

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2012 Grand Jury

CR13-0666

UNITED STATES OF AMERICA,
Plaintiff,
v.
VALERY BOGOMOLNY,
Defendant.

) CR No.
) I N D I C T M E N T
) [18 U.S.C. § 1347: Health Care
) Fraud; 18 U.S.C. § 2(b):
) Causing an Act to be Done]

The Grand Jury charges:

COUNTS ONE THROUGH SIX

[18 U.S.C. §§ 1347 and 2(b)]

A. INTRODUCTORY ALLEGATIONS

1. Between in or around November 1994 and in or around October 2009, defendant VALERY BOGOMOLNY ("BOGOMOLNY") was the Owner and President of Royal Medical Supply ("Royal"), a supplier of durable medical equipment ("DME"), primarily back braces, knee braces, and power wheelchairs ("PWCs"), located in Los Angeles, California, within the Central District of California.

1 2. On or about December 8, 1994, defendant BOGOMOLNY
2 executed and submitted an application to Medicare to obtain a
3 Medicare provider number for Royal.

4 3. In or around 1997, defendant BOGOMOLNY opened a
5 corporate bank account for Royal at Citibank, account number
6 xxxxx6974 (the "Royal Bank Account"). Defendant BOGOMOLNY
7 maintained primary control of this account.

8 4. On or about March 15, 2007, defendant BOGOMOLNY
9 executed and submitted an electronic funds transfer agreement
10 ("EFT") to Medicare requesting that all future reimbursements
11 from Medicare be directly deposited into the Royal Bank Account.

12 5. Between on or about January 1, 2006, and on or about
13 October 28, 2009, Royal submitted to Medicare claims totaling
14 approximately \$4,074,490 for DME, primarily back braces, knee
15 braces, and PWCs, and Medicare paid Royal approximately
16 \$2,742,328 on those claims.

17 The Medicare Program

18 At all times relevant to this Indictment:

19 6. Medicare was a federal health care benefit program,
20 affecting commerce, that provided benefits to individuals who
21 were over the age of 65 or disabled. Medicare was administered
22 by the Centers for Medicare and Medicaid Services ("CMS"), a
23 federal agency under the United States Department of Health and
24 Human Services ("HHS").

25 7. CMS contracted with private insurance companies to (a)
26 certify DME providers for participation in the Medicare program
27 and monitor their compliance with Medicare standards; (b) process
28

1 and pay claims; and (c) perform program safeguard functions, such
2 as identifying and reviewing suspect claims.

3 8. Individuals who qualified for Medicare benefits were
4 referred to as Medicare "beneficiaries." Each Medicare
5 beneficiary was given a Health Identification Card containing a
6 unique identification number ("HICN").

7 9. DME companies, physicians, and other health care
8 providers that provided medical services that were reimbursed by
9 Medicare were referred to as Medicare "providers."

10 10. To obtain payment from Medicare, a DME company first
11 had to apply for and obtain a provider number. By signing the
12 provider application, the DME company agreed to abide by Medicare
13 rules and regulations, including the Anti-Kickback Statute (42
14 U.S.C. § 1320a-7b(b)), which, among other things, prohibits the
15 payment of kickbacks or bribes for the referral of Medicare
16 beneficiaries for any item or service for which payment may be
17 made by Medicare.

18 11. If Medicare approved a DME company's application,
19 Medicare would assign the provider a Medicare provider number,
20 enabling the DME company to submit claims to Medicare for
21 services and supplies provided to Medicare beneficiaries.

22 12. To obtain and maintain their Medicare provider number
23 billing privileges, DME suppliers had to meet Medicare standards
24 for participation. The Medicare contractor responsible for
25 evaluating and certifying DME providers' compliance with these
26 standards was Palmetto GBA ("Palmetto").

27 13. From in or about October 2006 through the date of this
28

1 Indictment, Noridian Administrative Services ("Noridian")
2 processed and paid Medicare DME claims in Southern California.

3 14. To bill Medicare for DME it provided to a beneficiary,
4 a DME provider was required to submit a claim (Form 1500).
5 Medicare required claims to be truthful, complete, and not
6 misleading. In addition, when a claim was submitted, the
7 provider was required to certify that the services or supplies
8 covered by the claim were medically necessary.

9 15. Most DME providers, including Royal, submitted their
10 claims electronically pursuant to an agreement with Medicare that
11 they would submit claims that were accurate, complete, and
12 truthful.

13 16. Medicare required a claim for payment to set forth,
14 among other things, the beneficiary's name and HICN, the type of
15 DME provided to the beneficiary, the date the DME was provided,
16 and the name and unique physician identification number ("UPIN")
17 or national provider identifier ("NPI") of the physician who
18 prescribed or ordered the DME.

19 17. Medicare paid DME providers only for DME that was
20 medically necessary to the treatment of a beneficiary's illness
21 or injury, was prescribed by a beneficiary's physician, and was
22 provided in accordance with Medicare regulations and guidelines
23 that governed whether a particular item or service would be paid
24 by Medicare.

25 B. THE SCHEME TO DEFRAUD

26 18. Beginning on or about January 1, 2006, and continuing
27 through in or around October 2009, in Los Angeles County, within
28 the Central District of California, and elsewhere, defendant

1 BOGOMOLNY, together with others known and unknown to the Grand
2 Jury, knowingly, willfully, and with intent to defraud, executed,
3 and attempted to execute, a scheme and artifice: (a) to defraud a
4 health care benefit program, namely Medicare, as to material
5 matters in connection with the delivery of and payment for health
6 care benefits, items, and services; and (b) to obtain money from
7 Medicare by means of material false and fraudulent pretenses and
8 representations and the concealment of material facts in
9 connection with the delivery of and payment for health care
10 benefits, items, and services.

11 C. MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD

12 19. The fraudulent scheme operated, in substance, as
13 follows:

14 a. Defendant BOGOMOLNY obtained Medicare beneficiary
15 information through various means for the purpose of using that
16 information to submit, and cause the submission of, claims to
17 Medicare on behalf of Royal. These claims were for DME that was
18 not medically necessary and at times was not provided to the
19 beneficiaries.

20 b. Defendant BOGOMOLNY obtained prescriptions for
21 DME, primarily back braces, knee braces, and PWCs, purportedly
22 ordered by doctors. These doctors were not the primary care
23 physicians for the beneficiaries, and some of the doctors did not
24 know that their provider numbers were being used to prescribe
25 DME.

26 c. Defendant BOGOMOLNY delivered, or caused to be
27 delivered, DME to some of the Medicare beneficiaries, knowing
28 that those beneficiaries did not medically need the DME. For

1 other beneficiaries, defendant BOGOMOLNY either failed to deliver
2 any DME or delivered only a portion of the DME for which Royal
3 billed Medicare.

4 d. Defendant BOGOMOLNY created false and fraudulent
5 documentation to support Royal's purported delivery of DME to
6 beneficiaries, even though, as defendant BOGOMOLNY then well
7 knew, some of the beneficiaries did not receive any DME or
8 received only a portion of the DME that was documented in the
9 patient files.

10 e. Defendant BOGOMOLNY then submitted, and caused the
11 submission of, false and fraudulent claims to Medicare for DME,
12 including back braces, knee braces, and PWCs, that Royal
13 purportedly provided to Medicare beneficiaries, knowing that the
14 beneficiaries did not have a medical need for the DME and that
15 some beneficiaries did not receive the DME for which Royal billed
16 Medicare.

17 f. As a result of the submission of false and
18 fraudulent claims, Medicare made payments to the Royal Bank
19 Account, which defendant BOGOMOLNY controlled.

20 g. Defendant BOGOMOLNY then transferred and disbursed
21 monies from the Royal Bank Account to himself and others, and
22 withdrew large amounts of money in cash.

23 D. THE EXECUTIONS OF THE FRAUDULENT SCHEME

24 20. On or about the dates set forth below, within the
25 Central District of California and elsewhere, defendant
26 BOGOMOLNY, together with others known and unknown to the Grand
27 Jury, for the purpose of executing and attempting to execute the
28 fraudulent scheme described above, knowingly and willfully caused

1 to be submitted to Medicare for payment the following false and
2 fraudulent claims purportedly for DME:
3

COUNT	BENEFICIARY	CLAIM NUMBER	DATE CLAIM SUBMITTED	AMOUNT CLAIMED
4 ONE	M.R.	109021804534000	1/21/2009	\$2,233.00
5 TWO	A.C.	109021804525000	1/21/2009	\$5,640.00
6 THREE	M.H.	109035818011000	2/04/2009	\$5,865.00
7 FOUR	S.G.	109083852400000	3/24/2009	\$5,765.00
8 FIVE	S.P	109128839675000	5/8/2009	\$1,300.00

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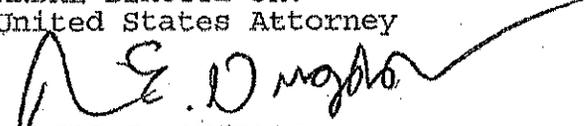
28

COUNT	BENEFICIARY	CLAIM NUMBER	DATED CLAIM SUBMITTED	AMOUNT CLAIMED
SIX	K.B.	109212831225000	7/31/2009	\$974.00

A TRUE BILL

151
Foreperson

ANDRÉ BIROTTE JR.
United States Attorney



ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

RICHARD E. ROBINSON
Assistant United States Attorney
Chief, Major Frauds Section

BENJAMIN D. SINGER
Deputy Chief, Fraud Section
United States Department of Justice

O. BENTON CURTIS, III
Assistant Chief, Fraud Section
United States Department of Justice

FRED MEDICK
Trial Attorney, Fraud Section
United States Department of Justice

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

Docket No. CR 13-00666 SJO

Defendant BOGOMOLNY, Valery

Social Security No. 5 5 1 8

akas: None

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
October	5,	2016

COUNSEL

Reuven L. Cohen and Anya Jennifer Goldstein (Retained)

(Name of Counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea.

NOLO
CONTENDERE

NOT
GUILTY

FINDING

There being a finding/verdict of GUILTY, defendant has been convicted as charged of the offense(s) of:
18 U.S.C. § 1347; 18 U.S.C. § 2: Health Care Fraud; Causing an Act to be Done as charged in Counts 1-6 of the Indictment.

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

It is ordered that the defendant shall pay to the United States a special assessment of \$600, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

Defendant shall pay restitution in the total amount of \$ 1,266,860.03 pursuant to 18 U.S.C. § 3663A, to victims as set forth in a separate victim list prepared by the probation office which this Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victims.

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10% of defendant's gross monthly income but not less than \$250, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest.

USA vs. BOGOMOLNY, Valery

Docket No.: CR 13-00666 SJO

Pursuant to Guideline § 5E1.2(a), all fines are waived as the Court finds that the defendant has established that he is unable to pay and is not likely to become able to pay any fine.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Valery Bogomolny, is hereby committed on Counts 1 through 6 of the Indictment to the custody of the Bureau of Prisons for a term of 60 months. This term consists of 60 months on each of Counts 1 through 6 of the Indictment, to be served concurrently.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years. This term consists of 3 years on each of Counts 1 through 6 of the Indictment, all such terms to run concurrently under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05.
2. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from custody and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer. This condition is imposed for a period of one year.
3. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment.
4. The defendant shall cooperate in the collection of a DNA sample from the defendant.
5. The defendant shall apply all monies received from income tax refunds to the outstanding Court-ordered financial obligation. In addition, the defendant shall apply all monies received from lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to the outstanding Court-ordered financial obligation.

The Court advises the Defendant of his right to appeal.

The Court recommends that the defendant shall be designated in Southern California.

The Court Orders the bond exonerated.

USA vs. BOGOMOLNY, Valery

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In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

S. James Otero

October 5, 2016

Date

S. James Otero

U. S. District Judge/Magistrate Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

October 5, 2016

Filed Date

By Victor Paul Cruz

Deputy Clerk

Victor Paul Cruz

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

USA vs. BOGOMOLNY, Valery

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STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

USA vs. BOGOMOLNY, Valery

Docket No.: CR 13-00666 SJO

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

_____ By _____
 Date Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

_____ By _____
 Filed Date Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

Date

U. S. Probation Officer/Designated Witness

Date

WESTERN,APPEAL,CLOSED,PASPRT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:13-cr-00666-SJO-1**

Case title: USA v. Bogomolny

Date Filed: 09/19/2013

Assigned to: Judge S. James Otero

Appeals court case number: 16-50389
9th Circuit

Defendant (1)

Valery Bogomolny

represented by **Valery Bogomolny**
REG NO 66792-112
Metropolitan Detention Center
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PRO SE

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Email: ashwini_mate@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

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Cohen Williams Williams LLP
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Fax: 213-232-5167
Email: agoldstein@cohen-williams.com
TERMINATED: 11/04/2016
Designation: Retained

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Federal Public Defenders Office
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Fax: 213-894-0081
Email: Cuauhtemoc_Ortega@fd.org
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*Designation: Public Defender or
Community Defender Appointment*

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Fax: 818-205-1559
Email: gba_law@yahoo.com
TERMINATED: 05/29/2015
Designation: Retained

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Fax: 949-387-0044
Email: mkhouri@khourilaw.com
TERMINATED: 01/04/2016
Designation: Retained

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213-894-4140
Fax: 213-894-0081
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TERMINATED: 12/29/2016
*Designation: Public Defender or
Community Defender Appointment*

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Dordi Williams Cohen LLP
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Los Angeles, CA 90014
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Fax: 213-232-5167
Email: rcohen@cohen-williams.com
Designation: Retained

Yelena Bakman
Khouri Law Firm
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Irvine, CA 92604
949-336-2433
Fax: 949-387-0044
Email: ybakman@khourilaw.com
TERMINATED: 01/04/2016
Designation: Retained

Pending Counts

18:1347, 2(b)HEALTH CARE
FRAUD, CAUSING AN ACT TO BE
DONE
(1)

18:1347, 2(b)HEALTH CARE
FRAUD, CAUSING AN ACT TO BE
DONE
(2)

Disposition

Bureau of Prison on Counts 1 through 6 of the Indictment to the custody of the Bureau of Prisons for a term of 60 months. This term consists of 60 months on each of Counts 1 through 6 of the Indictment, to be served concurrently. Supervised Release for term of 3 years on each of Counts 1 through 6 of the Indictment, all such terms to run concurrently under US Probation Office, General Orderrs 05-02, 01-05 including the three special conditions delineated in General Order 01-05. Pay the United States Special Assessment 600.00 due immediately. Pay Restitution in amount of 1,266,860.03 to victims on confidential list, no interest thereon. All fines waived.

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18:1347, 2(b)HEALTH CARE
FRAUD, CAUSING AN ACT TO BE
DONE
(3)

18:1347, 2(b)HEALTH CARE
FRAUD, CAUSING AN ACT TO BE
DONE
(4)

18:1347, 2(b)HEALTH CARE
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18:1347, 2(b)HEALTH CARE FRAUD, CAUSING AN ACT TO BE DONE (6)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Claire Yan**

US Department of Justice
 Criminal Division
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 Long Beach, CA 90815
 562-982-1744
 Fax: 562-982-1799
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LEAD ATTORNEY
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Date Filed	#	Docket Text
09/19/2013	<u>1</u>	INDICTMENT filed as to Valery Bogomolny (1) count(s) 1-6. Offense occurred in LA. (ja) (Entered: 09/24/2013)
09/19/2013	<u>2</u>	EX PARTE APPLICATION to Seal Indictment and Related Documents Filed by Plaintiff USA as to Defendant Valery Bogomolny(ja) (Entered: 09/24/2013)
09/19/2013	<u>3</u>	ORDER by Magistrate Judge Jay C. Gandhi granting <u>2</u> Ex Parte Application to Seal Indictment and Related Documents as to Valery Bogomolny (1) (ja) (Entered: 09/24/2013)
09/19/2013	<u>4</u>	CASE SUMMARY filed by AUSA Fred Medick as to Defendant Valery Bogomolny; defendant's Year of Birth: 1972 (ja) (Entered: 09/24/2013)
09/19/2013	<u>5</u>	

		MEMORANDUM filed by Plaintiff USA as to Defendant Valery Bogomolny in regards to the following Magistrate Judges: Jacqueline Chooljian, Patrick J. Walsh, Sheri Pym, Michael Wilner, Alka Sagar, Jean Rosenbluth, Douglas McCormick (ja) (Entered: 09/24/2013)
09/19/2013	<u>6</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Valery Bogomolny. This criminal action, being filed on 9/19/13, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters. (ja) (Entered: 09/24/2013)
09/19/2013	<u>7</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Valery Bogomolny (ja) (Entered: 09/24/2013)
09/27/2013	<u>9</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Valery Bogomolny; defendant's Year of Birth: 1972; date of arrest: 9/27/2013 (ja) (Entered: 10/03/2013)
09/27/2013	<u>10</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Jay C. Gandhi as to Defendant Valery Bogomolny. Defendant states true name as charged. Attorney: Elon Berk for Valery Bogomolny, Retained, present. Court orders bail set as: Valery Bogomolny (1) \$50,000 Appearance Bond, SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Defendant remanded to the custody of the USM. Court Smart: CS 9/27/13. (ja) (Entered: 10/03/2013)
09/27/2013	<u>11</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Valery Bogomolny (ja) (Entered: 10/03/2013)
09/27/2013	<u>12</u>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by Elon Berk appearing for Valery Bogomolny (ja) (Entered: 10/03/2013)
09/27/2013	<u>13</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Valery Bogomolny. U.S.A. passport No: 450995717 was received on 9/27/13. (ja) (Entered: 10/03/2013)
09/27/2013	<u>14</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Valery Bogomolny. Foreign passport No: P0400701 was received on 9/27/13. (ja) (Entered: 10/03/2013)
09/27/2013	<u>16</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Jay C. Gandhi as to Defendant Valery Bogomolny (1) Count 1-6. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Elon Berk, Retained present. Case assigned to Judge S. James Otero. Jury Trial set for 11/19/2013 09:00 AM before Judge S. James Otero. Court Reporter: Lisa Gonzalez. (tba) (Entered: 10/04/2013)
10/09/2013	<u>18</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Valery Bogomolny conditions of release: \$50,000 Appearance Bond approved by Magistrate Judge Frederick F. Mumm. (ja) (Entered: 10/16/2013)
10/16/2013	<u>17</u>	STIPULATION to Continue Trial Date from 11/19/13 to 5/20/14 filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/16/2013)

10/30/2013	<u>19</u>	ORDER CONTINUING TRIAL DATE and Findings Regarding Excludable Time Periods Pursuant to Speedy Trial Act by Judge S. James Otero as to Defendant Valery Bogomolny. The trial in this matter is continued from November 19,2013, to May 20, 2014 at 9:00 a.m. (cbr) (Entered: 10/31/2013)
12/10/2013	<u>20</u>	Joint STIPULATION to allow Travel to New York from 12/25/2013 to 01/05/2014 filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Berk, Elon) (Entered: 12/10/2013)
12/12/2013	<u>21</u>	ORDER ALLOWING TRAVEL by Judge S. James Otero as to Defendant Valery Bogomolny,, to New York City, New Yorkfrom 12/25/13 to 1/5/14. (lc) (Entered: 12/18/2013)
12/27/2013	<u>22</u>	Joint STIPULATION to allow Travel to Hawaii from 1/3/2013 to 1/9/2013 filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order) (Berk, Elon) (Entered: 12/27/2013)
12/30/2013	<u>23</u>	ORDER ALLOWING TRAVEL by Judge S. James Otero as to Defendant Valery Bogomolny,, to Hawaiian Islands,, from 1/3/14 to 1/9/14. Defendant shall provide Pretrial Services his itinerary,including details of his lodging accommodation, prior to his departure. All other conditions of pretrial release previously ordered by the Court shall remain in effect. (lc) Modified on 12/30/2013 (lc). (Entered: 12/30/2013)
02/20/2014	<u>24</u>	Joint STIPULATION to allow Travel to New York from 02/21/2014 to 02/26/2014 filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Berk, Elon) (Entered: 02/20/2014)
02/21/2014	<u>25</u>	ORDER ALLOWING DEFENDANT TO TRAVEL OUTSIDE THE CENTRAL DISTRICT OF CALIFORNIA by Judge S. James Otero as to Defendant Valery Bogomolny. IT IS HEREBY ORDERED THAT: Defendant shall be permitted to travel to New York City, New York, from February 21, 2014 through February 26, 2014. Defendant shall provide Pretrial Services his itinerary, including details of his lodging accommodation, prior to his departure, re STIPULATION to Travel <u>24</u> . (bp) (Entered: 02/24/2014)
04/03/2014	<u>26</u>	STIPULATION to Continue Trial Date from May 20, 2014 to August 12, 2014 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Medick, Fred) (Entered: 04/03/2014)
04/23/2014	<u>27</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge S. James Otero as to Defendant Valery Bogomolny. Jury Trial continued to 8/12/2014 09:00 AM. (lc) (Entered: 04/23/2014)
07/11/2014	<u>28</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ritesh Kumar Srivastava counsel for Plaintiff USA. Adding Ritesh Srivastava as attorney as counsel of record for United States of America for the reason indicated in the G-123 Notice. Filed by Plaintiff United States of America. (Attorney Ritesh Kumar Srivastava added to party USA(pty:pla))(Srivastava, Ritesh) (Entered: 07/11/2014)
07/11/2014	<u>29</u>	

		Third STIPULATION to Continue Trial Date from August 12, 2014 to October 21, 2014 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Srivastava, Ritesh) (Entered: 07/11/2014)
07/19/2014	<u>30</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge S. James Otero as to Defendant Valery Bogomolny. Jury Trial continued to 10/21/2014 09:00 AM. (lc) (Entered: 07/22/2014)
09/17/2014	<u>31</u>	Fourth STIPULATION to Continue Trial Date from October 21, 2014 to January 20, 2015 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Srivastava, Ritesh) (Entered: 09/17/2014)
09/18/2014	<u>32</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT as to Defendant Valery Bogomolny by Judge S. James Otero: Jury Trial continued to 1/20/2015 09:00 AM. (lc) (Entered: 09/18/2014)
12/15/2014	<u>33</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude Evidence or Argument of Defendant's Family Circumstances Filed by Plaintiff USA as to Defendant Valery Bogomolny(Srivastava, Ritesh) (Entered: 12/15/2014)
12/15/2014	<u>34</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude Argument or Evidence of Uncharged Co-Conspirators Filed by Plaintiff USA as to Defendant Valery Bogomolny(Srivastava, Ritesh) (Entered: 12/15/2014)
12/15/2014	<u>35</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude the Defense from introducing interview summaries, publishing them to the jury, or otherwise suggesting that they are statements of the witnesses Filed by Plaintiff USA as to Defendant Valery Bogomolny(Srivastava, Ritesh) (Entered: 12/15/2014)
12/23/2014	<u>36</u>	Fifth STIPULATION to Continue Trial Date from January 20, 2015 to July 7, 2015 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Srivastava, Ritesh) (Entered: 12/23/2014)
12/30/2014	<u>37</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge S. James Otero as to Defendant Valery Bogomolny. Jury Trial continued to 7/7/2015 09:00 AM. (lc) (Entered: 01/02/2015)
01/12/2015	<u>38</u>	SCHEDULING NOTICE OF CONTINUANCE OF MOTIONS IN LIMINE: by Judge S. James Otero as to Defendant Valery Bogomolny. On the Court's own motion, the hearing on the pending motions in limine (Motion in Limine to Preclude Evidence or Argument of Defendant's Family Circumstances Filed by Plaintiff USA #33, Motion in Limine to Exclude Argument or Evidence of Uncharged Co-Conspirators Filed by Plaintiff USA #34, and the Motion in Limine to Preclude the Defense from introducing interview summaries, publishing them to the jury, or otherwise suggesting that they are statements of the witnesses Filed by Plaintiff USA #35) set for hearing on 1/20/15 are continued for hearing on Tuesday, 7/7/2015 at 08:30 AM before Judge S. James Otero. Opposition shall be filed by June 8, 2015; Reply due June 15,

		2015.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(vcr) TEXT ONLY ENTRY (Entered: 01/12/2015)
04/30/2015	<u>39</u>	EX PARTE APPLICATION for Order for Permitting Rule 15 Deposition Filed by Plaintiff USA as to Defendant Valery Bogomolny. (Attachments: # <u>1</u> Proposed Order) (Srivastava, Ritesh) (Entered: 04/30/2015)
05/01/2015	<u>40</u>	ORDER GRANTING EX PARTE APPLICATION PERMITTING RULE 15 DEPOSITION OF DR. ELSHIRE <u>39</u> as to Valery Bogomolny (1) by Judge S. James Otero (lc) (Entered: 05/01/2015)
05/18/2015	<u>41</u>	STIPULATION to Continue Trial Date from July 7, 2015 to September 29, 2015 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Medick, Fred) (Entered: 05/18/2015)
05/19/2015	<u>42</u>	ORDER TO CONTINUE Trial by Judge S. James Otero as to Defendant Valery Bogomolny. Jury Trial continued to 9/29/2015 09:00 AM. (lc) (Entered: 05/19/2015)
05/22/2015	<u>43</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Michael John Khouri counsel for Defendant Valery Bogomolny. Filed by Defendant Valery Bogomolny. (Khouri, Michael) (Entered: 05/22/2015)
05/26/2015	<u>44</u>	REQUEST TO SUBSTITUTE ATTORNEY Michael J. Khouri in place of attorney Elon Berk filed by Defendant Valery Bogomolny. (Attachments: # <u>1</u> Proposed Order Approving Request for Substitution of Attorney) (Khouri, Michael) (Entered: 05/26/2015)
05/29/2015	<u>45</u>	ORDER ON REQUEST FOR APPROVAL OF SUBSTITUTION OF ATTORNEY by Judge S. James Otero: granting <u>44</u> Request for Approval of Substitution of Attorney Michael J. Khouri as attorney of record instead of Attorney Elon Berk as to Valery Bogomolny. (lom) (Entered: 05/29/2015)
06/18/2015	<u>46</u>	SCHEDULING NOTICE by Judge S. James Otero as to Defendant Valery Bogomolny. On the Court's own motion, the hearing on the pending motions in limine (Motion in Limine to Preclude Evidence or Argument of Defendant's Family Circumstances Filed by Plaintiff USA #33, Motion in Limine to Exclude Argument or Evidence of Uncharged Co-Conspirators Filed by Plaintiff USA #34, and the Motion in Limine to Preclude the Defense from introducing interview summaries, publishing them to the jury, or otherwise suggesting that they are statements of the witnesses Filed by Plaintiff USA #35) set for hearing on 7/7/15 are continued for hearing to Tuesday, 9/29/2015 at 08:30 AM before Judge S. James Otero. Oppositions shall be filed by August 31, 2015; Reply due September 8, 2015. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(vcr) TEXT ONLY ENTRY (Entered: 06/18/2015)
08/31/2015	<u>47</u>	OPPOSITION to MOTION in Limine to Preclude Evidence or Argument of Defendant's Family Circumstances <u>33</u> filed by Defendant Valery Bogomolny. (Khouri, Michael) (Entered: 08/31/2015)
08/31/2015	<u>48</u>	

		OPPOSITION to MOTION in Limine to Exclude Argument or Evidence of Uncharged Co-Conspirators <u>34</u> filed by Defendant Valery Bogomolny. (Khouri, Michael) (Entered: 08/31/2015)
08/31/2015	<u>49</u>	MEMORANDUM in Opposition to MOTION in Limine to Preclude the Defense from introducing interview summaries, publishing them to the jury, or otherwise suggesting that they are statements of the witnesses <u>35</u> filed by Defendant Valery Bogomolny. (Khouri, Michael) (Entered: 08/31/2015)
09/01/2015	<u>50</u>	STIPULATION to Continue Trial Date from September 29, 2015 to April 26, 2016 filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Srivastava, Ritesh) (Entered: 09/01/2015)
09/08/2015	<u>51</u>	TRIAL BRIEF filed by Defendant Valery Bogomolny (Khouri, Michael) (Entered: 09/08/2015)
09/08/2015	<u>52</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge S. James Otero as to Defendant Valery Bogomolny. Jury Trial continued to 11/3/2015 08:30 AM. (lc) (Entered: 09/08/2015)
09/10/2015	<u>53</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Yelena Bakman counsel for Defendant Valery Bogomolny. Adding Yelena Bakman as counsel of record for Valery Bogomolny for the reason indicated in the G-123 Notice. Filed by Defendant Valery Bogomolny. (Bakman, Yelena) (Entered: 09/10/2015)
09/10/2015	<u>54</u>	NOTICE OF MOTION AND MOTION to Continue Trial from November 3, 2015 to April 26, 2016. Filed by Defendant Valery Bogomolny. Motion set for hearing on 9/28/2015 at 10:00 AM before Judge S. James Otero. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Bakman, Yelena) (Entered: 09/10/2015)
09/15/2015	<u>55</u>	ORDER by Judge S. James Otero: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: NOTICE OF MOTION AND MOTION to Continue Trial from November 3, 2015 to April 26, 2016. <u>54</u> , for the following reasons: Hearing information is missing, incorrect, or not timely; Failure to comply with Local Rule 6-1 Notice and Service of Motion (lc) (Entered: 09/15/2015)
09/15/2015	<u>56</u>	Amended NOTICE OF MOTION AND MOTION to Continue Trial from November 3, 2015 to April 26, 2016. Filed by Defendant Valery Bogomolny. Motion set for hearing on 10/19/2015 at 10:00 AM before Judge S. James Otero. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Bakman, Yelena) (Entered: 09/15/2015)
09/15/2015	<u>57</u>	RESPONSE filed by Plaintiff USA as to Defendant Valery Bogomolny regarding Defendant's Notice of Motion and Unopposed Motion For an Order Granting a Continuance of the Trial [Dkt 54, 56]. (Srivastava, Ritesh) (Entered: 09/15/2015)
09/24/2015	<u>58</u>	SUPPLEMENT filed by Defendant Valery Bogomolny Declaration of Michael J. Khouri in Support of Defendant Valery Bogomolny's Unopposed Motion for

		<i>an Order Granting Continuance of the November 3, 2015 Trial Date</i> (Bakman, Yelena) (Entered: 09/24/2015)
09/28/2015	<u>59</u>	ORDER DENYING DEFENDANT'S MOTION FOR A CONTINUANCE OF TRIAL as to Valery Bogomolny (1) by Judge S. James Otero (lc) (Entered: 09/28/2015)
09/30/2015	<u>60</u>	EX PARTE APPLICATION to Expedite Trial Filed by Defendant Valery Bogomolny. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Khouri, Michael) (Entered: 09/30/2015)
10/01/2015	<u>61</u>	Amended EX PARTE APPLICATION to Expedite Trial Filed by Defendant Valery Bogomolny. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order) (Bakman, Yelena) (Entered: 10/01/2015)
10/02/2015	<u>62</u>	RESPONSE to Trial Brief <u>51</u> , filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/02/2015)
10/02/2015	<u>63</u>	RESPONSE to Amended EX PARTE APPLICATION to Expedite Trial <u>61</u> , filed by Plaintiff USA as to Defendant Valery Bogomolny <i>Notice of Non-Opportunity</i> (Medick, Fred) (Entered: 10/02/2015)
10/06/2015	<u>64</u>	ORDER DENYING DEFENDANT'S EX PARTE APPLICATION TO ADVANCE TRIAL DATE BY ONE WEEK <u>60</u> , <u>61</u> as to Valery Bogomolny (1) by Judge S. James Otero (lc) (Entered: 10/06/2015)
10/19/2015	<u>65</u>	REPLY filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 10/19/2015)
10/19/2015	<u>66</u>	STIPULATION for Order Regarding Discovery of Individually Identifiable Health Information filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Medick, Fred) (Entered: 10/19/2015)
10/23/2015	<u>67</u>	NOTICE of Manual Filing of List of statements of all witnesses to be called by the Government filed by Plaintiff USA as to Defendant Valery Bogomolny (Srivastava, Ritesh) (Entered: 10/23/2015)
10/26/2015	<u>68</u>	Stipulations filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/26/2015)
10/26/2015	<u>69</u>	Stipulations filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/26/2015)
10/28/2015	<u>71</u>	DEFENDANT VALERY BOGOMOLNY'S STATEMENT OF THE CASE filed by Defendant Valery Bogomolny (Khouri, Michael) (Entered: 10/28/2015)
10/28/2015	<u>72</u>	GOVERNMENT'S PROPOSED STATEMENT OF THE CASE filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/28/2015)
10/29/2015	<u>73</u>	PROPOSED VOIR DIRE QUESTIONS filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 10/29/2015)
10/30/2015	<u>74</u>	

		WITNESS LIST filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/30/2015)
10/30/2015	<u>75</u>	TRIAL BRIEF filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/30/2015)
10/30/2015	<u>76</u>	EXHIBIT LIST filed by Plaintiff USA as to Defendant Valery Bogomolny (Srivastava, Ritesh) (Entered: 10/30/2015)
10/30/2015	<u>77</u>	PROPOSED JURY VERDICT filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/30/2015)
10/30/2015	<u>78</u>	PROPOSED JURY VERDICT filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 10/30/2015)
10/30/2015	<u>79</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 10/30/2015)
10/30/2015	<u>80</u>	PROPOSED JURY INSTRUCTIONS (Annotated (Defendant's Proposed Jury Instructions and Objections to Disputed Instructions) set) filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 10/30/2015)
10/31/2015	<u>81</u>	TRIAL WITNESS ESTIMATE filed by Plaintiff USA as to Defendant Valery Bogomolny (Srivastava, Ritesh) (Entered: 10/31/2015)
11/01/2015	<u>82</u>	STIPULATIONS filed by Plaintiff USA as to Defendant Valery Bogomolny (Srivastava, Ritesh) (Entered: 11/01/2015)
11/02/2015	<u>83</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Plaintiff USA as to Defendant Valery Bogomolny (Medick, Fred) (Entered: 11/02/2015)
11/02/2015	<u>84</u>	STIPULATIONS filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 11/02/2015)
11/02/2015	<u>85</u>	MINUTES (IN CHAMBERS) by Judge S. James Otero: as to Valery Bogomolny (1). ORDER GRANTING GOVERNMENT'S MOTION FAMILY CIRCUMSTANCES [33], GRANTING GOVERNMENT'S MOTION UNCHARGED CO-CONSPIRATORS 34 , AND GRANTING GOVERNMENT'S MOTION LAW ENFORCEMENT REPORTS 35 WITHOUT PREJUDICE. This Order is subject to change depending on what occurs at trial. (SEE DOCUMENT FOR SPECIFICS). (lc) (Entered: 11/03/2015)
11/02/2015	<u>86</u>	MINUTES OF IN CHAMBERS ORDER by Judge S. James Otero: as to Defendant Valery Bogomolny. ORDER DENYING DEFENDANT'S REQUEST FOR A PRELIMINARY HEARING REGARDING MIRANDA ADVISEMENT AND DENYING DEFENDANT'S MOTION TO SUPPRESS WITHOUT PREJUDICE 51 . (lc) Modified on 11/3/2015 (lc). (Entered: 11/03/2015)
11/03/2015	<u>87</u>	MINUTES OF JURY TRIAL - BEGUN (Jury Impanelment) - 1st Day held before Judge S. James Otero: Jury selection begun as to Defendant Valery Bogomolny (1) on Count 1-6. Jury empaneled and sworn. Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted.

		Jury Trial continued to 11/4/2015 08:30 AM. Court Reporter: Carol Zuborg. (lc) (Entered: 11/04/2015)
11/04/2015	<u>88</u>	PROPOSED JURY INSTRUCTIONS (Annotated - Clean set) filed by Defendant Valery Bogomolny (Bakman, Yelena) (Entered: 11/04/2015)
11/04/2015	<u>90</u>	MINUTES OF Jury Trial - 2nd Day held before Judge S. James Otero as to Defendant Valery Bogomolny: Witnesses called, sworn and testified. Exhibits identified and admitted. Court holds hearing regarding witness testimony that a photo was taken in the courthouse hallway of both witness and Special Agent FBI. Felix Bogomolny is identified as the person who is alleged to have taken the photograph. Hearing held. The Court Orders the confiscation of Felix Bogomolnys cell phone amd that the cell phone will remain in the custody of the United States Marshal to determine if there are any photographs taken of the special agent or any witness associated with this case. The Court sets an order to show cause why Felix Bogomolny should not be held in contempt of Court for the taking of photographs of the witness and FBI Special Agent on November 5, 2015 7:30 a.m. Additionally, the Court will entertain Defendants motion to suppress on November 5, 2015 7:30 a.m. Jury Trial set for 11/5/2015 07:30 AM. Court Reporter: Carol Zuborg. (lc) (Entered: 11/05/2015)
11/05/2015	<u>89</u>	NOTICE of Filing filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Bakman, Yelena) (Entered: 11/05/2015)
11/05/2015	<u>91</u>	ORDER GRANTING DEFENDANTS ORAL REQUEST FOR PASSPORT as to Defendant Valery Bogomolny by Judge S. James Otero: The Court ORDERS Pre-Trial Services to produce Defendant Valery Bogomolnys United States of America passport and to produce Defendant Valery Bogomolnys Ukrainian passport to the Clerk of this Court, Courtroom 1 on November 5, 2015 at 1:30 p.m. (lc) (Entered: 11/05/2015)
11/05/2015	<u>92</u>	MINUTES OF Jury Trial - 3rd Day held before Judge S. James Otero as to Defendant Valery Bogomolny: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 11/6/2015 08:30 AM. In re Order to Show Cause hearing re Contempt, United States Marshal, Gilberto Alma, informs the Court that he has made a, consented, thorough search of the cell phone of Felix Bogomolny and did not find any photographs of the witness and/or the FBI agent. Additionally, U.S. Marshal Alma indicated that he has reviewed Mr. Bogomolnys e-mail and did not discover any photographs. The Court discharges the Order to Show Cause re Contempt. In re Motion to Suppress hearing. Witnesses FBI Special Agent Janine Li, Valery Bogomolny and Special Agent DHHS Rochelle Wong are called sworn and testified. Counsel argue. Motion is DENIED. Court Reporter: Carol Zuborg. (lc) (Entered: 11/09/2015)
11/06/2015	<u>93</u>	MINUTES OF Jury Trial - 4th Day held before Judge S. James Otero as to Defendant Valery Bogomolny. Witnesses called, sworn and testified. Exhibits identified and admitted. Closing arguments made. Jury polled. Verdict reached. Jury finds: Valery Bogomolny (1) Guilty on Count 1-6. Defendant referred to Probation Office for Investigation and Report. Defendant Valery Bogomolny remanded to custody of the US Marshal forthwith, Remand No. D 9821 Sentencing set for 2/29/2016 09:00 AM. Sentencing position shall be due

		2/15/2016. The Court Orders that the Clerk return the Ukranian and American passports to the custody of Pretrial Service. The Court Orders that Government counsel shall retain custody of all trial exhibits admitted into evidence in a secure place; not be altered; and not be destroyed until after the time for an appeal of the judgment has expired or until such time as all pending appeal(s) have been completed and decision(s) rendered. It is further Ordered that counsel shall return all exhibits to this Court upon request by the Court and within 72 hours notice thereof. Court Reporter: Carol Zuborg. (lc) (Entered: 11/09/2015)
11/06/2015	<u>94</u>	REDACTED JURY VERDICT FILED (lc) (Entered: 11/09/2015)
11/06/2015	<u>95</u>	UNREDACTED JURY VERDICT FILED re: Redacted Jury Verdict <u>94</u> (lc) (Entered: 11/09/2015)
11/06/2015	<u>96</u>	REDACTED Jury Note (Number: 1) filed re defendant Valery Bogomolny (lc) Modified on 11/9/2015 (lc). (Entered: 11/09/2015)
11/06/2015	<u>97</u>	UNREDACTED JURY NOTE 1 filed re Defendant Valery Bogomolny re: Redacted Jury Notes 1 <u>96</u> (lc) (Entered: 11/09/2015)
11/06/2015	<u>98</u>	TRIAL EXHIBIT LIST FILED (lc) (Entered: 11/09/2015)
11/06/2015	<u>99</u>	TRIAL Jury Instructions (Given) by Judge S. James Otero as to Defendant Valery Bogomolny, (lc) Modified on 11/9/2015 (lc). (Entered: 11/09/2015)
11/06/2015	<u>135</u>	TRIAL WITNESS LIST FILED. (Late Docketing due to Clerk's Office error). (lc) (Entered: 12/01/2016)
12/29/2015	<u>100</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Reuven L Cohen counsel for Defendant Valery Bogomolny. Adding Reuven L. Cohen as counsel of record for Valery Bogomolny for the reason indicated in the G-123 Notice. Filed by Defendant Reuven L. Cohen. (Cohen, Reuven) (Entered: 12/29/2015)
12/29/2015	<u>101</u>	REQUEST TO SUBSTITUTE ATTORNEY Reuven L. Cohen in place of attorney Michael J. Khouri Filed by Defendant Valery Bogomolny. (Attachments: # <u>1</u> Proposed Order) (Cohen, Reuven) (Entered: 12/29/2015)
01/04/2016	<u>102</u>	ORDER by Judge S. James Otero: granting <u>101</u> REQUEST TO SUBSTITUTE ATTORNEY Reuven L. Cohen in place of attorney Michael J. Khouri as to defendant Valery Bogomolny (1) (lc) (Entered: 01/04/2016)
01/11/2016	<u>103</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Cuauhtemoc Ortega counsel for Defendant Valery Bogomolny. Adding Cuauhtemoc Ortega as counsel of record for Valery Bogomolny for the reason indicated in the G-123 Notice. Filed by Defendant Valery Bogomolny. (Ortega, Cuauhtemoc) (Entered: 01/11/2016)
01/11/2016	<u>104</u>	STIPULATION to Continue Sentencing Hearing from February 29, 2016 to July 25, 2016 filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Ortega, Cuauhtemoc) (Entered: 01/11/2016)
01/14/2016	<u>105</u>	ORDER CONTINUING SENTENCING HEARING FROM FEBRUARY 29, 2016, AT 9:00 A.M. TO JULY 25, 2016, AT 9:00 A.M. The parties shall

		submit sentencing positions no later than July 11, 2016 as to Defendant Valery Bogomolny by Judge S. James Otero (lc) (Entered: 01/14/2016)
01/19/2016	<u>106</u>	TRANSCRIPT filed Trial Day 1 as to Defendant Valery Bogomolny for proceedings held on 11/3/15 8:42 a.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/9/2016. Redacted Transcript Deadline set for 2/19/2016. Release of Transcript Restriction set for 4/18/2016.(Zurborg, Carol) (Entered: 01/19/2016)
01/19/2016	<u>107</u>	TRANSCRIPT Trial Day 2 filed as to Defendant Valery Bogomolny for proceedings held on 11/4/15 8:28 a.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/9/2016. Redacted Transcript Deadline set for 2/19/2016. Release of Transcript Restriction set for 4/18/2016.(Zurborg, Carol) (Entered: 01/19/2016)
01/19/2016	<u>108</u>	TRANSCRIPT Trial Day 3 filed as to Defendant Valery Bogomolny for proceedings held on 11/5/15 7:34 a.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/9/2016. Redacted Transcript Deadline set for 2/19/2016. Release of Transcript Restriction set for 4/18/2016.(Zurborg, Carol) (Entered: 01/19/2016)
01/19/2016	<u>109</u>	TRANSCRIPT Trial Day 4 filed as to Defendant Valery Bogomolny for proceedings held on 11/6/15 8:45 a.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/9/2016. Redacted Transcript Deadline set for 2/19/2016. Release of Transcript Restriction set for 4/18/2016.(Zurborg, Carol) (Entered: 01/19/2016)
01/19/2016	110	NOTICE OF FILING TRANSCRIPT filed as to Defendant Valery Bogomolny for proceedings 11/3/15, 11/4/15, 11/5/15 and 11/6/15 re Transcript <u>109</u> , <u>106</u> , <u>107</u> , <u>108</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Zurborg, Carol) TEXT ONLY ENTRY (Entered: 01/19/2016)
03/11/2016	<u>111</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Fred G Medick counsel for Plaintiff USA. Fred Medick is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff United States. (Medick, Fred) (Entered: 03/11/2016)

06/03/2016	<u>112</u>	STIPULATION to Continue Sentencing Hearing from July 25, 2016 to September 19, 2016 filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Goldstein, Anya) (Entered: 06/03/2016)
06/03/2016	<u>113</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Anya Jennifer Goldstein counsel for Defendant Valery Bogomolny. Adding Anya J. Goldstein as counsel of record for Valery Bogomolny for the reason indicated in the G-123 Notice. Filed by Defendant Valery Bogomolny. (Goldstein, Anya) (Entered: 06/03/2016)
06/06/2016	<u>114</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Cuauhtemoc Ortega counsel for Defendant Valery Bogomolny. Cuauhtemoc Ortega is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Defendant Valery Bogomolny. (Ortega, Cuauhtemoc) (Entered: 06/06/2016)
06/07/2016	<u>115</u>	ORDER CONTINUING SENTENCING HEARING FROM JULY 25, 2016, AT 9:00 A.M. TO SEPTEMBER 19, 2016, AT 9:00 A.M. as to Defendant Valery Bogomolny by Judge S. James Otero. (lc) (Entered: 06/07/2016)
09/02/2016	<u>117</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Claire Yan counsel for Plaintiff USA. Adding CLAIRE YAN as counsel of record for UNITED STATES for the reason indicated in the G-123 Notice. Filed by PLAINTIFF UNITED STATES. (Yan, Claire) (Entered: 09/02/2016)
09/02/2016	<u>118</u>	STIPULATION to Continue Sentencing Hearing from September 19, 2016, at 9:00 am to October 7, 2016, at 9:00 am filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Proposed Order)(Cohen, Reuven) (Entered: 09/02/2016)
09/06/2016	<u>119</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice of Appearance or Withdrawal of Counsel (G-123) <u>117</u> . The following error(s) was found: Caption of document is incomplete/incorrect. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (lt) (Entered: 09/06/2016)
09/07/2016	<u>120</u>	ORDER CONTINUING SENTENCING HEARING FROM SEPTEMBER 19, 2016, AT 9:00 A.M. TO OCTOBER 7, 2016, AT 9:00 A.M. The parties shall submit sentencing positions no later than September 23, 2016, as to Defendant Valery Bogomolny by Judge S. James Otero. (lc) (Entered: 09/07/2016)
09/23/2016	<u>121</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Srivastava, Ritesh) (Entered: 09/23/2016)
09/23/2016	<u>122</u>	SENTENCING MEMORANDUM filed by Defendant Valery Bogomolny (Attachments: # <u>1</u> Declaration of Anya Goldstein, # <u>2</u> Exhibits 1-13, # <u>3</u> Exhibits 14-25, # <u>4</u> Exhibits 26-47, # <u>5</u> Exhibit 48)(Goldstein, Anya) (Entered: 09/23/2016)
09/30/2016	<u>123</u>	

		RESPONSE to Sentencing Memorandum <u>122</u> ,filed by Plaintiff USA as to Defendant Valery Bogomolny (Attachments: # <u>1</u> Declaration of Rochelle Wong, # <u>2</u> Exhibit A to Wong Declaration)(Yan, Claire) (Entered: 09/30/2016)
10/05/2016	<u>125</u>	MINUTES OF SENTENCING Hearing held before Judge S. James Otero as to Defendant Valery Bogomolny (1), Count(s) 1-6, Bureau of Prison on Counts 1 through 6 of the Indictment to the custody of the Bureau of Prisons for a term of 60 months. This term consists of 60 months on each of Counts 1 through 6 of the Indictment, to be served concurrently. Supervised Release for term of 3 years on each of Counts 1 through 6 of the Indictment, all such terms to run concurrently under US Probation Office, General Orders 05-02, 01-05 including the three special conditions delineated in General Order 01-05. Pay the United States Special Assessment 600.00 due immediately. Pay Restitution in amount of 1,266,860.03 to victims on confidential list, no interest thereon. All fines waived. Bond Exonerated. Defendant advised of right of appeal. Court Reporter: Carol Zurborg. (lc) (Entered: 10/18/2016)
10/05/2016	<u>127</u>	JUDGMENT AND COMMITMENT by Judge S. James Otero as to Defendant Valery Bogomolny (1), Count(s) 1-6, Bureau of Prison on Counts 1 through 6 of the Indictment to the custody of the Bureau of Prisons for a term of 60 months. This term consists of 60 months on each of Counts 1 through 6 of the Indictment, to be served concurrently. Supervised Release for term of 3 years on each of Counts 1 through 6 of the Indictment, all such terms to run concurrently under US Probation Office, General Orders 05-02, 01-05 including the three special conditions delineated in General Order 01-05. Pay the United States Special Assessment 600.00 due immediately. Pay Restitution in amount of 1,266,860.03 to victims on confidential list, no interest thereon. All fines waived. Bond Exonerated. Defendant advised of right of appeal (lc) (Entered: 10/19/2016)
10/19/2016	<u>126</u>	NOTICE OF APPEAL to Appellate Court filed by Defendant Valery Bogomolny. Filing fee \$505, receipt number 0973-18743740. (Cohen, Reuven) (Entered: 10/19/2016)
10/19/2016	<u>128</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 16-50389 as to Defendant Valery Bogomolny, 9th Circuit regarding Notice of Appeal to USCA - Final Judgment <u>126</u> . (mat) (Entered: 10/20/2016)
10/27/2016	<u>130</u>	ORDER of USCA filed as to Defendant Valery Bogomolny, CCA #16-50389. Appellant's submission of a completed Form CJA 23 is construed as a motion to proceed in forma pauperis. So construed, the motion is granted. The motion of retained counsel Reuven Cohen, Esq., and Anya Jennifer Goldstein, Esq., to withdraw as counsel of record and for appointment of new counsel counsel is granted. Counsel will be appointed by separate order. The 9TH CCA Clerk shall electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. [See document for all details] (mat) (Entered: 10/27/2016)
11/04/2016	<u>131</u>	REQUEST TO WITHDRAW ATTORNEY Reuven L. Cohen as counsel of record Filed by Defendant Valery Bogomolny. (Attachments: # <u>1</u> Proposed Order) (Cohen, Reuven) (Entered: 11/04/2016)

11/04/2016	<u>132</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge S. James Otero ORDERING Application for release on bond pending appeal submitted by Defendant Valery Bogomolny, received on 11/2/16 is not to be filed but instead rejected. Denial based on: Defendant is represented by an attorney. (lc) (Entered: 11/07/2016)
11/15/2016	<u>133</u>	ORDER by Judge S. James Otero: granting <u>131</u> REQUEST for Approval of Substitution of Valery Bogomolny (1) in pro se instead of Reuven L Cohen and Anya J Goldstein for LIMITED PURPOSE OF FILING AN APPLICATION FOR BOND PENDING APPEAL. (mailed copy to defendant Bogomolny) (lc) (Entered: 11/16/2016)
11/23/2016	<u>134</u>	APPLICATION FOR RELEASE ON BOND PENDING APPEAL Filed by Defendant Valery Bogomolny. (lc) (Entered: 11/23/2016)
12/02/2016	<u>136</u>	OPPOSITION to APPLICATION to Modify Conditions of Release <u>134</u> (Srivastava, Ritesh) (Entered: 12/02/2016)
12/08/2016	<u>137</u>	MINUTES (IN CHAMBERS) APPLICATION FOR RELEASE ON BOND PENDING APPEAL <u>134</u> as to Valery Bogomolny (1) by Judge S. James Otero: Defendants application for release on bond pending appeal is denied. Defendant has failed to show that he is not likely to flee and that the appeal is not for purposes of delay or raises a substantial question of law or fact likely to result in a new trial or imprisonment less than the time imposed by this court. (vv) (Entered: 12/08/2016)
12/29/2016	<u>138</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Ashwini Mate on behalf of Defendant Valery Bogomolny: Filed by Defendant Valery Bogomolny. (Attorney Ashwini Mate added to party Valery Bogomolny(pty:dft))(Mate, Ashwini) (Entered: 12/29/2016)
02/28/2017	<u>139</u>	ORDER of USCA filed as to Defendant Valery Bogomolny, CCA #16-50389. Appellant's unopposed motion for leave to file a late Transcript Designation Order Form is granted. A copy of this order shall be provided to the court reporter at the district court. [See document for all details] (mat) (Entered: 03/02/2017)
03/06/2017	<u>140</u>	DESIGNATION OF RECORD ON APPEAL filed by Defendant Valery Bogomolny re Notice of Appeal to USCA - Final Judgment <u>126</u> (Mate, Ashwini) (Entered: 03/06/2017)
03/06/2017	<u>141</u>	TRANSCRIPT ORDER re: Court of Appeal case number 16-50389, as to Defendant Valery Bogomolny for Court Reporter. Order for: Criminal Appeal. Criminal case appeal. 60 day deadline automatically set. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Attachments: # <u>1</u> Public Voucher)(Mate, Ashwini) (Entered: 03/06/2017)
04/03/2017	<u>142</u>	TRANSCRIPT filed as to Defendant Valery Bogomolny for proceedings held on 10/5/16 2:18 p.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due

		4/24/2017. Redacted Transcript Deadline set for 5/4/2017. Release of Transcript Restriction set for 7/3/2017.(Zurborg, Carol) (Entered: 04/03/2017)
04/03/2017	143	NOTICE OF FILING TRANSCRIPT filed as to Defendant Valery Bogomolny for proceedings 10/5/16 2:18 p.m. re Transcript <u>142</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Zurborg, Carol) TEXT ONLY ENTRY (Entered: 04/03/2017)
05/28/2017	<u>144</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ritesh K Srivastava counsel for Plaintiff USA. Ritesh Srivastava is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiff USA. (Srivastava, Ritesh) (Entered: 05/28/2017)
06/07/2017	<u>145</u>	TRANSCRIPT ORDER as to Defendant Valery Bogomolny DCN number: 0 for Court Reporter. Order for: Criminal Non Appeal. Category: Expedited. Transcript preparation will not begin until payment has been satisfied with the court reporter.(Yan, Claire) (Entered: 06/07/2017)
06/09/2017	146	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Transcript Order Form (G-120) <u>145</u> as to Defendant Valery Bogomolny. The following error(s) was found: NO DCN # PROVIDED. You must electronically refile the above referenced Request for Transcript in this case to correct this deficiency. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ha) TEXT ONLY ENTRY (Entered: 06/09/2017)
06/12/2017	<u>147</u>	ORDER of USCA filed as to Defendant Valery Bogomolny, CCA #16-50389. On June 2, 2017, this court received appellants pro se application for release on bond pending appeal, which the court served electronically on appellants appointed counsel, Assistant Federal Public Defender Ashwini Mate. Because appellant is represented by counsel, only counsel may file motions, and this court therefore declines to entertain the submission without prejudice to renewal by counsel, if appropriate. (mat) (Entered: 06/12/2017)
09/13/2017	<u>148</u>	ORDER of USCA filed as to Defendant Valery Bogomolny, CCA #16-50389. Appellant's motion for bail pending appeal is denied. [See document for details.] (mat) (Entered: 09/14/2017)

PACER Service Center			
Transaction Receipt			
05/01/2018 12:18:43			
PACER Login:	Odlegal94612:2536794:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:13-cr-00666-SJO End date: 5/1/2018
Billable Pages:	21	Cost:	2.10



JENNIFER KENT
DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

JUL 10 2017

Valery Bogomolny
14919 Dickens Street, Apt. 104
Sherman Oaks, CA 91403-5906

**Re: Suspension from Medi-Cal Participation
Owner, Provider Nos. DME02482F and 1063691376**

Dear Ms. Bogomolny:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by the Director, Health Care Program Exclusions, Office of Investigations, Office of Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective July 20, 2017. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, on behalf of the Director of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective July 20, 2017. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be subject to suspension from receiving payment, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst.

JUL 10 2017

Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

If your exclusion from participation in Medicare/Medicaid is reinstated by the Department of Health and Human Services in the future, and if no other circumstance(s) exist at that time that would preclude your being considered for reinstatement in the Medi-Cal program, you may then submit a written petition for reinstatement to participate in the Medi-Cal program. Reinstatement into the Medi-Cal program is not automatic. Only if your petition for reinstatement is granted will you be eligible to submit an application for enrollment in Medi-Cal.

If you have any questions about this action, or will be submitting a written petition for reinstatement (in accordance with the restrictions above), please submit your concerns or petition, in writing, to the Office of Legal Services, Mandatory Suspension Desk, at the address above.

Sincerely,

Sara M. Granda
Attorney


Kimberly Woodward
Legal Analyst

cc: See Next Page

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Department of Health Care Services
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