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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

UNITED STATES OF AMERICA,

Case No. **16 CR 1409H**

Plaintiff,

I N D I C T M E N T

v.

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 18, U.S.C.,
Secs. 1341 and 1346 - Honest
Services Mail Fraud; Title 18,
U.S.C., Sec. 1952(a)(1) and
(a)(2) - Travel Act; Title 18,
U.S.C., Sec. 2 - Aiding and
Abetting; Title 18, U.S.C.,
Sec. 981(a)(1)(C) and
Title 28, U.S.C., Sec. 2461(c) -
Criminal Forfeiture

HOOTAN MELAMED (1),
JEAN FRANCOIS PICARD (2),
JOHN PANGELINAN (3),
PHONG HUNG TRAN (4),
JONATHAN PENA (5),

Defendants.

The Grand Jury charges, at all times relevant:

INTRODUCTORY ALLEGATIONS

1. Defendant HOOTAN MELAMED was a pharmacist licensed with the state of California. He operated and was the de facto owner of New Age Pharmaceuticals, Inc., ("New Age") a compounding pharmacy located in Beverly Hills, California. He also had business interests in other pharmacies, including RoxSan Pharmacy, Inc. ("RoxSan"), Concierge Compounding Pharmaceuticals, Inc. ("Concierge"), Alexso, Inc., and Portland Professional Pharmacy ("Portland Pharmacy") (together, "Melamed's Pharmacies"). These compound pharmacies supplied compound creams and other custom pharmaceuticals to patients.

VHC:nlv(1):San Diego
6/16/16

YAH

1 medical and legal fees, were billed directly to, and were paid by, the
2 insurer. The CWCS was regulated by the California Labor Code, the
3 California Insurance Code, and the California Code of Regulations, and
4 was administered by the California Department of Industrial Relations.

5 8. CWCS benefits were administered by the employer, an
6 insurer, or a third party administrator. The CWCS required claims
7 administrators to authorize and pay for medical care that was
8 "reasonably required to cure or relieve the injured worker from the
9 effects of his or her injury."

10 9. California law, including but not limited to the California
11 Business and Professions Code, the California Insurance Code, and the
12 California Labor Code, prohibited the offering, delivering,
13 soliciting, or receiving of anything of value in return for referring
14 a patient for goods or services paid for under the CWCS.

15 10. The United States offered a workers' compensation program to
16 provide medical care to federal workers who suffer work-related
17 injuries or occupational diseases. The program was administered by
18 the Office of Workers' Compensation Programs. Claims are submitted to
19 the Department of Labor for adjudication and payment.

20 11. Both California and the federal workers' compensation
21 benefits included prescription medications prescribed by a doctor.
22 Compound creams were specialty medications prescribed for patients who
23 are unable to take medications in their standard formulations (for
24 example, tablets, pills, or injections), for medications that must be
25 absorbed through the skin, or where the specific combination of
26 medicines is not available. Compound pharmacies could custom-mix the
27 prescribed medicines into a cream to be dispensed to the patient.

28

1 12. Both California and the federal workers' compensation
2 benefits included DME prescribed by a doctor. DME was any equipment
3 that provides therapeutic benefits to a patient in need because of
4 certain medical conditions and/or illnesses. An Inferential Unit
5 ("IF Unit") was a device that provides low-level electrical
6 stimulation to a body part to encourage healing.

7 Count 1

8 CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HONEST SERVICES MAIL FRAUD AND
9 VIOLATE THE TRAVEL ACT, 18 USC § 371

10 13. Paragraphs 1 through 12 of this Indictment are realleged and
11 incorporated by reference.

12 14. Beginning on a date unknown to the grand jury and continuing
13 through at least June 2016, within the Southern District of California
14 and elsewhere, defendants HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN
15 PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA and others did knowingly
16 and intentionally conspire together and with each other and with
17 others to:

18 a. commit Health Care Fraud, that is, to knowingly and with the
19 intent to defraud execute a material scheme to defraud a health care
20 benefit program, and to obtain by means of materially false and
21 fraudulent pretenses, representations, and promises, any of the money
22 and property owned by, and under the custody and control of a health
23 care benefit program, in connection with the delivery of and payment
24 for health care benefits, items, and services, in violation of
25 Title 18, United States Code, Section 1347;

26 b. commit Honest Services Mail Fraud, that is, to knowingly and
27 with the intent to defraud, devise and participate in a material
28 scheme to defraud and to deprive patients of the intangible right to a

1 doctor's honest services, and to cause mailings in furtherance
2 thereof, in violation of Title 18, United States Code, Sections 1341
3 and 1346; and

4 c. violate the Travel Act, that is, to use and cause to be used
5 facilities in interstate commerce with intent to promote, manage,
6 establish, carry on, distribute the proceeds of, and facilitate the
7 promotion, management, establishment, carrying on, and distribution of
8 the proceeds of an unlawful activity, that is, commercial bribery in
9 violation of California law, and, thereafter, to promote and attempt
10 to perform acts to promote, manage, establish, carry on, distribute
11 the proceeds of, and facilitate the promotion, management,
12 establishment, carrying on, and distribution of the proceeds of such
13 unlawful activity, in violation of Title 18, United States Code,
14 Sections 1952(a)(1) and (a)(3).

15 **FRAUDULENT PURPOSE**

16 15. It was the goal of the conspiracy to fraudulently obtain
17 money from health care benefit programs by submitting claims for
18 prescription pharmaceuticals and DME that were generated through a
19 secret pattern of bribes to doctors (and those acting with them and on
20 their behalf), to induce the doctors to refer patients to particular
21 pharmacies and DME providers, in violation of the doctors' fiduciary
22 duty to their patients.

23 **MANNER AND MEANS**

24 16. The conspirators used the following manner and means in
25 pursuit of their fraudulent purpose:

26 a. It was a part of the conspiracy that defendants MELAMED,
27 PICARD, PANGELINAN and PENA, and other co-conspirators, knowing that
28 the payment of per-patient referral fees was unlawful, paid doctors to

1 recommend certain goods and services and refer workers' compensation
2 patients to specific providers for those goods and services, including
3 to pharmacies in which MELAMED had an interest for prescription
4 pharmaceuticals, to Company No. 1 for DME, and to other providers in
5 which the co-conspirators had financial interests for other goods and
6 services.

7 b. It was a further part of the conspiracy that defendant TRAN,
8 knowing that receiving a per-patient referral fee was unlawful, agreed
9 to accept per-patient bribes from the co-conspirators to refer
10 workers' compensation patients to companies owned by his co-
11 conspirators or in which they had an interest.

12 c. It was a further part of the conspiracy that the co-
13 conspirators paid or accepted specific bribe and kickback amounts for
14 specific kinds of prescriptions, including: between \$200-250 per IF
15 Unit referral, \$150-200 for each Flurbiprofen cream prescription, \$150
16 for each Gabapentin cream, and \$50 per Terocin patch.

17 d. It was a further part of the conspiracy that the co-
18 conspirators bribed and solicited marketers and doctors to prescribe
19 compound creams and patches over other types of medications, because
20 these custom pharmaceuticals can be billed at high rates to insurance
21 companies.

22 e. It was a further part of the conspiracy that the co-
23 conspirators crafted compound creams and other pharmaceuticals to
24 contain the most expensive components, in order to bill at high rates
25 to insurance companies, instead of customizing the medications to the
26 needs of particular patients.

27 f. It was a further part of the conspiracy that the co-
28 conspirators concealed from patients, and intended to cause the

1 doctors, including Dr. TRAN, to conceal from patients, the kickback
2 and bribe payments made to doctors for referring patients to companies
3 owned by the co-conspirators or in which they had an interest, in
4 violation of the doctors' fiduciary duty to their patients.

5 g. It was a further part of the conspiracy that the co-
6 conspirators obscured the true nature of their financial relationships
7 in order to conceal their corrupt payments for patient referrals,
8 including by entering sham agreements to purportedly lease office
9 space or provide marketing services, when in reality the corrupt
10 payments were made in exchange for, or to induce, the referral of
11 patients.

12 h. It was a further part of the conspiracy that the co-
13 conspirators, knowing that the payment of per-patient referral fees
14 was unlawful, inserted intermediaries (referring to them as
15 "marketers" or "marketing companies") to hide and obscure the flow of
16 payments from providers to doctors, when in reality the payments were
17 unlawful volume-based, per-patient referral fees.

18 i. It was a further part of the conspiracy that the co-
19 conspirators obscured the true nature of their financial relationships
20 in order to conceal their corrupt payments for patient referrals,
21 including by creating separate companies in the names of nominees and
22 straw owners, to pay and receive kickback and bribe money.

23 j. It was a further part of the conspiracy that, knowing that
24 per-patient referral fees were unlawful, the co-conspirators disguised
25 their bribes and kickbacks to doctors by providing gift cards,
26 vacations, sports tickets, cash, or patient referrals.

27 k. It was a further part of the conspiracy that MELAMED, after
28 paying doctors and marketers kickbacks and bribes to prescribe

1 compound creams, then filled the prescriptions himself through New
2 Age, or sent those prescriptions to other pharmacies to be filled,
3 including RoxSan, Concierge, or Portland, in exchange for a further
4 kickback from those pharmacies.

5 l. It was a further part of the conspiracy that the co-
6 conspirators discussed via telephone calls, emails, and in-person
7 meetings the workers' compensation patients who had been corruptly
8 referred for goods and services in exchange for kickbacks.

9 m. It was a further part of the conspiracy that the co-
10 conspirators utilized interstate facilities, including cellular
11 telephones and email, in order to coordinate the referral of patients
12 for goods and services, knowing that such referrals were predicated on
13 unlawful per-patient kickback payments.

14 n. It was a further part of the conspiracy that the co-
15 conspirators utilized the mails as an essential part of their
16 fraudulent scheme, including by mailing bills to insurance carriers,
17 and mailing prescription pharmaceuticals and DME to patients.

18 o. It was a further part of the conspiracy that co-conspirators
19 billed, and caused insurers to bill, for services provided to patients
20 that the co-conspirators had procured by paying bribes and kickbacks.

21 p. It was a further part of the conspiracy that defendants
22 concealed from insurers and patients the material fact of the kickback
23 arrangements, which were in violation of California state law, that
24 led to the referrals.

25 q. Using the manners and means described above, defendants
26 submitted and caused to be submitted claims of over \$27 million for
27 pharmaceutical prescriptions and over \$7.6 million in DME
28 prescriptions procured through the payment of bribes and kickbacks.

OVERT ACTS

1
2 17. In furtherance of the conspiracy and in order to effect the
3 objects thereof, the defendants and others committed or caused the
4 commission of the following overt acts in the Southern District of
5 California and elsewhere:

6 a. On or about August 9, 2012, in a telephone call, PICARD
7 offered to pay a marketer \$125 per compound cream prescription the
8 marketer could get a doctor to prescribe, which would be filled by
9 MELAMED and fraudulently billed to an insurance carrier.

10 b. On or about August 20, 2012, PICARD offered to pay a
11 marketer a "guaranteed [\$]200 per script" if the marketer could find
12 doctors who would prescribe compound creams to workers' compensation
13 patients, which would be filled by MELAMED and fraudulently billed to
14 an insurance carrier.

15 c. On or about December 12, 2012, PICARD offered a marketer a
16 25 percent kickback of the proceeds on any creams that the marketer
17 could get doctors to prescribe, which would be filled by MELAMED and
18 fraudulently billed to an insurance carrier.

19 d. In or about March 2013, PICARD explained to a marketer that
20 the compound creams cost around \$20 to produce, but that they could
21 bill the insurance company \$3,000 for a "five-pack" of pharmaceuticals
22 that were formulated to contain the highest-priced medications.

23 e. In or about March 2013, PICARD suggested that a marketer
24 offer to pay the prescribing doctor between \$100 and \$150 to prescribe
25 a "five-pack" of prescriptions offered by MELAMED's pharmacy.

26 f. In or about March 2013, PICARD directed a marketer to fax
27 compound cream prescriptions to a fax number for New Age.

28

1 g. On or about March 26, 2013, in a telephone call, PICARD
2 requested information about patients that had been procured as a
3 result of a bribe, so that New Age could bill the Department of Labor
4 for prescription pharmaceuticals for those patients.

5 h. On or about March 27, 2013, MELAMED caused \$4,497.77 to be
6 billed to the U.S. Department of Labor's workers' compensation program
7 for pharmaceuticals that MELAMED had bribed a doctor to prescribe.

8 i. On or about March 28, 2013, MELAMED caused \$2,613.60 to be
9 billed to the U.S. Department of Labor's workers' compensation program
10 for pharmaceuticals that he had bribed a doctor to prescribe.

11 j. On or about March 30, 2013, MELAMED and PICARD and others
12 caused prescription pharmaceuticals that were prescribed due to
13 payment of kickbacks and bribes to be mailed to a location in San
14 Diego.

15 k. On or about April 4, 2013, MELAMED and PICARD and others
16 caused prescription pharmaceuticals that were prescribed due to
17 payment of kickbacks and bribes to be mailed to a location in San
18 Diego.

19 l. On or about April 11, 2013, MELAMED and PICARD and others
20 caused prescription pharmaceuticals that were prescribed due to
21 payment of kickbacks and bribes to be mailed to a location in San
22 Diego.

23 m. On or about May 2, 2013, MELAMED and PICARD and others
24 caused prescription pharmaceuticals that were prescribed due to
25 payment of kickbacks and bribes to be mailed to a location in San
26 Diego.

27

28

1 n. On or about May 9, 2013, MELAMED caused \$10,740.28 to be
2 billed to the U.S. Department of Labor's workers' compensation program
3 for pharmaceuticals that he had bribed a doctor to prescribe.

4 o. On or about July 23, 2013, MELAMED and PICARD and others
5 caused prescription pharmaceuticals that were prescribed due to
6 payment of kickbacks and bribes to be mailed to a location in San
7 Diego.

8 p. On or about October 17, 2013, MELAMED caused \$1,476.00 to be
9 billed to the U.S. Department of Labor's workers' compensation program
10 for pharmaceuticals that he had bribed a doctor to prescribe.

11 q. On or about November 26, 2013, MELAMED caused \$1,476.00 to
12 be billed to the U.S. Department of Labor's workers' compensation
13 program for pharmaceuticals that he had bribed a doctor to prescribe.

14 r. On or about June 24, 2014, PENA gave a doctor gift cards
15 totaling \$1,050 in value, in payment for 42 MRI scans that the doctor
16 had referred to Company A.

17 s. On or about August 1, 2014, PENA gave a doctor a gift card
18 for \$725, in payment for 29 MRI scans that the doctor had referred to
19 Company A.

20 t. On or about April 15, 2014, TRAN and PANGELINAN caused
21 Company No. 1 to send a claim for \$1,375.31 for DME for patient
22 Michael W., that was referred to Company No. 1 due to payment of
23 kickbacks and bribes, to be sent to an insurance company in San Diego.

24 u. On or about August 21, 2014, TRAN and PANGELINAN caused
25 Company No. 1 to send a claim for \$1,375.31 for DME for patient Maria
26 H., that was referred to Company No. 1 due to payment of kickbacks and
27 bribes, to be sent to an insurance company in San Diego.

28

1 v. On or about August 14, 2014, TRAN and PANGELINAN caused
2 Company No. 1 to send a claim for \$1,375.31 for DME for patient
3 Francisco C., that was referred to Company No. 1 due to payment of
4 kickbacks and bribes, to be sent to an insurance company in San Diego.

5 w. On or about November 29, 2014, MELAMED caused New Age to
6 send to an insurer in San Diego a claim for reimbursement for
7 prescription pharmaceuticals (for patient Edgar M.).

8 x. On or about December 13, 2014, MELAMED caused New Age to
9 send to an insurer in San Diego a claim for reimbursement for
10 prescription pharmaceuticals (for patient Clara S.).

11 y. On or about December 13, 2014, MELAMED caused New Age to
12 send to an insurer in San Diego a claim for reimbursement for
13 prescription pharmaceuticals (for patient Fidel V).

14 z. On or about October 28, 2015, MELAMED paid a marketer a
15 total of \$75,810 for 390 compound creams and 331 Terocin patches
16 prescribed in September 2015 by doctors recruited by the marketer or
17 those working with him.

18 aa. On or about October 29, 2015, PANGELINAN accepted \$20,130.50
19 as his share of the kickback paid by MELAMED, for 237 creams and 237
20 Terocin patches that PANGELINAN's doctors prescribed.

21 bb. On or about November 4, 2015, TRAN asked PENA to send
22 kickback money to a separate marketing company, because TRAN did not
23 want the money going directly to him.

24 cc. On or about November 4, 2015, TRAN asked PENA to send him a
25 text message that used the code "Let's meet at one [o'clock]" if PENA
26 would pay \$100 per compound cream prescription, or "two [o'clock]" if
27 PENA would pay \$200.

28

1 dd. In November 2015, TRAN and PANGELINAN discussed a bribe
2 payment of over \$100 per cream prescribed.

3 ee. On or about November 16, 2015, PANGELINAN delivered to TRAN
4 or TRAN's representative a check for \$10,000 made out to "Team
5 Enterprise," in payment for 50 IF Units referred by TRAN to Company
6 No. 1.

7 ff. On or about November 19, 2015, PANGELINAN accepted a check
8 for \$11,565.06 in payment for the DME referrals he had caused doctors
9 to make to Company No. 1 in October 2015.

10 gg. On or about November 20, 2015, MELAMED paid a marketer a
11 total of \$75,900 for 387 compound creams and 339 Terocin patches
12 prescribed by doctors recruited by that marketer and those working
13 with him in October 2015.

14 hh. On or about November 24, 2015, PANGELINAN suggested a new
15 kickback deal with TRAN, to pay TRAN over \$100 for each compound cream
16 prescription that TRAN prescribed to MELAMED'S Pharmacies.

17 ii. On or about November 24, 2015, PANGELINAN offered to tell
18 doctors that he worked with, including Dr. F and Dr. Y, and their
19 staff, that they should conceal the fact that the doctors were
20 supposed to prescribe a certain amount of DME for the monthly payments
21 received from Company No. 1.

22 jj. On or about November 24, 2015, PANGELINAN accepted
23 \$17,037.50 as his share of the kickback paid by MELAMED, for 254
24 creams and 252 Terocin patches that PANGELINAN's doctors prescribed.

25 kk. Sometime before December 2015, TRAN and PANGELINAN agreed
26 that TRAN would receive \$10,000 per month (disguised as payment for
27 "marketing" services) in exchange for referring 50 IF Units per month
28 to Company No. 1.

1 1l. On or about December 8, 2015, TRAN said that he would be
2 sending many more DME referrals to Company No. 1, and in order for
3 Company No. 1 to "catch up" on payments due him, TRAN suggested that
4 he only have to refer 40 IF Units per month in exchange for the
5 \$10,000 monthly payment from Company No. 1.

6 mm. On or about December 8, 2015, TRAN and PANGELINAN agreed
7 that TRAN would be paid \$125 per compound cream that he prescribed and
8 sent to PANGELINAN, to be filled by a pharmacy designated by MELAMED.

9 nn. On or about December 15, 2015, PANGELINAN delivered to TRAN
10 or TRAN's representative a check for \$10,000 made out to "Team
11 Enterprise," in payment for 50 IF Units referred by TRAN to Company
12 No. 1.

13 oo. On or about December 17, 2015, PANGELINAN accepted a check
14 for \$7,506.34 in payment for the DME referrals he had caused doctors
15 to make to Company No. 1 in November 2015.

16 pp. In or around December 2015, TRAN started a new marketing
17 company so that he could receive kickback payments.

18 qq. In or about December 2015, MELAMED agreed to pay \$175 per
19 compound cream prescription to a marketer so that TRAN, in turn, could
20 be paid \$125 per prescription for prescribing compound creams to be
21 filled by a pharmacy designated by MELAMED.

22 rr. On or about December 14, 2015, MELAMED paid a marketer a
23 total of \$77,900 for 412 compound creams and 314 Terocin patches
24 prescribed in November 2015 by doctors recruited by the marker or
25 those working with him.

26 ss. On or about December 16, 2015, PANGELINAN accepted
27 \$18,462.50 as his share of the kickback paid by MELAMED, for 256
28 creams and 256 Terocin patches that PANGELINAN's doctors prescribed.

1 tt. On or about January 29, 2016, MELAMED paid a marketer a
2 total of \$64,150 for 335 compound creams and 278 Terocin patches
3 prescribed in December 2015 by doctors recruited by the marketer or
4 those working with him.

5 uu. On or about January 14, 2016, PANGELINAN accepted a check
6 for \$8,610.86 in payment for the DME referrals he had caused doctors
7 to make to Company No. 1 in December 2015.

8 vv. On or about January 14, 2016, PANGELINAN delivered to TRAN
9 or TRAN's representative a check for \$10,000 made out to "Team
10 Enterprise," in payment for 40 or 50 IF Units referred by TRAN to
11 Company No. 1.

12 ww. On or about February 18, 2016, PANGELINAN accepted a check
13 for \$12,981.27 in payment for the DME referrals he had caused doctors
14 to make to Company No. 1 in January 2016.

15 xx. On or about February 29, 2016, MELAMED caused New Age to
16 send to an insurer in San Diego a claim for reimbursement for
17 prescription pharmaceuticals (for patient Edgar M.).

18 yy. On or about March 1, 2016, MELAMED paid a marketer a total
19 of \$54,900 for 273 compound creams and 278 Terocin patches prescribed
20 in January 2016 by doctors recruited by the marketer or those working
21 with him..

22 zz. On or about March 3, 2016, PANGELINAN accepted \$12,768.75
23 as his share of the kickback paid by MELAMED, for 234 creams and 234
24 Terocin patches that PANGELINAN's doctors prescribed.

25 aaa. On or about March 16, 2016, PANGELINAN accepted a check for
26 \$9,469.34 in payment for the DME referrals he had caused doctors to
27 make to Company No. 1 in February 2016.

28

1 devised a material scheme to defraud, that is, to deprive patients of
 2 their intangible right to doctors' honest services.

3 20. Paragraphs 15 and 16 of this Indictment are realleged and
 4 incorporated by reference as more fully describing the scheme to
 5 defraud.

6 21. For the purpose of executing the scheme and attempting to do
 7 so, within the Southern District of California, the following
 8 defendants knowingly caused to be delivered by U.S. Mail according to
 9 the direction thereon the following mail matter:

Ct.	Date	Defendants	Item(s) Mailed
2	3/30/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
3	4/4/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
4	4/11/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
5	5/2/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
6	7/23/2013	MELAMED, PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
7	4/15/2014	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Michael W.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1
8	8/21/2014	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Maria H.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1
9	11/29/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Edgar M.) sent by New Age to an insurer

Ct.	Date	Defendants	Item(s) Mailed
10	12/13/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Clara S.) sent by New Age to an insurer
11	12/13/2014	MELAMED	Claim for prescription pharmaceuticals (for patient Fidel V.) sent by New Age to an insurer
12	8/14/2015	PANGELINAN, TRAN	Claim of \$1375.31 for DME (for patient Francisco C.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Company No. 1

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Counts 13 - 14

TRAVEL ACT, 18 USC §§ 1952 AND 2

22. Paragraphs 1 through 12 are realleged and incorporated by reference.

23. Beginning on date unknown and continuing through at least June 2016, within the Southern District of California and elsewhere, defendants HOOTAN MELAMED and JEAN FRANCOIS PICARD knowingly used and cause to be used facilities in interstate commerce with the intent to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of an unlawful activity, that is, bribery in violation of California Penal Code Sections 139.3-32 and California Labor Code Section 3215, and, thereafter, to promote and attempt to perform acts to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of such unlawful activity as follows:

Ct.	Date	Defendants	Use of Facility in Interstate Commerce	Acts Performed Thereafter
13	8/9/2012	MELAMED, PICARD	Telephone call by PICARD offering to pay \$125 per compound cream prescription	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED
14	3/26/2013	MELAMED, PICARD	Telephone call by PICARD to obtain information to fill prescription and bill insurance carrier	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED

All in violation of Title 18, United States Code, Sections 1952(a)(1), (a)(2) and 2.

FORFEITURE ALLEGATION

24. Paragraphs 1 through 12 of this Indictment are realleged and incorporated as if fully set forth herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

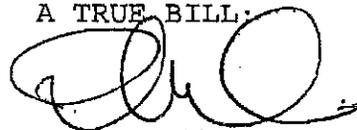
25. Upon conviction of the offenses of Conspiracy, Honest Services Mail Fraud and Travel Act as alleged in Counts 1 through 14, defendants HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA shall forfeit to the United States all right, title, and interest in any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of such offenses, including a sum of money equal to the total amount of gross proceeds derived, directly or indirectly, from such offenses.

1 26. If any of the above described forfeitable property, as a
2 result of any act or omission of defendants HOOTAN MELAMED, JEAN
3 FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA:
4 (a) cannot be located upon the exercise of due diligence; (b) has been
5 transferred or sold to, or deposited with, a third party; (c) has been
6 placed beyond the jurisdiction of the Court; (d) has been
7 substantially diminished in value; or (e) has been commingled with
8 other property which cannot be divided without difficulty;
9 it is the intent of the United States, pursuant to Title 21, United
10 States Code, Section 853(p) and Title 18, United States Code,
11 Section 982(b), to seek forfeiture of any other property of defendants
12 HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN
13 and JONATHAN PENA up to the value of the forfeitable property
14 described above.

15 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
16 Title 28, United States Code, Section 2461(c).

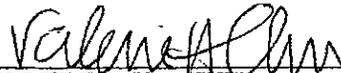
17 DATED: June 16, 2016.

18 A TRUE BILL:

19 

20 Foreperson

21 LAURA E. DUFFY
22 United States Attorney

23 By: 
24 VALERIE H. CHU
25 Assistant U.S. Attorney

3:16-cr-01409-H-1 USA v. Melamed et al

Date filed: 06/16/2016

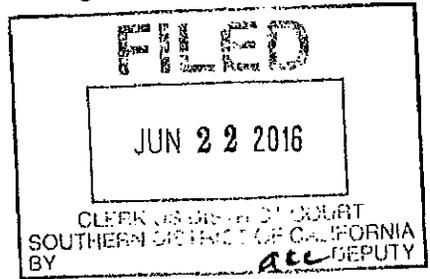
Date of last filing: 06/24/2016

History

Doc. No.	Dates	Description
<u>1</u>	<i>Filed:</i> 06/16/2016 <i>Entered:</i> 06/17/2016	● Indictment (Sealed)
<u>2</u>	<i>Filed:</i> 06/16/2016 <i>Entered:</i> 06/17/2016	● Warrant Issued
<u>9</u>	<i>Filed & Entered:</i> 06/22/2016	● Order to Unseal Indictment
10	<i>Filed & Entered:</i> 06/24/2016	● Set/Reset Duty Hearings

PACER Service Center			
Transaction Receipt			
06/27/2016 05:16:35			
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ORIGINAL



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7 Attorneys for the United States

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
 11 Plaintiff,
 12 v.
 13 HOOTAN MELAMED (1),
 14 JEAN FRANCOIS PICARD (2),
 15 JOHN PANGELINAN (3),
 PHONG HUNG TRAN (4),
 16 JONATHAN PENA (5),
 Defendants.

Case No.: 16cr1409-H
 MOTION TO UNSEAL

17 The plaintiff, UNITED STATES OF AMERICA, by and through its
 18 counsel, LAURA E. DUFFY, United States Attorney, and Valerie H. Chu,
 19 Assistant United States Attorney, hereby moves to unseal the
 20 indictment filed in the above-referenced matter.

21 On June 16, 2016, a federal grand jury in the Southern District
 22 of California returned a 14-count indictment against the defendants.
 23 That same day, the Honorable Ruben B. Brooks granted a motion by the
 24 United States to seal the indictment and issue arrest warrants. The
 25 United States now moves to unseal the indictment for all purposes.

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DATED: June 21, 2016

Respectfully submitted,

LAURA E. DUFFY
United States Attorney



VALERIE H. CHU
Assistant United States Attorney

IT IS SO ORDERED.

Dated: 6/21/2016



Hon. Ruben B. Brooks
United States Magistrate Judge

FILED

19 JAN -8 PM 4:07

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *WLC* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

April 2018 Grand Jury

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JEAN FRANCOIS PICARD (2),

14 JOHN PANGELINAN (3),

15 Defendants.

Case No. 16CR1409-H

I N D I C T M E N T
(2nd Superseding)

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 18, U.S.C.,
Secs. 1341 and 1346 Honest
Services Mail Fraud; Title 18,
U.S.C., Sec. 1952 - Travel Act;
Title 18, U.S.C., Sec. 2 - Aiding
and Abetting; Title 18, U.S.C.,
Sec. 981(a)(1)(C) and Title 28,
U.S.C., Sec. 2461(c) - Criminal
Forfeiture

19 The Grand Jury charges, at all times relevant:

20 INTRODUCTORY ALLEGATIONS

21 1. Hootan Melamed (charged elsewhere) was a pharmacist licensed
22 with the state of California. He operated and was the de facto owner
23 of New Age Pharmaceuticals, Inc., ("New Age") a compounding pharmacy
24 located in Beverly Hills, California. He also had business interests
25 in other pharmacies, including RoxSan Pharmacy, Inc. ("RoxSan"),
26 Concierge Compounding Pharmaceuticals, Inc. ("Concierge"), Alexso, Inc.,
27 Profesional Center Pharmacy ("Professional Pharmacy"), Portland
28 Professional Pharmacy ("Portland Pharmacy"), and Precise Compounding

1 Pharmacy ("Precise") (together, "Complicit Pharmacies"). These
2 compounding pharmacies supplied compound creams and other custom
3 pharmaceuticals to patients. The owners of the Complicit Pharmacies
4 created "TYE Consulting" to pay illegal kickbacks to "medical marketers"
5 in exchange for prescriptions for compound creams and other custom
6 pharmaceuticals that were submitted to, and filled by, the Complicit
7 Pharmacies.

8 2. Defendant Jean Francois Picard was a "medical marketer,"
9 operating through C.A.S.E., LLC, Versatile Healthcare and Dignity
10 Consultants. Among the products that he "marketed" were compound creams
11 for the Complicit Pharmacies.

12 3. Defendant John Pangelinan was a "medical marketer." Among the
13 products that he "marketed" were durable medical equipment ("DME") for
14 Post-Surgical Rehab Specialists ("Post-Surgical"), a company owned by
15 Steven Howser (charged elsewhere), and compound creams for the Complicit
16 Pharmacies, via Monarch Marketing (a company owned by Steven Howser).
17 Pangelinan was the president of Broad Med, Inc.

18 4. Dr. Phong Tran (charged elsewhere) was the owner of Coastline
19 Medical Clinics in Southern California. Dr. Tran was previously a
20 licensed physician in the State of California, but had his license
21 suspended after his arrest and indictment by the San Diego District
22 Attorney's Office in January 2016.

23 5. Jonathan Pena (charged elsewhere) was a "medical marketer" who
24 "marketed" DME for Post-Surgical, compound creams for the Complicit
25 Pharmacies, and Magnetic Resonance Image ("MRI" scans) for Advanced
26 Radiology, a diagnostic imaging facility. Pena operated through JP
27 Medical Marketing.

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1 FIDUCIARY DUTY OF PHYSICIANS

2 6. Physicians, including medical doctors and chiropractors, owed
3 a fiduciary duty to their patients, requiring physicians to act in their
4 patients' best interests, and not for their own professional, pecuniary,
5 or personal gain.

6 HEALTH CARE BENEFIT PROGRAMS

7 7. Health care benefit programs operated by the federal
8 government included TRICARE, a health care program of the United States
9 Department of Defense Military Health System; MEDICARE, a health benefit
10 program for persons over 65-years-old and certain disabled individuals,
11 administered by the Center for Medicare and Medicaid Services, an agency
12 within the Department of Health and Human Services; the Federal
13 Employees' Compensation Act program of the Office of Workers'
14 Compensation Programs (a component of the United States Department of
15 Labor); the Civilian Health and Medical Program of the Department of
16 Veterans Affairs, and the Federal Employees Health Benefits Program, all
17 of which constitute "federal health care programs" as defined by 42
18 U.S.C. § 1320a-7b(f).

19 8. The California Workers' Compensation System ("CWCS") required
20 that employers in California provide workers' compensation benefits to
21 their employees for qualifying injuries sustained in the course of their
22 employment. Under the CWCS, all claims for payments for services or
23 benefits provided to the injured employee, including medical and legal
24 fees, were billed directly to, and were paid by, the insurer. The CWCS
25 was regulated by the California Labor Code, the California Insurance
26 Code, and the California Code of Regulations, and was administered by
27 the California Department of Industrial Relations.

28

1 9. The federal health care programs and CWCS insurers were
2 "health care benefit programs" within the meaning of 18 U.S.C. § 24(b)
3 (collectively, the "Affected Health Care Programs").

4 10. The Affected Health Care Programs offered benefits that
5 included prescription medications prescribed by a doctor. Compound
6 creams were specialty medications prescribed for patients who are unable
7 to take medications in their standard formulations (for example,
8 tablets, pills, or injections), for medications that must be absorbed
9 through the skin, or where the specific combination of medicines is not
10 available. Compound pharmacies could custom-mix the prescribed
11 medicines into a cream to be dispensed to the patient.

12 11. The Affected Health Care Programs offered benefits that
13 included DME prescribed by a doctor. DME was any equipment that provides
14 therapeutic benefits to a patient in need because of certain medical
15 conditions and/or illnesses. An Inferential Unit ("IF Unit") was a
16 device that provided low-level electrical stimulation to a body part to
17 encourage healing.

18 12. Federal and state law prohibited the offering, soliciting,
19 paying, or receiving of anything of value in return for referring a
20 patient for medical items or services. In California, the California
21 Business and Professions Code, the California Insurance Code, and the
22 California Labor Code, among laws, prohibited the offering, delivering,
23 soliciting, or receiving of anything of value in return for referring a
24 patient for goods or services paid for under the CWCS.

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Count 1

CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HONEST SERVICES MAIL FRAUD,
VIOLATE THE TRAVEL ACT, AND PAY ILLEGAL REMUNERATION, 18 USC § 371

13. Paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference.

14. Beginning on a date unknown to the grand jury and continuing through at least June 2016, within the Southern District of California, and elsewhere, defendants JEAN FRANCOIS PICARD, JOHN PANGELINAN and others did knowingly and intentionally conspire to:

a. commit Health Care Fraud, that is, to knowingly and with the intent to defraud execute a material scheme to defraud a health care benefit program, and to obtain by means of materially false and fraudulent pretenses, representations, and promises, any of the money and property owned by, and under the custody and control of a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347;

b. commit Honest Services Mail Fraud, that is, to knowingly and with the intent to defraud, devise and participate in a material scheme to defraud and to deprive patients of the intangible right to a doctor's honest services, and to cause mailings in furtherance thereof, in violation of Title 18, United States Code, Sections 1341 and 1346; and

c. violate the Travel Act, that is, to use and cause to be used facilities in interstate commerce with intent to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of an unlawful activity, that is, commercial bribery in

1 violation of California law, specifically, California Labor Code
2 Sections 139.3 and 3215, and, thereafter, to promote and attempt to
3 perform acts to promote, manage, establish, carry on, distribute the
4 proceeds of, and facilitate the promotion, management, establishment,
5 carrying on, and distribution of the proceeds of such unlawful activity,
6 in violation of Title 18, United States Code, Sections 1952(a)(1) and
7 (a)(3); and

8 d. knowingly and willfully offer to pay, and pay, and offer
9 to receive, and receive, remuneration directly and indirectly, overtly
10 and covertly, in cash and in kind, to induce and in exchange for, the
11 referral of individuals to doctors and compounding pharmacies for the
12 furnishing and arranging for the furnishing of prescription compounded
13 drugs, payment for which was made in whole and in part under a federal
14 health care program, in violation of Title 42, United States Code,
15 Section §1320a-7b(b)(2).

16 **FRAUDULENT PURPOSE**

17 15. It was the goal of the conspiracy to fraudulently obtain money
18 from health care benefit programs by submitting claims for prescription
19 pharmaceuticals and DME that were generated through a secret pattern of
20 bribes and kickbacks, to induce doctors and those acting on their behalf
21 to refer patients to particular pharmacies and DME providers.

22 **MANNER AND MEANS**

23 16. The conspirators used the following manner and means in
24 pursuit of their fraudulent purpose:

25 a. It was a part of the conspiracy that PICARD, PANGELINAN,
26 and their co-conspirators, knowing that the payment of per-patient
27 referral fees was unlawful, paid doctors to recommend certain goods and
28 services and refer patients to specific providers for those goods and

1 services, including to pharmacies in which Melamed had an interest, for
2 prescription pharmaceuticals, to Post-Surgical, for DME, and to other
3 providers in which the co-conspirators had financial interests for other
4 goods and services.

5 b. It was a further part of the conspiracy that the co-
6 conspirators, knowing that the payment of per-patient referral fees was
7 unlawful, inserted intermediaries (referring to them as "marketers" or
8 "marketing companies") to hide and obscure the flow of payments from
9 providers, when in reality the payments were unlawful volume-based, per-
10 patient kickbacks and bribes to induce or in exchange for the referral
11 of patients.

12 c. It was a further part of the conspiracy that the co-
13 conspirators obscured the true nature of their financial relationships
14 in order to conceal their corrupt payments for patient referrals,
15 including by entering sham agreements to purportedly lease office space
16 or provide marketing services, when in reality the corrupt payments were
17 made in exchange for, and to induce, the referral of patients.

18 d. It was a further part of the conspiracy that the co-
19 conspirators obscured the true nature of their financial relationships
20 in order to conceal their corrupt payments for patient referrals,
21 including by creating separate companies, some in the names of nominees
22 and straw owners, to pay and receive kickback and bribe money.

23 e. It was a further part of the conspiracy that the co-
24 conspirators paid or accepted specific bribe and kickback amounts for
25 specific kinds of prescriptions, including: between \$200-250 per IF Unit
26 referral, \$150-200 for each Flurbiprofen cream prescription, \$150 for
27 each Gabapentin cream, and \$50 per Terocin patch.

28

1 f. It was a further part of the conspiracy that the co-
2 conspirators bribed and solicited marketers and doctors to prescribe
3 compound creams and patches over other types of medications, and select
4 certain ingredients for those prescriptions, because those custom
5 pharmaceuticals could be billed at high rates to the Affected Health
6 Care Programs.

7 g. It was a further part of the conspiracy that, to conceal
8 the bribe and kickback payments to marketers, the owners of the Complicit
9 Pharmacies used TYY Consulting to issue the kickback and bribe payments,
10 under the guise that the payments were for legitimate marketing,
11 consulting, or other professional services, when in fact the payments
12 were unlawful, volume-based, per-patient kickbacks and bribes to induce
13 and in exchange for the referral of patients to the Complicit Pharmacies.

14 h. It was a further part of the conspiracy that the owners
15 of the Complicit Pharmacies concealed their ownership shares of the
16 Complicit Pharmacies in their submissions to the Affected Health Care
17 Programs, to disguise their financial relationships and further conceal
18 the unlawful kickbacks paid by and to those owners.

19 i. It was a further part of the conspiracy that the co-
20 conspirators crafted compound creams and other pharmaceuticals to
21 contain the most expensive components, in order to bill at high rates
22 to Affected Health Care Programs, instead of customizing the medications
23 to the needs of particular patients.

24 j. It was a further part of the conspiracy that MELAMED,
25 after paying doctors and marketers kickbacks and bribes to prescribe
26 compound creams, then filled the prescriptions himself through New Age,
27 or sent those prescriptions to other Complicit Pharmacies to be filled,
28 in exchange for a share of the proceeds received by those pharmacies.

1 k. It was a further part of the conspiracy that the co-
2 conspirators discussed via telephone calls, emails, and in-person
3 meetings the patients who had been corruptly referred for goods and
4 services in exchange for kickbacks.

5 l. It was a further part of the conspiracy that the co-
6 conspirators utilized interstate facilities, including cellular
7 telephones and email, in order to coordinate the referral of patients
8 for goods and services, knowing that such referrals were predicated on
9 unlawful per-patient kickback payments.

10 m. It was a further part of the conspiracy that the co-
11 conspirators utilized the mails as an essential part of their fraudulent
12 scheme, including by mailing bills to Affected Health Care Programs, and
13 mailing prescription pharmaceuticals and DME to patients.

14 n. It was a further part of the conspiracy that co-
15 conspirators billed Affected Health Care Programs for services provided
16 to patients that the co-conspirators had procured by paying bribes and
17 kickbacks.

18 o. It was a further part of the conspiracy that the co-
19 conspirators concealed from patients, and intended to cause the doctors
20 to conceal from patients, the kickback and bribe payments made to doctors
21 for referring patients to companies owned by the co-conspirators or in
22 which they had an interest, in violation of the doctors' fiduciary duty
23 to their patients.

24 p. It was a further part of the conspiracy that the co-
25 conspirators concealed from Affected Health Care Programs and patients
26 the material fact of the kickback arrangements -- which were in violation
27 of California state law, TRICARE regulations, and federal law -- that
28 led to the referrals.

1 q. It was a further part of the conspiracy that the co-
2 conspirators signed Provider Agreements as a condition of billing
3 TRICARE that required that they comply with state and federal anti-
4 kickback and self-referral statutes, including the prohibitions on
5 direct or indirect compensation to prescribers for prescriptions or
6 referrals, and required that any claims submitted for payment be in
7 accordance with those Provider Agreements.

8 r. It was a further part of the conspiracy that the co-
9 conspirators falsely certified that claims submitted by the Complicit
10 Pharmacies to TRICARE complied with federal and state law, including the
11 federal anti-kickback statute and physician self-referral law.

12 s. In furtherance of the conspiracy and to accomplish its
13 objects, defendants and their co-conspirators submitted and caused to
14 be submitted claims for kickback-tainted prescriptions in excess of \$228
15 million to the Affected Health Care Programs. As result of these claims,
16 and as a part of the scheme, between November 2012 and June 2016,
17 Concierge was reimbursed at least \$117,674,294.29; between January 2013
18 and June 2016, Precise was reimbursed at least \$56,901,662.81; and New
19 Age was reimbursed at least \$36,790,190.73; totaling at least
20 approximately \$211,366,147.83 paid by the Affected Health Care Programs.

21 **OVERT ACTS**

22 17. In furtherance of the conspiracy and in order to effect
23 the objects thereof, the defendants and others committed or caused the
24 commission of the following overt acts in the Southern District of
25 California and elsewhere:

26 a. On or about August 9, 2012, in a telephone call, PICARD
27 offered to pay a marketer \$125 per compound cream prescription the
28 marketer could get a doctor to prescribe, which would be filled by one

1 of the Complicit Pharmacies and fraudulently billed to an Affected Health
2 Care Program.

3 b. On or about August 20, 2012, PICARD offered to pay a
4 marketer a "guaranteed [\$]200 per script" if the marketer could find
5 doctors who would prescribe compound creams to Workers' Compensation
6 patients, which would be filled by one of the Complicit Pharmacies and
7 fraudulently billed to a Workers' Compensation insurance carrier.

8 c. On or about October 12, 2012, PICARD, through his company
9 C.A.S.E., LLC., was paid \$6,901.36 in kickbacks from TYY Consulting, for
10 compound pharmaceuticals he got doctors to prescribe and send to the
11 Complicit Pharmacies.

12 d. On or about November 16, 2012, PICARD, through his
13 company Versatile Healthcare, was paid \$33,502.26 in kickbacks from TYY
14 Consulting, for compound pharmaceuticals he got doctors to prescribe and
15 send to the Complicit Pharmacies.

16 e. On or about December 12, 2012, PICARD offered a marketer
17 a 25 percent kickback of the proceeds on any creams that the marketer
18 could get doctors to prescribe, which would be filled by one of the
19 Complicit Pharmacies and fraudulently billed to an Affected Health Care
20 Program.

21 f. On or about December 12, 2012, PICARD boasted that
22 TRICARE was billed "four thousand bucks per tube per patient" for the
23 compound creams, which he called "a homerun, out the park, in the ocean"
24 as an opportunity for the marketers to profit from paying off the doctors
25 to get the prescriptions.

26 g. On or about December 12, 2012, PICARD, through his
27 company Versatile Healthcare, was paid \$21,640.27 in kickbacks from TYY
28

1 Consulting, for compound pharmaceuticals he got doctors to prescribe and
2 send to the Complicit Pharmacies.

3 h. On or about January 14, 2013, PICARD, through his
4 company Versatile Healthcare, was paid \$35,230.64 in kickbacks from TYY
5 Consulting, for compound pharmaceuticals he got doctors to prescribe and
6 send to the Complicit Pharmacies.

7 i. On or about February 5, 2013, PICARD and others caused
8 prescription pharmaceuticals that were prescribed due to payment of
9 kickbacks and bribes to be mailed to TRICARE beneficiary Daniel L. in
10 San Diego.

11 j. On or about February 5, 2013, PICARD and others caused
12 Precise to submit a fraudulent bill of \$2,604.00 to TRICARE for compound
13 pharmaceuticals for Daniel L.

14 k. On or about February 12, 2013, PICARD, through his
15 company Versatile Healthcare, was paid \$31,968.64 in kickbacks from TYY
16 Consulting, for compound pharmaceuticals he got doctors to prescribe and
17 send to the Complicit Pharmacies.

18 l. In or about March 2013, PICARD explained to a marketer
19 that the compound creams cost around \$20 to produce, but that they could
20 bill the insurance company \$3,000 for a "five-pack" of pharmaceuticals
21 that were formulated to contain the highest-priced medications.

22 m. In or about March 2013, PICARD suggested that a marketer
23 offer to pay the prescribing doctor a "buck ... [up to] one-fifty," that
24 is, \$100 to \$150, to prescribe the "five-pack" of prescriptions.

25 n. In or about March 2013, PICARD directed a marketer to fax
26 compound cream prescriptions to a fax number for New Age.

27 o. On or about March 13, 2013, PICARD, through his company
28 Versatile Healthcare, was paid \$25,951.05 in kickbacks from TYY

1 Consulting, for compound pharmaceuticals he got doctors to prescribe and
2 send to the Complicit Pharmacies.

3 p. On or about March 14, 2013, PICARD, through his company
4 Dignity Consulting, was paid \$3,114.13 in kickbacks from TYY Consulting,
5 for compound pharmaceuticals he got doctors to prescribe and send to the
6 Complicit Pharmacies.

7 q. On or about March 26, 2013, in a telephone call, PICARD
8 requested information about patients that had been procured as a result
9 of a bribe, so that New Age could bill the Department of Labor for
10 prescription pharmaceuticals for those patients.

11 r. On or about March 30, 2013, MELAMED and PICARD and others
12 caused prescription pharmaceuticals that were prescribed due to payment
13 of kickbacks and bribes to be mailed to a location in San Diego.

14 s. On or about April 1, 2013, PICARD and others caused
15 prescription pharmaceuticals that were prescribed due to payment of
16 kickbacks and bribes to be mailed to TRICARE beneficiary Daniel L. in
17 San Diego.

18 t. On or about April 1, 2013, PICARD and others caused
19 Precise Compounding Pharmacy to submit a fraudulent bill of \$2,604 to
20 TRICARE for compound pharmaceuticals for Daniel L.

21 u. On or about April 4, 2013, MELAMED and PICARD and others
22 caused prescription pharmaceuticals that were prescribed due to payment
23 of kickbacks and bribes to be mailed to a location in San Diego.

24 v. On or about April 11, 2013, MELAMED and PICARD and others
25 caused prescription pharmaceuticals that were prescribed due to payment
26 of kickbacks and bribes to be mailed to a location in San Diego.

27 w. On or about April 15, 2013, PICARD, through his company
28 Versatile Healthcare, was paid \$52,097.53 in kickbacks from TYY

1 Consulting, for compound pharmaceuticals he got doctors to prescribe and
2 send to the Complicit Pharmacies.

3 x. On or about May 2, 2013, MELAMED and PICARD and others
4 caused prescription pharmaceuticals that were prescribed due to payment
5 of kickbacks and bribes to be mailed to a location in San Diego.

6 y. On or about May 14, 2013, PICARD, through his company
7 Versatile Healthcare, was paid \$27,504.61 in kickbacks from TYY
8 Consulting, for compound pharmaceuticals he got doctors to prescribe and
9 send to the Complicit Pharmacies.

10 z. On or about June 13, 2013, PICARD, through his company
11 Versatile Healthcare, was paid \$26,720.36 in kickbacks from TYY
12 Consulting, for compound pharmaceuticals he got doctors to prescribe and
13 send to the Complicit Pharmacies.

14 aa. On or about June 27, 2013, MELAMED and PICARD caused New
15 Age to bill \$853.04 to the United States Department of Labor for compound
16 pharmaceuticals for Barry S., concealing the fact that the prescription
17 had been obtained by paying PICARD a kickback.

18 bb. On or about July 15, 2013, PICARD, through his company
19 Versatile Healthcare, was paid \$22,864.42 in kickbacks from TYY
20 Consulting, for compound pharmaceuticals he got doctors to prescribe and
21 send to the Complicit Pharmacies.

22 cc. On or about July 23, 2013, MELAMED and PICARD and
23 others caused prescription pharmaceuticals that were prescribed due to
24 payment of kickbacks and bribes to be mailed to a location in San Diego.

25 dd. On or about October 28, 2013, PICARD and others caused
26 Precise to submit a fraudulent bill of \$2,349.60 to TRICARE for compound
27 pharmaceuticals for Kyle F.

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1 ee. On or about November 1, 2013, PICARD and others caused
2 prescription pharmaceuticals that were prescribed due to payment of
3 kickbacks and bribes to be mailed to TRICARE beneficiary Daniel L. in
4 San Diego.

5 ff. On or about November 1, 2013, PICARD and others caused
6 Precise Compounding Pharmacy to bill \$1,075.20 to TRICARE for compound
7 pharmaceuticals for Daniel L., concealing the fact that the prescription
8 had been obtained by paying PICARD a kickback.

9 gg. On or about November 8, 2013, PICARD and others caused
10 Precise to submit a fraudulent bill of \$2,349.60 to TRICARE for compound
11 pharmaceuticals for Alexander E.

12 hh. On or about November 14, 2013, PICARD, through his
13 company Dignity Consulting, was paid \$52,000 in kickbacks from TYY
14 Consulting, for compound pharmaceuticals he got doctors to prescribe and
15 send to the Complicit Pharmacies.

16 ii. On or about December 16, 2013, PICARD, through his
17 company Dignity Consulting, was paid \$63,000 in kickbacks from TYY
18 Consulting, for compound pharmaceuticals he got doctors to prescribe and
19 send to the Complicit Pharmacies.

20 jj. On or about January 14, 2014, PICARD, through his company
21 Dignity Consulting, was paid \$70,000 in kickbacks from TYY Consulting,
22 for compound pharmaceuticals he got doctors to prescribe and send to the
23 Complicit Pharmacies.

24 kk. On or about February 14, 2014, PICARD, through his
25 company Versatile Healthcare, was paid \$12,500 in kickbacks from TYY
26 Consulting, for compound pharmaceuticals he got doctors to prescribe and
27 send to the Complicit Pharmacies.

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1 1l. On or about February 14, 2014, PICARD, through his
2 company Dignity Consulting, was paid \$103,243.12 in kickbacks from TYY
3 Consulting, for compound pharmaceuticals he got doctors to prescribe and
4 send to the Complicit Pharmacies.

5 mm. On or about March 28, 2014, PICARD and others caused
6 Concierge to submit a fraudulent bill of \$1,438.80 to TRICARE for
7 compound pharmaceuticals for Samantha W.

8 nn. On or about April 15, 2014, PICARD, through his company
9 Dignity Consulting, was paid \$96,302.83 in kickbacks from TYY
10 Consulting, for compound pharmaceuticals he got doctors to prescribe and
11 send to the Complicit Pharmacies.

12 oo. On or about April 15, 2014, TRAN and PANGELINAN caused
13 Post-Surgical Rehab to send a claim for \$1,375.31 for DME for patient
14 Michael W., that was referred to Post-Surgical due to payment of
15 kickbacks and bribes, to be sent to an insurance company in San Diego.

16 pp. On or about May 14, 2014, PICARD, through his company
17 Dignity Consulting, was paid \$66,477.21 in kickbacks from TYY
18 Consulting, for compound pharmaceuticals he got doctors to prescribe and
19 send to the Complicit Pharmacies.

20 qq. On or about June 23, 2014, PICARD, through his company
21 Dignity Consulting, was paid \$54,797.07 in kickbacks from TYY
22 Consulting, for compound pharmaceuticals he got doctors to prescribe and
23 send to the Complicit Pharmacies.

24 rr. On or about August 14, 2014, TRAN and PANGELINAN caused
25 Post-Surgical to send a claim for \$1,375.31 for DME for patient Francisco
26 C., that was referred to Post-Surgical due to payment of kickbacks and
27 bribes, to be sent to an insurance company in San Diego.

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1 ss. On or about August 21, 2014, TRAN and PANGELINAN caused
2 Post-Surgical to send a claim for \$1,375.31 for DME for patient Maria
3 H., that was referred to Post-Surgical due to payment of kickbacks and
4 bribes, to be sent to an insurance company in San Diego.

5 tt. On or about October 29, 2015, PANGELINAN accepted
6 \$20,130.50 as his share of the kickback paid by MELAMED, for 237 creams
7 and 237 Terocin patches that PANGELINAN's doctors prescribed.

8 uu. On or about October 31, 2014, PICARD and others caused
9 Concierge to submit a fraudulent bill of \$4,744.80 to TRICARE for
10 compound pharmaceuticals for Paige S.

11 vv. In November 2015, TRAN and PANGELINAN discussed a bribe
12 payment of over \$100 per cream prescribed.

13 ww. On or about November 16, 2015, PANGELINAN delivered to
14 TRAN or TRAN's representative a check for \$10,000 made out to "Team
15 Enterprise," in payment for 50 IF Units referred by TRAN to Post-
16 Surgical.

17 xx. On or about November 19, 2015, PANGELINAN accepted a
18 check for \$11,565.06 in payment for the DME referrals he had caused
19 doctors to make to Post-Surgical in October 2015.

20 yy. On or about November 24, 2015, PANGELINAN suggested a new
21 kickback deal with Tran, to pay Tran over \$100 for each compound cream
22 prescription that TRAN prescribed to the Complicit Pharmacies.

23 zz. On or about November 24, 2015, PANGELINAN offered to tell
24 doctors that he worked with, including Dr. F and Dr. Y, and their staff,
25 that they should conceal the fact that the doctors were supposed to
26 prescribe a certain amount of DME for the monthly payments received from
27 Post-Surgical.

28

1 aaa. On or about November 24, 2015, PANGELINAN accepted
2 \$17,037.50 as his share of the kickback paid by MELAMED, for 254 creams
3 and 252 Terocin patches that PANGELINAN's doctors prescribed.

4 bbb. Sometime before December 2015, Tran and PANGELINAN agreed
5 that Tran would receive \$10,000 per month (disguised as payment for
6 "marketing" services) in exchange for referring 50 IF Units per month
7 to Post-Surgical.

8 ccc. On or about December 8, 2015, Tran and PANGELINAN agreed
9 that Tran would be paid \$125 per compound cream that he prescribed and
10 sent to PANGELINAN, to be filled by a pharmacy designated by MELAMED.

11 ddd. On or about December 15, 2015, PANGELINAN delivered to
12 Tran or Tran's representative a check for \$10,000 made out to "Team
13 Enterprise," in payment for 50 IF Units referred by TRAN to Post-
14 Surgical.

15 eee. On or about December 17, 2015, PANGELINAN accepted a
16 check for \$7,506.34 in payment for the DME referrals he had caused
17 doctors to make to Post-Surgical in November 2015.

18 fff. On or about December 16, 2015, PANGELINAN accepted
19 \$18,462.50 as his share of the kickback paid by MELAMED, for 256 creams
20 and 256 Terocin patches that PANGELINAN's doctors prescribed.

21 ggg. On or about January 14, 2016, PANGELINAN accepted a
22 check for \$8,610.86 in payment for the DME referrals he had caused
23 doctors to make to Post-Surgical in December 2015.

24 hhh. On or about January 14, 2016, PANGELINAN delivered to
25 Tran or Tran's representative a check for \$10,000 made out to "Team
26 Enterprise," in payment for 40 or 50 IF Units referred by Tran to Post-
27 Surgical.

28

1 iii. On or about February 18, 2016, PANGELINAN accepted a
2 check for \$12,981.27 in payment for the DME referrals he had caused
3 doctors to make to Post-Surgical in January 2016.

4 jjj. On or about March 3, 2016, PANGELINAN accepted \$12,768.75
5 as his share of the kickback paid by MELAMED, for 234 creams and 234
6 Terocin patches that PANGELINAN's doctors prescribed.

7 kkk. On or about March 16, 2016, PANGELINAN accepted a check
8 for \$9,469.34 in payment for the DME referrals he had caused doctors to
9 make to Post-Surgical in February 2016.

10 lll. On or about April 14, 2016, PANGELINAN and MELAMED caused
11 a claim for \$3,108.40 to be submitted to American Claims Management for
12 patient Rodolfo G., for which PANGELINAN had paid \$100 to a doctor to
13 direct to one of the Complicit Pharmacies.

14 mmm. On or about April 18, 2016, PANGELINAN accepted a check
15 for \$10,786.03 in payment for the DME referrals he had caused doctors
16 to make to Post-Surgical in March 2016.

17 nnn. On or about April 22, 2016, PANGELINAN delivered to a
18 doctor a check for \$12,400 in payment for 124 compound creams referred
19 by that doctor to be filled by MELAMED, through one of the Complicit
20 Pharmacies.

21 ooo. On or about April 22, 2016, PANGELINAN accepted \$4,050
22 as his share of the kickback paid by MELAMED, for 162 creams that
23 PANGELINAN's doctors prescribed.

24 ppp. On or about May 13, 2016, PANGELINAN accepted a check for
25 \$9,140.29 in payment for the DME referrals he had caused doctors to make
26 to Post-Surgical in April 2016.

1 qqq. On or about June 3, 2016, PANGELINAN accepted \$10,050 as
2 his share of the kickback paid by MELAMED, for 124 creams that
3 PANGELINAN's doctors prescribed.

4 rrr. On or about July 12, 2016, PANGELINAN and MELAMED caused
5 a claim for \$2,822.80 to be submitted to American Claims Management for
6 patient Son T., for which PANGELINAN had paid \$100 to a doctor to direct
7 to one of the Complicit Pharmacies.

8 sss. On or about July 16, 2016, PANGELINAN and MELAMED caused
9 a claim for \$3,106.40 to be submitted to Insurance Company of the West
10 for patient Juan R., for which PANGELINAN had paid \$100 to a doctor to
11 direct to one of the Complicit Pharmacies.

12 ttt. On or about July 16, 2016, PANGELINAN and MELAMED caused
13 a claim for \$2,822.80 to be submitted to Insurance Company of the West
14 for patient Maria S., for which PANGELINAN had paid \$100 to a doctor to
15 direct to one of the Complicit Pharmacies.

16 All in violation of Title 18, United States Code, Section 371.

17 Counts 2 - 13

18 HONEST SERVICES MAIL FRAUD, 18 U.S.C. §§ 1341, 1346

19 18. Paragraphs 1 through 12 of this Indictment are realleged and
20 incorporated by reference.

21 19. Beginning on a date unknown to the grand jury and continuing
22 through at least June 2016, within the Southern District of California
23 and elsewhere, defendants JEAN FRANCOIS PICARD, JOHN PANGELINAN, and
24 others, knowingly and with the intent to defraud, devised a material
25 scheme to defraud, that is, to deprive patients of their intangible
26 right to doctors' honest services.

27 20. Paragraphs 15 through 17 of this Indictment are realleged and
28 incorporated by reference as more fully describing the scheme to defraud.

1 21. For the purpose of executing the scheme and attempting to do
2 so, the following defendants knowingly caused to be delivered by U.S.
3 Mail according to the direction thereon the following mail matter:

Ct.	Date	Defendant	Item(s) Mailed
4 2	3/30/2013	PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
5 3	4/4/2013	PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
6 4	4/11/2013	PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
7 5	5/2/2013	PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
8 6	7/23/2013	PICARD	Prescription pharmaceuticals prescribed due to payment of kickbacks by MELAMED and PICARD
9 7	4/15/2014	PANGELINAN	Claim of \$1375.31 for DME (for patient Michael W.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Post-Surgical
10 8	8/21/2014	PANGELINAN	Claim of \$1375.31 for DME (for patient Maria H.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Post-Surgical
11 9	8/14/2015	PANGELINAN	Claim of \$1375.31 for DME (for patient Francisco C.) prescribed by TRAN, for which TRAN and PANGELINAN received kickbacks from Post-Surgical
12 10	4/14/2016	PANGELINAN	Claim of \$3,108.40 for compound creams (for patient Rodolfo G.) from Professional Center Pharmacy, procured by PANGELINAN by paying kickback.
13 11	7/12/2016	PANGELINAN	Claim of \$2,822.80 for compound creams (for patient Son T.) from Professional Center Pharmacy, procured by PANGELINAN by paying kickback

Ct.	Date	Defendant	Item(s) Mailed
12	7/16/2016	PANGELINAN	Claim of \$3,106.40 for compound creams (for patient Juan R.) from Professional Center Pharmacy, procured by PANGELINAN by paying kickback
13	7/16/2016	PANGELINAN	Claim of \$2,822.80 for compound creams (for patient Maria S.) from Professional Center Pharmacy, procured by PANGELINAN by paying kickback

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Counts 14 - 15
TRAVEL ACT, 18 USC §§ 1952 AND 2

22. Paragraphs 1 through 12 are realleged and incorporated by reference.

23. Beginning on date unknown to the grand jury and continuing through at least June 2016, within the Southern District of California and elsewhere, Hootan Melamed and defendant JEAN FRANCOIS PICARD knowingly used and cause to be used facilities in interstate commerce with the intent to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of an unlawful activity, that is, bribery in violation of California Labor Code Section 139.3 and California Labor Code Section 3215, and, thereafter, to promote and attempt to perform acts to promote, manage, establish, carry on, distribute the proceeds of, and facilitate the promotion, management, establishment, carrying on, and distribution of the proceeds of such unlawful activity as follows:

Ct.	Date	Defendant	Use of Facility in Interstate Commerce	Acts Performed Thereafter
14	8/9/2012	PICARD	Telephone call by PICARD offering to pay \$125 per compound cream prescription	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED

Ct.	Date	Defendant	Use of Facility in Interstate Commerce	Acts Performed Thereafter
15	3/26/2013	PICARD	Telephone call by PICARD to obtain information to fill prescription and bill insurance carrier	PICARD paid a marketer \$1,053.53 for 3 sets of compound cream prescriptions filled by MELAMED

All in violation of Title 18, United States Code, Sections 1952(a)(1), (a)(3) and 2.

CRIMINAL FORFEITURE

24. Paragraphs 1 through 23 of this Indictment are realleged and incorporated as if fully set forth herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

25. Upon conviction of the offenses of Conspiracy, Honest Services Mail Fraud and Travel Act as alleged in Counts 1 through 15, defendants JEAN FRANCOIS PICARD and JOHN PANGELINAN shall forfeit to the United States all right, title, and interest in any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of such offenses, including a money judgment in a sum of money equal to the total amount of gross proceeds derived, directly or indirectly, from such offenses.

26. If any of the above described forfeitable property, as a result of any act or omission of defendants JEAN FRANCOIS PICARD and JOHN PANGELINAN:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

1 (e) has been commingled with other property which cannot be
2 divided without difficulty;
3 it is the intent of the United States, pursuant to Title 21, United
4 States Code, Section 853(p) and Title 18, United States Code,
5 Section 982(b), to seek forfeiture of any other property of defendants
6 JEAN FRANCOIS PICARD and JOHN PANGELINAN up to the value of the
7 forfeitable property described above;
8 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
9 Title 28, United States Code, Section 2461(c).

10 DATED: January 9, 2019.

11 A TRUE BILL:

12 
13 Foreperson

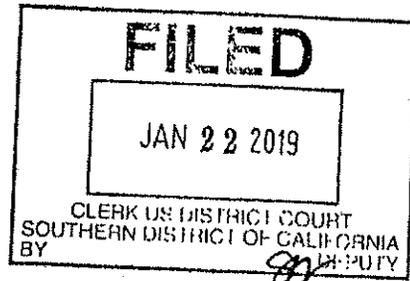
14 ADAM L. BRAVERMAN
15 United States Attorney

16 By: 
17 VALERIE H. CHU
18 Assistant U.S. Attorney

19 By: 
20 BENJAMIN KATZ
21 Assistant U.S. Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEAN FRANCOIS PICARD (2),

Defendant.

Case No. 16-cr-1409-H

SUPERSEDING
INFORMATION

Title 42, U.S.C. § 1320a-7b(b) –
Payment of Illegal Remuneration; Title
18 U.S.C. § 981(a)(7) - Criminal
Forfeiture

The United States Attorney charges, at all times relevant:

COUNT 1

PAYMENT OF ILLEGAL REMUNERATION

42 U.S.C. § 1320a-7b(b)(2)

1. In or around August 2012, in the Southern District of California and elsewhere, defendant JEAN FRANCIOS PICARD, in violation of 42 U.S.C. § 1320a-7b(b), did knowingly and willfully offer to pay or did pay, or offer to receive, or did receive, remuneration directly or indirectly, overtly or covertly, in cash or in kind, to induce, or in exchange for, the referral of individuals to pharmacies, for the furnishing or arranging for the furnishing of prescription compounded drugs, payment for which was made in whole or in part under a federal health care program.

FORFEITURE ALLEGATIONS

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2. As the result of the federal health care offense as defined in 18 U.S.C. § 24 as alleged in this Superseding Information, Defendant JEAN FRANCOIS PICARD shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(7), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in this Superseding Information.

3. If any of the above described forfeitable property, as a result of any act or omission of Defendant;

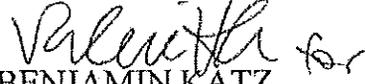
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- e. or has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

DATED: 1/22/2019.

ROBERT S. BREWER, JR.
United States Attorney


VALERIE H. CHU
Assistant U.S. Attorney


BENJAMIN KATZ
Assistant U.S. Attorney

U.S. District Court
Southern District of California (San Diego)
CRIMINAL DOCKET FOR CASE #: 3:16-cr-01409-H-2

Case title: USA v. Melamed et al

Date Filed: 06/16/2016

Assigned to: Judge Marilyn L. Huff

Defendant (2)**Jean Francois Picard**

represented by **Federal Defenders**
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Pending Counts

18:371; 18:981(a)(1)(C) and 28:2461(c).
 Conspiracy. Criminal Forfeiture
 (1)

18:371; 18:982(a)(1)(C) and 28:2461(c) -
 Conspiracy. Criminal Forfeiture
 (1s)

18:371; 18:981(a)(1)(C); 28:2461(c) -
 Conspiracy; Criminal Forfeiture
 (1ss)

42:1320a-7b(b); 18:981(a)(7) - Payment of
 Illegal Remuneration; Criminal Forfeiture
 (1sss)

18:1341 and 1346; 18:2; 18:981(a)(1)(C)
 and 28:2461(c) - Honest Services Mail
 Fraud. Aiding and Abetting. Criminal
 Forfeiture
 (2-6)

18:1341 and 1346 - Honest Services Mail
 Fraud. Criminal Forfeiture
 (2s-6s)

18:1341, 1346, 2; 18:981(a)(1)(C);
 28:2461(c) - Honest Services Mail Fraud;
 Aiding and Abetting; Criminal Forfeiture
 (2ss-13ss)

Disposition

18:1952(a)(1); 18:2; 18:981(a)(1)(C) and
28:2461(c) - Travel Act. Aiding and
Abetting. Criminal Forfeiture
(13-14)

18:1952(a)(1) and (a)(3) and 18:2;
18:982(a)(1)(C) and 28:2461(c) - Travel
Act. Aiding and Abetting. Criminal
Forfeiture
(13s-14s)

18:1952, 2; 18:981(a)(1)(C); 28:2461(c) -
Travel Act; Aiding and Abetting; Criminal
Forfeiture
(14ss-15ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **U S Attorney CR**
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Date Filed	#	Docket Text
06/16/2016	<u>1</u>	INDICTMENT as to Hootan Melamed (1) count(s) 1, 2-6, 9-11, 13-14, Jean Francois Picard (2) count(s) 1, 2-6, 13-14, John Pañgelinan (3) count(s) 1, 7-8, 12, Phong Hung Tran (4) count(s) 1, 7-8, 12, Jonathan Pena (5) count(s) 1. (cc: cc: Pretrial) (jah) (sjt). Modified on 6/20/2016 (tb-v). Modified on 6/22/2016 - Ordered unsealed. Pdf added (jah). (Entered: 06/17/2016)
06/16/2016	<u>3</u>	ARREST WARRANT ISSUED by Magistrate Judge Ruben B. Brooks in case as to Jean Francois Picard. (jah) Modified on 6/20/2016 (tb-v). Modified on 6/22/2016 - Case ordered unsealed. Pdf added (jah). (Entered: 06/17/2016)
06/22/2016	<u>9</u>	Motion to Unseal Indictment by USA; Order Thereon as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. Signed by Magistrate Judge Ruben B. Brooks on 6/21/2016. (jah) (Entered: 06/22/2016)
06/24/2016	10	Set/Reset Duty Hearings as to Hootan Melamed, Jean Francois Picard, Phong Hung Tran

		and Jonathan Pena: Arraignment on Indictment set for 6/28/2016 at 2:00 PM before Magistrate Judge Bernard G. Skomal. (no document attached) (lao) Modified text on 6/24/2016 to correct date (lao). (Entered: 06/24/2016)
06/28/2016		Surrender of Hootan Melamed, Jean Francois Picard, John Pangelinan, Jonathan Pena (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	12	Minute Entry for proceedings held before Magistrate Judge Bernard G. Skomal: Arraignment on Indictment and Initial Appearance as to Hootan Melamed (1) Count 1,2-6,9-11,13-14, Jean Francois Picard (2) Count 1,2-6,13-14, John Pangelinan (3) Count 1,7-8,12 and Jonathan Pena (5) Count 1 held on 6/28/2016. Not Guilty pleas entered. Attorney Steven M Goldsobel retained as counsel for Hootan Melamed. Attorney Gerald M Werksman retained as counsel for Jean Francois Picard. Attorney Patrick Q. Hall retained as counsel for John Pangelinan. Attorney Gretchen C. VonHelms retained as counsel for Jonathan Pena. Bond set as to Hootan Melamed (1) \$25,000 P/S secured by 1 FRA, Bond packet to be filed by 7/05/16. Bond set as to Jean Francois Picard (2) \$20,000 P/S, Bond pakcet to be filed by 7/07/16. Bond set as to John Pangelinan (3) \$50,000 P/S as set in Central District secured by 1 FRA, Bond packet to be filed by 6/30/16. Bond set as to Jonathan Pena (5) \$20,000 P/S secured by 1 FRA. Bond packet to be filed by 6/30/16. Motion Hearing/Trial Setting set for 7/25/2016 02:00 PM before Judge Marilyn L. Huff. Print release as to Defendants 1,2,5. (CD# 6/28/2016 BGS 16:2:01-2:32). (Plaintiff Attorney Valerie Chu, AUSA; Andrew Leal, AUSA). (Defendant 1 Attorney Steven M Goldsobel, RET; Defendant 2 Attorney Gerald M Werksman, RET; Defendant 3 Attorney Patrick Q. Hall, RET; Defendant 5 Attorney Gretchen C. VonHelms, RET). (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	13	***English. No Interpreter needed as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Jonathan Pena (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	17	ORDER Setting Conditions of Release. Bond set for Jean Francois Picard (2) \$20,000 P/S.. Signed by Magistrate Judge Bernard G. Skomal on 6/28/16. (tkl) (Entered: 06/29/2016)
06/28/2016	19	ABSTRACT OF ORDER Releasing Jean Francois Picard. (tkl) (Entered: 06/29/2016)
07/01/2016	26	NOTICE OF ATTORNEY APPEARANCE Valerie Chu appearing for USA. (Chu, Valerie)Attorney Valerie Chu added to party USA(pty:pla) (ag). (Entered: 07/01/2016)
07/05/2016	27	NOTICE OF HEARING as to Defendant Jean Francois Picard. On Court's own motion a Status Hearing re counsel and bond paperwork is set for 7/7/2016 03:00 PM in Courtroom 1B before Magistrate Judge Bernard G. Skomal. (no document attached) (tml) (Entered: 07/05/2016)
07/08/2016	28	Joint MOTION for Protective Order by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) Modified on 7/11/2016 to replace PDF with document containing the missing signature pages (smy). (ag). (Entered: 07/08/2016)
07/08/2016	31	Arrest Warrant Returned Executed on 6/28/2016, in case as to Jean Francois Picard (ag) (Entered: 07/11/2016)
07/15/2016	37	Joint MOTION to Modify Conditions of Release by USA as to Jean Francois Picard. (Chu, Valerie) (ag). (Entered: 07/15/2016)
07/18/2016	38	Minute ORDER: The District Court hereby refers the parties' Joint Motion to Modify Conditions of Pretrial Release for Defendant Jean Francois Picard to the Magistrate Judge. SO ORDERED by Judge Marilyn L. Huff on 7/18/2016. (Motions referred to

		Magistrate Judge Bernard G. Skomal). (no document attached) (smy) (Entered: 07/18/2016)
07/18/2016	<u>39</u>	PROTECTIVE ORDER as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5). Signed by Judge Marilyn L. Huff on 7/15/2016.(ag) (jao). (Entered: 07/18/2016)
07/19/2016	<u>45</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time under Speedy Trial Act</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie)(ag). (Entered: 07/19/2016)
07/20/2016	<u>46</u>	MOTION for Discovery by Jean Francois Picard. (Werksman, Gerald) (ag). (Entered: 07/20/2016)
07/20/2016	<u>49</u>	ORDER to Modify Conditions of Release as to Jean Francois Picard (2). Signed by Magistrate Judge Bernard G. Skomal on 7/20/2016.(ag) (Entered: 07/20/2016)
07/21/2016	<u>54</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on October 24, 2016. (Werksman, Gerald) (ag). (Entered: 07/21/2016)
07/21/2016	<u>55</u>	Minute ORDER: Good cause appearing, the Court GRANTS the parties' joint motion to continue the Motion Hearing/Trial Setting date and GRANTS the parties' joint motion to exclude time under the Speedy Trial Act. (Doc. No. <u>45</u> .) Accordingly, the Motion Hearing/Trial Setting set for 7/25/2016 02:00 PM is vacated and is continued to 10/24/2016 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Defendants Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5) have each filed an acknowledgment of next court date. The Court orders all defendants to appear before the Court on 10/24/2016 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing before the Court and a continuance is necessary to serve the interest of justice. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. (no document attached) (smy) (Entered: 07/21/2016)
08/08/2016	<u>59</u>	NOTICE OF HEARING as to Defendant Jean Francois Picard. On Court's own motion a Status Hearing re bond documents is set for 8/9/2016 01:30 PM before Magistrate Judge Bernard G. Skomal. (no document attached) (tml) (Entered: 08/08/2016)
08/08/2016	<u>60</u>	NOTICE of Vacated Hearing(s) : Staus hearing re bond documents set for 8/9/16 at 1:30pm before Magistrate Judge Bernard G. Skomal is - vacated. The Court has received the bond documents. (no document attached) (tml) (Entered: 08/08/2016)
08/08/2016	<u>61</u>	P/S Bond Filed as to Jean Francois Picard in amount of \$ 20,000.00. Signed by Magistrate Judge Bernard G. Skomal on 8/8/2016. (Document applicable to USA, Jean Francois Picard.) (ag) (Entered: 08/08/2016)
08/22/2016	<u>63</u>	MOTION for Bond by Jean Francois Picard. (Attachments: # <u>1</u> order)(Werksman, Gerald) Emailed attorney to email proposed order to chambers (ag). (Entered: 08/22/2016)
08/26/2016	<u>64</u>	ORDER Modifying Conditions of Pretrial Release as to Jean Francois Picard. Signed by Judge Marilyn L. Huff on 8/25/2016. (cc: US Pretrial Services)(ag) (Entered: 08/26/2016)
10/13/2016	<u>70</u>	Amended MOTION to Modify Conditions of Release by Jean Francois Picard. (Werksman, Gerald) (acc). (Entered: 10/13/2016)
10/14/2016	<u>71</u>	ORDER granting <u>70</u> Motion to Modify Conditions of Pretrial Release as to Jean Francois Picard (2). IT IS HEREBY ORDERED that the Defendants pretrial release conditions are modified to permit the Defendant to travel to Phoenix, Arizona on 10/18/2016 and to

		Saint-Rmi, Quebec, Canada from 10/21/2016 to 10/24/2016. Signed by Judge Marilyn L. Huff on 10/14/2016.(acc) (Entered: 10/14/2016)
10/17/2016	<u>72</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) (ag). (Entered: 10/17/2016)
10/18/2016	<u>75</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on January 23, 2017. (Werksman, Gerald) (ag). (Entered: 10/18/2016)
10/20/2016	<u>78</u>	Minute ORDER: Good cause appearing, the Court GRANTS the parties' joint motion to continue the Motion Hearing/Trial Setting date and GRANTS the parties' joint motion to exclude time under the Speedy Trial Act. (Doc. No. <u>72</u> .) Accordingly, the Motion Hearing/Trial Setting set for 10/24/2016 02:00 PM is vacated and is continued to 1/23/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Defendants Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5) have each filed an acknowledgment of next court date. The Court orders all defendants to appear before the Court on 1/23/2017 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing before the Court and a continuance is necessary to serve the interest of justice as stated in the joint motion. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. SO ORDERED by Judge Marilyn L. Huff on 10/20/2016. (no document attached) (smy) (Entered: 10/20/2016)
10/26/2016	<u>79</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Werksman, Gerald) (ag). (Entered: 10/26/2016)
10/27/2016	<u>80</u>	ORDER Modifying Conditions of Pretrial Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 10/27/2016.(ag) (jao). (Entered: 10/27/2016)
12/19/2016	<u>82</u>	MOTION to Dismiss Indictment by Jean Francois Picard. (Werksman, Gerald) (ag). (Main Document 82 replaced on 12/22/2016; ***PAGES 5-10 FILED AS SEALED DOCUMENT ON 12/22/2016***) (kcm). (Entered: 12/19/2016)
12/20/2016	<u>84</u>	NOTICE OF ATTORNEY APPEARANCE Fred A. Sheppard appearing for USA. (Sheppard, Fred)Attorney Fred A. Sheppard added to party USA(pty:pla) (fth). (Entered: 12/20/2016)
01/16/2017	<u>89</u>	RESPONSE in Opposition by USA as to Jean Francois Picard re <u>82</u> MOTION to Dismiss Indictment (Chu, Valerie) (ag). (Entered: 01/16/2017)
01/19/2017	<u>91</u>	Joint MOTION to Continue <i>Motion Hearing</i> by USA as to Hootan Melamed, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) Modified on 1/19/2017 to delete reference to defendant Jean Francois Picard. This joint motion does not apply to defendant Picard (smy) (ag). (Entered: 01/19/2017)
01/23/2017	<u>97</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Motion Hearing/Trial Setting as to Jean Francois Picard (2)(n/a) not held on 1/23/2017. Defense counsel unavailable due to illness. Defendant not appearing due to unavailability of defense counsel. The Court continues the Motion Hearing/Trial Setting to 2/6/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant is ordered to appear on 2/6/2017 and shall file an acknowledgment of next court date prior to 2/6/2017. Pending pretrial motions are on file that requires a hearing. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney N/A). (no document attached) (smy) (Entered: 01/24/2017)
02/06/2017	<u>100</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Motion Hearing/Trial

		Setting as to Jean Francois Picard (2)(n/a) not held on 2/6/2017. Defense counsel not appearing due to illness. Defendant not appearing due to unavailability of defense counsel. Motion Hearing/Trial Setting is continued to 5/22/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. The Court orders the Defendant to file an acknowledgment of next court date (for the 5/22/2017 hearing) by 2/13/2017. A Status Hearing re Acknowledgment is set for 2/13/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. The Court will vacates the 2/13/2017 status hearing upon the filing of the acknowledgment of next court date. Defendant Jean Francois Picard is ordered to appear before the Court on 5/22/2017 at 02:00, absent further order of the Court. Pending pretrial motions are on file that requires a hearing. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney N/A). (no document attached) (smy) (Entered: 02/06/2017)
02/09/2017	<u>101</u>	Acknowledgment of next court date by defendant Jean Francois Picard (2) to appear on May 22, 2017 at 2:00 p.m. (smy) (Entered: 02/09/2017)
02/09/2017	<u>102</u>	NOTICE of Vacated Hearing: Defendant Jean Francois Picard (2) has filed an acknowledgment of next court date to appear on May 22, 2017 at 2:00 p.m. (Doc. No. <u>101</u> .) Accordingly, the Status Hearing re Acknowledgment set for 2/13/2017 at 02:00 p.m. is vacated. The Motion Hearing/Trial Setting set for 5/22/2017 at 02:00 p.m. is confirmed. (no document attached) (smy) (Entered: 02/09/2017)
05/15/2017	<u>109</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) (ag). (Entered: 05/15/2017)
05/19/2017	<u>115</u>	Acknowledgment of next court date by defendant Jean Francois Picard (2) to appear on August 28, 2017 at 2:00 p.m. (smy) (Entered: 05/19/2017)
05/19/2017	<u>117</u>	ORDER Granting Joint Motion to Continue Motion Hearing/Trial Setting and Granting Joint Motion to Exclude Time Under the Speedy Trial Act as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), and Jonathan Pena (5). The motion hearing/trial setting date of May 22, 2017 is vacated and continued to August 28, 2017 at 2:00 p.m. in Courtroom 15A. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the Court on August 28, 2017 at 2:00 p.m. in Courtroom 15A, absent further order of the Court. Signed by Judge Marilyn L. Huff on 5/19/2017. (smy) (Entered: 05/19/2017)
06/27/2017	<u>118</u>	Joint MOTION to Allow Jean Francois Picard to Travel to Northern California by Jean Francois Picard (Attachments: # <u>1</u> Proof of Service, # <u>2</u> Proposed Order)(Werksman, Gerald) Modified on 6/27/2017 to create motion and correct docket text (ag). (Entered: 06/27/2017)
06/28/2017	<u>119</u>	ORDER Modifying Conditions of Pre-Trial Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 6/28/2017.(ag) (Entered: 06/28/2017)
08/23/2017	<u>131</u>	Joint MOTION to Continue by Phong Hung Tran as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran. (Warwick, Thomas) (jpp). (Entered: 08/23/2017)
08/23/2017	<u>132</u>	Joint MOTION to Continue by Phong Hung Tran as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran. (Warwick, Thomas) (jpp). (Entered: 08/23/2017)
08/24/2017	<u>135</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on November 20, 2017 at 2:00 p.m.. (Attachments: # <u>1</u> Proof of Service)(Werksman, Mark) (ag). (Entered: 08/24/2017)

08/25/2017	<u>138</u>	ORDER Granting Joint Motion to Continue Motion Hearing/Trial Setting and Granting Joint Motion to Exclude Time Under the Speedy Trial Act as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), and Phong Hung Tran (4). (Doc. No. <u>132</u> .) The motion hearing/trial setting date of August 28, 2017 is vacated and continued to November 20, 2017 at 2:00 p.m. in Courtroom 15A. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the Court on November 20, 2017 at 2:00 p.m. in Courtroom 15A, absent further order of the Court. Signed by Judge Marilyn L. Huff on 8/25/2017. (smy) (Entered: 08/25/2017)
08/28/2017	139	NOTICE OF HEARING as to Defendant Jean Francois Picard (2)(bond). A Status Hearing re Counsel is set for 8/30/2017 10:30 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant is ordered to appear before the Court on 8/30/2017 at 10:30 AM in Courtroom 15A. The Court request an attorney from Federal Defenders to appear at the status hearing. (cc: John Ellis, Supervisory Trial Attorney, Federal Defenders). (no document attached) (smy) (Entered: 08/28/2017)
08/30/2017	141	Minute Entry for proceedings held before Judge Marilyn L. Huff: Status Hearing re Counsel as to Jean Francois Picard (2) held on 8/30/2017. Federal Defenders appearing at the request of the Court. Retained Attorney Gerald Werksman appearing by telephone. Attorney Mark Werksman specially appearing by telephone with Attorney Gerald Werksman. The Court grants retained counsel Gerald Werksman's request to withdraw as counsel of record. Attorney Gerald Werksman is relieved as counsel in this case. The Court provisionally appoints Federal Defenders to represent Defendant Jean Francois Picard under the reimbursement provision of the Guide to Judiciary Policy, Vol 7A, Ch. 2, Section 230.40(c). The Court authorizes the Clerk to release sealed filings applicable to Defendant Picard, to Federal Defenders. A Status Hearing re Counsel is set for 9/11/2017 at 10:15 AM in Courtroom 15A before Judge Marilyn L. Huff as to Defendant Picard only. If the Defendant qualifies for appointed counsel or if the Defendant retains his own counsel, the Defendant need not appear at the 9/11/2017 hearing. However, if the Defendant does not qualify for appointed counsel and has not retained new counsel, the Defendant is ordered to appear on 9/11/2017 before the Court. Pending motions are on file that requires a hearing and new counsel has been provisionally appointed. Accordingly, the Court continues the pending motions and finds valid excludable time under the Speedy Trial Act. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Gerald Werksman, RET (by telephone); Mark Werksman, S/A (appearing by telephone); Elizabeth Barros, FD; Bridget Kennedy, FD). (no document attached) (smy) (Entered: 08/30/2017)
08/31/2017	<u>146</u>	NOTICE OF ATTORNEY APPEARANCE: Elizabeth M. Barros appearing for Jean Francois Picard (Barros, Elizabeth)Attorney Elizabeth M. Barros added to party Jean Francois Picard(pty:dft) (ag). (Entered: 08/31/2017)
09/08/2017	<u>149</u>	MOTION to Submit Declaration in Lieu of CJA Form 23 by Jean Francois Picard. (Attachments: # <u>1</u> Memo of Points and Authorities)(Barros, Elizabeth) (ag). (Entered: 09/08/2017)
09/08/2017	<u>150</u>	NOTICE OF ATTORNEY APPEARANCE: Bridget Kennedy appearing for Jean Francois Picard <i>Co-Counsel</i> (Kennedy, Bridget)Attorney Bridget Kennedy added to party Jean Francois Picard(pty:dft) (ag). (Entered: 09/08/2017)
09/11/2017	151	Minute Entry for proceedings held before Judge Marilyn L. Huff: Status Hearing re Counsel as to Jean Francois Picard held on 9/11/2017. The Court grants the Defendant's <u>149</u> Motion to Submit Declaration in Lieu of CJA Form 23 as to Jean Francois Picard (2). The Court orders the Defendant's financial declaration be filed under seal, absent further order of the Court. The Court confirms the appointment of Federal Defenders for Defendant Jean Francois Picard, subject to reimbursement if deemed appropriate by the

		Court at the conclusion of this case. (ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Bridget Kennedy, FD). (no document attached) (smy) (Entered: 09/11/2017)
10/20/2017	<u>155</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Kennedy, Bridget) (ag). (Entered: 10/20/2017)
10/20/2017	<u>156</u>	Minute ORDER: Defendant Jean Francois Picard (2) has filed a motion to modify his bond conditions to allow travel to Montreal, Canada from October 24, 2017 through October 27, 2017. (Doc. No. <u>155</u> .) The Court notes that the Defendant has been authorized to travel to Canada on two prior occasions (Doc. Nos. <u>64</u> and <u>71</u>) and no reports of pretrial release violations have been reported to the Court. Accordingly, the Court's tentative is to grant the Defendant's motion. However, the Government may file its opposition to the Defendant's motion no later than October 23, 2017 by 9:00 a.m. SO ORDERED by Judge Marilyn L. Huff on 10/20/2017. (no document attached) (smy) (Entered: 10/20/2017)
10/23/2017	<u>157</u>	ORDER Modifying Conditions of Pretrial Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 10/23/2017.(ag) (Entered: 10/23/2017)
10/26/2017	<u>160</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Kennedy, Bridget) (ag). (Entered: 10/26/2017)
10/27/2017	<u>161</u>	NOTICE OF HEARING as to Defendant Jean Francois Picard (2)(bond). A Bond Hearing is set for 10/30/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. The Court orders the Defendant to appear at the hearing. Pretrial Services is requested to appear at the hearing as well. (no document attached) (smy) (Entered: 10/27/2017)
10/30/2017	<u>162</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Bond Modification Hearing as to Jean Francois Picard held on 10/30/2017. The Court grants the <u>160</u> MOTION to Modify Conditions of Release filed by Jean Francois Picard. Written order to be filed. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Bridget Kennedy, FD). (Pretrial Services Officer William Perales). (no document attached) (smy) (Entered: 10/30/2017)
10/30/2017	<u>163</u>	ORDER Modifying Conditions of Pretrial Release (ECF No. <u>160</u>) as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 10/30/2017.(mxn) (Entered: 10/30/2017)
11/15/2017	<u>164</u>	Joint MOTION to Continue <i>Motion Hearing</i> by Jean Francois Picard as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran. (Attachments: # <u>1</u> Proof of Service)(Barros, Elizabeth) (ag). (Entered: 11/15/2017)
11/16/2017	<u>167</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on January 29, 2018. (Attachments: # <u>1</u> Proof of Service)(Barros, Elizabeth) (ag). (Entered: 11/16/2017)
11/16/2017	<u>169</u>	Acknowledgment of next court date by defendant Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena to appear on January 29,2018. (Warwick, Thomas) (ag). (Entered: 11/16/2017)
11/17/2017	<u>171</u>	ORDER Granting Joint Motion to Continue Motion Hearing/Trial Setting and Granting Joint Motion to Exclude Time Under the Speedy Trial Act as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), and Phong Hung Tran (4). (Doc. No. <u>164</u> .) The motion hearing/trial setting date of November 20, 2017 is vacated and continued to January 29, 2018 at 2:00 p.m. in Courtroom 15A. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the Court on January 29, 2018 at 2:00 p.m. in Courtroom 15A, absent further order of the

		Court. Signed by Judge Marilyn L. Huff on 11/17/2017. (smy) Modified on 11/17/2017 to correct date the defendants are ordered to appear (smy). (Entered: 11/17/2017)
01/02/2018	<u>172</u>	BILL OF PARTICULARS for <i>Forfeiture of Property</i> by USA (Chu, Valerie) (jjg). (Entered: 01/02/2018)
01/24/2018	<u>173</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran. (Chu, Valerie) (jjg). (Entered: 01/24/2018)
01/25/2018	<u>175</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on June 11, 2018. (Attachments: # <u>1</u> Proof of Service)(Barros, Elizabeth) (jjg). (Entered: 01/25/2018)
01/26/2018	<u>178</u>	ORDER Granting Joint Motion to Continue Motion Hearing/Trial Setting and Granting Joint Motion to Exclude Time Under the Speedy Trial Act as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), and Phong Hung Tran (4). (Doc. No. <u>173</u> .) The motion hearing/trial setting date of November January 29, 2018 is vacated and continued to June 11, 2018 at 2:00 p.m. in Courtroom 15A. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the Court on June 11, 2018 at 2:00 p.m. in Courtroom 15A, absent further order of the Court. Signed by Judge Marilyn L. Huff on 1/26/2018. (smy) (Entered: 01/26/2018)
01/29/2018	<u>179</u>	Certificate of Service by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (jjg) (Entered: 01/30/2018)
03/01/2018	<u>185</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth) (jjg). (Entered: 03/01/2018)
03/01/2018	<u>186</u>	ORDER Granting <u>185</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 3/1/2018.(jjg) (Entered: 03/02/2018)
04/11/2018	<u>192</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Kennedy, Bridget).8 (jah). (Entered: 04/11/2018)
04/12/2018	<u>193</u>	ORDER granting <u>192</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Defendant's pretrial release conditions are modified to permit Defendant to travel to Quebec, Canada from 4/13/2018 to 4/22/2018. Pretrial Services directed to release Defendant's passport for limited purpose of allowing Defendant to travel to Quebec, Canada. All other conditions of pretrial release as previously ordered by Magistrate Judge Skomal remain in effect and in full force. Court reserves the right to revoke this Order should Defendant demonstrate non-compliance with the terms and conditions of his pretrial release. Signed by Judge Marilyn L. Huff on 4/12/2018. (cc: Pretrial) (jah) (Entered: 04/12/2018)
04/13/2018	<u>194</u>	Amended MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth). (jah). (Entered: 04/13/2018)
04/16/2018	<u>195</u>	ORDER granting Defendant's <u>194</u> Amended Motion to Modify Conditions of Release as to Jean Francois Picard (2). Conditions of pretrial release modified to permit Defendant to travel to Quebec, Canada from 4/17/2018 to 4/23/2018. Court directs Pretrial Services to release Defendant's passport for the limited purpose of allowing travel to Quebec, Canada. All other conditions of pretrial release previously ordered by Magistrate Judge Skomal and this Court remain in effect and full force. Signed by Judge Marilyn L. Huff on 4/13/2018.(cc: Pretrial) (jah) (Entered: 04/16/2018)
06/05/2018	<u>198</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on August 27, 2018. (Barros, Elizabeth). (jah). (Entered: 06/05/2018)

06/07/2018	<u>202</u>	NOTICE OF HEARING as to Defendants Hootan Melamed (1)(bond), Jean Francois Picard (2)(bond), John Pangelinan (3)(bond), and Phong Hung Tran (4)(bond). At the request of defense counsel, with no objection from government counsel, the date of 6/11/2018 02:00 PM is vacated and Motion Hearing/Trial Setting is reset for 8/27/2018 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the Court on 8/27/2018 at 02:00 PM in Courtroom 15A, absent further order of the Court. Pending pretrial motions are on file that requires a hearing and the Court continues find this case complex. Accordingly, the Court continues the pending motions to the new hearing date and finds valid excludable time under the Speedy Trial Act. (no document attached) (smy) (Entered: 06/07/2018)
06/08/2018	<u>203</u>	NOTICE OF ATTORNEY APPEARANCE: Nathan Feneis appearing as Co-Counsel for Jean Francois Picard (Feneis, Nathan). Attorney Nathan Feneis added to party Jean Francois Picard (pty:dft). Modified on 6/11/2018 - Edited text (jah). (Entered: 06/08/2018)
06/19/2018	<u>204</u>	Second BILL OF PARTICULARS for Forfeiture of Property by USA (Chu, Valerie). (jah). (Entered: 06/19/2018)
06/28/2018	<u>205</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth). (jah). (Entered: 06/28/2018)
06/29/2018	<u>206</u>	ORDER granting Defendant's <u>205</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Conditions modified to permit Defendant to travel throughout the states of California and Nevada from 6/30/2018 to 7/5/2018. All other conditions of pretrial release previously ordered by Magistrate Judge Skomal and this Court remain in effect and in full force. Signed by Judge Marilyn L. Huff on 6/29/2018. (jah) (Entered: 06/29/2018)
07/19/2018	<u>212</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Feneis, Nathan). (jah). (Entered: 07/19/2018)
07/19/2018	<u>213</u>	ORDER granting Defendant's <u>212</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Pretrial release conditions modified to permit Defendant to travel to Canada from 7/30/2018 to 8/2/2018. Court reserves the right to revoke this Order should Defendant demonstrate non-compliance with the terms and conditions of his pretrial release. Signed by Judge Marilyn L. Huff on 7/19/2018. (jah) (Entered: 07/19/2018)
07/20/2018	<u>214</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Feneis, Nathan). Modified on 7/20/2018 - Proof of Service has s/ of different atty, not filing atty's. QC Email sent re ECF signature policy(jah). (Entered: 07/20/2018)
07/20/2018	<u>215</u>	AMENDED ORDER granting <u>214</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). IT IS HEREBY ORDERED that the Defendant's pretrial release conditions are modified to permit the Defendant to travel to Canada from July 23, 2018, to August 2, 2018. Signed by Judge Marilyn L. Huff on 7/20/2018. (smy) (Entered: 07/20/2018)
08/13/2018	<u>217</u>	MOTION to Dismiss Count 1 Because it is Duplicitous, MOTION to Sever Defendants, MOTION to Dismiss Count 1 for Failure to Recite an Essential Element, MOTION to Dismiss Counts 13-14 for Failure to State an Offense, MOTION to Dismiss Counts 1-6 as Void-For-Vagueness, MOTION Dismiss Counts 2-6 for Failure to State an Offense, MOTION to Dismiss Counts 2-6, MOTION for Leave to File Further Motions by Jean Francois Picard. (Attachments: # <u>1</u> Memo of Points and Authorities)(Barros, Elizabeth). Modified on 8/14/2018 - No Proof of Service. QC Email sent to file Proof of Service (jah). (Entered: 08/13/2018)

08/17/2018	218	NOTICE OF HEARING as to Defendants Hootan Melamed (1)(bond), Jean Francois Picard (2)(bond), John Pangelinan (3)(bond), Phong Hung Tran (4)(bond). bond). On the Court's own motion and due to a conflict with the Court's schedule, the date of 8/27/2018 02:00 PM is vacated and the Motion Hearing/Trial Setting is reset for 8/29/2018 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Each Defendant is ordered to appear on 8/29/2018 at 02:00 PM before the Court and each Defendant shall file an acknowledgment of next court date by 8/24/2018. Pending pretrial motions are on file that requires a hearing as to all Defendants. Accordingly, the Court continues the pending motions to the new hearing date and finds valid excludable time under the Speedy Trial Act as to all Defendants. Counsel shall notify the Court's courtroom deputy should the new hearing date conflict with counsel's schedule. (no document attached) (smy) (Entered: 08/17/2018)
08/22/2018	<u>222</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on August 29, 2018. (Barros, Elizabeth). (jah). (Entered: 08/22/2018)
08/22/2018	<u>224</u>	RESPONSE in Opposition by USA as to Jean Francois Picard re <u>217</u> MOTION to Dismiss Count 1 Because it is Duplicitous, MOTION to Sever Defendants, MOTION to Dismiss Count 1 for Failure to Recite an Essential Element, MOTION to Dismiss Counts 13-14 for Failure to State an Offense, MOTION to Dismiss Counts 1-6 as Void-For-Vagueness, MOTION Dismiss Counts 2-6 for Failure to State an Offense MOTION to Dismiss Counts 2-6, MOTION for Leave to File Further Motions (Chu, Valerie). (jah). (Entered: 08/22/2018)
08/22/2018	<u>225</u>	MOTION to Amend/Correct Indictment by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie). (jah). (Entered: 08/22/2018)
08/29/2018	228	Minute Entry for proceedings held before Judge Marilyn L. Huff: Motion Hearing/Trial Setting as to Hootan Melamed (1), Jean Francois (2) Picard, and John Pangelinan (3) held on 8/29/2018. The Court denies Defendant Picard's motions to dismiss (Doc. Nos. <u>82</u> and <u>217</u> .) The Court holds in abeyance the Government's motion to amend/correct indictment (Doc. No. <u>225</u>), pending a Grand Jury return of a Superseding Indictment. Status Hearing set for 11/5/2018 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Motion In Limine Hearing set for 2/4/2019 10:15 AM in Courtroom 15A before Judge Marilyn L. Huff. In limine motions due by 1/14/2019. Responses due by 1/28/2019. No replies are to be filed, absent further order of the Court. Jury Trial set for 2/5/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. Pending pretrial motions are on file and the Court continues to make a finding that this case is complex. Accordingly, the Court continues the pending motion to the status hearing and finds valid excludable time under the Speedy Trial Act. (ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Steven Goldsobel, RET (1); Elizabeth Barros, FD and Nathan Feneis, FD (2); Patrick Hall, RET (3)). (no document attached) (smy) (Entered: 08/30/2018)
09/07/2018	<u>233</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Attachments: # <u>1</u> Proof of Service)(Barros, Elizabeth). (jah). (Entered: 09/07/2018)
09/07/2018	<u>234</u>	ORDER granting <u>233</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). IT IS HEREBY ORDERED that the Defendant's pretrial release conditions are modified to permit the Defendant to travel to Canada from September 8, 2018, to September 13, 2018. Signed by Judge Marilyn L. Huff on 9/7/2018. (smy) (Entered: 09/07/2018)
10/26/2018	<u>235</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on November 26, 2018. (Barros, Elizabeth). (jah). (Entered: 10/26/2018)

10/29/2018	238	NOTICE OF HEARING as to Defendants Hootan Melamed (1)(bond), Jean Francois Picard (2)(bond), and John Pangelinan (3)(bond). At the joint request of the parties, the date of 11/5/2018 02:00 PM is vacated and the Status Hearing is reset for 11/26/2018 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Each Defendant has filed an acknowledgment of next court date and each Defendant is ordered to appear before the Court on 11/26/2018 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing. Additionally, the Court continues to make a finding that this case is complex. Accordingly, the Court continues the pending motions to the new hearing date and finds valid excludable time under the Speedy Trial Act. (no document attached) (smy) (Entered: 10/29/2018)
11/20/2018	<u>247</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on December 14, 2018. (Attachments: # <u>1</u> Proof of Service)(Barros, Elizabeth). (jah). (Entered: 11/20/2018)
11/21/2018	250	NOTICE OF HEARING as to Defendants Hootan Melamed (1)(bond), Jean Francois Picard (2)(bond), and John Pangelinan (3)(bond). At the joint request of the parties, the date of 11/26/2018 02:00 PM is vacated and the Status Hearing is reset for 12/14/2018 10:00 AM in Courtroom 15A before Judge Marilyn L. Huff. Each Defendant has filed an acknowledgment of next court date and each Defendant is ordered to appear before the Court on 12/14/2018 at 10:00 AM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing. Additionally, the Court continues to make a finding that this case is complex. Accordingly, the Court continues the pending motions to the new hearing date and finds valid excludable time under the Speedy Trial Act. (no document attached) (smy) (Entered: 11/21/2018)
11/27/2018	<u>251</u>	FIRST SUPERSEDING INDICTMENT as to Hootan Melamed (1) count(s) 1s, 2s-6s, 9s-11s, 13s-14s, Jean Francois Picard (2) count(s) 1s, 2s-6s, 13s-14s, John Pangelinan (3) count(s) 1s, 7s-8s, 12s. (jah) (dsn) (Entered: 11/28/2018)
11/29/2018	<u>253</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on December 12, 2018. (Barros, Elizabeth) (aef). (Entered: 11/29/2018)
11/30/2018	255	NOTICE OF HEARING as to Defendants Hootan Melamed (1)(bond), Jean Francois Picard (2)(bond), John Pangelinan (2)(bond). With the agreement of the parties, the Arraignment on the Superseding Indictment is set for 12/12/2018 01:30 PM in Courtroom 15A before Judge Marilyn L. Huff. Additionally, the Status Hearing set for 12/14/2018 10:00 AM is vacated and is reset for 12/12/2018 01:30 PM in Courtroom 15A before Judge Marilyn L. Huff. Each Defendant has filed an acknowledgment of next court date and each Defendant is ordered to appear before the Court on 12/12/2018 at 01:30 PM, absent further order of the Court. (no document attached) (smy) (Entered: 11/30/2018)
12/12/2018	256	Minute Entry for proceedings held before Judge Marilyn L. Huff: Arraignment on Superseding Indictment as to Hootan Melamed (1) Counts 1s,2s-6s,9s-11s,13s-14s and Jean Francois Picard (2) Counts 1s,2s-6s,13s-14s and John Pangelinan (3) Counts 1s,7s-8s,12s held on 12/12/2018. Not Guilty plea entered. Defendants oral motion to continue jury trial date - Denied. Court orders Government to produce to the Defendants transcripts of recordings produced in discovery 30 days prior to the trial date. The Court further orders the Government to give notice of expert witnesses to the defense 30 days prior to the trial date. Motion Hearing set for 1/22/2019 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Motions due by 1/8/2019. Responses due by 1/15/2019. No replies are to be filed, absent further order of the Court. Motions In Limine Hearing set for 2/4/2019 10:15 AM and Jury Trial set for 2/5/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff is confirmed. Pending pretrial motions are on file that requires a hearing. Accordingly, the Court continues the pending motions to the new motion hearing date and finds valid excludable time under the Speedy Trial Act. (Court

		Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Steven Goldsobel, RET (1); Elizabeth Barros, FD and Nathan Feneis, FD (2); Patrick Hall, RET (3)). (smy) (Entered: 12/12/2018)
01/02/2019	<u>259</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth) (sjm). (Entered: 01/02/2019)
01/03/2019	<u>260</u>	ORDER MODIFYING CONDITIONS OFPRETRIAL RELEASE re: <u>259</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 1/3/2019.(sjm) (Entered: 01/03/2019)
01/08/2019	<u>261</u>	NOTICE OF ATTORNEY APPEARANCE Benjamin J. Katz appearing for USA. (Katz, Benjamin) Attorney Benjamin J. Katz added to party USA(pty:pla) (rmc). (Entered: 01/08/2019)
01/08/2019	<u>262</u>	MOTION to Dismiss Indictment <i>Count One Because it is Duplicitous</i> , MOTION to Sever Defendants , MOTION to Dismiss <i>Counts Thirteen and Fourteen for Failure to State an Offense</i> , MOTION to Dismiss <i>Counts One Through Six as Void-For-Vagueness</i> , MOTION to Dismiss <i>Counts Two Through Six for Failure to State an Offense</i> , MOTION to Dismiss <i>Counts Two Through Six Under the Fifth Amendment Double Jeopardy Clause</i> , MOTION for Leave to File Further Motions by Jean Francois Picard. (Attachments: # <u>1</u> Memo of Points and Authorities)(Barros, Elizabeth) (rmc). (Entered: 01/08/2019)
01/08/2019	<u>263</u>	2nd SUPERSEDING INDICTMENT as to Jean Francois Picard (2) count(s) 1ss, 2ss-13ss, 14ss-15ss, John Pangelinan (3) count(s) 1ss, 2ss-13ss, 14ss-15ss. (rmc) (Entered: 01/09/2019)
01/09/2019	<u>264</u>	MOTION for Joinder to Defendant Jean Francois Picard's Motions by John Pangelinan. (Attachments: # <u>1</u> Proof of Service)(Hall, Patrick). Modified on 1/10/2019 - Applied to all Dfts in error. QC Email sent. Motion termed as to non-applicable Dfts. Corrected text (jah). (Entered: 01/09/2019)
01/10/2019	<u>265</u>	NOTICE OF HEARING as to Defendants Jean Francois Picard (2)(bond) and John Pangelinan (3)(bond). The Court schedules the Arraignment on the Second Superseding Indictment for 1/14/2019 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. The Defendants are ordered to appear before the Court on 1/14/2019 at 02:00 PM. (no document attached) (smy) (Entered: 01/10/2019)
01/11/2019	<u>266</u>	MOTION to Dismiss Second Superseding Indictment by Jean Francois Picard. (Attachments: # <u>1</u> Memo of Points and Authorities)(Barros, Elizabeth). Modified on 1/14/2019 - Wrong event. Corrected motion event (jah). (Entered: 01/11/2019)
01/14/2019	<u>267</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Arraignment on Second Superseding Indictment as to Jean Francois Picard (2) Counts 1ss,2ss-13ss,14ss-15ss and John Pangelinan (3) Counts 1ss,2ss-13ss,14ss-15ss held on 1/14/2019. Not Guilty plea entered. Government's response the Defendants' dismissal motions is now due by 1/18/2019. Motion In Limine Hearing reset for 2/11/2019 10:15 AM in Courtroom 15A before Judge Marilyn L. Huff. In limine motions due by 1/28/2019. Reponses due by 2/4/2019. Jury Trial reset for 2/13/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. Motion Hearing set for 1/22/2019 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff - Confirmed. Court, with no objection from the Government, excuses Defendant Hootan Melamed's (1) appearance at the 1/22/2019 Motion Hearing. Defendant Melamed (1) is to execute and file an acknowledgment of next court date reflecting the new motions in limine hearing date and jury trial date. Pending pretrial motions are on file that requires a hearing and Court continues to make a finding that his case is complex. Accordingly, the Court continues the pretrial motions to the new hearing

		date and finds valid excludable time under the Speedy Trial Act. (Court Reporter/ECR Noemy Martinez). (Plaintiff Attorney Valerie Chu, AUSA). (Defendant Attorney Steven Goldsobel, RET (1); Elizabeth Barros, FD (2) and Nathan Feneis, FD (2); Patrick Hall, RET (3)). (smy) (Entered: 01/14/2019)
01/18/2019	<u>269</u>	RESPONSE in Opposition by USA as to Jean Francois Picard, John Pangelinan re <u>264</u> MOTION for Joinder to Defendant Jean Francois Picard's Motions, <u>262</u> MOTION to Dismiss Indictment Count One Because it is Duplicitous, MOTION to Sever Defendants, MOTION to Dismiss Counts Thirteen and Fourteen for Failure to State an Offense, MOTION to Dismiss Counts One through Six as Void-For-Vagueness, MOTION to Dismiss Counts Two through Six for Failure to State an Offense, MOTION to Dismiss Counts Two through Six Under the Fifth Amendment Double Jeopardy Clause, MOTION for Leave to File Further Motions, <u>227</u> MOTION for Joinder in Defendant Jean Francois Picard's Motions, <u>266</u> MOTION to Dismiss Second Superseding Indictment (Chu, Valerie). (jah). (Entered: 01/18/2019)
01/22/2019	<u>271</u>	SUPERSEDING INFORMATION as to Jean Francois Picard (2) Count 1sss. (smy) (mdc) (Entered: 01/23/2019)
01/22/2019	<u>272</u>	WAIVER OF INDICTMENT by Jean Francois Picard (2). (smy) (mdc) (Entered: 01/23/2019)
01/22/2019	<u>273</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Arraignment on Superseding Information as to Jean Francois Picard (2) Count 1sss held on 1/22/2019. Waiver of Indictment filed. Guilty plea entered by Jean Francois Picard (2) as to Count 1sss of the Superseding Information. Defendant placed under oath. Court conducts Rule 11 plea colloquy. Court accepts Defendant's guilty plea. Plea agreement filed. PSR ordered. Sentence With PSR set for 5/6/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. All other pending hearing dates are vacated and pending motions as to Defendant Jean Francois Picard (2) are withdrawn. (Court Reporter/ECR Noemy Martinez). (Plaintiff Attorney Valerie Chu, AUSA; Benjamin Katz, AUSA). (Defendant Attorney Elizabeth Barros, FD; Nathan Feneis, FD). (smy) (Entered: 01/23/2019)
01/22/2019	<u>274</u>	PLEA AGREEMENT as to Jean Francois Picard (2). (smy) (Entered: 01/23/2019)
02/11/2019	<u>277</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth). (jah). (Entered: 02/11/2019)
02/11/2019	<u>278</u>	ORDER granting <u>277</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 2/11/2019. (smy) (Entered: 02/11/2019)
02/12/2019	<u>279</u>	Unopposed Amended MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth). Modified on 2/13/2019 - Edited text to match pleading (jah). (Entered: 02/12/2019)
02/13/2019	<u>280</u>	AMENDED ORDER granting <u>279</u> Amended Motion to Modify Conditions of Release as to Jean Francois Picard (2). This order supersedes the Court's previous order (Doc. No. <u>278</u>) filed on February 11, 2019. Signed by Judge Marilyn L. Huff on 2/13/2019. (smy) (Entered: 02/13/2019)
03/07/2019	<u>281</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Feneis, Nathan). (jah). (Entered: 03/07/2019)
03/07/2019	<u>282</u>	ORDER granting <u>281</u> Motion to Modify Conditions of Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 3/7/2019. (cc: Pretrial Services). (smy) (Entered: 03/07/2019)
03/14/2019	<u>283</u>	Minute ORDER: On March 7, 2019, the Court granted Defendant Jean Francois Picard's (2) motion to modify the condition of his pretrial release to permit the Defendant to travel

		to Canada from March 11, 2019 to March 14, 2019. (Doc. No. <u>282</u> .) On March 14, 2019, defense counsel notified the Court that the Defendant's return flight has been cancelled and rebooked for March 16, 2019. Accordingly, the Court modifies the Defendant's pretrial release conditions to permit his return on March 16, 2019. The Defendant is ordered to check in with his pretrial services officer upon his return. All other conditions of pretrial release remain unchanged. SO ORDERED by Judge Marilyn L. Huff on 3/14/2019. (no document attached) (smy) (Entered: 03/14/2019)
04/05/2019	<u>284</u>	Acknowledgment of next court date by defendant Jean Francois Picard to appear on September 9, 2019. (Barros, Elizabeth). (jah). (Entered: 04/05/2019)
04/08/2019	<u>285</u>	MOTION to Modify Conditions of Release by Jean Francois Picard. (Feneis, Nathan). (jah). (Entered: 04/08/2019)
04/08/2019	<u>286</u>	NOTICE OF HEARING as to Defendant Jean Francois Picard (2)(bond). At the request of defense counsel, with representation that government counsel has no objection, the date of 5/6/2019 09:00 AM is vacated and Sentence With PSR is reset for 9/9/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant has filed an acknowledgment of next court date and is ordered to appear before the Court for sentencing on 9/9/2019 at 09:00 AM, absent further order of the Court. (no document attached) (smy) (Entered: 04/08/2019)
04/08/2019	<u>287</u>	ORDER granting <u>285</u> Motion to Modify Conditions of Pretrial Release as to Jean Francois Picard (2). Signed by Judge Marilyn L. Huff on 4/8/2019. (cc: U.S. Pretrial Services). (smy) (Entered: 04/08/2019)
06/25/2019	<u>303</u>	Unopposed MOTION to Modify Conditions of Release by Jean Francois Picard. (Barros, Elizabeth). (jah). (Entered: 06/25/2019)
06/26/2019	<u>304</u>	ORDER granting Defendant's <u>303</u> Unopposed Motion to Modify Conditions of Release as to Jean Francois Picard (2). Conditions of release are modified to permit Defendant to travel throughout the State of California. All other conditions of pretrial release remain in effect and full force. Court reserves the right to revoke this Order should Defendant demonstrate non-compliance with the terms and conditions of pretrial release. Signed by Judge Marilyn L. Huff on 6/26/2019. (cc: Pretrial) (jah) (Entered: 06/26/2019)

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