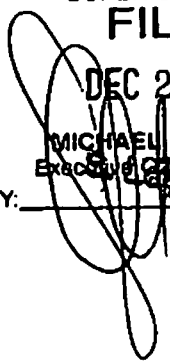


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VENTURA SUPERIOR COURT
DEC 19 2016

VENTURA
SUPERIOR COURT
FILED
DEC 28 2016
MICHAEL D. PLANET
Executive Officer and Clerk
BY:  Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

J. KIELY BALL; AUDITONE HEARINGS
AIDS, INC., a California Corporation,

Plaintiffs,

vs.

SANDEE SAURMAN,

Defendant..

CASE NO. 56-2012-004182458-CU-DF-
VTA ⁹¹

The Honorable Rocky J. Baio

[PROPOSED] JUDGMENT

Place: Hall of Justice
800 South Victoria Avenue
Ventura, California 93009
Department: 20
Action Filed: May 25, 2012

This action is pending in Department 20 of the Superior Court, the Honorable Rocky J. Baio presiding; the Plaintiffs J. Kiely Ball and Auditone Hearing Aids, Inc. ("Plaintiffs") appearing by attorney Lisa J. Borodkin and the Defendant Sandee Saurman ("Defendant") appearing by attorney Kendall T. Jones. Defendant has been properly served and is participating in the litigation.

The parties to this action, through their undersigned attorneys of record, STIPULATE and agree to the entry of the following JUDGMENT and findings of fact as follows:

[PROPOSED] JUDGMENT

1 1. Defendant Sandee Saurman published the following statement about Plaintiff J.
2 Kiely Ball ("Mr. Ball") and Auditone Hearing Aids, Inc. ("Auditone") in a letter to the Hearing
3 Loss Association of America:
4

- 5 a. "I looked at the contract and it was ILLEGAL."
6 b. "Within ONE week I had contacted 15 people (former employees, victims
7 etc) who had been taken advantage of him or witnessed his illegal doings."
8 c. "One of which got money that he FORGED."
9 k. "The Deputy Attorney General is going to try and revoke his license in a
10 civil trial."
11 l. "They set the trial as the state of California vs Kiely Ball."
12 m. "The trial was rescheduled THREE times because they kept getting more
13 witnesses."
14 n. "Patients have the right to return them but he never allows this."

15 2. The foregoing statements published by Defendant Sandee Saurman about Mr.
16 Ball and Auditone are false, misleading, or put Mr. Ball and Auditone in a false light, as:

- 17 a. Saurman has not seen has not seen all of Mr. Ball's and Auditone's
18 contracts and has no knowledge that all of them are "illegal."
19 b. Saurman has no knowledge that Mr. Ball or Auditone "never" honor State
20 Laws.
21 c. The State Board did not have a "trial" against Mr. Ball, as the proceeding
22 was not called a "trial" but an administrative hearing.
23 d. Saurman has no current knowledge that Mr. Ball or Auditone forged
24 money or committed criminal acts.
25 e. Saurman has no knowledge that Mr. Ball and Auditone "never" allow
26 returns.
27
28

1 3. The foregoing false, misleading, or inaccurate statements published by Defendant
2 Sandee Saurman about Mr. Ball and Auditone concern their business or occupation.

3 4. Defendant, using the pseudonym Jacey James, published on or about January 2,
4 2013, on ripoffreport.com the following statements about Mr. Ball, at
5 [http://www.ripoffreport.com/r/Kiely-Ball-Hearing-aid-Dispenser/Westlake-Village-California-
6 91361/Kiely-Ball-Hearing-aid-Dispenser-Auditone-Hearing-Aids-Doesnt-honor-State-Laws-
7 illegal-c-816970](http://www.ripoffreport.com/r/Kiely-Ball-Hearing-aid-Dispenser/Westlake-Village-California-91361/Kiely-Ball-Hearing-aid-Dispenser-Auditone-Hearing-Aids-Doesnt-honor-State-Laws-illegal-c-816970)":

- 8 a. "Kiely Ball Hearing aid Dispenser Auditone Hearing Aids Doesn't honor State
9 Laws, illegal contracts, former employees say the same! Westlake Village,
10 California."
11 b. If you call the State of California he has NINE accusations against his license
12 and there is supposed to be a trial against his license.
13 c. "We talked to FIVE former employees that told us that they were instructed
14 by this owner to never give back ANY patient's money."
15 d. "Go to Costco. They CAN'T rip you off, give you an illegal contract or take
16 advantage of you there!!! good luck!"
17

18 5. The foregoing statements published by Defendant Sandee Saurman about Mr.
19 Ball and Auditone are false, misleading, or put Mr. Ball and Auditone in a false light, as:

- 20 a. Saurman has not seen has not seen all of Mr. Ball's and Auditone's
21 contracts and has no knowledge that all of them are "illegal."
22 b. Saurman has no knowledge that Mr. Ball or Auditone never honor State
23 Laws.
24 c. There was one single Accusation filed against Mr. Ball that contained nine
25 causes of action, not nine accusations.
26 d. The State Board did not have a "trial" against Mr. Ball, as the proceeding
27 was not called a "trial" but an administrative hearing.
28 e. Saurman has no knowledge that Mr. Ball and Auditone "never" give back

1 "any" patient's money.

2 6. The foregoing false, misleading, or inaccurate statements published by Defendant
3 Sandee Saurman about Mr. Ball and Auditone concern their business or occupation.

4 7. Defendant Sandee Saurman made statements to the Ventura County Star that were
5 published on May 26, 2012 and on "[http://archive.vcstar.com/news/boomers-crossing-into-](http://archive.vcstar.com/news/boomers-crossing-into-golden-years-are-a-boon-for-hearing-aid-industry-ep-363539190-352068141.html)
6 [golden-years-are-a-boon-for-hearing-aid-industry-ep-363539190-352068141.html](http://archive.vcstar.com/news/boomers-crossing-into-golden-years-are-a-boon-for-hearing-aid-industry-ep-363539190-352068141.html)" of and
7 concerning Plaintiff J. Kiely Ball:

8 a. "Any time a patient wanted to return hearing aids, Kiely would either talk
9 them out of it or not give them their money."

10 8. The foregoing statement by Defendant Sandee Saurman about Mr. Ball is false,
11 misleading, or puts Mr. Ball in a false light, as:

12 a. Saurman has no knowledge that every time a patient wanted to return
13 hearing aids Mr. Ball would not do so.

14 9. The foregoing false, misleading, or inaccurate statement about Mr. Ball concerns
15 his business or occupation.

16 10. To the extent that the web pages at the following URLs may quote or copy any of
17 the language that Defendant Saurman has identified in Paragraphs 1, 4 or 7 as false, misleading,
18 or placing Mr. Ball or Auditone in a false light, that quoted or copied language would similarly
19 be false, misleading, and inaccurate:

20 a. RipoffReport.com at "[http://www.ripoffreport.com/r/Auditone-Hearing-](http://www.ripoffreport.com/r/Auditone-Hearing-Aids-Inc/-Westlake-Village-California-91361/Auditone-Hearing-Aids-Inc-Kiely-Ball-Auditone-Hearing-Aids-uses-bait-and-switch-sales-te-1254759)
21 [Aids-Inc/-Westlake-Village-California-91361/Auditone-Hearing-Aids-](http://www.ripoffreport.com/r/Auditone-Hearing-Aids-Inc/-Westlake-Village-California-91361/Auditone-Hearing-Aids-Inc-Kiely-Ball-Auditone-Hearing-Aids-uses-bait-and-switch-sales-te-1254759)
22 [Inc-Kiely-Ball-Auditone-Hearing-Aids-uses-bait-and-switch-sales-te-](http://www.ripoffreport.com/r/Auditone-Hearing-Aids-Inc/-Westlake-Village-California-91361/Auditone-Hearing-Aids-Inc-Kiely-Ball-Auditone-Hearing-Aids-uses-bait-and-switch-sales-te-1254759)
23 [1254759](http://www.ripoffreport.com/r/Auditone-Hearing-Aids-Inc/-Westlake-Village-California-91361/Auditone-Hearing-Aids-Inc-Kiely-Ball-Auditone-Hearing-Aids-uses-bait-and-switch-sales-te-1254759). Specifically, the following statement: "After reading 'online
24 reviews' I found out that owner's licence [sic] is on probation for multiple
25 sales and advertising violations total 9 violations."

26 b. Merchantcircle.com at "[http://www.merchantcircle.com/advance-hearing-](http://www.merchantcircle.com/advance-hearing-centers-thousand-oaks-ca/review/read?cid=1166166#review_detail)
27 [centers-thousand-oaks-ca/review/read?cid=1166166#review_detail](http://www.merchantcircle.com/advance-hearing-centers-thousand-oaks-ca/review/read?cid=1166166#review_detail)"
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- 1 c. Youtube.com at "https://www.youtube.com/watch?v=GwdTF5--ZOs"
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3 d. Merchantcircle.com at "http://www.merchantcircle.com/advance-hearing-
4 centers-thousand-oaks-ca/review/read?cid=1552634#review_detail"
5 e. "http://www.merchantcircle.com/advance-hearing-centers-thousand-oaks-
6 ca/review/read?cid=1556246#review_detail"

7 11. The foregoing statements are not privileged.

8 12. Defendant Sandee Saurman was not at the time of the publishing the foregoing
9 statements or service of the Complaint or now an infant or minor, a financially incapable, or
10 incompetent person.

11 13. Jurisdiction has been reviewed and is proper over the Defendant pursuant to
12 California Code of Civil Procedure section 410.10.

13 14. Venue has been reviewed and is proper pursuant to California Code of Civil
14 Procedure section 395.

15 **THEREFORE, THE PARTIES STIPULATE THAT JUDGMENT** is accordingly
16 entered in favor of Plaintiffs, J. Kiely Ball and Auditone Hearing Aids, Inc. on all claims in the
17 Complaint, **AS FOLLOWS:**


- 18 A. Plaintiff, J. Kiely Ball, is granted judgment in his favor on the First Cause of
19 Action Libel Per Se, Count One, against Defendant Sandee Saurman.
20 B. Plaintiff, Auditone Hearing Aids, Inc., is granted judgment in its favor on the First
21 Cause of Action for Libel Per Se, Count Two, against Defendant Sandee Saurman
22 C. Defendant Sandee Saurman shall pay Plaintiffs J. Kiely Ball and Auditone
23 Hearings Aids Inc. the amount of Zero Dollars (\$0.00) as compensatory damages
24 on the First Cause of Action for Libel Per Se. There are no other damages of any
25 kind awarded or agreed to by either party to the other party on this Cause of
26 Action, including but not limited to punitive damages, costs, or attorney fees.
27 D. Defendant Sandee Saurman is permanently enjoined from publishing,
28 republishing or causing republication of the foregoing statements found to be
false, misleading or inaccurate on any of the foregoing websites or otherwise.

- 1 E. Defendant Sandee Saurman shall cooperate in causing the retraction, redaction,
2 and/or request for removal of any web pages, or publications containing the
3 foregoing statements found to false misleading or inaccurate from all of the
4 foregoing websites, from Internet search engines and other places where they are
5 contained or republished, whether in exact or substantially similar form.
6 F. Plaintiffs dismiss with prejudice the Second Cause of Action for Negligence.
7 G. Plaintiffs dismiss with prejudice the Seventh Cause of Action for Unfair Business
8 Practices.
9 H. Each party shall bear their own costs and fees related to this action.
10 I. Defendant Sandee Saurman waives all claim, right, and interest in the "Partial
11 Judgment" dated "7-8-16" for \$41,000 in attorneys' fees pursuant to CCP 425.16,
12 waives any associated costs and interest, agrees that it is satisfied in full, and
13 agrees to execute any documents to confirm satisfaction.
14 J. The parties to this action each waive their respective right to appeal this
15 Judgment.
16 K. The parties to this action agree that pursuant to Code of Civil Procedure § 664.6,
17 the Court in which the action was filed may retain jurisdiction over the parties to
18 enforce the settlement.
19

20 SO STIPULATED.
21

22 DATED: December 18, 2016
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1 DATED: December 18, 2016
2

3
4 BY: 
5 LISA J. BORODKIN
6 LISA@LISABORODKIN.COM
7 2009 CLARK LANE B
8 REDONDO BEACH, CALIFORNIA 90278
9 TELEPHONE: (323) 337-7983
10 Facsimile: (323) 400-4016

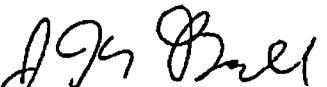
BY: _____
KENDALL T. JONES
KENDALL@KENDALLJONESLAW.COM
1710 NORTH MOORPARK ROAD # 191
THOUSAND OAKS, CA 91360-5133
TELEPHONE: (805) 279-1229
FACSIMILE: (877) 296-6978

11 Attorney for Plaintiffs J. Kiely Ball and
12 Auditone Hearing Aids, Inc.

Attorney for Defendant Sandee Saurman


13 BY: 
14 J. Kiely Ball, Plaintiff

BY: _____
Sandee Saurman, Defendant

15 BY: 
16 J. Kiely Ball for Auditone Hearing Aids,
17 Plaintiff

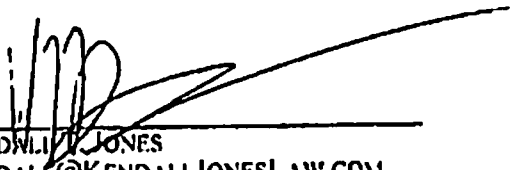
18 IT IS SO ORDERED ADJUDGED AND DECREED.

19
20 Dated: 12-20, 2016

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22 The Honorable Rocky J. Baio
23 Judge of the Superior Court
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Attorney for Plaintiffs J. Kiely Ball and
Auditone Hearing Aids, Inc.

Attorney for Defendant Sandee Saurman

BY: _____
J. Kiely Ball, Plaintiff

BY: 
Sandee Saurman, Defendant

BY: _____
J. Kiely Ball for Auditone Hearing Aids,
Plaintiff

IT IS SO ORDERED ADJUDGED AND DECREED.

Dated: _____, 2016

The Honorable Rocky J. Baio
Judge of the Superior Court