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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
February 2017 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,
v.
KANAGASABAI KANAKESWARAN, M.D.,
Defendant.

No. CR 17CR00410
I N D I C T M E N T
[18 U.S.C. § 371: Conspiracy to Pay and Receive Illegal Remunerations for Health Care Referrals; 42 U.S.C. § 1320a-7b(b)(1)(A): Receiving Illegal Remunerations for Health Care Referrals; 18 U.S.C. § 982(a)(7): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE
[18 U.S.C. § 371]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant KANAGASABAI KANAKESWARAN, M.D.

("KANAKESWARAN") was a physician who owned and operated a medical clinic located at 1601 West Avenue J, Suite 202,

1 Lancaster, California 93534, within the Central District of
2 California.

3 2. Digital Perfection Corporation ("Digital Perfection")
4 was a company that was owned by defendant KANAKESWARAN and was
5 located at the same address as defendant KANAKESWARAN's medical
6 clinic, 1601 West Avenue J, Suite 202, Lancaster, California
7 93534, within the Central District of California.

8 3. Star Home Health Resources, Inc. ("Star") was a home
9 health agency located at 1768 Arrow Highway, Suite 105, La
10 Verne, California 91750, within the Central District of
11 California.

12 4. Co-conspirator 1 ("CC-1") was the Chief Operating
13 Officer ("COO") of Star.

14 5. Co-conspirator 2 ("CC-2") and co-conspirator 3 ("CC-
15 3") were co-owners of Star.

16 6. Co-conspirator 4 ("CC-4") was a marketer who obtained
17 Medicare patients for Star from referring physicians, including
18 defendant KANAKESWARAN.

19 The Medicare Program

20 7. Medicare was a federal health care benefit program,
21 affecting commerce, that provided benefits to individuals who
22 were 65 years and older or disabled. Medicare was administered
23 by the Centers for Medicare and Medicaid Services ("CMS"), a
24 federal agency under the United States Department of Health and
25 Human Services. Medicare was a "Federal health care program" as
26 referenced in Title 42, United States Code, Section 1320a-7b(b),
27 and a "health care benefit program" as defined by Title 18,
28 United States Code, Section 24(b).

1 8. Individuals who qualified for Medicare benefits were
2 referred to as Medicare "beneficiaries." Each beneficiary was
3 given a unique health insurance claim number ("HICN").

4 9. Health care providers that provided medical services
5 that were reimbursed by Medicare were referred to as Medicare
6 "providers." To participate in Medicare, providers, including
7 home health agencies ("HHAs"), were required to submit
8 applications in which the providers agreed to comply with all
9 Medicare-related laws and regulations, including the anti-
10 kickback statute (42 U.S.C. § 1320a-7b(b)), which proscribes the
11 offering, payment, solicitation, or receipt of any remuneration
12 in exchange for a patient referral or referral of other business
13 for which payment may be made by any federal health care
14 program. If Medicare approved a provider's application,
15 Medicare assigned the provider a Medicare "provider number,"
16 which was used for the processing and payment of claims
17 submitted by the providers.

18 10. A health care provider with a Medicare provider number
19 could submit claims to Medicare to obtain reimbursement for
20 services rendered to Medicare beneficiaries.

21 11. Most providers submitted their claims electronically
22 pursuant to an agreement they executed with Medicare in which
23 the providers agreed that: (a) they were responsible for all
24 claims submitted to Medicare by themselves, their employees, and
25 their agents; (b) they would submit claims only on behalf of
26 those Medicare beneficiaries who had given their written
27 authorization to do so; and (c) they would submit claims that
28 were accurate, complete, and truthful.

1 12. HHAs who provided home health services to Medicare
2 beneficiaries, including Star, could submit claims for
3 reimbursement to the Medicare program. Medicare would cover
4 home health services only if, among other requirements, the
5 Medicare beneficiary was homebound; the beneficiary needed
6 skilled nursing services on an intermittent basis, or physical,
7 speech pathology, or occupational therapy services; the
8 beneficiary was under the care of a qualified physician; and a
9 Plan of Care (CMS Form 485) was established by a physician.

10 13. CMS contracted with private insurance companies to
11 enroll, process, and pay Medicare claims. National Government
12 Services ("NGS") was the contractor that processed and paid
13 Medicare claims for home health services in Southern California
14 during the relevant time period.

15 14. A Medicare claim for payment was required to set
16 forth, among other things, the following: the beneficiary's name
17 and unique Medicare identification number; the type of services
18 provided to the beneficiary; the date that the services were
19 provided; and the name and National Provider Identifier ("NPI")
20 of the attending physician who established the plan of care.

21 B. OBJECTS OF THE CONSPIRACY

22 15. Beginning no later than in or around May 2008, and
23 continuing through in or around May 2016, in Los Angeles County,
24 within the Central District of California, and elsewhere,
25 defendant KANAKESWARAN, together with CC-1, CC-2, CC-3, CC-4,
26 and others known and unknown to the Grand Jury, knowingly
27 combined, conspired, and agreed to commit the following offenses
28 against the United States:

1 a. Knowingly and willfully soliciting and receiving
2 remuneration in return for referring an individual to a person
3 for the furnishing and arranging for the furnishing of any item
4 or service for which payment may be made in whole or in part
5 under a Federal health care program, in violation of Title 42,
6 United States Code, Section 1320a-7b(b)(1)(A); and

7 b. Knowingly and willfully offering to pay and
8 paying any remuneration to any person to induce such person to
9 refer an individual to a person for the furnishing and arranging
10 for the furnishing of any item or service for which payment may,
11 be made in whole or in part under a Federal health care program,
12 in violation of Title 42, United States Code, Section 1320a-
13 7b(b)(2)(A).

14 C. THE MANNER AND MEANS OF THE CONSPIRACY

15 16. The objects of the conspiracy were carried out, and to
16 be carried out, in substance, as follows:

17 a. CC-1 and CC-4 developed a relationship with
18 defendant KANAKESWARAN, whereby defendant KANAKESWARAN would
19 refer Medicare beneficiaries to Star to receive home health
20 services, which services Star would then bill to Medicare.

21 b. In exchange for the Medicare referrals, the
22 owners and operators of Star would pay defendant KANAKESWARAN a
23 kickback of approximately \$100-\$700 for each Medicare
24 beneficiary that defendant KANAKESWARAN referred to Star. CC-4
25 also received a kickback of approximately \$100-\$200 for each
26 patient that defendant KANAKESWARAN referred to Star.

27 c. In order to pay the kickbacks to defendant
28 KANAKESWARAN, CC-1 would withdraw cash from Star's bank accounts

1 and provide the cash to defendant KANAKESWARAN. At times, CC-1
2 provided money to CC-4, who in turn, provided cash kickbacks to
3 defendant KANAKESWARAN.

4 d. CC-1 also paid kickbacks to defendant
5 KANAKESWARAN by writing checks that were made payable to
6 defendant KANAKESWARAN's company, Digital Perfection.

7 e. In order to keep track of the kickback payments
8 to defendant KANAKESWARAN, Star maintained password-protected
9 spreadsheets that listed each Medicare beneficiary referred to
10 Star and the amount paid to defendant KANAKESWARAN and CC-4 for
11 each patient referral.

12 f. From in or around May 2008 to in or around May
13 2016, the owners and operators of Star, including CC-1, CC-2,
14 and CC-3, caused Star to bill Medicare, and on the basis of
15 those bills Medicare paid Star a total amount of approximately
16 \$16,327,259, for home health services. Of that amount, at least
17 approximately \$4,157,311 was paid based on bills for home health
18 services to Medicare beneficiaries referred to Star as the
19 result of kickback payments to defendant KANAKESWARAN.

20 C. OVERT ACTS

21 17. On or about the following dates, in furtherance of the
22 conspiracy and to accomplish its objects, defendant
23 KANAKESWARAN, together with CC-1, CC-2, CC-3, CC-4, and others
24 known and unknown to the Grand Jury, committed and willfully
25 caused others to commit the following overt acts, among others,
26 within the Central District of California and elsewhere:

27 Overt Act No. 1: On or about May 20, 2013, defendant
28 KANAKESWARAN caused to be deposited \$2,000 in cash into

1 defendant KANAKESWARAN's account at California Bank and Trust,
2 which represented kickbacks that defendant KANAKESWARAN received
3 in exchange for referring Medicare beneficiaries to Star.

4 Overt Act No. 2: On or about September 16, 2013, defendant
5 KANAKESWARAN caused to be deposited \$2,000 in cash into
6 defendant KANAKESWARAN's account at California Bank and Trust,
7 which represented kickbacks that defendant KANAKESWARAN received
8 in exchange for referring Medicare beneficiaries to Star.

9 Overt Act No. 3: On or about April 10, 2014, defendant
10 KANAKESWARAN deposited a check in the amount of \$3,500 into an
11 account for Digital Perfection at Bank of America, which
12 represented kickbacks that defendant KANAKESWARAN received in
13 exchange for referring Medicare beneficiaries to Star.

14 Overt Act No. 4: On or about October 24, 2015, defendant
15 KANAKESWARAN caused to be deposited a check in the amount of
16 \$5,600 into an account for Digital Perfection at Bank of
17 America, which represented kickbacks that defendant KANAKESWARAN
18 received in exchange for referring Medicare beneficiaries to
19 Star.

COUNTS TWO THROUGH FIVE

[42 U.S.C. § 1320a-7b(b) (1) (A)]

18. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 14 and 16 through 17 of this Indictment as though set forth in their entirety herein.

19. On or about the dates set forth below, in Los Angeles County, within the Central District of California, and elsewhere, defendant KANAKESWARAN, together with others known and unknown to the Grand Jury, knowingly and willfully received remuneration, namely, the amounts identified below, deposited into the bank accounts specified below, which constituted kickbacks to defendant KANAKESWARAN for referring patients to Star for home health services, for which payment could be made in whole and in part under a Federal health care program, namely, Medicare:

COUNT	DATE	BANK ACCOUNT	AMOUNT
TWO	5/20/2013	California Bank and Trust #XXXXXX9598	\$2,000 cash
THREE	9/16/2013	California Bank and Trust #XXXXXX9110	\$2,000 cash
FOUR	4/10/2014	Bank of America #XXXXXX2223	\$3,500 check
FIVE	10/24/2015	Bank of America #XXXXXX2223	\$5,600 check

1 FORFEITURE ALLEGATION

2 [18 U.S.C. § 982(a)(7)]

3 20. Pursuant to Rule 32.2(a) Fed. R. Crim. P., notice is
4 hereby given to defendant KANAGASABAI KANAKESWARAN, M.D., that
5 the United States will seek forfeiture as part of any sentence
6 in accordance with Title 18, United States Code, Section
7 982(a)(7), in the event of defendant's conviction under any of
8 Counts One through Five of this Indictment.

9 21. Defendant shall forfeit to the United States the
10 following property:

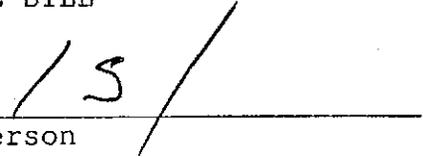
11 a. Property, real or personal, that constitutes
12 or is derived, directly or indirectly, from gross proceeds
13 traceable to the commission of any offense set forth in any of
14 Counts One through Five of this Indictment; and

15 b. To the extent such property is not available
16 for forfeiture, a sum of money equal to the total value of the
17 property described in subparagraph a.

18 22. Pursuant to Title 21, United States Code, Section
19 853(p), as incorporated by Title 18, United States Code, Section
20 982(b), the defendant shall forfeit substitute property, up to
21 the total value of the property described in the preceding
22 paragraph if, as a result of any act or omission of the
23 defendant, the property described in the preceding paragraph, or
24 any portion thereof (a) cannot be located upon the exercise of
25 due diligence; (b) has been transferred, sold to or deposited
26 with a third party; (c) has been placed beyond the jurisdiction
27 of the Court; (d) has been substantially diminished in value; or

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

3 A TRUE BILL

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5 
Foreperson

6 SANDRA R. BROWN
7 Acting United States Attorney

8 
9 LAWRENCE S. MIDDLETON
10 Assistant United States Attorney
Chief, Criminal Division

11 GEORGE S. CARDONA
12 Assistant United States Attorney
Chief, Major Frauds Section

13 STEPHEN A. CAZARES
14 Assistant United States Attorney
15 Deputy Chief, Major Frauds Section

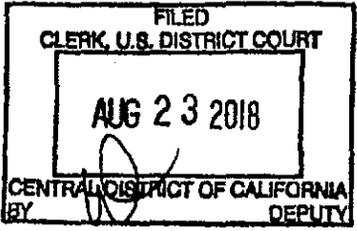
16 DIIDRI ROBINSON
17 Assistant Chief, Fraud Section
United States Department of Justice

18 ALEXANDER F. PORTER
19 Assistant United States Attorney
Major Frauds Section

20 CLAIRE YAN
21 Trial Attorney, Fraud Section
22 United States Department of Justice
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REDACTED



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KANAGASABAI KANAKESWARAN, M.D.,

Defendant.

No. CR 17-410-PSG

VERDICT FORM

1 COUNT ONE

2 18 U.S.C. § 371

3 Conspiracy to Pay/Receive Remunerations for Health Care Referrals

4 We, the Jury in the above-captioned case, unanimously find
5 Defendant Kanagasabai Kanakeswaran (check one):

6 NOT GUILTY

7 GUILTY

8 of conspiracy to pay and/or receive remunerations for health care
9 referrals as charged in Count One of the Indictment.

10 The overt acts as alleged in the Indictment are as follows:

11 (1) On or about May 20, 2013, Dr. Kanakeswaran caused to be
12 deposited \$2,000 in cash into Dr. Kanakeswaran's account at
13 California Bank and Trust, which represented kickbacks that Dr.
14 Kanakeswaran received in exchange for referring Medicare
15 beneficiaries to Star.

16 (2) On or about September 16, 2013, Dr. Kanakeswaran caused to
17 be deposited \$2,000 in cash into Dr. Kanakeswaran's account at
18 California Bank and Trust, which represented kickbacks that Dr.
19 Kanakeswaran received in exchange for referring Medicare
20 beneficiaries to Star.

21 (3) On or about April 10, 2014, Dr. Kanakeswaran deposited a
22 check in the amount of \$3,500 into an account for Digital
23 Perfection at Bank of America, which represented kickbacks that Dr.
24 Kanakeswaran received in exchange for referring Medicare
25 beneficiaries to Star.

26 (4) On or about October 24, 2015, Dr. Kanakeswaran caused to
27 be deposited a check in the amount of \$5,600 into an account for
Digital Perfection at Bank of America, which represented kickbacks

1 that Dr. Kanakeswaran received in exchange for referring Medicare
2 beneficiaries to Star.

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COUNT TWO

42 U.S.C. § 1320a-7b(b)(1)(A)

Receiving Remunerations for Health Care Referrals

We, the Jury in the above-captioned case, unanimously find
Defendant Kanagasabai Kanakeswaran (check one):

NOT GUILTY

GUILTY

of receiving remuneration for health care referrals as charged in
Count Two of the Indictment in connection with receiving \$2,000 in
cash on or about May 20, 2013.

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COUNT THREE

42 U.S.C. § 1320a-7b(b)(1)(A)

Receiving Remunerations for Health Care Referrals

We, the Jury in the above-captioned case, unanimously find
Defendant Kanagasabai Kanakeswaran (check one):

NOT GUILTY

GUILTY

of receiving remuneration for health care referrals as charged in
Count Three of the Indictment in connection with receiving \$2,000 in
cash on or about September 16, 2013.

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COUNT FOUR

42 U.S.C. § 1320a-7b(b)(1)(A)

Receiving Remunerations for Health Care Referrals

We, the Jury in the above-captioned case, unanimously find
Defendant Kanagasabai Kanakeswaran (check one):

NOT GUILTY

GUILTY

of receiving remuneration for health care referrals as charged in
Count Four of the Indictment in connection with receiving \$3,500 in
check on or about April 10, 2014.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - TRIAL

Case No. CR17-410 PSG Date August 23, 2018

Present: The Honorable Philip S. Gutierrez, United States District Judge

Interpreter N/A

Wendy Hernandez
Deputy Clerk

Marca Woolrich
Court Reporter/Recorder

Alexander Porter /Claire Yan
Assistant U.S. Attorney

U.S.A. v. Defendant(s): Present Cust. Bond Attorneys for Defendants: Present App. Ret.

Kanagasabai Kanakeswaran, M.D. X X John Hanusz X X
Samuel Josephs X X

Day COURT TRIAL 7 Day JURY TRIAL Death Penalty Phase

One day trial; Begun (1st day); Held & continued; X Completed by jury verdict/submitted to court.

The Jury is impaneled and sworn.

Opening statements made

Witnesses called, sworn and testified.

Exhibits identified Exhibits admitted

Government rests. Defendant(s) rest.

Motion for mistrial by is granted denied submitted

Motion for judgment of acquittal (FRCrP 29) is granted denied submitted

Closing arguments made Court instructs jury Bailiff sworn

Clerk reviewed admitted exhibits with counsel to be submitted to the Jury/Court for deliberations/findings.

Alternates excused Jury retires to deliberate x Jury resumes deliberations

Finding by Court as follows: X Jury Verdict as follows:

Dft # 1 X Guilty on count(s) 1-5 Not Guilty on count(s)

X Jury polled Polling waived

X Filed Witness & Exhibit lists X Filed Jury notes X Filed Jury Instructions X Filed Jury Verdict

X Dft # 1 Referred to Probation Office for Investigation & Report and continued to 1/7/19 @ 10AM for sentencing.

Dft # remanded to custody. Remand/Release# issd. Dft # released from custody.

Bond exonerated as to Dft #

Case continued to for further trial/further jury

x Other: Jury note #1, #2, and #3 received. The defendant may remain on bond. He is ordered to return on January 7, 2019

3 : 30
Initials of Deputy Clerk WH

United States District Court
Central District of California

JS-3

UNITED STATES OF AMERICA vs.

Docket No. CR 17-410-PSG

Defendant KANAGASABAI KANA KESWARAN,
M.D.

Social Security No. 2 1 4 6
(Last 4 digits)

akas: None

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
01	22	2019

COUNSEL

RTND Samuel Josephs and John Hanusz

(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:

Conspiracy to Pay and Receive Illegal Remunerations for Health Care Referrals, in violation of Title 18 U.S.C. § 371, as charged in Count One of the Indictment.

Receiving Illegal Remunerations for Health Care Referrals, in violation of Title 42 U.S.C. § 1320a-7b(b)(1)(A), as charged in Counts Two through Five 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:

42 months. This term consists of 42 months on each of Counts 1 through 5 of the Indictment, to be served concurrently.

It is ordered that the defendant shall pay to the United States a special assessment of \$500, 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.

The defendant shall comply with General Order No. 18-10.

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.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two years. This term consists of two years on each of Counts 1 through 5 of the Indictment, all such terms to run concurrently under the following terms and conditions:

USA vs. KANAGASABAI KANA KESWARAN, M.D.

Docket No.: CR 17-410-PSG

1. The defendant shall comply with the rules and regulations of the United States Probation & Pretrial Services Office and General Order 18-10, including the conditions of probation and supervised release set forth in Section III of General Order 18-10.
2. During the period of community supervision, the defendant shall pay the special assessment in accordance with this judgment's orders pertaining to such payment.
3. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state, or federal agency without the prior written approval of the Probation Officer.
4. 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.
5. The defendant shall cooperate in the collection of a DNA sample from the defendant.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons at or before 12 noon, on **March 4, 2019**. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

The bond is hereby exonerated upon self-surrender.

The Court recommends that the defendant be housed at Taft facility.

The defendant is advised of the right to appeal.

USA vs. KANAGASABAI KANA KESWARAN, M.D.

Docket No.: CR 17-410-PSG

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.

January 22, 2019

Date


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

January 23, 2019

Filed Date

By Wendy Hernandez

Deputy Clerk

The defendant must 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 must not commit another federal, state, or local crime;
2. The defendant must report to the probation office in the federal judicial district of residence within 72 hours of imposition of a sentence of probation or release from imprisonment, unless otherwise directed by the probation officer;
3. The defendant must report to the probation office as instructed by the court or probation officer;
4. The defendant must not knowingly leave the judicial district without first receiving the permission of the court or probation officer;
5. The defendant must answer truthfully the inquiries of the probation officer, unless legitimately asserting his or her Fifth Amendment right against self-incrimination as to new criminal conduct;
6. The defendant must reside at a location approved by the probation officer and must notify the probation officer at least 10 days before any anticipated change or within 72 hours of an unanticipated change in residence or persons living in defendant's residence;
7. The defendant must permit the probation officer to contact him or her at any time at home or elsewhere and must permit confiscation of any contraband prohibited by law or the terms of supervision and observed in plain view by the probation officer;
8. The defendant must work at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons and must notify the probation officer at least ten days before any change in employment or within 72 hours of an unanticipated change;
9. The defendant must not knowingly associate with any persons engaged in criminal activity and must not knowingly associate with any person convicted of a felony unless granted permission to do so by the probation officer. This condition will not apply to intimate family members, unless the court has completed an individualized review and has determined that the restriction is necessary for protection of the community or rehabilitation;
10. The defendant must refrain from excessive use of alcohol and must 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;
11. The defendant must notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
12. For felony cases, the defendant must not possess a firearm, ammunition, destructive device, or any other dangerous weapon;
13. The defendant must not act or enter into any agreement with a law enforcement agency to act as an informant or source without the permission of the court;
14. As directed by the probation officer, the defendant must notify specific persons and organizations of specific risks posed by the defendant to those persons and organizations and must permit the probation officer to confirm the defendant's compliance with such requirement and to make such notifications;
15. The defendant must follow the instructions of the probation officer to implement the orders of the court, afford adequate deterrence from criminal conduct, protect the public from further crimes of the defendant; and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The defendant must also comply with the following special conditions (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant must 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 under 18 U.S.C. § 3612(f)(1). Payments may be subject to penalties for default and delinquency under 18 U.S.C. § 3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed before April 24, 1996.

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

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

The defendant must notify the Court (through the Probation Office) and 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 under 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 will be applied in the following order:

1. Special assessments under 18 U.S.C. § 3013;
2. Restitution, in this sequence (under 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid):
 - Non-federal victims (individual and corporate),
 - Providers of compensation to non-federal victims,
 - The United States as victim;
3. Fine;
4. Community restitution, under 18 U.S.C. § 3663(c); and
5. Other penalties and costs.

CONDITIONS OF PROBATION AND SUPERVISED RELEASE PERTAINING TO FINANCIAL SANCTIONS

As directed by the Probation Officer, the defendant must 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 must not apply for any loan or open any line of credit without prior approval of the Probation Officer.

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

The defendant must 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.

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

_____ Date
 U. S. Probation Officer/Designated Witness

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

cc: USPO/FISCAL

CRIMINAL MINUTES - GENERAL

Case No. CR 17 -410 PSG Date January 22, 2019

Present: The Honorable Philip S. Gutierrez, United States District Judge

Interpreter n/a

<u>Wendy Hernandez</u> <i>Deputy Clerk</i>	<u>Not Reported</u> <i>Court Reporter/Recorder</i>	<u>Not Present</u> <i>Assistant U.S. Attorney</i>
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<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust. Bond</u>	<u>Attorney(s) for Defendant(s):</u>	<u>Present</u>	<u>App. Ret.</u>
Kangasabai Kanakeswaran	not		Samuel A. Josephs John Hanusz	not	

Proceedings: (In Chambers) Order GRANTING forfeiture and DENYING restitution

Before the Court are motions from the Government asking for the imposition of restitution and entry of a judgment of forfeiture against Defendant Kanagasabai Kanakeswaran ("Defendant"). See *Government's Sentencing Memorandum*, Dkt. # 196 ("Gov't Mem."); *Government Motion for Entry of Money Judgment*, Dkt. # 197 ("Forfeiture Mot."). The Court heard from the parties about these issues at sentencing hearings held on January 7, 2019 and January 22, 2019. This order supplies the reasoning for the Court's oral order **GRANTING** the motion for forfeiture but **DENYING** the motion for restitution.

I. Background

Defendant, a physician, was convicted at a jury trial on charges that he conspired to receive kickbacks, and did actually receive kickbacks, from Star Home Health Resources, Inc. ("Star") in exchange for referring Medicare patients to Star. Specifically, he was convicted on one count of conspiracy to pay/receive remunerations for health care referrals, 18 U.S.C. § 371, and four counts of receiving remuneration for health care referrals, 42 U.S.C. § 1320a-7b(b)(1)(A).

The Government now moves for forfeiture and restitution.

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CRIMINAL MINUTES - GENERAL

II. Discussion

A. Restitution

The Government argues that Defendant's conspiracy conviction triggered the restitution provisions in the Mandatory Victims Restitution Act, 18 U.S.C. § 3663(a)(1)(A), and the Victim Witness Protection Act, *Id.* § 3663A(c)(1)(A)(ii). The purpose of restitution under these statutes is "to make the victims whole" by "restor[ing] the defrauded party to the position he would have had absent the fraud." *United States v. Gordon*, 393 F.3d 1044, 1052–53, 1052 n.6 (9th Cir. 2004), *abrogated on other grounds by Lagos v. United States*, 138 S. Ct. 1684 (2018).

The victim in this case is Medicare. While Defendant does not dispute that his crime of conviction allows for the imposition of restitution, he argues that restitution is not appropriate here because Medicare did not suffer any losses as a result of his conduct. *See Defendant's Sentencing Memorandum*, Dkt. # 198 ("Def. Mem."), 18:3–11. Specifically, he argues that while he may have received kickbacks in exchange for referring Medicare patients to Star, which resulted in Medicare reimbursing Star for the costs of their treatment, the patients received medically necessary treatment, which Medicare was responsible for paying for, whether it was provided by Star or another provider. In other words, because Medicare patients got treatment that Medicare was required to pay for, Medicare did not lose any money.

The Government presents three alternative arguments for why restitution should nonetheless be imposed. First, it argues that some of the services Star provided were not medically necessary, so Defendant should have to pay restitution for any nonmedically necessary services that Medicare provided reimbursements for. *See Gov't Mem.* 12:1–15:2. Second, it argues that restitution should be imposed in the amount of the kickback-tainted Medicare claims because Medicare would not have paid the claims had it known that they were tainted by kickbacks. *See id.* 10:12–11:28. And finally, the Government argues that Defendant should pay restitution equal to the total amount of the kickbacks in the conspiracy. *See id.* 15:3–16:10. The Court addresses each argument in turn.

i. Medically Unnecessary Services

The Court first addresses the Government's argument that Defendant should have to pay restitution in the amount of any reimbursements that Medicare gave Star for treatment that was not medically necessary. The argument took the Court somewhat by surprise because until this point, the Government had consistently represented that this is *not* a case about whether Defendant referred patients for medically unnecessary services but instead only about whether Defendant received

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kickbacks for patient referrals.¹ Accordingly, no evidence was presented at trial regarding whether the services Star provided to Defendant's patients were medically necessary.

This alone would appear to be enough to deny restitution for purportedly medically unnecessary services. Restitution is designed to make victims of a crime whole, and the crimes of conviction here were based on a theory that Defendant unlawfully received kickbacks, not that he unlawfully referred patients in a manner that led Medicare to pay for unnecessary services. The Government has not provided any authority for the proposition that it can seek restitution based on medically unnecessary services from a Defendant who has only been convicted of crimes based on receipt of kickbacks.

But even if the Court were to reach the merits of the Government's argument, it finds it unpersuasive. For all its bluster that the "evidence strongly indicates that defendant was referring patients to Star who did not need, and sometimes did not want, home health services," the Government points only to two entries from Star's patient admission sheets and some brief testimony from trial in support of its argument. *See Gov't Mem.* 12:22–13:14. The entries show only that two patients were not admitted to Star's care—one because he was going to "OUT PATIENT PT REHAB" and another because "Patient didn't cooperate. Patient was always not home." *See Exhibit 409 at 6; Exhibit 410 at 1.* And in the testimony—which was the product of a question that produced a sustained objection—Star employee Zsarina Morales testified that some patients were surprised that Star was calling them because their doctor had not informed them that they were going to be admitted to home health care. *Trial Transcript Day 4, Volume 1, Dkt. # 175, 636:12–17.* On the basis of this evidence, and only this evidence, the Government argues that the Court should place the burden on Defendant to prove that each and every referral he made was for medically necessary services. *See Gov't Mem.* 14:5–20.

The Court cannot agree. The Government bears the burden of proving by a preponderance of the evidence that the victim of the crime is entitled to restitution and the amount of the loss. *United States v. Waknine*, 543 F.3d 546, 555–56 (9th Cir. 2008). Even assuming that it is ever correct to shift the burden to the defendant to produce evidence showing that treatment was medically necessary, as at least one court has held, *see United States v. Bryant*, 655 F.3d 232, 254 (3d Cir. 2011), that burden cannot shift unless the Government has first made a threshold showing that the victim has actually suffered some loss. *See id.* The Government has made no such showing here.

The mere fact that one patient Defendant referred was already going to outpatient physical therapy rehab and another was noncooperative and "always not home" does not show that the referrals were unnecessary. While a person must be "homebound" to legitimately receive home health services from Medicare, a patient does not literally have to be confined to their home at all times to be considered homebound. The Medicare website explains that an individual is homebound if they "have

¹ For example, at one pretrial hearing, counsel for the Government explicitly stated: "[W]e fully recognize that this is a kickback case. It is not a medical necessity case." *Transcript of July 9, 2018 Hearing*, Dkt. # 108, 20:21–23.

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trouble leaving [their] home without help (like using a cane, wheelchair, walker, or crutches; special transportation; or help from another person)” or if “leaving [their] home isn’t recommended because of [their] condition, and [they are] normally unable to leave [their] home because it’s a major effort.” Home Health Services, Medicare, <https://www.medicare.gov/coverage/home-health-services#>.² It specifically provides that a homebound individual can still leave home for medical treatment. *Id.*

Under this definition, the fact that one of Defendant’s patients was receiving outpatient physical therapy—a form of medical treatment—is irrelevant. And the unexplained description of one patient as “always not home” is not enough for the Court to conclude that she was ineligible for home health services. After all, a person who must use a wheelchair is considered homebound even though he may very well use that wheelchair to leave his home. *See id.* Finally, it is not clear from Morales’s testimony that she was even referring to patients of Defendant, rather than patients referred by another doctor. But even assuming that the patients were Defendant’s, the mere fact that he may not have told some patients in advance that he was referring them to Star is not enough, on its own, to show that the referrals were not legitimate.

In short, the Government has produced little proof—and certainly not enough to clear the preponderance of the evidence bar—that Defendant ever referred patients to Star for medically unnecessary services. Therefore, it has not made the threshold showing necessary to shift the burden of proof to Defendant to justify the referrals.

ii. Restitution Based on the Claim Amounts

The Government argues that Defendant should have to pay restitution in the amount of the reimbursements Medicare paid to Star for claims of Defendant’s patients that were referred to Star in exchange for kickbacks. This argument is based on the theory that Medicare would not have paid Star anything had it known that the referrals were tainted by kickbacks, so it is entitled to all of its money back. The Court does not disagree with the proposition that Medicare would not have paid Star had it known of the kickback scheme. But that does not necessarily mean that Medicare suffered a loss. The Government’s argument ignores the fact that Medicare received benefits from Star as well—namely the home health services that Star provided to Medicare patients.

The goal of restitution is to restore the victim to the position it would have been in absent the crime. *Gordon*, 393 F.3d at 1053. As explained above, the Government has not shown that the treatment Star provided to Defendant’s patients was not medically necessary. Accordingly, even if Medicare refused to reimburse Star, these Medicare patients would still have needed the same treatment from another provider, and Medicare would still have to pay for that treatment. In other words, Medicare was obligated to pay for these patients’ treatment, and therefore it suffered no monetary loss from the fact that the money was paid to Star as opposed to a different provider. Viewed this way, awarding restitution in the amount of the claims would go beyond restoring Medicare to its previous

² The Court takes judicial notice of this government website.

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position—it would provide it with a windfall. The patients treated by Star have already received their treatment, yet Medicare would be able to keep the money it would have paid for the treatment. Several courts have found that restitution is not appropriate under these circumstances. *See United States v. Liss*, 265 F.3d 1220, 1231–32 (11th Cir. 2001); *United States v. Pikus*, No. 13 CR 25 BMC, 2015 WL 3794456, at *4 (E.D.N.Y. June 17, 2015) (“Nothing about the charged conducts suggests that if the agencies had not paid defendant for these services, they would not have paid someone else. They therefore did not suffer a loss ‘directly caused by conduct composing the offense of conviction.’”). The Court agrees with these decisions. Because the Government has not shown that Medicare suffered any net financial loss from Defendant’s actions, restitution is not appropriate.

iii. Restitution Based on the Amount of the Kickbacks

Finally, the Government argues that it is appropriate to assume that Medicare was harmed in the amount of the kickbacks paid to Defendant and Chavez on the theory that Star must have inflated the claims it made to Medicare by at least enough to allow it to afford the kickback amounts. *See Gov’t Mem.* 15:3–16:11. But the Court believes this logic is fallacious. The Government has presented no evidence that providers are expected only to break even on claims submitted to Medicare. And the Court doubts that this is the case. Like all businesses, providers of home health services likely intend to generate profits on the services they provide. Assuming this is true, the mere fact that Star used some of its profits to pay kickbacks to Defendant rather than for some other legitimate purpose is not enough to show that Medicare was overcharged.

The Government’s cases in support of this theory are unpersuasive. In *United States v. Gaytan*, 342 F.3d 1010, 1011–1012 (9th Cir. 2003), the Ninth Circuit first found that a city mayor had intangibly harmed the city by depriving it of his honest services and then proceeded to use the bribe amount to quantify the intangible harm suffered. In contrast, the Government in this case seeks to use the kickbacks to establish the fact that Medicare was harmed in the first place—a proposition the Court finds unconvincing for the reasons explained above. And while the decision in *United States v. Vaghela*, 169 F.3d 729, 736 (11th Cir. 1999), concededly adopted the theory the Government presses here, the Court remains unconvinced that the fact that kickbacks were paid necessarily implies that Medicare suffered some monetary harm.

iv. Conclusion

In summary, the Court concludes that the Government has failed to carry its burden of showing that Medicare suffered any financial harm as a result of the crimes for which Defendant has been convicted. Accordingly, it **DENIES** the Government’s motion for restitution.

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B. Forfeiture

A federal statute provides that “[t]he Court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.” 18 U.S.C. § 982(a)(7). The Government bears the burden of proving the amount subject to forfeiture by a preponderance of the evidence. *United States v. Bourne*, No. 08-CR-888 (NGG), 2012 WL 526721, at *3 (E.D.N.Y. Feb. 12, 2012). Defendant does not dispute that he is subject to forfeiture of the money he received in kickbacks. He disputes only the amount that should be forfeited. *See Defendant’s Opposition to Entry of Money Judgment*, Dkt. # 201 (“*Forfeiture Opp.*”).

The Government asks the Court to order forfeiture of \$509,662. *See Forfeiture Mot.* This amount is supported by evidence of three types of payments, *see id.* 6:6–8:24:

- \$424,637 in cash listed on the “Dr. K Tab” of a spreadsheet maintained by Star. Star’s accountant Vincent Senatin testified at trial that the entries on the Dr. K Tab reflected kickbacks paid to Defendant. *See Trial Transcript, Day 4, Volume 1*, Dkt. # 175, at 548–557.
- \$13,800 in checks from Star to Corinne Chavez, the Star “marketer” who handled paying kickbacks to the Defendant. These checks were listed on the Dr. K Tab of the spreadsheet, and the Government presented testimony of forensic accountant Joan O’Dowd at trial that Chavez deposited the checks into her account and then withdrew cash in similar amounts. *See Trial Transcript Day 5, Volume 1*, Dkt. # 176 (“*Trial Tr. 5.1*”), at 826–28. The Government argued at trial that Chavez turned around and gave that cash to Defendant as a kickback.
- \$71,225 in checks from Star to Digital Perfection Corporation, a company owned by Defendant. *Id.* 818:13. Some of these checks were listed on the Dr. K Tab of the spreadsheet. Others, which were dated after Senatin left Star and stopped maintaining the copy of the spreadsheet introduced at trial, were not.³

The Government argues that this evidence establishes by a preponderance of the evidence that Defendant received at least \$509,662 in kickbacks. *See Forfeiture Mot.* 6:6–8:24. The Court agrees.

At trial, the Dr. K Tab of the spreadsheet was at the center of the Government’s case. The Court believes that the jury’s verdict, convicting Defendant on all counts, strongly implies that the jury found that the Dr. K Tab accurately depicted kickbacks paid to Defendant. Further, the Court observed Senatin at trial and found him to be a credible witness. Based on Senatin’s testimony about the Dr. K Tab, as well as other evidence introduced at trial, the Court makes its own finding that the Dr. K Tab of

³ In its calculation of the forfeiture amount, the Government does not include \$42,000 in checks from Star to Chris Legaspi, another Star marketer, that were listed on the Dr. K Tab because Legaspi testified at trial that this money was sometimes not given to Defendant. *See Forfeiture Mot.* 7 n.3.

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the spreadsheet is a reliable indicator of the kickbacks that were paid to Defendant. The Court likewise finds that the Government has adequately shown that the checks from Star to Digital Perfection that were not listed on the Dr. K Tab were kickback payments. Accordingly, the Court finds by a preponderance of the evidence that Defendant received at least \$509,662 in kickbacks.

Defendant's arguments to the contrary are unavailing. He first focuses on Chris Legaspi's testimony at trial that the money listed on the Dr. K Tab as checks to Legaspi did not necessarily end up going to Defendant. *See Forfeiture Opp.* 1:6–19. As explained above, the Government does not seek forfeiture of the amount reflected in the Legaspi checks. However, from this testimony, Defendant asks the Court to infer that other entries on the Dr. K Tab do not accurately reflect kickbacks that Defendant received. *See id.* But the Court finds that Senatin's testimony about the meaning of the spreadsheet entries, as well as O'Dowd's testimony, which revealed cash deposits into Defendant's bank accounts that corresponded to several cash payments listed on the spreadsheet, is sufficient to support the Court's finding that the spreadsheet, with the possible exception of the Legaspi checks, accurately reflects the kickbacks paid to Defendant.

Defendant further argues that the spreadsheet cannot be relied on because Chavez stole some cash payments that were intended for Defendant, meaning that at least some of the cash payments listed on the spreadsheet never actually made it into Defendant's hands. *See id.* 1:20–26. He further details this argument in his sentencing memorandum. *See Def. Mem.* 4:15–5:11. His theory is as follows: (1) Star gave cash to Chavez and that cash amount was reflected on the Dr. K Tab of the spreadsheet; (2) Chavez gave the cash to her brother Aaron Serrano, who then wrote her a check to make the money appear legitimate; (3) Chavez deposited the Serrano checks in her bank account; and (4) Chavez then made no corresponding withdrawal from the accounts, making it "impossible that Chavez delivered that money to [Defendant]." *Id.* 5:2–11. Defendant provides Chavez's bank records as evidence in support of his theory. *See id.*; *Bank Records, Exhibit D to Defendant's Sentencing Memorandum*, Dkt. # 198-3.

But as best the Court can tell from the bank records, they provide no smoking gun. The records certainly support the proposition that Aaron Serrano was depositing large amounts of cash, presumably from Chavez, and writing corresponding checks to Chavez. But the Court does not believe they show with any clarity that this money both was for the cash payments listed on the Dr. K Tab *and* was not later withdrawn and given to Defendant. Notably, Defendant made this argument to the jury, and it still returned a guilty verdict on all counts. And Senatin testified that the numbers reflected on the spreadsheet were the kickback amounts agreed upon between Star, Defendant, and Chavez. *See Trial Tr.* 4.1 554:3–4. Based on this testimony that Defendant knew the amount he was supposed to receive, the Court is skeptical that Chavez would have been able to steal money intended for Defendant without Defendant raising complaints—a factor that weighs against Defendant's theory.

While perhaps not proven beyond all possible doubt, the Court believes that the Government has shown that it is at least more likely than not that Defendant received all of the payments listed on the spreadsheet (with the exception of the Chris Legaspi checks). Accordingly, it has carried its burden of

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showing by a preponderance of the evidence that \$509,662 in forfeiture is appropriate. The Court **ORDERS** Defendant to forfeit \$509,662 to the United States.⁴

III. Conclusion

For the foregoing reasons, the Court **DENIES** the Government's motion for restitution but **GRANTS** its motion for forfeiture. Defendant is **ORDERED** to forfeit \$509,662 to the United States.

IT IS SO ORDERED.

⁴ Based on typos in the Government's brief and in its proposed order of judgment, the Court erroneously orally ordered Defendant to pay \$509,762 at the sentencing hearing. With this order, the Court makes clear that the correct forfeiture amount is \$509,662. The Court's oral pronouncement of the forfeiture order is amended to reflect this amount.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:17-cr-00410-PSG-1**

Case title: USA v. Kanakeswaran

Date Filed: 06/29/2017

Date Terminated: 01/23/2019

Assigned to: Judge Philip S. Gutierrez

Appeals court case number: 19-50016 9th
CCA**Defendant (1)****Kanagasabai Kanakeswaran***M.D.**TERMINATED: 01/23/2019*represented by **Matthew Donald Umhofer**Spertus Landes and Umhofer LLP
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Pending Counts

18:371: CONSPIRACY TO PAY AND
 RECEIVE ILLEGAL REMUNERATIONS
 FOR HEALTH CARE REFERRALS
 (1)

42:1320a-7b(b)(1)(A): RECEIVING
 ILLEGAL REMUNERATIONS FOR
 HEALTH CARE REFERRALS.
 (2-5)

Disposition

Defendant is committed to the custody of the Bureau of Prisons for 42 months. This term consists of 42 months on each of Counts 1 through 5 of the Indictment, to be served concurrently. Supervised Release for two years on each of Counts 1 through 5 of the Indictment, all such terms to run concurrently, under the terms and conditions of the U.S. Probation and Pretrial Services Office and General Order 18-10. Special assessment of \$500. All fines waived.

Defendant is committed to the custody of the Bureau of Prisons for 42 months. This term consists of 42 months on each of Counts 1 through 5 of the Indictment, to be served concurrently. Supervised Release for two years on each of Counts 1 through 5 of the Indictment, all such terms to run concurrently, under the terms and conditions of the U.S. Probation and Pretrial Services Office and General Order 18-10. Special assessment of \$500. All fines waived.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
06/29/2017	<u>1</u>	INDICTMENT Filed as to Kanagasabai Kanakeswaran (1) count(s) 1, 2-5. Offense occurred in Los Angeles. (mat) (Entered: 07/03/2017)
06/29/2017	<u>3</u>	CASE SUMMARY filed by AUSA Alexander F. Porter as to Defendant Kanagasabai Kanakeswaran; defendants Year of Birth: 1952 (mat) (Entered: 07/03/2017)
06/29/2017	<u>4</u>	GOVERNMENT'S EX PARTE APPLICATION for Order Sealing Indictment and Related Documents; Declaration of Alexander F. Porter, Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. (mat) (Entered: 07/03/2017)
06/29/2017	<u>5</u>	ORDER by Magistrate Judge Steve Kim: granting <u>4</u> EX PARTE APPLICATION Sealing

		Indictment and Related Documents. (mat) (Entered: 07/03/2017)
06/29/2017	<u>6</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. Regarding Magistrate Judge Jacqueline Chooljian Patrick J. Walsh, Sheri Pym, Michael Wilner, Jean Rosenbluth, Alka Sagar, Douglas McCormick. Rozella Oliver, Gail J. Standish, Steve Kim, and John Early. (mat) (Entered: 07/03/2017)
06/29/2017	<u>7</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. Regarding Magistrate Judge and Honorable Michael W. Fitzgerald. (mat) (Entered: 07/03/2017)
06/29/2017	<u>8</u>	GOVERNMENT'S NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (mat) (Entered: 07/03/2017)
06/29/2017	<u>9</u>	NOTICE of Related Case(s) filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran Related Case(s): 16CR364(A)-PSG (mat) (Entered: 07/03/2017)
07/11/2017	<u>10</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Kanagasabai Kanakeswaran; defendants Year of Birth: 1952; date of arrest: 7/11/2017 (mat) (Entered: 07/13/2017)
07/11/2017	<u>11</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Karen L. Stevenson as to Defendant Kanagasabai Kanakeswaran. Defendant states true name as charged. Attorney: Mark Allen Chambers for Kanagasabai Kanakeswaran, Appointed, present. Court orders bail set as: Kanagasabai Kanakeswaran (1) \$100,000, See bond for conditions. Defendant remanded to the custody of the USM. Court Reporter: Marea Woolrich. Release No. 37503. (mat) (Entered: 07/13/2017)
07/11/2017	<u>12</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Kanagasabai Kanakeswaran (mat) (Entered: 07/13/2017)
07/11/2017	<u>13</u>	FINANCIAL AFFIDAVIT filed as to Defendant Kanagasabai Kanakeswaran. (Not for Public View pursuant to the E-Government Act of 2002) (mat) (Entered: 07/13/2017)
07/11/2017	<u>14</u>	UNREDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$100,00.00 by surety: Shantini Kanakeswaran for Arrest on Indictment - Initial Appearance, <u>11</u> . Filed by Defendant Kanagasabai Kanakeswaran (mat) (Entered: 07/13/2017)
07/11/2017	<u>15</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$100,00.00 by surety: Shantini Kanakeswaran for Arrest on Indictment - Initial Appearance, <u>11</u> . Filed by Defendant Kanagasabai Kanakeswaran (mat) (Entered: 07/13/2017)
07/11/2017	<u>16</u>	DECLARATION RE: PASSPORT filed by Defendant Kanagasabai Kanakeswaran, 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: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/13/2017)
07/11/2017	<u>17</u>	DECLARATION RE: PASSPORT filed by Defendant Kanagasabai Kanakeswaran, declaring that my passport and any other travel documents are in the possession of federal authorities. If any such document is returned to me during the pendency of this case, I will immediately surrender it to the U.S. Pretrial Services Agency. I will not apply for a passport or other travel document during the pendency of this case. RE: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/13/2017)
07/11/2017	<u>18</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Kanagasabai

		Kanakeswaran. Foreign passport was received on 7/11/17. Re: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/13/2017)
07/11/2017	<u>19</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Kanagasabai Kanakeswaran. Foreign passport was received on 7/11/17. Re: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/13/2017)
07/11/2017	<u>20</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Kanagasabai Kanakeswaran. USA passport was received on 7/11/17. Re: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/13/2017)
07/11/2017	<u>21</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Karen L. Stevenson as to Defendant Kanagasabai Kanakeswaran (1) Count 1,2-5. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Mark Allen Chambers, Appointed present. Case assigned to Judge Philip S. Gutierrez. Jury Trial set for 9/5/2017 09:00 AM before Judge Philip S. Gutierrez. Status Conference set for 8/21/2017 10:00 AM before Judge Philip S. Gutierrez. Court Reporter: Marea Woolrich. (tba) (Entered: 07/14/2017)
07/12/2017	<u>25</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Kanagasabai Kanakeswaran. Foreign passport was received on 7/12/17. Re: Financial Affidavit (CJA 23) - NFPV <u>13</u> . (mat) (Entered: 07/19/2017)
07/13/2017	<u>24</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Kanagasabai Kanakeswaran conditions of release: \$100,000 AB approved by Magistrate Judge Patrick J. Walsh. Release No 37503 (mat) (Entered: 07/18/2017)
07/14/2017	<u>22</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of AUSA Claire Yan on behalf of Plaintiff USA. Filed by Plaintiff USA. (Attorney Claire Yan added to party USA(pty:pla)) (Yan, Claire) (Entered: 07/14/2017)
07/17/2017	<u>23</u>	CRIMINAL MOTION AND TRIAL ORDER: by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. Pretrial Motions to be filed on: 7/24/17, Motion Oppositions to be filed on: 8/7/17. Motion Replies to be filed on: 8/14/17. Jury Trial set for 9/5/2017 09:00 AM. Status Conference set for 8/21/2017 10:00 AM. (wm) (Entered: 07/17/2017)
07/19/2017	<u>26</u>	NOTICE OF CLERICAL ERROR, as to Defendant Kanagasabai Kanakeswaran: Item <u>19</u> passport receipt is a duplicate entry of item 18. (mat) (Entered: 07/19/2017)
07/24/2017	<u>27</u>	Joint STIPULATION for Order Protective Order filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Yan, Claire) (Entered: 07/24/2017)
07/26/2017	<u>28</u>	PROTECTIVE ORDER by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran, re Stipulation <u>27</u> . (bm) (Entered: 07/27/2017)
07/27/2017	<u>29</u>	STIPULATION for Modification of Conditions of Release filed by Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Chambers, Mark) (Entered: 07/27/2017)
07/31/2017	<u>30</u>	ORDER TO MODIFY BOND CONDITIONS by Magistrate Judge Karen L. Stevenson as to Defendant Kanagasabai Kanakeswaran. In consideration of the Stipulation filed by the parties, and GOOD CAUSE appearing thereon, IT IS HEREBY ORDERED: 1. The current bond and conditions of release shall be modified from "Def. prohibited from making any referrals to third party non-physician medicare providers" to "Def. prohibited from making referrals to third party non-physician Medicare providers offering Home Health Services." 2. All other bond conditions shall remain the same. <u>29</u>

		(gr) (Additional attachment(s) added on 7/31/2017: # <u>1</u> Modified Bond Form) (gr). (Entered: 07/31/2017)
08/07/2017	<u>31</u>	STIPULATION to Continue Trial from September 5, 2017 to January 30, 2018 <i>Findings of Excludable Time Periods Pursuant to Speedy Trial Act</i> filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 08/07/2017)
08/07/2017	<u>32</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Kanagasabai Kanakeswaran conditions of release: \$100,000 approved by Magistrate Judge Karen L. Stevenson. (mat) (Entered: 08/09/2017)
08/14/2017	<u>33</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT as to Defendant Kanagasabai Kanakeswaran. by Judge Philip S. Gutierrez : The trial in this matter is continued from September 5, 2017 to January 30, 2018. The status conference hearing is continued to January 16, 2018, at 10:00 a.m. The briefing schedule for any motions shall be: motions due December 19, 2017; oppositions due January 2, 2018; replies due January 9, 2018; and hearing date of January 16, 2018, at 10:00 a.m. (lc) (Entered: 08/16/2017)
09/07/2017	<u>34</u>	APPLICATION TO SUBSTITUTE ATTORNEY Matthew D. Umhofer in place of attorney Mark Allen Chambers Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Attorney Samuel A Josephs added to party Kanagasabai Kanakeswaran(pty:dft)) (Josephs, Samuel) (Entered: 09/07/2017)
09/12/2017	<u>35</u>	ORDER by Judge Philip S. Gutierrez: Granting <u>34</u> APPLICATION for Approval of Substitution of Attorney as to Kanagasabai Kanakeswaran (1): The Court hereby orders that the request of: Kanagasabai Kanakeswaran, Defendant, to substitute Matthew D. Umhofer and Samuel A. Josephs, who is Retained Counsel, as attorney of record instead of Mark Allen Chambers (bm) (Entered: 09/13/2017)
10/13/2017	<u>36</u>	NOTICE of Manual Filing filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 10/13/2017)
10/17/2017	<u>37</u>	SEALED DOCUMENT - GOVERNMENT'S UNOPPOSED EX PARTE APPLICATION FOR ORDER DIRECTING DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION AND FOR A PROTECTIVE ORDER; Memorandum Of Points And Authorities; [Proposed] Order (bm) (Entered: 10/17/2017)
10/17/2017	<u>38</u>	SEALED DOCUMENT - ORDER ALLOWING DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION AND PROTECTIVE AND SEALING ORDER (bm) (Entered: 10/17/2017)
11/20/2017	<u>39</u>	NOTICE OF MOTION AND MOTION to Compel DISCOVERY Filed by Defendant Kanagasabai Kanakeswaran. Motion set for hearing on 12/18/2017 at 10:00 AM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Proposed Order) (Josephs, Samuel) (Entered: 11/20/2017)
11/20/2017	<u>40</u>	NOTICE of Manual Filing of Ex Parte Application to File In Camera; Proposed Order to File In Camera; In Camera Documents filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 11/20/2017)
11/27/2017	<u>41</u>	NOTICE of Manual Filing of OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY; DECLARATION OF ALEXANDER F. PORTER; EX PARTE APPLICATION TO SEAL; [PROPOSED] ORDER TO SEAL filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 11/27/2017)
11/29/2017	<u>43</u>	SEALED DOCUMENT - GOVERNMENT'S EX PARTE APPLICATION FOR ORDER

		SEALING DOCUMENTS; Declaration Of Alexander F. Porter as to Defendant Kanagasabai Kanakeswaran. Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. (bm) (Entered: 11/30/2017)
11/29/2017	<u>44</u>	SEALED DOCUMENT - ORDER SEALING DOCUMENTS (bm) (Entered: 11/30/2017)
11/29/2017	<u>45</u>	SEALED DOCUMENT - OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY; Declaration Of Alexander Porter (bm) (Entered: 11/30/2017)
12/04/2017	<u>46</u>	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION to Compel DISCOVERY <u>39</u> filed by Defendant Kanagasabai Kanakeswaran, M.D. (Josephs, Samuel) (Entered: 12/04/2017)
12/12/2017	<u>47</u>	NOTICE of Errata filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran RE: Response in Opposition (non-motion)(non-R&R) <u>45</u> . (Porter, Alexander) (Entered: 12/12/2017)
12/13/2017	<u>48</u>	MINUTES (IN CHAMBERS) Order DENYING Defendant's motion to compel discovery by Judge Philip S. Gutierrez denying <u>39</u> MOTION to Compel as to Kanagasabai Kanakeswaran (1): For the foregoing reasons, Defendants motion to compel discovery is DENIED. (see document for further details) (bm) (Entered: 12/13/2017)
12/14/2017	<u>49</u>	STIPULATION to Continue Trial from January 30, 2018 to July 10, 2018 <i>Findings of Excludable Time Periods Pursuant to Speedy Trial Act</i> filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 12/14/2017)
12/19/2017	<u>50</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: THEREFORE, FOR GOOD CAUSE SHOWN: The trial in this matter is continued from January 30, 2018 to July 10, 2018. The pretrial conference hearing is scheduled for July 2, 2018, at 10:00 a.m. The trial in this matter is continued from January 30, 2018 to July 10, 2018. The pretrial conference hearing is scheduled for July 2, 2018, at 10:00 a.m. The time period of January 30, 2018 to July 10, 2018, inclusive, is excluded in computing the time within which the trial must commence. (bm) (Entered: 12/21/2017)
02/22/2018	<u>51</u>	NOTICE of Manual Filing of In Camera Documents filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 02/22/2018)
04/12/2018	<u>56</u>	NOTICE of Manual Filing of In Camera Documents filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 04/12/2018)
05/09/2018	<u>61</u>	Notice of Appearance or Withdrawal of Counsel: for attorney John Hanusz counsel for Defendant Kanagasabai Kanakeswaran. Adding John Hanusz as counsel of record for Kanagasabai Kanakeswaran for the reason indicated in the G-123 Notice. Filed by Defendant Kanagasabai Kanakeswaran. (Attorney John Hanusz added to party Kanagasabai Kanakeswaran(pty:dft))(Hanusz, John) (Entered: 05/09/2018)
05/18/2018	<u>62</u>	STIPULATION to Continue Trial from July 10, 2018 to July 17, 2018 <i>Findings of Excludable Time Periods Pursuant to Speedy Trial Act</i> filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 05/18/2018)
05/21/2018	<u>63</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT <u>62</u> by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. 1. The trial in this matter is continued from July 10, 2018 to July 17, 2018. The pretrial conference hearing is

		<p>scheduled for July 9, 2018, at 10:00 a.m. 2. The briefing schedule for any substantive motions (not including motions in limine) shall be: motions due May 29, 2018; oppositions due June 5, 2018; replies due June 12, 2018; and hearing date of June 25, 2018, at 10:00 a.m. 3. The time period of July 10, 2018 to July 17, 2018, inclusive, is excluded in computing the time within which the trial must commence, pursuant to 18 U.S.C. §§ 3161 (h) (7) (A), (h) (7) (B) (i), and (B) (iv). 4. Defendant shall appear in Courtroom 6A of the Federal Courthouse, 350 West 1st Street, Los Angeles, California on July 17, 2018 at 9:00 a.m. 5. Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence. IT IS SO ORDERED. (ab) (Entered: 05/22/2018)</p>
05/22/2018	<u>64</u>	NOTICE of Manual Filing of In Camera Documents filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 05/22/2018)
05/29/2018	<u>69</u>	NOTICE OF MOTION AND MOTION to Exclude Evidence Pursuant to Federal Rules of Evidence 402, 403 and 404(b) Filed by Defendant Kanagasabai Kanakeswaran. Motion set for hearing on 6/25/2018 at 10:00 AM before Judge Philip S. Gutierrez. (Josephs, Samuel) (Entered: 05/29/2018)
05/31/2018	<u>70</u>	NOTICE of Manual Filing filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 05/31/2018)
05/31/2018	<u>73</u>	SEALED DOCUMENT - GOVERNMENT'S EX PARTE APPLICATION FOR AN ORDER ALLOWING DISCLOSURE Of Grand Jury Testimony; Memorandum Of Points And Authorities; Declaration Of AUSA Alexander F. Porter; [Proposed] Order Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. (bm) (Entered: 06/06/2018)
06/05/2018	<u>71</u>	STIPULATION for Order Setting Briefing Schedule for Motions In Limine filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 06/05/2018)
06/05/2018	<u>72</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Exclude Evidence Pursuant to Federal Rules of Evidence 402, 403 and 404(b) <u>69</u> (Porter, Alexander) (Entered: 06/05/2018)
06/05/2018	<u>74</u>	SEALED DOCUMENT - ORDER ALLOWING DISCLOSURE OF GRAND JURY TESTIMONY by Judge Philip S. Gutierrez: granting <u>73</u> EX PARTE APPLICATION for Order for as to Kanagasabai Kanakeswaran (1) (bm) (Entered: 06/06/2018)
06/07/2018	<u>75</u>	ORDER SETTING BRIEFING SCHEDULE ON MOTIONS IN LIMINE by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran, re Stipulation <u>71</u> : The Court has read and considered the Stipulation Regarding Briefing Schedule on Motions In Limine, filed by the parties in this matter. The Court hereby ORDERS the following briefing schedule for motions in limine in this case: 1. Motions in limine shall be due on June 11, 2018. 2. Oppositions shall be due on June 25, 2018. 3. Replies shall be due on July 2, 2018. 4. The hearing on the motions in limine will occur on July 9, 2018, at 10:00 a.m. during the currently-scheduled pretrial conference. (bm) (Entered: 06/07/2018)
06/11/2018	<u>76</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude Misleading Defense Arguments Regarding Non-Testifying Co-Conspirators; Declaration of Alexander F. Porter Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran Motion set for hearing on 7/9/2018 at 10:00 AM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Porter, Alexander) (Entered: 06/11/2018)

06/11/2018	<u>77</u>	NOTICE OF MOTION AND MOTION in Limine to Admit CO-CONSPIRATOR STATEMENTS Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran Motion set for hearing on 7/9/2018 at 10:00 AM before Judge Philip S. Gutierrez.(Yan, Claire) (Entered: 06/11/2018)
06/12/2018	<u>78</u>	NOTICE of Manual Filing of In Camera Documents filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 06/12/2018)
06/12/2018	<u>79</u>	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION to Exclude Evidence Pursuant to Federal Rules of Evidence 402, 403 and 404(b) <u>69</u> filed by Defendant Kanagasabai Kanakeswaran, M.D.. (Josephs, Samuel) (Entered: 06/12/2018)
06/18/2018	<u>80</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude TESTIMONY OF MEDICARE REPRESENTATIVE Filed by Defendant Kanagasabai Kanakeswaran Motion set for hearing on 7/9/2018 at 10:00 AM before Judge Philip S. Gutierrez. (Josephs, Samuel) (Entered: 06/18/2018)
06/21/2018	<u>85</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude EVIDENCE REGARDING ALLEGED WRONGDOING BY OTHER PHYSICIANS Filed by Defendant Kanagasabai Kanakeswaran Motion set for hearing on 7/9/2018 at 10:00 AM before Judge Philip S. Gutierrez.(Hanusz, John) (Entered: 06/21/2018)
06/21/2018	<u>86</u>	EX PARTE APPLICATION for Order for TO SHORTEN TIME; DECLARATION OF COUNSEL Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Hanusz, John) (Entered: 06/21/2018)
06/22/2018	<u>87</u>	ORDER TO SHORTEN TIME by Judge Philip S. Gutierrez granting <u>86</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Defendant's ex parte application to shorten time to file his Motion in Limine to Exclude Evidence Regarding Alleged Wrongdoing by Other Physicians is GRANTED. The government's Opposition is due no later than seven (7) days from the filing of Defendant's Motion, and Defendant's Reply is due no later than seven (7) days from the filing of the government's Opposition to Defendant's Motion. (bm) (Entered: 06/22/2018)
06/25/2018	<u>88</u>	OPPOSITION to MOTION in Limine to Exclude TESTIMONY OF MEDICARE REPRESENTATIVE <u>80</u> (Porter, Alexander) (Entered: 06/25/2018)
06/25/2018	<u>89</u>	MINUTES OF DEFENDANT'S MOTION TO EXCLUDE EVIDENCE PURSUANT TO FEDERAL RULES OF EVIDENCE 402, 403, AND 404(b) FILED 05-29-18 (DOC. 69)granting <u>69</u> MOTION to Exclude as to Kanagasabai Kanakeswaran (1) Hearing held before Judge Philip S. Gutierrez: The Court, having read and considered the Motion and all related documents, and having heard from counsel today, grants the Motion. Court Reporter: Marea Woolrich. (bm) (Entered: 06/25/2018)
06/25/2018	<u>90</u>	EX PARTE APPLICATION for Disclosure of Sealed Sentencing Position Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Hanusz, John) (Entered: 06/25/2018)
06/25/2018	<u>91</u>	OPPOSITION to MOTION in Limine to Preclude Misleading Defense Arguments Regarding Non-Testifying Co-Conspirators; Declaration of Alexander F. Porter <u>76</u> filed by Defendant Kanagasabai Kanakeswaran, M.D.. (Josephs, Samuel) (Entered: 06/25/2018)
06/25/2018	<u>92</u>	OPPOSITION to MOTION in Limine to Admit CO-CONSPIRATOR STATEMENTS <u>77</u> filed by Defendant Kanagasabai Kanakeswaran, M.D.. (Hanusz, John) (Entered: 06/25/2018)
06/26/2018	<u>93</u>	RESPONSE to EX PARTE APPLICATION for Disclosure of Sealed Sentencing Position

		<u>90</u> ,filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Yan, Claire) (Entered: 06/26/2018)
06/27/2018	<u>94</u>	ORDER RE: EX PARTE APPLICATION <u>90</u> by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that the government shall disclose its filings relating to sentencing in United States v. Lat, Case No. 17-CR-364-PSG (Dkt. Nos. <u>228</u> , <u>238</u>) to counsel for Dr. Kanakeswaran. Counsel for Dr. Kanakeswaran are not to disclose the contents of the filings without further order of the Court. (ab) (Entered: 06/27/2018)
06/28/2018	<u>95</u>	OPPOSITION to MOTION in Limine to Exclude EVIDENCE REGARDING ALLEGED WRONGDOING BY OTHER PHYSICIANS <u>85</u> (Porter, Alexander) (Entered: 06/28/2018)
07/02/2018	<u>96</u>	REPLY In Support Of MOTION in Limine to Exclude TESTIMONY OF MEDICARE REPRESENTATIVE <u>80</u> filed by Defendant Kanagasabai Kanakeswaran, M.D.. (Josephs, Samuel) (Entered: 07/02/2018)
07/02/2018	<u>97</u>	REPLY in support of MOTION in Limine to Preclude Misleading Defense Arguments Regarding Non-Testifying Co-Conspirators; Declaration of Alexander F. Porter <u>76</u> (Porter, Alexander) (Entered: 07/02/2018)
07/02/2018	<u>98</u>	REPLY IN SUPPORT OF MOTION in Limine to Admit CO-CONSPIRATOR STATEMENTS <u>77</u> (Attachments: # <u>1</u> Exhibit)(Yan, Claire) (Entered: 07/02/2018)
07/03/2018	<u>99</u>	TEXT ONLY ENTRY (In Chambers) by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. On the Court's own motion, the Status Conference and the parties' motions in limine <u>76</u> , <u>77</u> , <u>80</u> , and <u>85</u> are all reset to 07/09/18 at 1:30pm. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (wm) TEXT ONLY ENTRY (Entered: 07/03/2018)
07/09/2018	<u>100</u>	MINUTES OF Status Conference and Hearing on Motions in Limine as to Kanagasabai Kanakeswaran (1): The Status Conference is held. For the reasons stated on the record, and counsel and defendant concurring, the Court orders the trial date continued to August 14, 2018 at 9:00 AM. A Final Status Conference is set for August 6, 2018 at 10:00 AM. Pretrial deadlines shall be based on the new trial date. The hearing on motions in limine is held. The Court provides tentative rulings, hears oral argument, and rules as follows: 1. Plaintiffs Motion in Limine to Preclude Misleading Defense Arguments re Non-Testifying Co-Conspirators (Doc. 76): The Court orders further briefing. Government counsel shall file a supplemental brief, 5 pages or less, by July 16, 2018; defense may file a response, 5 pages or less, by July 23, 2018. 2. Plaintiff's Motion in Limine to Admit Co-Conspirator Statements (Doc. 77): The Court defers ruling on the motion until such time as government counsel presents evidence of a conspiracy. 3. Defendant's Motion in Limine to Exclude Testimony of Medicare Representative (Doc. 80): The Court denies in part, and grants in part. 4. Defendant's Motion in Limine to Exclude Evidence Regarding Alleged Wrongdoing By Other Physicians (Doc. 85): The Court denies the motion. Court Reporter: Marea Woolrich. (bm) (Entered: 07/09/2018)
07/16/2018	<u>101</u>	MEMORANDUM in Support of MOTION in Limine to Preclude Misleading Defense Arguments Regarding Non-Testifying Co-Conspirators; Declaration of Alexander F. Porter <u>76</u> (Porter, Alexander) (Entered: 07/16/2018)
07/17/2018	<u>102</u>	EX PARTE APPLICATION for Order for For Findings of Excludable Time Under the Speedy Trial Act Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order Continuing Trial Date and Findings Regarding Excludable Time Periods Pursuant to Speedy Trial Act) (Porter, Alexander) (Entered: 07/17/2018)

07/19/2018	<u>103</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Accordingly, The trial in this matter is continued from July 17, 2018 to August 14, 2018. The status conference hearing is scheduled for August 6, 2018, at 10:00 a.m. The time period of July 17, 2018 to August 14, 2018, inclusive, is excluded pursuant to computing time which within the trial must commence. (bm) (Entered: 07/19/2018)
07/19/2018	<u>104</u>	EX PARTE APPLICATION for Order for TO SHORTEN TIME; DECLARATION OF COUNSEL Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Hanusz, John) (Entered: 07/19/2018)
07/19/2018	<u>105</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude EVIDENCE OF MEDICARE REIMBURSEMENT AMOUNTS AT TRIAL Filed by Defendant Kanagasabai Kanakeswaran Motion set for hearing on 8/6/2018 at 10:00 AM before Judge Philip S. Gutierrez.(Hanusz, John) (Entered: 07/19/2018)
07/20/2018	<u>106</u>	TRANSCRIPT ORDER as to Defendant Kanagasabai Kanakeswaran DCN number: R18A1295 for Court Reporter. Order for: Criminal Non Appeal.(Porter, Alexander) (Entered: 07/20/2018)
07/20/2018	<u>107</u>	ORDER TO SHORTEN TIME by Judge Philip S. Gutierrez granting <u>104</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Defendant's ex parte application to shorten time to file his Motion in Limine to Exclude Evidence of Medicare Reimbursement Amounts is GRANTED. The governments Opposition is due no later than seven (7) days from the filing of Defendant's Motion, and Defendant's Reply is due no later than seven (7) days from the filing of the government's Opposition to Defendant's Motion. (bm) (Entered: 07/20/2018)
07/21/2018	<u>108</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 7/9/2018 at 1:39 p.m. Court Reporter/Electronic Court Recorder: Marea Woolrich, phone number mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 8/13/2018. Redacted Transcript Deadline set for 8/21/2018. Release of Transcript Restriction set for 10/19/2018.(mwo) (Entered: 07/21/2018)
07/21/2018	<u>109</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings 7/9/2018 at 1:39 p.m. re Transcript <u>108</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (mwo) TEXT ONLY ENTRY (Entered: 07/21/2018)
07/23/2018	<u>110</u>	Supplemental MEMORANDUM in Opposition to MOTION in Limine to Preclude Misleading Defense Arguments Regarding Non-Testifying Co-Conspirators; Declaration of Alexander F. Porter <u>76</u> filed by Defendant Kanagasabai Kanakeswaran, M.D.. (Josephs, Samuel) (Entered: 07/23/2018)
07/26/2018	<u>111</u>	OPPOSITION to MOTION in Limine to Exclude EVIDENCE OF MEDICARE REIMBURSEMENT AMOUNTS AT TRIAL <u>105</u> (Yan, Claire) (Entered: 07/26/2018)
08/02/2018	<u>112</u>	REPLY in support of MOTION in Limine to Exclude EVIDENCE OF MEDICARE REIMBURSEMENT AMOUNTS AT TRIAL <u>105</u> filed by Defendant Kanagasabai Kanakeswaran. (Hanusz, John) (Entered: 08/02/2018)
08/06/2018	<u>113</u>	MINUTES OF STATUS CONFERENCE; PLAINTIFF'S MIL TO PRECLUDE MISLEADING DEFENSE ARGUMENTS RE NON-TESTIFYING CO-

		CONSPIRATORS FILED 06-11-18 (DOC. 76); DEFENDANTS'S MIL TO EXCLUDE EVIDENCE OF MEDICARE REIMBURSEMENT AMOUNTS AT TRIAL FILED 07-19-18 (DOC. 105) Hearing held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Having considered all papers relating to the Motions referenced above, and the oral argument presented today, the Court denies Motion no. 105, and takes under submission Motion no. 76. Further, counsel confirmed they are ready to proceed with trial on August 14, with a trial estimate of eight court days. Court Reporter: Marea Woolrich. (bm) (Entered: 08/06/2018)
08/07/2018	<u>114</u>	NOTICE of Manual Filing filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 08/07/2018)
08/07/2018	<u>115</u>	PROPOSED JURY INSTRUCTIONS (Annotated - Clean set) filed by Defendant Kanagasabai Kanakeswaran (Hanusz, John) (Entered: 08/07/2018)
08/07/2018	<u>116</u>	PROPOSED VOIR DIRE QUESTIONS filed by Defendant Kanagasabai Kanakeswaran (Hanusz, John) (Entered: 08/07/2018)
08/07/2018	<u>117</u>	TRIAL MEMORANDUM filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 08/07/2018)
08/07/2018	<u>118</u>	PROPOSED JURY INSTRUCTIONS (Annotated - Joint set) filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 08/07/2018)
08/07/2018	<u>119</u>	PROPOSED JURY INSTRUCTIONS (Annotated - Disputed set) filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 08/07/2018)
08/07/2018	<u>120</u>	STATEMENT filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Yan, Claire) (Entered: 08/07/2018)
08/07/2018	<u>121</u>	PROPOSED JURY VERDICT filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Yan, Claire) (Entered: 08/07/2018)
08/07/2018	<u>122</u>	PROPOSED VOIR DIRE QUESTIONS filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Yan, Claire) (Entered: 08/07/2018)
08/07/2018	<u>123</u>	STATEMENT filed by Defendant Kanagasabai Kanakeswaran (Hanusz, John) (Entered: 08/07/2018)
08/08/2018	<u>124</u>	EX PARTE APPLICATION for Order for To Use Equipment At Trial Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Josephs, Samuel) (Entered: 08/08/2018)
08/09/2018	<u>125</u>	NOTICE of Manual Filing of (1) EX PARTE APPLICATION FOR UNDER SEAL AND IN CAMERA FILING; DECLARATION OF GREGORY A. LESSER; (2) [PROPOSED] ORDER FOR UNDER SEAL AND IN CAMERA FILING; (3) IN CAMERA SUBMISSION; AND (4) [PROPOSED] ORDER ON GOVERNMENTS IN CAMERA SUBMISSION filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Lesser, Gregory) (Entered: 08/09/2018)
08/09/2018	<u>126</u>	ORDER GRANTING REQUEST TO USE EQUIPMENT AT TRIAL by Judge Philip S. Gutierrez granting <u>124</u> EX PARTE APPLICATION for Order for as to Kanagasabai Kanakeswaran (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Defendant's ex pane application for an Order permitting defense counsel to bring trial equipment for use during trial in this matter is GRANTED. The defense may bring three (3) laptop computers, one (1) Apple iPad, and one (1) easel and accompanying easel pad for use at trial. (bm) (Entered: 08/09/2018)
08/09/2018	<u>127</u>	TEXT ONLY ENTRY (In Chambers) by Judge Philip S. Gutierrez as to Defendant

		Kanagasabai Kanakeswaran. On the Court's own motion, a Status Conference is set for 08/10/18 at 1:30pm. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (wm) TEXT ONLY ENTRY (Entered: 08/09/2018)
08/10/2018	<u>128</u>	MINUTES OF STATUS CONFERENCE held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Outside the presence of counsel, in closed proceedings, the Court discusses the recent in camera filings submitted by AUSA Greg Lesser. In open court, the Court orders portion of today's proceedings sealed until further of the Court. Further, the Court directs counsel to meet and confer and revise the proposed statement of the case. Court Reporter: Marea Woolrich. (bm) (Entered: 08/10/2018)
08/13/2018	<u>129</u>	NOTICE OF IN CAMERA FILING filed by Defendant Kanagasabai Kanakeswaran (Hanusz, John) (Entered: 08/13/2018)
08/13/2018	<u>134</u>	STATEMENT filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Porter, Alexander) (Entered: 08/13/2018)
08/14/2018	<u>138</u>	EX PARTE APPLICATION to Compel Disclosure of Discovery Pursuant to Federal Rule of Criminal Procedure 16(b) Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. (Porter, Alexander) (Entered: 08/14/2018)
08/14/2018	<u>140</u>	MINUTES OF JURY TRIAL - BEGUN (Jury Impanelment) - 1st Day held before Judge Philip S. Gutierrez: Jury selection begun as to Defendant Kanagasabai Kanakeswaran (1) on Count 1,2-5. Jury impaneled and sworn. Opening statements made Government and defendant. Jury Trial continued to 8/15/2018 at 12:30 PM. Other: Subpoenaed witness Aaron Chavez ordered to be on "on-call" status and return to court on a 24-hour notice. Court Reporters: Marea Woolrich (AM) and Cindy Nirenberg (PM). (bm) (Entered: 08/15/2018)
08/15/2018	<u>139</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude Evidence and Argument of Good Conduct Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran Motion set for hearing on 8/15/2018 at 12:30 PM before Judge Philip S. Gutierrez. (Porter, Alexander) (Entered: 08/15/2018)
08/15/2018	<u>141</u>	MINUTES OF Jury Trial - 2nd Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 8/16/2018 at 9:00 AM. Other: For reasons stated on the record, the Court denies the Motion in Limine to Preclude Evidence and Argument of Good Conduct <u>139</u> and grants in part and denies in part the ex Parte Application to Compel Disclosure of Discovery Pursuant to Federal Rule of Criminal Procedure 16(b) <u>138</u> . Court Reporters: Marea Woolrich (AM), Cindy Nirenberg (PM). (bm) (Entered: 08/16/2018)
08/16/2018	<u>142</u>	MINUTES OF Jury Trial - 3rd Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 8/17/2018 at 8:30 AM. Other: For reasons stated on the record, the Court remands witness Errol G. Lat into the custody of the U.S. Marshal. Remand Order No. 13428. Court Reporters: Marea Woolrich (AM), Cindy Nirenberg (PM). (bm) (Entered: 08/17/2018)
08/17/2018	<u>145</u>	MINUTES OF Jury Trial - 4th Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 8/2/2018 at 8:30 AM. Other: Reuven Cohen and David Sutton, counsel for witness Corinne Chavez address the Court about their client's testimony at trial and that Mr. Sutton intends to be present in the courtroom during Ms.

		Chavez's testimony. Court Reporters: Marea Woolrich (AM) Cindy Nirenberg (PM). (bm) (Entered: 08/20/2018)
08/19/2018	<u>143</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>For Government Misconduct</i> Filed by Defendant Kanagasabai Kanakeswaran. Motion set for hearing on 8/21/2018 at 09:00 AM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Exhibit) (Josephs, Samuel) (Entered: 08/19/2018)
08/20/2018	<u>144</u>	EX PARTE APPLICATION for Order for FILING EXHIBITS UNDER SEAL Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Josephs, Samuel) (Entered: 08/20/2018)
08/20/2018	<u>146</u>	NOTICE of Manual Filing of Exhibits E and F to Kanagasabai Kanakeswaran, M.D.S Motion to Dismiss the Counts Against Him for Government Misconduct filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 08/20/2018)
08/20/2018	<u>148</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <i>For Government Misconduct</i> <u>143</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 501, # <u>6</u> Exhibit 502)(Porter, Alexander) (Entered: 08/20/2018)
08/21/2018	<u>149</u>	STATEMENT filed by Defendant Kanagasabai Kanakeswaran (Hanusz, John) (Entered: 08/21/2018)
08/21/2018	<u>150</u>	NOTICE OF MOTION AND MOTION for Acquittal Filed by Defendant Kanagasabai Kanakeswaran. Motion set for hearing on 8/21/2018 at 08:30 AM before Judge Philip S. Gutierrez. (Hanusz, John) (Entered: 08/21/2018)
08/21/2018	<u>152</u>	DEFENDANT KANAGASABAI KANAKESWARAN M.D.'S PROPOSED JURY INSTRUCTION filed by Defendant Kanagasabai Kanakeswaran (bm) (Entered: 08/23/2018)
08/21/2018	<u>154</u>	MINUTES OF Jury Trial - 5th Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Witnesses called, sworn and testified. Exhibits identified and admitted. Government rests. Motion for judgment on acquittal (FRCRP 28) is submitted. Jury Trial continued to 8/22/2018 at 8:30 AM. Court Reporters: Marea Woolrich (AM)/Cindy Nirenberg (PM). (bm) (Entered: 08/27/2018)
08/22/2018	<u>151</u>	ORDERS IN THE ALTERNATIVE by Judge Philip S. Gutierrez granting <u>144</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Exhibits E and F (grand jury transcripts) to Kanagasabai Kanakeswaran, M.D.'S Motion to Dismiss the Counts Against Him for Government Misconduct be filed under seal. (bm) (Entered: 08/23/2018)
08/22/2018	<u>155</u>	MINUTES OF Jury Trial - 6th Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Defendant(s) Kanagasabai Kanakeswaran, M.D. rest. Closing arguments made. Court instructs jury. Bailiff sworn. Clerk reviewed admitted exhibits with counsel to be submitted to the Jury/Court for deliberations/findings. Alternates excused. Jury retires to deliberate. Jury Trial continued to 8/23/2018 at 8:30 AM. Other: Govt to file Response to Rule 29 Motion; Deft may reply. Court Reporter: Marea Woolrich. (bm) (Entered: 08/27/2018)
08/23/2018	<u>156</u>	MINUTES OF Jury Trial - 7th Day held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. Jury polled. Verdict reached. Jury finds: Kanagasabai Kanakeswaran (1) Guilty on Count 1-5. Filed Witness and Exhibit lists. Filed Jury notes. Filed Jury Instructions. Filed Jury Verdict. Defendant referred to Probation Office for Investigation and Report. Sentencing set for 1/7/2019 at 10:00 AM. Other: Jury note no. 1, no. 2 and no. 3 received. The defendant may remain on bond. He is ordered to return on January 7, 2019 Court Reporter: Marea Woolrich. (bm) (Entered: 08/27/2018)

08/23/2018	<u>157</u>	Jury Instructions (Given) by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran, (bm) (Entered: 08/27/2018)
08/23/2018	<u>158</u>	REDACTED Jury Note (Number: 1) as to Kanagasabai Kanakeswaran (bm) (Entered: 08/27/2018)
08/23/2018	<u>159</u>	UNREDACTED Jury Note No. 1 filed as to Defendant Kanagasabai Kanakeswaran re: REDACTED Jury Note (Number: 1) <u>158</u> (bm) (Entered: 08/27/2018)
08/23/2018	<u>160</u>	COURT'S RESPONSE TO JURY NOTE NO. 1 <u>158</u> (bm) (Entered: 08/27/2018)
08/23/2018	<u>161</u>	REDACTED JURY NOTE NO. 2 as to Kanagasabai Kanakeswaran (bm) (Entered: 08/27/2018)
08/23/2018	<u>162</u>	UNREDACTED Jury Note No. 2 filed re: REDACTED JURY NOTE NO. 2 <u>161</u> (bm) (Entered: 08/27/2018)
08/23/2018	<u>163</u>	REDACTED Jury Note (Number: 3) as to Kanagasabai Kanakeswaran (bm) (Entered: 08/27/2018)
08/23/2018	<u>164</u>	UNREDACTED Jury Note No. 3 filed re: REDACTED Jury Note (Number: 3) <u>163</u> (bm) (Entered: 08/27/2018)
08/23/2018	<u>165</u>	REDACTED VERDICT FORM as to Kanagasabai Kanakeswaran (1) Guilty on Count 1, 2-5. (bm) (Entered: 08/27/2018)
08/23/2018	<u>166</u>	UNREDACTED VERDICT FORM filed re: REDACTED VERDICT FORM <u>165</u> (bm) (Entered: 08/27/2018)
08/23/2018	<u>167</u>	LIST OF EXHIBITS AND WITNESSES at trial as to Kanagasabai Kanakeswaran. (bm) (Entered: 08/27/2018)
08/23/2018	<u>168</u>	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; as to Defendant Kanagasabai Kanakeswaran. Pursuant to stip of counsel and/or by Order of the Court, all exhibits listed on joint exhibits list are returned to counsel for respective party(ies) (bm) (Entered: 08/27/2018)
08/24/2018	<u>153</u>	NOTICE of Manual Filing of Exhibits E and F to Kanagasabai Kanakeswaran, M.D.S Motion to Dismiss the Counts Against Him for Government Misconduct filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 08/24/2018)
08/27/2018	<u>169</u>	SEALED SEALED DOCUMENT - EXHIBITS E AND F FILED UNDER SEAL filed by Defendant Kanagasabai Kanakeswaran (bm) (Entered: 08/30/2018)
09/06/2018	<u>170</u>	Joint STIPULATION for Order Setting Briefing Schedule <i>re Post-Trial Motions</i> filed by Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order Setting Briefing Schedule)(Josephs, Samuel) (Entered: 09/06/2018)
09/11/2018	<u>171</u>	ORDER by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran, re Stipulation <u>170</u> : Based on the parties' stipulation, and GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that: 1. The defense shall file any post-trial motion(s), including any motion pursuant to Federal Rule of Criminal Procedure 33, no later than thirty (30) days following the filing of all trial transcripts in this matter; 2. The government shall file any opposition no later than fourteen (14) days following the defense's filing of its post-trial motion(s). The government's opposition to Dr. Kanakeswaran's previously-filed Rule 29 Motion (Dkt. No. 150) shall be due on the same date; and 3. The defense shall file any reply no later than fourteen (14) days following the filing of the government's opposition. (bm) (Entered: 09/12/2018)
11/01/2018	<u>172</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 1,

		VOLUME 1 held on 8/14/18 at 8:54 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>173</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 2, VOLUME 1 held on 8/15/18 at 12:28 p.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>174</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 3, VOLUME 1 held on 8/16/18 at 8:52 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>175</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 4, VOLUME 1 held on 8/17/18 at 8:34 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>176</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 5, VOLUME 1 held on 8/21/18 at 8:21 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>177</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 6, VOLUME 1 held on 8/22/18 at 8:31 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>178</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for TRIAL DAY 7 held on 8/23/18 at 8:30 a.m. Court Reporter: Marea Woolrich, e-mail: mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or

		purchased through the Court Reporter/Electronic Court Recorder 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 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/30/2019.(mwo) (Entered: 11/01/2018)
11/01/2018	<u>179</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings August 14, 15, 16, 17, 21, 22, 23, 2018, Volume I re Transcript <u>174</u> , <u>172</u> , <u>178</u> , <u>177</u> , <u>176</u> , <u>175</u> , <u>173</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (mwo) TEXT ONLY ENTRY (Entered: 11/01/2018)
11/02/2018	<u>180</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 1, VOLUME II held on 8/14/18 at 1:16 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com. 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 Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>181</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 2, VOLUME II held on 8/15/18 at 3:05 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com. 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 Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>182</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 3, VOLUME II held on 8/16/18 at 1:28 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com. 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 Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>183</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 4, VOLUME II held on 8/17/18 at 1:30 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com. 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 Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>184</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 5, VOLUME II held on 8/21/18 at 1:35 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com. 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 Court

		Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com , or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>185</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on TRIAL DAY 6, VOLUME II held on 8/22/18 at 1:34 p.m. Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com . 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 Court Reporter: C. Nirenberg, OFFICIAL REPORTER, CONTACT www.msfdreporter.com , or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/23/2018. Redacted Transcript Deadline set for 12/3/2018. Release of Transcript Restriction set for 1/31/2019.(Nirenberg, C) (Entered: 11/02/2018)
11/02/2018	<u>186</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings August 14, 15, 16, 17, 21, 22, 23, 2018, Volume II, re Transcript <u>180</u> , <u>183</u> , <u>184</u> , <u>185</u> , <u>182</u> , <u>181</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Nirenberg, C) TEXT ONLY ENTRY (Entered: 11/02/2018)
11/14/2018	<u>187</u>	TRANSCRIPT ORDER as to Defendant Kanagasabai Kanakeswaran DCN number: R19A0194 for Court Reporter. Order for: Criminal Non Appeal.(Lewis, Frances) (Entered: 11/14/2018)
11/14/2018	<u>188</u>	TRANSCRIPT ORDER as to Defendant Kanagasabai Kanakeswaran DCN number: R19A0192 for Court Reporter. Order for: Criminal Non Appeal.(Porter, Alexander) (Entered: 11/14/2018)
11/15/2018	<u>189</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 8/6/18 at 10:07 a.m. Court Reporter/Electronic Court Recorder: Marea Woolrich, phone number mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 12/6/2018. Redacted Transcript Deadline set for 12/17/2018. Release of Transcript Restriction set for 2/13/2019.(mwo) (Entered: 11/15/2018)
11/15/2018	<u>190</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings 8/6/18 at 10:07 a.m. re Transcript <u>189</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (mwo) TEXT ONLY ENTRY (Entered: 11/15/2018)
12/03/2018	<u>193</u>	NOTICE of Previously Filed Motion for Judgment of Acquittal filed by Defendant Kanagasabai Kanakeswaran , Re: NOTICE OF MOTION AND MOTION for Acquittal <u>150</u> (Josephs, Samuel) (Entered: 12/03/2018)
12/17/2018	<u>194</u>	OPPOSITION to NOTICE OF MOTION AND MOTION for Acquittal <u>150</u> (Attachments: # <u>1</u> Exhibit 300, # <u>2</u> Exhibit 301, # <u>3</u> Exhibit 302, # <u>4</u> Exhibit 401, # <u>5</u> Exhibit 402, # <u>6</u> Exhibit 403, # <u>7</u> Exhibit 404, # <u>8</u> Exhibit 405, # <u>9</u> Exhibit 406, # <u>10</u> Exhibit 407, # <u>11</u> Exhibit 408, # <u>12</u> Exhibit 409, # <u>13</u> Exhibit 410, # <u>14</u> Exhibit 411, # <u>15</u> Exhibit 412, # <u>16</u> Exhibit 501, # <u>17</u> Exhibit 503, # <u>18</u> Exhibit 504, # <u>19</u> Exhibit 507, # <u>20</u> Exhibit 602, # <u>21</u> Exhibit 603, # <u>22</u> Exhibit 604, # <u>23</u> Exhibit 607, # <u>24</u> Exhibit 610, # <u>25</u> Exhibit 612, # <u>26</u> Exhibit 613, # <u>27</u> Exhibit 614, # <u>28</u> Exhibit 615, # <u>29</u> Exhibit 617, # <u>30</u> Exhibit 618, # <u>31</u> Exhibit 619, # <u>32</u> Exhibit 620, # <u>33</u> Exhibit 621, # <u>34</u> Exhibit 622) (Porter, Alexander) (Entered: 12/17/2018)
12/17/2018	<u>195</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT filed by Defendant

		Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 12/17/2018)
12/21/2018	<u>196</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Exhibit 300, # <u>2</u> Exhibit 301, # <u>3</u> Exhibit 302, # <u>4</u> Exhibit 409, # <u>5</u> Exhibit 410, # <u>6</u> Exhibit 501, # <u>7</u> Exhibit 503, # <u>8</u> Exhibit 600, # <u>9</u> Exhibit 605, # <u>10</u> Exhibit 621)(Porter, Alexander) (Entered: 12/21/2018)
12/21/2018	<u>197</u>	APPLICATION for Order for For Entry of Money Judgment Filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran. Application set for hearing on 1/7/2019 at 10:00 AM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 501, # <u>4</u> Exhibit 507, # <u>5</u> Exhibit 604, # <u>6</u> Exhibit 612, # <u>7</u> Exhibit 613, # <u>8</u> Exhibit 614, # <u>9</u> Exhibit 615, # <u>10</u> Exhibit 617, # <u>11</u> Exhibit 618, # <u>12</u> Exhibit 619, # <u>13</u> Exhibit 620, # <u>14</u> Exhibit 621, # <u>15</u> Exhibit 622) (Porter, Alexander) (Entered: 12/21/2018)
12/24/2018	<u>198</u>	POSITION WITH RESPECT TO SENTENCING FACTORS filed by Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M)(Josephs, Samuel) (Entered: 12/24/2018)
12/24/2018	<u>199</u>	NOTICE of Manual Filing of Exhibits D and E filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 12/24/2018)
12/26/2018	<u>200</u>	SEALED DEFENDANT KANAGASABAI KANAKESWARAN, M.D.'S EXHIBITS D AND E TO POSITION REGARDING SENTENCING (bm) (Entered: 12/28/2018)
01/02/2019	<u>201</u>	OPPOSITION to APPLICATION for Order for For Entry of Money Judgment <u>197</u> filed by Defendant KANAGASABAI KANAKESWARAN, M.D.. (Josephs, Samuel) (Entered: 01/02/2019)
01/03/2019	<u>202</u>	SENTENCING LETTER filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 01/03/2019)
01/07/2019	<u>204</u>	MINUTES OF SENTENCING; DEFENDANT'S MOTION TO DISMISS THE COUNTS AGAINST HIM FOR GOVERNMENT MISCONDUCT (DOC. 143); DEFENDANT'S MOTION FOR ACQUITTAL PURSUANT TO FED.R.CRIM.P. 29 (DOC. 150); PLAINTIFFS APPLICATION FOR ENTRY OF MONEY JUDGMENT (DOC. 197) Hearing held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: The Court hears defendant's motion to dismiss the counts against him for government misconduct (143) and defendant's motion for acquittal pursuant to Fed.R.Crim.P. 29 (150). Defendant's motion to dismiss the counts against him for government misconduct (143) is denied. Defendant's motion for acquittal pursuant to Fed.R.Crim.P. 29 (150) is denied. Plaintiff's application for entry of money judgment (197) is taken under submission. Sentencing is continued to January 22, 2019 at 9:00 a.m. Court Reporter: Marea Woolrich. (bm) (Entered: 01/10/2019)
01/21/2019	<u>205</u>	SENTENCING LETTER filed by Defendant Kanagasabai Kanakeswaran (Josephs, Samuel) (Entered: 01/21/2019)
01/22/2019	<u>206</u>	MINUTES (IN CHAMBERS) (In Chambers) Order GRANTING forfeiture and DENYING restitution by Judge Philip S. Gutierrez g as to Kanagasabai Kanakeswaran (1): Before the Court are motions from the Government asking for the imposition of restitution and entry of a judgment of forfeiture against Defendant Kanagasabai Kanakeswaran ("Defendant"). See Government's Sentencing Memorandum, Dkt. no. 196 ("Gov't Mem."); Government Motion for Entry of Money Judgment, Dkt. no. 197 ("Forfeiture Mot."). The Court heard from the parties about these issues at sentencing hearings held on January 7, 2019 and January 22, 2019. This order supplies the reasoning

		for the Court's oral order GRANTING the motion for forfeiture but DENYING the motion for restitution. For the foregoing reasons, the Court DENIES the Government's motion for restitution but GRANTS its motion for forfeiture. Defendant is ORDERED to forfeit \$509,662 to the United States. (see document for further details) (bm) (Entered: 01/22/2019)
01/22/2019	<u>207</u>	MINUTES OF SENTENCING Hearing held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. Defendant Kanagasabai Kanakeswaran (1), Count(s) 1, 2-5, Defendant is committed to the custody of the Bureau of Prisons for 42 months. This term consists of 42 months on each of Counts 1 through 5 of the Indictment, to be served concurrently. Supervised Release for two years on each of Counts 1 through 5 of the Indictment, all such terms to run concurrently, under the terms and conditions of the U.S. Probation and Pretrial Services Office and General Order 18-10. Special assessment of \$500. All fines waived. Bond exonerated upon surrender. Defendant advised of right of appeal. Defendant to surrender not later than 3/4/2019. Court Reporter: Marea Woolrich. (bm) (Entered: 01/23/2019)
01/22/2019	<u>210</u>	MONEY JUDGMENT OF FORFEITURE by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant shall forfeit to the United States the sum of \$509,622, pursuant to Title 18, United States Code, Section 982(a)(7). IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order. IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), this Money Judgment of Forfeiture shall become final as to defendant at the time of sentencing, and shall be made part of the sentence and included in the judgment and commitment order. IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a value not to exceed \$509,662 to satisfy the money judgment in whole or in part. (bm) (Entered: 01/24/2019)
01/23/2019	<u>208</u>	JUDGMENT AND COMMITMENT by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran (1), Count(s) 1, 2-5, Defendant is committed to the custody of the Bureau of Prisons for 42 months. This term consists of 42 months on each of Counts 1 through 5 of the Indictment, to be served concurrently. Supervised Release for two years on each of Counts 1 through 5 of the Indictment, all such terms to run concurrently, under the terms and conditions of the U.S. Probation and Pretrial Services Office and General Order 18-10. Special assessment of \$500. All fines waived. (bm) (Entered: 01/23/2019)
01/23/2019	<u>209</u>	NOTICE OF APPEAL to Appellate Court filed by Defendant Kanagasabai Kanakeswaran. Filing fee \$505, receipt number 0973-23087404. (Attachments: # <u>1</u> Judgment and Commitment Order)(Josephs, Samuel) (Entered: 01/23/2019)
01/24/2019	<u>211</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 19-50016 as to Defendant Kanagasabai Kanakeswaran, 9th CCA regarding Notice of Appeal to USCA - Final Judgment <u>209</u> . (lom) (Entered: 01/25/2019)
02/07/2019	<u>213</u>	ORDER of USCA filed as to Defendant Kanagasabai Kanakeswaran re 9th CCA Assigned Case Number Notice <u>211</u> , CCA #19-50016. The Order received in this district on 2/7/19. 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 appellant's retained counsel, Samuel A. Josephs, Esq., to withdraw as counsel of record and for appointment of new counsel is granted. Counsel will be appointed by separate order. The Clerk shall electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. (See document for complete details.) (bm) (Entered: 02/12/2019)

02/12/2019	<u>214</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Margaret A Farrand on behalf of Defendant Kanagasabai Kanakeswaran. Filed by Defendant Kanagasabai Kanakeswaran. (Attorney Margaret A Farrand added to party Kanagasabai Kanakeswaran(pty:dft))(Farrand, Margaret) (Entered: 02/12/2019)
02/12/2019	<u>215</u>	TRANSCRIPT ORDER re: Court of Appeals case number 19-50016, as to Defendant Kanagasabai Kanakeswaran for Court Reporter. Order for: Criminal Appeal. (Attachments: # <u>1</u> SF 1034 Public Voucher)(Farrand, Margaret) (Entered: 02/12/2019)
02/12/2019	<u>216</u>	DESIGNATION OF RECORD ON APPEAL filed by Defendant Kanagasabai Kanakeswaran re Notice of Appeal to USCA - Final Judgment <u>209</u> (Farrand, Margaret) (Entered: 02/12/2019)
02/14/2019	<u>217</u>	EX PARTE APPLICATION for Order for Continuance of Surrender Date <i>DEFENDANT'S EX PARTE APPLICATION TO CONTINUE HIS SURRENDER DATE UNTIL MAY 3, 2019</i> Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Farrand, Margaret) (Entered: 02/14/2019)
02/15/2019	<u>218</u>	OPPOSITION to EX PARTE APPLICATION for Order for Continuance of Surrender Date <i>DEFENDANT'S EX PARTE APPLICATION TO CONTINUE HIS SURRENDER DATE UNTIL MAY 3, 2019</i> <u>217</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Porter, Alexander) (Entered: 02/15/2019)
02/18/2019	<u>219</u>	REPLY in support of EX PARTE APPLICATION for Order for Continuance of Surrender Date <i>DEFENDANT'S EX PARTE APPLICATION TO CONTINUE HIS SURRENDER DATE UNTIL MAY 3, 2019</i> <u>217</u> filed by Defendant Kanagasabai Kanakeswaran. (Farrand, Margaret) (Entered: 02/18/2019)
02/19/2019	<u>220</u>	NOTICE of Manual Filing of (1) Ex Parte Application for Authorization to File In Camera; (2) [Proposed] Order; and (3) In Camera Document filed by Defendant Kanagasabai Kanakeswaran (Mircheff, Brianna) (Entered: 02/19/2019)
02/19/2019	<u>221</u>	TEXT ONLY ENTRY (In Chambers) by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran. On the Court's own motion, a Status Conference Re: Ex Parte Application <u>217</u> is set for 02/25/19 at 11am. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (wm) TEXT ONLY ENTRY (Entered: 02/19/2019)
02/25/2019	<u>225</u>	MINUTES OF STATUS CONFERENCE CONTINUED RE: EX PARTE APPLICATION FILED ON 2/14/19 held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Outside the presence of the parties, the Court holds an in-camera hearing with Ms. Brianna Mirchieff, Appeals Chief for the Public Defender's Office. In open court, the Court orders the in-camera discussions sealed until further of the Court, and instructs the parties to return tomorrow at 9am. Court Reporter: Marea Woolrich. (bm) (Entered: 02/25/2019)
02/26/2019	<u>226</u>	ORDER GRANTING DEFENDANT'S EX PARTE APPLICATION TO CONTINUE HIS SURRENDER DATE UNTIL MAY 3, 2019 by Judge Philip S. Gutierrez granting <u>217</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): Good cause having been shown, IT IS HEREBY ORDERED THAT Defendant Kanagasabai Kanakeswaran's surrender date is extended to May 3, 2019. Defendant shall surrender himself to the institution designated by the Bureau of Prisons at or before 12 noon on May 3, 2019. In the absence of such designation, the defendant shall report, on or before the same date and time, to the United States Marshal located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012. (bm) (Entered: 02/26/2019)
02/26/2019	<u>227</u>	MINUTES OF STATUS CONFERENCE CONTINUED RE: EX PARTE APPLICATION FILED ON 2/14/19 held before Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran: Outside the presence of the parties, the Court

		holds an in-camera hearing with Brianna Mirchief, Appeals Chief and Hilary Potashner, Federal Public Defender. This portion of the proceedings are ordered sealed until further order of the Court. In open court, the Court indicates that after having read and considered the in-camera filings, as well as, hold two in-camera hearings, it does not find a conflict of interest. Accordingly, the ex parte application, filed on February 14, is granted. Counsel are ordered to meet and confer and agree on a briefing schedule for defendant's motion for bail pending appeal. Court Reporter: Marea Woolrich. (bm) (Entered: 02/27/2019)
03/12/2019	<u>228</u>	STIPULATION for Order <i>STIPULATION TO FILING DATES FOR DEFENDANTS MOTION FOR BAIL PENDING APPEAL</i> filed by Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Proposed Order)(Farrand, Margaret) (Entered: 03/12/2019)
03/14/2019	<u>229</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 6/25/2018 at 10:04 a.m. Court Reporter: Marea Woolrich, phone number mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 4/4/2019. Redacted Transcript Deadline set for 4/15/2019. Release of Transcript Restriction set for 6/12/2019.(mwo) (Entered: 03/14/2019)
03/14/2019	<u>230</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 1/7/2019 at 2:01 p.m. Court Reporter: Marea Woolrich, phone number mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 4/4/2019. Redacted Transcript Deadline set for 4/15/2019. Release of Transcript Restriction set for 6/12/2019.(mwo) (Entered: 03/14/2019)
03/14/2019	<u>231</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 1/22/2019 at 9:04 a.m. Court Reporter: Marea Woolrich, phone number mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 4/4/2019. Redacted Transcript Deadline set for 4/15/2019. Release of Transcript Restriction set for 6/12/2019.(mwo) (Entered: 03/14/2019)
03/14/2019	232	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings 6/25/18, 1/7/19, and 1/22/19 re Transcript <u>231</u> , <u>229</u> , <u>230</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (mwo) TEXT ONLY ENTRY (Entered: 03/14/2019)
03/15/2019	<u>233</u>	ORDER RE FILING DATES FOR DEFENDANTS MOTION FOR BAIL PENDING APPEAL by Judge Philip S. Gutierrez as to Defendant Kanagasabai Kanakeswaran, re Stipulation <u>228</u> : GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that Defendant will file his motion for bail pending appeal on or before April 1, 2019; the government will file its opposition to the motion on or before April 15, 2019; and defendant will file his reply in support of the motion on or before April 22, 2019. The Court will hear argument on Defendants motion for bail pending appeal on Monday, April 29, 2019, at 10:00 a.m. (bm) (Entered: 03/15/2019)
04/01/2019	<u>234</u>	NOTICE OF MOTION AND MOTION for Bond Pending Appeal <i>MOTION FOR BAIL PENDING APPEAL; DECLARATION OF COUNSEL</i> Filed by Defendant Kanagasabai

		Kanakeswaran. Motion set for hearing on 4/29/2019 at 10:00 AM before Judge Philip S. Gutierrez. (Farrand, Margaret) (Entered: 04/01/2019)
04/01/2019	<u>235</u>	EXHIBIT filed by Defendant Kanagasabai Kanakeswaran in support of MOTION FOR BAIL PENDING APPEAL; DECL. OF COUNSEL. (Attachments: # <u>1</u> Exhibit 1-15, # <u>2</u> Exhibit 16-21, Pt 1, # <u>3</u> Exhibit 22-25, Pt 2, # <u>4</u> Exhibit 26-36)(Farrand, Margaret) (Entered: 04/01/2019)
04/01/2019	<u>236</u>	EXHIBIT filed by Defendant Kanagasabai Kanakeswaran RE: NOTICE OF MOTION AND MOTION for Bond Pending Appeal <i>MOTION FOR BAIL PENDING APPEAL; DECLARATION OF COUNSEL</i> <u>234</u> (Attachments: # <u>1</u> Exhibit 37-49, # <u>2</u> Exhibit 50-70, # <u>3</u> Exhibit 71-77)(Farrand, Margaret) (Entered: 04/01/2019)
04/15/2019	<u>237</u>	OPPOSITION to NOTICE OF MOTION AND MOTION for Bond Pending Appeal <i>MOTION FOR BAIL PENDING APPEAL; DECLARATION OF COUNSEL</i> <u>234</u> (Porter, Alexander) (Entered: 04/15/2019)
04/22/2019	<u>238</u>	TRANSCRIPT ORDER re: Court of Appeals case number 19-50016, as to Defendant Kanagasabai Kanakeswaran for Court Reporter. Order for: Criminal Appeal. (Attachments: # <u>1</u> Voucher M Woolrich)(Farrand, Margaret) (Entered: 04/22/2019)
04/22/2019	<u>239</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Transcript Order Form (G-120) <u>238</u> as to Defendant Kanagasabai Kanakeswaran. The following error(s) was found: (FUTURE DATE) 4/29/2019. 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. (at) TEXT ONLY ENTRY (Entered: 04/22/2019)
04/22/2019	<u>240</u>	REPLY In Support of NOTICE OF MOTION AND MOTION for Bond Pending Appeal <i>MOTION FOR BAIL PENDING APPEAL; DECLARATION OF COUNSEL</i> <u>234</u> filed by Defendant Kanagasabai Kanakeswaran. (Farrand, Margaret) (Entered: 04/22/2019)
04/29/2019	<u>241</u>	TRANSCRIPT ORDER re: Court of Appeals case number 19-50016, as to Defendant Kanagasabai Kanakeswaran for Court Reporter. Order for: Criminal Appeal. (Attachments: # <u>1</u> Voucher MW)(Farrand, Margaret) (Entered: 04/29/2019)
04/29/2019	<u>242</u>	MINUTES (IN CHAMBERS) DEFENDANT'S MOTION FOR BAIL PENDING APPEAL (DOC. 234) by Judge Philip S. Gutierrez denying <u>234</u> MOTION for Bond Pending Appeal as to Kanagasabai Kanakeswaran (1): The Court, having read and considered the motion and all subsequent filings, and having heard from counsel today, denies the motion. (bm) (Entered: 04/30/2019)
04/30/2019	<u>243</u>	TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings held on 4/29/2019 at 10:19 a.m. Court Reporter: Marea Woolrich, e-mail mareawoolrich@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder 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 5/21/2019. Redacted Transcript Deadline set for 5/31/2019. Release of Transcript Restriction set for 7/29/2019.(mwo) (Entered: 04/30/2019)
04/30/2019	<u>244</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Kanagasabai Kanakeswaran for proceedings 4/29/2019 re Transcript <u>243</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (mwo) TEXT ONLY ENTRY (Entered: 04/30/2019)
05/03/2019	<u>245</u>	TRANSCRIPT ORDER as to Defendant Kanagasabai Kanakeswaran DCN number: R19A0954 for Court Reporter. Order for: Criminal Non Appeal.(Porter, Alexander)

		(Entered: 05/03/2019)
06/03/2019	<u>246</u>	DEFENDANTS NOTIFICATION OF NINTH CIRCUITS DENIAL OF MOTION FOR BAIL PENDING APPEAL filed by Defendant Kanagasabai Kanakeswaran (Attachments: # <u>1</u> Exhibit A - Order)(Farrand, Margaret) (Entered: 06/03/2019)
06/03/2019	<u>247</u>	EX PARTE APPLICATION for Order for VACATING HIS SURRENDER DATE PURSUANT TO NINTH CIRCUIT LOCAL RULE 9-1.2(e) AND FOR A NEW SURRENDER DATE OF JUNE 10, 2017 Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Exhibit A - Declaration, # <u>2</u> Proposed Order) (Farrand, Margaret) (Entered: 06/03/2019)
06/03/2019	<u>248</u>	OPPOSITION to EX PARTE APPLICATION for Order for VACATING HIS SURRENDER DATE PURSUANT TO NINTH CIRCUIT LOCAL RULE 9-1.2(e) AND FOR A NEW SURRENDER DATE OF JUNE 10, 2017 <u>247</u> (Porter, Alexander) (Entered: 06/03/2019)
06/03/2019	<u>250</u>	ORDER of USCA filed as to Defendant Kanagasabai Kanakeswaran, CCA #19-50016. Appellant's motion for bail pending appeal is denied. [See document for complete details.] (mat) (Entered: 06/05/2019)
06/04/2019	<u>249</u>	ORDER Re DEFENDANT'S EX PARTE APPLICATION FOR AN ORDER VACATING HIS SURRENDER DATE PURSUANT TO NINTH CIRCUIT LOCAL RULE 9-1.2 by Judge Philip S. Gutierrez Denying <u>247</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): DENIED. (bm) (Entered: 06/04/2019)
06/06/2019	<u>251</u>	EX PARTE APPLICATION for Order for Directing Pre-Trial Services To Return Defendants And Defendants Wifes Passports Filed by Defendant Kanagasabai Kanakeswaran. (Attachments: # <u>1</u> Proposed Order) (Farrand, Margaret) (Entered: 06/06/2019)
06/11/2019	<u>252</u>	NOTICE of Non-Opposition to Defendant's Ex Parte Application for an Order Directing Pretrial Services to Return Defendant's and Defendant's Wife's Passports filed by Plaintiff USA as to Defendant Kanagasabai Kanakeswaran , Re: EX PARTE APPLICATION for Order for Directing Pre-Trial Services To Return Defendants And Defendants Wifes Passports <u>251</u> (Porter, Alexander) (Entered: 06/11/2019)
06/11/2019	<u>253</u>	VERIFICATION OF SURRENDER as to Kanagasabai Kanakeswaran. The defendant was ordered to self-surrender to begin serving their sentence of imprisonment on immediately. The bond may be exonerated pending the verification as to whether the defendant is being electronically monitored by the U.S. Probation Office; confined to the custody of the Bureau of Prisons; or completed their jail time. As of 6/11/19, it was verified the defendant has surrendered to USP Lompoc on 6/4/19. (bm) (Entered: 06/11/2019)
06/11/2019	<u>254</u>	ORDER GRANTING DEFENDANT'S EX PARTE APPLICATION FOR AN ORDER DIRECTING PRE-TRIAL SERVICES TO RETURN DEFENDANT'S AND DEFENDANT'S WIFE'S PASSPORTS by Judge Philip S. Gutierrez granting <u>251</u> EX PARTE APPLICATION as to Kanagasabai Kanakeswaran (1): For good cause shown, IT IS HEREBY ORDERED THAT the United States Pre-Trial Services Office shall return the passports of Defendant Kanagasabai Kanakeswaran and Shantini Kanakeswaran to Dr. Kanakeswaran's counsel so that they can be returned to Dr. Kanakeswaran's family. (bm) (Entered: 06/12/2019)

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