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**Industrial Orthopedics Spine & Sports Medicine Medical Center Inc & David  
Payne MD**

<b>Exhibit #</b>	<b>Document</b>	<b>File Date</b>
1	United States of America v David Hobart Payne, M.D. (SA CR No. 17-053(A))	4/25/2018
2	PACER United States District Court—Criminal Minutes-Arrestment (Case Number 8:17-CR-00053-JLS)	6/14/2018
3	PACER United States District Court—Criminal Docket (Case Number 8:17-CR-00053-JLS-1)	6/6/2017
4	NPI #1134442395 - David H. Payne MD INC	
5	CA SOS Articles of Incorporation of David H. Payne, M.D., Inc.	1/15/2003
6	CA SOS Certificate of Amended and Restated Articles of Incorporation of David H. Payne, M.D., Inc.	2/14/2003
7	CA SOS Statement of Information for David H. Payne, M.D., Inc. (CA Corporate Number C2456005)	1/10/2017
8	CA SOS Statement of Information for David H. Payne, M.D., Inc.	8/30/2018

# EXHIBIT 1

FILED

2018 APR 25 PM 4:16

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

September 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HOBART PAYNE,

Defendant.

SA CR No. 17-053(A) -

F I R S T  
S U P E R S E D I N G  
I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy; 18 U.S.C. §§ 1343, 1346: Wire Fraud Involving Deprivation of Honest Services; 18 U.S.C. § 1952(a)(3): Use of an Interstate Facility in Aid of Unlawful Activity; 18 U.S.C. § 2: Aiding and Abetting and Causing an Act to be Done; 18 U.S.C. §§ 982(a)(7), 981(a)(1)(C) and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this First Superseding Indictment:

Relevant Entities

1. Healthsmart Pacific Inc., doing business as Pacific Hospital of Long Beach ("Pacific Hospital"), was a hospital located

1 in Long Beach, California, specializing in surgeries, particularly  
2 spinal and orthopedic surgeries. From at least in or around 1997 to  
3 October 2013, Pacific Hospital was owned and/or operated by Michael  
4 D. Drobot ("Drobot") and/or an unindicted co-conspirator. James  
5 Canedo ("Canedo") was Pacific Hospital's Chief Financial Officer  
6 ("CFO").

7 2. International Implants LLC ("I2") was a limited liability  
8 company, controlled by Drobot and headquartered in Newport Beach,  
9 California, that purchased implantable medical devices for use in  
10 spinal surgeries from original manufacturers and sold them to  
11 hospitals, particularly Pacific Hospital.

12 3. Pacific Specialty Physician Management, Inc. ("PSPM") was a  
13 corporation, owned and controlled by Drobot and others and  
14 headquartered in Newport Beach, California, that provided  
15 administrative and management services for physicians' offices.

16 4. Industrial Pharmacy Management LLC ("IPM") was a limited  
17 liability company, owned and controlled by Drobot, Michael R. Drobot  
18 ("Drobot Jr."), and others and headquartered in Newport Beach,  
19 California, that operated and managed a physician dispensing program.

20 5. California Pharmacy Management LLC ("CPM") was a limited  
21 liability company, owned and controlled by Drobot and Drobot Jr. and  
22 headquartered in Newport Beach, California, that operated and managed  
23 a physician dispensing program.

24 6. Defendant DAVID HOBART PAYNE ("defendant PAYNE") was an  
25 orthopedic surgeon who owned and operated Industrial Orthopedics  
26 Spine and Sports Medicine ("Industrial Orthopedics"), a medical  
27 clinic located in Santa Ana, California specializing in orthopedic  
28 spinal surgery and orthopedic sports medicine.

1           7.     David H. Payne, MD, Inc. was a California professional  
2 corporation owned and operated by defendant PAYNE.

3           8.     The Travelers Companies, Inc. ("Travelers") is a provider  
4 of workers compensation insurance.

5           California Workers' Compensation System ("CWCS")

6           9.     The California Workers' Compensation System ("CWCS") was a  
7 system created by California law to provide insurance covering  
8 treatment of injury or illness suffered by individuals in the course  
9 of their employment. Under the CWCS, employers were required to  
10 purchase workers' compensation insurance policies from insurance  
11 carriers to cover their employees. When an employee suffered a  
12 covered injury or illness and received medical services, the medical  
13 service provider submitted a claim for payment to the relevant  
14 insurance carrier, which then paid the claim. Claims were submitted  
15 to and paid by the insurance carriers either by mail or  
16 electronically. The CWCS was governed by various California laws and  
17 regulations.

18           10.    The California State Compensation Insurance Fund ("SCIF")  
19 was a non-profit insurance carrier, created by the California  
20 Legislature, that provided workers' compensation insurance to  
21 employees in California, including serving as the "insurer of last  
22 resort" under the CWCS system for employers without any other  
23 coverage.

24           Health Care Programs

25           11.    SCIF, other workers' compensation insurance carriers, and  
26 personal injury insurers, along with other public and private plans  
27 and contracts, were "health care benefit programs" (as defined in 18  
28 U.S.C. § 24(b)), that affected commerce.

1           Relevant California Laws Pertaining to Bribery and Kickbacks

2           12. California law, including the California Business and  
3 Professions Code and the California Insurance Code, prohibited the  
4 offering, delivering, soliciting, or receiving of anything of value  
5 in return for referring a patient for medical services.

6           13. California Business & Professions Code Section 650  
7 prohibited the offer, delivery, receipt, or acceptance by certain  
8 licensees -- specifically including physicians -- of any commission  
9 or other consideration, whether in the form of money or otherwise, as  
10 compensation or inducement for referring patients, clients, or  
11 customers to any person.

12           14. California Insurance Code Section 750(a) prohibited anyone  
13 who engaged in the practice of processing, presenting, or negotiating  
14 claims, including claims under policies of insurance, from offering,  
15 delivering, receiving, or accepting any commission or other  
16 consideration, whether in the form of money or otherwise, as  
17 compensation or inducement to any person for the referral or  
18 procurement of clients, cases, patients, or customers.

19           Fiduciary Duties and the Physician-Patient Relationship

20           15. A "fiduciary" obligation generally existed whenever one  
21 person -- a client -- placed special trust and confidence in another  
22 -- the fiduciary -- in reliance that the fiduciary would exercise his  
23 or her discretion and expertise with the utmost honesty and  
24 forthrightness in the interests of the client, such that the client  
25 could relax the care and vigilance she or he would ordinarily  
26 exercise, and the fiduciary knowingly accepted that special trust and  
27 confidence and thereafter undertook to act on behalf of the client  
28 based on such reliance.

1           16. Physicians owed a fiduciary duty to their patients,  
2 requiring physicians to act in the best interest of their patients,  
3 and not for their own professional, pecuniary, or personal gain.  
4 Physicians owed a duty of honest services to their patients for  
5 decisions made relating to the medical care of those patients,  
6 including the informed choice of whether to undergo surgery and other  
7 medical procedures, as well as the selection of a provider and  
8 facility for such surgeries and procedures. Patients' right to  
9 honest services from physicians included the right not to have  
10 physician-fiduciaries solicit or accept bribes and kickbacks  
11 connected to the medical care of such patients.

12 B.    OBJECTS OF THE CONSPIRACY

13           17. Beginning on a date unknown, but at least as early as in or  
14 around May 2008, and continuing through at least in or around October  
15 2013, in Orange and Los Angeles Counties, within the Central District  
16 of California, and elsewhere, defendant PAYNE, Drobot, Drobot Jr.,  
17 and Canedo, together with others known and unknown to the Grand Jury,  
18 knowingly combined, conspired, and agreed to commit the following  
19 offenses against the United States: Honest Services Mail Fraud and  
20 Wire Fraud, in violation of Title 18, United States Code, Sections  
21 1341, 1343, and 1346; and Use of an Interstate Facility in Aid of  
22 Bribery, in violation of Title 18, United States Code, Section  
23 1952(a).

24 C.    MANNER AND MEANS OF THE CONSPIRACY

25           18. The objects of the conspiracy were to be carried out, and  
26 were carried out, in the following ways, among others:

27           a. Drobot and other co-conspirators working with Drobot  
28 and/or at his direction offered to pay kickbacks to defendant PAYNE

1 and other doctors, chiropractors, workers' compensation and personal  
2 injury attorneys, marketers, and others in return for referring  
3 workers' compensation patients to Pacific Hospital for spinal  
4 surgeries, other types of surgeries, magnetic resonance imaging,  
5 toxicology, durable medical equipment, and other services, to be paid  
6 through the CWCS. For spinal surgeries, typically, Drobot offered to  
7 pay a kickback of approximately \$15,000 per lumbar fusion surgery and  
8 \$10,000 per cervical fusion surgery, provided that equipment  
9 distributed through I2 was used in the surgery. If non-I2 equipment  
10 was used in the surgery, Drobot offered lesser kickback amounts.

11 b. Influenced by the promise of kickbacks, defendant  
12 PAYNE and other doctors, chiropractors, workers' compensation and  
13 personal injury attorneys, marketers, and others referred patients  
14 insured through the CWCS and other health care benefit programs to  
15 Pacific Hospital for spinal surgeries, other types of surgeries, and  
16 other medical services and, at times, performed the surgeries. The  
17 surgeries and other medical services were performed on the referred  
18 patients at Pacific Hospital.

19 c. Pacific Hospital and defendant PAYNE submitted claims,  
20 by mail and electronically, to SCIF and other health care benefit  
21 programs for: (1) in the case of Pacific Hospital, payment of the  
22 costs of the surgeries and other medical services; and (2) in the  
23 case of defendant PAYNE, payment of professional fees associated with  
24 surgeries he performed at Pacific Hospital.

25 d. As Drobot, defendant PAYNE, and the other co-  
26 conspirators knew and intended, and as was reasonably foreseeable to  
27 them, in treating patients and submitting claims for payment using  
28 the mails, wire communications, and other facilities in interstate

1 commerce, Drobot, defendant PAYNE, and other co-conspirators  
2 concealed material information from patients, SCIF, and other health  
3 care benefit programs, including the fact that Drobot offered, paid,  
4 or caused to be paid, kickbacks to defendant PAYNE and others for the  
5 referral of surgeries and other medical services to Pacific Hospital  
6 for which Pacific Hospital and defendant PAYNE were submitting  
7 claims.

8 e. In soliciting and receiving concealed bribes and  
9 kickbacks to induce the referral of patients and corresponding  
10 ancillary services to Pacific Hospital, defendant PAYNE and other  
11 medical professionals would deprive patients of their right to honest  
12 services.

13 f. The health care benefit programs paid Pacific  
14 Hospital's and defendant PAYNE's claims, by mail and electronically.

15 g. Drobot and others paid and caused others to pay  
16 kickbacks -- using the mails and other facilities in interstate  
17 commerce -- to defendant PAYNE and other doctors, chiropractors,  
18 marketers, and others who had referred patients to Pacific Hospital  
19 for surgeries and other medical services.

20 h. To conceal the nature of the kickback payments from  
21 both health care benefit programs and patients, Drobot, through one  
22 of the companies he owned and/or operated, entered into bogus  
23 arrangements with the doctors, including defendant PAYNE,  
24 chiropractors, marketers, and others. The services discussed as part  
25 of those arrangements were, in fact, generally not provided; rather,  
26 the compensation was paid, entirely or in part, depending on the  
27 arrangement, to cause defendant PAYNE to do surgeries at Pacific  
28 Hospital. The bogus arrangements defendant PAYNE and Drobot entered

1 into included, but were not limited to, a collections agreement and a  
2 physician office dispensing program management agreement.

3 i. Drobot and others kept records of the number of  
4 surgeries and other medical services performed at Pacific Hospital  
5 due to referrals from the kickback recipients, as well as amounts  
6 paid to the kickback recipients for those referrals. Periodically,  
7 Drobot and others amended the bogus contracts with the kickback  
8 recipients to increase or decrease the amount of agreed compensation  
9 described in the contracts, in order to match the amount of kickbacks  
10 paid or promised in return for referrals. Drobot paid and caused the  
11 kickbacks to be paid through entities including IPM, I2, and Pacific  
12 Hospital.

13 D. EFFECTS OF THE CONSPIRACY

14 19. Had SCIF and the health care benefit programs known the  
15 true facts regarding the payment of kickbacks for the referral of  
16 patients for surgeries and other medical services performed at  
17 Pacific Hospital, they would have subjected the claims to additional  
18 review, would not have paid the claims, and/or would have paid a  
19 lesser amount on the claims.

20 20. From 2005 to in or around April 2013, Pacific Hospital  
21 billed health care benefit programs at least approximately \$580  
22 million in claims for spinal surgeries and other medical services  
23 that were the result of the payment of a kickback. Defendant PAYNE  
24 performed or referred surgeries comprising at least approximately  
25 \$10,850,000 of the total billed amount, for which Drobot, through  
26 entities that he controlled, paid defendant PAYNE at least  
27 approximately \$450,000 in kickbacks.

28

1 E. OVERT ACTS

2 21. On or about the following dates, in furtherance of the  
3 conspiracy and to accomplish the objects of the conspiracy, defendant  
4 PAYNE and other co-conspirators known and unknown to the Grand Jury,  
5 committed various overt acts within the Central District of  
6 California, and elsewhere, including, but not limited to, the  
7 following:

8 Overt Act No. 1: On or about April 17, 2008, defendant PAYNE  
9 met with Drobot to discuss receiving kickbacks from Drobot for  
10 performing surgeries at Pacific Hospital.

11 Overt Act No. 2: On or about May 19, 2008, defendant PAYNE  
12 and Drobot Jr. discussed negotiating a deal where defendant PAYNE  
13 would receive payments in exchange for performing surgeries at  
14 Brotman Hospital.

15 Overt Act No. 3: On or about June 18, 2008, defendant PAYNE  
16 performed spinal surgery on patient A.H. at Pacific Hospital.

17 Overt Act No. 4: On or about July 15, 2008, Drobot Jr. sent  
18 an email to an unindicted co-conspirator stating that Drobot agreed  
19 to pay IPM \$60,000 to reimburse IPM for payments to doctors including  
20 a \$10,000 payment that had been made by IPM to defendant PAYNE.

21 Overt Act No. 5: On or about July 17, 2008, Drobot Jr. sent  
22 an email stating that \$10,000 being reimbursed to IPM was for "stuff"  
23 defendant PAYNE did in the last four weeks.

24 Overt Act No. 6: On or about July 21, 2008, defendant PAYNE  
25 (on behalf of Industrial Orthopedics) and Drobot Sr. (on behalf of  
26 IPM) signed a Physician Office Dispensing Program Management  
27 Agreement.

28

1           Overt Act No. 7:       On or about July 29, 2008, Drobot Jr. sent  
2 an email to Drobot stating that defendant PAYNE would be performing a  
3 spine surgery that week and would need to be paid \$8,000.

4           Overt Act No. 8:       On or about July 29, 2008, defendant PAYNE  
5 performed spinal surgery on patient E.R. at Pacific Hospital, and  
6 used hardware manufactured by I2.

7           Overt Act No. 9:       On or about October 1, 2008, IPM sent to  
8 Industrial Orthopedics a check for \$20,000.

9           Overt Act No. 10:     On or about January 30, 2009, IPM sent  
10 Industrial Orthopedics three checks totaling \$26,000.

11          Overt Act No. 11:     On or about February 19, 2009, Drobot Jr.  
12 sent an email to Drobot stating that IPM was taking losses by making  
13 payments to generate spines for Pacific Hospital.

14          Overt Act No. 12:     On or about June 23, 2009, IPM sent to  
15 Industrial Orthopedics a check for \$10,000.

16          Overt Act No. 13:     On or about August 20, 2009, Drobot Jr. sent  
17 an email to defendant PAYNE telling him that Drobot would be using a  
18 collection agreement to pay him for surgeries performed.

19          Overt Act No. 14:     On or about January 20, 2010, I2 sent to  
20 David H. Payne, MD, Inc. a check for \$14,000.

21          Overt Act No. 15:     On or about June 29, 2011, I2 sent to David  
22 H. Payne, MD, Inc. a check for \$45,000.

23          Overt Act No. 16:     On or about January 20, 2012, I2 sent to  
24 David H. Payne, MD, Inc. a check for \$50,000.

25          Overt Act No. 17:     On or about June 5, 2012, I2 sent to David  
26 H. Payne, MD, Inc. a check for \$65,000.

27          Overt Act No. 18:     On or about July 18, 2012, defendant PAYNE  
28 performed spinal surgery on patient J.L. at Pacific Hospital.

1           Overt Act No. 19:    On or about July 18, 2012, defendant PAYNE  
2 performed spinal surgery on patient J.V. at Pacific Hospital.

3           Overt Act No. 20:    On or about January 14, 2013, defendant  
4 PAYNE caused Industrial Orthopedics to send to Pacific Hospital via  
5 facsimile an invoice seeking payment of \$22,500 in kickbacks for  
6 surgeries performed on patients J.V. and J.L.

7           Overt Act No. 21:    On or about March 12, 2013, Canedo sent  
8 Drobot an email stating that defendant PAYNE was seeking to collect a  
9 total of \$22,500 for a lumbar fusion surgery and a cervical fusion  
10 surgery that he had performed but that, pursuant to his outsourced  
11 collection agreement, defendant PAYNE would be paid only fifteen  
12 percent of the collections for those surgeries.

13           Overt Act No. 22:    On or about March 28, 2013, Pacific Hospital  
14 sent to Industrial Orthopedics a check for \$16,597.44, representing  
15 fifteen percent of the amounts collected by Pacific Hospital in  
16 connection with surgeries performed on J.L. and J.V.

17           Overt Act No. 23:    On or about April 9, 2013, defendant PAYNE  
18 mailed to Travelers a claim for his professional fee arising out of  
19 spinal surgery performed on J.V.

20           Overt Act No. 24:    On or about April 22, 2013, Pacific Hospital  
21 received from Travelers a check for \$16,737.10 as payment on a claim  
22 for medical devices implanted during surgery performed on J.L.

23           Overt Act No. 25:    On or about July 1, 2013, Pacific Hospital  
24 received from Travelers a check for \$24,146.15 as payment on a claim  
25 for medical devices implanted during surgery performed on J.V.

26           Overt Act No. 26:    On or about April 3, 2014, defendant PAYNE  
27 received from Travelers a check for \$8,463.35 as payment for his  
28 professional fee for surgery performed on J.V.

COUNTS TWO AND THREE

[18 U.S.C. §§ 1343, 1346]

22. Paragraphs 1 through 16 and 18 through 21 of this First Superseding Indictment, including all subparagraphs, are re-alleged and incorporated by reference as if fully set forth herein.

A. THE SCHEME TO DEFRAUD

23. Beginning on a date unknown but at least as early as in or around May 2008, and continuing through at least in or around October 2013, in Orange and Los Angeles Counties, within the Central District of California, and elsewhere, Drobot and defendant DAVID HOBART PAYNE ("defendant PAYNE"), together with others known and unknown to the Grand Jury at various times, knowingly and with intent to defraud, devised, participated in, and executed a scheme to defraud patients of defendant PAYNE and other medical professionals of their right to honest services of their physicians' performance of duties as treating physicians and medical providers by soliciting, offering, accepting, and paying bribes and kickbacks to induce the referral of spinal surgeries, other types of surgeries, magnetic resonance imaging, toxicology, durable medical equipment, and other services to Pacific Hospital.

B. OPERATION OF THE SCHEME TO DEFRAUD

24. The fraudulent scheme operated, in substance, as set forth in paragraphs 18 through 21 of this First Superseding Indictment.

C. USE OF INTERSTATE WIRES

25. On or about the following dates, within the Central District of California, and elsewhere, defendant PAYNE, for the purpose of executing the above-described scheme to defraud,

1 transmitted and caused the transmission of items by means of wire  
2 communication in interstate commerce as set forth below:

COUNT	APPROXIMATE DATE	INTERSTATE WIRE TRANSMISSION
TWO	06/08/2012	Interstate wire through Federal Reserve Bank servers in Dallas, Texas, effectuating a transfer of \$65,000 from I2's City National Bank account ending in 3965 in California to defendant PAYNE's Wells Fargo bank account ending in 1122 in California.
THREE	04/29/2013	Interstate wire through Federal Reserve Bank servers in Dallas, Texas, effectuating a transfer of \$16,597.44 from Pacific Hospital's East West Bank account ending in 0545 to defendant PAYNE's Wells Fargo bank account ending in 1122 in California.

COUNTS FOUR AND FIVE

[18 U.S.C. § 1952(a); 18 U.S.C. § 2]

26. Paragraphs 1 through 16 and 18 through 21 of this First Superseding Indictment, including all subparagraphs, are re-alleged and incorporated by reference as if fully set forth herein.

27. On or about the dates set forth below, in Orange and Los Angeles Counties, within the Central District of California, and elsewhere, defendant DAVID HOBART PAYNE ("defendant PAYNE") used, aided and abetted the use of, and willfully caused the use of, a facility in interstate commerce, namely, the wire communications identified below and in paragraph 25 of this First Superseding Indictment, with the intent to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, namely, kickbacks in violation of California Business & Professions Code Section 650, and California Insurance Code Section 750, and thereafter performed, attempted to perform, and aided and abetted and willfully caused the performance of an act to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and

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1 carrying on of such unlawful activity as follows:

COUNT	APPROXIMATE DATE	INTERSTATE WIRE TRANSMISSION	ACTS PERFORMED THEREAFTER
FOUR	06/08/2012	Interstate wire through Federal Reserve Bank servers in Dallas, Texas, effectuating a transfer of \$65,000 from I2's City National Bank account ending in 3965 in California to defendant PAYNE's Wells Fargo bank account ending in 1122 in California.	In or around July 2012, defendant PAYNE performed spinal surgeries at Pacific Hospital.
FIVE	04/29/2013	Interstate wire through Federal Reserve Bank servers in Dallas, Texas, effectuating a transfer of \$16,597.44 from Pacific Hospital's East West Bank account ending in 0545 to defendant PAYNE's Wells Fargo bank account ending in 1122 in California.	On or around July 1, 2013, Travelers mailed to Pacific Hospital check number 82511563 in the amount of \$24,146.15 as payment for a claim regarding medical devices implanted during surgery performed on J.V.

FORFEITURE ALLEGATION

[18 U.S.C. §§ 982(a)(7), 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

28. Pursuant to Rule 32.2(a), Fed. R. Crim. P., notice is hereby given to defendant DAVID HOBART PAYNE ("PAYNE") that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Sections 982(a)(7) and 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), in the event of defendant PAYNE's conviction under any of Counts One through Five of this First Superseding Indictment.

29. Defendant PAYNE shall forfeit to the United States the following property:

a. all right, title, and interest in any and all property, real or personal, that constitutes or is derived, directly or indirectly, from the gross proceeds traceable to the commission of any offense set forth in any of Counts One through Five of this First Superseding Indictment; and

b. a sum of money equal to the total value of the property described in subparagraph 29(a).

30. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(b), defendant PAYNE shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as a result of any act or omission of defendant PAYNE, the property described in the preceding paragraph, or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in

1 value; or (e) has been commingled with other property that cannot be  
2 divided without difficulty.

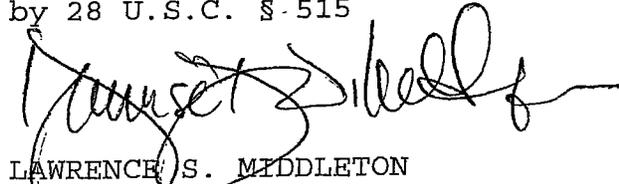
3  
4 A TRUE BILL

5  
6 

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Foreperson

7  
8  
9 TRACY L. WILKISON  
10 Attorney for the United States,  
11 Acting Under Authority Conferred  
12 by 28 U.S.C. § 515



13 LAWRENCE S. MIDDLETON  
14 Assistant United States Attorney  
15 Chief, Criminal Division

16 DENNISE D. WILLETT  
17 Assistant United States Attorney  
18 Chief, Santa Ana Branch Office

19 JOSEPH T. MCNALLY  
20 Assistant United States Attorney  
21 Deputy Chief, Santa Ana Branch Office

22 ASHWIN JANAKIRAM  
23 SCOTT D. TENLEY  
24 Assistant United States Attorneys  
25  
26  
27  
28

# EXHIBIT 2

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CRIMINAL MINUTES - ARRAIGNMENT**

Case Number: 8:17-CR-00053-JLS

Recorder: CS 06/14/2018

Date: 06/14/2018

Present: The Honorable Douglas F. McCormick, U.S. Magistrate Judge

Court Clerk: Nancy Boehme

Assistant U.S. Attorney: Scott Tenley

United States of America v.	Attorney Present for Defendant(s)	Language	Interpreter
DAVID HOBART PAYNE BOND	Reuven L. Cohen and Gabriel L. Pardo Retained Counsel		

**PROCEEDINGS: ARRAIGNMENT OF DEFENDANT(S) AND ASSIGNMENT OF CASE AND INITIAL APPEARANCE.**

Defendant is arraigned

Defendant is given a copy of the First Superseding Indictment.

Defendant acknowledges receipt of a copy and waives reading thereof.

Defendant's first appearance.

Bond is ordered in the amount of a \$50,000 Unsecured Appearance Bond. See attached copy of the bond. Court orders defendant to report to the U.S. Marshal's Office forthwith for processing.

Defendant pleads not guilty to all counts in the First Superseding Indictment.

This case is assigned to the calendar of District Judge Josephine L. Staton.

It is ordered that the following date(s) and time(s) are set:

Jury Trial 8/7/2018 at 9:00 AM

Status Conference 7/27/2018 at 11:30 AM

Defendant and counsel are ordered to appear before said judge at the time and date indicated.

Trial estimate: 8 days.

First Appearance/Appointment of Counsel: 00 : 04

PIA: 00 : 03

Initials of Deputy Clerk: nb *NB*

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. DAVID HOBART PAYNE

Case No. SACR17-00053

Defendant  Material Witness

Violation of Title and Section: 18 U.S.C. § 1343, 1346, 1952(a)(3)

Summons  Out of District  Under Seal  Modified Date: \_\_\_\_\_

<input type="checkbox"/> Personal Recognizance ( <i>Signature Only</i> ) <input checked="" type="checkbox"/> Unsecured Appearance Bond \$ <u>50,000</u> <input type="checkbox"/> Appearance Bond \$ _____ <input type="checkbox"/> Cash Deposit ( <i>Amount or %</i> ) _____ <input type="checkbox"/> Affidavit of Surety Without Justification ( <i>Form CR-4</i> ) Signed by: _____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Affidavit of Surety With Justification ( <i>Form CR-3</i> ) Signed by: _____ _____ _____ <input type="checkbox"/> With Full Deeding of Property _____ _____ _____ <input type="checkbox"/> Collateral Bond in the Amount of ( <i>Cash or Negotiable Securities</i> ): \$ _____ <input type="checkbox"/> Corporate Surety Bond in the Amount of: \$ _____	Release No. <u>SUMMONS</u> <input type="checkbox"/> Release to Pretrial ONLY <input type="checkbox"/> Release to Probation ONLY <input type="checkbox"/> Forthwith Release _____ <input type="checkbox"/> All Conditions of Bond ( <i>Except Clearing-Warrants Condition</i> ) Must be Met and Posted by: _____ <input type="checkbox"/> Third-Party Custody Affidavit ( <i>Form CR-31</i> ) <input checked="" type="checkbox"/> Bail Fixed by Court: <u>DFM</u> / <u>nb</u> ( <i>Judge / Clerk's Initials</i> )
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**PRECONDITIONS TO RELEASE**

- The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- The Nebbia hearing is set for \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

**ADDITIONAL CONDITIONS OF RELEASE**

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- Submit to:  Pretrial Services Agency (PSA) supervision as directed by PSA;  Probation (USPO) supervision as directed by USPO.  
 (*The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency."*)
- Surrender all passports and travel documents to Supervising Agency no later than 6/18/18 @ 4:00 PM, sign a Declaration re Passport and Other Travel Documents (*Form CR-37*), and do not apply for a passport or other travel document during the pendency of this case.
- Travel is restricted to STATE OF CALIFORNIA unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel.
- Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.
- Maintain or actively seek employment and provide proof to Supervising Agency.  Employment to be approved by Supervising Agency.
- Maintain or begin an educational program and provide proof to Supervising Agency.

Defendant's Initials:

Date: 6/14/18

Case Name: United States of America v. DAVID HOBART PAYNE

Case No. SACR17-00053

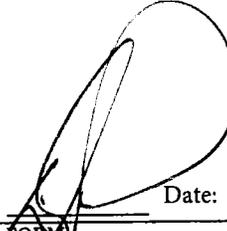
Defendant  Material Witness

- Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution,  including but not limited to \_\_\_\_\_;  except \_\_\_\_\_.
- Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: \_\_\_\_\_
- Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons.  In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not engage in telemarketing.
- Do not sell, transfer, or give away any asset valued at \$ \_\_\_\_\_ or more without notifying and obtaining permission from the Court, except \_\_\_\_\_.
- Do not engage in tax preparation for others.
- Do not use alcohol.
- Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.
- Do not use or possess illegal drugs or state-authorized medical marijuana.  In order to determine compliance, you agree to submit to a search of your person, and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- Submit to:  drug and/or  alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.
- Participate in residential  drug and/or  alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency.  Release to PSA only  Release to USPO only
- Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.
- Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which  will or  will not include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.
- Location monitoring only - no residential restrictions;

-or-

- You are restricted to your residence every day:
  - from \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_  a.m.  p.m.
  - as directed by Supervising Agency;

-or-

Defendant's Initials: 

Date: 6/18/18

Case Name: United States of America v. DAVID HOBART PAYNE

Case No. SACR17-00053

Defendant  Material Witness

You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and \_\_\_\_\_, all of which must be preapproved by Supervising Agency;

Release to PSA only  Release to USPO only

You are placed in the third-party custody (Form CR-31) of \_\_\_\_\_.

Clear outstanding  warrants or  DMV and traffic violations and provide proof to Supervising Agency within \_\_\_\_ days of release from custody.

Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

Do not view or possess child pornography or child erotica.  In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

Other conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GENERAL CONDITIONS OF RELEASE**

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

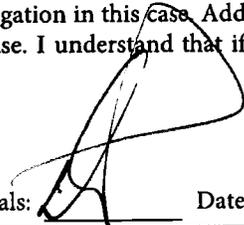
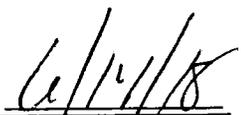
I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials:  Date: 

Case Name: United States of America v. DAVID HOBART PAYNE

Case No. SACR17-00053

Defendant  Material Witness

**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

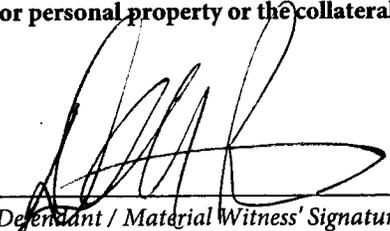
As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

6/14/18  
Date

  
Defendant / Material Witness' Signature

714-271-9112  
Telephone Number

Los Angeles, CA  
City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the \_\_\_\_\_ language this entire form and have been told by the defendant that he or she understands all of it.

\_\_\_\_\_  
Interpreter's Signature

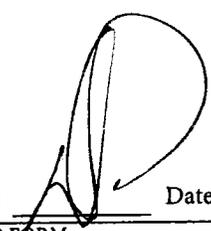
\_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
United States District Judge / Magistrate Judge

\_\_\_\_\_  
Date

If cash deposited: Receipt # \_\_\_\_\_ for \$ \_\_\_\_\_

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials:  Date: 6/14/18

# EXHIBIT 3

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)  
CRIMINAL DOCKET FOR CASE #: 8:17-cr-00053-JLS-1**

Case title: USA v. Payne  
Other court case number: SACR14-00034 JLS

Date Filed: 06/06/2017

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Assigned to: Judge Josephine L. Staton

**Defendant (1)**

**David Hobart Payne**

represented by **Gabriel L Pardo**  
Cohen Williams LLP  
724 South Spring Street 9th Floor  
Los Angeles, CA 90014  
213-232-5164  
Fax: 213-232-5167  
Email: gparado@cohen-williams.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Reuven L Cohen**  
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Los Angeles, CA 90014  
213-232-5163  
Fax: 213-232-5167  
Email: rcohen@cohen-williams.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Alyssa D Bell**  
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Los Angeles, CA 90014  
213-232-5144  
Fax: 213-232-5167  
Email: abell@cohen-williams.com  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Marc S Williams**  
Cohen Williams LLP  
724 South Spring Street 9th Floor  
Los Angeles, CA 90014  
213-232-5160  
Fax: 213-232-5167

Email: [mwilliams@cohen-williams.com](mailto:mwilliams@cohen-williams.com)  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

18:371: Conspiracy  
(1)

18:371 CONSPIRACY  
(1s)

18:1343,1346: Wire Fraud Involving  
Deprivation of Honest Services  
(2)

18:1343, 1346 WIRE FRAUD  
INVOLVING DEPRIVATION OF  
HONEST SERVICES  
(2s-3s)

18:1952(a)(3),2: Use of an Interstate  
Facility in Aid of Racketeering Enterprises;  
Aiding and Abetting  
(3)

18:1952(a); 18:2 USE OF AN  
INTERSTATE FACILITY IN AID OF  
UNLAWFUL ACTIVITY; AIDING AND  
ABETTING AND CAUSING AN ACT TO  
BE DONE  
(4s-5s)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Joseph Timothy McNally**  
AUSA - Office of US Attorney  
Santa Ana Division  
411 West Fourth Street 8th Floor  
Santa Ana, CA 92701  
714-338-3500

Fax: 714-338-3708  
 Email: joseph.mcnally@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

**Scott D Tenley**  
 AUSA - Office of US Attorney  
 Santa Ana Branch Office  
 411 West Fourth Street 8th Floor  
 Santa Ana, CA 92701  
 714-338-2829  
 Fax: 714-338-3561  
 Email: scott.tenley@usdoj.gov  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
06/06/2017	<a href="#">1</a>	INDICTMENT filed as to David Hobart Payne (1) count(s) 1, 2, 3. Offense occurred in LA. (mhe) (Entered: 06/09/2017)
06/06/2017	<a href="#">2</a>	CASE SUMMARY filed by AUSA Joseph T McNally as to Defendant David Hobart Payne; defendants Year of Birth: 1957 (mhe) (Entered: 06/09/2017)
06/06/2017	<a href="#">4</a>	EX PARTE APPLICATION to Seal Case Filed by Plaintiff USA as to Defendant David Hobart Payne. (mhe) (Entered: 06/09/2017)
06/06/2017	<a href="#">5</a>	ORDER by Magistrate Judge Paul L. Abrams: granting <a href="#">4</a> EX PARTE APPLICATION to Seal Case as to David Hobart Payne (1) (mhe) (Entered: 06/09/2017)
06/06/2017	<a href="#">6</a>	MEMORANDUM filed by Plaintiff USA as to Defendant David Hobart Payne. This criminal action, being filed on 6/6/17, was pending in the U. S. Attorneys Office before the date on which Judge Andre Birotte Jr began receiving criminal matters, it was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters (mhe) (Entered: 06/09/2017)
06/06/2017	<a href="#">7</a>	MEMORANDUM filed by Plaintiff USA as to Defendant David Hobart Payne. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate Judge Sheri Pym, Magistrate Judge Michael Wilner, Magistrate Judge Jean Rosenbluth, Magistrate Judge Alka Sagar, Magistrate Judge Douglas McCormick, and Magistrate Judge Rozella Oliver (mhe) (Entered: 06/09/2017)
07/11/2017	<a href="#">8</a>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant David Hobart Payne Related Case(s): 8:14CR34 (mhe) (Entered: 07/12/2017)
07/13/2017	<a href="#">9</a>	Notice of Appearance : Adding Joseph T. McNally as counsel of record for United States of America for the reason indicated in the G-123 Notice Filed by plaintiff USA. (dv) (Entered: 07/17/2017)
04/25/2018	<a href="#">10</a>	FIRST SUPERSEDING INDICTMENT Filed as to David Hobart Payne (1) count(s) 1s, 2s-3s, 4s-5s. (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">11</a>	CASE SUMMARY filed by AUSA Scott D Tenley as to Defendant David Hobart Payne; defendants Year of Birth: 1957 (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">12</a>	MEMORANDUM filed by Plaintiff USA as to Defendant David Hobart Payne. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate

		Judge Sheri Pym, Magistrate Judge Michael Wilner, Magistrate Judge Jean Rosenbluth, Magistrate Judge Alka Sagar, Magistrate Judge Douglas McCormick, Magistrate Judge Rozella A. Oliver, Magistrate Judge Gail J. Standish, Magistrate Judge Steve Kim, Magistrate Judge John Early, Magistrate Judge Shashi H. Kewalramani. (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">13</a>	MEMORANDUM filed by Plaintiff USA as to Defendant David Hobart Payne. Re Judge Andre Birotte Jr., Judge Michael W. Fitzgerald. (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">14</a>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant David Hobart Payne Related Case(s): SACR 14-34-JLS (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">15</a>	EX PARTE APPLICATION for Order Sealing Indictment and Related Documents; Declaration of Scott D Tenley Filed by Plaintiff USA as to Defendant David Hobart Payne. (mt) (Entered: 04/26/2018)
04/25/2018	<a href="#">16</a>	ORDER by Magistrate Judge Karen E. Scott as to David Hobart Payne: Granting EX PARTE APPLICATION Sealing First Superseding Indictment and Related Documents <a href="#">15</a> (mt) (Entered: 04/26/2018)
04/27/2018	<a href="#">18</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 16-05 Related Case filed. Related Case No: SACR14-00034 JLS. Case, as to Defendant David Hobart Payne, transferred from Judge Andrew J. Guilford to Judge Josephine L. Staton for all further proceedings. The case number will now reflect the initials of the transferee Judge SACR17-00053 JLS. Signed by Judge Josephine L. Staton. (lwag) (Entered: 04/27/2018)
05/18/2018	<a href="#">19</a>	REQUEST for Order Unsealing Indictments and Recalling Arrest Warrants; Declaration of AUSA Scott D Tenley Filed by Plaintiff USA as to Defendant David Hobart Payne. (mt) (Entered: 05/21/2018)
05/18/2018	<a href="#">20</a>	ORDER by Magistrate Judge Karen E. Scott as to David Hobart Payne: Granting REQUEST Unsealing Indictments and Recalling Arrest Warrants <a href="#">19</a> . (mt) (Entered: 05/21/2018)
05/23/2018	<a href="#">21</a>	NOTICE OF APPEARANCE OR REASSIGNMENT of AUSA Scott D Tenley on behalf of Plaintiff USA. Filed by Plaintiff USA. (Attorney Scott D Tenley added to party USA(pty:pla))(Tenley, Scott) (Entered: 05/23/2018)
06/06/2018	<a href="#">23</a>	Summons Returned Executed on 6/4/2018 as to David Hobart Payne (mt) (Entered: 06/06/2018)
06/13/2018	<a href="#">24</a>	STIPULATION for Order Protective Order filed by Plaintiff USA as to Defendant David Hobart Payne (Attachments: # <a href="#">1</a> Proposed Order Protective Order)(Tenley, Scott) (Entered: 06/13/2018)
06/14/2018	<a href="#">26</a>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Douglas F. McCormick as to Defendant David Hobart Payne (1) Counts 1s,2s-3s,4s-5s. Defendant arraigned. Attorneys: Reuven L Cohen, Gabriel L Pardo for David Hobart Payne, Retained, present. Defendant's first appearance. Court orders bail set for David Hobart Payne (1) \$50,000 Unsecured Appearance Bond. See attached copy of the bond. Court orders defendant to report to the US Marshal's Office forthwith for processing. Defendant entered not guilty plea to all counts as charged. Case assigned to Judge Josephine L. Staton. Jury Trial set for 8/7/2018 09:00 AM before Judge Josephine L. Staton. Status Conference set for 7/27/2018 11:30 AM before Judge Josephine L. Staton. Defendant and counsel are ordered to appear. Trial estimate: 8 days. Court Smart: CS 6/14/18. (mt) (Entered: 06/15/2018)
06/14/2018	<a href="#">27</a>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant David Hobart Payne (mt) (Entered: 06/15/2018)

06/14/2018	<a href="#">28</a>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by Gabriel L Pardo appearing for David Hobart Payne (mt) (Entered: 06/15/2018)
06/14/2018	<a href="#">29</a>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by Reuven L Cohen appearing for David Hobart Payne (mt) (Entered: 06/15/2018)
06/14/2018	<a href="#">31</a>	BOND AND CONDITIONS OF RELEASE filed as to Defendant David Hobart Payne conditions of release: \$50,000 Unsecured Appearance Bond approved by Magistrate Judge Douglas F. McCormick. (mt) (Entered: 06/18/2018)
06/14/2018	<a href="#">32</a>	DECLARATION RE: PASSPORT AND OTHER TRAVEL DOCUMENTS filed by Defendant David Hobart Payne, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. RE: Bond and Conditions (CR-1) <a href="#">31</a> . (mt) (Entered: 06/18/2018)
06/14/2018	<a href="#">33</a>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant David Hobart Payne. USA passport was received on 6/14/2018. Re: Bond and Conditions (CR-1) <a href="#">31</a> . (mt) (Entered: 06/18/2018)
06/15/2018	<a href="#">25</a>	PROTECTIVE ORDER by Judge Josephine L. Staton as to Defendant David Hobart Payne, re Stipulation for Protective Order <a href="#">24</a> . (mt) (Entered: 06/15/2018)
06/18/2018	<a href="#">30</a>	ORDER RE CRIMINAL PROCEEDINGS for cases assigned to Judge Josephine L. Staton (tg) (Entered: 06/18/2018)
07/13/2018	<a href="#">34</a>	STIPULATION to Continue Trial Date from August 7, 2018 to May 14, 2019 filed by Plaintiff USA as to Defendant David Hobart Payne (Attachments: # <a href="#">1</a> Proposed Order Continuing Trial Date and Findings Regarding Excludable Time Periods Pursuant to Speedy Trial Act)(Tenley, Scott) (Entered: 07/13/2018)
07/19/2018	<a href="#">35</a>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Josephine L. Staton as to Defendant David Hobart Payne. FOR GOOD CAUSE SHOWN: The trial in this matter is continued to May 14, 2019 at 9:00 a.m. The Status conference hearing is continued to May 3, 2019 at 11:30 a.m. (es) (Entered: 07/19/2018)
09/05/2018	<a href="#">36</a>	Notice of Appearance or Withdrawal of Counsel: for attorney Alyssa D Bell counsel for Defendant David Hobart Payne. Adding Alyssa D. Bell as counsel of record for David Hobart Payne for the reason indicated in the G-123 Notice. Filed by Defendant David Hobart Payne. (Bell, Alyssa) (Entered: 09/05/2018)
09/05/2018	<a href="#">37</a>	Notice of Appearance or Withdrawal of Counsel: for attorney Marc S Williams counsel for Defendant David Hobart Payne. Adding Marc S. Williams as counsel of record for David Hobart Payne for the reason indicated in the G-123 Notice. Filed by Defendant David Hobart Payne. (Williams, Marc) (Entered: 09/05/2018)
11/29/2018	<a href="#">38</a>	ARREST WARRANT RETURNED Executed on 6/14/18 as to Defendant David Hobart Payne. (es) (Entered: 11/29/2018)
04/17/2019	<a href="#">39</a>	STIPULATION to Continue Trial Date from May 14, 2019 to August 20, 2019 filed by Plaintiff USA as to Defendant David Hobart Payne (Attachments: # <a href="#">1</a> Proposed Order Continuing Trial Date and Findings Regarding Excludable Time Periods Pursuant to Speedy Trial Act)(Tenley, Scott) (Entered: 04/17/2019)
04/19/2019	<a href="#">40</a>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Josephine L. Staton as

to Defendant David Hobart Payne, re Stipulation to Continue Trial Dates [39](#) .  
 THEREFORE, FOR GOOD CAUSE SHOWN: The Trial in this matter is continued from  
 5/14/2019 at 9:00 AM., to 8/20/2019 at 9:00 AM. The Status Conference hearing is  
 continued to 8/9/2019 at 8:30 AM. (jp) (Entered: 04/19/2019)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
05/10/2019 11:03:56			
<b>PACER Login:</b>	Odlegal94612:2536794:0	<b>Client Code:</b>	AFU
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	8:17-cr-00053-JLS End date: 5/10/2019
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

# EXHIBIT 4

**1134442395**  
**DAVID H PAYNE MD INC**  
**National Provider Identifiers Registry**

The Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandated the adoption of standard unique identifiers for health care providers and health plans. The purpose of these provisions is to improve the efficiency and effectiveness of the electronic transmission of health information. The Centers for Medicare & Medicaid Services (CMS) has developed the National Plan and Provider Enumeration System (NPPES) to assign these unique identifiers.

**1134442395 DAVID H PAYNE MD INC**

<i>NPI</i>	1134442395	10-position all-numeric identification number assigned by the NPS to uniquely identify a health care provider.
<i>Entity Type</i>	Organization	Code describing the type of health care provider that is being assigned an NPI. Codes are: <ul> <li>1 = (Person): individual human being who furnishes health care;</li> <li>2 = (Non-person): entity other than an individual human being that furnishes health care (for example, hospital, SNF, hospital subunit, pharmacy, or HMO).</li> </ul>
<i>Employer Identification Number (EIN)</i>	N/A	The Employer Identification Number (EIN), assigned by the IRS, of the provider being identified. An Employer Identification Number (EIN) is assigned by the Internal Revenue Service (IRS) to identify a business entity. It may or may not be that business entity's Taxpayer Identification Number (TIN). An SSN should not be entered in the EIN field.

<i>Is Organization Subpart</i>	N	<p>The "Is the organization a subpart?" question must be answered. If the organization is a subpart, the Parent Organization Legal Business Name (LBN) and Parent Organization Taxpayer Identification Number (TIN) fields must be completed. The Parent Organization LBN and TIN fields can only be completed if the answer to the subpart question is Yes.</p> <p>Many organization health care providers who apply for NPIs are not legal entities themselves but are parts of other organization health care providers that are legal entities (the "parents").</p> <p>Here are three examples of organization health care providers that may be considered subparts and may apply for NPIs if so directed by their "parents":</p> <p>(1) The psychiatric unit in a hospital is not a legal entity but is part of the hospital (the "parent"), which is a legal entity. The legal entity must obtain an NPI. The psychiatric unit is an example of a subpart that could have its own NPI if the hospital determines that it should.</p> <p>(2) A group practice that is not a sole proprietorship has a main location and could have other offices in different locations, but each office is not a separate legal entity; instead, each office is part of the corporation (the "parent") which is a legal entity. The offices are examples of subparts that could have their own NPIs if the main location determines that they should.</p> <p>(3) A pharmacy fills prescriptions for patients whose physicians have prescribed medications for them and may also rent or sell durable medical equipment to patients whose physicians have ordered such equipment for them. Neither the pharmacy line of business nor the DME line of business represent legal entities; instead, both lines of business are part of an organization (the "parent") that is a legal entity. Each line of business represents a different Healthcare Provider Taxonomy or area of specialization that often submits its own electronic claims to health plans.</p> <p>The "parent"-we don't know who the parent is in this example-must ensure that each subpart that submits its own claims to health plans has its own NPI.</p>
<i>Provider Organization Name (Legal Business Name)</i>	DAVID H PAYNE MD INC	Provide organization name (legal business name used to file tax returns with the IRS). The Organization Name field allows the following special characters: ampersand, apostrophe, "at" sign, colon, comma, forward slash, hyphen, left and right parentheses, period, pound sign, quotation mark, and semi-colon. A field cannot contain all special characters.
<i>Provider Other Organization Name</i>	INDUSTRIAL ORTHOPEDICS SPINE AND SPORTS MEDICINE MEDICAL CENTER INC	Other name by which the organization provider is or has been known.
<i>Provider Other Organization Name Type Code</i>	3	Code identifying the type of other name. Codes are: 1 = former name; 2 = professional name; 3 = doing business as (d/b/a) name; 4 = former legal business name; 5 = other.

<i>Provider First Line Business Mailing Address</i>	PO BOX 465	The first line mailing address of the provider being identified. This data element may contain the same information as "Provider first line location address".
<i>Provider Business Mailing Address City Name</i>	TUSTIN	The City name in the mailing address of the provider being identified. This data element may contain the same information as "Provider location address City name".
<i>Provider Business Mailing Address State Name</i>	CA	The State or Province name in the mailing address of the provider being identified. This data element may contain the same information as "Provider location address State name".
<i>Provider Business Mailing Address Postal Code</i>	92781-0465	The postal ZIP or zone code in the mailing address of the provider being identified. NOTE: ZIP code plus 4-digit extension, if available. This data element may contain the same information as "Provider location address postal code".
<i>Provider Business Mailing Address Country Code</i>	US	The country code in the mailing address of the provider being identified. This data element may contain the same information as "Provider location address country code".
<i>Provider Business Mailing Address Telephone Number</i>	714-271-9112	The telephone number associated with mailing address of the provider being identified. This data element may contain the same information as "Provider location address telephone number".
<i>Provider First Line Business Practice Location Address</i>	1902 ROYALTY DR	The first line location address of the provider being identified. For providers with more than one physical location, this is the primary location. This address cannot include a Post Office box.
<i>Provider Second Line Business Practice Location Address</i>	#260	The second line location address of the provider being identified. For providers with more than one physical location, this is the primary location. This address cannot include a Post Office box.
<i>Provider Business Practice Location Address City Name</i>	POMONA	The city name in the location address of the provider being identified.
<i>Provider Business Practice Location Address State Name</i>	CA	The State or Province name in the location address of the provider being identified.
<i>Provider Business Practice Location Address Postal Code</i>	91767-3030	The postal ZIP or zone code in the location address of the provider being identified. NOTE: ZIP code plus 4-digit extension, if available.
<i>Provider Business Practice Location Address Country Code</i>	US	The country code in the location address of the provider being identified.
<i>Provider Business Practice Location Address Telephone Number</i>	909-397-0833	The telephone number associated with the location address of the provider being identified.

<i>Provider Business Practice Location Address Fax Number</i>	909-397-0933	The fax number associated with the location address of the provider being identified.
<i>Provider Enumeration Date</i>	03/02/2010	The date the provider was assigned a unique identifier (assigned an NPI).
<i>Last Update Date</i>	03/02/2010	The date that a record was last updated or changed.
<i>Authorized Official Last Name</i>	PAYNE	The last name of the person authorized to submit the NPI application or to change NPS data for a health care provider.
<i>Authorized Official First Name</i>	DAVID	The first name of the authorized official
<i>Authorized Official Middle Name</i>	H	The middle name of the authorized official
<i>Authorized Official Title or Position</i>	PRESIDENT/OWNER	The title or position of the authorized official
<i>Authorized Official Name Prefix Text</i>	DR.	Authorized Official Name Prefix Text
<i>Authorized Official Credential Text</i>	MD	Authorized Official Credential Text
<i>Authorized Official Telephone Number</i>	714-271-9112	The 10-position telephone number of the authorized official.
<i>Healthcare Provider Taxonomy Code #1</i>	207X00000X	The Health Care Provider Taxonomy code is a unique alphanumeric code, ten characters in length. The code set is structured into three distinct "Levels" including Provider Type, Classification, and Area of Specialization.
<i>Healthcare Provider Taxonomy 1</i>	Orthopaedic Surgery	Healthcare Provider Taxonomy #1
<i>Provider License Number 1</i>	G62826	Certain taxonomy selections will require you to enter your license number and the state where the license was issued. Select Foreign Country in the state drop down box if the license was issued outside of United States. The License Number field allows the following special characters: ampersand, apostrophe, colon, comma, forward slash, hyphen, left and right parentheses, period, pound sign, quotation mark, and semi-colon. A field cannot contain all special characters. DO NOT report the Social Security Number (SSN), IRS Individual Taxpayer Identification Number (ITIN) in this section.
<i>Provider License Number State Code 1</i>	CA	Provider License Number State Code #1

<i>Healthcare Provider Primary Taxonomy Switch 1</i>	Y	Primary Taxonomy: <ul> <li>X - The primary taxonomy switch is Not Answered;</li> <li>Y - The taxonomy is the primary taxonomy (there can be only one per NPI record);</li> <li>N - The taxonomy is not the primary taxonomy.</li> </ul>
<i>Healthcare Provider Taxonomy Group 1</i>	193200000X MULTI-SPECIALTY GROUP	Healthcare Provider Taxonomy Group 1
<i>Healthcare Provider Taxonomy Group Description 1</i>	Multi-Specialty Group - A business group of one or more individual practitioners, who practice with different areas of specialization.	Healthcare Provider Taxonomy Group Description 1

NPPES National Plan & Enumeration System  
1-800-465-3203 (NPI Toll-Free)  
1-800-692-2326 (NPI TTY)  
NPI Enumerator  
PO Box 6059  
Fargo, ND 58108-6059  
Email: [customerservice@npienumerator.com](mailto:customerservice@npienumerator.com)

For all questions regarding this bundle please contact [Support@HIPAASpace.com](mailto:Support@HIPAASpace.com). Also feel free to let us know about any suggestions or concerns. All additional information as well as customer support is available at <http://www.hipaaspace.com>.

Alex Padilla  
California Secretary of State

## Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Thursday, May 9, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C2456005 DAVID H. PAYNE, M.D., INC.

<b>Registration Date:</b>	01/15/2003
<b>Jurisdiction:</b>	CALIFORNIA
<b>Entity Type:</b>	DOMESTIC STOCK
<b>Status:</b>	ACTIVE
<b>Agent for Service of Process:</b>	DAVID H PAYNE 540 N. GOLDEN CIRCLE #107 SANTA ANA CA 92705
<b>Entity Address:</b>	540 N. GOLDEN CIRCLE #107 SANTA ANA CA 92705
<b>Entity Mailing Address:</b>	3943 IRVINE BLVD #132 IRVINE CA 92602

A Statement of Information is due EVERY year beginning five months before and through the end of January.

Document Type	↕	File Date	↕	PDF
SI-NO CHANGE		08/30/2018		
SI-COMPLETE		01/10/2017		
RESTATED REGISTRATION		02/14/2003		
REGISTRATION		01/15/2003		

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).

# EXHIBIT 5

2456005

ARTICLES OF INCORPORATION

OF

DAVID H. PAYNE, M.D., INC.

**FILED**  
in the office of the Secretary of State  
of the State of California

JAN 15 2003

*Kevin Shelley*  
KEVIN SHELLEY, SECRETARY OF STATE

ARTICLE 1

NAME: The name of this corporation is:

DAVID H. PAYNE, M.D., INC.

ARTICLE 2

PURPOSE: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE 3

AGENT: This corporation's initial agent for service of process is:

DAVID H. PAYNE, M.D.  
1902 Royalty Drive, #260  
Pomona, California 91767

ARTICLE 4

SHARE STRUCTURE: The corporation is authorized to issue the following number of shares:

10,000 SHARES OF COMMON STOCK.

ARTICLE 5

DIRECTORS' LIMITED LIABILITY. The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

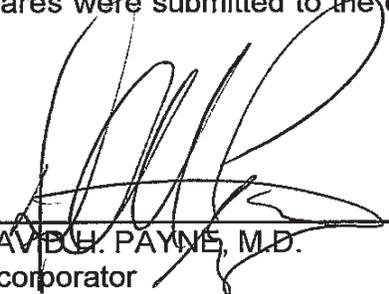
ARTICLE 6

INDEMNIFICATION OF AGENTS. The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the Corporations Code) for breach of duty to the corporation and its shareholders through bylaw provisions or through agreements with the agents, or both, in excess of the indemnification otherwise permitted by Section 317 of the Corporations Code, subject to the limits on such excess indemnification set forth in Section 204 of the Corporations Code.

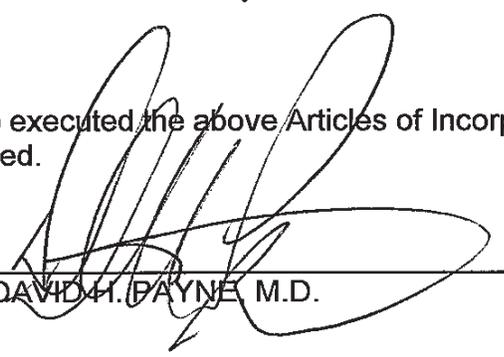
ARTICLE 7

TRANSFER RESTRICTIONS; RIGHT OF FIRST REFUSAL. Any shareholder wishing to sell or transfer shares of the corporation ("transferring shareholder") must first, in accordance with procedures adopted by the board, disclose the number of shares being sold or transferred, the price per share, the terms and conditions of sale, and the name of any proposed transferee, and must make those shares available to the corporation and other shareholders under the same terms. If, within a reasonable time or before a reasonable date specified by the transferring shareholder, neither the corporation nor the other shareholders offer to purchase that number of shares under the same terms, the board of directors shall grant the transferring shareholder permission to sell or transfer those shares as specified, but not at terms more favorable to the transferee than those under which the shares were submitted to the corporation and shareholders.

Dated: ~~December 1, 2002~~  
January 9, 2003

  
\_\_\_\_\_  
DAVID H. PAYNE, M.D.  
Incorporator

I declare that I am the person who executed the above Articles of Incorporation, and that this instrument is my act and deed.

  
\_\_\_\_\_  
DAVID H. PAYNE, M.D.

# EXHIBIT 6

257

A0592593

**FILED**  
in the office of the Secretary of State  
of the State of California

FEB 14 2003

*Kevin Shelley*  
KEVIN SHELLEY, Secretary of State

2456005  
**CERTIFICATE OF AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF  
DAVID H. PAYNE, M.D., INC.**

David M. Payne certifies that:

1. He is the President and Secretary of **DAVID H. PAYNE, M.D., INC.**, a California corporation.
2. The Articles of Incorporation of the corporation are amended and restated to read in their entirety as follows:

ARTICLE 1

**NAME AND PURPOSE.** The name of this corporation is **DAVID H. PAYNE, M.D., INC.** The purpose of the corporation is to engage in the profession of medicine and any other lawful activities (other than the banking or trust company business) not prohibited to a corporation engaging in such profession by applicable laws and regulations.

ARTICLE 2

**REGISTERED AGENT.** The name and address in the State of California of this corporation's initial agent for service of process is:

DAVID H. PAYNE, M.D.  
1902 Royalty Drive, #260  
Pomona, California 91767

ARTICLE 3

This corporation is a professional corporation within the meaning of Part 4 of Division 3 of Title 1 of the California Corporations Code.

ARTICLE 4

**SHARE STRUCTURE.** The corporation is authorized to issue the following number of shares: 10,000 SHARES OF COMMON STOCK.

ARTICLE 5

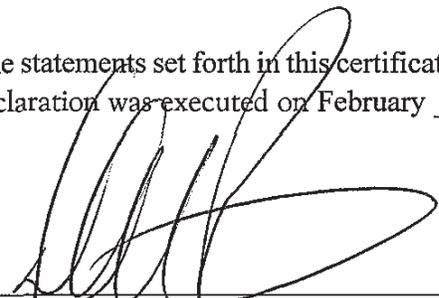
DIRECTORS' LIMITED LIABILITY. The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

ARTICLE 6

INDEMNIFICATION OF AGENTS. The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the Corporations Code) for breach of duty to the corporation and its shareholders through bylaw provisions or through agreements with the agents, or both, in excess of the indemnification otherwise permitted by Section 317 of the Corporations Code, subject to the limits on such excess indemnification set forth in Section 204 of the Corporations Code.

3. This Certificate, restating and amending the articles of incorporation, has been approved by the Board of Directors.
4. The amendment was approved by the required vote of the shareholders in accordance with Corporations Code Section 902. The total number of outstanding shares of each class entitled to vote on this amendment was 550. The favorable vote of a simple majority of these shares is required to approve the amendment. The number of shares voting in favor of the amendment equaled 550 and exceeded the required vote.

I declare under penalty of perjury that the statements set forth in this certificate are true and correct of my own knowledge and that this declaration was executed on February 7, 2003 at Pomona, California.

  
\_\_\_\_\_  
DAVID H. PAYNE, M.D.

# EXHIBIT 7



# State of California Secretary of State

S

## Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

FJ02339

**FILED**

In the office of the Secretary of State  
of the State of California

**JAN-10 2017**

**1. CORPORATE NAME**

DAVID H. PAYNE, M.D., INC.

**2. CALIFORNIA CORPORATE NUMBER**

C2456005

This Space for Filing Use Only

**No Change Statement** (Not applicable if agent address of record is a P.O. Box address. See instructions.)

**3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 17**.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
540 N. GOLDEN CIRCLE #107, SANTA ANA, CA 92705			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
540 N. GOLDEN CIRCLE #107, SANTA ANA, CA 92705			
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE
DAVID H PAYNE MD 3943 IRVINE BLVD #132, IRVINE, CA 92602			

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
DAVID H PAYNE	3943 IRVINE BLVD #132, IRVINE, CA 92602			
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
DAVID H PAYNE	3943 IRVINE BLVD #132, IRVINE, CA 92602			
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
LOBAT PAYNE	3943 IRVINE BLVD #132, IRVINE, CA 92602			

**Names and Complete Addresses of All Directors, Including Directors Who are Also Officers** (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
DAVID H PAYNE	3943 IRVINE BLVD#132, IRVINE, CA 92602			
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
12. NAME	ADDRESS	CITY	STATE	ZIP CODE

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY: 0

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS			
DAVID H PAYNE			
15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
540 N. GOLDEN CIRCLE #107, SANTA ANA, CA 92705			

**Type of Business**

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION  
MEDICAL PRACTICE

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

01/10/2017      DAVID HOBART PAYNE      CEO

DATE      TYPE/PRINT NAME OF PERSON COMPLETING FORM      TITLE      SIGNATURE

# EXHIBIT 8



# State of California Secretary of State

S

## Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

G007712

**FILED**

In the office of the Secretary of State  
of the State of California

**AUG-30 2018**

**1. CORPORATE NAME**

DAVID H. PAYNE, M.D., INC.

**2. CALIFORNIA CORPORATE NUMBER**

C2456005

This Space for Filing Use Only

**No Change Statement** (Not applicable if agent address of record is a P.O. Box address. See instructions.)

**3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 17**.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE

**Names and Complete Addresses of All Directors, Including Directors Who are Also Officers** (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
12. NAME	ADDRESS	CITY	STATE	ZIP CODE

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS

15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, **IF AN INDIVIDUAL** CITY STATE ZIP CODE

**Type of Business**

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

08/30/2018 DAVID H PAYNE CEO  
DATE TYPE/PRINT NAME OF PERSON COMPLETING FORM TITLE SIGNATURE