

IN THE CIRCUIT COURT
OF WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

FILED
1.10.17
Debbie McMillan Barrett
Circuit Court

SARAH WALTERS,)
)
 Plaintiff,)
)
 vs.)
)
 TAMARA MARIEA,)
)
 dba)
)
 INTERNAL BALANCE, INC.)
)
)
)
 Defendants.)

08785

Case No. _____

Jury Demand

COMPLAINT

Comes Sarah Walters (hereinafter "Plaintiff"), through counsel, and is filing this complaint against Tamara Mariea, dba Internal Balance, Inc, a Tennessee Corporation, for damages pursuant to the Tennessee Consumer Protection Act of 1977 ("TCPA"), as well as Intentional Misrepresentation, and Intentional Infliction of Emotional Distress.

PARTIES

1. Plaintiff is a female citizen of the United States and resides in Lake Charles, Louisiana. The Plaintiff purchased goods and services from the Defendant and is a "consumer" pursuant to the definition included in the TCPA at Tenn. Code Ann. § 47-18-103(2).

2. Tamara Mariea (hereinafter “Defendant”), upon information and belief, is a self-proclaimed CCN Environmental/Biochemical & Certified Clinical Nutritionist, Ph.D., who wholly owns and operates a quasi-medical clinic is located at 1608 Westgate Circle, Suite 200, Brentwood, Tennessee 37027. Upon information and belief, Defendant Tamara Mariea is the registered agent of the organized entity, Internal Balance, Inc on record with the Tennessee Secretary of State. Ms. Mariea’s home, at 505 Adelynn Court, Franklin, Tennessee, 37064, is listed as the principle office with the Secretary of State.

3. Internal Balance, Inc. (hereinafter “Defendant”) is, upon information and belief, a “clinic” is located at 1608 Westgate Circle, Suite 200, Brentwood, Tennessee 37027. Upon information and belief, Defendant Tamara Mariea is the registered agent of the organized entity, Internal Balance, Inc on record with the Tennessee Secretary of State. Ms. Mariea’s home, at 505 Adelynn Court, Franklin, Tennessee, 37064, is listed as the principle office with the Secretary of State.

JURISDICTION AND VENUE

4. Jurisdiction of this Court is invoked pursuant to Tenn. Code Ann. § 16-10-101.

5. Upon information and belief, Defendant, Tamara Mariea, was the business owner and operator of Internal Balance, Inc. which was, at the time of incident, conducting business in Brentwood, Williamson County, Tennessee.

6. The underlying events giving rise to this action occurred in Brentwood, Williamson County, Tennessee, and venue is proper in this Court pursuant to Tenn. Code Ann. § 47-18-109(a)(2).

FACTS

7. In May of 2008 Plaintiff contacted Defendant seeking treatment for mercury toxicity she was suffering.

8. Defendant's website describes her as Tamara Jo Mariea, CNN, CERSA, PH.D, and further claims that she is a Biochemical Detoxification Specialist and Certified Electromagnetic Radiation Safety Advisor. Defendant is not a medical doctor.

9. Upon Defendants request, Plaintiff faxed Defendant her blood work, which was reviewed by Defendant in a paid telephone consultation.

10. Defendant indicated that Plaintiff needed to come to her clinic "as soon as possible" because Defendant alleged that Plaintiff suffered mercury toxicity and a poorly functioning liver, which was not filtering toxins. Defendant then stated that she only had an immediate opening for the summertime and for Plaintiff to "come immediately."

11. Defendant also told Plaintiff that based upon the bloodwork Plaintiff's liver and kidney were severely damaged and that she may have "parasites" and cancerous cells. Defendant claims she saw blood morphology starting to change, and that Plaintiff's cells were possibly becoming cancerous.

12. Defendant claimed that if Plaintiff came to her clinic for two-weeks, Defendant could detoxify her entire body, and cure Plaintiff.

13. Under duress, and fear of imminent danger, Plaintiff paid \$8900.00 to Defendant for treatment in advance. Defendant said "no treatments would start until the entire amount was paid, in advance." Insurance does not cover treatments as they are not medical.

14. Prior to arrival at Defendant's clinic, on orders from the Defendant, on the morning of June 9, 2008 Plaintiff was directed to see a dentist recommended by Defendant's

clinic, to have all her metal fillings removed from her mouth. Plaintiff did this. Defendant is not a dentist.

15. Upon arrival Defendant's facility in the afternoon June 9, 2008 Defendant explained to Plaintiff that many of her problems were caused by Electromagnetic Radiation and Wi-Fi around her.

16. Defendant and defendant's employees strongly suggested that Plaintiff buy a device made by Bio Pro, to prevent this radiation from entering her body, which Plaintiff did.

17. Bio Pro is a Multi-level Marketing company, currently under scrutiny as a Pyramid company. Defendant, a "member" of Bio Pro's multi-level marketing organization, receives funds from every sale, and, from when any one in her "down line" who sells these products. This fact was not disclosed to Plaintiff.

18. On or about June 10, 2008 Defendant "tested" Plaintiff "positive" for having cancerous cells in the liver, and stated that Plaintiff may require a biopsy and see a Hepatologist. Later that day Defendant recanted this suggestion, and told Plaintiff not to see a Hepatologist, claiming a doctor's involvement would make it more difficult to treat Plaintiff.

19. Defendant further made claims that toxins and poisons are removed from the body by Ionic Foot Baths. Upon taking an Ionic Foot Bath, black flakes appear in water. This and any color change in the water Defendant claims are toxins from the liver, kidneys, endocrine system, and lymphatic systems.

20. Plaintiff was later told that the black flakes in the water were actually "parasites." Defendant then, upon examining Plaintiff's foot found small calluses Plaintiff has had since childhood. Defendant claimed that was the "host site" where parasites entered her body. Defendant then took a scalpel and scrapped off the rough part of the calluses, and then cut below

the skin, “to get a big enough chunk to get an imprint.” Defendant is not a medical doctor.

21. Upon later investigation Plaintiff discovered that these so-called “parasites”, color changes and black flakes, occur in the Ionic Foot bath regardless of any body parts in them.

22. The following are “treatments” also performed on the Plaintiff by the Defendant:

- a) Defendant and staff performed what they called “Clearings” on Plaintiff. In this process Defendant and/or staff have “patient take deep breaths while Defendant and/or staff taps on the spine. “ Defendant/staff then shines red laser light on body parts. During this process Defendant has patients hold vials with “toxic items” in them, which Defendant claims are “energetic imprints.” Defendant performed up to 50 of these “clearings” on Plaintiff in one day.
- b) Other daily treatment ordered performed on Plaintiff were called “Ioni-Thermie Therapy.
- c) Plaintiff was placed in a Hyperbaric Oxygen Chamber for 2 hours per day
- d) Plaintiff was ordered to endure up to one hour and a half of Far Infrared Sauna therapy
- e) Other “therapies” included Cold Laser Therapy, Quantron Resonance System therapy, There is no evidence that any of the staff was trained to perform any of these “therapies.”
- f) Plaintiff was also, as part of her treatment many coffee enemas, and eye brow waxings.
- g)

23. Defendant also performed “muscle tests” on Plaintiff, and then diagnosed Plaintiff with Hepatitis C and Primary Biliary Cirrhosis. Defendant is not a medical doctor.

24. Defendant then referred Plaintiff to a Dr. Daniel B. Kalb, MD, MPH, FAAFP, whom she often refers clients to, and to whom she has a link with on her website, for blood work. The blood work determined that Defendant’s “diagnosis” was completely incorrect. All Plaintiffs’ blood work came back normal, and all tests were negative.

25. Defendant sent Plaintiff to Dr. Kalb with instructions, from Defendant, for Doctor Kalb to put an intravenously injection of glutathione into Plaintiff’s arm. This was “prescribed” the Defendant, who is not a medical doctor.

26. Defendant also “prescribed” homeopathic medicines to Plaintiff which were sold to Plaintiff by Defendant.

27. Defendant instructed Plaintiff’s brother to come to Tennessee to care for Plaintiff, as Plaintiff will be “too weak to stay alone.” Plaintiff’s brother left work in Las Vegas to come to his sister’s aid in Tennessee, upon these instructions from Defendant.

28. On or about June 19, 2008, after Ionic Foot Bath, Defendant diagnosed Plaintiff had parasites in her liver, pancreas, spleen, GI tract, and brain.

29. Upon Plaintiff’s demand, clinic staffers begrudgingly set up two foot baths to demonstrate their validity. Plaintiff, brother, and brother’s friend witnessed that the results of having feet in, and no feet in, were identical.

30. Defendant then instructed Plaintiff that she would need to stay at the clinic for an additional week, charging approximately \$1000 per day.

31. On June 20, 2008 when Plaintiff’s brother arrived to pick up Plaintiff at clinic, Defendant offered to show validity of the clinic by performing some of the “tests” on the brother.

This included holding a Bible while Defendant tried to unsuccessfully push it down. When these did not work on brother, and brother's friend, Defendant alleged that it was because they were "blocked by God", because of their sexual orientation.

32. Plaintiff then leaves clinic, emotionally distraught, physically worse, and in financially poorer condition than when she arrived.

CAUSES OF ACTION

Count I. Violation of Tennessee Consumer Protection Act

33. Plaintiff alleges and incorporates by reference paragraphs 1-32 above with the same force and effect as if fully set out in specific detail hereinbelow.

34. Defendant is vicariously liable for the deceptive acts of its owner and staff.

35. Defendant falsely represented to Plaintiff and otherwise caused Plaintiff to believe that Defendant could cure her of her mercury toxicity and other ailments that Defendant diagnosed.

36. Defendant acted with the intent to deceive or mislead Plaintiff to induce her to engage Defendants service and purchase Defendant's products. Alternatively, Defendant misled Plaintiff or caused Plaintiff to be misled about what Defendant's knowledge and skill, and ability to perform tasks offered and paid for.

37. Plaintiff reasonably relied on Defendant's representations in her decision to purchase treatment and products, as well as to travel to Tennessee and incur all costs associate with travel. Without the Defendant representations, Plaintiff would not have purchased the treatment or products, nor had cause to travel to Tennessee.

38. Because of Defendant's deceptive trade practices, Plaintiff has suffered damages.

39. Plaintiff's private right of action for Defendant Tamara Mariea dba Internal Balance, Inc.'s deceptive trade practices is accorded by Tenn. Code Ann. § 47-18-109, through which he is entitled to seek recovery of his damages, multiple damages, attorney's fees, and costs.

Count II. Misrepresentation

40. Plaintiff re-alleges and incorporates by reference paragraphs 1-39 above with the same force and effect as if fully set out in specific detail hereinbelow.

41. Defendant Tamara Mariea dba Internal Balance Inc. intentionally misrepresented what the services she could perform and falsely "diagnosed" the Plaintiff, and "prescribed" medicines to mislead and induce the Plaintiff to purchase her services and products.

42. Plaintiff would not have purchased Defendant's her services and products without assertions as to what she would provide and perform, and her reliance on the Defendant was reasonable.

43. As a result of Defendant's actions, Plaintiff has sustained damages.

44. Alternatively, Defendant's staff, who were acting in the scope of their employment for Defendant and in the interest of the "clinic's" pecuniary interest, supplied Plaintiff with faulty information, which information was meant to guide her decision in purchasing the services and products.

45. As a result of Defendant actions, Plaintiff has sustained damages.

Count III. Intentional Infliction of Emotional Distress

46. Plaintiff alleges and incorporates by reference paragraphs 1-45 above with the same force and effect as if fully set out in specific detail hereinbelow. Defendant's conduct was outrageous and caused severe emotional distress to Plaintiff in that:

- a. Defendant, in her capacity of a "CCN Environmental/Biochemical & Certified Clinical Nutritionist, Ph.D." intentionally falsely informed Plaintiff that she was suffering from a myriad of potentially imminently fatal diseases.
- b. Defendant told Plaintiff not to seek the treatment of medical professionals.
- c. Plaintiff suffered severe emotional distress from this intentional false diagnosis and alleges that Defendant did intentionally falsely inform Plaintiff that she suffered these diseases.

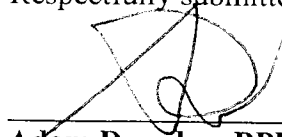
47. Defendant is also liable to Plaintiff for *Intentional Infliction of emotional distress* in that:

- a. A duty of care was owed to Plaintiff, as described above.
- b. That duty was breached by the Defendant, as described above.
- c. Plaintiff has suffered severe emotional distress.
- d. Plaintiffs injuries are the direct result of Defendant's breach of the duty of care he owed to Plaintiff.

WHEREFORE, PLAINTIFF PRAYS FOR RELIEF AS FOLLOWS:

1. For process to issue and be served upon Defendant Tamara Mariea dba Internal Balance, Inc., and that Defendant be required to answer allegations thereof.
2. That this Court find Defendant intentionally violated Plaintiff's rights under the Tennessee Consumer Protection Act of 1977 and that, as a result, it award her damages, a multiple thereof, attorney's fees and costs or that, alternatively, Defendant otherwise violated Plaintiff's rights under the Tennessee Consumer Protection Act of 1977 and that, as a result, it award her damages, attorney's fees, and costs in an amount not less One Hundred Thousand Dollars, (\$100,000.00), although Plaintiff will accept less if a jury so decides;
3. That this Court finds Defendant intentionally misrepresented to Plaintiff the medicinal value of her services and, as a result, it award her compensatory damages and costs in an amount not less One Hundred Thousand Dollars, (\$50,000.00), although Plaintiff will accept less if a jury so decides;
4. That this Court finds Defendant did intentionally inflict emotional distress upon the Plaintiff, and, as a result, it award her compensatory damages and costs in an amount not less One Hundred Thousand Dollars, (\$50,000.00), although Plaintiff will accept less if a jury so decides;
5. That a jury of twelve be empanelled to hear this cause.
6. That this Court award her attorneys' fees, court costs and such other and general relief as it deems appropriate.
7. That the costs to be taxed to the Defendant.

Respectfully submitted this 17 day of December, 2008.



Adam Dread BPR#23604

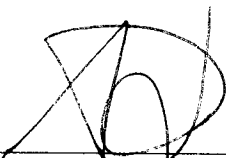
Durham & Dread PLC
1709 19th Avenue South
Nashville, Tennessee 37212
(615) 252-9937

CERTIFICATE OF SERVICE

I do hereby certify on the ____ day of _____ 2008, that a true and correct copy of the foregoing document has been sent via United States Postal Service, first class, postage prepaid to the following:

Mr. Daniel D. Warlick, Esq.
611 Commerce St, #2712
Nashville, Tennessee 37203

Per Statute:
Director Mary Clement
Tennessee Department of Consumer Affairs
500 James Robertson Parkway
Nashville, Tennessee 37243



Adam Dread