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LOS ANGELES SUPERIOR COURT

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FILED
LOS ANGELES SUPERIOR COURT
MAY 29 2012
JOHN A. CLARKE, CLERK
BY GERALD BERNI, DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

NORTHEAST DISTRICT, PASADENA COURTHOUSE

People of the State of California, by and through their representative Edward G. Heidig as Interim Director of the Department of Managed Health Care Plaintiff, v. Jeannette Martello, M.D., an individual, Jeannette Martello M.D., A Professional Corporation dba Skin Deep, and DOES 1-100, inclusive, Defendants.	Case No.: GC047718 **[~~PROPOSED~~] ORDER AND PRELIMINARY INJUNCTION** **BY FAX** DATE: May 24, 2012 TIME: 8:30 a.m. DEPT: S JUDGE: Hon. Joseph F. De Vanon [Initially set for hearing on April 24, 2012] **Exempt from Fees (Gov. Code § 6103)**

The motion for a preliminary injunction of Plaintiff People of the State of California, by and through their representative Edward G. Heidig as Interim Director of the Department of Managed Health Care, came on regularly for hearing in Department S of this Court on May 24, 2012. Drew Brereton appeared on behalf of Plaintiff People of the State of California. Kevin Warren appeared on behalf of

Defendants Jeannette Martello, M.D., an individual, and Jeannette Martello, M.D., a Professional Corporation, dba Skin Deep. On proof made to the court's satisfaction, and good cause appearing:

IT IS ORDERED THAT Plaintiff's motion is granted. Pending the trial of this action or further order of this Court, Defendants and their respective officers, partners, agents, servants, employees, representatives, and all persons acting by or under their authority, or in privity with them are enjoined and restrained from engaging in, committing, or performing, directly or indirectly, by any means whatsoever, any of the following acts:

1. Billing, collecting, or attempting to collect from any health care service plan enrollee sums for emergency services rendered prior to stabilization – stabilization being the point such that no material deterioration of the enrollee's condition is likely to occur from release or transfer – other than any applicable co-payment, co-insurance, or deductible.
2. The use of civil process, including filing or prosecution of any civil actions or actions in small claims courts, against any health plan enrollee to collect sums for emergency services rendered prior to stabilization – stabilization being the point such that no material deterioration of the enrollee's condition is likely to occur from release or transfer – other than any applicable co-payment, co-insurance, or deductible.
3. Enforcing or attempting to enforce any judgment obtained against any health care service plan enrollee in connection with sums for emergency services rendered prior to stabilization – stabilization being the point such that no material deterioration of the enrollee's condition is likely to occur from release or transfer – other than any applicable co-payment, co-insurance, or deductible.

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4. The Department of Managed Health Care agrees to give Defendants 48 hours written notice if it believes that Defendants are balance-billing any patient in violation of this Order, prior to the filing of a Motion for Contempt.

The Court reserves jurisdiction to modify or dissolve the injunction as may be required by the interests of justice.

Dated: 5/24/12

Hon. Joseph F. De Vanon
JUDGE OF THE SUPERIOR COURT

FORM JOINTLY AGREED UPON BY COUNSEL AS A RESULT OF COURT-ORDERED MEET AND CONFER.

PROOF OF SERVICE

(Code Civ. Proc. §§ 1010.6, 1012, and 1013)

CASE NAME: **California Department of Managed Health Care v. Jeannette Martello, M.D., et al.**

CASE NUMBER: **GC047718**

I, Michael R. Rouzer, declare, I am employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within action. My business address is 980 Ninth Street, Suite 500, Sacramento, California 95814. On May 24, 2012, I served a true copy of the following document:

[PROPOSED] ORDER AND PRELIMINARY INJUNCTION

on the interested parties in this action as follows:

Kevin R. Warren, Esq.
Michelman & Robinson, LLP
15760 Ventura Blvd., 5th Flr.
Encino, California 91436
Telephone: (818) 783-5530
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Counsel for Defendants

BY MAIL: I am readily familiar with the practices of my employer for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. I enclosed the foregoing document in a sealed envelope addressed as shown above and such envelope was placed for collection and mailing with postage thereon fully prepaid at Sacramento, California, on that same day following ordinary business practices.

BY ELECTRONIC MAIL TRANSMISSION: By electronic mail transmission from mrouzer@dmhc.ca.gov on May 24, 2012, by transmitting a PDF format copy of the above-listed document to the person at the e-mail address listed below their address. The document was transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 24, 2012, at Sacramento, California.

MICHAEL R. ROUZER
Senior Legal Analyst