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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

UNITED STATES OF AMERICA,
Plaintiff,

v.

ALEX KAPRI,
aka "Alex Kapriyelov,"
aka "Alexander Kapriyelov,"
ALEKSEY MURATOV,
aka "Russ Muratov,"
WESLEY HARLAN KINGSBURY, and
DANIELLE HARTSELL MEDINA,
Defendants.

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

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

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

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.

1 k. Defendants KAPRI, MURATOV, KINGSBURY, and MEDINA,
2 as well as co-conspirators known and unknown to the Grand Jury,
3 concealed, and attempted to conceal, their submission of false
4 and fraudulent claims to Medicare by altering run sheets and
5 other documentation related to the ambulance transportation
6 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

[18 U.S.C. § 371]

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

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

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

A. THE OBJECT OF THE CONSPIRACY

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

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

5 B. THE MANNER AND MEANS OF THE CONSPIRACY

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

14 C. OVERT ACTS

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

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

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

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

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

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

COUNT EIGHT

[18 U.S.C. § 1001(a)(2)]

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

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

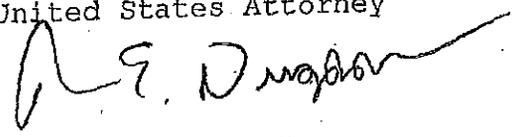
22 36. Pursuant to Title 21, United States Code, Section
23 853(p), as incorporated by Title 18, United States Code, Section
24 982(b)(1), and Title 28, United States Code, Section 2461(c), a
25 defendant so convicted shall forfeit substitute property, up to
26 the value of the amount described in paragraph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

13 

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

17 RICHARD E. ROBINSON
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13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 DANIELLE HARTSELL MEDINA,
19 Defendant.

No. CR 12-00903-ABC

PLEA AGREEMENT FOR DEFENDANT
DANIELLE HARTSELL MEDINA

21 1. This constitutes the plea agreement between DANIELLE
22 HARTSELL MEDINA ("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
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1 the USAO and cannot bind any other federal, state, local, or foreign
2 prosecuting, enforcement, administrative, or regulatory authorities.

3 DEFENDANT'S OBLIGATIONS

4 2. Defendant agrees to:

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

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

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

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

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

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

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

26 3. Defendant further agrees:
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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

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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, and recommend and, if necessary, move
8 for an additional one-level reduction if available under that
9 section.

10 e) Recommend that defendant be sentenced to a term of
11 imprisonment no higher than the low end of the applicable Sentencing
12 Guidelines range; provided that the offense level used by the Court
13 to determine that range is, after application of acceptance, 23 or
14 higher and provided that the Court does not depart downward in
15 offense level or criminal history category. For purposes of this
16 agreement, the low end of the Sentencing Guidelines range is that
17 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

18 NATURE OF THE OFFENSE

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

- 22 (1) There was an agreement between two or more persons to
23 commit the crime of health care fraud, in violation of
24 Title 18, United States Code, Section 1347; and
25 (2) Defendant became a member of the conspiracy knowing its
26 object and intending to help accomplish it.

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

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

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

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

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

16 PENALTIES AND RESTITUTION

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

23 7. Defendant understands that she is subject to the terms of
24 the Mandatory Victim Restitution Act, 18 U.S.C. § 3663A. Defendant
25 agrees that, in return for the USAO's compliance with its
26 obligations under this agreement, the Court's determination of
27 restitution is not restricted to the amounts alleged in the count to

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1 which defendant is pleading guilty and may include losses arising
2 from counts dismissed and charges not prosecuted pursuant to this
3 agreement, as well as all relevant conduct in connection with those
4 counts and charges. Defendant further agrees that defendant will
5 not seek the discharge of any restitution obligation, in whole or in
6 part, in any present or future bankruptcy proceeding. Both parties
7 agree that the full amount of defendant's restitution in this case
8 is still in dispute, and that amount will be determined by the Court
9 at defendant's sentencing. Defendant reserves the right to argue
10 that the amount of restitution applicable to her offense conduct is
11 zero.

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

21 9. Defendant understands that, by pleading guilty, defendant
22 may be giving up valuable government benefits and valuable civic
23 rights, such as the right to vote, the right to possess a firearm,
24 the right to hold office, and the right to serve on a jury.
25 Defendant understands that once the court accepts defendant's guilty
26 plea, it will be a federal felony for defendant to possess a firearm
27 or ammunition. Defendant understands that the conviction in this

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1 case may also subject defendant to various other collateral
2 consequences, including but not limited to mandatory exclusion from
3 federal health care benefit programs for a minimum of five years,
4 revocation of probation, parole, or supervised release in another
5 case and suspension or revocation of a professional license.

6 Defendant understands that unanticipated collateral consequences
7 will not serve as grounds to withdraw defendant's guilty plea.

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

18 FACTUAL BASIS

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

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1 Beginning at least as early as in or around September 2011, and
2 continuing at least through on or about July 31, 2012, in Los
3 Angeles County, within the Central District of California, and
4 elsewhere, defendant, together with others, knowingly combined,
5 conspired, and agreed to commit health care fraud, in violation of
6 Title 18, United States Code, Section 1347. The criminal conspiracy
7 operated, in substance, in the following manner:

8 Co-defendants Alex Kapri ("Kapri") and Aleksey Muratov owned
9 and operated Alpha Ambulance, Inc. ("Alpha"), an ambulance
10 transportation company that operated in the greater Los Angeles area
11 and that specialized in the provision of non-emergency ambulance
12 transportation services to Medicare beneficiaries, primarily
13 dialysis patients. Defendant was employed by Alpha and ultimately
14 supervised the training and education of its employees. Throughout
15 her employment at Alpha, Defendant knew that Alpha provided non-
16 emergency ambulance transportation services to Medicare
17 beneficiaries whose then medical conditions did not necessitate the
18 transportation services. In furtherance thereof, Defendant
19 instructed, and caused to be instructed, certain Alpha employees to
20 conceal the Medicare beneficiaries' then true medical conditions by
21 altering requisite paperwork and creating fraudulent reasons that
22 justified, on paper, the transportation services. Based on these
23 medically unnecessary ambulance transportation services, Alpha
24 submitted, and caused the submission of, false and fraudulent claims
25 to Medicare, which amount totaled \$1,251,245.02 in claims submitted
26 to Medicare and \$290,594.82 paid by Medicare.

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

4 e) The right to confront and cross-examine witnesses
5 against defendant.

6 f) The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g) The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

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

15 WAIVER OF APPEAL OF CONVICTION

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

21 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

22 19. Defendant agrees that, provided the Court imposes a total
23 term of imprisonment on all counts of conviction of no more than 46
24 months, defendant gives up the right to appeal all of the following:
25 (a) the procedures and calculations used to determine and impose any
26 portion of the sentence; (b) the term of imprisonment imposed by the
27 Court; (c) the fine imposed by the court, provided it is within the

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1 statutory maximum; (d) the amount and terms of any restitution order
2 are \$290,594.82; (e) the term of probation or supervised release
3 imposed by the Court, provided it is within the statutory maximum;
4 and (f) any of the following conditions of probation or supervised
5 release imposed by the Court: the conditions set forth in General
6 Orders 318, 01-05, and/or 05-02 of this Court; the drug testing
7 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
8 alcohol and drug use conditions authorized by 18 U.S.C.
9 § 3563(b)(7).

10 20. The USAO agrees that, provided (a) all portions of the
11 sentence are at or below the statutory maximum specified above and
12 (b) the Court imposes a term of imprisonment of no less than 46
13 months, the USAO gives up its right to appeal any portion of the
14 sentence, with the exception that the USAO reserves the right to
15 appeal the following: (a) the amount of restitution ordered if that
16 amount is less than \$290,594.82.

17 RESULT OF WITHDRAWAL OF GUILTY PLEA

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

24 EFFECTIVE DATE OF AGREEMENT

25 22. This agreement is effective upon signature and execution
26 of all required certifications by defendant, defendant's counsel,
27 and an Assistant United States Attorney.

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1 BREACH OF AGREEMENT

2 23. Defendant agrees that if defendant, at any time after the
3 signature of this agreement and execution of all required
4 certifications by defendant, defendant's counsel, and an Assistant
5 United States Attorney, knowingly violates or fails to perform any
6 of defendant's obligations under this agreement ("a breach"), the
7 USAO may declare this agreement breached. All of defendant's
8 obligations are material, a single breach of this agreement is
9 sufficient for the USAO to declare a breach, and defendant shall not
10 be deemed to have cured a breach without the express agreement of
11 the USAO in writing. If the USAO declares this agreement breached,
12 and the Court finds such a breach to have occurred, then: (a) if
13 defendant has previously entered a guilty plea pursuant to this
14 agreement, defendant will not be able to withdraw the guilty plea,
15 and (b) the USAO will be relieved of all its obligations under this
16 agreement.

17 24. Following the Court's finding of a knowing breach of this
18 agreement by defendant, should the USAO choose to pursue any charge
19 that was either dismissed or not filed as a result of this
20 agreement, then:

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

24 b) Defendant waives and gives up all defenses based on
25 the statute of limitations, any claim of pre-indictment delay, or
26 any speedy trial claim with respect to any such action, except to

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1 the extent that such defenses existed as of the date of defendant's
2 signing this agreement.

3 c) Defendant agrees that: (i) any statements made by
4 defendant, under oath, at the guilty plea hearing (if such a hearing
5 occurred prior to the breach); (ii) the agreed to factual basis
6 statement in this agreement; and (iii) any evidence derived from
7 such statements, shall be admissible against defendant in any such
8 action against defendant, and defendant waives and gives up any
9 claim under the United States Constitution, any statute, Rule 410 of
10 the Federal Rules of Evidence, Rule 11(f) of the Federal Rules of
11 Criminal Procedure, or any other federal rule, that the statements
12 or any evidence derived from the statements should be suppressed or
13 are inadmissible.

14 COURT AND PROBATION OFFICE NOT PARTIES

15 25. Defendant understands that the Court and the United States
16 Probation Office are not parties to this agreement and need not
17 accept any of the USAO's sentencing recommendations or the parties'
18 agreements to facts or sentencing factors.

19 26. Defendant understands that both defendant and the USAO are
20 free to: (a) supplement the facts by supplying relevant information
21 to the United States Probation Office and the Court, (b) correct any
22 and all factual misstatements relating to the Court's Sentencing
23 Guidelines calculations and determination of sentence, and (c) argue
24 on appeal and collateral review that the Court's Sentencing
25 Guidelines calculations and the sentence it chooses to impose are
26 not error, although each party agrees to maintain its view that the
27 calculations in paragraph 13 are consistent with the facts of this

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1 case. While this paragraph permits both the USAO and defendant to
2 submit full and complete factual information to the United States
3 Probation Office and the Court, even if that factual information may
4 be viewed as inconsistent with the facts agreed to in this
5 agreement, this paragraph does not affect defendant's and the USAO's
6 obligations not to contest the facts agreed to in this agreement.

7 27. Defendant understands that even if the Court ignores any
8 sentencing recommendation, finds facts or reaches conclusions
9 different from those agreed to, and/or imposes any sentence up to
10 the maximum established by statute, defendant cannot, for that
11 reason, withdraw defendant's guilty plea, and defendant will remain
12 bound to fulfill all defendant's obligations under this agreement.
13 Defendant understands that no one -- not the prosecutor, defendant's
14 attorney, or the Court -- can make a binding prediction or promise
15 regarding the sentence defendant will receive, except that it will
16 be within the statutory maximum.

17 NO ADDITIONAL AGREEMENTS

18 28. Defendant understands that, except as set forth herein,
19 there are no promises, understandings, or agreements between the
20 USAO and defendant or defendant's attorney, and that no additional
21 promise, understanding, or agreement may be entered into unless in a
22 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

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

AGREED AND ACCEPTED

UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL FRAUD SECTION

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

ANDRÉ BIROTTE JR.
United States Attorney

10/25/13
Date

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

10/25/13
Date

DANIELLE MEDINA HARTSELL
Defendant

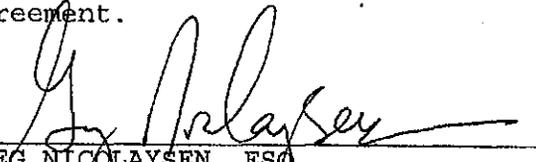
10/25/13
Date

GREG NICOLAYSEN, ESQ.
Attorney for Defendant
DANIELLE MEDINA HARTSELL

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 that might be filed, of possible defenses that might be asserted

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

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6 GREG NICOLAYSEN, ESQ.
7 Attorney for Defendant
8 DANIELLE MEDINA HARTSELL

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28 Date 10/25/13

United States District Court
Central District of California

SENTENCING

UNITED STATES OF AMERICA vs.

Docket No. CR 12-903 ABC

Defendant Danielle Medina Hartsell (4)

Social Security No.

akas: Danielle Sniderman

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

| MONTH | DAY | YEAR |
|-------|-----|------|
| 03 | 24 | 14 |

COUNSEL Gregory Nicolaysen , CJA
(Name of Counsel)

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

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

JUDGMENT AND PROB/ COMM ORDER The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of: 30 months

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

Defendant shall pay restitution in the total amount of \$ 290, 594.82 pursuant to 18 U.S.C. § 3663A.

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

A payment of \$450 shall be due immediately. Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, monthly installments of at least \$50 shall be made 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 and Aleksey Muratov (Docket no. CR-12-00903) for the amount of restitution ordered in this judgment. The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victims receive full restitution.

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

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

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

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Danielle Medina-Hartsell, is hereby committed on Count 1 of the Indictment to the custody of the Bureau of Prisons for a term of 30 months.

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

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

It is further ordered that the defendant surrender to the institution designated by the Bureau of Prisons on **May 27, 2014** or before 12 noon, on a date to be determined. In the absence of such designation, the defendant shall report on or before the same date and time to the United States Marshal located at the Royal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Bond exonerated upon surrender.

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

USA vs. Danielle Medina Hartsell (4)

Docket No.: CR 12-903 ABC

The Court recommends defendant be incarcerated, consistent with security and housing concerns within the Bureau of Prisons, in the Western Region, close to Los Angeles as possible.

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.

3/27/14

Date

Amy B. Collins

U. S. District Judge

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

Clerk, U.S. District Court

3/27/14

Filed Date

By

A. Bridges
Deputy



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. Danielle Medina Hartsell (4)

Docket No.: CR 12-903 ABC

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

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

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

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

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

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

Payments shall be applied in the following order:

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

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

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

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

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

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

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

USA vs. Danielle Medina Hartsell (4) Docket No.: CR 12-903 ABC

Defendant delivered on _____ to _____
at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

Date By _____
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

Filed Date By _____
Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

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

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

(Signed) _____
Defendant Date

U. S. Probation Officer/Designated Witness Date

CLOSED, COMPLEX

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:12-cr-00903-DSF-4**

Case title: USA v. Kapri et al

Date Filed: 09/21/2012

Date Terminated: 03/27/2014

Assigned to: Judge Dale S. Fischer

Defendant (4)**Danielle Medina Hartsell***TERMINATED: 03/27/2014**also known as*

Danielle Hartsell Medina

*TERMINATED: 03/27/2014*represented by **Gregory Nicolaysen**

Gregory Nicolaysen Law Offices

27240 Turnberry Lane Suite 200

Valencia, CA 91355

818-970-7247

Fax: 661-252-6023

Email: gregnicolaysen@aol.com

*ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Pending Counts**18:1349: CONSPIRACY TO COMMIT
HEALTH CARE FRAUD

(1)

Disposition

Defendant is committed to the custody of the Bureau of Prisons on Count 1 of the Indictment. 3 years Supervised Release on count 1 of the Indictment under the terms and conditions of the U.S. Probation Office and General Order 05-02 and General Order 01-05. Special assessment of \$100. Restitution of \$290,594.82. The defendant shall be held jointly and severally liable with co-participants Alex Kapri and Aleksey Muratov (Docket no. CR-12-00903) for the amount of restitution ordered in this judgment. Interest on Restitution waived. All fines waived.

Highest Offense Level (Opening)

Felony

Terminated Counts**Disposition**

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

Government's motion, all remaining
 count(s)/underlying
 indictment/information, ordered
 dismissed .

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Alexander F Porter**
 AUSA - Office of US Attorney
 Criminal Division - Major Frauds
 312 North Spring Street 11th Floor
 Los Angeles, CA 90012
 213-894-0813
 Fax: 213-894-6269
 Email: alexander.porter2@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Blanca Quintero
 AUSA - Office of US Attorney
 Southern District of California
 880 Front Street Room 6293
 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
 Email: Benton.Curtis@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Robert E Dugdale

Kendall Brill and Kelly LLP
 10100 Santa Monica Boulevard Suite
 1725
 Los Angeles, CA 90067
 310-272-7904
 Email: rdugdale@kbkfirm.com
 ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 09/21/2012 | <u>1</u> | INDICTMENT filed as to Alex Kapri (1) count(s) 1, 2-6, 7, Aleksey Muratov (2) count(s) 1, 2-6, Wesley Harlan Kingsbury (3) count(s) 1, 2-6, 8, Danielle Hartsell Medina (4) count(s) 1, 2-6. Offense occurred in LA. (mhe) (Entered: 09/26/2012) |
| 09/21/2012 | <u>5</u> | CASE SUMMARY filed by AUSA Benton Curtis as to Defendant Danielle Hartsell Medina; defendants Year of Birth: 1977 (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>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>25</u> | MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Carla Woehrle as to Defendant Danielle Hartsell Medina. Defendant states true name as Danielle Medina Hartsell. Attorney: Gregory Nicolaysen for Danielle Hartsell Medina, Appointed, present.Court orders bail set as: Danielle Hartsell Medina (4) \$10,000 Appearance Bond, see attached bond for terms and conditions. Defendant remanded to the custody of the USM. ArraignNment held, see separate PIA minutes. RELEASE ORDER NO 33691. Court Smart: CS 10/4/12. (mhe) (Entered: 10/09/2012) |
| 10/04/2012 | <u>26</u> | STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Danielle Hartsell Medina (mhe) (Entered: 10/09/2012) |
| 10/04/2012 | <u>31</u> | MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Carla Woehrle as to Defendant Danielle Medina Hartsell (4) |

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| | | Count 1,2-6. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Gregory Nicolaysen, Appointed 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>42</u> | DECLARATION RE: PASSPORT filed by Defendant Danielle Medina Hartsell, 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>41</u> . (mhe) (Entered: 10/12/2012) |
| 10/05/2012 | <u>41</u> | BOND AND CONDITIONS OF RELEASE filed as to Defendant Danielle Medina Hartsell conditions of release: \$10,000 Appearance bond, see attached bond for terms and conditions approved by Magistrate Judge Fernando M. Olguin. (mhe) (Entered: 10/12/2012) |
| 10/09/2012 | 29 | 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 |

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| | | ordered the above cut-off date for the filing of motions in this action. Electronic filing ("efiling") is mandatory in this district. See Local Rule ("L.R.") 5-4.1. (see document for further details) (bm) (Entered: 10/11/2012) |
| 10/11/2012 | <u>39</u> | Counsel notified that the date to file pre-trial motions has been corrected to reflect October 29, 2012; docket entry corrected and the order attached has been replaced to indicate the correct date by A. Bridges, Court Clerk to Judge Audrey B. Collins. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(ab) TEXT ONLY ENTRY (Entered: 10/11/2012) |
| 11/05/2012 | <u>51</u> | STIPULATION for Order Protective Order filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order Protective Order)(Quintero, Blanca) (Entered: 11/05/2012) |
| 11/05/2012 | <u>52</u> | First STIPULATION to Continue Trial Date from 11-27-2012 to 6-4-2013 filed by Plaintiff USA as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell (Attachments: # <u>1</u> Proposed Order Proposed Order to Continue Trial Date)(Quintero, Blanca) (Entered: 11/05/2012) |
| 11/05/2012 | <u>66</u> | ARREST WARRANT RETURNED Executed on 10/4/12 as to Defendant Danielle Medina Hartsell. (bm) (Entered: 01/04/2013) |
| 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) |
| 03/06/2013 | <u>75</u> | MINUTES OF IN CHAMBERS ORDER re STATUS CONFERENCE by Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: On the Court's own motion this matter is hereby set for a status conference on March 18, 2013 at 11:30 a.m. Counsel and defendants to appear on date and time specified above. (bm) (Entered: 03/06/2013) |
| 03/12/2013 | <u>77</u> | NOTICE of Change of Attorney Information for attorney Alexander F Porter counsel for plaintiff United States of America. Adding Alexander F. Porter as |

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| | | 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 |

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| | | 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) |
| 06/14/2013 | <u>84</u> | NOTICE OF MOTION AND MOTION to Preclude Government from using defendant Hartsell's proffer statements at trial Filed by Defendant Danielle Medina Hartsell Motion set for hearing on 7/29/2013 at 01:30 PM before Judge Audrey B. Collins. (Attachments: # <u>1</u> Declaration Mani Dabiri)(Nicolaysen, Gregory) (Entered: 06/14/2013) |
| 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) |
| 07/26/2013 | <u>96</u> | ORDER by Judge Audrey B. Collins: The Court has considered the parties STIPULATION TO TAKE PENDING MOTION FILED BY DEFENDANT |

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| | | DANIELLE HARTSELL MEDINA OFF CALENDAR. Good cause having been shown, the stipulation is approved. IT IS HEREBY ORDERED that as the parties have met and conferred on the matter and resolved the issues raised by the motion, the hearing currently set for July 29, 2013, shall be taken off the calendar. <u>84</u> Motion to Preclude as to Danielle Medina Hartsell (4) (bp) (Entered: 07/30/2013) |
| 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) |
| 09/18/2013 | 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. |

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| | | 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 | 112 | 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 | 114 | NOTICE OF FILING TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for |

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| | | 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) |
| 10/18/2013 | <u>122</u> | REPLY in support of MOTION in Limine to Exclude Evidence of Supposedly Legitimate Services Provided by Alpha <u>110</u> (Porter, Alexander) (Entered: 10/18/2013) |
| 10/22/2013 | <u>123</u> | ORDER RE: GOVERNMENT'S MOTIONS IN LIMINE by Judge Audrey B. Collins: Pending before the Court are the government's three motions in limine to (1) preclude any defense expert testimony; (2) preclude evidence or argument of Defendant Aleksey Muratov's immigration status and Defendant Alex Kapri's status as caretaker; and (3) exclude evidence of supposedly legitimate services provided by Alpha, filed on October 4, 2013. (Docket Nos. 109-111.) Kapri opposed all three motions on October 11, 2013. (Docket Nos. 115-117.) Muratov filed a motion for joinder as to Kapri's oppositions on October 14, 2013. (Docket No. 118.) Defendant Wesley Harlan Kingsbury also joined Kapri's opposition regarding legitimate services provided by Alpha. (Docket No. 120.) On October 15, 2013, the Court authorized the government to file a reply as to the motion to exclude evidence of supposedly legitimate services provided by Alpha, which it did on October 18, 2013. (Docket Nos. 119, 122.) For the reasons set forth below, the Court GRANTS the government's motion to preclude any defense expert testimony; GRANTS the governments motion to preclude evidence or argument of Muratov's immigration status and Kapri's status as caretaker; and DENIES the government's motion to exclude evidence of supposedly legitimate services provided by Alpha. (see document for further details) (bm) (Entered: 10/22/2013) |
| 10/25/2013 | <u>126</u> | PLEA AGREEMENT filed by Plaintiff USA as to Defendant Danielle Medina Hartsell (Porter, Alexander) (Entered: 10/25/2013) |
| 10/28/2013 | <u>138</u> | MINUTES OF PRETRIAL CONFERENCE; CHANGE OF PLEA HEARINGS held before Judge Audrey B. Collins as to Defendants Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell: Case called. Counsel makes appearances. Court attempts to conduct pretrial conference for defendant Wesley Kingsbury which is not present. Court inquires with counsel as to why defendant is not present. The Court having heard from counsel, continues the pretrial conference to October 29, 2013 at |

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| | | 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) |
| 01/21/2014 | <u>185</u> | REPLY in support of MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held,,,,,, 170 173 filed by Defendant Wesley Kingsbury. (Attachments: # <u>1</u> Exhibit A)(Radin, Moriah) (Entered: 01/21/2014) |
| 02/17/2014 | <u>188</u> | POSITION WITH RESPECT TO SENTENCING FACTORS filed by Defendant Danielle Medina Hartsell (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Nicolaysen, Gregory) (Entered: 02/17/2014) |
| 02/19/2014 | <u>191</u> | SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Danielle Medina Hartsell (Quintero, Blanca) (Entered: 02/19/2014) |
| 02/24/2014 | <u>193</u> | MINUTES OF Status Conference re Sentencing held before Judge Audrey B. Collins as to Defendant Danielle Medina Hartsell. The Court having heard from counsel, ORDERS additional briefing on the matter. The government submission is hereby due on March 10, 2014 and defendants due March 17, 2014. The above matter is continued to March 24, 2014 at 1:30 p.m. Defendant and counsel of record ordered to return on date and time specified above. Court Reporter: Katherine Stride. (cb) (Entered: 03/05/2014) |
| 03/10/2014 | <u>201</u> | SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Danielle Medina Hartsell (Attachments: # <u>1</u> Declaration of Oswald "Ossie" J. Garcia, # <u>2</u> Declaration of Special Agent Anderson Smith, # <u>3</u> Exhibit 1 to Declaration of Special Agent Anderson Smith)(Quintero, Blanca) (Entered: 03/10/2014) |
| 03/24/2014 | <u>212</u> | MINUTES OF SENTENCING Hearing held before Judge Audrey B. Collins as to Defendant Danielle Medina Hartsell. Defendant Danielle Medina Hartsell (4), Count(s) 1, Defendant is committed to the custody of the Bureau of Prisons on Count 1 of the Indictment. 3 years Supervised Release on count 1 of the Indictment under the terms and conditions of the U.S. Probation Office and General Order 05-02 and General Order 01-05. Special assessment of \$100. Restitution of \$290,594.82. The defendant shall be held jointly and severally liable with co-participants Alex Kapri and Aleksey Muratov (Docket no. CR-12-00903) for the amount of restitution ordered in this judgment. Interest on Restitution waived. All fines waived. Count(s) 2-6, Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed. |

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| | | Bond exonerated upon surrender. Defendant to surrender not later than 5/27/2014. Defendant informed of right to appeal. Defendant waives right to appeal. Other: Witnesses sworn and testifies in open Court. Exhibit 1 by defendant identified. Court Reporter: Katherine Stride. (bm) (Entered: 03/28/2014) |
| 03/27/2014 | <u>213</u> | JUDGMENT AND COMMITMENT by Judge Audrey B. Collins as to Defendant Danielle Medina Hartsell (4), Count(s) 1, Defendant is committed to the custody of the Bureau of Prisons on Count 1 of the Indictment. 3 years Supervised Release on count 1 of the Indictment under the terms and conditions of the U.S. Probation Office and General Order 05-02 and General Order 01-05. Special assessment of \$100. Restitution of \$290,594.82. The defendant shall be held jointly and severally liable with co-participants Alex Kapri and Aleksey Muratov (Docket no. CR-12-00903) for the amount of restitution ordered in this judgment. Interest on Restitution waived. All fines waived.; Count(s) 2-6, Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed. (bm) (Entered: 03/28/2014) |
| 04/17/2014 | <u>220</u> | TRANSCRIPT ORDER re: Sentencing,,,, <u>212</u> , as to Defendant Danielle Medina Hartsell. Court Reporter.Order for: Criminal Non Appeal. Transcript portion requested:Sentencing on 03/24/14. Category: Ordinary. (Attachments: # <u>1</u> Public Voucher)(Goldman, Richard) (Entered: 04/17/2014) |
| 05/26/2014 | <u>243</u> | TRANSCRIPT filed as to Defendant Danielle Medina Hartsell for proceedings held on 03/24/2014; 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 PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/16/2014. Redacted Transcript Deadline set for 6/26/2014. Release of Transcript Restriction set for 8/24/2014.(Stride, Katherine) (Entered: 05/26/2014) |
| 05/26/2014 | 244 | NOTICE OF FILING TRANSCRIPT filed as to Defendant Danielle Medina Hartsell for proceedings 03/24/2014; 1:30 PM re Transcript <u>243</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Stride, Katherine) TEXT ONLY ENTRY (Entered: 05/26/2014) |
| 05/29/2014 | <u>245</u> | VERIFICATION OF SURRENDER as to Danielle Medina Hartsell: surrender date 5/27/14. (bm) (Entered: 05/29/2014) |
| 08/06/2014 | <u>268</u> | NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned District Judge is no longer available. Pursuant to directive of the Chief District Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case, as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell, has been reassigned to Judge Dale S. Fischer for all further proceedings. Case number will now read CR12-00903 DSF. (at) (Entered: 08/06/2014) |
| 08/14/2015 | <u>371</u> | |

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| | | TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings held on THURSDAY, SEPTEMBER 26, 2013 11:11 A.M. Court Reporter: C. NIRENBERG, CONTACT www.msfdreporter.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through Court Reporter: C. NIRENBERG, CONTACT www.msfdreporter.com, or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 9/4/2015. Redacted Transcript Deadline set for 9/14/2015. Release of Transcript Restriction set for 11/12/2015.(Nirenberg, C) (Entered: 08/14/2015) |
| 08/14/2015 | 372 | NOTICE OF FILING TRANSCRIPT filed as to Defendant Alex Kapri, Aleksey Muratov, Wesley Harlan Kingsbury, Danielle Medina Hartsell for proceedings THURSDAY, SEPTEMBER 26, 2013 11:11 A.M. re Transcript 371 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Nirenberg, C) TEXT ONLY ENTRY (Entered: 08/14/2015) |
| 10/26/2016 | 425 | 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) |

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