

NORTH CAROLINA
WAKE COUNTY

FILED
2022 MAR 24 PM 4:09
WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05 CVS _____

KEVIN A. MONCE, BY _____)
)
 Plaintiff,)
)
 vs.)
)
 NANCY G. DEAS and EDNA E. DEAS,)
)
 Defendants.)

COMPLAINT

This is an action for libel brought by plaintiff Kevin A. Monce against defendants Nancy G. Deas and Edna E. Deas for the publication of statements on their website, aligus.com, impeaching Dr. Monce in his trade or profession. Dr. Monce is a licensed veterinarian and the statements published by the Deas falsely assert that he has committed "Veterinary Malpractice, Incompetence & Negligence" and falsely assert that he has been disciplined by the North Carolina Veterinary Medical Board "for incompetence, gross negligence, or other malpractice in the practice of veterinary medicine."

The plaintiff, complaining of defendants, alleges and says:

JURISDICTION

- 1. The court has jurisdiction of this action pursuant to G.S. 7A-243.

VENUE

- 2. Venue is proper in Wake County pursuant to G.S. 1-82 because defendants are residents of the county.

PARTIES

3. Plaintiff Kevin A. Monce has been a licensed veterinarian in North Carolina since 1994 and is a resident of Chatham County. He currently practices veterinary medicine at the PetSound Animal Hospital in Cary in Wake County.

4. Defendant Nancy G. Deas is a resident of Wake County and, together with her sister Edna E. Deas, maintains the web site aligus.com and writes and publishes the content of that web site.

5. Defendant Edna E. Deas is a resident of Wake County and, together with her sister Nancy G. Deas, maintains the web site aligus.com and writes and publishes the content of that web site.

FACTUAL ALLEGATIONS

6. Kevin Monce graduated with high honor from the University of Kentucky in 1980. He received his Doctor of Veterinary Medicine degree, with high honors, from Auburn University in 1984. He completed his internship at Texas A & M University in 1985 and his residency at North Carolina State University in 1994. Dr. Monce is a Diplomate in the American College of Veterinary Internal Medicine and is a member of the Phi Kappa Phi and Phi Zeta honor societies.

7. Kevin Monce was licensed to practice veterinary medicine in North Carolina in 1994 by the North Carolina Veterinary Medical Board and he has maintained his license since that time.

8. Since his licensing in 1994 Dr. Monce has practiced veterinary medicine continuously in North Carolina. From 1994 through 1997 Dr. Monce owned a referral

practice, accepting complicated internal medicine cases from general practice veterinarians. From 1998 through 2004 his practice primarily was as a consulting veterinarian, providing ultrasound interpretations and ultrasound guided procedures for other veterinarians and otherwise consulting on internal medicine cases and procedures. Since 2005 he has practiced as a primary care veterinarian in Cary.

9. Dr. Monce's professional reputation is important to him as a veterinarian, and any harm to that reputation is damaging to him in his profession.

10. Defendants Nancy and Edna Deas created and maintain and write the copy for a web site found at aligus.com. The web site is primarily devoted to the story of their complaints concerning the death of their 14-year old dog, a terrier named Alex, in January 2000.

11. In 2000 the Deas filed complaints with the Veterinary Medical Board against Dr. Dana Jones and Dr. Monce concerning the treatment of Alex before his death, alleging a variety of acts of neglect and malpractice. Dr. Jones was the primary veterinarian treating Alex at that time and Dr. Monce was consulted by Dr. Jones.

12. The Veterinary Medical Board eventually issued a reprimand to Dr. Jones, which was accepted by Dr. Jones.

13. The Veterinary Medical Board also issued a notice of reprimand against Dr. Monce, but Dr. Monce contested the reprimand and the Veterinary Medical Board initiated a contested case in the Office of Administrative Hearings.

14. The charges against Dr. Monce were resolved in April 2003 by entry of a Consent Order. Although in the Consent Order Dr. Monce acknowledges and accepts discipline for certain regulatory violations, such as failure to have a mobile unit properly

inspected, there are no admissions, findings or conclusions concerning professional malpractice, incompetence or negligence.

15. The headline on the home page of the aligus.com web site reads, "Veterinary Malpractice, Incompetence & Negligence." Immediately below that headline are the words, "Dana Jones, DVM, Durant Road Animal Hospital" and the words "Kevin Monce, DVM, VetSound, Inc."

16. Also appearing on the home page of the web site is the following: "The North Carolina Veterinary Medical Board decided our complaint March 23, 2001. It issued some discipline to the veterinarians nine months later. Included were reprimands for incompetence, gross negligence, or other malpractice in the practice of veterinary medicine."

17. A true copy of the pages from the aligus.com web site are attached as **Exhibit A.**

18. An ordinary person's understanding of the statements published by the Deas sisters on their web site, and the understanding desired and intended by the Deas sisters, is that Kevin Monce has committed veterinary malpractice and is incompetent and negligent as a veterinarian, and that the Veterinary Medical Board has found and declared him to have committed malpractice and to have been incompetent and grossly negligent in the practice of veterinary medicine. Those statements are false.

19. The statements made by the Deas sisters and published on their web site have been intentionally published to the public at large and are intended and calculated to impeach Dr. Monce in his profession and have been made without regard to the truth.

20. The statements made by the Deas sisters and published on their web site have harmed and injured Dr. Monce in his profession.

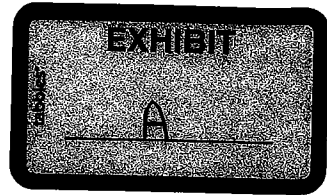
CLAIM FOR LIBEL

21. The allegations of paragraph 1 through 20 are incorporated by reference.
22. The statements made by the Deas sisters and published on their web site, *aligus.com*, libel Kevin Monce in that they impeach and harm him in his profession.
23. The statements made by the Deas sisters and published on their web site are libelous *per se*.

RELIEF REQUESTED

Having stated and shown his claim against defendants Nancy and Edna Deas, plaintiff asks that the court:

1. Hold that the statements made by the defendants and published on their web site are libelous *per se* and harm plaintiff in his profession.
2. Order that defendants pay to plaintiff compensatory damages in excess of \$10,000.
3. Order that defendants pay to plaintiff punitive damages.
4. Order defendants to cease publication of the libelous statements on their web site or in any other publication.
5. Order defendants to replace the current content of their web site with statements approved by plaintiff and the court acknowledging that the incorrectness of their claims and apologizing to plaintiff.
6. Order defendants to make reasonable efforts, approved by the court, to contact and notify readers of the *aligus.com* web site that the statements made on that site concerning Dr. Monce were false.



In Navigator 7 or Explorer 5, best viewed with Text Zoom 75%

Veterinary Malpractice, Incompetence & Negligence

Dana Jones, DVM, Durant Road Animal Hospital

Kevin Monce, DVM, VetSound, Inc.

THERE IS A HOLE IN YOUR LIFE UNTIL THE TRUTH IS FOUND.
THE HOLE IN YOUR HEART IS FOREVER.

www.aligus.com

Read the [Terms & Conditions](#) before using this site or clicking any links. If you don't agree, please leave.



Alex

OCTOBER 6, 1985 - JANUARY 4, 2000



Gus

OCTOBER 6, 1985 - JANUARY 18, 2001

IN THE NEWS ...

"Alex had a few good years ahead -- until his final fateful visits with Dr. Dana Jones, of Durant Road Animal Hospital, and Dr. Kevin Monce, VetSound, Inc."
Please read the October 16, 2002 front page newspaper article.

AND AGAIN ...

"SISTERS DECRY VET BOARD"

"A settlement in the death of their dog has the pair seeking the governor's aid."
Please read the April 12, 2003 newspaper article.

Dana Jones, DVM. and Kevin Monce, DVM.

Our Complaint-NCVMB 00006, February 4, 2000

- [Letter to the NCVMB](#)

**Alex and Gus were AKC
Manchester terriers.**

**They gave us immeasurable joy
for 14 years.**

- Chronology & Complaint Allegations
- Reprimand Issued Jones
- Reprimand/\$3000 Fine Issued Monce

Board's Complaints Against Kevin Monce, DVM

- NCVMB 00048 - 2000
- NCVMB 01023 - 2001 Letter of Caution
- NCVMB 01023 Reopened - 2002 Letter of Reprimand 2003; 2004 Retracted

Dr. Monce Requests Full Hearing 2001-2003

- Settlement Rejected by Monce - 2002 Stayed Suspension, Two Years Probation and \$5000 Fine
- NCVMB Files Accusation - 2002
- Scheduled for February 10, 2003
- Rescheduled March 10, April 7, May 12
- Pre-hearing Statements
- Motion to Change Venue
- Allegation of Ex parte Communication
- Monce Consent Order - April 4, 2003 Stayed Suspension, One Year Probation and \$5000 Fine
- Consent Order Disparity

Did Kevin Monce, DVM, fail to pay ALL of the \$5000 Fine or Did the NCVMB fail to keep complete records? REPLY OF TOM MICKEY, NOV. 17, 2004

Weren't These N.C. Practice Act Violations?

- Issue 1: Which Trailer
- Issue 2: Cytology Sides
- Issue 3: Napolitano Information
- Issue 4: Alex's X-rays
- Issue 5: Audio Tape 3

Our Additional Complaints

- Dr. Wendy Alphin Jones, DVM
- Dr. Jeannine Hostetter, DVM
- Ms. Annie Ross, RVT

Others' Complaints Against Dana Jones, DVM

- NCVMB 97036 - 1997

Then Alex died -- the victim of veterinary malpractice, incompetence and negligence.

We filed Complaint 00006-1-1 on February 4, 2000 with the North Carolina Veterinary Medical Board against:

**Dr. Dana Rene Jones, DVM *
Durant Road Animal Hospital & Kennel, PLLC
Home of Greater Raleigh Greyhound Rescue
10220 Durant Road
Raleigh, North Carolina**

**Dr. Kevin Arthur Monce, DVM, DACVIM **
VetSound, Inc.
Cary, Wilmington, Fayetteville, Greensboro, Southern Pines, Moncure ... , North Carolina**

During the time the complaint was "investigated", we found that Gus had medical problems that had not been properly treated. Gus died a year later.

The North Carolina Veterinary Medical Board decided our complaint March 23, 2001. It issued some discipline to the veterinarians nine months later. Included were reprimands for incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

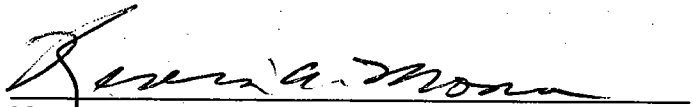
Other serious issues emerged about the practices of Dana Jones, DVM, and Kevin Monce,

NORTH CAROLINA

WAKE COUNTY

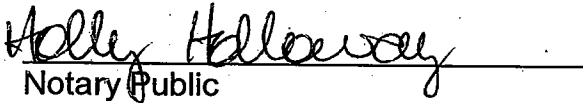
VERIFICATION

KEVIN A. MONCE, being first duly sworn, deposes and says that I am the plaintiff in this action; that I have read the foregoing document and that the same is true of my own knowledge except as to those matters and things therein stated upon information and belief, and as to those I believe them to be true.



Kevin A. Monce
Plaintiff

Sworn to and subscribed before me
this 23 day of March, 2005.



Notary Public

My commission expires: 4-22-06