

1 MICHAEL A. HESTRIN
2 District Attorney
3 County of Riverside
4 3960 Orange Street, First Floor
5 Riverside, California 92501
6 Telephone: (951) 955-5400
7 John Aki
8 Chief Assistant District Attorney
9 State Bar No. 189395

BAIL: Touba Pakdel-Nabati \$12,402,000.00
Quynam Nguyen \$12,402,000.00
Jason Yang \$12,402,000.00

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 16 2016
S. Hestrin

AM
MAY 20 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

16 THE PEOPLE OF THE STATE OF CALIFORNIA,

NO. RIF 1670170

18 Plaintiff,

19 v.

21 TOUBA PAKDEL-NABATI

INDICTMENT

22 DOB: 08/03/1978

24 QUYNAM NGUYEN

25 DOB: 06/11/1958

27 JASON YANG

AGENCY#: DAR2012258005/RDA

28 DOB: 02/24/1966

29 Defendants.

30 COUNT 1

31 The Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses
32 TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of
33 Penal Code section 182, subdivision (a), subsection (1), a felony, in that on or about January 1,
34 2009 through and including July 15, 2014, in the County of Riverside, State of California, they
35 did willfully and unlawfully conspire together and with another person and persons whose
36 identity is unknown to commit the crime of KNOWINGLY MAKING OR CAUSING TO BE

1 MADE ANY FALSE OR FRAUDULENT CLAIMS FOR PAYMENT OF HEALTH CARE
2 BENEFITS, in violation of Penal Code section 550, subdivision (a), subsection (6), a felony,
3 and that pursuant to and for the purpose of carrying out the objects and purposes of the
4 aforesaid conspiracy, the said defendants thereafter committed the following overt act and acts
5 at and in the County of Riverside:

6 OVERT ACT NO. 1

7 CARY DAVID ABRAMOWITZ agreed with and allowed PEYMAN HEIDARY, a
8 non-attorney, to exert actual control over California Injury Lawyers, AKA Orange County Law
9 Group, and AKA South Western Law Group (collectively "the Law Firm"). PEYMAN
10 HEIDARY controlled day-to-day operations including scheduling, hiring and firing.

11 OVERT ACT NO. 2

12 The Law Firm directed patients to clinics owned and/or controlled by PEYMAN
13 HEIDARY.

14 OVERT ACT NO. 3

15 CARY DAVID ABRAMOWITZ, as directed by PEYMAN HEIDARY, paid Cappers
16 \$100 per patient signed up as a client of the Law Firm.

17 OVERT ACT NO. 4

18 Cappers began working for PEYMAN HEIDARY when PEYMAN HEIDARY offered
19 Cappers a job in a new law firm opened by PEYMAN HEIDARY and Kenneth Forbes.

20 OVERT ACT NO. 5

21 Cappers had worker's compensation claimants sign blank forms, Cappers returned these
22 forms to the Law Firm, who filled them out and submitted them, along with other paperwork, to
23 the Worker's Compensation Appeals Board and various insurance companies.

24 OVERT ACT NO. 6

25 The Law Firm filed numerous workers' compensation claims alleging similar or
26 identical injuries.

27 OVERT ACT NO. 7

28 Cappers sought out additional claimants from previously identified claimants.

29 OVERT ACT NO. 8

30 PEYMAN HEIDARY owned and/or controlled Riverside Health Clinic, Corona Health
31 Clinic, Montebello Health Clinic, Bellflower Health Clinic, Santa Ana Health Clinic, and
32 Anaheim Health Clinic.

33 OVERT ACT NO. 9

34 PEYMAN HEIDARY created the Clinics as Limited Liability Companies.

35 OVERT ACT NO. 10

36 PEYMAN HEIDARY moved unqualified, untrained employees between the Clinics and

1 the Law Firm.

2 OVERT ACT NO. 11

3 PEYMAN HEIDARY controlled scheduling of doctors at the Clinics.

4 OVERT ACT NO. 12

5 PEYMAN HEIDARY controlled payments of the medical professionals at the Clinics.

6 OVERT ACT NO. 13

7 PEYMAN HEIDARY controlled patient care at the Clinics, including dictating
8 treatments and referrals. He ordered his employees to ensure that each patient received the
9 same or similar treatment and test studies regardless of injury.

10 OVERT ACT NO. 14

11 TOUBA PAKDEL-NABATI contributed to patient care at the Clinics, including
12 dictating treatments and referrals. She ordered her employees to ensure that each patient
13 received the same or similar treatment and test studies regardless of injury.

14 OVERT ACT NO. 15

15 QUYNAM NGUYEN received referrals for unnecessary treatment which led to the
16 creation of med-legal reports he caused to be created which QUYNAM NGUYEN knew would
17 later be submitted for billing.

18 OVERT ACT NO. 16

19 JASON YANG received referrals for unnecessary treatment which led to the creation
20 of med-legal reports he caused to be created which JASON YANG knew would later be
21 submitted for billing.

22 OVERT ACT NO. 17

23 The Clinics submitted bills and liens for treatments ordered by PEYMAN HEIDARY to
24 insurance companies and the WCAB.

25 OVERT ACT NO. 18

26 The Law Firm received payments in part from Compromise and Releases from the
27 WCAB and in part from legal fees billed to insurance companies.

28 OVERT ACT NO. 19

29 When PEYMAN HEIDARY hired medical and chiropractic professionals to work at the
30 Clinics, he ordered said professionals to create a checking account with PEYMAN HEIDARY
31 as a signatory so he could maintain control of that account. Once created, said professionals
32 were not allowed to make any changes or withdrawals to the account without PEYMAN
33 HEIDARY'S permission. PEYMAN HEIDARY further ordered that any payments made to
34 said professionals be deposited in that professional's checking account and the professionals
35 were paid out of that account.

36

OVERT ACT NO. 20

PEYMAN HEIDARY ordered said professionals to assign the all outstanding bills/accounts receivables to him. PEYMAN HEIDARY would then bundle the outstanding bills and sell them to third party collections and/or medical factoring firm.

COUNT 2

For a further and separate cause of action, being a different offense from but connected in its commission with the charge set forth in count 1 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from ACE, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG, with the intent so to do, took, damaged and destroyed property of a value exceeding \$200,000; within the meaning of Penal Code section 12022.6, subdivision (a), subsection (2).

COUNT 3

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 and 2 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from AMERICAN INTERNATIONAL GROUP (AIG), and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in five years and six-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG, with the intent so to do, took, damaged and destroyed property of a value

1 exceeding \$65,000, within the meaning of Penal Code section 12022.6, subdivision (a),
2 subsection (1).

3
4 COUNT 4

5 For a further and separate cause of action, being a different offense from but connected
6 in its commission with the charges set forth in counts 1 through 3 hereof, the Criminal Grand
7 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
8 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
9 subdivision (a), subsection (6); a felony, in that on or about January 1, 2009 through and
10 including July 15, 2014, in the County of Riverside, State of California, the defendants did
11 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
12 claim for payment of a health care benefit, to wit, from BERKSHIRE/HATHAWAY, and the
13 claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate
14 amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five
15 years and six-month consecutive period.

16 It is further alleged that in the commission and attempted commission of the above
17 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
18 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
19 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
20 subsection (2).

21 COUNT 5

22 For a further and separate cause of action, being a different offense from but connected
23 in its commission with the charges set forth in counts 1 through 4 hereof, the Criminal Grand
24 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
25 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
26 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
27 including July 15, 2014, in the County of Riverside, State of California, the defendants did
28 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
29 claim for payment of a health care benefit, to wit, from CNA INSURANCE, and the claim and
30 amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of
31 claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-
32 month consecutive period.

33 It is further alleged that in the commission and attempted commission of the above
34 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
35 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
36 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
subsection (2).

COUNT 6

1
2 For a further and separate cause of action, being a different offense from but connected
3 in its commission with the charges set forth in counts 1 through 5 hereof, the Criminal Grand
4 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
5 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
6 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
7 including July 15, 2014, in the County of Riverside, State of California, the defendants did
8 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
9 claim for payment of a health care benefit, to wit, from CALIFORNIA RESTAURANT
10 MUTUAL BENEFITS CORPORATION (CRMBC), and the claim and amount at issue
11 exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at
12 issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month consecutive
13 period.

14 It is further alleged that in the commission and attempted commission of the above
15 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
16 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
17 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
18 subsection (2).

COUNT 7

19
20 For a further and separate cause of action, being a different offense from but connected
21 in its commission with the charges set forth in counts 1 through 6 hereof, the Criminal Grand
22 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
23 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
24 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
25 including July 15, 2014, in the County of Riverside, State of California, the defendants did
26 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
27 claim for payment of a health care benefit, to wit, from CRUM & FORESTER, and the claim
28 and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of
29 claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-
30 month consecutive period.

31 It is further alleged that in the commission and attempted commission of the above
32 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
33 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
34 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
35 subsection (2).

36 ///

COUNT 8

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 through 7 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from EMPLOYERS, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG, with the intent so to do, took, damaged and destroyed property of a value exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a), subsection (2).

COUNT 9

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 through 8 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from EVEREST NATIONAL INSURANCE COMPANY (ENIC), and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG, with the intent so to do, took, damaged and destroyed property of a value exceeding sixty five thousand dollars (\$65,000.00), within the meaning of Penal Code section 12022.6, subdivision (a), subsection (1).

COUNT 10

For a further and separate cause of action, being a different offense from but connected

1 in its commission with the charges set forth in counts 1 through 9 hereof, the Criminal Grand
2 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
3 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
4 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
5 including July 15, 2014, in the County of Riverside, State of California, the defendants did
6 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
7 claim for payment of a health care benefit, to wit, from FARMER'S, and the claim and amount
8 at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and
9 amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month
10 consecutive period.

11 It is further alleged that in the commission and attempted commission of the above
12 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
13 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
14 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
15 subsection (2).

16 COUNT 11

17 For a further and separate cause of action, being a different offense from but connected
18 in its commission with the charges set forth in counts 1 through 10 hereof, the Criminal Grand
19 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
20 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
21 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
22 including July 15, 2014, in the County of Riverside, State of California, the defendants did
23 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
24 claim for payment of a health care benefit, to wit, from FIREMAN'S, and the claim and amount
25 at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and
26 amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month
27 consecutive period.

28 It is further alleged that in the commission and attempted commission of the above
29 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
30 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
31 exceeding \$65,000, within the meaning of Penal Code section 12022.6, subdivision (a),
32 subsection (1).

33 COUNT 12

34 For a further and separate cause of action, being a different offense from but connected
35 in its commission with the charges set forth in counts 1 through 11 hereof, the Criminal Grand
36 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI

1 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
2 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
3 including July 15, 2014, in the County of Riverside, State of California, the defendants did
4 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
5 claim for payment of a health care benefit, to wit, from HARTFORD, and the claim and amount
6 at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and
7 amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month
8 consecutive period.

9 It is further alleged that in the commission and attempted commission of the above
10 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
11 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
12 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
13 subsection (2).

14
15 COUNT 13

16 For a further and separate cause of action, being a different offense from but connected
17 in its commission with the charges set forth in counts 1 through 12 hereof, the Criminal Grand
18 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
19 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
20 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
21 including July 15, 2014, in the County of Riverside, State of California, the defendants did
22 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
23 claim for payment of a health care benefit, to wit, from INSURANCE CARRIES OF THE
24 WEST (ICW) and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950)
25 and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars
26 (\$950) in a five years and six-month consecutive period.

27 It is further alleged that in the commission and attempted commission of the above
28 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
29 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
30 exceeding \$200,000, within the meaning of Penal Code section 12022.6, subdivision (a),
31 subsection (2).

32
33 COUNT 14

34 For a further and separate cause of action, being a different offense from but connected
35 in its commission with the charges set forth in counts 1 through 13 hereof, the Criminal Grand
36 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and

1 including July 15, 2014, in the County of Riverside, State of California, the defendants did
2 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
3 claim for payment of a health care benefit, to wit, from LIBERTY MUTUAL, and the claim
4 and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of
5 claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-
6 month consecutive period.

7 It is further alleged that in the commission and attempted commission of the above
8 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
9 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
10 exceeding \$1,300,000, within the meaning of Penal Code section 12022.6, subdivision (a),
11 subsection (3).

12 COUNT 15

13 For a further and separate cause of action, being a different offense from but connected
14 in its commission with the charges set forth in counts 1 through 14 hereof, the Criminal Grand
15 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
16 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
17 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
18 including July 15, 2014, in the County of Riverside, State of California, the defendants did
19 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
20 claim for payment of a health care benefit, to wit, from REPUBLIC INDEMNITY, and the
21 claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate
22 amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five
23 years and six-month consecutive period.

24 It is further alleged that in the commission and attempted commission of the above
25 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
26 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
27 exceeding sixty five thousand dollars (\$65,000.00), within the meaning of Penal Code section
28 12022.6, subdivision (a), subsection (1).

29 COUNT 16

30 For a further and separate cause of action, being a different offense from but connected
31 in its commission with the charges set forth in counts 1 through 15 hereof, the Criminal Grand
32 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
33 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
34 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
35 including July 15, 2014, in the County of Riverside, State of California, the defendants did
36 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent

1 claim for payment of a health care benefit, to wit, from STATE COMPENSATION
2 INSURANCE FUND (SCIF), and the claim and amount at issue exceeded Nine Hundred Fifty
3 dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred
4 Fifty dollars (\$950) in a five years and six-month consecutive period.

5 It is further alleged that in the commission and attempted commission of the above
6 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
7 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
8 exceeding \$1,300,000, within the meaning of Penal Code section 12022.6, subdivision (a),
9 subsection (3).

10 COUNT 17

11 For a further and separate cause of action, being a different offense from but connected in
12 its commission with the charges set forth in counts 1 through 16 hereof, the Criminal Grand Jury of
13 the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and
14 QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision
15 (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15,
16 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully
17 and knowingly make and cause to be made a false and fraudulent claim for payment of a health care
18 benefit, to wit, from TRAVELER'S, and the claim and amount at issue exceeded Nine Hundred
19 Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine
20 Hundred Fifty dollars (\$950) in a five years and six-month consecutive period.

21 It is further alleged that in the commission and attempted commission of the above
22 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
23 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
24 exceeding \$1,300,000, within the meaning of Penal Code section 12022.6, subdivision (a),
25 subsection (3).

26 COUNT 18

27 For a further and separate cause of action, being a different offense from but connected
28 in its commission with the charges set forth in counts 1 through 17 hereof, the Criminal Grand
29 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
30 and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550,
31 subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and
32 including July 15, 2014, in the County of Riverside, State of California, the defendants did
33 willfully and unlawfully and knowingly make and cause to be made a false and fraudulent
34 claim for payment of a health care benefit, to wit, from ZENITH, and the claim and amount at
35 issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and
36 amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month

1 consecutive period.

2 It is further alleged that in the commission and attempted commission of the above
3 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
4 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
5 exceeding \$65,000, within the meaning of Penal Code section 12022.6, subdivision (a),
6 subsection (1).

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
COUNT 19

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 through 18 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Penal Code section 550, subdivision (a), subsection (6), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully and knowingly make and cause to be made a false and fraudulent claim for payment of a health care benefit, to wit, from ZURICH, and the claim and amount at issue exceeded Nine Hundred Fifty dollars (\$950) and the aggregate amount of claims and amount at issue exceeded Nine Hundred Fifty dollars (\$950) in a five years and six-month consecutive period.

It is further alleged that in the commission and attempted commission of the above offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG, with the intent so to do, took, damaged and destroyed property of a value exceeding \$1,300,000, within the meaning of Penal Code section 12022.6, subdivision (a), subsection (3).

COUNT 20

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 through 19 hereof, the Criminal Grand Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of California, the defendants did willfully and unlawfully make and cause to be made a knowingly false and fraudulent material statement and material representation, to wit, to ACE, for the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

COUNT 21

For a further and separate cause of action, being a different offense from but connected in its commission with the charges set forth in counts 1 through 20 hereof, the Criminal Grand

1 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
2 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
3 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
4 including July 15, 2014, in the County of Riverside, State of California, the defendants did
5 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
6 statement and material representation, to wit, to AMERICAN INTERNATIONAL GROUP
7 (AIG) for the purpose of obtaining and denying compensation, as defined in Labor Code
8 section 3207.

9 It is further alleged that in the commission and attempted commission of the above
10 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and
11 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
12 exceeding \$65,000, within the meaning of Penal Code section 12022.6, subdivision (a),
13 subsection (1).

14 **COUNT 22**

15 For a further and separate cause of action, being a different offense from but connected
16 in its commission with the charges set forth in counts 1 through 21 hereof, the Criminal Grand
17 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
18 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
19 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
20 including July 15, 2014, in the County of Riverside, State of California, the defendants did
21 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
22 statement and material representation, to wit, to BERKSHIRE/HATHAWAY for the purpose of
23 obtaining and denying compensation, as defined in Labor Code section 3207.

24 **COUNT 23**

25 For a further and separate cause of action, being a different offense from but connected
26 in its commission with the charges set forth in counts 1 through 22 hereof, the Criminal Grand
27 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
28 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
29 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
30 including July 15, 2014, in the County of Riverside, State of California, the defendants did
31 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
32 statement and material representation, to wit, to CNA INSURANCE for the purpose of
33 obtaining and denying compensation, as defined in Labor Code section 3207.

34 **COUNT 24**

35 For a further and separate cause of action, being a different offense from but connected
36 in its commission with the charges set forth in counts 1 through 23 hereof, the Criminal Grand

1 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
2 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
3 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
4 including July 15, 2014, in the County of Riverside, State of California, the defendants did
5 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
6 statement and material representation, to wit, to CALIFORNIA RESTAURANT MUTUAL
7 BENEFITS CORPORATION (CRMBC) for the purpose of obtaining and denying
8 compensation, as defined in Labor Code section 3207.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
COUNT 25

For a further and separate cause of action, being a different offense from but connected
in its commission with the charges set forth in counts 1 through 24 hereof, the Criminal Grand
Jury of the County of Riverside by this Indictment hereby accuses PEYMAN HEIDARY and
CARY DAVID ABRAMOWITZ and ANA SOLIS and GLADYS ROSS of a violation of
Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about
January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of
California, the defendants did willfully and unlawfully make and cause to be made a knowingly
false and fraudulent material statement and material representation, to wit, to CRUM &
FORESTER for the purpose of obtaining and denying compensation, as defined in Labor Code
section 3207.

It is further alleged that in the commission and attempted commission of the above
offense the said defendants, PEYMAN HEIDARY and CARY DAVID ABRAMOWITZ and
ANA SOLIS and GLADYS ROSS, with the intent so to do, took, damaged and destroyed
property of a value exceeding \$200,000, within the meaning of Penal Code section 12022.6,
subdivision (a), subsection (2).

COUNT 26

For a further and separate cause of action, being a different offense from but connected
in its commission with the charges set forth in counts 1 through 25 hereof, the Criminal Grand
Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
including July 15, 2014, in the County of Riverside, State of California, the defendants did
willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
statement and material representation, to wit, to EMPLOYERS INSURANCE for the purpose
of obtaining and denying compensation, as defined in Labor Code section 3207.

It is further alleged that in the commission and attempted commission of the above
offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and

1 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
2 exceeding sixty five thousand dollars (\$65,000.00), within the meaning of Penal Code section
3 12022.6, subdivision (a), subsection (1).

4 COUNT 27

5 For a further and separate cause of action, being a different offense from but connected
6 in its commission with the charges set forth in counts 1 through 26 hereof, the Criminal Grand
7 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
8 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
9 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
10 including July 15, 2014, in the County of Riverside, State of California, the defendants did
11 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
12 statement and material representation, to wit, to EVEREST NATIONAL INSURANCE
13 COMPANY (ENIC), for the purpose of obtaining and denying compensation, as defined in
14 Labor Code section 3207.

15 COUNT 28

16 For a further and separate cause of action, being a different offense from but connected
17 in its commission with the charges set forth in counts 1 through 27 hereof, the Criminal Grand
18 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
19 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
20 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
21 including July 15, 2014, in the County of Riverside, State of California, the defendants did
22 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
23 statement and material representation, to wit, to FARMER'S INSURANCE for the purpose of
24 obtaining and denying compensation, as defined in Labor Code section 3207.

25 COUNT 29

26 For a further and separate cause of action, being a different offense from but connected
27 in its commission with the charges set forth in counts 1 through 28 hereof, the Criminal Grand
28 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
29 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
30 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
31 including July 15, 2014, in the County of Riverside, State of California, the defendants did
32 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
33 statement and material representation, to wit, to FIREMAN'S, for the purpose of obtaining and
34 denying compensation, as defined in Labor Code section 3207.

35 It is further alleged that in the commission and attempted commission of the above
36 offense the said defendants, TOUBA PAKDEL-NABATI and QUYNAM NGUYEN and

1 JASON YANG, with the intent so to do, took, damaged and destroyed property of a value
2 exceeding sixty five thousand dollars (\$65,000.00), within the meaning of Penal Code section
3 12022.6, subdivision (a), subsection (1).

4 COUNT 30

5 For a further and separate cause of action, being a different offense from but connected
6 in its commission with the charges set forth in counts 1 through 29 hereof, the Criminal Grand
7 Jury of the County of Riverside by this Indictment hereby accuses PEYMAN HEIDARY and
8 CARY DAVID ABRAMOWITZ and ANA SOLIS and GLADYS ROSS of a violation of
9 Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about
10 January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of
11 California, the defendants did willfully and unlawfully make and cause to be made a knowingly
12 false and fraudulent material statement and material representation, to wit, to HARFORD, for
13 the purpose of obtaining and denying compensation, as defined in Labor Code section 3207.

14 It is further alleged that in the commission and attempted commission of the above
15 offense the said defendants, PEYMAN HEIDARY and CARY DAVID ABRAMOWITZ and
16 ANA SOLIS and GLADYS ROSS, with the intent so to do, took, damaged and destroyed
17 property of a value exceeding sixty five thousand dollars (\$65,000.00), within the meaning of
18 Penal Code section 12022.6, subdivision (a), subsection (1).

19 COUNT 31

20 For a further and separate cause of action, being a different offense from but connected
21 in its commission with the charges set forth in counts 1 through 30 hereof, the Criminal Grand
22 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
23 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
24 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
25 including July 15, 2014, in the County of Riverside, State of California, the defendants did
26 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
27 statement and material representation, to wit, to INSURANCE CARRIERS OF THE WEST
28 (ICW), for the purpose of obtaining and denying compensation, as defined in Labor Code
29 section 3207.

30 COUNT 32

31 For a further and separate cause of action, being a different offense from but connected
32 in its commission with the charges set forth in counts 1 through 31 hereof, the Criminal Grand
33 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
34 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
35 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
36 including July 15, 2014, in the County of Riverside, State of California, the defendants did

1. willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
2. statement and material representation, to wit, to LIBERTY MUTUAL for the purpose of
3. obtaining and denying compensation, as defined in Labor Code section 3207.

4. COUNT 33

5. For a further and separate cause of action, being a different offense from but connected
6. in its commission with the charges set forth in counts 1 through 32 hereof, the Criminal Grand
7. Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
8. and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
9. subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
10. including July 15, 2014, in the County of Riverside, State of California, the defendants did
11. willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
12. statement and material representation, to wit, to REPUBLIC INDEMNITY for the purpose of
13. obtaining and denying compensation, as defined in Labor Code section 3207.

14. COUNT 34

15. For a further and separate cause of action, being a different offense from but connected
16. in its commission with the charges set forth in counts 1 through 33 hereof, the Criminal Grand
17. Jury of the County of Riverside by this Indictment hereby accuses PEYMAN HEIDARY and
18. CARY DAVID ABRAMOWITZ and ANA SOLIS and GLADYS ROSS of a violation of
19. Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about
20. January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of
21. California, the defendants did willfully and unlawfully make and cause to be made a knowingly
22. false and fraudulent material statement and material representation, to wit, to STATE
23. COMPENSATION INSURANCE FUND (SCIF), for the purpose of obtaining and denying
24. compensation, as defined in Labor Code section 3207.

25. It is further alleged that in the commission and attempted commission of the above
26. offense the said defendants, PEYMAN HEIDARY and CARY DAVID ABRAMOWITZ and
27. ANA SOLIS and GLADYS ROSS, with the intent so to do, took, damaged and destroyed
28. property of a value exceeding \$200,000, within the meaning of Penal Code section 12022.6,
29. subdivision (a), subsection (2).

30. COUNT 35

31. For a further and separate cause of action, being a different offense from but connected
32. in its commission with the charges set forth in counts 1 through 34 hereof, the Criminal Grand
33. Jury of the County of Riverside by this Indictment hereby accuses PEYMAN HEIDARY and
34. CARY DAVID ABRAMOWITZ and ANA SOLIS and GLADYS ROSS of a violation of
35. Insurance Code section 1871.4, subdivision (a), subsection (1), a felony, in that on or about
36. January 1, 2009 through and including July 15, 2014, in the County of Riverside, State of

1 California, the defendants did willfully and unlawfully make and cause to be made a knowingly
2 false and fraudulent material statement and material representation, to wit, to TRAVELERS
3 INSURANCE, for the purpose of obtaining and denying compensation, as defined in Labor
4 Code section 3207.

5 It is further alleged that in the commission and attempted commission of the above
6 offense the said defendants, PEYMAN HEIDARY and CARY DAVID ABRAMOWITZ and
7 ANA SOLIS and GLADYS ROSS, with the intent so to do, took, damaged and destroyed
8 property of a value exceeding sixty five thousand dollars (\$65,000.00), within the meaning of
9 Penal Code section 12022.6, subdivision (a), subsection (1).

10 COUNT 36

11 For a further and separate cause of action, being a different offense from but connected
12 in its commission with the charges set forth in counts 1 through 35 hereof, the Criminal Grand
13 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
14 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
15 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
16 including July 15, 2014, in the County of Riverside, State of California, the defendants did
17 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
18 statement and material representation, to wit, to ZENITH INSURANCE for the purpose of
19 obtaining and denying compensation, as defined in Labor Code section 3207.

20 COUNT 37

21 For a further and separate cause of action, being a different offense from but connected
22 in its commission with the charges set forth in counts 1 through 36 hereof, the Criminal Grand
23 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
24 and QUYNAM NGUYEN and JASON YANG of a violation of Insurance Code section 1871.4,
25 subdivision (a), subsection (1), a felony, in that on or about January 1, 2009 through and
26 including July 15, 2014, in the County of Riverside, State of California, the defendants did
27 willfully and unlawfully make and cause to be made a knowingly false and fraudulent material
28 statement and material representation, to wit, to ZURICH for the purpose of obtaining and
29 denying compensation, as defined in Labor Code section 3207.

30 COUNT 38

31 For a further and separate cause of action, being a different offense from but connected
32 in its commission with the charges set forth in counts 1 through 37 hereof, the Criminal Grand
33 Jury of the County of Riverside by this Indictment hereby accuses TOUBA PAKDEL-NABATI
34 and QUYNAM NGUYEN and JASON YANG of a violation of section 549 of the Penal Code,
35 a felony, in that on or about January 1, 2009 through and including July 15, 2014, in the County
36 of Riverside, State of California, the defendants, did willfully and unlawfully solicited,

1 accepted, or referred any business to or from any individual entity with the knowledge that, or
2 reckless disregard for whether, the individual or entity for or from whom the solicitation or
3 referral is made, or the individual or entity who is solicited or referred, intended to violate
4 section 550 of the Penal Code or section 1871.4 of the Insurance Code.

5 It is further alleged that the said defendants, TOUBA PAKDEL-NABATI and
6 QUYNAM NGUYEN and JASON YANG, committed two or more related felonies, a material
7 element of which was fraud or embezzlement, which involved a pattern of related felony
8 conduct, and this pattern of related felony conduct involved the taking of more than five
9 hundred thousand dollars (\$500,000.00) within the meaning of Penal Code section 186.11,
10 subdivision (a), subsection (2).

11 **Special Allegation: Zamora**

12 It is further alleged that the above offense was not discovered by the victim(s) until
13 March 26, 2012, when the State Compensation Insurance Fund Investigator Phillis Shorts
14 began her inquiry into suspicious circumstances of fraudulent activity.

15 Investigator Phillis Shorts discovered the fraudulent activity during an investigative
16 review into three individual worker's compensation claimant files who all used the same
17 attorney service and who were all treated by providers associated with clinics owned and
18 operated by Peyman Heidary.

19 On or about August 28, 2012, SCIF Investigator Phillis Shorts referred her findings to
20 an inter-agency team including the Office of the Riverside County District Attorney. Further
21 investigation by the Riverside County District Attorney uncovered a highly sophisticated
22 criminal organization. Over an approximately two year period, the investigation discovered
23 the use of cappers, law offices, and health clinics operated by support staff, chiropractors,
24 and medical doctors all working as directed by Peyman Heidary to bill for similar services
25 and treatment regardless of injury.

26 The scheme was not discovered prior to SCIF Investigator Phillis Shorts' findings due
27 to multiple layers of ownership and control, voluminous legal files, medical records, billing
28 involving hundreds of patient victims, and multiple regulatory violations overseen by
29 multiple enforcement agencies.

30 ///

31 ///

32 ///

33 ///

34 ///

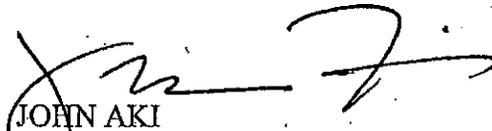
35 ///

36 ///

1 The Office of the Riverside County District Attorney filed a criminal complaint in case
2 number RIF1409778 against Peyman Heidary, Cary Abramowitz, Michael Tuosto, and Erica
3 Torres on July 25, 2014. (*People v. Zamora* (1976) 18 Cal.3d 538.)
4

5
6 May 16, 2016

MICHAEL A. HESTRIN
District Attorney

7
8
9
10 
11 JOHN AKI
12 Chief Assistant District Attorney

13 JA:tc
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

- 1 Names of witnesses examined by the Criminal Grand Jury on finding of the foregoing
2 Indictment:
3 Kathan Lambert
4 Erica Torres
5 Dennis Knotts
6 Jennifer Delgado
7 Angelica Celis
8 Sandra Rubalcaba
9 Todd Loveless
10 Gissel Santibanez
11 Yamileth Petway
12 Ana Solis
13 Yazmine Martinez
14 Erica Lopez
15 Lany Roldan
16 Alejandra Palmerin
17 Corrine Guevara
18 Angelica Juarez
19 Crystal Banuelos
20 Perla Arroyo
21 Craig Johnson
22 Scott Adam
23 Clayton Johnson
24 Touba Pakdel-Nabati
25 Peter Park
26 Agatha Beltran
27 Eugene Sung
28 Kelly Ayers
29 Gladys Ross
30 Isidro Ramirez
31 Denise Rivera
32 Birender Singh
33 Jasmin Ballesteros
34 Oliver Glover
35 Janine Farrell
36 Daniel Gancourz

- 1 Kristian Nielson
- 2 Ronda Loyd
- 3 Danny Tran
- 4 Jill Landeros
- 5 Roger Gutierrez
- 6 Maria Kramer
- 7 Gina Gribble
- 8 Anthony Hurtado
- 9 Gordon Oard
- 10 Aaron Lewis
- 11 Phillis Shorts
- 12 Fidel Borrego
- 13 Anne Luce
- 14 Glen Smith
- 15 Don Terrell
- 16 John Auvénin
- 17 Nicole Sullivan
- 18 Chris Dill
- 19 Cynthia Becher
- 20 Yanti Soliman
- 21 Denise Magdaleno
- 22 Kurt Lackman
- 23 Sean Nealy
- 24 John Standish
- 25 David Wall
- 26 James Fisher
- 27 Kerry O'Brien
- 28 Lawrence Westcott
- 29 Quynam Nguyen
- 30 Jason Yang
- 31 Tushar Doshi
- 32 Diane Zimmerman
- 33 Jennifer Finch
- 34 James Munoz
- 35 Tamara Cooper
- 36 June Trujillo

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Mercedes Hernandez
Jasmine Valadez

A TRUE BILL:

Cecilia Ann A. Gray
Foreperson of the Criminal Grand Jury

1 MICHAEL A. HESTRIN
2 District Attorney
3 County of Riverside
4 3960 Orange Street, First Floor
5 Riverside, California 92501
6 Telephone: (951) 955-5400
7 John Aki
8 Chief Assistant District Attorney
9 State Bar No. 189395
10

11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF RIVERSIDE
14 (Riverside)
15

16 THE PEOPLE OF THE STATE OF CALIFORNIA,
17 Plaintiff,

18 v.

19
20 TOUBA PAKDEL-NABATI
21 DOB: 08/03/1978
22

23 QUYNAM NGUYEN
24 DOB: 06/11/1958
25

26 JASON YANG
27 DOB: 02/24/1966
28

29 Defendants.

Case No.

REQUEST/MOTION FOR
PROSECUTION DISCOVERY
(Pen. Code, §§ 1054.3,
1054.5(a) & (b))

30
31 TO: THE HONORABLE JUDGE OF THE SUPERIOR COURTS AND TO
32 COUNSEL FOR ABOVE-NAMED DEFENDANTS:
33 PLEASE BE INFORMED that the Office of the District Attorney of Riverside County,
34 acting on behalf of the Plaintiff, the People of the State of California, hereby
35 requests/moves for discovery/disclosure of the following items from the defendants and
36 defendants intend to call as witnesses at trial;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

JAN 23 2017

L. WALKER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
FELONY PLEA FORM

JRW
JAN 24 2017
123

People v. Quynam Nguyen Case Number RIF1670176

A. ADVISEMENT OF RIGHTS:

- Q.N. 1. I have the right to a speedy and public trial by a judge or jury.
- Q.N. 2. At my trial, I have the right to face and cross-examine any witnesses against me.
- Q.N. 3. I have the right to ask the court to compel witnesses to attend my trial at no expense to me, and to present evidence in my defense.
- Q.N. 4. I have the right against self-incrimination. I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
- Q.N. 5. I have the right to be represented by a lawyer throughout my trial. If I cannot afford one, the court will appoint one to represent me at no cost to me.

B. CONSEQUENCES OF PLEA (1 through 5 apply to everyone):

- Q.N. 1. As a convicted felon, I will not be able to own or possess any firearm. I will be ordered to pay restitution to the victim(s) if the victim(s) suffered economic harm. I agree that the amount of victim restitution is \$0. If the parties do not agree, the probation department will determine the amount. If I disagree with the amount, I must promptly request a hearing.
- Q.N. 2. Charges and/or enhancements may have been dismissed as part of this negotiated disposition with the District Attorney's Office. I agree that I will be ordered to pay restitution to the victim(s) of the dismissed charges and/or enhancements if the victim(s) suffered economic harm.
- Q.N. 3. I will be ordered to pay a restitution fine of at least \$300 and not more than \$10,000. There are several other fines and fees that will be imposed as a result of this guilty plea.
- Q.N. 4. If I am not a citizen of the United States, I understand that this conviction may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- Q.N. 5. If I receive a state prison term, I will be placed on parole or local community supervision after completing the term. Parole or local community supervision will be for the term specified by law. Generally, parole is for up to five years and local community supervision is for up to three years. If my term of imprisonment is life, and I am ever granted parole, it may be for life. If I violate any of the terms of parole, I could be returned to state prison for up to one year per violation. If I violate any of the terms of local community supervision, I could be incarcerated in county jail for up to 180 days per violation.
- Q.N. 6. If I am sentenced to county jail, a portion of my term may be suspended and, upon release from jail, I may be placed on mandatory supervision. If I violate any of the terms and conditions of my mandatory supervision, I could be returned to county jail for up to the remainder of my suspended jail term.
- Q.N. 7. I will be required to give a DNA sample.
- My driving privileges will be suspended or revoked by the Department of Motor Vehicles.
- I understand that because I am pleading guilty to a qualifying offense, I will be ordered to register with law enforcement as a(n) _____ and that if I fail to register or to keep my registration current for any reason, new criminal charges may be filed against me. I understand that registration as a sex offender is a life long requirement.
- I will be required to undergo AIDS testing.
- Being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.
- Q.N. 12. Other see supplemental plea

C. DEFENDANT'S STATEMENT:

- Q.N. 1. All the promises made to me are written on this form, or stated in open court.
- Q.N. 2. No one has made any threats to me or anyone close to me, or placed any pressure of any kind on me in order to make me plead guilty.

A.N.
A.N.
A.N.
A.N.

- 3. I understand that if I violate any of my probation terms, I could be sentenced to the maximum custody term possible under these charges as set forth under "Plea Agreement", Item 2.
- 4. I have had adequate time to discuss with my attorney (1) my constitutional rights, (2) the consequences of any guilty plea, and (3) any defenses I may have to the charges against me.
- 5. As part of this plea, I (circle one) do / do not waive any right to appeal that I may have.
- 6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

D. PLEA AGREEMENT:

- 1. I will enter a guilty plea to the following charges and enhancements:
Insurance Code 1871.4(a)(1) CTS 21, 22, 23, 24, 26
admit 12022.6(a)(1); 186.11(a)(2)
- The Prosecutor will dismiss any charges and enhancements that I do not admit.
- 2. The maximum possible custody commitment for the admitted charges and enhancements is: 15 years.
- 3. My guilty pleas are conditional on receiving the following considerations as to sentence:
 - a) Formal probation will (circle one) be 1) denied; 2) granted; 3) decided by the court. If granted, the length of formal probation may be up to five years. If probation is granted, a suspended state prison sentence or felony county jail term (circle one) will/will not be imposed. A suspended felony county jail term may include a period of mandatory supervision for up to the remainder of the suspended jail term. The following legal restrictions apply to a decision to grant probation in this case:
 - b) The custody term will be 270 CS any penal institution; 15 yrs. suspended (stip)
The custody term shall not be more than _____ (top)
The custody term shall not be less than _____ (floor)
 - c) Fines: _____
 - d) Other: 5 yrs Fel. Prob; restitution total.
 - e) Credit for time served will be _____ days actual; _____ days 4019 2933; _____ total.

E. SIGNATURES

District Attorney: The above is a correct statement of the Plea Agreement between defense and prosecution.
1/23/17 Erika Mulhere _____
(DATE) (PRINT NAME) (SIGNATURE)

Defendant: I have read and understand this entire document. I waive and give up all of the rights that I have initialed. I accept this Plea Agreement.
1/23/17 QUYNAM NGUYEN _____
(DATE) (PRINT NAME) (SIGNATURE)

Defense Attorney: I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understand that a guilty plea would be a waiver of these rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charges; and (3) the defendant understands the consequences of his/her guilty plea. I join in the decision of the defendant to enter a guilty plea.
1/23/17 GARFIELD CRAMER _____
(DATE) (PRINT NAME) (SIGNATURE)

Interpreter: Having been duly sworn, I have translated this form to the defendant in the _____ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

(DATE) (PRINT NAME) (SIGNATURE)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL
(C.C.P. section 1013(a), 2015.5)

I am over the age of 18 years and not a party to the entitled action. My business address is 1515 Clay Street, 18th Floor, Oakland, California 94612.

I served the following documents:

- **NOTICE OF PROVIDER SUSPENSION – WORKERS’ COMPENSATION;**
- **INDICTMENT IN *People v. Quynam Nguyen* (Superior Court of California, Riverside County; No. 1670176); and**
- **FELONY PLEA FORM IN *People v. Quynam Nguyen* (Superior Court of California, Riverside County; No. 1670176)**

on the following person(s) at the following address(es):

**Quynam Nguyen
12511 Groveview Street
Garden Grove, CA 92840**

The documents were served by the following means:

(BY U.S. CERTIFIED MAIL) I enclosed the documents in a sealed envelope or package addressed to the person(s) at the address(es) listed above and:

Placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm’s practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of State of California that the above is true and correct.

Executed on March 22, 2017, at Oakland, California.



CATHY FUJITA-LAM