

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 15 2013

Sherri R. Carter, Executive Officer/Clerk
BY  Deputy

1 CAROL L. VENTURA
Assistant Deputy Director | Chief Counsel, Bar No. 99570
2 KRISTIN S. DOOR
Attorney III, Bar No. 84307
3 CHRISTOPHER B. LEE
Attorney, Bar No. 248402
4 CALIFORNIA DEPARTMENT OF
MANAGED HEALTH CARE
5 980 9th Street, Suite 500
Sacramento, CA 95814-2725
6 916-323-0435 -Phone
916-323-0438 -Fax
7

8 Attorneys for Plaintiff
9

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF LOS ANGELES
12 NORTH CENTRAL DISTRICT – GLENDALE COURTHOUSE
13

14 **PEOPLE OF THE STATE OF**
15 **CALIFORNIA, BY AND THROUGH**
16 **THEIR REPRESENTATIVE, EDWARD G.**
17 **HEIDIG, AS INTERIM DIRECTOR OF**
18 **THE CALIFORNIA DEPARTMENT OF**
19 **MANAGED HEALTH CARE,**

20 **Plaintiff,**

21 v.

22 **JEANETTE MARTELLO, M.D., AN**
23 **INDIVIDUAL; JEANETTE MARTELLO,**
24 **M.D., A PROFESSIONAL**
25 **CORPORATION, DBA SKIN DEEP; AND**
26 **DOES 1-100, INCLUSIVE,**

27 **Defendants.**

Case No. GC047718

JUDGMENT BY COURT AFTER COURT
TRIAL [~~PROPOSED~~]

28 **JUDGMENT**

The case was tried on June 10-13, and June 24-26, 2013, before David S. Milton, Judge of the Superior Court, without a jury. The People were represented by Kristin S. Door and Christopher B. Lee, from the Department of Managed Health Care Office of Enforcement. Defendants were represented by

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1 Michael D. Gonzalez, Gonzalez & Hulbert, LLP. A Statement of Decision was issued by the Court after
2 considering the evidence submitted by both parties.

3 JUDGMENT IS ENTERED AS FOLLOWS:

4 Judgment is for plaintiff and against defendants, Jeannette Martello, M.D., an individual, and
5 Jeannette Martello, M.D., A Professional Corporation, doing business as Skin Deep, as set forth below.

6 (1) Defendants must pay plaintiff on the complaint statutory penalties totaling
7 \$562,500. Defendants are jointly and severably liable for these statutory penalties.

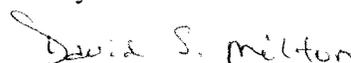
8 (2) Except as provided in (3) below, defendants are permanently enjoined from
9 billing any person defendant Jeannette Martello, M.D., an individual, treats in the emergency room of
10 any California hospital if that person is enrolled, on the date of treatment, in a plan licensed by the
11 Department of Managed Health Care. Defendants are also permanently enjoined from billing the
12 subscriber of a plan licensed by the Department of Managed Health Care for any care rendered to the
13 subscriber's spouse or child in the emergency department of any California hospital.

14 (3) Defendants are permitted to bill for co-payments and deductibles in the amounts
15 determined by the patient's health plan to be the patient's (or parent or guardian's) responsibility.

16 (4) Defendants shall dismiss all pending legal actions and appeals brought by
17 Jeannette Martello, M.D., in her individual capacity or on behalf of Jeannette Martello, M.D., A
18 Professional Corporation, dba Skin Deep, against any person treated by defendant Jeannette Martello,
19 M.D., an individual, in the emergency department of any California hospital on or after October 15,
20 2008, and who was enrolled in a plan licensed by the Department of Managed Health Care on the date of
21 treatment. Within 60 days of entry of judgment defendants shall provide plaintiff with proof satisfactory
22 to plaintiff that these actions and appeals have been dismissed. Failure to dismiss the actions and
23 appeals as ordered will be deemed contempt of this Court.

24 (4) Costs. It is further ordered that plaintiff shall recover costs against defendants
25 pursuant to a memorandum to be filed within 10 court days.

26 Date: **NOV 15 2013**



27 Hon. David S. Milton
28 JUDGE OF THE SUPERIOR COURT

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: (LEAVE BLANK IF NOTICE IS BY CLERK OF THE COURT)		STATE BAR NUMBER	<i>Reserved for Clerk's File Stamp</i> CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court NOV 15 2013 Sherri R. Carter, Executive Officer/Clerk BY <u><i>C. Brown</i></u> , Deputy <i>Cathy Brown</i> CASE NUMBER: GC047718
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: 600 E. Broadway, Glendale, CA 91206			
PLAINTIFF: People of the State of California			
DEFENDANT: Jeanette Martello, M.D., et al.			
NOTICE OF ENTRY OF: <input checked="" type="checkbox"/> JUDGMENT <input type="checkbox"/> DISMISSAL			
<input type="checkbox"/> OTHER ORDER			

To the above named parties and to their attorneys of record, you are hereby given notice of entry of:

- Judgment in the above-entitled matter, entered on (date): 11/15/13
- Order of Dismissal in the above-entitled matter, filed on (date): _____
- Order _____, filed on (date): _____

DECLARATION OF MAILING

I, (typed or printed name) C. Brown, do hereby (check one):

- declare under penalty of perjury under the laws of the State of California that I am an active member of the State Bar of California;
- declare under penalty of perjury under the laws of the State of California that I am (check one) employed in / a resident of Los Angeles County, (where mailing occurred) over the age of 18 years, and not a party to the cause within; that my (check one) business / residence address is as shown above;

and that on the date shown below I served the notice of entry of the above-named document filed and entered herein, by depositing true copies thereof in sealed envelope(s), with postage fully prepaid, in the United States Mail Service located at Glendale, California (city) (state)

addressed to the parties named below:

**Carol L. Ventura/CALIFORNIA DEPT
OF MANAGED HEALTH CARE
980 9th Street, Suite 500
Sacramento, CA 95814-2725**

**Michael D. Gonzalez
GONZALEZ & HULBERT, LLP
101 N. Brand Blvd., Suite 1880
Glendale, CA 91203**

Additional names and addresses on attached sheet.

Dated: 11/15/13

Signed: *C. Brown* (Signature of declarant)

Typed or printed name of declarant: C. Brown, Deputy Clerk