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Attorneys for Petitioner and Plaintiff,
NIGHTINGALE COLLEGE, LLC, dba
NIGHTINGALE EDUCATION GROUP

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

NIGHTINGALE COLLEGE, LLC dba
NIGHTINGALE EDUCATION GROUP, a
Delaware limited liability company

Plaintiff and Petitioner,

v.

CALIFORNIA BOARD OF REGISTERED
NURSING; LORETTA MELBY, in her official
capacity as Executive Officer of the Board of
Registered Nursing; and DOES 1 through 100,
inclusive,

Respondents and Defendants.

Case No. 26CV020260

**SUPPLEMENTAL DECLARATION OF
JACOB ALATORRE IN SUPPORT OF
NIGHTINGALE COLLEGE, LLC'S REPLY
IN SUPPORT OF MOTION FOR A
PRELIMINARY INJUNCTION**

Date: October 23, 2026
Time: 02:30 p.m.
Judge: Hon. Stephen P. Acquisto
Dept: 3B

Compl. filed: 08/24/2026
1st Am. Compl. filed: 09/15/2026

SUPPLEMENTAL DECLARATION OF JACOB ALATORRE

I, Jacob Alatorre, declare as follows:

1. I am a graduate of Nightingale College, owned by Nightingale College LLC, dba Nightingale Education Group (“Nightingale” or “the College”). I am over the age of 18 years old and make this declaration based on my personal knowledge and, if called as a witness, I could and would testify competently to the facts stated herein.

2. I submit this supplemental declaration in support of Petitioner and Plaintiff Nightingale’s Motion for a Preliminary Injunction (the “Motion”) and in response to the declaration Ms. Loretta Melby submitted in support of Respondents and Defendants California Board of Registered Nursing (“BRN” or “Board”) and Loretta Melby (“Melby,” and together with the BRN, “Defendants”).

3. I have been closely watching the progress of this case. I obtained a publicly available copy of the BRN’s Opposition and Ms. Melby’s Declaration after they were filed. After I read Ms. Melby’s declaration and saw that she discussed me and my application by name (albeit with my name incorrectly spelled), I reached out to the College’s counsel to advise them of the below facts and offered to submit this supplemental declaration to the Court.

4. In paragraph 8 of her declaration, Ms. Melby states that I “may already be qualified” for Registered Nurse (“RN”) licensure in California, but that because the College has not provided its transfer policy for Licensed Vocational Nurses (“LVNs”), the Board “may not have sufficient information to evaluate” whether I am eligible. She states that the Board “would need to know whether the LVN advance placement option or ‘Bridge’ program provides credit for both obstetrics and pediatrics nursing course content.”

5. I want the Court to know that the Board already had the information about my LVN education, and it has had it for months.

6. In paragraph 9 of her declaration, Ms. Melby states that Board staff “evaluates each application for licensure in California on an individual, case-by-case basis.” She cites my prior declaration as an example of an applicant with a unique background. She also states that the Board “has recently licensed multiple Nightingale graduates who had completed prior coursework at another

nursing program, and thus did not have deficiencies in meeting California's standards.”

7. In paragraph 11 of her declaration, Ms. Melby states that “clinical hours in pediatrics must be completed in the same academic term that the student takes his or her theoretical coursework in pediatrics.”

8. Before I enrolled at Nightingale College, I completed the Vocational Nurse diploma program at Gurnick Academy of Medical Arts (“Gurnick”), Fresno, California campus. I began the program on July 3, 2017. During the program, I completed three clinical courses, Clinical II, Clinical III, and Clinical IV, each consisting of 278 clock hours, for a total of 834 clock hours. I completed these clinical hours providing care to patients in healthcare facilities under the supervision of Gurnick clinical instructors.

9. In each module of the Gurnick program, my clinical hours took place during the same weeks as the theory courses in that module. The final module ran from March 26, 2018, to July 27, 2018. In that module, I took Obstetric Nursing (44 clock hours), Pediatric Nursing (44 clock hours), and Clinical IV (278 clock hours) at the same time. My Clinical IV rotations included supervised clinical experience caring for patients.

10. I completed the Gurnick program and was awarded my diploma on July 27, 2018. I then passed the licensure examination and was licensed as an LVN in California, License No. LVN 700454, in 2018. I have practiced as an LVN for approximately eight years.

11. My Nightingale College transcript includes a transfer term showing 16 credits “Transferred from LPN Credits,” listed as “Credits Toward Licensure,” as well as general education credits transferred from Gurnick. This is the same College transcript that was delivered to the Board on April 21, 2026, as described below.

12. On February 4, 2026, I submitted my application for RN licensure to the Board, Application File No. 2551225.

13. After my Nightingale BSN degree posted, I ordered my official transcripts to be sent directly to the Board. On April 21, 2026, I used Parchment, an online transcript delivery service, to send two official transcripts electronically to the BRN in Sacramento: (a) my transcript from Gurnick, Parchment Document ID TR3LJGTL; and (b) my transcript from the College, Parchment Document

1 ID TR3LHVPM. My Parchment account shows both orders as “Complete: download confirmed.” A
2 true and correct copy of a screenshot of my Parchment order page, which I took on October 13, 2026,
3 is attached hereto as **Exhibit A**.

4 14. As stated in my prior declaration, between May 2026 and July 2026 I repeatedly
5 contacted the Board about my application and offered to provide my syllabi or transcripts. The only
6 response I received was a generic statement that “Nightingale's curriculum is under review.” No one
7 at the Board told me what information or documentation was needed. No one told me that information
8 about my LVN education could affect my eligibility for licensure, and no one asked me for the
9 College's transfer credit policy.

10 15. The Board did not issue any determination on my application until September 17,
11 2026, more than seven months after I applied and almost five months after both transcripts were
12 delivered. On that date, the Board sent me a deficiency letter for my application (Entity # 6810834;
13 Application File No. 2551225). The letter states that the Board “has completed its review of [my]
14 application for licensure as a registered nurse and [my] transcript submitted from Nightingale College
15 and Gurnick Academy.”

16 16. In other words, the BRN’s letter says it reviewed my Gurnick transcript. The letter
17 then states that the Board “has determined . . . that [my] coursework does not meet California’s
18 minimum educational requirements for licensure.” A true and correct copy of the September 17, 2026,
19 letter is attached hereto as **Exhibit B**.

20 17. Even after saying that the Board reviewed both transcripts, the letter lists three
21 deficiencies: (1) that I completed 360 hours of direct patient care clinical training, leaving a deficiency
22 of 140 hours of the 500-hour requirement; (2) that I did not complete clinical training in obstetrics,
23 leaving a deficiency of 30 hours; and (3) that I did not complete clinical training in pediatrics, leaving
24 a deficiency of 30 hours. The letter does not mention my Gurnick obstetric or pediatric coursework,
25 my Gurnick clinical hours, or the LVN transfer credits on my college transcript, and it does not
26 explain why any of them were not counted. The letter does not state that the Board lacked sufficient
27 information to evaluate my eligibility.

28 18. The three deficiencies in my letter are the same three deficiencies Ms. Melby describes

1 in paragraph 10 of her declaration as applying to the College’s “general course of instruction”: a
2 shortfall of 140 hours of direct patient care clinical experience, and a lack of direct care clinical
3 experience in pediatrics and obstetrics.

4 19. On October 9, 2026, about three weeks after the Board issued my deficiency letter,
5 Ms. Melby signed her declaration stating that I “may already be qualified” for RN licensure in
6 California.

7 20. Before I received the September 17, 2026 letter, the Board never told me that my
8 application was being held up because the College had not provided a transfer of credit policy. The
9 letter lists the College’s transfer credit policy as one of several examples of documents an applicant
10 may submit, but it does not state that the absence of that policy was the reason for any deficiency.
11 Had the Board asked me for the College’s transfer credit policy at any point before September 17,
12 2026, I would have asked the College for it.

13 21. As of the date of this declaration, I am not licensed as an RN in California and cannot
14 work as an RN in California.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed on the 16th of October 2026, at Selma, California.

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5 JACOB ALATORRE
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EXHIBIT A

Transaction Total \$15.00

TRANSCRIPT



Document ID **TR3LJGTL**

FOR Jacob Alatorre
FROM Gurnick Academy of Medical Arts
TO California Board of Registered Nursing
*
1747 N. Market Blvd
Sacramento, CA 95834
US

 Electronic Delivery

Item Total **\$15.00**

Transaction Total \$12.50

Document ID **TR3LHVPM**

FOR Jacob Alatorre
FROM Nightingale College
TO California Board of Registered Nursing
*
1747 N. Market Blvd
Sacramento, CA 95834
US

 Electronic Delivery

Item Total	\$12.50
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EXHIBIT B



September 17, 2026

Entity #: 6810834

JACOB JONATHAN ALATORRE
1327 BETTY LN
SELMA, CA 93662-2901

Dear JACOB JONATHAN ALATORRE:

The California Board of Registered Nursing (Board) has completed its review of your application for licensure as a registered nurse and your transcript submitted from Nightingale College and Gurnick Academy. Additionally, the Board has reviewed general information supplied directly by Nightingale College pertaining to its courses of instruction for its Bachelor of Science in Nursing degree.

After its review of your application and transcript, the Board has determined, in accordance with California Business and Professions Code section 2736, that your coursework does not meet California's minimum educational requirements for licensure. The specific deficiencies in your course of instruction are identified below. To satisfy California's licensure requirements, you must complete the deficient coursework through an approved nursing program in California (a list of such programs is available on the Board's website at www.rn.ca.gov), or an out-of-state nursing program that provides courses of instruction that are equivalent to California standards.

The specific deficiencies identified in the Board's review of your application are as follows:

- 1) An applicant for licensure that completed nursing training out of state must complete the equivalent of a minimum of 500 hours of clinical training in direct patient care. (Bus. & Prof. Code, §§ 2736, subd. (a)(2) & 2786, subd. (a)(2).) Based on the Board's review of your application, it appears that you completed 360 hours of clinical training in direct patient care, resulting in a deficiency of 140 hours. In order to cure this deficiency and qualify for licensure, you must complete an additional 140 hours of clinical training in direct patient care.
- 2) An applicant for licensure that completed nursing training out of state must complete the equivalent of a minimum of 30 hours of supervised direct patient care clinical hours in obstetrics, with theoretical instruction in such subject matter to be taught concurrently with clinical practice. (Bus. & Prof. Code, §§ 2736, subd. (a)(2) & 2786, subd. (a)(2); Cal. Code Regs., tit. 16, § 1426, subd. (d).) Based on the Board's review of your application, it appears that you did not complete clinical training in obstetrics, resulting in a deficiency of 30 hours. In order to cure this deficiency and qualify for licensure, you must complete 30 hours of clinical training in direct patient care in the content area of

obstetrics; such clinical hours must be completed concurrently with theoretical coursework in obstetrics.

- 3) An applicant for licensure that completed nursing training out of state must complete the equivalent of a minimum of 30 hours of supervised direct patient care clinical hours in pediatrics, with theoretical instruction in such subject matter to be taught concurrently with clinical practice. (Bus. & Prof. Code, §§ 2736, subd. (a)(2) & 2786, subd. (a)(2); Cal. Code Regs., tit. 16, § 1426, subd. (d).) Based on the Board's review of your application, it appears that you did not complete clinical training in pediatrics, resulting in a deficiency of 30 hours. In order to cure this deficiency and qualify for licensure, you must complete 30 hours of clinical training in direct patient care in the content area of pediatrics; such clinical hours must be completed concurrently with theoretical coursework in pediatrics.

If you believe you have already satisfied the requirements identified in the deficiencies listed above and you wish to supply additional documentation as proof of having done so, you are welcome to submit such documentation through the BreEZe online application portal. Such additional information could include, but is not necessarily limited to: records regarding clinical hours completed such as timesheets and documentation identifying the nursing subjects covered, clinical objectives met, and the nursing supervisor; travel documents demonstrating your presence at clinical sites that were used to complete your coursework; proof of transfer credits, such as a transcript and course catalogue from an LVN/LPN program and a copy of Nightingale College's applicable transfer credit policy; etc.

If you submit additional documents, please allow a minimum of eight weeks for processing. You may log in to your BreEZe account at www.rn.ca.gov to monitor the most current status of your application. You may also wish to contact your nursing program or another approved nursing program if you have questions about the course of instruction that you received or about options to cure the deficiencies noted above.

EXAMINATION APPLICANTS: Please be advised that Section 1410.4(b) of the California Code of Regulations requires you to remove the deficiency, submit transcripts, and take the Examination within a three-year period from the date of this letter, or your application will be deemed abandoned and your file destroyed.

You may also contact the Board with additional questions about your application via email at: Angelina.lopez@dca.ca.gov

Sincerely,

Angelina Lopez
Licensing Program Analyst
California Board of Registered Nursing