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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

11 UNITED STATES OF AMERICA,  
12  
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  
INDICTMENT

[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- FICIARY</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

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[18 U.S.C. § 371]

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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.

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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.

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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.

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A. THE OBJECT OF THE CONSPIRACY

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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

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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,  
28

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.

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.

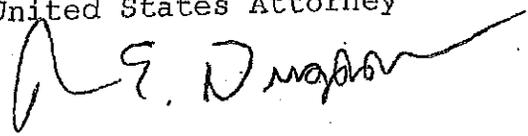
22 36. Pursuant to Title 21, United States Code, Section  
23 853(p), as incorporated by Title 18, United States Code, Section  
24 982(b)(1), and Title 28, United States Code, Section 2461(c), a  
25 defendant so convicted shall forfeit substitute property, up to  
26 the value of the amount described 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

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

20 SAM SHELDON  
21 Deputy Chief, Fraud Section  
22 United States Department of Justice

23 BENTON CURTIS  
24 Assistant Chief, Fraud Section  
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27  
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10 Attorneys for Plaintiff  
 11 UNITED STATES OF AMERICA

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

14 UNITED STATES OF AMERICA,  
 15  
 Plaintiff,  
 16  
 v.  
 17 WESLEY HARLAN KINGSBURY,  
 18  
 Defendant.  
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No. CR 12-00903-DSF  
PLEA AGREEMENT FOR DEFENDANT  
WESLEY HARLAN KINGSBURY

20  
 21 1. This constitutes the plea agreement between WESLEY HARLAN  
 22 KINGSBURY ("defendant"), and the Criminal Fraud Section of the  
 23 United States Department of Justice and the United States Attorney's  
 24 Office for the Central District of California (collectively the  
 25 "USAO"), in the above-captioned case. This agreement is limited to  
 26 the USAO and cannot bind any other federal, state, local, or foreign  
 27 prosecuting, enforcement, administrative, or regulatory authorities.

1 DEFENDANT'S OBLIGATIONS

2 2. Defendant agrees to:

3 a) At the earliest opportunity requested by the USAO and  
4 provided by the Court, appear and plead guilty to counts one, seven,  
5 and eight of the indictment in United States v. Alex Kapri et al.,  
6 CR No. 12-00903-DSF, which charge defendant with conspiracy to  
7 commit health care fraud, in violation of 18 U.S.C. § 1349,  
8 conspiracy to obstruct a Medicare audit, in violation of 18 U.S.C. §  
9 371, and making a materially false statement to law enforcement  
10 officers, in violation of 18 U.S.C. § 1001.

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) Not to contest any administrative forfeiture  
21 proceedings or civil judicial proceedings commenced against these  
22 properties pursuant to 18 U.S.C. §§ 18 981(a)(1)(A) and (C), 981(b),  
23 and 984. With respect to any criminal forfeiture ordered as a  
24 result of this plea agreement, defendant waives the requirements of  
25 Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice  
26 of the forfeiture in the charging instrument, announcements of the  
27 forfeiture sentencing, and incorporation of the forfeiture in the

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1 judgment. Defendant acknowledges that forfeiture of the assets is  
2 part of the sentence that may be imposed in this case and waives any  
3 failure by the Court to advise defendant of this, pursuant to  
4 Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the  
5 Court accepts defendant's guilty plea.

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

8 f) Not to claim that reasonable cause to seize the  
9 assets was lacking.

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

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

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

19 THE USAO'S OBLIGATIONS

20 4. The USAO agrees to:

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

22 b) Abide by all agreements regarding sentencing  
23 contained in this agreement.

24 c) At the time of sentencing, move to dismiss the  
25 remaining counts of the indictment as against defendant. Defendant  
26 agrees, however, that at the time of sentencing the Court may  
27 consider any dismissed charges in determining the applicable

1 Sentencing Guidelines range, the propriety and extent of any  
2 departure from that range, and the sentence to be imposed.

3 d) At the time of sentencing, provided that defendant  
4 demonstrates an acceptance of responsibility for the offense up to  
5 and including the time of sentencing, recommend a two-level  
6 reduction in the applicable Sentencing Guidelines offense level,  
7 pursuant to U.S.S.G. § 3E1.1.

8 e) Recommend that defendant be sentenced to a term of  
9 imprisonment no higher than the low end of the applicable Sentencing  
10 Guidelines range, provided that the offense level used by the Court  
11 to determine that range is, after application of acceptance, 29 or  
12 higher and provided that the Court does not depart downward in  
13 offense level or criminal history category. For purposes of this  
14 agreement, the low end of the Sentencing Guidelines range is that  
15 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

16 NATURE OF THE OFFENSE

17 5. Defendant understands that for defendant to be guilty of  
18 the crime charged in count one, that is, a violation of Title 18,  
19 United States Code, Section 1349, the following must be true:

20 (1) There was an agreement between two or more persons to  
21 commit the crime of health care fraud, in violation of  
22 Title 18, United States Code, Section 1347; and

23 (2) Defendant became a member of the conspiracy knowing its  
24 object and intending to help accomplish it.

25 Defendant further understands that for defendant to have committed  
26 the crime of health care fraud, the following must be true:

27

28

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 6. Defendant understands that for defendant to be guilty of  
15 the crime charged in count seven, that is, a violation of Title 18,  
16 United States Code, Section 371, the following must be true:

17 (1) There was an agreement between two or more persons to  
18 commit the crime of obstructing a Medicare audit, in  
19 violation of Title 18, United States Code, Section 1516;

20 (2) Defendant became a member of the conspiracy knowing its  
21 object and intending to help accomplish it; and

22 (3) One of the members of the conspiracy performed at least  
23 one overt act for the purpose of carrying out the  
24 conspiracy.

25 7. Defendant understands that for defendant to be guilty of  
26 the crime of obstructing a Medicare audit, in violation of Title 18,  
27 United States Code, Section 1516, the following must be true:

1 (1) First, the defendant endeavored to influence, obstruct, or  
2 impede a federal auditor in the performance of official  
3 duties;

4 (2) Second, the duties related to a person or entity receiving  
5 in excess of \$100,000, directly or indirectly, from the  
6 United States in any one-year period under a contract or  
7 subcontract, grant, or cooperative agreement; and

8 (3) Third, the defendant acted with the intent to deceive or  
9 defraud the United States.

10 8. Defendant understands that for defendant to be guilty of  
11 the crime of making materially false statements to law enforcement  
12 officers, in violation of Title 18, United States Code, Section  
13 1001, the following must be true:

14 (1) First, the defendant made a false statement in a matter  
15 within the jurisdiction of a federal law enforcement  
16 agency;

17 (2) Second, the defendant acted willfully; that is,  
18 deliberately and with knowledge both that the statement  
19 was untrue and that his conduct was unlawful; and

20 (3) Third, the statement was material to the activities or  
21 decisions of the federal law enforcement agency; that is,  
22 it had a natural tendency to influence, or was capable of  
23 influencing, the agency's decisions or activities.

24  
25 PENALTIES AND RESTITUTION

26 9. Defendant understands that the statutory maximum sentence  
27 that the Court can impose for a violation of Title 18, United States

1 Code, Section 1349, is: 10 years' imprisonment; a three-year period  
2 of supervised release; a fine of \$250,000 or twice the gross gain or  
3 gross loss resulting from the offense, whichever is greatest; and a  
4 mandatory special assessment of \$100.

5 10. Defendant understands that the statutory maximum sentence  
6 that the Court can impose for a violation of Title 18, United States  
7 Code, Section 371, is: 5 years' imprisonment; a three-year period of  
8 supervised release; a fine of \$250,000 or twice the gross gain or  
9 gross loss resulting from the offense, whichever is greatest; and a  
10 mandatory special assessment of \$100.

11 11. Defendant understands that the statutory maximum sentence  
12 that the Court can impose for a violation of Title 18, United States  
13 Code, Section 1001, is: 5 years' imprisonment; a three-year period  
14 of supervised release; a fine of \$250,000 or twice the gross gain or  
15 gross loss resulting from the offense, whichever is greatest; and a  
16 mandatory special assessment of \$100.

17 12. Defendant understands that he will be required to pay  
18 full restitution to the victims of the offense. Defendant agrees  
19 that, in return for the USAO's compliance with its obligations under  
20 this agreement, the amount of restitution is not restricted to the  
21 amounts alleged in the count to which defendant is pleading guilty  
22 and may include losses arising from counts dismissed and charges not  
23 prosecuted pursuant to this agreement, as well as all relevant  
24 conduct in connection with those counts and charges. Defendant  
25 agrees that the applicable amount of restitution is \$1,338,413.53,  
26 but the parties recognize and agree that this amount could change  
27 based on facts that come to the attention of the parties prior to

1 sentencing. Defendant further agrees that defendant will not seek  
2 the discharge of any restitution obligation, in whole or in part, in  
3 any present or future bankruptcy proceeding.

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

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



1 Defendant was the General Manager of Alpha Ambulance, Inc.  
2 ("Alpha"), an ambulance transportation company that operated in the  
3 greater Los Angeles area and that specialized in the provision of  
4 non-emergency ambulance transportation services to Medicare  
5 beneficiaries, primarily dialysis patients. Alpha was owned by Alex  
6 Kapri and Aleksey ("Russ") Muratov, and the training supervisor was  
7 Danielle Medina. Together with co-conspirators Kapri, Muratov, and  
8 Medina, the Defendant knowingly provided, and caused the provision  
9 of, non-emergency ambulance transportation services to Medicare  
10 beneficiaries whose then medical conditions the Defendant knew did  
11 not necessitate the transportation services. In doing so, Defendant  
12 instructed, and caused to be instructed, certain Alpha employees to  
13 conceal the Medicare beneficiaries' then true medical conditions by  
14 altering requisite paperwork and creating fraudulent reasons that  
15 justified, on paper, the transportation services. Based on these  
16 medically unnecessary ambulance transportation services, Defendant  
17 and his co-conspirators submitted, and caused the submission of,  
18 false and fraudulent claims to Medicare, which totaled \$5,522,079.89  
19 and resulted in Medicare payments of \$1,338,413.53. Defendant did  
20 all of the foregoing knowingly and willfully, and with the intent to  
21 defraud the Medicare program.

22 Additionally, as the Defendant and his co-conspirators were  
23 submitting the above-referenced false and fraudulent claims to  
24 Medicare, Medicare notified Alpha, through co-conspirator Kapri,  
25 that Alpha would be subject to a Medicare audit. In response to  
26 this notice, on or about March 21, 2012, and continuing to on or  
27 about May 2, 2012, the Defendant knowingly and willfully conspired

28

1 with Kapri, Muratov, Medina, and others, to obstruct the Medicare  
2 audit. The Defendant instructed, and caused to be instructed,  
3 certain Alpha employees to alter requisite paperwork and create  
4 fraudulent reasons that justified, on paper, transportation services  
5 for the specific beneficiaries identified as the subject of  
6 Medicare's audit. Defendant also himself personally altered  
7 requisite paperwork and created fraudulent reasons that justified,  
8 on paper, transportation services for the specific beneficiaries  
9 identified as the subject of Medicare's audit. In furtherance of  
10 the conspiracy, on April 16, 2012, co-conspirator Kapri contacted  
11 CMS, via telephone, and asked for an extension of time to produce  
12 the requested records. In addition, on April 30, 2012, the  
13 Defendant met with co-conspirators Kapri and Muratov in an  
14 underground parking garage and discussed law enforcement's interest  
15 in Alpha's response to the Medicare audit. Defendant acted with the  
16 intent to deceive or defraud the United States in connection with  
17 the Medicare audit. Alpha was an entity that had received more than  
18 \$100,000, directly or indirectly, from the United States in the  
19 previous one-year period in the form of reimbursements from the  
20 Medicare program.

21 In addition, on May 1, 2012, the Defendant was questioned by  
22 law enforcement about the conversation that occurred on April 30,  
23 2012 in the underground parking garage with co-conspirators Kapri  
24 and Muratov. In response to the questioning, the Defendant  
25 knowingly and willfully made materially false statements, in that  
26 the Defendant denied to Special Agents from the Federal Bureau of  
27 Investigation and the Department of Health and Human Services,

1 Office of Inspector General, Office of Investigations, that he had  
2 disclosed to co-conspirators Kapri and Muratov the names of the  
3 agents investigating Alpha and the questions the agents had asked  
4 the Defendant in relation to their investigation of Alpha.

5 SENTENCING FACTORS

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

18 18. Defendant and the USAO agree to the following applicable  
19 Sentencing Guidelines factors:

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

25 19. Defendant understands that there is no agreement as to  
26 defendant's criminal history or criminal history category.  
27



1 h. Any and all rights to pursue any affirmative defenses,  
2 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 22. 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 23. Defendant agrees that, provided the Court imposes a total  
12 term of imprisonment on all counts of conviction of no more than 87  
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 \$1,338,413.53; (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 24. The USAO agrees that, provided (a) all portions of the  
27 sentence are at or below the statutory maximum specified above and  
28

1 (b) the Court imposes a term of imprisonment of no less than 87  
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 \$1,338,413.53.

6 RESULT OF WITHDRAWAL OF GUILTY PLEA

7 25. 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 26. This agreement is effective upon signature and execution  
15 of all required certifications by defendant, defendant's counsel,  
16 and a Department of Justice Trial Attorney.

17 BREACH OF AGREEMENT

18 27. 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 a Department  
21 of Justice Trial Attorney, knowingly violates or fails to perform  
22 any of defendant's obligations under this agreement ("a breach"),  
23 the 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 28. 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  
12 signing of this agreement and the filing commencing any  
13 such action.
- 14 b. Defendant waives and gives up all defenses based on the  
15 statute of limitations, any claim of pre-indictment  
16 delay, or any speedy trial claim with respect to any  
17 such action, except to the extent that such defenses  
18 existed as of the date of defendant's signing this  
19 agreement.
- 20 c. Defendant agrees that: (i) any statements made by  
21 defendant, under oath, at the guilty plea hearing (if  
22 such a hearing occurred prior to the breach); (ii) the  
23 agreed to factual basis statement in this agreement; and  
24 (iii) any evidence derived from such statements, shall  
25 be admissible against defendant in any such action  
26 against defendant, and defendant waives and gives up any  
27 claim under the United States Constitution, any statute,

28

1 Rule 410 of the Federal Rules of Evidence, Rule 11(f) of  
2 the Federal Rules of Criminal Procedure, or any other  
3 federal rule, that the statements or any evidence  
4 derived from the statements should be suppressed or are  
5 inadmissible.

6 COURT AND PROBATION OFFICE NOT PARTIES

7 29. Defendant understands that the Court and the United States  
8 Probation Office are not parties to this agreement and need not  
9 accept any of the USAO's sentencing recommendations or the parties'  
10 agreements to facts or sentencing factors.

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

26 31. Defendant understands that even if the Court ignores any  
27 sentencing recommendation, finds facts or reaches conclusions

1 different from those agreed to, and/or imposes any sentence up to  
2 the maximum established by statute, defendant cannot, for that  
3 reason, withdraw defendant's guilty plea, and defendant will remain  
4 bound to fulfill all defendant's obligations under this agreement.  
5 Defendant understands that no one -- not the prosecutor, defendant's  
6 attorney, or the Court -- can make a binding prediction or promise  
7 regarding the sentence defendant will receive, except that it will  
8 be within the statutory maximum.

9 NO ADDITIONAL AGREEMENTS

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

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

33. 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

STEPHANIE YONEKURA  
Acting United States Attorney



9/15/14

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

Date



09.15.14

WESLEY HARLAN KINGSBURY  
Defendant

Date



9/15/14

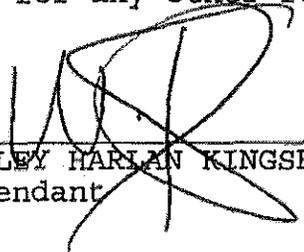
RICHARD GOLDMAN  
MORIAH RADIN  
Attorney for Defendant  
WESLEY HARLAN KINGSBURY

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.

12  
13   
14 \_\_\_\_\_  
WESLEY HARLAN KINGSBURY  
Defendant

09.15.14  
\_\_\_\_\_  
Date

15  
16 CERTIFICATION OF DEFENDANT'S ATTORNEY

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

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

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RICHARD GOLDMAN  
MORIAH RADIN  
Attorney for Defendant  
WESLEY HARLAN KINGSBURY

9/15/14  
\_\_\_\_\_  
Date

**United States District Court  
Central District of California**

**UNITED STATES OF AMERICA vs.**

**Docket No.** CR 12-903 DSF

**Defendant** Wesley Harlan Kingsbury  
akas: \_\_\_\_\_

**Social Security No.** █ █ █ █  
(Last 4 digits)

**JUDGMENT AND PROBATION/COMMITMENT ORDER**

<b>MONTH</b>	<b>DAY</b>	<b>YEAR</b>
2	9	2015

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

**COUNSEL**

Richard Goldman, Deputy Federal Public Defender

(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:  
18 U.S.C. §1349: Conspiracy to Commit Health Care Fraud - Count 1 of the Indictment; 18 U.S.C. § 371: Conspiracy -  
Count 7 of the Indictment; 18 U.S.C. § 1001(a)(2): Making a Materially False, Fictitious or Fraudulent Statement - Count 8 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 defendant, Wesley Harlan Kingsbury, is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of 78 months. This term consists of 78 months on Count 1, and 60 months on each of Counts 7 and 8 of the Indictment, all to be served concurrently

On release from imprisonment, the defendant shall be placed on supervised release for a term of three years. This term consists of three years on each of Counts 1, 7, and 8 of the Indictment, all such terms to run concurrently under the following terms and conditions.

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

The Court recommends that the Bureau of Prisons conduct a physical and mental health evaluation of the defendant and provide all necessary treatment.

It is ordered that the defendant shall pay to the United States a special assessment of \$300, 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.

USA vs. Wesley Harlan KingsburyDocket No.: CR 12-903 DSF

It is ordered that the defendant shall pay restitution in the total amount of \$1,338,413.53 pursuant to 18 U.S.C. § 3663 A.

The amount of restitution ordered shall be paid as follows:

<u>Victim</u>	<u>Amount</u>
Medicare	\$1,338,413.53

The Court finds from a consideration of the record that the defendant's economic circumstances allow for restitution payments pursuant to the following schedule: Restitution will 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 paid during the period of supervised release. These payments 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 Alex Kapri, Aleksey Muratov, and Danielle Medina (Docket No. CR 12-903 DSF) for the amount of restitution ordered in this judgment. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives 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 the Court finds that the defendant has established that he is unable to pay and is not likely to become able to pay any fine.

The Court grants the government's oral motion to dismiss the remaining counts of the Indictment as to this defendant.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on February 23, 2015 by 12:00 p.m. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

The Court advised the defendant of the right to appeal this judgment.

SENTENCING FACTORS: The sentence is based on the factors set forth in 18 U.S.C. §3553, including the applicable sentencing range set forth in the guidelines, as more particularly reflected in the court reporter's transcript.

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.

*Wale S. Fischer*

2/9/15

Date

\_\_\_\_\_  
U. S. District Judge/Magistrate Judge

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

USA vs. Wesley Harlan Kingsbury

Docket No.: CR 12-903 DSF

Clerk, U.S. District Court

2/9/15

Filed Date

By /s/ Debra Plato

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:

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. Wesley Harlan Kingsbury

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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 (15<sup>th</sup>) 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 \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

USA vs. Wesley Harlan Kingsbury Docket No.: CR 12-903 DSF

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

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**FOR U.S. PROBATION OFFICE USE ONLY**

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

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

(Signed) \_\_\_\_\_  
Defendant Date

\_\_\_\_\_  
U. S. Probation Officer/Designated Witness Date

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CRIMINAL DOCKET FOR CASE #: 2:12-cr-00903-DSF-3**

Case title: USA v. Kapri et al

Date Filed: 09/21/2012

Date Terminated: 02/09/2015

Assigned to: Judge Dale S. Fischer

Appeals court case numbers: 15-  
50067 9th CCA, 16-56789 9th Circuit

**Defendant (3)**

**Wesley Harlan Kingsbury**

Reg # 63722-112

*TERMINATED: 02/09/2015*

represented by **Holly A Sullivan**

Law Offices of Holly Sullivan

427 C Street Ste 310

San Diego, CA 92101

619-269-8054

Fax: 619-684-3553

Email: hollyasullivan@yahoo.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: CJA Appointment*

**Stephanie M Adraktas**

Stephanie M Adraktas Law Offices

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Berkeley, CA 94705

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**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: CJA Appointment*

**John Lewis Littrell**

Federal Public Defenders Office

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213-894-5310

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Email:

zzCAC\_FPD\_Document\_Receiving@fd.org

**ATTORNEY TO BE NOTICED**

*Designation: Public Defender or  
Community Defender Appointment*

**Moriah S Radin**

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Los Angeles, CA 90012-4202  
213-894-5192  
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Email: moriah\_radin@fd.org

*TERMINATED: 03/25/2015*

*Designation: Public Defender or  
Community Defender Appointment*

**Richard D Goldman**

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321 East 2nd Street  
Los Angeles, CA 90012-4202  
213-894-2854  
Fax: 213-894-0081

Email: richard\_goldman@fd.org

*TERMINATED: 04/06/2015*

*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

18:1349: CONSPIRACY TO  
COMMIT HEALTH CARE FRAUD  
(1)

CONSPIRACY TO DEFRAUD THE  
UNITED STATES AND  
OBSTRUCT A FEDERAL AUDIT  
(7)

18:1001(a)(2): MAKING A  
MATERIALLY FALSE,  
FICTITIOUS OR FRAUDULENT

**Disposition**

Defendant, Wesley Harlan Kingsbury, is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of SEVENTY EIGHT (78) months.

Supervised release for a term of THREE (3) years. Pay a special assessment of \$300. Restitution in the amount of \$1,338,413.53. All fines waived.

Defendant, Wesley Harlan Kingsbury, is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of SEVENTY EIGHT (78) months.

Supervised release for a term of THREE (3) years. Pay a special assessment of \$300. Restitution in the amount of \$1,338,413.53. All fines waived.

Defendant, Wesley Harlan Kingsbury, is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of

STATEMENT  
(8)

SEVENTY EIGHT (78) months.  
Supervised release for a term of THREE (3)  
years. Pay a special assessment of \$300.  
Restitution in the amount of \$1,338,413.53.  
All fines waived.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

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

18:1347,2(b):HEALTH CARE  
FRAUD; CAUSING AN ACT TO  
BE DONE  
(3-6)

**Disposition**

The Court grants the governments oral  
motion to dismiss the remaining counts of  
the Indictment as to this defendant.

The Court grants the governments oral  
motion to dismiss the remaining counts of  
the Indictment as to this defendant.

**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  
Southern District of California  
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San Diego, CA 92101  
619-546-7118

Fax: 619-546-0510  
 Email: blanca.quintero2@usdoj.gov  
**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  
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**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

**Robert E Dugdale**  
 Kendall Brill and Kelly LLP  
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 Los Angeles, CA 90067  
 310-272-7904  
 Email: rdugdale@kbfirm.com  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
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>4</u>	CASE SUMMARY filed by AUSA Benton Curtis as to Defendant Wesley Harlan Kingsbury; defendants Year of Birth: 1979 (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>10</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (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>22</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Wesley Harlan Kingsbury; defendants Year of Birth: 1979; date of arrest: 10/4/2012 (mhe) (Entered: 10/09/2012)
10/04/2012	<u>24</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Carla Woehrle as to Defendant Wesley Harlan Kingsbury. Defendant states true name as charged. Attorney: Richard D Goldman for Wesley Harlan Kingsbury, Deputy Federal Public Defender, present. Court orders bail set as: Wesley Harlan Kingsbury (3) \$50,000 Appearance Bond, see attached bond for terms and conditions. Defendant remanded to the custody of the USM. Arraignment held, see separate PIA minutes. Court Smart: CS 10/4/12. (mhe) (Entered: 10/09/2012)
10/04/2012	<u>30</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Carla Woehrle as to Defendant Wesley Harlan Kingsbury (3) Count 1,2-6,8. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Richard D. Goldman, Deputy Federal Public Defender 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. Court Smart: CS10/04/2012. (tba) (Entered: 10/10/2012)
10/04/2012	<u>44</u>	DECLARATION RE: PASSPORT filed by Defendant Wesley Harlan Kingsbury, declaring that I do not currently possess any passport. I will not apply for the issuance of a passport during the pendency of this case. RE: Bond and Conditions (CR-1) <u>43</u> . (mhe) (Entered: 10/12/2012)
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, 21 ; 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)
10/09/2012	<u>43</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Wesley Harlan Kingsbury conditions of release: \$50,000 Appearance Bond, see attached bond for terms and conditions approved by Magistrate Judge Suzanne H. Segal. (mhe) (Entered: 10/12/2012)
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)
11/09/2012	<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)
12/07/2012	<u>59</u>	STIPULATION for Modification of Conditions of Release filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Proposed Order)(Goldman, Richard) (Entered: 12/07/2012)
12/07/2012	<u>60</u>	ORDER by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury (3): GOOD CAUSE APPEARING, THEREFORE, IT IS HEREBY ORDERED that Wesley Harlan Kingsbury is permitted to travel enter railway stations and travel by rail from the Central District of California to the Southern District of California for his employment at Advanta Ambulance located at 3914 Murphy Canyon Road, San Diego, California 92123. (bm) (Entered: 12/07/2012)
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)
03/08/2013	<u>76</u>	WAIVER of Defendants Presence filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 03/08/2013)
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>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>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)
07/15/2013	<u>93</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 91 , Defendants Wesley Harlan Kingsbury, Danielle Medina Hartsell. 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: 07/18/2013)
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)
08/29/2013	<u>100</u>	JOINDER in MOTION to Suppress Warrantless Search 98 filed by Alex Kapri filed by Defendant WESLEY HARLAN KINGSBURY. (Attachments: # <u>1</u> Declaration)(Goldman, Richard) (Entered: 08/29/2013)
09/13/2013	<u>103</u>	DECLARATION of Aleksey Muratov re MOTION to Suppress Warrantless Search 98 (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 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)
10/04/2013	<u>109</u>	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)
10/04/2013	<u>110</u>	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)
10/08/2013	<u>112</u>	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 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	<u>114</u>	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)
10/15/2013	<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)
10/16/2013	<u>120</u>	JOINDER in MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha <u>110</u> filed by USA, MOTION in Limine to Preclude Any Defense Expert Testimony <u>109</u> filed by USA filed by Defendant WESLEY HARLAN KINGSBURY. (Goldman, Richard) (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)
10/28/2013	<u>127</u>	NOTICE OF MOTION AND MOTION in Limine to Preclude KATHY MONTOYA FROM TESTIFYING AT TRIAL Filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Exhibit A, B, and C)(Goldman, Richard) (Entered: 10/28/2013)
10/28/2013	<u>128</u>	NOTICE of Manual Filing of IN CAMERA DOCUMENT filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 10/28/2013)
10/28/2013	129	Counsel hereby notified that the final pretrial conference as to Defendant Wesley Harlan Kingsbury is hereby continued to 10/29/2013 01:30 PM before Judge Audrey B. Collins. Counsel and defendant ORDERED to appear on date and time specified above. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 10/28/2013)
10/28/2013	<u>130</u>	OPPOSITION to MOTION in Limine to Preclude KATHY MONTOYA FROM TESTIFYING AT TRIAL <u>127</u> filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Quintero, Blanca) (Entered: 10/28/2013)

10/28/2013	<u>131</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 10/28/2013)
10/28/2013	<u>132</u>	PROPOSED VOIR DIRE QUESTIONS filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Quintero, Blanca) (Entered: 10/28/2013)
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)
10/29/2013	<u>133</u>	PROPOSED VOIR DIRE QUESTIONS filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 10/29/2013)
10/29/2013	<u>134</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 10/29/2013)
10/29/2013	<u>139</u>	MINUTES OF PRETRIAL CONFERENCE (CONTINUED); MOTION IN LIMINE TO PRECLUDE KATHY MONTOYA FROM TESTIFYING AT TRIAL [DOCUMENT 127] denying <u>127</u> Motion in Limine to Preclude as to Wesley Harlan Kingsbury (3): Case called. Counsel make appearances. Court has received voir dire and jury instructions from both parties. Court explains jury instructions should be submitted jointly with each party noting any objections. Counsel ORDERED to meet and confer and submit joint jury instructions in the proper format no later than Thursday, October 31, 2013. Government makes oral motion to dismiss Count two (2) of the Indictment based on erroneous statements made by law enforcement during pre-indictment interview. The Court GRANTS the motion and DISMISSES Count 2 of the Indictment as to defendant Wesley Kingsbury. Court and counsel confer regarding defendant Kingsbury's motion in limine to preclude Kathy Montoya from testifying at trial. The Court tentatively DENIED the motion in limine, finding that Ms. Montoyas testimony is that of an expert, not fact, witness; defendant's motion is untimely; and the governments October 3, 2013 and

October 18, 2013 letters complied with Rule 16. The Court will allow the parties to present new information to support the claim that Ms. Montoya is a fact witness, but in the absence of such information, the Court's ruling is final. Defendant's counsel presents Court with a letter from defendant Kapri's counsel to the government, dated October 22, 2013, purporting to give notice of defendant's expert. The Court DENIES defendant Kingsbury's request to permit the witness identified in the letter to testify at trial. Court discusses required trial documents and explains how trial will be conducted. Court and counsel discuss exhibit and witness lists. Government will provide Court with exhibit and witness list no later than Thursday, October 31, 2013. Defendant will turn over exhibit list to Government in advance of trial, but will be allowed to present witness list at jury selection on the first day of trial. The Court conducts hearing outside the presence of government counsel as to defendant's ex parte application and proposed order to file its response to the Court's order regarding defense evidence of legitimate ambulance transports in camera. The Court, having heard from counsel, ORDERS the documents to be filed UNDER SEAL ONLY with redactions only as to page 8, lines 11-19. The Court notifies counsel that Chief Judge King conducts criminal settlement conferences and would be willing to conduct a settlement conference in this case should the parties be interested. Counsel for defendant brings to the Court's attention transcript excerpts of undercover calls that the government will likely present at trial and requests that the entirety of the transcripts be played for completeness. The Court, having heard from counsel, ORDERS counsel to brief this matter, including whether defendant shall be allowed to present complete calls in the defense case-in-chief. The government's brief is due by Wednesday, October 30, 2013; defendant's brief is due by Thursday, October 31, 2013. Briefs are limited to 10 pages. Although not discussed at the hearing, the Court ORDERS the parties to submit their proposed joint statement of the case no later than Monday, November 4, 2013. This matter is hereby continued to November 4, 2013 at 3:00 p.m. Court Reporter: Katherine Stride. (bm) (Entered: 10/31/2013)

10/29/2013	<u>140</u>	SEALED DOCUMENT - ORDER (bm) (Entered: 10/31/2013)
10/29/2013	<u>141</u>	SEALED DOCUMENT - EX PARTE APPLICATION TO FILE UNDER SEAL MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL (bm) (Entered: 10/31/2013)
10/29/2013	<u>142</u>	SEALED DOCUMENT - DEFENDANT WESLY HARLAN KINGSBURY'S SUBMISSION IN RESPONSE To The Court's Order Re Defense Evidence Of Legitimate Ambulance Transports; Exhibit (bm) (Entered: 10/31/2013)
10/30/2013	<u>135</u>	MEMORANDUM OF LAW filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury <i>Regarding Admissibility of Audio and Video Recordings</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Porter, Alexander) (Entered: 10/30/2013)
10/30/2013	<u>136</u>	PROPOSED JURY INSTRUCTIONS (Joint Proposed Annotated set) filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 10/30/2013)
10/30/2013	<u>137</u>	

		PROPOSED JURY INSTRUCTIONS (Government's Proposed Annotated set) filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 10/30/2013)
10/31/2013	<u>143</u>	MEMORANDUM OF LAW filed by Defendant Wesley Harlan Kingsbury <i>DEFENDANT KINGBURYS MEMORANDUM OF LAW TO ADMIT DEFENDANTS HEARSAY STATEMENTS</i> (Goldman, Richard) (Entered: 10/31/2013)
10/31/2013	<u>144</u>	WITNESS LIST filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 10/31/2013)
10/31/2013	<u>145</u>	EXHIBIT LIST filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 10/31/2013)
11/01/2013	<u>146</u>	Counsel hereby notified that the final pretrial conference scheduled for 11/4/13 at 3:00 p.m. as to defendant Wesley Kingsbury has been advance to 11/4/2013 02:00 PM before Judge Audrey B. Collins. Counsel and defendant ORDERED to appear on date and new time specified above. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 11/01/2013)
11/01/2013	<u>147</u>	MINUTES OF IN CHAMBERS ORDER RE: Admissibility of Audio and Video Recordings by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: At the Pretrial Conference on October 29, 2013, Defendant's counsel brought to the Court's attention transcript excerpts of calls that the government would likely present at trial and requested that the entirety of the recordings be played for completeness. The Court ordered the parties to brief the matter. The government filed its Memorandum Regarding Admissibility of Audio and Video Recordings on October 30 and Defendant filed his response on October 31. (Docket Nos. 135, 143.) Having reviewed and considered the parties' submissions, including the highlighted portions of the relevant transcripts that the government seeks to introduce, the Court rules on each highlighted excerpt as set forth below. (see document for further details) (bm) (Entered: 11/01/2013)
11/04/2013	<u>148</u>	SUPPLEMENT to MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha <u>110</u> (Porter, Alexander) (Entered: 11/04/2013)
11/04/2013	<u>149</u>	JOINT STATEMENT OF THE CASE filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 11/04/2013)
11/04/2013	<u>158</u>	MINUTES OF PRETRIAL CONFERENCE (CONTINUED) held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel makes appearances. Court and counsel discuss trial documents that will be presented at trial tomorrow. Court and counsel confer regarding stipulation that were to be presented to the Court. Court and counsel confer regarding certain issues that may arise with respect to witnesses and medicare issues and opening remarks that would be made by counsel at trial. Court takes short recess and recalls the matter. The Court continues to discuss opening remarks that will be presented at the trial as well as expert and fact witnesses.

		The Court hears oral arguments on the record as to the issues at hand, Court makes ruling on the record. Court will resume tomorrow November 5, 2013 at 8:30 a.m. for jury trial. Counsel and defendant ORDERED to appear on date and time specified above. Court Reporter: Katherine Stride. (bm) (Entered: 11/12/2013)
11/05/2013	<u>151</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Joint Statement of the Case <u>149</u> . The following error(s) was found: Incorrect event selected. The correct event is: Miscellaneous Filings (Non-Motion)-Statement. 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: 11/05/2013)
11/05/2013	<u>159</u>	MINUTES OF JURY TRIAL - BEGUN (Jury Impanelment) - 1st Day held before Judge Audrey B. Collins: Jury selection begun as to Defendant Wesley Harlan Kingsbury (3) on Count 1, 2-6, 8. Jury empaneled and sworn. Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 11/6/2013 at 9:00 AM. Court Reporter: Katherine Stride. (bm) (Entered: 11/13/2013)
11/06/2013	<u>152</u>	Memorandum Regarding Good Faith Misunderstanding of Law Defense filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 11/06/2013)
11/06/2013	<u>160</u>	MINUTES OF Jury Trial - 2nd Day held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Jury Trial continued to 11/7/2013 at 9:00 AM. Other: Due to unforeseen matters the Court excused jurors for the day and ordered them to return the next day. Court and 2013. Court and counsel continue to discuss matter at hand. Court and counsel confer regarding the matter. Court Reporter: Katherine Stride. (bm) (Entered: 11/13/2013)
11/07/2013	153	The Court has set a further status conference as to Defendant Wesley Harlan Kingsbury 11/8/2013 04:15 PM before Judge Audrey B. Collins. Defendants presence is not required. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 11/07/2013)
11/07/2013	<u>161</u>	MINUTES OF Jury Trial - 3rd Day held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Jury Trial continued to 11/12/2013 at 9:00 AM. Other: Court explains to jurors that defendant was in car accident and asked to resume matter on Tuesday, November 12, 2013. Court and counsel continue to discuss matter at hand. Court and counsel confer regarding jury instructions. Defendant counsel ORDERED e-file brief on the issue of 42 C.F.R. 410.40 by 9:00 a.m. tomorrow November 8, 2013. The government to respond by the end of the business day on November 8, 2013. Matter continued to November 8, 2013 at 4:15 for a further status conference regarding trial documents. Court Reporter: Katherine Stride. (bm) (Entered: 11/13/2013)
11/07/2013	<u>402</u>	AMENDED MINUTES held before Judge Audrey B. Collins re: MINUTES OF Jury Trial - 3rd Day held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Jury Trial continued to 11/12/2013 at 9:00 AM.

		Other: Court explains to jurors that defendant was in car accident and asked to resume matter on Tuesday, November 12, 2013. Court and counsel continue to discuss matter at hand. Court and counsel confer regarding jury instructions. Defendant counsel ORDERED e-file brief on the issue of 42 C.F.R. 410.40 by 9:00 a.m. tomorrow November 8, 2013. The government to respond by the end of the business day on November 8, 2013. Matter continued to November 8, 2013 at 4:15 for a further status conference regarding trial documents. <u>161</u> as to Defendant Wesley Harlan Kingsbury. Court Reporter: Pam Batalo. (bm) (Entered: 11/10/2015)
11/08/2013	<u>154</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 11/08/2013)
11/08/2013	<u>156</u>	MEMORANDUM IN SUPPORT OF DEFENDANTS REQUESTED JURY INSTRUCTIONS filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Exhibit)(Goldman, Richard) (Entered: 11/08/2013)
11/08/2013	<u>162</u>	MINUTES OF FURTHER STATUS CONFERENCE RE: TRIAL held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel makes appearances. Court and counsel confer regarding status of defendant. The Court having heard from counsel and third parties, continues the jury trial to November 12, 2013 at 9:00 a.m. Counsel and defendant ORDERED to appear on date and time specified above. Court Reporter: Katherine Stride. (bm) (Entered: 11/15/2013)
11/11/2013	<u>157</u>	MEMORANDUM OF LAW filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury <i>Regarding Interpretation and Application of 42 C.F.R. 410.40</i> (Attachments: # <u>1</u> Exhibit 1)(Porter, Alexander) (Entered: 11/11/2013)
11/12/2013	<u>163</u>	MINUTES OF Jury Trial - 4th Day held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Motion for mistrial by defendant is granted. Other: Jurors are excused. Court continues the matter as follows: pretrial conference April 7, 2014 at 1:30 p.m., jury trial April 22, 2014 at 8:30 a.m. Counsel to e-file joint status report on March 6, 2014. The Court sets a further status conference for March 10, 2014 at 1:30 p.m. The continued jury trial will be screened for three weeks. Court Reporter: Katherine Stride. (bm) (Entered: 11/15/2013)
11/12/2013	<u>164</u>	Voir Dire Questions (Given) as to Wesley Harlan Kingsbury (ab) Modified on 11/18/2013 (ab) <b>**STRICKEN**</b> . (Entered: 11/18/2013)
11/12/2013	<u>165</u>	Voir Dire Questions (Given) as to Wesley Harlan Kingsbury (ab) (Entered: 11/18/2013)
11/12/2013	<u>166</u>	System error re: Voir Dire Questions (Given) 164 no document attached. Document 164 STRICKEN. Document 165 docketed as to the voir dire questions. A. Bridges, Court Clerk to Judge Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 11/18/2013)
11/12/2013	<u>167</u>	WITNESS LIST filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (ab) (Entered: 11/18/2013)

11/12/2013	<u>168</u>	EXHIBIT LIST filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (ab) (Entered: 11/18/2013)
11/12/2013	<u>169</u>	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; as to Defendant Wesley Harlan Kingsbury. Pursuant to stip of counsel and/or by Order of the Court, all exhibits listed on Joint exhibits list are returned to counsel for respective party(ies) (ab) (Entered: 11/18/2013)
12/06/2013	<u>170</u>	MINUTES OF IN CHAMBERS ORDER RE: Interpretation and Application of 42 C.F.R. § 410.40 by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: A jury trial in this matter began on November 5, 2013. (Docket No. 159.) Defendant Wesley Harlan Kingsbury moved for a mistrial on the fourth day of trial, and the Court granted the motion. (Docket No. 163.) The trial date was continued to April 22, 2014. Id. The parties requested a ruling on the interpretation and application of 42 C.F.R. § 410.40, a regulation that had become something of an "elephant in the room" during the first trial. The Court ordered the parties to submit briefing and proposed jury instructions on the regulation. (Docket Nos. 156 ["Def. Mem."], 157 ["Gov't Mem."].) Having reviewed and considered the parties' briefing and the history and text of the regulation, the Court rules as follows: (see document for further details). In this Order, the Court has endeavored to provide the jury with the most accurate picture of the statutes and regulations in effect at the time of the alleged offenses. It will be for the jury to decide whether the government has established what Medicare actually required for payment and whether it has proven beyond a reasonable doubt that Defendant knew of those requirements and attempted to circumvent them. The parties are ORDERED to meet and confer regarding joint jury instructions, using the Court's proposed instructions above as a starting point. The parties shall submit joint jury instructions in advance of the next trial. To the extent the parties are unable to resolve their differences, the Court's proposed instructions shall control. (bm) (Entered: 12/06/2013)
12/11/2013	<u>171</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Moriah S Radin on behalf of Defendant Wesley Harlan Kingsbury. Filed by Defendant Wesley Harlan Kingsbury. (Attorney Moriah S Radin added to party Wesley Harlan Kingsbury(pty:dft))(Radin, Moriah) (Entered: 12/11/2013)
12/13/2013	<u>172</u>	TRANSCRIPT ORDER re: Jury Trial - Jury Selection (Voir Dire) Begun, <u>159</u> , as to Defendant Wesley Harlan Kingsbury. Court Reporter.Order for: Criminal Non Appeal. Transcript portion requested: Voir Dire on 11/05/2013. Opening Statement by Plaintiff on 11/05/2013. Opening Statement by Defendant on 11/05/2013. Jury Instructions on 11/05/2013. Testimony of: 11/05/2013. Category: Ordinary. (Attachments: # <u>1</u> Public Voucher)(Goldman, Richard) (Entered: 12/13/2013)
12/17/2013	<u>173</u>	NOTICE OF MOTION AND MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held,,,,,, <u>170</u> Filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Exhibit A)(Radin, Moriah) (Entered: 12/17/2013)
12/19/2013	<u>174</u>	

		NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Motion for Reconsideration <u>173</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): Motion is not noticed for court hearing and/or does not include proposed order attachment. 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: 12/19/2013)
12/19/2013	<u>175</u>	SCHEDULING NOTICE (IN CHAMBERS) ORDER by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury. The Court has reviewed Defendant Wesley Harlan Kingsbury's Motion for Reconsideration, filed on December 17, 2013. (Docket No. 173.) The Court ORDERS the government to file any opposition to the motion NO LATER THAN January 13, 2014. re: MOTION for Reconsideration re: <u>173</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(lw) TEXT ONLY ENTRY (Entered: 12/19/2013)
01/13/2014	<u>184</u>	OPPOSITION to MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held,,,,,, <u>170</u> <u>173</u> filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Porter, Alexander) (Entered: 01/13/2014)
01/21/2014	<u>185</u>	REPLY in support of MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held,,,,,, <u>170</u> <u>173</u> filed by Defendant Wesley Kingsbury. (Attachments: # <u>1</u> Exhibit A)(Radin, Moriah) (Entered: 01/21/2014)
02/18/2014	<u>189</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/05/2013; 8:30 AM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/11/2014. Redacted Transcript Deadline set for 3/21/2014. Release of Transcript Restriction set for 5/19/2014.(Stride, Katherine) (Entered: 02/18/2014)
02/18/2014	<u>190</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/05/2013; 8:30 AM re Transcript <u>189</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 02/18/2014)
02/24/2014	<u>192</u>	MINUTES (IN CHAMBERS) ORDER Granting in Part Defendant's Motion for Reconsideration of the Court's Order Re: Interpretation and Application of 42 C.F.R. § 410.40 by Judge Audrey B. Collins granting in part and denying in part <u>173</u> Motion for Reconsideration as to Wesley Harlan Kingsbury (3): Accordingly, Defendant's Motion for Reconsideration is GRANTED IN PART. (see document for further details) (bm) (Entered: 02/25/2014)

03/06/2014	<u>195</u>	NOTICE of Manual Filing of JOINT STATUS REPORT filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 03/06/2014)
03/06/2014	<u>197</u>	SEALED DOCUMENT- UNOPPOSED EXPARTE APPLICATION to File Joint Status Report Under Seal; Memorandum of Points and Authorities. (mat) (Entered: 03/10/2014)
03/06/2014	<u>198</u>	SEALED DOCUMENT- ORDER granting UNOPPOSED EXPARTE APPLICATION to Seal Joint Status Report. (mat) (Entered: 03/10/2014)
03/06/2014	<u>199</u>	SEALED DOCUMENT- JOINT STATUS REPORT. (mat) (Entered: 03/10/2014)
03/10/2014	<u>219</u>	AMENDED MINUTES STATUS CONFERENCE RE: TRIAL before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury. Case called. Counsel and defendant present. Court receives papers by defendant counsel with respect to medical status. The Court discusses with counsel papers received along with scheduled appointments for defendant. The Court having heard from counsel and defendant, hereby vacates the current pretrial and trial dates set. Counsel for defendant ORDERED to e-file further briefing as to defendant's medical status by no later than March 13, 2014. The Court will determine thereafter if further hearing is required. (bp) (Entered: 04/15/2014)
03/12/2014	<u>203</u>	NOTICE of Manual Filing of Unopposed Ex Parte Application to File Supplemental Joint Status Report Under Seal; Proposed Order to Seal; Supplemental Joint Status Report. filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 03/12/2014)
03/12/2014	<u>205</u>	UNOPPOSED EX PARTE APPLICATION TO FILE SUPPLEMENTAL TO JOINT STATUS REPORT UNDER SEAL; Memorandum Of Points And Authorities filed by Defendant Wesley Harlan Kingsbury Lodged proposed order. (bm) (Entered: 03/12/2014)
03/13/2014	<u>206</u>	MINUTES OF IN CHAMBERS ORDER Setting Status Conference by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: The Court has reviewed the Supplement to Joint Status Report, filed under seal by Defendant on March 12, 2014. The Court SETS a Status Conference for Monday, March 17, 2014 at 1:30 p.m. to discuss next steps with counsel. Mr. Kingsbury's appearance is excused for the March 17, 2014 Status Conference. (bm) (Entered: 03/13/2014)
03/13/2014	<u>208</u>	MINUTES OF STATUS CONFERENCE RE: TRIAL held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel and defendant present. Court receives papers by defendant counsel with respect to medical status. The Court discusses with counsel papers received along with scheduled appointments for defendant. The Court having heard from counsel and defendant, hereby vacates the current pretrial and trial dates set. Counsel for defendant ORDERED to e-file further briefing as to defendants medical status by no later than March 13, 2014. The Court will determine thereafter if further hearing is required. Court Reporter: Katherine Stride. (bm) (Entered: 03/18/2014)
03/17/2014	<u>207</u>	

		NOTICE OF MOTION AND MOTION in Limine to Preclude Defendant's Noticed Proffered Expert Witness Testimony Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury Motion set for hearing on 4/7/2014 at 01:30 PM before Judge Audrey B. Collins. (Attachments: # <u>1</u> Declaration of Blanca Quintero in Support of Government's Motion in Limine to Preclude Defendant's Noticed Proffered Expert Witness Testimony, # <u>2</u> Exhibit 1 to Declaration of Blanca Quintero, # <u>3</u> Exhibit 2 to Declaration of Blanca Quintero)(Quintero, Blanca) (Entered: 03/17/2014)
03/17/2014	<u>209</u>	MINUTES OF STATUS CONFERENCE RE: TRIAL held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel makes appearances. Court discusses papers received under seal. The Court having heard from counsel, ORDERS a updated medical report due by defendant's counsel on June 2, 2014, response due June 9, 2014. The Court continues this matter to June 16, 2014 at 11:00 a.m., defendants doctor is requested to be available telephonically on this date, if Dr. Theal is not available on this date the Court will reset the hearing to a date that he is available. Counsel to notify the Court in advance of his availability or counsel shall provide the Court with a signed waiver. Defendant is not required to appear on this date and is ORDERED to appear telephonically at the hearing. Court Reporter: Katherine Stride. (bm) (Entered: 03/19/2014)
03/24/2014	<u>210</u>	OPPOSITION to MOTION in Limine to Preclude Defendant's Noticed Proffered Expert Witness Testimony <u>207</u> (Attachments: # <u>1</u> Exhibit Exhibits A-D)(Radin, Moriah) (Entered: 03/24/2014)
03/31/2014	<u>214</u>	REPLY in support of MOTION in Limine to Preclude Defendant's Noticed Proffered Expert Witness Testimony <u>207</u> (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1)(Porter, Alexander) (Entered: 03/31/2014)
04/04/2014	215	Counsel hereby notified that the motion hearing as to Defendant Wesley Harlan Kingsbury. has been rescheduled Motion set for hearing on 4/7/2014 at 02:00 PM before Judge Audrey B. Collins. Counsel ORDERED to appear on date and new time specified above. A. Bridges, Court Clerk to Judge Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 04/04/2014)
04/04/2014	216	TEXT ONLY ENTRY (IN CHAMBERS) by Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury. The Court on its own motion, hereby ADVANCES the hearing time on the MOTION in Limine to Preclude Defendant's Noticed Proffered Expert Witness Testimony <u>207</u> previously scheduled for 4/07/2014 at 2:00 pm. The motion will be now be heard on 4/7/2014 at 01:30 PM before Judge Audrey B. Collins. IT IS SO ORDERED.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 04/04/2014)
04/07/2014	<u>217</u>	MINUTES OF MOTION IN LIMINE TO PRECLUDE DEFENDANT'S NOTICED PROFFERED EXPERT WITNESS TESTIMONY <u>207</u> taking under advisement <u>207</u> Hearing held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: The Courtroom Deputy Clerk issues the Court's tentative ruling, prior to the hearing. Case called. Counsel state their appearances. Appearance of defendant is waived (See minute order, entered

		March 17, 2014, docket entry 209). The Court hears oral argument by counsel. For the reasons stated on the record, the Court takes the matter under submission. An order will issue. Court Reporter: Katherine Stride. (bm) (Entered: 04/09/2014)
04/07/2014	<u>218</u>	ORDER GRANTING GOVERNMENT'S MOTION IN LIMINE TO PRECLUDE DEFENDANTS NOTICED PROFFERED EXPERT WITNESS TESTIMONY by Judge Audrey B. Collins granting <u>207</u> Motion in Limine to Preclude as to Wesley Harlan Kingsbury (3): Accordingly, the government's motion in limine is GRANTED. Ms. Adams is PRECLUDED from testifying that a PCS alone conclusively establishes medical necessity for scheduled, repetitive, non-emergency ambulance transports and opining that the applicable Medicare regulations were unclear or confusing. If Ms. Adams intends to opine about "Alpha Ambulance's policies, procedures, training materials and documents provided to its EMTs' [sic], employees and staff regarding patient documentation, Medicare billing and compliance" beyond simply stating what they were, Defendant is ORDERED to supplement his disclosure to disclose Ms. Adams' actual opinions. (see document for further details) (bm) (Entered: 04/09/2014)
06/02/2014	<u>246</u>	NOTICE of Manual Filing filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 06/02/2014)
06/03/2014	<u>247</u>	UNOPPOSED EX PARTE APPLICATION TO FILE DEFENDANT'S STATUS REPORT UNDER SEAL; MEMORANDUM OF POINTS AND AUTHORITIES as to Defendant Wesley Harlan Kingsbury. (bm) (Entered: 06/04/2014)
06/04/2014	<u>248</u>	ORDER GRANTING UNOPPOSED EX PARTE APPLICATION TO FILE DEFENDANT'S STATUS REPORT UNDER SEAL by Judge Audrey B. Collins. GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that the Unopposed Ex Application <u>247</u> to Seal the document entitled Defendant's Status Report and the accompanying PROPOSED ORDER is GRANTED. The Court hereby ORDERS that the document entitled Defendant's Status Report be filed under seal. (cb) (Entered: 06/09/2014)
06/04/2014	<u>249</u>	SEALED DOCUMENT - DEFENDANT'S STATUS REPORT; EXHIBITS (bm) (Entered: 06/09/2014)
06/09/2014	<u>250</u>	RESPONSE to Status Report <u>249</u> , filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 06/09/2014)
06/09/2014	<u>251</u>	NOTICE of Manual Filing of Compact Disc filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 06/09/2014)
06/10/2014	<u>253</u>	EXHIBITS 1-14 filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (bm) (Entered: 06/12/2014)
06/11/2014	<u>252</u>	TEXT ENTRY (IN CHAMBERS) ORDER the status conference as to Defendant Wesley Harlan Kingsbury. previously scheduled for 6/16/14 11:00 am has been rescheduled for 6/16/2014 01:30 PM before Judge Audrey B. Collins. Counsel ORDERED to appear on above date and new time. A.

		Bridges, Court Clerk to Judge Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 06/11/2014)
06/16/2014	<u>254</u>	MINUTES OF STATUS CONFERENCE RE: TRIAL (CONTINUED) held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel makes appearances. Court and counsel discuss status of case. The Court having heard from counsel, gives available dates to conduct a further hearing on the status of defendant's health and for trial setting and ORDERS the process to be done expeditious manner. The defendant is ORDERED to be present at the next hearing date. Counsel to contact Courtroom Deputy Clerk Ms. Bridges once the date for the next hearing is established. Court and counsel confer regarding defendants ability to go forth with trial. The Court having heard from counsel, will make the final decision, after the next hearing. Court Reporter: Katherine Stride. (bm) (Entered: 06/19/2014)
06/23/2014	<u>255</u>	NOTICE of Manual Filing of EX PARTE APPLICATION; [PROPOSED] ORDER; DEFENDANT'S MEDICAL RECORDS UNDER SEAL filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 06/23/2014)
06/23/2014	<u>256</u>	EX PARTE APPLICATION TO FILE DEFENDANT'S MEDICAL RECORDS UNDER SEAL; MEMORANDUM OF POINTS AND AUTHORITIES as to Defendant Wesley Harlan Kingsbury. Lodged Proposed Order. (bm) (Entered: 06/24/2014)
06/24/2014	<u>257</u>	ORDER GRANTING EX PARTE APPLICATION TO SEAL MEDICAL RECORDS by Judge Audrey B. Collins granting <u>256</u> Exparte Application as to Wesley Harlan Kingsbury (3): GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that the Ex Parte Application to Seal the documents entitled Defendant's Medical Records is GRANTED. The Court hereby ORDERS that the documents entitled Defendant's Medical Records be filed under seal. (bm) (Entered: 06/26/2014)
06/27/2014	258	TEXT ENTRY (IN CHAMBERS) ORDER as to Defendant Wesley Harlan Kingsbury. Parties hereby notified that the Court's set a further Status Conference for 7/2/2014 12:00 PM before Judge Audrey B. Collins. Counsel, defendant and Dr. Theal ORDERED to appear on date and time specified above. A. Bridges, Court Clerk to Judge Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 06/27/2014)
07/02/2014	<u>262</u>	MINUTES OF STATUS CONFERENCE RE TRIAL held before Judge Audrey B. Collins as to Defendant Wesley Harlan Kingsbury: Case called. Counsel state their appearances. Also present, telephonically, is Dr. Theal. The Court allows counsel to examine Dr. Theal regarding Mr. Kingsbury's health for trial. After Dr. Theal concludes his telephonic testimony, he is excused. The Court hears oral argument from counsel as to whether a trial date should be set and if so, when. For the reasons stated on the record, the Court concludes that Mr. Kingbury is capable of physically and mentally going to trial with accommodations. The Court sets the following schedule: Deadline to file

		Motion in Limine: August 4, 2014; Opposition due: August 11, 2014; Reply due: August 18, 2014; Pre-trial Conference: Monday, August 25, 2014 at 1:30 p.m.; Jury Trial: Tuesday, September 9, 2014 at 8:30 a.m. Mr. Kingsbury is ORDERED to be present for both the Pre-trial conference and Jury trial dates. Court Reporter: Katherine Stride. (bm) (Entered: 07/03/2014)
08/04/2014	<u>266</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude Mention of Defendant's Medical Conditions Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury Motion set for hearing on 8/25/2014 at 01:30 PM before Judge Audrey B. Collins.(Porter, Alexander) (Entered: 08/04/2014)
08/04/2014	<u>267</u>	NOTICE of Manual Filing of Ex Parte Application for Order Sealing Document; Proposed Order; Under Seal Document filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 08/04/2014)
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)
08/11/2014	<u>269</u>	EX PARTE APPLICATION to Continue Trial Date from September 9, 2014 to : December 2, 2014 or January 20, 2015. Filed by Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Proposed Order) (Radin, Moriah) (Entered: 08/11/2014)
08/11/2014	<u>270</u>	EX PARTE APPLICATION for Order <i>TO FILE RESPONSE TO GOVERNMENT'S MOTION IN LIMINE SEEKING LIMITATION OF DEFENSE CROSS EXAMINATION OF GOVERNMENT WITNESSES UNDER SEAL</i> Filed by Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Proposed Order) (Goldman, Richard) (Entered: 08/11/2014)
08/11/2014	271	TEXT ONLY ENTRY (IN CHAMBERS): ORDER SETTING STATUS CONFERENCE by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Status Conference set for 8/13/2014 09:00 AM before Judge Dale S. Fischer. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dp) TEXT ONLY ENTRY (Entered: 08/11/2014)
08/11/2014	<u>272</u>	OPPOSITION to MOTION in Limine to Exclude Mention of Defendant's Medical Conditions <u>266</u> (Radin, Moriah) (Entered: 08/11/2014)
08/11/2014	<u>273</u>	OPPOSITION to EX PARTE APPLICATION to Continue Trial Date from September 9, 2014 to : December 2, 2014 or January 20, 2015. <u>269</u> filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Declaration of Alexander F. Porter, # <u>2</u> Exhibit 1)(Porter, Alexander) (Entered: 08/11/2014)
08/12/2014	<u>274</u>	ORDER GRANTING EX PARTE APPLICATION TO SEAL RESPONSE TO GOVERNMENT'S MOTION IN LIMINE SEEKING LIMITATION OF

		DEFENSE CROSS EXAMINATION OF GOVERNMENT WITNESSES by Judge Dale S. Fischer: IT IS HEREBY ORDERED that the Ex Parte Application to Seal the documents entitled "Response To Government's Motion In Limine Seeking Limitation of Defense Cross Examination of Government Witnesses' is GRANTED. The Court hereby ORDERS that the documents entitled "Response To Government's Motion in Limine Seeking Limitation of Defense Cross Examination of Government Witnesses" be filed under seal, granting <u>270</u> Ex Parte Application for Order as to Wesley Harlan Kingsbury (3) (bp) (Entered: 08/13/2014)
08/12/2014	<u>276</u>	SEALED DOCUMENT - RESPONSE TO GOVERNMENT'S MOTION IN LIMINE SEEKING LIMITATION OF DEFENSE CROSS EXAMINATION OF GOVERNMENT WITNESSES UNDER SEAL <u>270</u> filed by Defendant Wesley Harlan Kingsbury. (shb) (Entered: 08/19/2014)
08/13/2014	<u>275</u>	MINUTES OF Hearing on Ex Parte Application to Continue Trial; Status Conference <u>269</u> held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. The matter is called and counsel state their appearances. The Court and counsel discuss the status of the case, including the trial date and defendant's surgery. The Court finds no reason why the trial should be continued and makes findings as set forth on the record. The ex parte is denied without prejudice. Trial is set for September 9, 2014 at 8:30 a.m. The Pretrial Conference is rescheduled for August 22, 2014 at 9:00 a.m. The Court and counsel discuss trial matters and the length of trial. Court Reporter: Pamela Batalo. (bp) (Entered: 08/13/2014)
08/19/2014	<u>277</u>	SEALED DOCUMENT - EX PARTE APPLICATION for Order sealing document; Declaration of Alexander F Porter Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (shb) (Entered: 08/19/2014)
08/19/2014	<u>278</u>	SEALED DOCUMENT - ORDER by Judge Dale S. Fischer: (shb) (Entered: 08/19/2014)
08/19/2014	<u>279</u>	SEALED DOCUMENT - GOVERNMENT'S MOTION IN LIMINE TO LIMIT CROSS-EXAMINATION REGARDING UNRELATED QUI TAM ACTIONS FILED BY GOVERNMENT WITNESSES Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (shb) (Entered: 08/19/2014)
08/19/2014	<u>280</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude Defense Expert Maggie Adams Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury Motion set for hearing on 8/22/2014 at 09:00 AM before Judge Dale S. Fischer. (Attachments: # <u>1</u> Declaration of Alexander F. Porter, # <u>2</u> Exhibit 1) (Porter, Alexander) (Entered: 08/19/2014)
08/20/2014	<u>281</u>	REPLY OPPOSITION MOTION in Limine to Exclude Defense Expert Maggie Adams <u>280</u> filed by Defendant WESLEY HARLAN KINGSBURY. (Attachments: # <u>1</u> Exhibit A - F)(Goldman, Richard) (Entered: 08/20/2014)
08/22/2014	<u>282</u>	MINUTES OF Pretrial Conference; Motions in Limine: Pretrial Conference held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. The Court rules on the three pending motions in limine as stated on the record. Government counsel is to advise the Court whether Art Yeow-Fung will testify

		and whether he will be present at the pretrial conference on September 2, 2014. Defense counsel is to advise the Court when and if Ossie Garcia is subpoenaed. The parties are to comply with all other orders of the Court as stated on the record. Trial will start on September 9, 2014 at 8:30 a.m. The Court sets another pretrial conference for September 2, 2014 at 9:00 a.m. Court Reporter: Pamela Batalo. (shb) (Entered: 08/25/2014)
08/26/2014	<u>283</u>	NOTICE of Manual Filing filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 08/26/2014)
08/27/2014	<u>284</u>	REQUEST TO ADMIT ADDITIONAL AUDIO RECORDINGS filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Exhibit 1 - 5) (Goldman, Richard) (Entered: 08/27/2014)
08/28/2014	<u>288</u>	SEALED DOCUMENT- GOVERNMENT'S EXPARTE APPLICATION for Order Sealing Documents; Declaration of Alexander F. Porter. (mat) (Entered: 08/29/2014)
08/28/2014	<u>289</u>	SEALED DOCUMENT- ORDER (mat) (Entered: 08/29/2014)
08/28/2014	<u>290</u>	SEALED DOCUMENT- STIPULATION for Protective Order (mat) (Entered: 08/29/2014)
08/28/2014	<u>291</u>	SEALED DOCUMENT- PROTECTIVE ORDER (mat) (Entered: 08/29/2014)
08/29/2014	<u>285</u>	RESPONSE to Miscellaneous Document <u>284</u> , filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury <i>Regarding Audio Recordings</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Porter, Alexander) (Entered: 08/29/2014)
08/29/2014	<u>286</u>	NOTICE of Manual Filing of In Camera Filing filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 08/29/2014)
08/29/2014	<u>287</u>	NOTICE of Manual Filing of In Camera Filing filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 08/29/2014)
09/01/2014	<u>292</u>	TRIAL MEMORANDUM filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 09/01/2014)
09/01/2014	<u>293</u>	PROPOSED JURY VERDICT filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 09/01/2014)
09/01/2014	<u>294</u>	PROPOSED JURY INSTRUCTIONS (Disputed Annotated set) filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 09/01/2014)
09/01/2014	<u>295</u>	PROPOSED JURY INSTRUCTIONS (Joint Annotated set) filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 09/01/2014)
09/01/2014	<u>296</u>	NOTICE of Manual Filing of Government's Witness Statements Submitted In Camera Pursuant to the Court's Criminal Trial Standing Order filed by Plaintiff

		USA as to Defendant Wesley Harlan Kingsbury (Quintero, Blanca) (Entered: 09/01/2014)
09/01/2014	<u>297</u>	NOTICE of Manual Filing of Government's Witness Statements Submitted In Camera (Under Seal) Pursuant to the Court's Criminal Trial Standing Order filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Quintero, Blanca) (Entered: 09/01/2014)
09/01/2014	<u>298</u>	PROPOSED VOIR DIRE QUESTIONS filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Quintero, Blanca) (Entered: 09/01/2014)
09/02/2014	<u>299</u>	PROPOSED JURY VERDICT filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 09/02/2014)
09/02/2014	<u>300</u>	MINUTES OF PRETRIAL CONFERENCE: Pretrial Conference held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Mr. Yeow-Fong declines appointment of counsel. The government provides the status of the case regarding plea offers. The Court orders government counsel to provide the Qui Tam information to defense counsel as previously ordered. The Court and counsel discuss the verdict form, the jury instructions, and other trial matters as set forth on the record. Trial will start on September 9, 2014 at 8:30 a.m Court Reporter: Pamela Batalo. (shb) (Entered: 09/03/2014)
09/03/2014	<u>301</u>	PROPOSED VOIR DIRE QUESTIONS filed by Defendant Wesley Harlan Kingsbury (Goldman, Richard) (Entered: 09/03/2014)
09/03/2014	<u>302</u>	NOTICE OF MOTION AND MOTION in Limine to Limit Testimony of Government Witnesses Filed by Defendant Wesley Harlan Kingsbury Motion set for hearing on 9/9/2014 at 08:30 AM before Judge Dale S. Fischer.(Radin, Moriah) (Entered: 09/03/2014)
09/04/2014	<u>303</u>	MINUTES OF IN CHAMBERS ORDER RE SUMMARY CHARTS by Judge Dale S. Fischer: as to Defendant Wesley Harlan Kingsbury (shb) (Entered: 09/04/2014)
09/04/2014	<u>304</u>	MINUTES OF IN CHAMBERS ORDER RE TRIAL SCHEDULE by Judge Dale S. Fischer: as to Defendant Wesley Harlan Kingsbury (shb) (Entered: 09/04/2014)
09/04/2014	<u>305</u>	OPPOSITION to MOTION in Limine to Limit Testimony of Government Witnesses <u>302</u> filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Porter, Alexander) (Entered: 09/04/2014)
09/05/2014	<u>306</u>	MINUTES (IN CHAMBERS): ORDER by Judge Dale S. Fischer: granting tentatively in part <u>302</u> Motion in Limine to Limit as to Wesley Harlan Kingsbury (3). See Minute Order for specifics. (dp) (Entered: 09/05/2014)
09/07/2014	<u>307</u>	MEMORANDUM OF LAW filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury <i>Regarding Relevance of Amount of Loss</i> RE: Minutes of In Chambers Order/Directive - no proceeding held <u>303</u> . (Porter, Alexander) (Entered: 09/07/2014)
09/09/2014	<u>308</u>	PROPOSED JURY VERDICT filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 09/09/2014)

09/09/2014	<u>313</u>	MINUTES OF JURY TRIAL - BEGUN (Jury Impanelment) - 1st Day held before Judge Dale S. Fischer: Jury empaneled and sworn. Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Case continued to 9/10/2014 at 8:15 AM for further trial/further jury deliberation. Court Reporter: Pamela Batalo. (es) (Entered: 09/11/2014)
09/10/2014	<u>309</u>	TRANSCRIPT ORDER as to Defendant Wesley Harlan Kingsbury. Court Reporter. Order for: Criminal Non Appeal. Transcript portion requested: Other: Jury Day 1 - 9/9/14. Category: Daily. (Attachments: # <u>1</u> Voucher)(Goldman, Richard) (Entered: 09/10/2014)
09/10/2014	<u>314</u>	MINUTES OF Jury Trial - 2nd Day held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury: Witnesses called, sworn and testified. Exhibits identified and admitted. Case continued to 9/11/2014 08:00 AM for further trial/further jury deliberation. Juror No. 7 is excused by the Court. Court Reporter: Pamela Batalo. (es) (Entered: 09/11/2014)
09/11/2014	<u>310</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/09/14, Day 1, Partial transcript, 3:17 p.m.. Court Reporter/Electronic Court Recorder: Pamela A. Batalo, phone number www.pamelabatalo.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 10/2/2014. Redacted Transcript Deadline set for 10/12/2014. Release of Transcript Restriction set for 12/10/2014.(Seijas, Pamela) (Entered: 09/11/2014)
09/11/2014	<u>311</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/10/14, Day 2, partial transcript, 9:02 a.m.. Court Reporter/Electronic Court Recorder: Pamela A. Batalo, phone number www.pamelabatalo.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 10/2/2014. Redacted Transcript Deadline set for 10/12/2014. Release of Transcript Restriction set for 12/10/2014.(Seijas, Pamela) (Entered: 09/11/2014)
09/11/2014	<u>312</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 09/09/14, Day 1, partial transcript, 3:17 p.m.; 9/10/14, Day 2, partial transcript, 9:02 a.m. re Transcript <u>311</u> , <u>310</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Seijas, Pamela) TEXT ONLY ENTRY (Entered: 09/11/2014)
09/11/2014	<u>315</u>	MINUTES OF JURY TRIAL DAY THREE: Jury Trial - 3rd Day held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial set for 9/12/2014 08:15 AM before Judge Dale S. Fischer. The Court substitutes Alternate Juror No 1 in place of Juror No 7. Court Reporter: Pamela Batalo. (shb) (Entered: 09/12/2014)

09/12/2014	<u>321</u>	MINUTES OF Jury Trial - 4th day Day held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Defendant fails to appear, having been transported to the hospital. The Court orders counsel and defendant to be present on 9/15/14 at 10:30 a.m. A physician is ordered to be present on 9/15/14 in the event defendant is not available. Any hospital discharge reports shall be made available to the Court for review. Case continued to 9/16/2014 at 08:15 AM for further trial. Court Reporter: Pamela Batalo. (lom) (Entered: 09/16/2014)
09/14/2014	<u>316</u>	PROPOSED JURY INSTRUCTIONS (Supplemental set) filed by Defendant Wesley Harlan Kingsbury (Radin, Moriah) (Entered: 09/14/2014)
09/15/2014	<u>317</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 9/10/14; Day 2, Partial transcript, 3:38 p.m.. Court Reporter/Electronic Court Recorder: Pamela A. Batalo, phone number www.pamelabatalo.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 10/6/2014. Redacted Transcript Deadline set for 10/16/2014. Release of Transcript Restriction set for 12/14/2014.(Seijas, Pamela) (Entered: 09/15/2014)
09/15/2014	<u>318</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 9/11/14, Day 3, partial transcript, 8:01 a.m.. Court Reporter/Electronic Court Recorder: Pamela A. Batalo, phone number www.pamelabatalo.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 10/6/2014. Redacted Transcript Deadline set for 10/16/2014. Release of Transcript Restriction set for 12/14/2014.(Seijas, Pamela) (Entered: 09/15/2014)
09/15/2014	319	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 09/10/14, Day 2, partial transcript, 3:38 p.m.; 9/11/14, Day 3, partial transcript, 8:01 a.m. re Transcript <u>318</u> , <u>317</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Seijas, Pamela) TEXT ONLY ENTRY (Entered: 09/15/2014)
09/15/2014	<u>320</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Quintero, Blanca) (Entered: 09/15/2014)
09/15/2014	<u>322</u>	MINUTES OF ENTRY OF GUILTY PLEA Hearing held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Defendant sworn. Court questions defendant regarding the plea. The Defendant Wesley Harlan Kingsbury (3) pleads GUILTY to Count 1, 7, 8 of the Indictment. The plea is accepted. The Court ORDERS the preparation of a Presentence Report. Sentencing set for 2/9/2015 at 8:30 AM before Judge Dale S. Fischer. The government is to submit a proposed sentencing order setting sentencing schedule. Continuances will be granted only on a specific showing of good cause. Court Reporter: Pamela Batalo. (es) (Entered: 09/17/2014)

10/06/2014	<u>323</u>	NOTICE of of Filing of Proposed Order Setting Sentencing Hearing and Schedule for Filing of Sentencing Pleadings filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Proposed Order) (Porter, Alexander) (Entered: 10/06/2014)
10/07/2014	<u>324</u>	ORDER SETTING SENTENCING HEARING AND SCHEDULE FOR FILING OF SENTENCING PLEADINGS by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury, re Notice (Other) <u>323</u> . The sentencing hearing for the above-captioned defendant is set for February 9, 2015. The presentence report for this defendant shall be prepared and disclosed to the parties no later than December 29, 2014. (See order for further details). (shb) (Entered: 10/07/2014)
11/10/2014	<u>325</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 08/22/14; 9:10 a.m.. Court Reporter/Electronic Court Recorder: Pamela A. Batalo, phone number www.pamelabatalo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/1/2014. Redacted Transcript Deadline set for 12/11/2014. Release of Transcript Restriction set for 2/8/2015.(Seijas, Pamela) (Entered: 11/10/2014)
11/10/2014	326	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 08/22/14; 9:10 a.m. re Transcript <u>325</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Seijas, Pamela) TEXT ONLY ENTRY (Entered: 11/10/2014)
01/19/2015	<u>329</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 01/19/2015)
01/19/2015	<u>330</u>	EX PARTE APPLICATION for Order for Sealing Declaration of James Pelton in Support of Government's Sentencing Memorandum Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Proposed Order) (Porter, Alexander) (Entered: 01/19/2015)
01/19/2015	<u>331</u>	NOTICE of Manual Filing of CD with Surveillance Video in Support of Government's Sentencing Memorandum filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 01/19/2015)
01/20/2015	<u>332</u>	Compact Disc with Surveillance Video in Support of Government's Sentencing Memorandum filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (bm) (Entered: 01/21/2015)
01/20/2015	<u>333</u>	ORDER by Judge Dale S. Fischer: <u>330</u> "see order for specifics" (bp) (Entered: 01/22/2015)
01/21/2015	<u>334</u>	SEALED DOCUMENT - DECLARATION of JAMES PELTON, M.D. IN SUPPORT OF GOVERNMENT'S SENTENCING MEMORANDUM REGARDING WESLEY HARLAN KINGSBURY filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury RE: Sentencing Memorandum <u>329</u> (bm) (Entered: 01/23/2015)

01/28/2015	<u>335</u>	POSITION WITH RESPECT TO SENTENCING FACTORS filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Exhibit 1 - 20) (Goldman, Richard) (Entered: 01/28/2015)
01/30/2015	<u>336</u>	RESPONSE to Position with Respect to Presentence Report/Sentencing Factors <u>335</u> ,filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 01/30/2015)
02/04/2015	<u>338</u>	SENTENCING LETTER filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Letter)(Goldman, Richard) (Entered: 02/04/2015)
02/06/2015	<u>339</u>	EX PARTE APPLICATION for Order <i>TO FILE DEFENDANT'S MEDICAL RECORDS UNDER SEAL; MEMORANDUM OF POINTS AND AUTHORITIES</i> Filed by Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Proposed Order) (Goldman, Richard) (Entered: 02/06/2015)
02/06/2015	<u>340</u>	SENTENCING LETTER filed by Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Letter)(Goldman, Richard) (Entered: 02/06/2015)
02/09/2015	<u>341</u>	MINUTES OF SENTENCING Hearing held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Defendant Wesley Harlan Kingsbury (3), is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of SEVENTY EIGHT (78) months. This term consists of 78 months on Count 1, and 60 months on each of Counts 7 and 8 of the Indictment, all to be served concurrently Supervised release for a term of THREE (3) years. Pay a special assessment of \$300. Restitution in the amount of \$1,338,413.53. All fines waived. The Court grants the governments oral motion to dismiss the remaining counts of the Indictment as to this defendant. Defendant advised of right of appeal. Court Reporter: Pamela Batalo. (es) (Entered: 02/09/2015)
02/09/2015	<u>342</u>	JUDGMENT AND COMMITMENT by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury (3), it is the judgment of the Court that Defendant, Wesley Harlan Kingsbury, is hereby committed on Counts 1, 7, and 8 of the Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of SEVENTY EIGHT (78) months. This term consists of 78 months on Count 1, and 60 months on each of Counts 7 and 8 of the Indictment, all to be served concurrently Supervised release for a term of THREE (3) years, to be served concurrently, under the terms and conditions of the U.S. Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Pay a special assessment of \$300. Restitution in the amount of \$1,338,413.53. The defendant shall be held jointly and severally liable with co-participants Alex Kapri, Aleksey Muratov, and Danielle Medina (Docket No. CR 12-903 DSF) for the amount of restitution ordered in this judgment. All fines waived. The Court grants the governments oral motion to dismiss the remaining counts of the Indictment as to this defendant. The Court advised the defendant of the right to appeal this judgment. (es) (Main Document 342 replaced on 2/10/2015) to correct case number on pages. (Entered: 02/09/2015)
02/10/2015	<u>343</u>	

		SEALED DOCUMENT- EXPARTE APPLICATION to File Defendant's Medical Records Under Seal; Memorandum of Points and Authorities. (mat) (Entered: 02/11/2015)
02/10/2015	<u>344</u>	SEALED DOCUMENT- ORDER GRANTING EXPARTE APPLICATION to Seal Medical Records. (mat) (Entered: 02/11/2015)
02/10/2015	<u>345</u>	SEALED DOCUMENT- MEDICAL RECORDS RE: SENTENCING (mat) (Entered: 02/11/2015)
02/19/2015	<u>347</u>	NOTICE OF APPEAL to Appellate Court filed by Defendant Wesley Harlan Kingsbury re Judgment and Commitment, <u>342</u> . Filed on: 2/9/15; Entered on: 2/9/15; FEE WAIVED. [Manually mailed to address noted on notice of appeal]. (car) (Entered: 02/24/2015)
02/24/2015	<u>348</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 15-50067 as to Defendant Wesley Harlan Kingsbury, 9th CCA regarding Notice of Appeal to USCA - Final Judgment <u>347</u> . (car) (Entered: 02/24/2015)
03/02/2015	<u>349</u>	MINUTES OF Status Conference held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. Defense counsel appears and requests a status conference. The matter is called. Counsel advises the Court that Mr. Kingsbury has self-surrendered but has not been seen by a doctor and has not been given his required medical treatment. Defense counsel will provide further information and his emails as set forth on the record. Court Reporter: Pamela Batalo. (bp) (Entered: 03/03/2015)
03/04/2015	<u>350</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. See Minute Order for specifics. Status Conference set for 3/5/2015 10:00 AM before Judge Dale S. Fischer. (dp) (Entered: 03/04/2015)
03/05/2015	<u>351</u>	MINUTES OF Status Conference held before Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. See criminal minutes for specifics Court Reporter: Pat Cuneo. (bp) (Entered: 03/05/2015)
03/09/2015	<u>352</u>	MOTION and Affidavit for Leave to Appeal In Forma Pauperis Filed by Defendant Wesley Harlan Kingsbury. Lodged Proposed Order. (car) (Entered: 03/11/2015)
03/09/2015	<u>354</u>	TRANSCRIPT ORDER re: Court of Appeal case number 15-50067, as to Defendant Wesley Harlan Kingsbury. Court Reporter.Order for: Criminal Appeal. Transcript portion requested: Other: 11/5/13; 11/6/13; 11/7/13; 11/12/13; 3/13/14; 3/17/14; 6/16/14. Criminal case appeal. 60 day deadline automatically set at kingsisham@linkline.com with any questions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter/recorder.(ha) (Entered: 03/16/2015)
03/09/2015	<u>355</u>	TRANSCRIPT ORDER re: Court of Appeal case number 15-50067, as to Defendant Wesley Harlan Kingsbury. Court Reporter.Order for: Criminal Appeal. Transcript portion requested: Hearing Dates: 8/13/14; 9/10/14; 9/11/14; 9/12/14; 9/15/14;9/16/14; 2/9/15. Criminal case appeal. 60 day deadline automatically set at kingsisham@linkline.com with any questions

		regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter/recorder.(ha) (Entered: 03/16/2015)
03/16/2015	<u>353</u>	TEXT ONLY ENTRY (IN CHAMBERS) by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury: Defendants Motion for Leave to File Appeal in Forma Pauperis (dkt. # 352) is denied as moot because defendant was represented by appointed counsel in this court. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cr) TEXT ONLY ENTRY (Entered: 03/16/2015)
03/25/2015	<u>356</u>	NOTICE of Change of Attorney Business or Contact Information: for attorney Moriah S Radin counsel for defendant Wesley Harland Kingsbury. MORIAH S. RADIN will no longer receive service of documents from the Clerks Office for the reason indicated in the G-06 Notice.MORIAH S. RADIN is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by defendant Wesley Harland Kingsbury (Radin, Moriah) (Entered: 03/25/2015)
03/26/2015	<u>357</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice of Change of Attorney Business or Contact Information (G-06), <u>356</u> . The following error(s) was found: Incorrect document is attached to the docket entry.Other error(s) with document(s) are specified below: Form is out-of-date. Attorney failed to use current form. This form and Local Rules were updated and amended as of June 1, 2013. See Notices from the Clerk, 5/2/13. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (lt) (Entered: 03/26/2015)
04/06/2015	<u>358</u>	ORDER of USCA filed as to Defendant Wesley Harlan Kingsbury re Notice of Appeal to USCA - Final Judgment <u>347</u> , CCA #15-50067. The motion of the Federal Public Defenders Office to withdraw as counsel of record and for the appointment of new counsel is granted. Counsel will be appointed by separate order. The Clerk shall electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. Order received in this district on 4/6/15. [See document for all details] (mat) (Entered: 04/06/2015)
05/15/2015	<u>359</u>	TRANSCRIPT ORDER re: Court of Appeal case number 15-50067, as to Defendant Wesley Harlan Kingsbury. Court Reporter.Order for: Criminal Appeal Criminal Justice Act. Transcript portion requested: Voir Dire on see tdo. Opening Statement by Plaintiff on see tdo. Opening Statement by Defendant on see tdo. Closing Argument by Plaintiff on n/a. Closing Argument by Defendant on n/a. Opinion of the Court on n/a. Jury Instructions on n/a.Sentencing on see tdo. Bail Hearing on n/a. Testimony of: see tdo. Pre-Trial Proceeding: see tdo. Other: see tdo. Criminal case appeal. 60 day deadline automatically set (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement, # <u>3</u> Supplement, # <u>4</u> Supplement, # <u>5</u> Supplement, # <u>6</u> Letter re authorization requested, # <u>7</u> Exhibit cja 24, # <u>8</u> Exhibit cja 24, # <u>9</u> Exhibit cja 24, # <u>10</u> Exhibit cja 24)(Sullivan, Holly) (Entered: 05/15/2015)
06/11/2015	<u>360</u>	

		STIPULATION for Order unseal transcript filed by Defendant Wesley Harlan Kingsbury(Sullivan, Holly) (Entered: 06/11/2015)
06/18/2015	<u>361</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/02/14; 9:00 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015. (Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>362</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/09/14, Day 1, 8:30 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>363</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/10/14, Day 2, 8:03 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>364</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/11/14, Day 3, 7:44 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>365</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/12/14, Day 4, 8:22 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted

		Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>367</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/15/14, Change of Plea, 3:19 p.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	<u>368</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 02/09/15, 8:47 a.m., Sentencing. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 7/9/2015. Redacted Transcript Deadline set for 7/19/2015. Release of Transcript Restriction set for 9/16/2015.(Seijas, Pamela) (Entered: 06/18/2015)
06/18/2015	370	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 09/02/14, 9:00 a.m.; 9/9/14, 8:30 a.m.; 9/10/14, 8:03 a.m., 9/11/14, 7:44 a.m.; 9/12/14, 8:22 a.m.; 9/15/14, 3:19 p.m.; 2/9/15, 8:47 a.m. re Transcript <u>363</u> , <u>368</u> , <u>367</u> , <u>362</u> , <u>364</u> , <u>361</u> , <u>365</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Seijas, Pamela) TEXT ONLY ENTRY (Entered: 06/18/2015)
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.msfedreporter.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.msfedreporter.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)
08/24/2015	<u>373</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 04/07/2014; 1:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/14/2015. Redacted Transcript Deadline set for 9/24/2015. Release of Transcript Restriction set for 11/23/2015.(Stride, Katherine) (Entered: 08/24/2015)
08/24/2015	<u>374</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 07/02/2014; 12:00 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/14/2015. Redacted Transcript Deadline set for 9/24/2015. Release of Transcript Restriction set for 11/23/2015.(Stride, Katherine) (Entered: 08/24/2015)
08/24/2015	375	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 04/07/2014 1:30 PM; 07/02/2014, 12:00 PM re Transcript <u>373</u> , <u>374</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 08/24/2015)
08/26/2015	<u>376</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/04/2013; 2:00 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/16/2015. Redacted Transcript Deadline set for 9/28/2015. Release of Transcript Restriction set for 11/24/2015.(Stride, Katherine) (Entered: 08/26/2015)
08/26/2015	377	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/04/2013; 2:00 PM re Transcript <u>376</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 08/26/2015)
08/31/2015	<u>378</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/06/2013; 9:06 AM; Partial Transcript. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/21/2015. Redacted Transcript Deadline set for 10/1/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 08/31/2015)
08/31/2015	379	

		NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/06/2013; 9:06 AM; Partial Transcript re Transcript <u>378</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 08/31/2015)
09/01/2015	<u>381</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/08/2013; 4:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/22/2015. Redacted Transcript Deadline set for 10/2/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 09/01/2015)
09/01/2015	382	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/08/2013; 4:30 PM re Transcript <u>381</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/01/2015)
09/01/2015	<u>384</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/12/2013; 8:30 AM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/22/2015. Redacted Transcript Deadline set for 10/2/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 09/01/2015)
09/01/2015	385	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/12/2013; 8:30 AM re Transcript <u>384</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/01/2015)
09/01/2015	<u>386</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 03/10/2014; 1:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/22/2015. Redacted Transcript Deadline set for 10/2/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 09/01/2015)
09/01/2015	387	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 03/10/2014; 1:30 PM re Transcript <u>386</u> THERE IS

		NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/01/2015)
09/01/2015	<u>388</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 03/17/2014; 1:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/22/2015. Redacted Transcript Deadline set for 10/2/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 09/01/2015)
09/01/2015	389	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 03/17/2014; 1:30 PM re Transcript <u>388</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/01/2015)
09/01/2015	<u>390</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 06/16/2014; 2:00 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/22/2015. Redacted Transcript Deadline set for 10/2/2015. Release of Transcript Restriction set for 11/30/2015.(Stride, Katherine) (Entered: 09/01/2015)
09/01/2015	391	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 06/16/2014; 2:00 PM re Transcript <u>390</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/01/2015)
09/02/2015	<u>392</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 03/18/2013; 1:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/23/2015. Redacted Transcript Deadline set for 10/5/2015. Release of Transcript Restriction set for 12/1/2015.(Stride, Katherine) (Entered: 09/02/2015)
09/02/2015	393	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 03/18/2013; 1:30 PM re Transcript <u>392</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/02/2015)
09/02/2015	<u>394</u>	

		TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 09/16/2013; 3:30 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/23/2015. Redacted Transcript Deadline set for 10/5/2015. Release of Transcript Restriction set for 12/1/2015.(Stride, Katherine) (Entered: 09/02/2015)
09/02/2015	<u>395</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 09/16/2013; 3:30 PM re Transcript <u>394</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/02/2015)
09/02/2015	<u>396</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 10/28/2013; 3:00 PM. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/23/2015. Redacted Transcript Deadline set for 10/5/2015. Release of Transcript Restriction set for 12/1/2015.(Stride, Katherine) (Entered: 09/02/2015)
09/02/2015	<u>397</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 10/28/2013; 3:00 PM re Transcript <u>396</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/02/2015)
09/02/2015	<u>398</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 10/29/2013; 1:30 PM; Partial Transcript. Court Reporter/Electronic Court Recorder: Katherine M. Stride, phone number www.stridecourtreporting.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 Court Reporter PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/23/2015. Redacted Transcript Deadline set for 10/5/2015. Release of Transcript Restriction set for 12/1/2015.(Stride, Katherine) (Entered: 09/02/2015)
09/02/2015	<u>399</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 10/29/2013; 1:30 PM; Partial Transcript re Transcript <u>398</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 09/02/2015)
10/08/2015	<u>401</u>	ORDER of USCA filed as to Defendant Wesley Harlan Kingsbury re Notice of Appeal <u>347</u> , CCA #15-50067. Appellant's motion for voluntary dismissal of this appeal is granted. This appeal is dismissed. See Fed. R. App. P. 42(b); 9th

		Cir. R. 27-9.1. This order served on the district court shall act as and for the mandate of this court. (mat) (Entered: 10/09/2015)
12/17/2015	<u>403</u>	MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:12-cv-09697 DSF) filed by Defendant Wesley Harlan Kingsbury. (esa) (Entered: 12/21/2015)
12/17/2015	<u>404</u>	NOTICE OF ASSIGNMENT to District Judge Dale S. Fischer for motion filed under 28 U.S.C. 2255. (esa) (Entered: 12/21/2015)
12/30/2015	<u>405</u>	MINUTES OF IN CHAMBERS ORDER by Judge Dale S. Fischer: The Court has received the Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. 2255. The Court orders the government to file its opposition no later than March 7, 2016. The petitioner may file his reply, if any, no later than April 11, 2016. The Court will advise the parties if a hearing is required. (bp) (Entered: 12/30/2015)
01/04/2016	<u>406</u>	TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings held on 11/7/13; 8:30 a.m.. Court Reporter: Pamela A. Batalo, phone number www.pamelabatalo.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 1/25/2016. Redacted Transcript Deadline set for 2/4/2016. Release of Transcript Restriction set for 4/4/2016. (Seijas, Pamela) (Entered: 01/04/2016)
01/04/2016	<u>407</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Wesley Harlan Kingsbury for proceedings 11/7/13 8:30 a.m. re Transcript <u>406</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Seijas, Pamela) TEXT ONLY ENTRY (Entered: 01/04/2016)
02/05/2016	<u>408</u>	NOTICE OF MOTION AND MOTION for Order for Finding Waiver of Attorney-Client Privilege with Respect to Communications Relevant to Defendant's Claim of Ineffective Assistance of Counsel Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (Attachments: # <u>1</u> Exhibit 1 and Certificate of Service) (Quintero, Blanca) (Entered: 02/05/2016)
02/22/2016	<u>409</u>	ORDER CONTINUING DEFENDANT'S DATE TO RESPOND TO GOVERNMENT'S MOTION FOR AN ORDER FINDING WAIVER OF ATTORNEY-CLIENT PRIVILEGE <u>408</u> by Judge Dale S. Fischer: as to Wesley Harlan Kingsbury (3). Defendant/Petitioner Kingsbury's time to respond to government's Motion to an Order Finding Waiver of Attorney-Client Privilege is March 18, 2016. Government's motion will be under submission as of that date. (ah) (Entered: 02/23/2016)
03/10/2016	<u>410</u>	DEFENDANT'S RESPONSE TO GOVERNMENT'S NOTICE OF MOTION AND MOTION for Order for Finding Waiver of Attorney-Client Privilege with Respect to Communications Relevant to Defendant's Claim of Ineffective Assistance of Counsel <u>408</u> ,filed by Defendant Wesley Harlan Kingsbury (bp) (Entered: 03/16/2016)
03/17/2016	<u>411</u>	

		PROOF OF SERVICE re: DEFENDANT'S RESPONSE TO GOVERNMENT'S MOTION for Order Finding Waiver of Attorney-Client Privilege, <u>410</u> served on 3/17/2016 filed by Defendant Wesley Harlan Kingsbury. (iva) (Entered: 03/17/2016)
04/20/2016	<u>412</u>	NOTICE OF LODGING filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Attachments: # <u>1</u> Proposed Order on Government's Motion for an Order Finding Waiver of Attorney-Client Privilege and Continuing Government's Response Deadline to Defendant's Motion to Vacate, Set Aside or Correct Sentence)(Quintero, Blanca) (Entered: 04/20/2016)
04/22/2016	<u>413</u>	ORDER: AUTHORIZING DISCLOSURE OF CERTAIN ATTORNEY CLIENTS COMMUNICATIONS, (2) CONTINUING GOVERNMENT'S RESPONSE DEADLINE TO DEFENDANT'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE by Judge Dale S. Fischer as to Defendant Wesley Harlan Kingsbury. See Order for Specifics. (bp) (Entered: 04/25/2016)
05/17/2016	<u>414</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender John L Littrell on behalf of Defendant Wesley Harlan Kingsbury. Filed by Defendant Wesley Harlan Kingsbury. (Attorney John L Littrell added to party Wesley Harlan Kingsbury(pty:dft))(Littrell, John) (Entered: 05/17/2016)
06/20/2016	<u>415</u>	NOTICE of Manual Filing of Government's Opposition to Defendant's Motion to Vacate Sentence, Declaration of Richard Goldman, Supplemental Declaration of Richard Goldman, Exhibits 1 and 2, Ex Parte Application to File Under Seal, Proposed Order to File Under Seal filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 06/20/2016)
06/20/2016	<u>416</u>	PROOF OF SERVICE filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury (Porter, Alexander) (Entered: 06/20/2016)
06/20/2016	<u>421</u>	**SEALED** EX PARTE APPLICATION FOR ORDER SEALING DOCUMENTS Filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury. (bp) (Entered: 08/25/2016)
06/21/2016	<u>417</u>	TEXT ONLY ENTRY (IN CHAMBERS) ORDER BY Dale S. Fischer. The ex parte application to file the government's Opposition to Defendant's Motion to Vacate, Set Aside, or Correct Sentence under seal - as well as the application itself and the proposed order - is denied. The government has not provided sufficient grounds to file the Opposition under seal in its entirety. In the absence of further explanation, the Court finds no reason to file the application itself or the proposed order under seal. Such motions are matters of significant public interest and concern. Generally, the public has a right to know the basis on which the Court makes its determination in such matters. The Court will accept the lodged document conditioned on the filing of a redacted document that deletes only information that is properly filed under seal. Declarations of counsel and Exhibit 2 may be filed under seal. Portions of the Opposition referring to the contents of those documents may be redacted. Other portions of the Opposition may also be redacted if an explanation of the basis for each document or portion deleted is provided, e.g., medical information. The Court

		notes that very little of the Opposition appears to be properly filed under seal. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dp) TEXT ONLY ENTRY (Entered: 06/21/2016)
06/21/2016	<u>418</u>	REDACTED GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE PURSUANT TO 28 U.S.C. 2255 filed by Plaintiff USA as to Defendant Wesley Harlan Kingsbury Re: NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:12-cv-09697 DSF) <u>403</u> (Attachments: # <u>1</u> Exhibit 1)(Porter, Alexander) (Entered: 06/21/2016)
06/21/2016	<u>419</u>	**SEALED** OPPOSITION TO DEFENDANT'S MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE PURSUANT TO 28 U.S.C. 2255 <u>403</u> filed by Plaintiff USA as to Defendant Wesley Harlan Kingbury. (bp) (Entered: 06/22/2016)
06/21/2016	<u>420</u>	SEALED DOCUMENT- EXHIBITS to Government's Opposition to Defendant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 USC 2255. (mat) (Entered: 06/22/2016)
08/22/2016	<u>422</u>	**SEALED**DECLARATION of filed by Plaintiff USA (bp) (Entered: 08/25/2016)
08/22/2016	<u>423</u>	**SEALED**DECLARATION of filed by Plaintiff USA (bp) (Entered: 08/25/2016)
09/27/2016	<u>424</u>	MINUTES (In Chambers): Order DENYING Motion to Vacate, Set Aside, or Correct Sentence <u>403</u> by Judge Dale S. Fischer as to Wesley Harlan Kingsbury. The motion is DENIED. A certificate of appealability is DENIED because reasonable jurists would not find the district courts decision debatable or wrong. IT IS SO ORDERED. (lom) (Entered: 09/27/2016)
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)
11/30/2016	<u>426</u>	NOTICE OF APPEAL to Appellate Court filed by Defendant Wesley Harlan Kingsbury re Order on Motion to Vacate/Set Aside/Correct (2255), <u>424</u> . Filed on: 9/27/16; Entered on: 9/27/16; Certificate of Appealability also ruled on same order item 424. (mat) (Entered: 12/01/2016)
11/30/2016	<u>427</u>	PROOF OF SERVICE of Notice of Appeal, served on 11/30/16, by Defendant Wesley Harlan Kingsbury re Notice of Appeal to USCA - Final Judgment, <u>426</u> , (mat) (Entered: 12/01/2016)
11/30/2016	<u>428</u>	NOTICE OF APPEAL to USCA filed by Defendant Wesley Harlan Kingsbury. Amending Notice of Appeal to USCA - Final Judgment, <u>426</u> Filed On: 11/30/16; Entered On: 12/1/16. (mat) (Entered: 12/01/2016)
12/01/2016	<u>429</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 16-56789 as to Defendant Wesley Harlan Kingsbury, 9th Circuit regarding Notice of Appeal to USCA - Final Judgment, <u>426</u> . (mat) (Entered: 12/02/2016)

04/14/2017	<u>431</u>	ORDER of USCA filed as to Defendant Wesley Harlan Kingsbury re Notice of Appeal to USCA <u>426</u> , CCA #16-56789. This court may lack jurisdiction over this appeal. It is an open question in this Circuit as to whether Fed. R. Civ. P. 58(a) requires the entry of judgment on a separate document when a district court enters an order denying relief in 28 U.S.C. § 2255 proceedings. Appellant is granted leave to proceed in forma pauperis based on his in forma pauperis status in Appeal No. 15-50067. Counsel is appointed sua sponte for purposes of this appeal. Counsel will be appointed by separate order. The (9th CCA) Clerk shall electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. [See document for complete details.] (mat) (Entered: 04/17/2017)
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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/03/2018 14:37:25			
<b>PACER Login:</b>	Odlegal94612:2536794:0	<b>Client Code:</b>	AFU
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:12-cr-00903-DSF End date: 4/3/2018
<b>Billable Pages:</b>	30	<b>Cost:</b>	3.00



JENNIFER KENT  
DIRECTOR

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



EDMUND G. BROWN JR.  
GOVERNOR

APR 24 2015

Wesley Harlan Kingsbury  
837 West Fontlee Lane  
Bloomington, CA 92316-1507

**Re: General Manager/Alpha Ambulance, Inc.**

Dear Mr. Kingsbury:

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 April 20, 2015. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, on behalf of the Director of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective April 20, 2015. 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. Additionally, no provider numbers may be issued to you or to any other person, entity, or employer on your behalf prior to your reinstatement to receive Medi-Cal payment by the Department. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be subject to suspension from receiving payment, the assessment of civil money penalties, and/or criminal

APR 24 2015

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,

Eric Lazarus  
Senior Attorney

  
Kimberly Woodward  
Legal Analyst

cc: See next page.

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Intelligence Analyst, Health Care Fraud  
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