

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JANE DOE,)	
)	
PLAINTIFF,)	NO. 1:24-CV-966
)	
-against-)	JURY TRIAL DEMANDED
)	
SACHIN SHRIDHARANI, M.D.;)	
LUXURGERY, LLC;)	
)	
DEFENDANTS.)	
)	

FIRST AMENDED COMPLAINT

Plaintiff Jane Doe (“Plaintiff”), by and through her attorneys, Fegan Scott LLC, for her Complaint against Sachin Shridharani, M.D. (“Dr. Shridharani”) and Luxurgery, LLC (“Luxurgery”) (collectively, Defendants), alleges as follows:

I. NATURE OF THE ACTION

1. Patient–physician confidentiality is the cornerstone of medical ethics, which fosters trust.¹ “Without trust, how could a physician expect patients to reveal the full extent of their medically relevant history, expose themselves to the physical exam, or act on recommendations for tests or treatments?”²

2. Dr. Shridharani and the practice he founded, Luxurgery, violated this trust by videotaping Jane Doe’s breast augmentation surgery, which was conducted as part of a research study sponsored by Sientra, Inc. (“Sientra”), without her consent and over her objections.

¹ Nasrin Nejadzarvari, Ali Ebrahimi, Azin Ebrahimi, and Haleh Hashem-Zade, “Medical Ethics in Plastic Surgery: A Mini Review,” *World J Plast Surg.* 2016 Sep; 5(3): 207–212, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5109381/> (last accessed Jan. 25, 2024).

² Susan Dorr Goold, MD, MHSA, MA, Trust, Distrust and Trustworthiness: Lessons from the Field, 17 *J. GEN. INTERNAL MED.* 79, 79–81 (2002) (citations omitted).

Luxurgery then posted the video, or excerpts thereof, displaying Jane Doe’s naked breasts to its public social media outlets to promote Dr. Shridharani and his practice.

3. As soon as Jane Doe became aware of the social media posts, she immediately demanded that Dr. Shridharani and Luxurgery remove the video from publication. Dr. Shridharani apologized, and Luxurgery removed the video from social media. Luxurgery assured Plaintiff that it would not happen again.

4. But then several months later, Luxurgery posted the video *a second time* to social media, promoting Dr. Shridharani and his plastic surgery practice.

5. Jane Doe again complained to Luxurgery and demanded that the video be removed from social media. She also notified the institutional review board (“IRB”) retained by Sientra “to help protect the rights of research subjects.”³ Luxurgery removed the video, and the IRB claimed that it would require Luxurgery to implement proper controls (but apparently failed to do so).

6. Subsequently, despite Jane Doe’s objections made to Dr. Shridharani and his practice, and clear instructions that they were not allowed to make any use of the video (for which they did not have consent to film in the first place), Dr. Shridharani and Luxurgery posted an excerpt of the video, clearly displaying Jane Doe’s naked breast, to social media *a third time*.

7. Jane Doe has suffered extreme emotional distress as a result of being videotaped while unconscious without her consent and having the video posted publicly on social media for the world to see her naked breasts *on three different occasions over her strenuous objections*.

8. Jane Doe seeks compensatory and exemplary damages and brings this action against Dr. Shridharani and Luxurgery for violations of New York Civil Rights Law §§ 50, 51 (Invasion of Right of Privacy), and New York Civil Rights Law §§ 52-B (Unlawful Dissemination

³ Informed Consent Form and Authorization to Use and Disclose Protected Health Information, at 7.

or Publication of an Intimate Image). She also brings claims against Luxurgery for negligent retention and supervision; and all Defendants for infliction of emotional distress.

II. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction because Plaintiff is a resident of a different state than Defendants, such that the Plaintiff is not domiciled in the same state as any Defendant, and the amount in controversy exceeds \$75,000.00.

10. This Court has personal jurisdiction over Dr. Shridharani because Defendant resides in New York and/or conducts or, at relevant times conducted, activities in the State of New York that give rise to the claims asserted herein.

11. This Court has personal jurisdiction over Luxurgery because Defendant conducts or, at relevant times conducted, activities in the State of New York that give rise to the claims asserted herein.

12. Venue for this action is proper in the Southern District of New York in that Defendant Luxurgery resides in this District and all or the majority of the events and/or omissions giving rise to the claims asserted herein occurred here.

III. PARTIES

13. Plaintiff Jane Doe is a resident of Broward County, Florida and a citizen of the United States.

14. Defendant Sachin Shridharani, M.D. is, on information and belief, a resident of New York County, New York. Dr. Shridharani is the founder of Defendant Luxurgery, LLC and performs surgery at 880 Fifth Avenue, 1-B,C,D, New York, NY 10021.

15. Defendant Luxurgery, LLC is a Missouri limited liability corporation with its principal place of business located at 880 Fifth Avenue, 1-B,C,D, New York, NY 10021.

IV. FACTS

A. While agreeing to take part in a research study involving breast augmentation, Jane Doe requested orally and in writing that any photographs taken of her be used solely for research purposes.

16. Jane Doe consented to take part in the Sientra, Inc. “Prospective Study on Fat Retention when using the AuraGen 1-2-3™ with AuraClens™ System in Processing of Lipoaspirate for Autologous Fat Grafting to the Breast” (“Study”).

17. Jane Doe signed the Informed Consent Form and Authorization to Use and Disclose Protected Health Information on March 6, 2023 (“Study Informed Consent Form”), a redacted copy of which is attached as Ex. A.

18. The Study Informed Consent Form identifies Sientra as the Sponsor, Dr. Shridharani as the Principal Investigator, Luxurgery as the location for the surgery, and the IRB as the Study Subject Adviser.

19. The stated purpose of the study is to collect data on the amount of fat that is retained in a subject’s body over time after surgery with the AuraGen 123 system, a medical device. In Jane Doe’s case, the medical device was used during breast augmentation surgery in which fat cells and tissue grafted from her stomach or thighs was injected into her breast.

20. According to the American Academy of Plastic Surgeons, breast augmentation surgery is a “deeply personal procedure,”⁴ which Jane Doe intended to keep highly private.

21. The Study Informed Consent Form provides that photographs and 3D imaging might be taken of her breasts for dimensional measurement, that reasonable measures would be taken to ensure that identifying information would not be included in any photographs, and that

⁴ <https://www.plasticsurgery.org/cosmetic-procedures/breast-augmentation/candidates> (last accessed Jan. 25, 2024).

the photographs would only be shared with the Investigator, study site personnel, the study sponsor, and sponsor authorized representatives for research purposes.

22. In the Study Informed Consent Form, Jane Doe expressly withheld consent to the use of any photographs for marketing purposes.

23. The Study Informed Consent Form did not disclose that any video recordings of Jane Doe would be taken while she was unconscious during surgery.

B. Because Jane Doe’s breast augmentation surgery was deeply personal and confidential to her, she confirmed and received assurances in writing from Luxurgery that any photographs taken of her would be used only for research purposes.

24. Even though she signed the Informed Consent, which limited the use of any photographs to research purposes, Jane Doe remained highly concerned about how any pictures of her naked body would be used.

25. Because of her concern, Jane Doe called Luxurgery by telephone on March 13, 2023 to make sure that any pictures taken of her would not be publicly shared. She spoke with Christina, whose last name, on information and belief, is Uong and who is a Surgical Assistant at Luxurgery.⁵

26. Christina told Jane Doe the pictures would only be used for research purposes. Christina then followed up that same day with an email, writing to Jane Doe that she spoke with the research team and that any photographs taken of Jane Doe would “only be published in medical journals for other plastic surgeons/ healthcare professionals but not for the general public. In addition, identifying features will be edited out as well such as face and tattoos.”

27. Based on the Study Informed Consent Form and the assurances provided by Luxurgery, Jane Doe went forward with the surgery, which took place on March 22, 2023.

⁵ <https://www.linkedin.com/in/christina-uong/> (last accessed Jan. 28, 2024).

28. During the pre-operative preparations, Jane Doe met with Dr. Shridharani and three other people from Luxurgery.

29. During an examination, patients should be draped except for the area being examined. Patients should never be required to lie or stand in an exam room while completely naked.

30. However, during the pre-operative preparations, Dr. Shridharani required Jane Doe to strip completely naked.

31. Dr. Shridharani and his team took photographs of Jane Doe while she was completely naked. They subsequently had her put her underwear on, and then took additional pictures.

32. Jane Doe understood, based on the Informed Consent and because she was assured by Christina at Luxurgery, that these pictures would be used solely for research purposes and/or be solely used to monitor her progress before and after surgery.

33. During this meeting, Dr. Shridharani placed markings on Jane Doe's body for him to follow during the surgery.

34. While he was making the markings and Jane Doe was naked, Dr. Shridharani requested multiple times that Jane Doe allow him to videotape her. She repeatedly said that she did not want to be videotaped and that she didn't want her surgery out in the public domain.

35. Dr. Shridharani encouraged Jane Doe to allow him to record the surgery, telling her that some people liked to watch their surgery later. Jane Doe told him that she did not want to watch the surgery and did not want her surgery to be put on social media. She reiterated to Dr. Shridharani and his team that she did not want her body on video or on social media.

36. Based on the Informed Consent, her conversation with Christina, the confirmation email from Christina, and her pre-operative conversation with Dr. Shridharani, Jane Doe did not have any understanding that Dr. Shridharani and Luxurgery nonetheless intended to record a video of the surgery, much less to use the video of the surgery for marketing purposes on social media.

37. Defendants contend that Plaintiff signed pre-operative consent forms the morning of her surgery that contradicted the Study Informed Consent Form and permitted the use of a recording of her surgery to be used for marketing purposes.

38. Plaintiff disputes that she signed any pre-operative consent forms the morning of her surgery, or that she consented to the use of any photographs or video recordings of her surgery to be used for social media.

39. Moreover, as reflected below, the Institutional Review Board subsequently found that Luxurgery's use of any pre-operative consent forms that contradicted the Study Informed Consent Form was in "serious non-compliance" with applicable study protocol and/or regulations.

40. On March 23, 2023, the day after surgery, Jane Doe went for a follow up appointment at Luxurgery (necessary as a result of her surgery) and again stated orally that any photographs taken of her body for research purposes should not be publicly shared.

41. Jane Doe was assured that pictures of her would not be publicly shared.

42. No one from Luxurgery disclosed to her at this appointment that a video had been taken of her while she was unconscious during surgery nor that such video would be used for marketing purposes or for any purpose on social media.

C. Without Jane Doe's consent, Dr. Shridharani and Luxurgery posted a video of Jane Doe's surgery, displaying her naked breast and areola on social media.

43. Despite the express language of the Informed Consent and Luxurgery's repeated reassurances, on March 24, 2023, Jane Doe saw a video of her unclothed body, including her naked

breast and areola, taken during the surgery and posted by Dr. Shridharani and Luxurgery on TikTok and Instagram.

44. The video clearly depicts identifying marks on Jane Doe's body, including a tattoo.

45. Jane Doe contacted Luxurgery on March 24, 2023 to complain, and the video was removed from social media.

46. The same day, Dr. Shridharani called Jane Doe and apologized, but blamed Jane Doe by claiming that she had consented to the use of the video since she signed up for a research study. Nonetheless, Dr. Shridharani told her that it would not happen again.

47. Jane Doe was extremely shocked and distressed. She had carefully completed the Study Informed Consent Form to make sure that she was not consenting to the use of photographs for marketing purposes. Nowhere on the form was it disclosed that a video recording of her surgery would be made.

48. She had followed up after signing the Study Informed Consent Form and received oral and written confirmation from Luxurgery that any photographs would only be used for research purposes. And she had expressly refused to consent to being videotaped or to having images of her naked body used for marketing or social media purposes.

49. Notwithstanding how careful Jane Doe had been to ensure that her surgery would be treated with the utmost confidentiality, Dr. Shridharani and Luxurgery had broken her trust and displayed her naked body on social media.

50. Due to this violation of her rights to privacy, Jane Doe told Luxurgery that she did not feel comfortable participating in further study follow-up.. While she had to return one more time to get her stitches removed, she refused to fully undress and did not consent to any additional pictures being taken.

D. For the second time, without Jane Doe's consent and despite their promises not to do so, Dr. Shridharani and Luxurgery again posted the video of Jane Doe's surgery displaying her naked breast and areola on social media.

51. On June 16, 2023, Jane Doe again saw the video of her unclothed body, including her breast and areola, taken during her surgery on social media. The video had been posted a second time by Dr. Shridharani and Luxurgery on TikTok and Instagram on June 14, 2023.

52. Just as the first time, the video clearly depicts identifying marks on Jane Doe's body, including a tattoo.

53. Jane Doe again contacted Luxurgery to complain, and after significant push back by Luxurgery, the social media posts were removed.

54. On June 16, 2023, Jane Doe also sent an email to the IRB seeking action to ensure that the posting of the videos depicting her intimate body parts on social media would not occur again.

55. Jane Doe expected that the IRB would help protect her given that its job was to ensure that the rights of study participants were not violated.

56. Jane Doe wrote to the IRB:

I had recently agreed to be a participant in the Study Reference: Pro00061014 and I am reporting a violation in the study. On March 24th 2023, I saw a video of me in this procedure that was posted by Dr. Sachin M Shridharani on social media. I immediately contacted the office and they removed it. I was shocked, however, to once again find that the video was reposted again on June 14th, 2023 once again without my consent. The video clearly shows my tattoo as well as my areola in plain view. The contract clearly states that all identifying features and marks will be removed and my own marks were clearly not removed on these videos as well as my nude body.

The Investigator medical doctor clearly has broken the contract and I have been harmed both psychologically and emotionally and feel violated and abused by the Investigator. I am demoralized and cannot believe that such an occurrence would happen involving

medical research. This has triggered me to the point where I have been feeling suicidal- as I am already in therapy for prior sexual abuse. I am enclosing a letter from my therapist as well. I would like this matter to be promptly addressed. I only consented to a scientific study and not to any marketing wherein my personal marks and identifiers as well as my areola are clearly visible. The Investigator misled me and had reassured me that my images/video would NOT be used for marketing purposes. To this point, the investigator has clearly harmed me for his own financial gain and profit.

57. While the IRB confirmed receipt of the email, it largely ignored Jane Doe. For the next two months, Jane Doe regularly followed up with the IRB to find out how it intended to protect her rights.

58. After two months, on August 16, 2023, the IRB simply responded: “After review, the Board has determined that the site will be required to revise the consent form and change their processes in regard to collecting photographs, videos, and/or audio recordings of patients.” The IRB was silent as to how Jane Doe would be protected from the use of pictures and video of her by Dr. Shridharani and Luxurgery for marketing purposes.

59. Jane Doe was very upset by the IRB’s response and its failure to help protect her.

60. Internally however, and in communications with Luxurgery, the IRB found that Luxurgery’s use of pre-operative consent forms that contradicted the Study Informed Consent Form led to “confusion.”

61. The IRB further found that Luxurgery’s social media posts of Plaintiff’s naked body with the display of identifying marks on her body constituted “Serious Non-Compliance, reportable to the appropriate regulatory agency, if applicable.”

62. When IRBs investigate study complaints or protocol deviations, “serious non-compliance” is defined as non-compliance that, in the judgment of the convened institutional

review board, creates an increase in risks to subjects, adversely affects the rights, welfare or safety of subjects, or adversely affects the scientific integrity of the study.

E. For the third time, without Jane Doe's consent and despite their promises not to do it again, Dr. Shridharani and Luxurgery posted the video of Jane Doe's surgery on social media.

63. On January 10, 2024, for the third time, Defendants posted a compilation video on Instagram and TikTok which is comprised of multiple videos of multiple women, including a segment of the video of Jane Doe's surgery.

64. Jane Doe saw this video on January 12, 2024, causing her extreme emotional distress.

65. The blatant disregard of Dr. Shridharani and Luxurgery to Jane Doe's civil rights is shocking.

F. Plaintiff has been damaged.

66. Plaintiff had previously been diagnosed with Chronic Post-Traumatic Stress Disorder as well as Complex Post-Traumatic Stress Disorder, as a result of recurring or long-term traumatic events.

67. According to Jane Doe's treating licensed psychotherapist, Jane Doe was making good progress in re-working and alleviating traumatic pain and stress until June 14, 2023 when she saw the video of her posted for the second time on social media.

68. According to her psychotherapist, Jane Doe was visibly despondent after viewing the video on social media that revealed her body, because viewing the video caused Jane Doe to experience flashbacks. The video has caused significant damage to Jane Doe's trauma recovery.

69. According to her psychotherapist, Jane Doe's estimated global assessment of functioning denoted that she was experiencing suicidal thoughts as a result of the video. Jane Doe's

affective and emotional state appeared quite depressed, marked by hopelessness, anxiety, anger, and regression.

70. The posting of this video, or excerpts thereof, to social media has caused Jane Doe significant emotional and psychological harm, and at times has overwhelmed her daily functioning.

71. Moreover, it has significantly affected her trust in physicians, causing her to forego standard medical care.

72. Plaintiff's psychological traumas are readily and unquestionably understandable given the repeated postings to social media, and lack of clarity despite her repeated objections as to whether additional copies of the videos (or excerpts thereof) exist, who may be in possession of the videos, where they may be posted, and whether they will be posted in the future on any number of Internet sites.

V. CAUSES OF ACTION

COUNT I – VIOLATION OF NEW YORK CIVIL RIGHTS LAW §§ 50, 51 (INVASION OF RIGHT OF PRIVACY) (AGAINST DR. SHRIDHARANI AND LUXURGERY)

73. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

74. Section 50 of New York Civil Rights Law provides:

A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait or picture of any living person without having first obtained the written consent of such person, or if a minor of his or her parent or guardian, is guilty of a misdemeanor.

N.Y. Civ. Rights Law § 50.

75. As described above, Dr. Shridharani and Luxurgery made a video recording of Plaintiff's breast augmentation surgery without her written consent.

76. The video recording, which displayed her naked body and identifying marks, was posted by Dr. Shridharani and Luxurgery on social media, including but not limited to Instagram and TikTok, for marketing purposes without Plaintiff's written consent and over her objections on at least three separate occasions.

77. Defendants' postings on social media violated Section 50 of New York Civil Rights Law.

78. Section 51 of New York Civil Rights Law provides in pertinent part:

Any person whose name, portrait, picture or voice is used within this state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using his name, portrait, picture or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait, picture or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages.

N.Y. Civ. Rights Law § 51.

79. Plaintiff seeks an injunction to restrain Defendants' use of any images or video recordings of Plaintiff. Plaintiff also seeks compensatory and exemplary damages.

80. As a direct and proximate result of Defendants' repeated unauthorized use of Plaintiff's images for purposes of advertising, Plaintiff has and will continue to suffer personal psychological injuries, including but not limited to great pain of mind and body; severe and permanent emotional distress; physical manifestations of emotional distress; feelings of worthlessness, shamefulness, and embarrassment; losing faith in authority figures; struggling with gainful employment and career advancement; feeling helpless and hopeless; problems with sexual intimacy; relationship problems; trust issues; feeling confused and angry; depression; and anxiety. Plaintiff was prevented from and will continue to be prevented from performing Plaintiff's normal

daily activities; has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

81. Plaintiff is entitled to recover compensatory damages for such injuries, together with punitive damages by reason of Defendant's knowing, willful, and reckless misconduct.

82. Plaintiff also seeks an injunction to restrain Defendants' further unauthorized use of any images or video recordings of Plaintiff.

COUNT II – BREACH OF CONTRACT (AGAINST ALL DEFENDANTS)

83. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

84. Plaintiff and Defendant entered into a written agreement in the form of the Study Informed Consent Form, which governed, among other things, the terms under which photographs of Plaintiff could be taken and used.

85. The Study Informed Consent Form expressly limited Plaintiff's consent to photographic images (not video) and that any photographs of Plaintiff may be used "for research purposes only".

86. In fact, Plaintiff expressly withheld consent and did not authorize the use of her image for marketing purposes.

87. Additionally, the Study Informed Consent Form stated that "reasonable measures would be taken to ensure that identifying information would not be included in any photographs".

88. Defendant breached the Study Informed Consent Form by taking video of Plaintiff's surgery, which she did not consent to, and by using her images for advertising, marketing, and/or promotional purposes in direct violation of the express limitation to research use only.

89. Defendant also breached the Study Informed Consent Form by failing to ensure that Plaintiff's identifying information was removed from any images.

90. As a direct and proximate result of Defendant's breaches, Plaintiff has suffered and will continue to suffer damages, including but not limited to out of pocket expenses for medical and mental health treatment.

91. Plaintiff is entitled to recover compensatory damages in an amount to be determined at trial, as well as punitive damages to the extent permitted by law, together with costs, disbursements, and such other relief as the Court deems just and proper.

WHEREFORE, Plaintiff respectfully requests that the Court grant an injunction against Defendants preventing the use of images or recordings of Plaintiff for any purpose, grant judgment in this action in favor of the Plaintiff, and against Defendants, and award her compensatory damages, damages for pain and suffering, exemplary damages, attorneys' fees and costs, and such other and further relief as this Court deems is just, proper, and equitable.

Dated: October 20, 2025

FEGAN SCOTT LLC

By: /s/ Elizabeth A. Fegan

Elizabeth A. Fegan (*admitted
pro hac vice*)

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JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Jane Doe hereby demands a trial by jury in the above-captioned action of all issues triable by jury.

Dated: October 20, 2025

FEGAN SCOTT LLC

By: /s/ Elizabeth A. Fegan

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