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

BY: _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2012 Grand Jury

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.

15 ALEX KAPRI,
16 aka "Alex Kapriyelov,"
17 ALEKSEY MURATOV,
18 aka "Russ Muratov,"
19 WESLEY HARLAN KINGSBURY, and
20 DANIELLE HARTSELL MEDINA,
21 Defendants.

CR 12 00903
I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to Commit Health Care Fraud; 18 U.S.C. § 1347: Health Care Fraud; 18 U.S.C. § 2(b): Causing an Act to be Done; 18 U.S.C. § 371: Conspiracy to Defraud the United States and Obstruct a Federal Audit; 18 U.S.C. § 1001(a)(2): Making a Materially False, Fictitious, or Fraudulent Statement; 18 U.S.C. § 982(a)(7), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c): Forfeiture]

22 The Grand Jury charges:

23 COUNT ONE

24 [18 U.S.C. § 1349]

25 A. INTRODUCTORY ALLEGATIONS

26 At all times relevant to this Indictment:
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1 The Conspirators

2 1. Defendant ALEX KAPRI ("KAPRI"), also known as ("aka")
3 "Alex Kapriyelov," aka "Alexander Kapriyelov," was the President,
4 Chief Executive Officer, and Registered Agent of Alpha Ambulance,
5 Inc. ("Alpha"), a purported ambulance transportation company
6 located in Los Angeles, California.

7 2. Defendant ALEKSEY MURATOV ("MURATOV"), aka "Russ
8 Muratov," was the Vice-President, Chief Financial Officer, and
9 Secretary of Alpha.

10 3. Defendant WESLEY HARLAN KINGSBURY ("KINGSBURY") was the
11 General Manager of Alpha.

12 4. Defendant DANIELLE HARTSELL MEDINA ("MEDINA") was the
13 Training and Education Supervisor of Alpha.

14 5. Between on or about June 13, 2008, and on or about July
15 31, 2012, Alpha submitted to Medicare claims totaling
16 approximately \$49,266,303 for purported ambulance transportation
17 and related services, and Medicare paid Alpha approximately
18 \$13,303,154.14 on those claims.

19 The Medicare Program

20 6. The Medicare Program ("Medicare") was a federal health
21 care benefit program, affecting interstate commerce, that
22 provided benefits to individuals who were over the age of 65 or
23 disabled. Medicare was administered by the Centers for Medicare
24 and Medicaid Services ("CMS"), a federal agency under the United
25 States Department of Health and Human Services. Medicare was a
26 "health care benefit program" as defined by Title 18, United
27 States Code, Section 24(b).

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1 7. Medicare was subdivided into multiple parts. Medicare
2 Part B covered, among other things, ambulance services.

3 8. Individuals who qualified for Medicare benefits were
4 commonly referred to as "Medicare beneficiaries." Each Medicare
5 beneficiary was given a Medicare identification number.

6 9. Medicare covered ambulance services only if furnished
7 to a beneficiary whose medical condition at the time of transport
8 was such that transportation by other means would endanger the
9 patient's health. A patient whose condition permitted transport
10 in any type of vehicle other than an ambulance did not qualify
11 for Medicare payment. Medicare payment for ambulance
12 transportation depended on the patient's condition at the actual
13 time of the transport regardless of the patient's diagnosis. To
14 be deemed medically necessary for payment, the patient must have
15 required both the transportation and the level of service
16 provided.

17 10. Ambulance transportation was only covered when the
18 patient's condition required the vehicle itself and/or the
19 specialized services of the trained ambulance personnel. A
20 requirement of coverage was that the needed services of the
21 ambulance personnel were provided and clear clinical
22 documentation validated their medical need and their provision in
23 the record of the service. This requisite information usually
24 was documented in a "run sheet," which set forth all the details
25 related to any one specific transportation of a beneficiary.

26 11. In the absence of an emergency condition, ambulance
27 services were covered only under the following circumstances:
28 (1) the patient being transported could not be transported by any

1 other means without endangering the individual's health or (2)
2 the patient was before, during, and after transportation, bed
3 confined. For purposes of Medicare coverage, "bed confined"
4 meant the patient met all of the following three criteria: (1)
5 unable to get up from bed without assistance; (2) unable to
6 ambulate; and (3) unable to sit in a chair (including a
7 wheelchair).

8 12. A thorough assessment and documented description of the
9 patient's current state was essential for coverage. All
10 statements about the patient's medical condition or bed confined
11 status must have been validated in the documentation using
12 contemporaneous objective observations and findings.

13 13. For ambulance services to have been covered by
14 Medicare, the transport must have been to the nearest institution
15 with appropriate facilities for the treatment of the illness or
16 injury involved. The term "appropriate facilities" meant that
17 the institution was generally equipped to provide care necessary
18 to manage the illness or injury involved. Covered destinations
19 for non-emergency transports included: (1) hospitals; (2)
20 skilled nursing facilities; (3) dialysis facilities; (4) from a
21 skilled nursing facility to the nearest supplier of medically
22 necessary services not available at the skilled nursing facility
23 where the beneficiary was a resident, including the return trip,
24 when the patient's condition at the time of transport required
25 ambulance services; and (5) the patient's residence only if the
26 transport was to return from a hospital and the patient's
27 condition at the time of transport required ambulance services.

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1 14. Ambulance transportation was only covered where the
2 transportation was in fact provided.

3 15. Medicare did not cover transportation in vans,
4 privately-owned vehicles, taxicabs, Ambi-buses, ambulettes, or
5 Medi-cabs.

6 16. CMS contracted with Medicare Administrative Contractors
7 ("MACs") to process claims for payment. The MAC that processed
8 and paid Medicare Part B claims in Southern California, starting
9 in October 2007, was Palmetto GBA.

10 17. To bill Medicare for services rendered, a provider
11 submitted a claim form (Form 1500) to Palmetto GBA. When a Form
12 1500 was submitted, usually in electronic form, the provider
13 certified:

- 14 a. the contents of the form were true, correct, and
15 complete;
- 16 b. the form was prepared in compliance with the laws
17 and regulations governing Medicare; and
- 18 c. the services being billed were medically
19 necessary.

20 18. A Medicare claim for payment was required to set forth,
21 among other things, the following: (1) the beneficiary's name and
22 unique Medicare identification number; (2) the item or service
23 provided; (3) the cost of the item or service; and (4) the name
24 and Unique Physician Identification Number ("UPIN") and/or the
25 National Provider Identifier ("NPI") of the physician who
26 prescribed or ordered the item or service.

27 19. Ambulance companies seeking to participate in, and
28 obtain reimbursement from, Medicare were required to submit to

1 Palmetto GBA a Medicare Enrollment Application (Form CMS 855B).
2 The Medicare Enrollment Application required applicants in
3 California to provide a copy of an Emergency Ambulance Non-
4 Transferable License (form CHP 360A) issued by the State of
5 California as well as a Special Vehicle Identification
6 Certificate/Permit (form CHP 301) for each ambulance to be used
7 to provide services to Medicare beneficiaries.

8 B. THE OBJECT OF THE CONSPIRACY

9 20. Beginning at least as early as on or about September 6,
10 2007, and continuing at least through on or about July 31, 2012,
11 in Los Angeles County, within the Central District of California,
12 and elsewhere, defendants KAPRI, MURATOV, KINGSBURY, and MEDINA,
13 together with others known and unknown to the Grand Jury,
14 knowingly combined, conspired, and agreed to commit health care
15 fraud, in violation of Title 18, United States Code, Section
16 1347.

17 C. THE MANNER AND MEANS OF THE CONSPIRACY

18 21. The object of the conspiracy was carried out, and to be
19 carried out, in substance, as follows:

20 a. On or about September 6, 2007, defendant KAPRI
21 registered as the sole Incorporator and Registered Agent of Alpha
22 in State of California corporate records.

23 b. On or about November 6, 2007, defendants KAPRI and
24 MURATOV opened a corporate bank account for Alpha at Citibank,
25 account number xxxxx5150.

26 c. On or about February 1, 2008, defendants KAPRI and
27 MURATOV executed and submitted an application to Medicare to
28 obtain and maintain a Medicare provider number for Alpha.

1 d. On or about October 20, 2009, defendants KAPRI and
2 MURATOV opened a second corporate bank account for Alpha at
3 Citibank, account number xxxxx5245.

4 e. Defendants KAPRI, MURATOV, KINGSBURY, and MEDINA,
5 as well as co-conspirators known and unknown to the Grand Jury,
6 thereafter provided ambulance transportation services, through
7 Alpha, to Medicare beneficiaries knowing that the beneficiaries'
8 medical condition did not necessitate the transportation
9 services.

0 f. Defendants KINGSBURY and MEDINA instructed Alpha
1 employees to document a reason justifying ambulance
2 transportation services on run sheets even if one did not exist.

3 g. Defendant MEDINA instructed Alpha employees not to
4 write certain words, such as "chair," "walk," or "sit," on run
5 sheets because Medicare would not pay for the ambulance
6 transportation services if these words were present.

7 h. Based upon these medically unnecessary ambulance
8 transportation services, defendants KAPRI, MURATOV, KINGSBURY,
9 and MEDINA, as well as co-conspirators known and unknown to the
0 Grand Jury, knowingly submitted, and caused the submission of,
1 false and fraudulent claims to Medicare on behalf of Alpha.

2 i. As a result of the submission of these false and
3 fraudulent claims, Medicare made payments to Alpha's corporate
4 bank account at Citibank, account number xxxxx5150.

5 j. Defendants KAPRI and MURATOV then transferred and
6 disbursed, and caused the transfer and disbursement of, monies
7 from Alpha's Citibank account number XXXXX5150 to themselves and
8 others, including defendants KINGSBURY and MEDINA.

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k. Defendants KAPRI, MURATOV, KINGSBURY, and MEDINA, as well as co-conspirators known and unknown to the Grand Jury, concealed, and attempted to conceal, their submission of false and fraudulent claims to Medicare by altering run sheets and other documentation related to the ambulance transportation services provided by Alpha.

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COUNTS TWO THROUGH SIX

[18 U.S.C. §§ 1347, 2(b)]

A. INTRODUCTORY ALLEGATIONS

22. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 19 of this Indictment as though set forth in their entirety here.

B. THE SCHEME TO DEFRAUD

23. Beginning at least as early as on or about September 6, 2007, and continuing at least through on or about July 31, 2012, in Los Angeles County, within the Central District of California, and elsewhere, defendants KAPRI, MURATOV, KINGSBURY, and MEDINA, together with others known and unknown to the Grand Jury, knowingly, willfully, and with intent to defraud, executed, and attempted to execute, a scheme and artifice: (a) to defraud a health care benefit program, namely Medicare, as to material matters in connection with the delivery of, and payment for, health care benefits, items, and services; and (b) to obtain money from Medicare by means of materially false and fraudulent pretenses and representations and the concealment of material facts in connection with the delivery of, and payment for, health care benefits, items, and services.

C. MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD

24. The fraudulent scheme operated, in substance, as described in paragraph 21 of this Indictment, which is hereby incorporated by reference as though set forth in its entirety here.

1 D. THE EXECUTION OF THE FRAUDULENT SCHEME

2 25. On or about the dates set forth below, within the
3 Central District of California and elsewhere, defendants KAPRI,
4 MURATOV, KINGSBURY, and MEDINA, together with others known and
5 unknown to the Grand Jury, for the purpose of executing and
6 attempting to execute the fraudulent scheme described above,
7 knowingly and willfully submitted and caused to be submitted to
8 Medicare the following false and fraudulent claims for payment
9 purportedly for Basic Life Support, non-emergency ambulance
10 transportation (Code A0428):

<u>COUNT</u>	<u>BENE- FIICIARY</u>	<u>CLAIM NUMBER</u>	<u>APPROXIMATE DATE SUBMITTED</u>	<u>APPROXIMATE AMOUNT OF CLAIM</u>
TWO	J.R.	11809020415500	01/20/09	\$662
THREE	M.M.	11110232715910	08/20/10	\$566
FOUR	S.S.	11110327239060	11/23/10	\$566
FIVE	L.A.	1111047067760	02/16/11	\$863
SIX	L.A.	11111327507660	11/23/11	\$937

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COUNT SEVEN

[18 U.S.C. § 371]

26. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 19 above of this Indictment as though set forth in their entirety here.

27. On or about March 21, 2012, Safeguard Services ("SGS"), a CMS contractor, notified Alpha in writing that Alpha was being audited. Within this written notice, SGS required that Alpha produce, no later than April 23, 2012, patient files and other related documentation for 60 Medicare beneficiaries that Alpha purportedly had transported in the past.

28. On or about April 16, 2012, defendant KAPRI contacted SGS and requested an extension of time to produce the 60 patient files and related documentation. The stated basis for this request was that the records sought by SGS were too voluminous to be gathered and produced within one month. Defendant KAPRI's request was granted, and Alpha was permitted to produce the 60 patient files and related documentation by May 14, 2012.

A. THE OBJECT OF THE CONSPIRACY

29. Beginning at least on or about March 21, 2012, and continuing through at least on or about May 2, 2012, in Los Angeles County, within the Central District of California, and elsewhere, defendants KAPRI, MURATOV, KINGSBURY, and MEDINA, together with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to commit the following offense against the United States: to defraud the United States by endeavoring to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a

1 person, entity, or program receiving in excess of \$100,000,
2 directly or indirectly, from the United States in any 1-year
3 period, that is, the Medicare program, in violation of Title 18,
4 United States Code, Section 1516.

5 B. THE MANNER AND MEANS OF THE CONSPIRACY

6 30. The object of the conspiracy was carried out, and to be
7 carried out, in substance, as follows: defendants KAPRI, MURATOV,
8 KINGSBURY, and MEDINA, and others known and unknown to the Grand
9 Jury, obstructed a CMS audit of Alpha's false and fraudulent
10 claims by, among other things, altering records and patient files
11 that otherwise showed ambulance transportation services provided
12 by Alpha were not medically necessary, and thus not reimbursable
13 by Medicare.

14 C. OVERT ACTS

15 31. In furtherance of the conspiracy, and to accomplish its
16 object, defendants KAPRI, MURATOV, KINGSBURY, and MEDINA,
17 together with others known and unknown to the Grand Jury,
18 committed and willfully caused others to commit the following
19 overt acts, among others, in the Central District of California
20 and elsewhere:

21 Overt Act No. 1: On or about April 1, 2012, defendants KAPRI
22 and MURATOV conducted a meeting with defendants MEDINA and
23 KINGSBURY and others to discuss the Medicare audit and the
24 records and patient files that had been requested as a part of
25 that audit.

26 Overt Act No. 2: On or about April 5, 2012, defendants
27 MEDINA and KINGSBURY, at the direction of defendant MURATOV,
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1 began to review records and patient files that were the subject
2 of the Medicare audit.

3 Overt Act No. 3: On or about April 15, 2012, defendants
4 MEDINA and KINGSBURY, and others, acting at their direction,
5 began altering records and patient files that were the subject of
6 the Medicare audit.

7 Overt Act No. 4: On or about April 16, 2012, defendant KAPRI
8 contacted CMS, via telephone, and asked for an extension of time
9 to produce the records and patient files that were the subject of
0 the Medicare audit.

1 Overt Act No. 5: On or about April 30, 2012, defendants
2 KAPRI and MURATOV met with defendant KINGSBURY and, among other
3 things, asked defendant KINGSBURY if federal agents' interest in
4 Alpha related to CMS' then audit of Alpha.

COUNT EIGHT

[18 U.S.C. § 1001(a)(2)]

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3 32. The Grand Jury incorporates by reference and re-alleges
4 paragraphs 1 through 19 above of the Indictment as though set
5 forth in their entirety here.

6 33. On or about May 1, 2012, in Los Angeles County, within
7 the Central District of California, and elsewhere, in a matter
8 within the jurisdiction of the executive branch of the government
9 of the United States, specifically, the United States Department
10 of Justice, defendant KINGSBURY knowingly and willfully made a
11 materially false statement, in that defendant KINGSBURY denied to
12 a Special Agent of the Federal Bureau of Investigation and a
13 Special Agent of the Department of Health and Human Services,
14 Office of Inspector General, Office of Investigations, that he
15 had disclosed to defendants KAPRI and MURATOV, during a
16 previously recorded conversation, the names of the agents
17 investigating Alpha and the questions the agents had asked
18 defendant KINGSBURY in relation to their investigation of Alpha.

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FORFEITURE ALLEGATIONS

[18 U.S.C. § 982(a)(7), 21 U.S.C. § 853,
and 28 U.S.C. § 2461(c)]

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4 34. The Grand Jury hereby realleges and incorporates by
5 reference Counts One through Seven of this Indictment as though
6 fully set forth herein, for the purpose of alleging forfeiture,
7 pursuant to the provisions of Title 18, United States Code,
8 Section 982(a)(7).

9 35. Counts One through Seven of this Indictment allege acts
10 or activities constituting federal health care fraud offenses
11 pursuant to Title 18, United States Code, Sections 371, 1347, and
12 1349. Pursuant to Title 18, United States Code, Section
13 982(a)(7), upon conviction of a federal health care fraud offense
14 charged, defendants KAPRI, MURATOV, KINGSBURY, and MEDINA shall
15 forfeit to the United States of America:

16 a. All right, title and interest in any property,
17 real or personal, that constitutes or is derived, directly or
18 indirectly, from gross proceeds traceable to the commission of
19 such offense; and

20 b. A sum of money equal to the total amount of gross
21 proceeds derived from such offense.

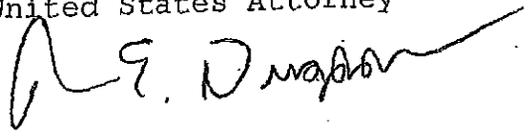
22 36. Pursuant to Title 21, United States Code, Section
23 853(p), as incorporated by Title 18, United States Code, Section
24 982(b)(1), and Title 28, United States Code, Section 2461(c), a
25 defendant so convicted shall forfeit substitute property, up to
26 the value of the amount described in paragraph 35, if, by any act
27 or omission of said defendant, the property described in
28 paragraph 35, or any portion thereof, cannot be located upon the

1 exercise of due diligence; has been transferred, sold to, or
2 deposited with a third party; has been placed beyond the
3 jurisdiction of this court; has been substantially diminished in
4 value; or has been commingled with other property that cannot be
5 divided without difficulty.

6
7 A TRUE BILL

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Foreperson

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11 ANDRÉ BIROTTE JR.
12 United States Attorney

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

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 12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
 16 Plaintiff,
 17 v.
 18 ALEX KAPRI,
 19 aka "Alex Kapriyelov,"
 20 aka "Alexander Kapriyelov,"
 21 Defendant.

No. CR 12-00903-ABC

PLEA AGREEMENT FOR DEFENDANT ALEX
 KAPRI

22 1. This constitutes the plea agreement between ALEX KAPRI,
 23 also known as "Alex Kapriyelov" and "Alexander Kapriyelov"
 24 ("defendant"), and the Criminal Fraud Section of the United States
 25 Department of Justice and the United States Attorney's Office for
 26 the Central District of California (collectively the "USAO"), in the
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1 above-captioned case. This agreement is limited to the USAO and
2 cannot bind any other federal, state, local, or foreign prosecuting,
3 enforcement, administrative, or regulatory authorities.

4 DEFENDANT'S OBLIGATIONS

5 2. Defendant agrees to:

6 a) At the earliest opportunity requested by the USAO and
7 provided by the Court, appear and plead guilty to count one of the
8 indictment in United States v. Alex Kapri et al., CR No. 12-00903-
9 ABC, which charges defendant with conspiracy to commit health care
10 fraud, in violation of 18 U.S.C. § 1349.

11 b) Not contest facts agreed to in this agreement.

12 c) Abide by all agreements regarding sentencing
13 contained in this agreement.

14 d) Appear for all court appearances, surrender as
15 ordered for service of sentence, obey all conditions of any bond,
16 and obey any other ongoing court order in this matter.

17 e) Not commit any crime; however, offenses that would be
18 excluded for sentencing purposes under United States Sentencing
19 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are
20 not within the scope of this agreement.

21 f) Be truthful at all times with Pretrial Services, the
22 United States Probation Office, and the Court.

23 g) Pay the applicable special assessment at or before
24 the time of sentencing unless defendant lacks the ability to pay and
25 prior to sentencing submits a completed financial statement on a
26 form to be provided by the USAO.

27 3. Defendant further agrees:

1 a) Truthfully to disclose to law enforcement officials,
2 at a date and time to be set by the USAO, the location of,
3 defendant's ownership interest in, and all other information known
4 to defendant about, all monies, properties, and/or assets of any
5 kind, derived from or acquired as a result of, or used to facilitate
6 the commission of, defendant's illegal activities, and to forfeit
7 all right, title, and interest in and to such items, specifically
8 including all right, title, and interest in and to all United States
9 currency, property and assets, which defendant admits constitute the
10 proceeds of defendant's illegal activity, in violation of 18 U.S.C.
11 § 1349.

12 b) To the Court's entry of an order of forfeiture at or
13 before sentencing with respect to these assets and to the forfeiture
14 of the assets.

15 c) To take whatever steps are necessary to pass to the
16 United States clear title to the assets described above, including,
17 without limitation, the execution of a consent decree of forfeiture
18 and the completing of any other legal documents required for the
19 transfer of title to the United States.

20 d) With respect to any criminal forfeiture ordered as a
21 result of this plea agreement, defendant waives the requirements of
22 Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice
23 of the forfeiture in the charging instrument, announcements of the
24 forfeiture sentencing, and incorporation of the forfeiture in the
25 judgment. Defendant acknowledges that forfeiture of the assets is
26 part of the sentence that may be imposed in this case and waives any
27 failure by the Court to advise defendant of this, pursuant to

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1 Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the
2 Court accepts defendant's guilty plea.

3 e) Not to assist any other individual in any effort
4 falsely to contest the forfeiture of the assets described above.

5 f) Not to claim that reasonable cause to seize the
6 assets was lacking.

7 g) To prevent the transfer, sale, destruction, or loss
8 of any and all assets described above to the extent defendant has
9 the ability to do so.

10 h) To fill out and deliver to the USAO a completed
11 financial statement listing defendant's assets on a form provided by
12 the USAO.

13 i) That forfeiture of assets described above shall not
14 be counted toward satisfaction of any special assessment, fine,
15 restitution, costs, or other penalty the Court may impose.

16 THE USAO'S OBLIGATIONS

17 4. The USAO agrees to:

18 a) Not contest facts agreed to in this agreement.

19 b) Abide by all agreements regarding sentencing
20 contained in this agreement.

21 c) At the time of sentencing, move to dismiss the
22 remaining counts of the indictment as against defendant. Defendant
23 agrees, however, that at the time of sentencing the Court may
24 consider any dismissed charges in determining the applicable
25 Sentencing Guidelines range, the propriety and extent of any
26 departure from that range, and the sentence to be imposed.

1 (1) Defendant knowingly and willfully participated in a scheme
2 or plan to defraud a health care benefit program, or a scheme
3 or plan for obtaining money or property from a health care
4 benefit program by means of false or fraudulent pretenses,
5 representations, or promises;

6 (2) The statements made or facts omitted as part of the scheme
7 were material; that is, they had a natural tendency to
8 influence, or were capable of influencing, the health care
9 benefit program to part with money or property;

10 (3) Defendant acted with the intent to defraud; that is, the
11 intent to deceive or cheat; and

12 (4) The scheme involved the delivery of or payment for health
13 care benefits, items, or services.

14 PENALTIES AND RESTITUTION

15 6. Defendant understands that the statutory maximum sentence
16 that the Court can impose for a violation of Title 18, United States
17 Code, Section 1349, is: 10 years' imprisonment; a three-year period
18 of supervised release; a fine of \$250,000 or twice the gross gain or
19 gross loss resulting from the offense, whichever is greatest; and a
20 mandatory special assessment of \$100.

21 7. Defendant understands that he will be required to pay
22 full restitution to the victims of the offense. Defendant agrees
23 that, in return for the USAO's compliance with its obligations under
24 this agreement, the amount of restitution is not restricted to the
25 amounts alleged in the count to which defendant is pleading guilty
26 and may include losses arising from counts dismissed and charges not
27 prosecuted pursuant to this agreement, as well as all relevant

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1 conduct in connection with those counts and charges. Defendant
2 agrees that the applicable amount of restitution is \$1,679,712.52,
3 but the parties recognize and agree that this amount could change
4 based on facts that come to the attention of the parties prior to
5 sentencing. Defendant further agrees that defendant will not seek
6 the discharge of any restitution obligation, in whole or in part, in
7 any present or future bankruptcy proceeding.

8 8. Defendant understands that supervised release is a period
9 of time following imprisonment during which defendant will be
10 subject to various restrictions and requirements. Defendant
11 understands that if defendant violates one or more of the conditions
12 of any supervised release imposed, defendant may be returned to
13 prison for all or part of the term of supervised release authorized
14 by statute for the offense that resulted in the term of supervised
15 release, which could result in defendant serving a total term of
16 imprisonment greater than the statutory maximum stated above.

17 9. Defendant understands that, by pleading guilty, defendant
18 may be giving up valuable government benefits and valuable civic
19 rights, such as the right to vote, the right to possess a firearm,
20 the right to hold office, and the right to serve on a jury.
21 Defendant understands that once the court accepts defendant's guilty
22 plea, it will be a federal felony for defendant to possess a firearm
23 or ammunition. Defendant understands that the conviction in this
24 case may also subject defendant to various other collateral
25 consequences, including but not limited to mandatory exclusion from
26 federal health care benefit programs for a minimum of five years,
27 revocation of probation, parole, or supervised release in another

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1 case and suspension or revocation of a professional license.
2 Defendant understands that unanticipated collateral consequences
3 will not serve as grounds to withdraw defendant's guilty plea.

4 10. Defendant understands that, if defendant is not a United
5 States citizen, the felony conviction in this case may subject
6 defendant to: removal, also known as deportation, which may, under
7 some circumstances, be mandatory; denial of citizenship; and denial
8 of admission to the United States in the future. The court cannot,
9 and defendant's attorney also may not be able to, advise defendant
10 fully regarding the immigration consequences of the felony
11 conviction in this case. Defendant understands that unexpected
12 immigration consequences will not serve as grounds to withdraw
13 defendant's guilty plea.

14 FACTUAL BASIS

15 11. Defendant admits that defendant is, in fact, guilty of the
16 offense to which defendant is agreeing to plead guilty. Defendant
17 and the USAO agree to the statement of facts provided below and
18 agree that this statement of facts is sufficient to support a plea
19 of guilty to the charge described in this agreement and to establish
20 the Sentencing Guidelines factors set forth in paragraph 13 below
21 but is not meant to be a complete recitation of all facts relevant
22 to the underlying criminal conduct or all facts known to either
23 party that relate to that conduct.

24 Beginning at least as early as on or about September 6, 2007,
25 and continuing at least through on or about July 31, 2012, in Los
26 Angeles County, within the Central District of California, and
27 elsewhere, defendant, together with others, knowingly combined,

1 conspired, and agreed to commit health care fraud, in violation of
2 Title 18, United States Code, Section 1347. The criminal conspiracy
3 operated, in substance, in the following manner:

4 Defendant owned and operated - with co-defendant Aleksey
5 Muratov - Alpha Ambulance, Inc. ("Alpha"), an ambulance
6 transportation company that operated in the greater Los Angeles area
7 and that specialized in the provision of non-emergency ambulance
8 transportation services to Medicare beneficiaries, primarily
9 dialysis patients. Through Alpha, Defendant knowingly provided, and
10 caused the provision of, non-emergency ambulance transportation
11 services to Medicare beneficiaries whose then medical conditions did
12 not necessitate the transportation services. Defendant knew that
13 certain Alpha employees were concealing the Medicare beneficiaries'
14 then true medical conditions by altering requisite paperwork and
15 creating fraudulent reasons that justified, on paper, the
16 transportation services. Based on these medically unnecessary
17 ambulance transportation services, Defendant then, again through
18 Alpha, submitted, and caused the submission of, false and fraudulent
19 claims to Medicare, which totaled \$6,742,294.14 and resulted in
20 Medicare payments of \$1,679,712.57.

21 Additionally, as Defendant and his co-conspirators were
22 submitting the above-referenced false and fraudulent claims to
23 Medicare, Medicare notified Defendant that Alpha would be subject to
24 a Medicare audit. Defendant knew that, in response to this notice,
25 certain Alpha employees altered requisite paperwork and created
26 fraudulent reasons that justified, on paper, transportation services
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1 for the specific beneficiaries identified as the subject of
2 Medicare's audit.

3 SENTENCING FACTORS

4 12. Defendant understands that in determining defendant's
5 sentence the Court is required to calculate the applicable
6 Sentencing Guidelines range and to consider that range, possible
7 departures under the Sentencing Guidelines, and the other sentencing
8 factors set forth in 18 U.S.C. § 3553(a). Defendant understands
9 that the Sentencing Guidelines are advisory only, that defendant
10 cannot have any expectation of receiving a sentence within the
11 calculated Sentencing Guidelines range, and that after considering
12 the Sentencing Guidelines and the other § 3553(a) factors, the Court
13 will be free to exercise its discretion to impose any sentence it
14 finds appropriate up to the maximum set by statute for the crime of
15 conviction.

16 13. Defendant and the USAO agree to the following applicable
17 Sentencing Guidelines factors:

- 18 Base Offense Level: 6 [U.S.S.G. § 2B1.1(a)(2)]
- 19 Loss Amount: +18 [U.S.S.G. § 2B1.1(b)(1)(J)]
- 20 Health Care offense
21 Involving loss > \$1 million: +2 [U.S.S.G. § 2B1.1(b)(8)]
- 22 Abuse of Position of
Trust/Special Skill: +2 [U.S.S.G. § 3B1.3]
- 23 Aggravating Role: +3 [U.S.S.G. § 3B1.1(b)]
- 24 Obstruction: +2 [U.S.S.G. § 3C1.1]

25 14. Defendant understands that there is no agreement as to
26 defendant's criminal history or criminal history category.

1 . 15. Defendant and the USAO reserve the right to argue for a
2 sentence outside the sentencing range established by the Sentencing
3 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
4 (a)(2), (a)(3), (a)(6), and (a)(7).

5 WALVER OF CONSTITUTIONAL RIGHTS

6 16. Defendant understands that by pleading guilty, defendant
7 gives up the following rights:

8 a) The right to persist in a plea of not guilty.

9 b) The right to a speedy and public trial by jury.

10 c) The right to be represented by counsel - and if
11 necessary have the court appoint counsel - at trial. Defendant
12 understands, however, that, defendant retains the right to be
13 represented by counsel - and if necessary have the court appoint
14 counsel - at every other stage of the proceeding.

15 d) The right to be presumed innocent and to have the
16 burden of proof placed on the government to prove defendant guilty
17 beyond a reasonable doubt.

18 e) The right to confront and cross-examine witnesses
19 against defendant.

20 f) The right to testify and to present evidence in
21 opposition to the charges, including the right to compel the
22 attendance of witnesses to testify.

23 g) The right not to be compelled to testify, and, if
24 defendant chose not to testify or present evidence, to have that
25 choice not be used against defendant.

1 h) Any and all rights to pursue any affirmative
2 defenses, Fourth Amendment or Fifth Amendment claims, and other
3 pretrial motions that have been filed or could be filed.

4 WAIVER OF APPEAL OF CONVICTION

5 17. Defendant understands that, with the exception of an
6 appeal based on a claim that defendant's guilty plea were
7 involuntary, by pleading guilty defendant is waiving and giving up
8 any right to appeal defendant's conviction on the offense to which
9 defendant is pleading guilty.

10 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

11 18. Defendant agrees that, provided the Court imposes a total
12 term of imprisonment on all counts of conviction of no more than 97
13 months, defendant gives up the right to appeal all of the following:
14 (a) the procedures and calculations used to determine and impose any
15 portion of the sentence; (b) the term of imprisonment imposed by the
16 Court; (c) the fine imposed by the court, provided it is within the
17 statutory maximum; (d) the amount and terms of any restitution order
18 are \$1,679,712.57; (e) the term of probation or supervised release
19 imposed by the Court, provided it is within the statutory maximum;
20 and (f) any of the following conditions of probation or supervised
21 release imposed by the Court: the conditions set forth in General
22 Orders 318, 01-05, and/or 05-02 of this Court; the drug testing
23 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
24 alcohol and drug use conditions authorized by 18 U.S.C.
25 § 3563(b)(7).

26 19. The USAO agrees that, provided (a) all portions of the
27 sentence are at or below the statutory maximum specified above and
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1 (b) the Court imposes a term of imprisonment of no less than 97
2 months, the USAO gives up its right to appeal any portion of the
3 sentence, with the exception that the USAO reserves the right to
4 appeal the following: (a) the amount of restitution ordered if that
5 amount is less than \$1,679,712.57.

6 RESULT OF WITHDRAWAL OF GUILTY PLEA

7 20. Defendant agrees that if, after entering a guilty plea
8 pursuant to this agreement, defendant seeks to withdraw and succeeds
9 in withdrawing defendant's guilty plea on any basis other than a
10 claim and finding that entry into this plea agreement was
11 involuntary, then the USAO will be relieved of all of its
12 obligations under this agreement.

13 EFFECTIVE DATE OF AGREEMENT

14 21. This agreement is effective upon signature and execution
15 of all required certifications by defendant, defendant's counsel,
16 and an Assistant United States Attorney.

17 BREACH OF AGREEMENT

18 22. Defendant agrees that if defendant, at any time after the
19 signature of this agreement and execution of all required
20 certifications by defendant, defendant's counsel, and an Assistant
21 United States Attorney, knowingly violates or fails to perform any
22 of defendant's obligations under this agreement ("a breach"), the
23 USAO may declare this agreement breached. All of defendant's
24 obligations are material, a single breach of this agreement is
25 sufficient for the USAO to declare a breach, and defendant shall not
26 be deemed to have cured a breach without the express agreement of
27 the USAO in writing. If the USAO declares this agreement breached,

1 and the Court finds such a breach to have occurred, then: (a) if
2 defendant has previously entered a guilty plea pursuant to this
3 agreement, defendant will not be able to withdraw the guilty plea,
4 and (b) the USAO will be relieved of all its obligations under this
5 agreement.

6 23. Following the Court's finding of a knowing breach of this
7 agreement by defendant, should the USAO choose to pursue any charge
8 that was either dismissed or not filed as a result of this
9 agreement, then:

10 a) Defendant agrees that any applicable statute of
11 limitations is tolled between the date of defendant's signing of
12 this agreement and the filing commencing any such action.

13 b) Defendant waives and gives up all defenses based on
14 the statute of limitations, any claim of pre-indictment delay, or
15 any speedy trial claim with respect to any such action, except to
16 the extent that such defenses existed as of the date of defendant's
17 signing this agreement.

18 c) Defendant agrees that: (i) any statements made by
19 defendant, under oath, at the guilty plea hearing (if such a hearing
20 occurred prior to the breach); (ii) the agreed to factual basis
21 statement in this agreement; and (iii) any evidence derived from
22 such statements, shall be admissible against defendant in any such
23 action against defendant, and defendant waives and gives up any
24 claim under the United States Constitution, any statute, Rule 410 of
25 the Federal Rules of Evidence, Rule 11(f) of the Federal Rules of
26 Criminal Procedure, or any other federal rule, that the statements
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1 or any evidence derived from the statements should be suppressed or
2 are inadmissible.

3 COURT AND PROBATION OFFICE NOT PARTIES

4 24. Defendant understands that the Court and the United States
5 Probation Office are not parties to this agreement and need not
6 accept any of the USAO's sentencing recommendations or the parties'
7 agreements to facts or sentencing factors.

8 25. Defendant understands that both defendant and the USAO are
9 free to: (a) supplement the facts by supplying relevant information
10 to the United States Probation Office and the Court, (b) correct any
11 and all factual misstatements relating to the Court's Sentencing
12 Guidelines calculations and determination of sentence, and (c) argue
13 on appeal and collateral review that the Court's Sentencing
14 Guidelines calculations and the sentence it chooses to impose are
15 not error, although each party agrees to maintain its view that the
16 calculations in paragraph 13 are consistent with the facts of this
17 case. While this paragraph permits both the USAO and defendant to
18 submit full and complete factual information to the United States
19 Probation Office and the Court, even if that factual information may
20 be viewed as inconsistent with the facts agreed to in this
21 agreement, this paragraph does not affect defendant's and the USAO's
22 obligations not to contest the facts agreed to in this agreement.

23 26. Defendant understands that even if the Court ignores any
24 sentencing recommendation, finds facts or reaches conclusions
25 different from those agreed to, and/or imposes any sentence up to
26 the maximum established by statute, defendant cannot, for that
27 reason, withdraw defendant's guilty plea, and defendant will remain
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1 bound to fulfill all defendant's obligations under this agreement.
2 Defendant understands that no one -- not the prosecutor, defendant's
3 attorney, or the Court -- can make a binding prediction or promise
4 regarding the sentence defendant will receive, except that it will
5 be within the statutory maximum.

6 NO ADDITIONAL AGREEMENTS

7 27. Defendant understands that, except as set forth herein,
8 there are no promises, understandings, or agreements between the
9 USAO and defendant or defendant's attorney, and that no additional
10 promise, understanding, or agreement may be entered into unless in a
11 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

28. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL FRAUD SECTION

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANDRÉ BIROTTE JR.
United States Attorney

10/25/13

BLANCA QUINTERO
ALEXANDER F. PORTER
Trial Attorneys
United States Department of Justice
Criminal Fraud Section

Date

10.25.13

ALEX KAPRI
Defendant

Date

10/25/13

MICHAEL NASATIR, ESQ.
VICKI PODBERESKY
PETER BERLIN
Attorney for Defendant
ALEX KAPRI

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions

1 that might be filed, of possible defenses that might be asserted
2 either prior to or at trial, of the sentencing factors set forth in
3 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions,
4 and of the consequences of entering into this agreement. No
5 promises, inducements, or representations of any kind have been made
6 to me other than those contained in this agreement. No one has
7 threatened or forced me in any way to enter into this agreement. I
8 am satisfied with the representation of my attorney in this matter,
9 and I am pleading guilty because I am guilty of the charges and wish
10 to take advantage of the promises set forth in this agreement, and
11 not for any other reason.



10.25.13

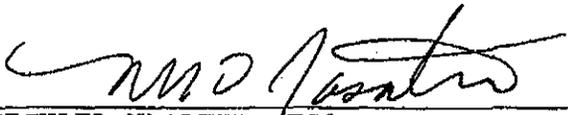
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14 ALEX KAPRI
Defendant

Date

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16 CERTIFICATION OF DEFENDANT'S ATTORNEY

17 I am ALEX KAPRI's attorney. I have carefully and thoroughly
18 discussed every part of this agreement with my client. Further, I
19 have fully advised my client of his rights, of possible pretrial
20 motions that might be filed, of possible defenses that might be
21 asserted either prior to or at trial, of the sentencing factors set
22 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
23 provisions, and of the consequences of entering into this agreement.
24 To my knowledge: no promises, inducements, or representations of any
25 kind have been made to my client other than those contained in this
26 agreement; no one has threatened or forced my client in any way to
27 enter into this agreement; my client's decision to enter into this

1 agreement is an informed and voluntary one; and the factual basis
2 set forth in this agreement is sufficient to support my client's
3 entry of a guilty plea pursuant to this agreement.

4 
5 _____

6 MICHAEL NASATIR, ESQ.
7 VICKI PODBERESKY, ESQ.
8 PETER BERLIN, ESQ.
9 Attorney for Defendant
10 ALEX KAPRI

11 _____
12 Date 10/25/13
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United States District Court
Central District of California
SENTENCING

UNITED STATES OF AMERICA vs.

Docket No. CR 12-903 ABC

Defendant Alex Kapri (1)

Social Security No.

akas: Aleksander Kapriyelov

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH	DAY	YEAR
05	05	14

COUNSEL

Michael Nassatir/Vicki Podbersky, Retained

(Name of Counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea. **NOLO** **NOT**
CONTENDERE **GUILTY**

FINDING

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
Conspiracy to Commit Health Care Fraud 18§ 1349: as charged in Count 1 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: 75 months

It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

Defendant shall pay restitution in the total amount of \$ 1,679,712.52 pursuant to 18 U.S.C. § 3663A.

The amount of the restitution ordered shall be paid as set forth on list prepared by the probation office which the Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victims. If defendant makes a partial payment, each payee shall receive approximately proportional payment unless another priority order or percentage payment is specified in this judgment

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10% of defendant's gross monthly income but not less than \$50, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

The defendant shall be held jointly and severally liable with co-participants Aleksey Muratov and Danielle Hartsell Medina (Docket no. CR-12-00903) for the amount of restitution ordered in this judgment. The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victims receive full restitution.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The defendant shall comply with General Order No. 01-05.

All fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Alex Kapri, is hereby committed on Count 1 of the Indictment to the custody of the Bureau of Prisons for a term of 75 months.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three (3) year under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05.
2. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer.
3. Defendant shall participate in an outpatient substance abuse treatment and counseling program that includes urinalysis, breath and/or sweat patch testing, as directed by the Probation Officer. The defendant shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision.
4. During the course of supervision, the Probation Officer, with the agreement of defendant and defense counsel, may place the defendant in a residential drug treatment program approved by the United States Probation Office for treatment of narcotic addiction or drug dependency in alcohol abuse, which may include counseling and testing, to determine if the defendant has reverted to the use of drugs or alcohol abuse, and the defendant shall reside in the treatment program until discharged by the Program Director and Probation Officer.
5. The Court authorizes the Probation Office to disclose the Presentence Report to the substance abuse treatment provider to facilitate the defendant's treatment for narcotic addiction or drug dependency or alcohol abuse. Further redisclosure of the Presentence Report by the treatment provider is prohibited without the consent of the sentencing Judge.

USA vs. Alex Kapri (1)

Docket No.: CR 12-903 ABC

- 6. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment.
- 7. Defendant shall cooperate in the collection of a DNA sample from the defendant.
- 8. Defendant shall apply monies received from income tax refunds, lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to the Court, to the outstanding Court-ordered financial obligation.

It is further ordered that the defendant surrender to the institution designated by the Bureau of Prisons on **July 11, 2014** or before 12 noon, on a date to be determined. 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 Royal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Bond exonerated upon surrender.

Defendant informed of right to appeal. Defendant waives right to appeal.

Court recommends defendant found eligible and placed in the 500 hour RDAP drug treatment program.

The Court recommends defendant be incarcerated, consistent with security and housing concerns within the Bureau of Prisons, at Taft Federal Prison.

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.

5/14/14

Date

Audrey B. Collins

U. S. District 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

5/14/14

Filed Date

By

A. Bridges
Deputy Clerk



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

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

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

USA vs. Alex Kapri (1)

Docket No.: CR 12-903 ABC

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

USA vs. Alex Kapri (1)

Docket No.: CR 12-903 ABC

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

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

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

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

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

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

Payments shall be applied in the following order:

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

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

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

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

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

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

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 _____

USA vs. Alex Kapri (1) Docket No.: CR 12-903 ABC

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) _____ Date _____
Defendant

_____ Date _____
U. S. Probation Officer/Designated Witness

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:12-cr-00903-DSF-1**

Case title: USA v. Kapri et al

Date Filed: 09/21/2012

Date Terminated: 05/14/2014

Assigned to: Judge Dale S. Fischer

Defendant (1)

Alex Kapri

TERMINATED: 05/14/2014

also known as

Alex Kapriyelov

TERMINATED: 05/14/2014

also known as

Alexander Kapriyelov

TERMINATED: 05/14/2014

represented by **Michael D Nasatir**

Andruess/Podberesky APLC

818 W. 7th Street

Suite 960

Los Angeles, CA 90017

(213) 395-0400

Fax: (213) 395-0401

Email: mnasatir@aplax.law

ATTORNEY TO BE NOTICED

Designation: Retained

Peter Berlin

Law Office of Peter Berlin APC

16130 Ventura Boulevard Suite 570

Encino, CA 91436

818-986-0968

Fax: 818-986-9119

Email: peter@berlinfirm.com

ATTORNEY TO BE NOTICED

Designation: Retained

Vicki I Podberesky

Andruess/Podberesky

960

818 W. 7th Street

Los Angeles, CA 90017

213-395-0400

Fax: 213-395-0401

Email: vpod@aplax.law

ATTORNEY TO BE NOTICED

Pending Counts

Disposition

18:1349: CONSPIRACY TO COMMIT
HEALTH CARE FRAUD

(1)

Defendant to pay the United States a special assessment of \$100. All fines are waived. Defendant pay restitution of \$1,679,712.52. Defendant committed to the Bureau of Prisons for imprisonment for 75 months on Count 1 of the Indictment. Upon release of imprisonment, defendant is placed on supervised release for a term of three years. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05.

Highest Offense Level (Opening)

Felony

Terminated Counts

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

(2-6)

18:371: CONSPIRACY TO
DEFRAUD THE UNITED STATES
AND OBSTRUCT A FEDERAL
AUDIT

(7)

Disposition

Government's motion, all remaining
count(s), ordered dismissed.

Government's motion, all remaining
count(s), ordered dismissed.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Alexander F Porter**
AUSA - Office of US Attorney
Criminal Division - Major Frauds
312 North Spring Street 11th Floor
Los Angeles, CA 90012
213-894-0813
Fax: 213-894-6269

Email: alexander.porter2@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Blanca Quintero
AUSA - Office of US Attorney
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619-546-7118
Fax: 619-546-0510
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TERMINATED: 10/26/2016
Designation: Assistant US Attorney

Oliver Benton Curtis , III
US Department of Justice
Criminal Division - Fraud Section
1400 New York Avenue NW
Washington, DC 20005
213-894-6495
Fax: 213-894-2387
Email: Benton.Curtis@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
09/21/2012	<u>1</u>	INDICTMENT filed as to Alex Kapri (1) count(s) 1, 2-6, 7, Aleksey Muratov (2) count(s) 1, 2-6, Wesley Harlan Kingsbury (3) count(s) 1, 2-6, 8, Danielle Hartsell Medina (4) count(s) 1, 2-6. Offense occurred in LA. (mhe) (Entered: 09/26/2012)
09/21/2012	<u>2</u>	CASE SUMMARY filed by AUSA Benton Curtis as to Defendant Alex Kapri; defendants Year of Birth: 1957 (mhe) (Entered: 09/26/2012)
09/21/2012	<u>6</u>	EX PARTE APPLICATION to Seal Case Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Hartsell Medina(mhe) (Entered: 09/26/2012)
09/21/2012	<u>7</u>	ORDER by Magistrate Judge Jay C. Gandhi: granting <u>6</u> Ex Parte Application to Seal Case as to Alex Kapri (1), Aleksey Muratov (2), Wesley Harlan Kingsbury (3), Danielle Hartsell Medina (4) (mhe) (Entered: 09/26/2012)
09/21/2012	<u>8</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Alex Kapri (mhe) (Entered: 09/26/2012)
09/21/2012	<u>11</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Hartsell Medina. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate

		Judge Sheri Pym, Magistrate Judge Michael Wilner(mhe) (Entered: 09/26/2012)
09/21/2012	<u>12</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Hartsell Medina. This criminal action, being filed on 9/21/12, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W Fitzgerald began receiving criminal matters. (mhe) (Entered: 09/26/2012)
10/04/2012	<u>13</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Alex Kapri; defendants Year of Birth: 1957; date of arrest: 10/4/2012 (mhe) (Entered: 10/09/2012)
10/04/2012	<u>14</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Carla Woehrle Defendant states true name as charged. Attorney: Peter Berlin for Alex Kapri, Retained, present.Court orders bail set as: Alex Kapri (1) \$100,000 Appearance Bond, see attached bond for terms and conditions. Defendant remanded to the custody of the USM. PIA arraignment held, see separate PIA minutes. (RUSSIAN) INTERPRETER Required Court Smart: CS 10/4/12. (mhe) (Entered: 10/09/2012)
10/04/2012	<u>15</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Alex Kapri (mhe) (Entered: 10/09/2012)
10/04/2012	<u>16</u>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by Peter Berlin appearing for Alex Kapri (mhe) (Entered: 10/09/2012)
10/04/2012	<u>17</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Alex Kapri conditions of release: \$100,000 Appearance Bond, see attached bond for terms and conditions approved by Magistrate Judge Carla Woehrle. (mhe) (Entered: 10/09/2012)
10/04/2012	<u>18</u>	MEMORANDUM FOR RELEASE ORDER AUTHORIZATION filed by PSA Officer as to Defendant Alex Kapri. Submitted in compliance with conditions as set forth in Bond and Conditions (CR-1) <u>17</u> . (mhe) (Entered: 10/09/2012)
10/04/2012	<u>21</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Carla Woehrle as to Defendant Alex Kapri (1) Count 1,2-6,7. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Peter Berlin, Retained present. Case assigned to Judge Audrey B. Collins.(Jury Trial set for 11/27/2012 08:30 AM before Judge Audrey B. Collins., Status Conference set for 11/12/2012 01:30 PM before Judge Audrey B. Collins., Pretrial Conference set for 11/12/2012 01:30 PM before Judge Audrey B. Collins.), (Russian) INTERPRETER Required Court Smart: CS10/04/2012. (tba) (Entered: 10/09/2012)
10/04/2012	23	Notice of Electronic Filing re Affidavit of Surety (No Justification)(CR-4) <u>20</u> , Statement of Constitutional Rights <u>15</u> , Memorandum by PSA Officer for Release Order Authorization <u>18</u> , Affidavit of Surety (No Justification)(CR-4) <u>19</u> , DESIGNATION AND APPEARANCE OF COUNSEL <u>16</u> , Arrest on Indictment - Initial Appearance, Interpreter Required,, <u>14</u> , Arraignment - Post

		Indictment, Interpreter Required,,,, <u>21</u> , Bond and Conditions (CR-1) <u>17</u> , Report Commencing <u>13</u> e-mailed to benton_curtis@usdoj.gov bounced due to 550 5.1.1 RESOLVER.ADR.RecipNotFound; not found. The primary e-mail address associated with the attorney record has been deleted. Atty's last day with USDOJ was in Sept 2012. Forwarded all notifications USACAC.Criminal@usdoj.gov. Pursuant to the General Order and Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(tyw) TEXT ONLY ENTRY (Entered: 10/09/2012)
10/09/2012	<u>29</u>	SCHEDULING NOTICE by Linda Williams, Relief Courtroom Deputy for Judge Audrey B. Collins as to Defendants Alex Kapri, Wesley Harlan Kingsbury, Danielle Medina Hartsell re: Arraignment - Post Indictment, <u>21</u> ; The previously scheduled Pretrial Conference/Status Conference for 10/12/2012 AT 1:30 PM has been rescheduled for 11/19/2012 at 1:30 PM before Judge Audrey B. Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(lw) TEXT ONLY ENTRY (Entered: 10/09/2012)
10/09/2012	<u>32</u>	CRIMINAL MOTION AND TRIAL ORDER by Judge Audrey B. Collins as to Defendants Alex Kapri, Wesley Harlan Kingsbury, Danielle Medina Hartsell: This action has been assigned to the calendar of Judge Audrey B. Collins, Courtroom 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012. PRETRIAL MOTION AND TRIAL DATES: 1. Pre-Trial motions shall be filed on October 29, 2012. 2. Opposition shall be filed on November 5, 2012. 3. Replies shall not be filed except by leave of court. 4. Hearing and Pre-Trial Conference are set for November 19, 2012 at 1:30 p.m. 5. Trial is set for Tuesday, November 27, 1012 at 8:30 a.m. 6. The Court has ordered the above cut-off date for the filing of motions in this action. Electronic filing ("efiling") is mandatory in this district. See Local Rule ("L.R.") 5-4.1. (see document for further details) (bm) (Additional attachment (s) added on 10/11/2012: # <u>1</u> Main Document) (ab). (Attachment 1 replaced on 10/11/2012) (ab). Modified on 10/11/2012 (ab). (Entered: 10/10/2012)
10/09/2012	<u>38</u>	CRIMINAL MOTION AND TRIAL ORDER by Judge Audrey B. Collins as to Defendants Alex Kapri, Wesley Harlan Kingsbury, Danielle Medina Hartsell. This action has been assigned to the calendar of Judge Audrey B. Collins, Courtroom 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012. PRETRIAL MOTION AND TRIAL DATES: 1. Pre-Trial motions shall be filed on October 29, 2012. 2. Opposition shall be filed on November 5, 2012. 3. Replies shall not be filed except by leave of court. 4. Hearing and Pre-Trial Conference are set for November 19, 2012 at 1:30 p.m. 5. Trial is set for Tuesday, November 27, 1012 at 8:30 a.m. 6. The Court has ordered the above cut-off date for the filing of motions in this action. Electronic filing ("efiling") is mandatory in this district. See Local Rule ("L.R.") 5-4.1. (see document for further details) (bm) (Entered: 10/11/2012)
10/11/2012	<u>39</u>	Counsel notified that the date to file pre-trial motions has been corrected to reflect October 29, 2012; docket entry corrected and the order attached has been replaced to indicate the correct date by A. Bridges, Court Clerk to Judge

		Audrey B. Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 10/11/2012)
11/05/2012	<u>51</u>	STIPULATION for Order Protective Order filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order Protective Order)(Quintero, Blanca) (Entered: 11/05/2012)
11/05/2012	<u>52</u>	First STIPULATION to Continue Trial Date from 11-27-2012 to 6-4-2013 filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order Proposed Order to Continue Trial Date)(Quintero, Blanca) (Entered: 11/05/2012)
11/06/2012	<u>53</u>	PROTECTIVE ORDER by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell, re Stipulation <u>51</u> . (bm) (Entered: 11/07/2012)
11/07/2012	<u>54</u>	NOTICE of Association of Counsel associating attorney Michael D. Nasatir on behalf of Defendant Alex Kapri. Filed by Defendant Alex Kapri (Nasatir, Michael) (Entered: 11/07/2012)
11/09/2012	<u>55</u>	NOTICE TO COURT OF COMPLEX CASE filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell. (Curtis, Oliver) (Entered: 11/09/2012)
11/14/2012	<u>56</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: NOTE CHANGES MADE BY COURT. THEREFORE, FOR GOOD CAUSE SHOWN: The trial in this matter is continued from November 27, 2012 to June 4, 2013. The Hearing and Pre-Trial Conference is continued to May 20, 2013. The briefing schedule for any motions shall be: Pre-Trial motions: April 22, 2013; Oppositions due: April 29, 2013. The time period of November 27, 2012 to June 4, 2013, inclusive, is excluded in computing the time within which the trial must commence. (bm) (Entered: 11/14/2012)
11/16/2012	<u>57</u>	COMPACT DISC Order for date of proceedings 10/4/2012 to 10/4/2012 as to Defendant Alex Kapri Court will contact Michael D. Nasatir at mdnasatir@aol.com with any questions regarding this order. Transcript portion requested: Bail Hearing on 10/4/2012. Other: Arraignment - 10/4/2012. FEE PAID.(Nasatir, Michael) (Entered: 11/16/2012)
12/13/2012	<u>61</u>	APPLICATION FOR REVIEW/RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION Filed by Defendant Alex Kapri (Nasatir, Michael) (Entered: 12/13/2012)
12/14/2012	<u>62</u>	NOTIFICATION RE: APPLICATION FOR BAIL REVIEW OR RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE OR DETENTION by Magistrate Judge Carla Woehrl. Granting Application for Review/Reconsideration of Order Setting Conditions of Release/Detention as to Alex Kapri. The matter is set on calendar for hearing on December 21,

		2012 at 8:30 a.m., before Magistrate Judge Carla M. Woehrle in courtroom 640, 6th Floor at the Roybal Federal court. <u>61</u> (gr) (Entered: 12/14/2012)
12/17/2012	<u>64</u>	NOTIFICATION RE: APPLICATION FOR BAIL REVIEW OR RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION filed by Defendant Alex Kapri. The Request for hearing was APPROVED. Interpreter required: Russian. Request set for hearing on 1/17/2013 at 11:00 AM before Magistrate Judge Carla Woehrle, courtroom 640, 6th floor-Roybal. <u>61</u> (gr) (Entered: 12/18/2012)
01/14/2013	<u>67</u>	DECLARATION of Alex Kapri re APPLICATION FOR REVIEW/RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION <u>61</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 01/14/2013)
01/14/2013	<u>68</u>	DECLARATION of David Beitchman re APPLICATION FOR REVIEW/RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION <u>61</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 01/14/2013)
01/15/2013	<u>69</u>	EXHIBITS TO DECLARATION OF ALEX KAPRI IN SUPPORT OF HIS APPLICATION FOR REVIEW/RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION re APPLICATION FOR REVIEW/RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE/DETENTION <u>61</u> filed by Defendant Alex Kapri. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Nasatir, Michael) (Entered: 01/15/2013)
01/17/2013	<u>71</u>	MINUTES OF BOND Hearing held before Magistrate Judge Carla Woehrle as to Defendant Alex Kapri, Request for Bond modification Granted. Counsel for defendant to submit a stipulation proposed order for issuance by the Court. Court Smart: CS 1/17/13. (mhe) (Entered: 01/24/2013)
01/22/2013	<u>72</u>	ORDER RE: DEFENDANT ALEX KAPRI'S APPLICATION FOR BAIL REVIEW OR RECONSIDERATION OF ORDER SETTING CONDITIONS OF RELEASE OR DETENTION by Magistrate Judge Carla Woehrle Bond Hearing, <u>71</u> (mhe) (Entered: 01/24/2013)
03/06/2013	<u>75</u>	MINUTES OF IN CHAMBERS ORDER re STATUS CONFERENCE by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: On the Court's own motion this matter is hereby set for a status conference on March 18, 2013 at 11:30 a.m. Counsel and defendants to appear on date and time specified above. (bm) (Entered: 03/06/2013)
03/12/2013	<u>77</u>	NOTICE of Change of Attorney Information for attorney Alexander F Porter counsel for plaintiff United States of America. Adding Alexander F. Porter as attorney as counsel of record for United States of America for the reason indicated in the G-06 Notice. Filed by plaintiff United States of America (Porter, Alexander) (Entered: 03/12/2013)
03/18/2013	<u>78</u>	MINUTES OF STATUS/PRETRIAL CONFERENCE held before Judge Audrey B. Collins as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell. Counsel and defendants #1, #2

		and #4 are present. Defendant #3 Wesley Harland Kingbury is not present. Defense counsel, for Defendant #3, states a waiver of presence is on file for the defendant. Government counsel stats the trial estimate is approximately 2 1/2 weeks. The Court and counsel confer regarding status of the case, discovery matters, motion dates, and trial dates. The Court ORDERS the following dates SET: Joint Status Report due by 5/16/2013. Motion to be filed 7/1/2013., Jury Trial set for 11/5/2013 08:30 AM., Pretrial Conference set for 10/21/2013 01:30 PM., Status Conference set for 5/20/2013 01:30 PM. Court Reporter: Katherine Stride. (bp) (Entered: 03/22/2013)
04/01/2013	<u>79</u>	STIPULATION to Continue Trial Date from June 4, 2013 to November 5, 2013 <i>Finding of Excludable Time Periods Pursuant to Speedy Trial Act</i> filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 04/01/2013)
04/02/2013	<u>80</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: THEREFORE, FOR GOOD CAUSE SHOWN: The trial in this matter is continued from June 4, 2013, to November 5, 2013. The pre-trial conference is continued to October 21, 2013, at 1:30 p.m. The briefing schedule for pre-trial motions shall be: moving papers due July 1, 2013; oppositions due July 15, 2013; replies due July 22, 2013; motion hearing on July 29, 2013, at 1:30 p.m. A further status conference is set for May 20, 2013, at 1:30 p.m. The parties shall file a joint status report no later than May 16, 2013. The time period of June 4, 2013 to November 5, 2013, inclusive, is excluded in computing the time within which the trial must commence. (bm) (Entered: 04/03/2013)
05/16/2013	<u>81</u>	STIPULATION to Vacate <i>Status Conference</i> filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 05/16/2013)
05/16/2013	<u>82</u>	MINUTES OF IN CHAMBERS ORDER Re: Joint Status Report by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell re: Stipulation to Vacate <u>81</u> : On May 16, 2013, the parties filed a Stipulation Vacating the Status Conference scheduled for May 20, 2013. (Docket No. 81.) The Court VACATES the May 20, 2013 Status Conference and ORDERS the parties to file a joint status report no later than May 23, 2013: Confirming the jury trial date of November 5, 2013; Addressing whether the 15-day estimate for length of trial is still realistic, as the Court must order a jury panel before the next hearing date of July 29, 2013; and Confirming that the Court may ask the Jury Department to pre-screen the jury pool for jurors who can serve for 20 days. The Court intends to proceed with the November 5, 2013 jury trial date (and not the back up date of November 12, 2013). If issues arise as to any of these topics, the Court will schedule a Status Conference. (bm) (Entered: 05/16/2013)
05/23/2013	<u>83</u>	

		STATUS REPORT filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Porter, Alexander) (Entered: 05/23/2013)
07/01/2013	<u>85</u>	STIPULATION to Continue Hearing Date from July 29, 2013 to August 19, 2013 filed by Plaintiff Alex Kapri as to Defendant Alex Kapri, Aleksey Muratov (Attachments: # <u>1</u> Proposed Order)(Nasatir, Michael) (Entered: 07/01/2013)
07/01/2013	<u>86</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude Defendants from Admitting their Exculpatory Hearsay Statements Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell Motion set for hearing on 7/29/2013 at 01:30 PM before Judge Audrey B. Collins.(Quintero, Blanca) (Entered: 07/01/2013)
07/01/2013	<u>87</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude Improper use of Law Enforcement Interview Summaries Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell Motion set for hearing on 7/29/2013 at 01:30 PM before Judge Audrey B. Collins.(Quintero, Blanca) (Entered: 07/01/2013)
07/02/2013	<u>88</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Motion in Limine <u>86</u> , <u>87</u> . The following error(s) was found: Hearing information is missing, incorrect, or not timely. Other error(s) with document (s) are specified below. Other error(s) with document(s): Motions in Limine should be noticed for hearing at Pretrial Conference, currently set for 10/21/2013 at 01:30 PM. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (bm) (Entered: 07/02/2013)
07/02/2013	<u>89</u>	Counsel hereby notified that motions 84, 86, and 87 are accepted as e-filed pursuant to order of Court 4/2/13 document 80, motions are to be heard that on that date by Court Clerk to Judge Audrey B. Collins.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 07/02/2013)
07/03/2013	<u>90</u>	ORDER TO CONTINUE HEARING ON PRETRIAL MOTIONS AS TO DEFENDANTS KAPRI AND MURATOV by Judge Audrey B. Collins as to Defendant Alex Kapri, Aleksey Muratov, re Stipulation to Continue <u>85</u> : IT IS HEREBY ORDERED, that the hearing date set for pretrial motions be continued from July 29, 2013 at 1:30 p.m. to August 19, 2013 at 1:30 p.m. The Defendants will file any pretrial motions on or before July 15, 2013. (bm) (Entered: 07/05/2013)
07/12/2013	<u>91</u>	STIPULATION to Continue HEARING ON PRETRIAL MOTIONS AS TO DEFENDANTS KAPRI AND MURATOV from August 19, 2013 to September 3, 2013 filed by Defendant Alex Kapri (Attachments: # <u>1</u> Proposed Order)(Nasatir, Michael) (Entered: 07/12/2013)
07/15/2013	<u>92</u>	

		ORDER TO CONTINUE HEARING ON PRETRIAL MOTIONS AS TO DEFENDANTS KAPRI AND MURATOV by Judge Audrey B. Collins as to Defendant Alex Kapri, Aleksey Muratov, re Stipulation to Continue <u>91</u> . IT IS HEREBY ORDERED, that the hearing date set for pretrial motions be continued from August 19, 2013 at 1:30 p.m. to September 9, 2013 at 1:30 p.m. The Defendants will file any pretrial motions on or before August 5, 2013. Oppositions are due on or before August 12, 2013. (lw) (Entered: 07/16/2013)
07/24/2013	<u>94</u>	STIPULATION for Order STIPULATION TO TAKE PENDING MOTION FILED BY DEFENDANT DANIELLE HARTSELL MEDINA OFF CALENDAR filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Proposed Order)(Quintero, Blanca) (Entered: 07/24/2013)
07/29/2013	<u>95</u>	STIPULATION to Continue Hearing on Pretrial Motions as to defendants Kapri and Muratov from September 9, 2013 at 1:30 p.m. to September 16, 2013 at 1:30 p.m. filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order to Continue Hearing on Pretrial Motions as to defendants Kapri and Muratov)(Quintero, Blanca) (Entered: 07/29/2013)
07/29/2013	<u>97</u>	ORDER TO CONTINUE HEARING ON PRETRIAL MOTIONS AS TO DEFENDANTS KAPRI AND MURATOV by Judge Audrey B. Collins as to Defendant Alex Kapri, Aleksey Muratov, re Stipulation to Continue, <u>95</u> . IT IS HEREBY ORDERED, that the date currently set for hearing on pretrial motions be continued from September 9, 2013 at 1:30 p.m. to September 16, 2013 at 1:30 p.m. The deadline to file any pretrial motions remains unchanged and must be filed by the parties on or before August 5, 2013. IT IS FURTHER ORDERED, that the date for filing of oppositions to pretrial motions be continued from August 12, 2013 to August 19, 2013. (bp) (Entered: 07/30/2013)
08/05/2013	<u>98</u>	NOTICE OF MOTION AND MOTION to Suppress Warrantless Search Filed by Defendant Alex Kapri Motion set for hearing on 9/16/2013 at 01:30 PM before Judge Audrey B. Collins. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Nasatir, Michael) (Entered: 08/05/2013)
08/19/2013	<u>99</u>	OPPOSITION to MOTION to Suppress Warrantless Search <u>98</u> filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov. (Attachments: # <u>1</u> Declaration of Special Agent Anderson Smith, # <u>2</u> Declaration of Special Agent Christina Ramirez, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2)(Porter, Alexander) (Entered: 08/19/2013)
08/29/2013	<u>100</u>	JOINDER in MOTION to Suppress Warrantless Search <u>98</u> filed by Alex Kapri filed by Defendant WESLEY HARLAN KINGSBURY. (Attachments: # <u>1</u> Declaration)(Goldman, Richard) (Entered: 08/29/2013)
09/03/2013	<u>101</u>	MINUTES OF IN CHAMBERS ORDER RE: HEARING ON MOTION TO SUPPRESS by Judge Audrey B. Collins as to Defendant Alex Kapri: A hearing on Defendant's motion to suppress is set for Monday, September 16,

		2013 at 1:30 p.m. The Court anticipates that the Government will submit the declarations attached to its opposition as the direct testimony of the agents. In order to streamline the hearing and focus only on disputed facts, counsel should meet and confer before the hearing and determine the areas of disputed facts appropriate for cross examination. Counsel should call Deputy Courtroom Clerk Angela Bridges by September 9 to provide the Court with a time estimate for the hearing. (bm) (Entered: 09/03/2013)
09/11/2013	<u>102</u>	DECLARATION of Alex Kapri re MOTION to Suppress Warrantless Search <u>98</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 09/11/2013)
09/13/2013	<u>103</u>	DECLARATION of Aleksey Muratov re MOTION to Suppress Warrantless Search <u>98</u> (Berk, Elon) (Entered: 09/13/2013)
09/16/2013	<u>106</u>	MINUTES OF MOTION IN LIMINE TO PRECLUDE DEFENDANTS 1-4 FROM ADMITTING THEIR EXCULPATORY HEARSAY STATEMENTS [DOCUMENT 86]; MOTION IN LIMINE TO PRECLUDE IMPROPER USE OF LAW ENFORCEMENT INTERVIEW SUMMARIES AS TO ALL DEFENDANTS 1-4 [DOCUMENT 87]; MOTION TO SUPPRESS EVIDENCE OBTAINED PURSUANT TO A WARRANTLESS SEARCH [DOCUMENT 98] Hearing held before Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury: Case called. Counsel makes appearances. Court conducts evidentiary hearing on the above motions. Witnesses sworn and testifies. Exhibits identified and admitted. Matter submitted to the Court. Order to follow with respect to ruling on the above motions. Court Reporter: Katherine Stride. (bm) (Entered: 09/20/2013)
09/16/2013	<u>107</u>	LIST OF EXHIBITS AND WITNESSES at Evidentiary Hearing on Motions as to Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury. (bm) (Entered: 09/25/2013)
09/18/2013	104	The Court sets a status conference as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for 9/26/2013 11:00 AM. Counsel and defendants ORDERED to appear on date and time specified above before Judge Audrey B. Collins entry done by A. Bridges, Court Clerk. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 09/18/2013)
09/18/2013	<u>105</u>	ORDER GRANTING GOVERNMENT'S UNOPPOSED MOTIONS IN LIMINE AND DENYING DEFENDANTS ALEX KAPRI AND ALEKSEY MURATOV'S MOTION TO SUPPRESS by Judge Audrey B. Collins: Accordingly, the Court DENIES Defendants' motion to suppress. The Court GRANTS the government's unopposed motions in limine to preclude Defendants from admitting exculpatory hearsay statements and improper use of law enforcement interview summaries. (see document for further details) (bm) (Entered: 09/20/2013)
09/26/2013	<u>108</u>	MINUTES OF STATUS CONFERENCE RE: TRIAL held before Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: Case called. Counsel makes appearances. Court conducts status conference. Counsel reported all defendants are going to trial. The Court will order a jury panel screened for 20 days

		<p>pursuant to consent of counsel. (Docket No. 83.) Defendants moved for a 90-day continuance of trial. The Court denied the motion. The current trial date of November 5, 2013 will remain. The Court VACATES the backup dates for the pretrial conference and the jury trial set for October 28, 2013 and November 12, 2013. Defense counsel requested that the Court order the government to produce a witness and exhibit list. The government reported that it has not received any reciprocal discovery from any of the defendants. The Court ORDERS the parties to meet and confer on these issues. At the conference, counsel also sought clarification of whether the Court's Criminal Motion and Trial Order (Docket Nos. 32, 37, 38) precludes any further motions in limine. The Court has reviewed the order, and will allow motions in limine to be filed no later than October 4, 2013 with oppositions to be filed no later than October 11, 2013 at 5:00 p.m. Counsel are strongly advised to be selective about what they file as the Court will not entertain excessive motions. The Court will rule on the motions in limine at the Final Pretrial Conference. Due to a conflict in the Court's calendar, the Court CONTINUES the Final Pretrial Conference to Monday, October 28, 2013 at 2:30 p.m. Finally, defense counsel requested the Court review Docket No. 88 regarding the government's motions in limine, which the Court granted as unopposed. (Docket No. 105.) The Court has reviewed Docket No. 88, a "Notice to Filer of Deficiencies," which was resolved by the very next docket entry. (Docket No. 89.) As a result, the government's motions in limine were part of the motions scheduled to be heard with defendants' motion to suppress. The Court's September 18, 2013 ruling stands. Court Reporter: Cin dy Nirenberg. (bm) (Entered: 09/26/2013)</p>
10/04/2013	<u>109</u>	<p>NOTICE OF MOTION AND MOTION in Limine to Preclude Any Defense Expert Testimony Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell Motion set for hearing on 10/28/2013 at 02:30 PM before Judge Audrey B. Collins.(Quintero, Blanca) (Entered: 10/04/2013)</p>
10/04/2013	<u>110</u>	<p>NOTICE OF MOTION AND MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell Motion set for hearing on 10/28/2013 at 02:30 PM before Judge Audrey B. Collins.(Porter, Alexander) (Entered: 10/04/2013)</p>
10/04/2013	<u>111</u>	<p>NOTICE OF MOTION AND MOTION in Limine to Preclude Evidence or Argument of: (1) Defendant Muratov's Immigration Status; and (2) Defendant Kapri's Status as a Caretaker Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov Motion set for hearing on 10/28/2013 at 02:30 PM before Judge Audrey B. Collins.(Quintero, Blanca) (Entered: 10/04/2013)</p>
10/08/2013	112	<p>The Court is in receipt of the motions in limine documents 109 and 111 efiled by AUSA, Blanca Quintero. Counsel must adhere to the rules and procedures when submitting mandatory courtesy copies they must include the PDF header which includes the case number, Judge's initial, date e-filed, document number and the number of pages included in document, also the notice of electronic filing must be submitted to the back of each document, please adhere to the rules and procedures of the Court by A. Bridges, Court Clerk to Judge Audrey</p>

		B. Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 10/08/2013)
10/09/2013	<u>113</u>	TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings held on Sept. 16, 2013, 5:45 p.m. Court Reporter/Electronic Court Recorder: Sandra MacNeil, phone number 213-894-5949, macneilsandy@gmail.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 10/30/2013. Redacted Transcript Deadline set for 11/9/2013. Release of Transcript Restriction set for 1/7/2014.(MacNeil, Sandra) (Entered: 10/09/2013)
10/09/2013	114	NOTICE OF FILING TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings Sept. 16, 2013, 5:45 p.m re Transcript <u>113</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(MacNeil, Sandra) TEXT ONLY ENTRY (Entered: 10/09/2013)
10/11/2013	<u>115</u>	OPPOSITION to MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha <u>110</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 10/11/2013)
10/11/2013	<u>116</u>	OPPOSITION to MOTION in Limine to Preclude Evidence or Argument of: (1) Defendant Muratov's Immigration Status; and (2) Defendant Kapri's Status as a Caretaker <u>111</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 10/11/2013)
10/11/2013	<u>117</u>	OPPOSITION to MOTION in Limine to Preclude Any Defense Expert Testimony <u>109</u> filed by Defendant Alex Kapri. (Nasatir, Michael) (Entered: 10/11/2013)
10/15/2013	<u>119</u>	MINUTES OF IN CHAMBERS ORDER RE: Reply in Support of Motion in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: On October 4, 2013, the government filed three motions in limine, one of which was entitled "Motion in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha." (Docket No. 110.) Defendant Alex Kapri opposed the motions on October 11, 2013. (Docket Nos. 115-17.) The Court authorizes the government to file a reply only as to its motion to exclude evidence of supposedly legitimate services provided by Alpha no later than October 18, 2013 at 5:00 p.m. PST. (bm) (Entered: 10/16/2013)
10/18/2013	<u>122</u>	REPLY in support of MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha <u>110</u> (Porter, Alexander) (Entered: 10/18/2013)
10/22/2013	<u>123</u>	ORDER RE: GOVERNMENT'S MOTIONS IN LIMINE by Judge Audrey B. Collins: Pending before the Court are the government's three motions in limine

		to (1) preclude any defense expert testimony; (2) preclude evidence or argument of Defendant Aleksey Muratov's immigration status and Defendant Alex Kapri's status as caretaker; and (3) exclude evidence of supposedly legitimate services provided by Alpha, filed on October 4, 2013. (Docket Nos. 109-111.) Kapri opposed all three motions on October 11, 2013. (Docket Nos. 115-117.) Muratov filed a motion for joinder as to Kapri's oppositions on October 14, 2013. (Docket No. 118.) Defendant Wesley Harlan Kingsbury also joined Kapri's opposition regarding legitimate services provided by Alpha. (Docket No. 120.) On October 15, 2013, the Court authorized the government to file a reply as to the motion to exclude evidence of supposedly legitimate services provided by Alpha, which it did on October 18, 2013. (Docket Nos. 119, 122.) For the reasons set forth below, the Court GRANTS the government's motion to preclude any defense expert testimony; GRANTS the governments motion to preclude evidence or argument of Muratov's immigration status and Kapri's status as caretaker; and DENIES the government's motion to exclude evidence of supposedly legitimate services provided by Alpha. (see document for further details) (bm) (Entered: 10/22/2013)
10/25/2013	<u>124</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Alex Kapri (Porter, Alexander) (Entered: 10/25/2013)
10/28/2013	<u>138</u>	MINUTES OF PRETRIAL CONFERENCE; CHANGE OF PLEA HEARINGS held before Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: Case called. Counsel makes appearances. Court attempts to conduct pretrial conference for defendant Wesley Kingsbury which is not present. Court inquires with counsel as to why defendant is not present. The Court having heard from counsel, continues the pretrial conference to October 29, 2013 at 1:30 p.m. Counsel and defendant ORDERED to appear on date and time specified above. Court conducts change of plea hearings as to defendants Alex Kapri, Alexsey Muratov, and Danielle Medina Hartsell. Defendant requests to change entry of plea to Count 1 of the Indictment. Defendant sworn and questioned by the Court. Defendant enters new and different plea of GUILTY to the Count 1 of the Indictment. The Court questions the defendant regarding plea of GUILTY and FINDS that a factual basis has been laid and further FINDS the plea is knowledgeable and voluntarily made. The Court ORDERS the plea accepted and entered. The Court refers the defendant to the Probation Office for investigation and report and the matter is continued to February 24, 2014 at 1:30 p.m.. for sentencing. The Court further ORDERS defendant to cooperate with Probation in the preparation of a PSI report, and ordered to return for sentencing on date indicated above. Trial dates are hereby vacated. Court Reporter: Katherine Stride. (bm) (Entered: 10/31/2013)
11/05/2013	<u>150</u>	EX PARTE APPLICATION to Modify Conditions of Release Filed by Defendant Alex Kapri (Attachments: # <u>1</u> Proposed Order)(Attorney Vicki I Podberesky added to party Alex Kapri(pty:dft))(Podberesky, Vicki) (Entered: 11/05/2013)
11/07/2013	<u>155</u>	ORDER RE MODIFICATION OF CONDITIONS OF ELECTRONIC MONITORING by Judge Audrey B. Collins granting <u>150</u> Ex Parte Application

		to Modify Conditions of Release as to Defendant Alex Kapri (1): It is hereby ordered that: The conditions of electronic monitoring imposed on the Defendant, Alex Kapri, be modified to allow him to be on curfew conditions as determined by Pretrial Services, with curfew ending by 8:00 p.m. The defendant is to continue to have regular contact with his Pretrial Services Officer as directed by Pre-Trial Services. (bm) (Entered: 11/08/2013)
01/21/2014	<u>185</u>	REPLY in support of MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held,,,,,, 170 173 filed by Defendant Wesley Kingsbury. (Attachments: # <u>1</u> Exhibit A)(Radin, Moriah) (Entered: 01/21/2014)
01/29/2014	<u>186</u>	STIPULATION to Continue Sentencing Hearing from February 24, 2014 to March 31, 2014 at 1:30 P.M. filed by Plaintiff Alex Kapri as to Defendant Alex Kapri, Aleksey Muratov (Attachments: # <u>1</u> Proposed Order)(Podberesky, Vicki) (Entered: 01/29/2014)
01/31/2014	<u>187</u>	ORDER TO CONTINUE SENTENCING HEARING FOR DEFENDANTS KAPRI AND MURATOV by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov: IT IS HEREBY ORDERED: that the sentencing date be continued from February 24, 2014 at 11:00 a.m. to March 31, 2014 at 1:30 p.m., for defendants Alex Kapri and Aleksey Muratov. (bm) (Entered: 01/31/2014)
03/06/2014	<u>194</u>	EX PARTE APPLICATION to Continue Sentencing Hearing from 3/31/2014 to 4/28/2014. Filed by Defendant Alex Kapri (Attachments: # <u>1</u> Proposed Order)(Podberesky, Vicki) (Entered: 03/06/2014)
03/06/2014	<u>196</u>	EX PARTE APPLICATION to Continue Government's Opposition to Defendants' Ex Parte Application to Continue Sentencing Hearing from March 31, 2014 to April 28, 2014. <i>Opposition to Defendants' Ex Parte Application</i> Filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov (Quintero, Blanca) (Entered: 03/06/2014)
03/10/2014	<u>200</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Opposition to Ex Parte Application <u>196</u> . The following error(s) was found: Incorrect event selected. The correct event is: Responses/Replies/Other Motion Related Documents-Opposition to Motion. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (bm) (Entered: 03/10/2014)
03/11/2014	<u>202</u>	ORDER TO CONTINUE Sentencing Hearing for Defendants Kapri and Muratov by Judge Audrey B. Collins as to Defendant Alex Kapri, Aleksey Muratov. NOTE: CHANGES MADE BY THE COURT. IT IS HEREBY ORDERED: that the sentencing date be continued from March 31, 2014 at 11:00 a.m. to MAY 5, 2014 at 1:30 p.m., for defendants Alex Kapri and Aleksey Muratov. NO FURTHER CONTINUANCES WILL BE GRANTED. (lw) (Entered: 03/11/2014)
04/21/2014	<u>221</u>	

		SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Alex Kapri (Porter, Alexander) (Entered: 04/21/2014)
04/22/2014	<u>223</u>	EX PARTE APPLICATION for Order for Sealing Documents Filed by Defendant Alex Kapri (Attachments: # <u>1</u> Proposed Order)(Podberesky, Vicki) (Entered: 04/22/2014)
04/22/2014	<u>224</u>	NOTICE of Manual Filing of Document filed by Defendant Alex Kapri (Podberesky, Vicki) (Entered: 04/22/2014)
04/22/2014	<u>225</u>	Notice of Electronic Filing re EX PARTE APPLICATION for Order for Sealing Documents <u>223</u> e-mailed to Attorney Peter Berlin at peter@berlinfirm.com bounced due to invalid email. The primary e-mail address associated with the attorney record has been deleted. Pursuant to Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ir) TEXT ONLY ENTRY (Entered: 04/22/2014)
04/22/2014	<u>226</u>	NOTICE OF LODGING filed by Defendant Alex Kapri (Attachments: # <u>1</u> Exhibit A)(Podberesky, Vicki) (Entered: 04/22/2014)
04/22/2014	<u>227</u>	DECLARATION of filed by Defendant Alex Kapri RE: Notice of Manual Filing (G-92) <u>224</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Nasatir, Michael) (Entered: 04/22/2014)
04/22/2014	<u>228</u>	ORDER SEALING DOCUMENT by Judge Audrey B. Collins: granting <u>223</u> Ex Parte Application for Order as to Alex Kapri (1); IT HIS HEREBY ORDERED that defendant's ex parte application for filing under seal is GRANTED. Defendant's sentencing memorandum and objections to presentence report shall be filed under seal. (lw) (Entered: 04/24/2014)
04/22/2014	<u>229</u>	SEALED DOCUMENT - DEFENDANT ALEX KAPRI'S SENTENCING MEMORANDUM AND OBJECTIONS TO THE PRESENTENCE REPORT; EXHIBITS (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3)(bm) (Entered: 04/29/2014)
04/30/2014	<u>231</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Alex Kapri (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Porter, Alexander) (Entered: 04/30/2014)
05/05/2014	<u>237</u>	MINUTES OF SENTENCING Hearing held before Judge Audrey B. Collins as to Defendant Alex Kapri. Defendant Alex Kapri (1), Count 1, of the Indictment, Defendant to pay the United States a special assessment of \$100. All fines are waived. Defendant pay restitution of \$1,679,712.52. Defendant committed to the Bureau of Prisons for imprisonment for 75 months on Count 1 of the Indictment. Upon release of imprisonment, defendant is placed on supervised release for a term of three years. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Count(s) 2-6,7, Government's motion, all remaining count(s), ordered dismissed. Defendant to surrender not later than 7/11/2014 to the designated facility of the Bureau of Prisons, or, if no designation made, to the U. S. Marshal. Bond exonerated upon surrender.

		Defendant advised of right of appeal. Defendant waives right to appeal. Court Reporter: Katherine Stride. (lw) (Entered: 05/15/2014)
05/07/2014	<u>232</u>	COMPACT DISC Order for date of proceedings 5/5/2014 to 5/5/2014 as to Defendant Alex Kapri Court will contact Peter Berlin at peter@berlinfirm.com with any questions regarding this order. Transcript portion requested: Sentencing on 5/5/2014 as to Defendant Alex Kapri. FEE PAID. (Berlin, Peter) (Entered: 05/07/2014)
05/07/2014	233	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Audio Recording Form (AO-436), <u>232</u> as to Defendant Alex Kapri. The following error(s) was found: The Hearing was not digitally recorded. Please submit a G-120 to request a transcript. 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.(nv) TEXT ONLY ENTRY (Entered: 05/08/2014)
05/12/2014	<u>234</u>	APPLICATION for Refund of Fees Paid Filed by Defendant Alex Kapri (Berlin, Peter) (Entered: 05/12/2014)
05/14/2014	<u>238</u>	JUDGMENT AND COMMITMENT by Judge Audrey B. Collins as to Defendant Alex Kapri (1), Count(s) 1, Defendant to pay the United States a special assessment of \$100. All fines are waived. Defendant pay restitution of \$1,679,712.52. Defendant committed to the Bureau of Prisons for imprisonment for 75 months on Count 1 of the Indictment. Upon release of imprisonment, defendant is placed on supervised release for a term of three years. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05.; Count(s) 2-6,7 Government's motion, all remaining count(s), ordered dismissed. It is further ordered that the defendant surrender to the institution designated by the Bureau of Prisons on July 11, 2014 or before 12 noon, on a date to be determined. 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 Royal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Bond exonerated upon surrender. Defendant informed of right to appeal. Defendant waives right to appeal. Court recommends defendant found eligible and placed in the 500 hour RDAP drug treatment program. The Court recommends defendant be incarcerated, consistent with security and housing concerns within the Bureau of Prisons, at Taft Federal Prison. (lw) (Entered: 05/15/2014)
05/16/2014	<u>241</u>	STIPULATION for Modification of Conditions of Release filed by Defendant Alex Kapri (Attachments: # <u>1</u> Proposed Order)(Berlin, Peter) (Entered: 05/16/2014)
05/19/2014	<u>242</u>	ORDER MODIFYING DEFENDANT ALEX KAPRIS CONDITIONS OF ELECTRONIC MONITORING AND RELEASE by Judge Audrey B. Collins as to Defendant Alex Kapri (1): The Court having considered the Stipulation filed, and good cause appearing therefore, the Court hereby grants Defendant Alex Kapris request to modify conditions of electronic monitoring and conditions of release as follows: 1. Defendant is placed on a daily curfew

		within the hours as determined by and within the discretion of Pretrial Services. 2. All other conditions of pre-trial release to remain the same. (bm) (Entered: 05/20/2014)
07/17/2014	<u>263</u>	VERIFICATION OF SURRENDER as to Alex Kapri: surrender date July 11, 2014. (bp) (Entered: 07/17/2014)
07/31/2014	<u>265</u>	REFUND OF \$30.00 made payable on 07/31/2014 to Peter Berlin for payment made on 05/07/2014 Re: APPLICATION for Refund of Fees Paid <u>234</u> . (rdj) (Entered: 07/31/2014)
08/06/2014	<u>268</u>	NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned District Judge is no longer available. Pursuant to directive of the Chief District Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case, as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell, has been reassigned to Judge Dale S. Fischer for all further proceedings. Case number will now read CR12-00903 DSF. (at) (Entered: 08/06/2014)
08/14/2015	<u>371</u>	TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings held on THURSDAY, SEPTEMBER 26, 2013 11:11 A.M. Court Reporter: C. NIRENBERG, 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, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/4/2015. Redacted Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 11/12/2015.(Nirenberg, C) (Entered: 08/14/2015)
08/14/2015	372	NOTICE OF FILING TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings THURSDAY, SEPTEMBER 26, 2013 11:11 A.M. re Transcript <u>371</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Nirenberg, C) TEXT ONLY ENTRY (Entered: 08/14/2015)
10/26/2016	<u>425</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Blanca Quintero counsel for Plaintiff USA. Blanca Quintero is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff USA. (Quintero, Blanca) (Entered: 10/26/2016)

PACER Service Center			
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Description:	Docket Report		

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Billable Pages:	14	Cost:	1.40



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



EDMUND G. BROWN JR.
GOVERNOR

DEC 22 2014

Alex Kapri
aka Alexander Kapriyelov
Taft Correctional Center
P.O. Box 7001
Taft, CA 93268

**Re: Suspension from Medi-Cal Participation
Co-Owner/Alpha Ambulance, Inc.**

Dear Mr. Kapri:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by the Director, Health Care Program Exclusions, Office of Counsel to the Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective November 20, 2014. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, pursuant to the authority delegated to me by the Director, of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective November 20, 2014. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be

DEC 22 2014

subject to suspension from receiving payment, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

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

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

Sincerely,

Barbara B. Dayvault
Senior Attorney



Kimberly Woodward
Legal Analyst

cc: See next page.

Charles M. Russo
Intelligence Analyst, Health Care Fraud
Federal Bureau of Investigations
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Sacramento, CA.95841

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