other similar procedures.

19.

On 5/19/16 Anderson contacted Plaintiff and encourage her to return to Fresh Faces for a second procedure. On 5/28/2016 Plaintiff returned to Fresh Faces for a second procedure. Anderson assured the Plaintiff that she would not have the same reaction this time and that the scars were normal. At that time Anderson performed a second procedure with a different laser device on a low setting. The procedure caused minimal pain but made no improvements to the lacerations that were still very obtrusive nearly a month after the procedure.

20.

On the recommendation of Plaintiff's dermatologist Plaintiff scheduled appointments with two other physicians to examine the scars and damage done to the Plaintiff's face by the Fractora procedure.

21.

On 6/08/18 Anderson contacted Plaintiff wanting her to return to Fresh Faces for another procedure. Plaintiff did not respond at that time as the Plaintiff was scheduled to see the other specialist later that day.

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22.

On 6/08/18 Plaintiff was examined by two other specialist who both determined that an error had been made during the Fractora procedure, that damage had been done, that no other procedures should be done for the next 16 months to allow Plaintiff's face time to heal, and that the damage done may be permanent.

23.

Thereafter, Plaintiff contacted Anderson and informed her of the opinion of the two other specialist. Anderson informed the Plaintiff that if the Plaintiff no longer had confidence in Anderson and Fresh Faces then their relationship was over.

**FIRST CLAIM FOR RELIEF- MEDICAL MALPRACTICE**

24.

Plaintiff re-alleges the paragraphs above.  
Defendants Anderson and Fresh Faces owed a duty of care to the Plaintiff. Defendants breached that duty of care resulting in actual physical harm, emotional distress and economic harm to the Plaintiff, there is an actual and casual link between the breach and the harm, the Defendants actions are the proximate and or actual cause of that harm. Due to Defendants conduct the plaintiffs suffered economic and noneconomic damages valued at not less than \$500,000.

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**SECOND CLAIM FOR RELIEF- NEGLIGENT INFLICTION OF EMOTIONAL  
DISTRESS**

25.

Plaintiff re-alleges the paragraphs above.

Defendants owed a duty of care to the plaintiff. Defendants violated their duty of care owed to the plaintiffs. Defendants actions caused physical harm to the Plaintiff and did negligently inflict emotional distress upon the Plaintiff. Due to Defendants conduct the Plaintiff suffered physical and emotional harm as well as economic damages and noneconomic damages. Plaintiff has suffered emotional distress and is entitled to damages in an amount to be determined at trial.

**THIRD CLAIM FOR RELIEF- STRICT LIABILITY**

26.

Plaintiff re-alleges the paragraphs above.

Defendant Invasix, designed and manufactured the Fractora medical device named in this action and thereafter distributed it to the other named Defendants. The Fractora device named in this action has either a product design defect that makes it ultra-hazardous and or dangerous or contains a manufacturing defect. In addition, Invasix failed to provide sufficient training or instructions to the Defendants regarding the proper use and or failed to warn about potential risk of harm to patients if protective procedures are not followed. Invasix designed, manufactured, produced and distributed the Fractora device



1 that is unreasonably dangerous. Defendants negligence caused or is the  
2 proximate cause of the harm caused to the Plaintiff and the Plaintiff has suffered  
3 economic and non-economic damages as a result. Plaintiff has been harmed and  
4 is entitled to damages to be determined by a jury at the time of trial.

5 **WHEREFORE; Plaintiff** prays for the following relief:

- 6 1. Economic damages in the amount of \$250,000
- 7 2. Future medical damages in the amount of \$250,000
- 8 2. Non-economic damages in the amount of \$450,000
- 9 3. Costs and Fees associated with litigation, including attorney fees.
- 10 4. Post and pre-judgment interest of 9%
- 11 5. The Plaintiff will be seeking punitive damages.

12

13 Dated this 4 day of June 2018

14 Submitted by: Stacey Mock

15

PLAINTIFF Pro Se