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9 Attorneys for Plaintiff

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN LUIS OBISPO**

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff,

15 v.

16 SARAH ANNE ERNY, an individual

17 Defendant.

COURT NO. 22CV-0589

FINAL CIVIL JUDGMENT AND
ORDER ACCORDING TO
STIPULATION

18
19 Plaintiff, the People of the State of California, appearing through its attorneys, DAN
20 DOW, District Attorney for San Luis Obispo County, by Kenneth J. Jorgensen, Deputy District
21 Attorney, and Defendant SARAH ANNE ERNY, (“Defendant”), and her attorney, Melanie L.
22 Balestra, have stipulated to the entry of this Final Civil Judgment According To Stipulation
23 (“Final Judgment”). This Court, having considered the pleadings and good cause appearing:

24 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff have
25 Judgment against Defendant as follows:

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1 **JURISDICTION AND VENUE**

2 1. This action is brought under the laws of the State of California, and this Court has
3 jurisdiction over the subject matter hereof and the parties hereto.

4 **APPLICABILITY**

5 2. All provisions of this Judgment apply to Defendant SARAH ANNE ERNY and
6 her employees, agents, successors, and assigns, to the extent permitted by law, with actual or
7 constructive knowledge of the terms of the Final Judgment (collectively, “Enjoined Persons”).

8 **INJUNCTION**

9 3. Defendant shall be and is now permanently enjoined and restrained, according to
10 Business and Professions Code sections 2054 and 2278, as well as 17200, 17204, and 17235
11 from doing, directly or indirectly, by any manner or means whatsoever, any of the following
12 within the State of California:

- 13 a. From referring to herself as a doctor, or using the letters or prefix “Dr.,” the
14 initials “M.D.” or any other term or letters indicating or implying that she is a physician
15 or surgeon in the context of advertising or providing medical treatment to the public in
16 violation of Business and Professions Code sections 2054 or 2278.

17 **COMPLIANCE**

18 4. Defendant shall be ordered and mandated, according to sections 17203, 17204,
19 and 17535, for five years from the date of entry of this Judgment, to do the following:

- 20 a. Conduct electronic searches of “Sarah Erny” to determine if any third-
21 party medical provider digital platform is advertising or listing Defendant
22 as “Doctor” or the by the prefix “Dr.” and to make diligent efforts to
23 remove these references. Such searches shall occur monthly the first year
24 and at least twice a year after that.
- 25 b. Promptly prohibit any supervising physician or staff from referring to
26 Defendant as “doctor” in all settings of providing medical services to the
27 public.

- 1 c. Promptly correct any patient from referring to Defendant as “doctor”
2 when performing medical services or selling medical products by advising
3 the patient that Defendant is not a medical doctor but is a registered nurse
4 or nurse practitioner.

5 **MONETARY RELIEF**

6 5. Defendant shall, according to the schedule set forth below, pay Plaintiff the total
7 of \$19,750.00 as civil penalties to the San Luis Obispo County Treasury *via* District Attorney
8 under Business and Professions Code sections 17206 and 17536, as follows:

- 9 i. \$16,000.00 shall be allocated to civil penalties and placed in the
10 Consumer Protection Trust Fund account for the San Luis Obispo County
11 District Attorney’s Office;
12 ii. \$3,750.00 shall be allocated to investigative costs to the San Luis Obispo
13 County District Attorney’s Office.

14 6. Payment of the \$19,750 shall be made promptly, but \$15,000 paid no later than
15 30 days upon entry of the Final Judgment (“Judgment Filing Date”), with the remainder paid no
16 later than 90 days. Upon payment of the entire sum of \$19,750.00, all monetary fines, fees and
17 damages sought in this action are deemed satisfied in full.

18 7. The payment required by this Judgment shall be made payable to: San Luis
19 Obispo County Treasury’s Office. The check shall be delivered to KENNETH J. JORGENSEN,
20 Deputy District Attorney, Consumer and Environmental Protection Unit, San Luis Obispo
21 County District Attorney’s Office, 1035 Palm Street, Room 450, San Luis Obispo, California,
22 93408.

23 **NOTICES**

24 8. All notices, reports, and correspondence required by or in conjunction with this
25 Final Judgment shall be in writing and sent by U.S. Mail and e-mail to:

26 IF TO PLAINTIFF: San Luis Obispo County District Attorney
27 Consumer and Environmental Protection Unit
28 Attention: KENNETH J. JORGENSEN, DDA
1035 Palm Street, Room 450
San Luis Obispo, CA 93408

Email: kjorgensen@co.slo.ca.us

IF TO DEFENDANT:

Melanie L. Balestra, NP, ESQ
Law Offices of Melanie L. Balestra
12 Claret
Rancho Mirage, CA 92270

balestrahealthlaw@gmail.com

RETENTION OF JURISDICTION

9. Jurisdiction shall be retained by the Court to enable any party to this Final Judgment to apply to the Court at any time for such further orders, directions, modifications, or terminations as may be necessary or appropriate for the construction, carry out, modification, or termination of any of the injunctive provisions of this Final Judgment, and the enforcement of compliance herewith; or for the punishment of violations hereunder.

EFFECT OF FINAL JUDGMENT

10. Nothing in this Final Judgment shall be construed as limiting, altering, or otherwise affecting the rights, procedures, and protections afforded to Defendant under California Business and Professions Code, nor shall a minor violation that is cured be considered a violation of this Final Judgment.

INTEGRATION

11. This Final Judgment constitutes the entire agreement between the Parties hereto and may not be amended or supplemented except as provided herein.

MODIFICATION

12. This Final Judgment may be modified upon written consent by all Parties and the approval of the Court.

13. The clerk is ordered to enter this Judgment immediately, and to provide notice to the Parties through counsel.

IT IS SO ORDERED.

DATED: November 4, 2022

By



JUDGE OF THE SUPERIOR COURT