

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2015 JUN 11 PM 4:12

WILLIAM W. BLEVINS
CLERK

SEALED

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HEALTH CARE FRAUD, CONSPIRACY TO PAY HEALTH CARE KICKBACKS, CONSPIRACY TO FALSIFY RECORDS IN A FEDERAL INVESTIGATION, AND FORFEITURE

UNITED STATES OF AMERICA

CRIMINAL DOCKET NO.

VERSUS

SECTION:

GEOFFREY RICKETTS
MARLA RICKETTS
SUNYUP KIM
SAMUEL KIM

VIOLATIONS:

15-153
SECT. 1 MAG. 5
18 U.S.C. § 1349
18 U.S.C. § 371
18 U.S.C. § 1347
18 U.S.C. § 2
18 U.S.C. § 982(a)(7)

* * *

The Grand Jury Charges that:

COUNT ONE

Conspiracy to Commit Health Care Fraud (18 U.S.C. § 1349)

A. AT ALL TIMES MATERIAL HEREIN:

The Medicare Program

1. The Medicare program (Medicare) was a federal health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the

Fee _____
Process _____
X Disc _____
CfmDep _____
Doc. No. _____

United States Department of Health and Human Services through its agency, the Centers for Medicare & Medicaid Services (CMS). Individuals who received benefits under Medicare were referred to as “beneficiaries.”

2. Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

3. **Durable Medical Equipment (DME)**: Medicare Part B helped pay for certain DME that was both medically necessary and ordered by a licensed medical doctor or other qualified health care provider. DME was designed to be used repeatedly for a medical purpose and included certain supplies for diabetics, such as glucose monitors, glucose test strips and glucose lancets, to help people with diabetes manage their blood sugar levels.

4. For Louisiana beneficiaries, CMS contracted with CIGNA Government Services (CIGNA) to receive, adjudicate, and pay the DME claims submitted to them by Medicare beneficiaries, physicians, or suppliers of health care items. CMS also contracted with Palmetto GBA (Palmetto) and the National Supplier Clearinghouse to manage the processing of Medicare enrollment forms for all DME suppliers. Medicare, through CIGNA, paid a substantial portion of the cost of the DME or related health care item if it was medically necessary and ordered by a licensed, qualified health care provider. Medicare only paid for DME provided to an eligible Medicare beneficiary.

5. DME suppliers, physicians, and other health care providers that sought to participate in Medicare Part B and bill Medicare for the cost of DME and related benefits, items, and services were required to apply for and receive a “supplier number.” When a supplier enrolled with Medicare, the supplier agreed to abide by all rules and regulations prescribed by

the federal government. Upon approval of the application, the DME supplier was issued a supplier number that was used to submit claims for payment to Medicare for the cost of DME supplied to eligible beneficiaries. Medicare, through Palmetto and CIGNA, generally paid a substantial portion of the cost of the DME or related health care benefit, item, or service if it was medically necessary and ordered by a licensed, qualified health care provider.

6. **Billing Codes for Durable Medical Equipment:** DME suppliers submitted claims to Medicare using the Healthcare Common Procedure Coding System (HCPCS), a series of five-digit codes that corresponded to various types of goods and items. HCPCS code E2100 was the code for a blood glucose monitor with integrated voice synthesizer, often referred to as a talking glucose monitor. For suppliers to be reimbursed by Medicare for supplying the E2100 monitor, the beneficiary had to meet the following criteria:

- a. the beneficiary had diabetes;
- b. the beneficiary's physician concluded that the beneficiary (or the Medicare beneficiary's caregiver) had sufficient training using the particular device prescribed as evidenced by providing a prescription for the appropriate supplies and frequency of blood glucose testing; and
- c. the treating physician certified that the beneficiary had a severe visual impairment defined as best corrected visual acuity of 20/200 or worse in both eyes that required use of this special monitoring system.

7. A Medicare beneficiary was required to meet all the above criteria in order to qualify for an E2100 monitor. Medicare would not reimburse suppliers who supplied E2100 monitors to Medicare beneficiaries who did not meet all these criteria. Instead, Medicare beneficiaries who met criteria (a) and (b) but not (c), were eligible to receive blood glucose

monitors that did not have an integrated voice synthesizer, and utilized different HCPCS codes, such as E0607, a standard home glucose monitor.

8. The Medicare reimbursement rate for the two different glucose monitors differed greatly. DME suppliers received significantly less money for providing monitors without voice synthesizers than they received for providing the E2100 device.

9. When seeking reimbursement from Medicare, a DME supplier used its assigned Medicare provider number to submit a health insurance claim form, known as a CMS-1500. The CMS-1500 required DME companies to provide

- a. The beneficiary's name;
- b. the beneficiary's identification number;
- c. the name and identification number of the physician or other qualified health care provider who ordered the item or service that was the subject of the claim;
- d. the health care item that was supplied or provided to the beneficiary;
- e. the HCPCS code for the item; and
- f. the date on which the item was provided.

When the claim was submitted, the DME provider certified that the contents of the form were true, correct, and complete, and that the form was prepared in compliance with the laws and regulations governing the Medicare program.

10. Payments under Medicare Part B were often made directly to the DME provider. For this to occur, the beneficiary assigned the right of payment to the DME provider or other health care provider. Once an assignment took place, the DME provider assumed the responsibility for submitting claims to, and receiving payments from, Medicare.

11. Approved claims submitted to Medicare Part B were paid at 80% of the approved amount for each claim. Unless a Medicare beneficiary held supplemental or secondary insurance, Medicare required that the beneficiary be responsible for paying the remaining 20% of the claim, known as the co-pay. Waiver of this co-pay was ordinarily not permitted under Medicare billing procedures.

12. **Prohibited Telemarketing**: Section 1834(a)(17)(B) of the Social Security Act, 42 U.S.C. § 1395m(a)(17), prohibited suppliers of DME from making unsolicited telephone calls to Medicare beneficiaries in an attempt to sell them items covered by Medicare Part B, except where:

- a. the beneficiary gave written permission to the supplier to make contact by telephone;
- b. the contact was regarding a covered item the supplier had already furnished the beneficiary; or
- c. the supplier had furnished at least one item to the beneficiary during the preceding 15 months.

13. Section 1834(a)(17)(B) of the Social Security Act, 42 U.S.C. § 1395m(a)(17), specifically prohibited payment to a supplier who knowingly submitted a claim generated pursuant to a prohibited telephone solicitation.

14. Care Concepts, LLC (Care Concepts) was incorporated under the laws of Louisiana and did business in Metairie, Louisiana. Care Concepts was a DME provider who provided DME products nationwide.

15. Care Concepts Louisiana was also incorporated under the laws of California and did business in Chatsworth, California as Choice Home Medical Equipment and Supplies, Inc. (Choice).

16. Care Concepts supplied a variety of DME and related equipment and services to Medicare beneficiaries, including talking glucose monitors.

The Defendants

17. **GEOFFREY RICKETTS** was the owner, President and CEO of Care Concepts and Choice.

18. **MARLA RICKETTS** was the Registered Agent and a director/officer of Care Concepts.

19. **SUNYUP KIM** was the Director of Operations for Care Concepts.

20. **SAMUEL KIM** was the Chief Operating Officer of Care Concepts.

B. THE CONSPIRACY:

21. Beginning in or around January 2009, and continuing through the present, in the Eastern District of Louisiana, and elsewhere, defendants, **GEOFFREY RICKETTS, MARLA RICKETTS, SUNYUP KIM, and SAMUEL KIM** and others known and unknown to the Grand Jury, knowingly and willfully did combine, conspire, confederate and agree together and with each other to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of Medicare 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.

C. PURPOSE OF THE CONSPIRACY:

22. It was a purpose of the conspiracy for defendants **GEOFFREY RICKETTS, MARLA RICKETTS, SUNYUP KIM, SAMUEL KIM**, and their co-conspirators to unlawfully enrich themselves by, among other things,

- a. submitting and causing the submission of false and fraudulent claims to Medicare, and
- b. diverting and causing the diversion of the proceeds of the fraud for the personal use and benefit of the defendants and their co-conspirators.

D. MANNER AND MEANS:

23. The manner and means by which **GEOFFREY RICKETTS, MARLA RICKETTS, SUNYUP KIM, SAMUEL KIM**, and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

24. **GEOFFREY RICKETTS** maintained two valid Medicare provider numbers as owner and operator of Care Concepts and Choice. **RICKETTS** used the two Medicare numbers to submit claims for DME that was medically unnecessary and, in some cases, not provided to Medicare beneficiaries.

25. **GEOFFREY RICKETTS** and **MARLA RICKETTS** obtained and maintained signature authority for a corporate bank account of Care Concepts, Whitney Bank/Hancock Bank Account Number xxxxx498.

26. **GEOFFREY RICKETTS** and **SAMUEL KIM** obtained and maintained signature authority for a corporate bank account of Care Concepts, J.P. Morgan Chase Account Number xxxxx3769.

27. **GEOFFREY RICKETTS** obtained authorization for Medicare payments to Care Concepts to be deposited into Whitney Bank/Hancock Bank Account Number xxxxx498 and J.P. Morgan Chase Account Number xxxxx3769.

28. **GEOFFREY RICKETTS** and **SAMUEL KIM** purchased contact and Medicare billing information from various sources as "leads" for potential "sales" of glucose monitors and other DME.

29. **GEOFFREY RICKETTS, SUNYUP KIM, and SAMUEL KIM** instructed call center operators in California and South Carolina to call Medicare beneficiaries to obtain their protected health information (PHI), including their names, addresses and telephone numbers, social security numbers, Medicare numbers, and physicians' information so that medically unnecessary talking glucose monitors and other DME could be billed to Medicare.

30. **GEOFFREY RICKETTS, SUNYUP KIM, and SAMUEL KIM** paid and caused to be paid illegal kickbacks to the operators of call centers in exchange for the referral of talking glucose monitors and other DME orders for Medicare beneficiaries who the call center operators fraudulently manipulated into providing PHI.

31. **GEOFFREY RICKETTS, SUNYUP KIM, and SAMUEL KIM** paid and caused to be paid illegal kickbacks to call center operators for medically unnecessary items subsequently billed to Medicare on behalf of ineligible Medicare beneficiaries.

32. **GEOFFREY RICKETTS, SUNYUP KIM, and SAMUEL KIM** instructed Care Concepts employees and contractors to fraudulently complete order forms for the signature of Medicare beneficiaries' doctors. These falsified forms did not specify that talking glucose monitors would be ordered and, instead, usually indicated that a large display glucose monitor

was being provided. The forms were deceptively used to support fraudulent billings for upcoded talking glucose monitors and other DME for ineligible beneficiaries.

33. **GEOFFREY RICKETTS, SUNYUP KIM, and SAMUEL KIM** instructed Care Concepts employees and contractors to bill Medicare for talking glucose monitors and other DME even if Medicare beneficiaries did not want, need, or qualify for these items.

34. **GEOFFREY RICKETTS, MARLA RICKETTS, SUNYUP KIM, and SAMUEL KIM** fraudulently submitted, and caused the submission of, Medicare claims for talking glucose monitors and other medically unnecessary DME that falsely represented that the Medicare beneficiaries met Medicare's criteria for talking glucose monitors and other DME.

35. From around December 2007, through in or about March 2015, **GEOFFREY RICKETTS, MARLA RICKETTS, SAMUEL KIM, and SUNYUP KIM** submitted and caused the submission of more than \$38.2 million in fraudulent claims for talking glucose monitors, other DME, and related accessories and Medicare paid Care Concepts more than \$22.3 million.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

Conspiracy to Pay Health Care Kickbacks (18 U.S.C. § 371)

A. AT ALL TIMES MATERIAL HEREIN:

36. The allegations contained in paragraphs 1 through 20 above are re-alleged and incorporated as if fully set forth in this paragraph.

B. THE CONSPIRACY:

37. Beginning in about January 2009, and continuing through in or about March 2015, in the Eastern District of Louisiana, and elsewhere, defendants, **GEOFFREY**

RICKETTS, SUNYUP KIM, and SAMUEL KIM did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to the Grand Jury, to:

- a. knowingly and willfully solicit and receive remuneration, specifically kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by Medicare; and for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole and in part by a Federal Health Care program, that is, Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(1); and;
- b. knowingly and willfully offer and pay remuneration, specifically kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by Medicare; and for the purchasing, leasing, ordering, and arranging for and recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole and in part by a Federal Health care program, that is,

Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(2).

C. PURPOSE OF THE CONSPIRACY:

38. It was a purpose of the conspiracy for **GEOFFREY RICKETTS, SUNYUP KIM**, and **SAMUEL KIM** and their co-conspirators to unlawfully enrich themselves by paying and receiving illegal kickbacks and bribes in exchange for providing Medicare beneficiary information used by Care Concepts to submit fraudulent Medicare claims.

D. MANNER AND MEANS:

39. The manner and means by which **GEOFFREY RICKETTS, SUNYUP KIM**, and **SAMUEL KIM** and their co-conspirators accomplished the object and purpose of the conspiracy included, among others, the following

40. The allegations contained in paragraphs 22 through 35 above are re-alleged and incorporated as if fully set forth in this paragraph.

E. OVERT ACTS:

41. On about November 23, 2011, a call center operator from Sumter, South Carolina, sent a facsimile "Diabetic Supplies" order form to a physician for Medicare beneficiary R.W. The form indicated that a "Glucose Monitor Kit" would be ordered for R.W. The form did not, however, indicate that R.W. had any visual loss or required a talking glucose monitor. The physician returned the signed form to the call center operator on or about November 23, 2011.

42. On about November 28, 2011, a call center operator in Sumter, South Carolina, sent and caused the order form signed by the physician for R.W. to be sent to Care Concepts in

Metairie, Louisiana, for Medicare beneficiary R.W. so that a glucose monitor could be billed to Medicare.

43. On or about December 2, 2011, Care Concepts submitted a claim to Medicare for an E2100 talking glucose monitor.

44. On or about December 2, 2011, **GEOFFREY RICKETTS**, on behalf of Care Concepts, wrote a check to the manager of the call center in Sumter, South Carolina, in the amount of \$2,525 in illegal kickbacks for the referral of medically unnecessary DME fraudulently billed to Medicare.

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

COUNTS THREE THROUGH SEVEN
Health Care Fraud (18 U.S.C. §§ 1347 & 2)

A. AT ALL TIMES MATERIAL HEREIN:

45. The allegations set forth in paragraphs 1 through 20 and 23 through 35 above, are re-alleged and incorporated as though fully set forth herein.

B. THE HEALTH CARE FRAUD:

46. Beginning in or around January 2009, and continuing through the present, including on or about the dates listed below, within the Eastern District of Louisiana and elsewhere, the defendants listed below, together with others known and unknown to the Grand Jury, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicare, a health care benefit program, as defined in Title 18, United States Code, Section 24(b), and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by, and under the custody and control of, the Medicare

program, in connection with the delivery of, and payment for, the following health care benefits, items, and services:

Count	Defendant	Beneficiary	Claim Date	HCPCS DME Codes	Claim Amount
3	GEOFFREY RICKETTS	J.H.	08/01/11	E2100 A4253 A4256 A4258 A4259	\$840.00
4	GEOFFREY RICKETTS	R.W.	12/02/11	E2100 A4253 A4256 A4258 A4259	\$840.00
5	GEOFFREY RICKETTS	P.D.	03/01/12	E2100 A4253 A4256 A4258 A4259 L1902	\$1,030.00
6	GEOFFREY RICKETTS	B.B.	03/01/12	E2100 A4253 A4256 A4258 A4259	\$840.00
7	GEOFFREY RICKETTS	C.S.	03/28/12	E2100 A4253 A4256 A 4258 A4259	\$965.00

All in violation of Title 18, United States Code, Sections 1347 and 2.

COUNT EIGHT

Conspiracy to Falsify Records in a Federal Investigation (18 U.S.C. § 371)

A. AT ALL TIMES MATERIAL HEREIN:

47. The allegations contained in paragraphs 1 through 20, and paragraphs 41 through 44, above, are re-alleged and incorporated as if fully set forth in this paragraph.

48. Zone Program Integrity Contractors (ZPICs) are private companies contracted by CMS to investigate and conduct audits for Medicare overpayments. ZPICs also detect, investigate and gather evidence of suspected fraud and abuse to be turned over to the HHS-OIG for criminal or civil prosecution.

B. THE CONSPIRACY:

49. From in or around August 2012, and continuing through the present, in the Eastern District of Louisiana, and elsewhere, defendant **MARLA RICKETTS** did knowingly and willfully combine, conspire, confederate and agree with others known and unknown to the Grand Jury, to knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make false entries in the records, documents, and tangible objects relating to Care Concepts, with the intent to impede, obstruct and influence the investigation and proper administration of ZPIC investigations and in relation to and contemplation of any such ZPIC investigation within the jurisdiction of a department and agency of the United States, specifically, the Medicare program and its agents, in violation of Title 18, United States Code, Section 1519.

C. PURPOSE OF THE CONSPIRACY:

50. It was a purpose of the conspiracy for defendant **MARLA RICKETTS** and co-conspirators known and unknown to the Grand Jury, to create false documentation requested by the ZPICs to fraudulently misdirect the ZPICs into believing that the claims they were investigating related to medically necessary DME provided to eligible beneficiaries.

D. OVERT ACTS:

51. In furtherance of the conspiracy, and to accomplish its object and purpose, **MARLA RICKETTS** and co-conspirators known and unknown to the Grand Jury, committed

and caused to be committed, in the Eastern District of Louisiana and elsewhere, the following overt acts:

52. In or around August 2012, in response to audits by the Medicare program and its agents, **MARLA RICKETTS** instructed employees and agents of Care Concepts and Choice to alter, fabricate and make false entries in patient records, business records, and other computer media for purpose of impeding, obstructing and influencing the investigation and proper administration of the Medicare program.

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

NOTICE OF HEALTH CARE FRAUD FORFEITURE

1. The allegations contained in Counts 1 through 7 are hereby realleged and incorporated by reference for the purpose of alleging forfeiture to the United States pursuant to the provisions of Title 18, United States Code, 982(a)(7) and the procedures outlined at Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 1 through 7, defendants **GEOFFREY RICKETTS, MARLA RICKETTS, SUNYUP KIM, and SAMUEL KIM**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense as a result of the violations of Title 18, United States Code, Sections 371, 1347, and 1349 which are Federal Health Care offenses within the meaning of Title 18, United States Code, Section 24.

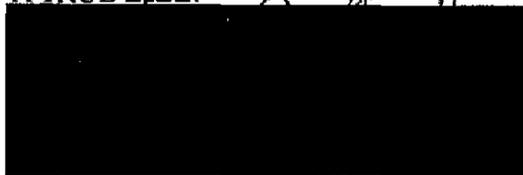
3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence
- b. has been transferred, 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; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

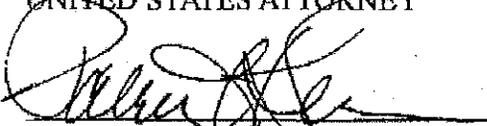
it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

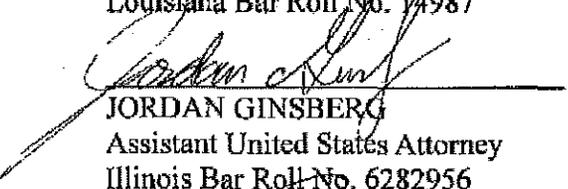
All in violation of Title 18, United States Code, Section 982(a)(7).

A TRUE BILL:



KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY


PATRICE HARRIS SULLIVAN
Assistant United States Attorney
Louisiana Bar Roll No. 14987


JORDAN GINSBERG
Assistant United States Attorney
Illinois Bar Roll No. 6282956


WILLIAM G. KANELIS
Trial Attorney
United States Department of Justice
Virginia State Bar Number 40770

New Orleans, Louisiana
June 11, 2015

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Louisiana
Criminal Division

THE UNITED STATES OF AMERICA

vs.

**GEOFFREY RICKETTS, MARLA RICKETTS,
SUNYUP KIM, and SAMUEL KIM**

INDICTMENT

**INDICTMENT FOR CONSPIRACY TO COMMIT HEALTH CARE FRAUD, HEALTH
CARE FRAUD, CONSPIRACY TO PAY HEALTH CARE KICKBACKS, CONSPIRACY TO
FALSIFY RECORDS IN A FEDERAL INVESTIGATION, AND FORFEITURE**

VIOLATIONS: 18 U.S.C. § 1349, 18 U.S.C. § 371, 18 U.S.C. § 1347,
18 U.S.C. § 2 and 18 U.S.C. § 982(a)(7)

A true bill.



Filed in open court this _____ *day of* _____

A.D. 2015.

Clerk

Bail, \$ _____

PATRICE HARRIS SULLIVAN, Assistant United States Attorney

SEALED

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person J. Chauvin
 Furnishing Information on U.S. Atty Other U.S. Agency
 THIS FORM Phone No. (504) 680-3000
 Name of Asst. Patrice Harris Sullivan
 U.S. Attorney (if assigned)

CASE NO. 15-153

USA vs.

Defendant: GEOFFREY RICKETTS

Address:

Interpreter Required Dialect: _____

Birth Date 1968 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-9388

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
U.S. Dept. of Health & Human Services, SA Matt Presley

person is awaiting trial in another Federal or State Court
 (give name of court)

this person/proceeding transferred from another district
 per (circle one) FRCP 20, 21 or 40. Show District

this is a reprosecution of charges
 previously dismissed which were
 dismissed on motion of:
 U.S. Atty Defense

this prosecution relates to a
 pending case involving this same
 defendant. (Notice of Related
 Case must still be filed with the
 Clerk.)

prior proceedings or appearance(s)
 before U.S. Magistrate Judge
 regarding this defendant were
 recorded under

SHOW
 DOCKET NO.

MAG. JUDGE
 CASE NO.

Place of offense Orleans Parish County

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody
 Currently in State Custody
 Writ Required
 Currently on bond
 Fugitive

Defense Counsel (if any): Walter F. Becker, Jr.

FPD CJA RET'D
 Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 8

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 1349	Conspiracy to Commit Health Care Fraud	1
4	18 U.S.C. § 371	Conspiracy to Pay Health Care Kickbacks	2
4	18 U.S.C. § 1347	Health Care Fraud	3-7

SEALED

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person J. Chauvin
 Furnishing Information on U.S. Atty Other U.S. Agency
 THIS FORM Phone No. (504) 680-3000
 Name of Asst. Patrice Harris Sullivan
 U.S. Attorney
 (If assigned)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
U.S. Dept. of Health & Human Services, SA Matt Presley

person is awaiting trial in another Federal or State Court
 (give name of court)

this person/proceeding transferred from another district
 per (circle one) FRCP 20, 21 or 40. Show District

this is a re prosecution of charges
 previously dismissed which were
 dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a
 pending case involving this same
 defendant. (Notice of Related
 Case must still be filed with the
 Clerk.)

prior proceedings or appearance(s)
 before U.S. Magistrate Judge
 regarding this defendant were
 recorded under

SHOW
 DOCKET NO.

MAG. JUDGE
 CASE NO.

Place of offense Orleans Parish County

CASE NO. 15-153

USA vs.

SECT. L MAG. 5

Defendant: MARLA RICKETTS

Address:

Interpreter Required Dialect: _____

Birth Date 1977 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-6151

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 8

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 371	Conspiracy to Falsify Records in a Federal Investigation	8

SEALED

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM J. Chauvin
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Patrice Harris Sullivan

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
U.S. Dept. of Health & Human Services, SA Matt Presley

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense Orleans Parish County

CASE NO. 15-153

USA vs.

Defendant: Sunyup Kim

SECT. L MAG. 5

Address:

Interpreter Required Dialect: _____

Birth Date 1976 Male Alien (if applicable)
 Female

Social Security Number xxx-xx-2499

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 8

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 371	Conspiracy to Pay Health Care Kickbacks	2

SEALED

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM J. Chauvin
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Patrice Harris Sullivan

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
U.S. Dept. of Health & Human Services, SA Matt Presley

- person is awaiting trial in another Federal or State Court (give name of court)
- this person/proceeding transferred from another district per (circle one) FRCP 20, 21 or 40. Show District
- this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense
- this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)
- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.
 MAG. JUDGE CASE NO.

Place of offense Orleans Parish County

CASE NO. 15-153

USA vs. Samuel Kim
 Defendant: SECT. L MAG. 5

Address:

Interpreter Required Dialect: _____

Birth Date 1975 Male Alien
 Female (if applicable)

Social Security Number XXX-XX-7607

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

- Currently in Federal Custody
- Currently in State Custody
- Writ Required
- Currently on bond
- Fugitive

Defense Counsel (if any): _____

- FPD CJA RET'D
- Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 8

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 371	Conspiracy to Pay Health Care Kickbacks	2

SEALED

TO: DOCKET CLERK

15-153

SECT. L MAG. 5

MAGISTRATE CASE NUMBER

OR

XNO MAGISTRATE PAPERS WERE FOUND

for

NAME: GEOFFREY RICKETTS, MARLA

RICKETTS, SUNYUP KIM, SAMUEL KIM

Initials: TBL

If you receive this note without any initials,
please return the entire packet to criminal desk .

Thank you

UNITED STATES DISTRICT COURT

Eastern District of Louisiana

UNITED STATES OF AMERICA
v.

MARLA RICKETTS

JUDGMENT IN A CRIMINAL CASE

Case Number: 15-153 - L(5)

USM Number: 34325-034

PAULINE HARDIN
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) ONE (1) of the INDICTMENT on OCTOBER 5, 2016
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1349	Conspiracy to Commit Health Care Fraud		1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

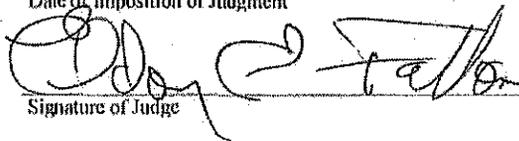
- The defendant has been found not guilty on count(s) _____
- Count(s) 8 of the Indictment is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

COURT REPORTER: LANIE SMITH

JANUARY 5, 2017
Date of Imposition of Judgment

ASST. U. S. ATTORNEY: PATRICE SULLIVAN



Signature of Judge

PROBATION OFFICER: CATHERINE HOLLINRAKE

Eldon E. Fallon, United States District Judge
Name and Title of Judge

JANUARY 6, 2017
Date

DEFENDANT: MARLA RICKETTS
CASE NUMBER: 15-153 - L(5)

PROBATION

The defendant is hereby sentenced to probation for a term of :
FIVE (5) YEARS

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MARLA RICKETTS
CASE NUMBER: 15-153 - L(5)

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall pay any fine/restitution/CJA fee that is imposed by this judgment.

The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days unless excused for schooling, training, or other acceptable reasons. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earning Statements, and other documentation requested by the United States Probation Officer. If unemployed, the defendant shall participate in employment readiness programs, as approved by the probation officer.

The defendant shall not own, directly or indirectly, or be employed, directly or indirectly, in any health care business or service, which submits claims to any private or government insurance company, without the Court's approval.

The defendant shall obtain prior written approval from the Court before entering into any self-employment.

The defendant shall be placed on home detention, and monitored by radio frequency, for a period of 8 months, to commence immediately, or within ten (10) days from the date of sentencing. The defendant is restricted to her residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the United States Probation Officer. The defendant shall maintain a telephone at her place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device, and shall observe the rules specified by the United States Probation Office. The defendant shall contribute to the cost of this program to the extent that the defendant is deemed capable by the United States Probation Officer.

DEFENDANT: MARLA RICKETTS
CASE NUMBER: 15-153 - L(5)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

It is ORDERED that defendant pay restitution to Medicare, in the amount of \$39,880.46. Payments shall be made in monthly installments of \$100.00, with the first installment to be paid on or before February 2, 2017. Later installments are to be paid each month, until the full amount has been paid. Payments are subject to increase or decrease, depending on the defendant's ability to pay. Payment of the restitution shall be made payable to the Clerk, U.S. District Court, and is to be forwarded to the following address: U.S. Clerk's Office, Attn: Financial Section, 500 Poydras Street, Room C-151, New Orleans, LA 70130. The U.S. Probation Office and the U.S. Attorney's Office are responsible for enforcement of this order.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:
As set forth in the indictment

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED OCT - 5 2016
WILLIAM W. BLEVINS
CLERK



U.S. Department of Justice

United States Attorney
Eastern District of Louisiana

Patrice Harris Sullivan
Assistant United States Attorney
Deputy Chief, Criminal Division

The Poydras Center
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130

Telephone: 504-680-3115
Patrice.sullivan@usdoj.gov

September 26, 2016

Honorable Eldon E. Fallon
United States District Court
Eastern District of Louisiana
500 Poydras Street, Room C-456
New Orleans, Louisiana 70130

Re: *United States v. Marla Ricketts*
Criminal Docket No. 15-153 "L"

Dear Judge Fallon:

1. In compliance with the holding of *Bryan v. United States*, 492 F.2d 775 (5th Cir. 1974), and with FED. R. CRIM. P. 11(c)(1)(A), the Government wishes to acknowledge the following agreement between the Government and Marla Ricketts, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Pauline Hardin, has reviewed the terms of this agreement and has been informed by the defendant that she fully understands the terms of this agreement.

2. The defendant, Marla Ricketts, has agreed to plead guilty to Count One of the indictment now pending against her, charging her with conspiracy to commit health care fraud in violation of 18 U.S.C. § 1349. The Government has agreed that should the Court accept the defendant's guilty plea, the Government will not bring any other criminal charges in the Eastern District of Louisiana against the defendant arising out of the facts set forth in the Factual Basis and the federal investigation leading up to this indictment as long as the defendant has truthfully informed federal agents of the full details of these crimes. The defendant understands that this agreement does not apply to any crimes of violence which the defendant may have committed. The Government further agrees to dismiss all remaining counts of the underlying indictment as any pertain to the defendant. The defendant understands that the Court is not bound to dismiss any count.

3. The defendant further understands that the maximum penalty defendant may receive should her plea of guilty be accepted is ten (10) years imprisonment and/or a fine of \$250,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under 18 U.S.C. § 3571.

PHS/JG/WK _____
PH _____
MR _____

Honorable Eldon E. Fallon
September 26, 2016
Page 2

4. It is also understood that the restitution provisions of 18 U.S.C. §§ 3663 and 3663A, will apply and the defendant agrees that any restitution imposed will be nondischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation. The defendant acknowledges that she is responsible for a loss to the victim, the Center for Medicare & Medicaid Services ("CMS"), of \$39,880, and that at least \$39,880, less any amount already repaid, or any greater amount as determined and ordered by the Court, will be owed to CMS upon sentencing. Both the Government and the defendant agree that the loss of \$39,880 is the conduct that is readily provable as to Marla Ricketts. The defendant also acknowledges that this amount is not a joint and several debt with her co-defendants and that any payments by any other defendant does not constitute a credit toward her order of restitution. The defendant further acknowledges and understands that, notwithstanding any payment schedule imposed at sentencing or during probation or supervised release, restitution is due and payable in full immediately upon entry of the judgment of conviction.

5. Further, the defendant understands that a mandatory special assessment fee of \$100.00 shall be imposed under the provisions of 18 U.S.C. § 3013. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

6. The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to three (3) years pursuant to 18 U.S.C. § 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

7. Defendant understands that 18 U.S.C. § 3742 and 28 U.S.C. §1291, may give a criminal defendant the right to appeal her conviction, sentence, restitution, fine, and judgment imposed by the Court. Defendant also understands that she may have the right to file collateral challenges to her conviction and sentence, and judgment, including but not limited to rights provided by 28 U.S.C. §§ 2255 and 2241, FED. R. CIV. P. 60, FED. R. CRIM. P. 36, and writs of *coram nobis* and *audita querela*. Defendant further understands that 18 U.S.C. § 582(c)(2), may allow the Court to grant a sentencing reduction to the defendant if the defendant has been sentenced to a term of imprisonment based upon a sentencing range that has been subsequently lowered by the United States Sentencing Commission and determined to apply retroactively to defendants who already have been sentenced to a term of imprisonment.

PHS/JG/WK _____
PH _____
MR _____

Honorable Eldon E. Fallon
September 26, 2016
Page 3

8. Acknowledging these rights, subject only to the exceptions indicated in subsection (d) below, the defendant, in exchange for the promise(s) and agreement(s) made by the United States in this plea agreement, knowingly and voluntarily:

a. Waives and gives up any right to appeal or contest her guilty plea, conviction, sentence, fine, supervised release, and any restitution imposed by any judge under any applicable restitution statute, including but not limited to any right to appeal any rulings on pretrial motions of any kind whatsoever, as well as any aspect of her sentence, including but not limited to any and all rights which arise under 18 U.S.C. § 3742 and 28 U.S.C. § 1291;

b. Waives and gives up any right to appeal any order, decision, or judgment arising out of or related to 18 U.S.C. § 3582(c)(2) imposed by any judge and further waives and gives up any right to challenge the manner in which her sentence was determined and to challenge any United States Sentencing Guidelines determinations and their application by any judge to the defendant's sentence and judgment;

c. Waives and gives up any right to challenge her sentence collaterally, including but not limited to any and all rights which arise under 28 U.S.C. §§ 2255 and 2241, FED. R. CIV. P. 60, FED. R. CRIM. P. 36, writs of *coram nobis* and *audita querela*, and any other collateral challenges to her sentence of any kind; and

d. The defendant specifically does not waive, and retains the right to bring a direct appeal of any sentence imposed in excess of the statutory maximum. The defendant also retains the right to raise a claim of ineffective assistance of counsel in an appropriate proceeding.

9. The defendant further waives any right to seek attorney's fees and/or other litigation expenses under the "Hyde Amendment," 18 U.S.C. § 3006A and the defendant acknowledges that the Government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

10. The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release.

11. In an effort to resolve this matter in a timely fashion and show good faith, the defendant agrees to knowingly, voluntarily, and expressly waive her rights pursuant to FED. R. EVID. 410(a) upon signing this plea agreement and the factual basis. The defendant understands and agrees that in the event the defendant violates the plea agreement, withdraws her decision to plead guilty, her guilty plea is later withdrawn or otherwise set aside, any statements made by the defendant to law enforcement agents or an attorney for the prosecuting authority during plea discussions, any statements made by the defendant during any court proceeding involving the defendant's plea of guilty, including any factual bases or summaries signed by the defendant, and

PHS/JG/WK____
PH____
MR____

Honorable Eldon E. Fallon
September 26, 2016
Page 4

any leads from such statements, factual bases or summaries, shall be admissible for all purposes against the defendant in any and all criminal proceedings.

12. This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews whenever and wherever requested by law enforcement authorities. The defendant understands she must be completely truthful. The defendant also agrees to appear before any Grand Jury or trial jury and to testify truthfully. The defendant understands if she is not truthful, this agreement will be null and void and defendant may be prosecuted for perjury or making false statements. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant further agrees to immediately advise the Government as to any person defendant believes to be violating the law and defendant agrees to assist the Government with regard to the investigation and prosecution of criminal conduct of any other person.

13. After the parties execute this plea agreement, the Government also agrees that any statements or testimony made later by the defendant pursuant to questions asked by federal agents or prosecutors as a result of this agreement [other than false statements, or those relating to crimes of violence] will not be used against the defendant except for the purpose of impeachment. However, any such statements or testimony given by the defendant can be used as leads or for any other reason against other persons. Further, the defendant fully understands that should she commit perjury or give false statements to federal agents, and/or prosecutors, the statements and testimony can be used to prove those offenses, and she faces additional criminal charges. However, the defendant acknowledges that if she withdraws her decision to plead guilty, her plea of guilty is successfully withdrawn or otherwise set aside, or she violates the terms of this plea agreement, then any statement or testimony given by the defendant after she signs this plea agreement shall be admissible for all purposes against the defendant and may be used by the government against the defendant in any and all future criminal proceedings.

14. The Government agrees to bring to the attention of the Court any cooperation rendered by the defendant prior to sentencing. The United States may, but shall not be required to, make a motion or provide a letter to the Court requesting the Court to impose a sentence below the sentence contemplated by the sentencing guidelines or to request the Court to impose any sentence within the statutory maximum term of imprisonment and fine allowed by law. It shall be in the sole discretion of the United States Attorney as to whether a motion requesting the Court to impose a sentence below the sentence contemplated by the sentencing guidelines will be filed or to impose any sentence within the statutory maximum term of imprisonment and fine allowed by law. The defendant understands that even if the Government were to file such a motion, the Court may deny it and could refuse to grant a downward departure.

15. The defendant agrees to forfeit and give to the United States prior to the date of sentencing any right, title and interest which the defendant may have in assets constituting or derived from proceeds the defendant obtained directly or indirectly as a result of the violation(s) to which she is pleading guilty and/or which are assets used or intended to be used in any manner or part to commit and to facilitate the commission of the violation(s) to which defendant is

PHS/JG/WK _____
PH _____
MR _____

Honorable Eldon E. Fallon
September 26, 2016
Page 5

pleading guilty. The defendant further agrees not to contest the administrative, civil or criminal forfeiture of any such asset(s). These assets include, but are not limited to, any assets charged in the Indictment or any Bill of Particulars filed by the United States. The defendant agrees that any asset charged in the Indictment or Bill of Particulars is forfeitable as proceeds of the illegal activity for which she is pleading guilty. With respect to any asset which the defendant has agreed to forfeit, the defendant waives any constitutional and statutory challenges in any manner (including direct appeal, collateral challenges of any type, *habeas corpus* motions or petitions, or any other means) to any forfeiture carried out in accordance with this plea agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment under the Eighth Amendment to the United States Constitution.

16. The defendant further agrees to submit to interview whenever and wherever requested by law enforcement authorities regarding all assets within defendant's possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, and agrees to voluntarily and thoroughly execute the attached Financial Statement of Debtor and to provide the List of Items to the Financial Statement. The defendant understands this information may be provided to a representative of any victim of this offense.

17. The defendant recognizes that any criminal monetary penalty, whether special assessment, criminal fine, or restitution, that is owed as a result of her conviction will be immediately submitted to the Treasury Offset Program. The defendant waives any objection to her inclusion in the Treasury Offset Program.

18. The defendant recognizes that pleading guilty may have consequences with respect to her immigration status if she is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which the defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and the defendant understands that no one, including her attorney or the district court, can predict to a certainty the effect of her conviction on her immigration status. The defendant nevertheless affirms that she wants to plead guilty regardless of any immigration consequences that her plea may entail, even if the consequence is her automatic removal from the United States.

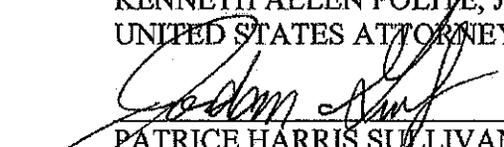
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PH _____
MR _____

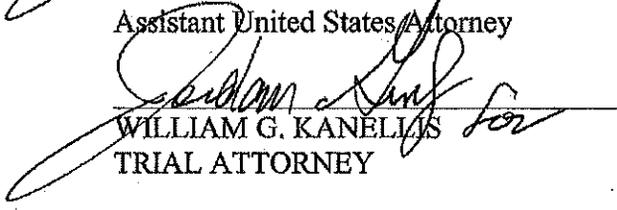
Honorable Eldon E. Fallon
September 26, 2016
Page 6

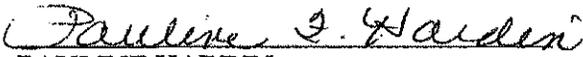
19. The defendant understands that the statements set forth above represent defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY


PATRICE HARRIS SULLIVAN
JORDAN GINSBERG
Assistant United States Attorney


WILLIAM G. KANELLIS
TRIAL ATTORNEY


PAULINE HARDIN
Attorney for the Defendant
Date: October 5, 2016


MARLA RICKETTS
Defendant
Date: October 5, 2016

PHS/JG/WK _____
PH _____
MR _____

MULTI,PROTO

**U.S. District Court
Eastern District of Louisiana (New Orleans)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-00153-EEF-MBN-2**

Case title: USA v. Ricketts et al

Date Filed: 06/11/2015

Date Terminated: 01/05/2017

Assigned to: Judge Eldon E. Fallon
Referred to: Magistrate Judge Michael
North

Defendant (2)

Marla Ricketts

TERMINATED: 01/05/2017

represented by **Pauline Hardin**

Jones Walker (New Orleans)
Place St. Charles
201 St. Charles Ave. Suite 5100
Floor 48
New Orleans, LA 70170
(504) 582-8000
Email: phardin@joneswalker.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Christopher Daniel Cazenave
Jones Walker (New Orleans)
Place St. Charles
201 St. Charles Ave. Suite 5100
Floor 48
New Orleans, LA 70170
504-582-8408
Fax: 504-589-8408
Email: ccazenave@joneswalker.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

Disposition

Sentencing held 1/5/17

Highest Offense Level (Opening)

Felony

Terminated Counts

18:371 - CONSPIRACY TO FALSIFY
RECORDS IN A FEDERAL
INVESTIGATION
(8)

Disposition

Count dismissed 1/5/17

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Patrice Harris Sullivan**
U. S. Attorney's Office (New Orleans)
650 Poydras St.
Suite 1600
New Orleans, LA 70130
504-680-3000
Email: patrice.sullivan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Jordan Ginsberg
U. S. Attorney's Office (New Orleans)
650 Poydras St.
Suite 1600
New Orleans, LA 70130
(504) 680-3121
Fax: (504) 589-4510
Email: jordan.ginsberg@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

William G. Kanellis
U. S. Department of Justice
Asset Forfeiture Office
1400 New York Ave., N.W.
Washington, DC 20005
202-674-5661
Email: william.kanellis2@usdoj.gov

ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
06/11/2015	<u>1</u>	INDICTMENT as to Geoffrey Ricketts (1) count(s) 1, 2, 3-7, Marla Ricketts (2) count(s) 1, 8, Sunyup Kim (3) count(s) 1, 2, Samuel Kim (4) count(s) 1, 2. (Attachments: # <u>1</u> Criminal Defendant Information Sheet, # <u>2</u> Criminal Magistrate Case Sheet) (plh) (Entered: 06/15/2015)
06/11/2015	<u>3</u>	EXPARTE/CONSENT MOTION to Seal Indictment by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (plh) (Entered: 06/15/2015)
06/11/2015	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Indictment as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Magistrate Judge Karen Wells Roby on 6/11/15. (plh) (Entered: 06/15/2015)
06/17/2015	<u>6</u>	EXPARTE/CONSENT MOTION to Unseal Case by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion(s) referred to Joseph C. Wilkinson, Jr. (bbc) (Entered: 06/17/2015)
06/17/2015	<u>7</u>	ORDER granting <u>6</u> Motion to Unseal Case as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 6/16/15. (bbc) (Entered: 06/17/2015)
06/17/2015	<u>11</u>	EXPARTE/CONSENT MOTION for Issuance of Summons by USA as to Marla Ricketts. Motion(s) referred to Duty Magistrate. (lag) (Entered: 06/17/2015)
06/17/2015	<u>12</u>	ORDER granting <u>11</u> Motion for Issuance of Summons as to Marla Ricketts (2); Initial Appearance & Arraignment set for 7/2/2015 02:00 PM before Duty Magistrate. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 6/16/2015. (lag) (Entered: 06/17/2015)
06/18/2015	<u>20</u>	NOTICE OF HEARING as to Marla Ricketts, Sunyup Kim, Samuel Kim. Arraignment set for 7/2/2015 02:00 PM before Magistrate Judge Joseph C. Wilkinson Jr.. (dno) (Entered: 06/18/2015)
07/02/2015	<u>29</u>	Minute Entry for proceedings held before Magistrate Judge Michael North:Initial Appearance as to Marla Ricketts held on 7/2/2015. Appearance entered by Pauline Hardin for Marla Ricketts. Defendant released. (Court Reporter Magistrate Clerical.) (plh) (Entered: 07/02/2015)
07/02/2015	<u>30</u>	Minute Entry for proceedings held before Magistrate Judge Michael North:Arraignment as to Marla Ricketts (2) Count 1,8 held on 7/2/2015. Defendant released. Pretrial Conference set for 8/31/2015 01:30 PM before Judge Eldon E. Fallon. Jury Trial set for 9/8/2015 08:30 AM before Judge Eldon E. Fallon. (Court Reporter Magistrate Clerical.) (plh) (Entered: 07/02/2015)
07/02/2015	<u>31</u>	Appearance Bond Set & Executed as to Marla Ricketts in amount of \$ 100,000.00. Defendant released. (plh) (Entered: 07/02/2015)

07/02/2015	<u>32</u>	ORDER Setting Conditions of Release. Signed by Magistrate Judge Michael North on 7/2/15. (plh) (Entered: 07/02/2015)
07/06/2015	<u>35</u>	NOTICE OF HEARING as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Jury Trial set for 9/8/2015 08:30 AM before Judge Eldon E. Fallon. Pretrial Conference set for 8/31/2015 01:30 PM before Judge Eldon E. Fallon. (dno) (Entered: 07/06/2015)
07/16/2015	<u>39</u>	EXPARTE/CONSENT MOTION for Protective Order <i>Governing the Disclosure of Protected Health Information</i> by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Proposed Order)(Sullivan, Patrice) (Entered: 07/16/2015)
07/22/2015	<u>41</u>	EXPARTE/CONSENT Amended MOTION for Protective Order by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Attachment A, # <u>4</u> Proposed Order)(Sullivan, Patrice) (Entered: 07/22/2015)
07/24/2015	<u>42</u>	PROTECTIVE ORDER <u>39</u> <u>41</u> as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4) regarding individually identifiable health information and protected medical information in the government's possession. Signed by Judge Eldon E. Fallon on 7/23/15. (Attachments: # <u>1</u> Attachment A) (dno) (Entered: 07/24/2015)
08/12/2015	<u>43</u>	Request for Subpoenas by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. 30 subpoenas issued (Sullivan, Patrice) (Entered: 08/12/2015)
08/12/2015	<u>44</u>	MOTION for Discovery <i>and Inspection</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion referred to Magistrate Judge Michael North. Motion set for 9/16/2015 11:00 AM before Magistrate Judge Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Notice of Hearing, # <u>4</u> Exhibit Local Criminal Rule 12 Certificate)(Becker, Walter) (Additional attachment(s) added on 8/13/2015: # <u>5</u> Proposed Order) (plh). Modified on 8/13/2015 (plh). (Entered: 08/12/2015)
08/12/2015	<u>45</u>	MOTION for Disclosure of <i>Jencks Act Material</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion referred to Magistrate Judge Michael North. Motion set for 9/16/2015 11:00 AM before Magistrate Judge Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order, # <u>3</u> Notice of Hearing)(Becker, Walter) Modified on 8/13/2015 (plh). (Entered: 08/12/2015)
08/12/2015	<u>46</u>	MOTION for Disclosure <i>and Interview of Confidential Informants</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion referred to Magistrate Judge Michael North. Motion set for 9/16/2015 11:00 AM before Magistrate Judge Michael North. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Hearing)(Becker, Walter) Modified on 8/13/2015 (plh). (Entered: 08/12/2015)
08/12/2015	<u>47</u>	MOTION to Compel <i>Return of Privileged Documents</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion referred to Magistrate

		Judge Michael North. Motion set for 9/16/2015 11:00 AM before Magistrate Judge Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Proposed Order, # <u>4</u> Notice of Hearing)(Becker, Walter) Modified on 8/13/2015 (plh). (Entered: 08/12/2015)
08/13/2015	<u>48</u>	EXPARTE/CONSENT MOTION to Continue <i>Pre-Trial Conference and Trial</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Proposed Order)(Becker, Walter) (Entered: 08/13/2015)
08/14/2015	<u>49</u>	ORDER SETTING ORAL ARGUMENT on <u>45</u> MOTION for Disclosure of <i>Jencks Act Material</i> , <u>46</u> MOTION for Disclosure and <i>Interview of Confidential Informants</i> , <u>47</u> MOTION to Compel <i>Return of Privileged Documents</i> , <u>44</u> MOTION for Discovery and <i>Inspection</i> for 9/16/2015 11:00 AM before Magistrate Judge Michael North. Signed by Magistrate Judge Michael North on 8/13/2015. (bwn) (Entered: 08/14/2015)
08/17/2015	<u>50</u>	ORDER TO CONTINUE - Ends of Justice as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. FURTHER ORDERED that the trial scheduled for 9/8/2015 at 8:30 a.m. be continued and that the pretrial conference currently scheduled for 8/31/2015 at 1:30 p.m. be converted into a Status Conference set for 8/31/2015 01:30 PM before Judge Eldon E. Fallon. Signed by Judge Eldon E. Fallon on 8/14/15. (plh) (Entered: 08/17/2015)
08/20/2015	<u>51</u>	EXPARTE/CONSENT MOTION for Leave for Appearance of attorney Christopher D. Cazenave as Counsel of Record by Marla Ricketts. (Attachments: # <u>1</u> Proposed Order)(Hardin, Pauline) (Entered: 08/20/2015)
08/26/2015	<u>52</u>	ORDER granting <u>51</u> Motion to Appear as Counsel of Record for Attorney Christopher Daniel Cazenave for Marla Ricketts. Signed by Judge Eldon E. Fallon. (cm) (Entered: 08/26/2015)
08/31/2015	<u>54</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Status Conference as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim held on 8/31/2015. ORDERED: Telephone Status Conference set for 11/2/2015 01:30 PM before Judge Eldon E. Fallon. Pretrial Conference set for 4/4/2016 01:30 PM before Judge Eldon E. Fallon. Jury Trial set for 4/18/2016 08:30 AM before Judge Eldon E. Fallon. (blg) (Entered: 09/01/2015)
09/03/2015	<u>55</u>	NOTICE OF HEARING as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Jury Trial set for 4/18/2016 08:30 AM before Judge Eldon E. Fallon. Pretrial Conference set for 4/4/2016 01:30 PM before Judge Eldon E. Fallon. (dno) (Entered: 09/03/2015)
09/08/2015	<u>56</u>	Response/Memorandum in Opposition by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>47</u> MOTION to Compel <i>Return of Privileged Documents</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Sullivan, Patrice) (Entered: 09/08/2015)
09/08/2015	<u>57</u>	Response/Memorandum in Opposition by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>46</u> MOTION for Disclosure and

		<i>Interview of Confidential Informants</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Sullivan, Patrice) (Entered: 09/08/2015)
09/08/2015	<u>58</u>	Response/Memorandum in Opposition by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>44</u> MOTION for Discovery <i>and Inspection</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Sullivan, Patrice) (Entered: 09/08/2015)
09/08/2015	<u>59</u>	Response/Memorandum in Opposition by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>45</u> MOTION for Disclosure of <i>Jencks Act Material</i> (Sullivan, Patrice) (Entered: 09/08/2015)
09/14/2015	<u>60</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Defendants' Reply Memorandum to Government's Memorandum in Opposition to Defendants' Motion to Compel Return of Privileged Documents</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion(s) referred to Michael North (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Becker, Walter) Modified on 9/15/2015 (cml). (Entered: 09/14/2015)
09/16/2015	<u>61</u>	ORDER granting <u>60</u> Motion for Leave to File Reply Memorandum to Government's Memorandum in Opposition to Defendants' Motion to Compel Return of Privileged Documents as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Magistrate Judge Michael North on 9/15/2015. (bwn) (Entered: 09/16/2015)
09/16/2015	<u>62</u>	REPLY TO RESPONSE to Motion by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>47</u> MOTION to Compel <i>Return of Privileged Documents</i> . (bwn) (Entered: 09/16/2015)
09/16/2015	<u>64</u>	Minute Entry for proceedings held before Magistrate Judge Michael North: Motion Hearing as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim held on 9/16/2015 re <u>46</u> MOTION for Disclosure <i>and Interview of Confidential Informants</i> , <u>44</u> MOTION for Discovery <i>and Inspection</i> , <u>47</u> MOTION to Compel <i>Return of Privileged Documents</i> , <u>45</u> MOTION for Disclosure of <i>Jencks Act Material</i> . Order and Reasons shall be issued separately after todays proceedings are transcribed. (Court Reporter Jodi Simcox.) (bwn) (Entered: 11/16/2015)
11/02/2015	<u>63</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: A Status Conference as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim was held on 11/2/2015. The parties discussed the status of the case and discovery. IT IS ORDERED that the parties will contact the Court and request a status conference should the need for a conference arise. (dno) (Entered: 11/02/2015)
12/02/2015	<u>67</u>	ORDER granting <u>66</u> Motion to Adopt a Scheduling Order as to Geoffrey Ricketts (1). Signed by Judge Eldon E. Fallon on 12/1/15. (dno) (Entered: 12/02/2015)
12/03/2015	<u>68</u>	SCHEDULING ORDER as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Signed by Judge Eldon E. Fallon on 12/2/15. (dno) (Entered: 12/03/2015)

12/29/2015	<u>69</u>	ORDER AND REASONS granting <u>44</u> Motion for Discovery as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4); denying <u>45</u> Motion for Disclosure as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4); denying <u>46</u> Motion for Disclosure as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4); granting <u>47</u> Motion to Compel as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Magistrate Judge Michael North on 12/29/2015. (cms) (Entered: 12/29/2015)
01/12/2016	<u>70</u>	EXPARTE/CONSENT MOTION to Continue <i>Deadline to Return Allegedly Privileged Documents (Filed Jointly)</i> by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Proposed Order) (Sullivan, Patrice) (Entered: 01/12/2016)
01/12/2016	<u>71</u>	EXPARTE/CONSENT MOTION for Extension of Time to File <i>Appeal of Magistrate Judge's Order (Doc. 69) (Filed Jointly)</i> by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Proposed Order)(Sullivan, Patrice) (Entered: 01/12/2016)
01/13/2016	<u>72</u>	ORDER ON MOTION re <u>70</u> Motion to Continue Deadline to Return Allegedly Privileged Document as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Magistrate Judge Michael North. (bwn) (Entered: 01/13/2016)
01/14/2016	<u>73</u>	ORDER granting <u>71</u> Motion for Extension of Time to File as to Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3), Samuel Kim (4). Signed by Judge Eldon E. Fallon. (cml) (Entered: 01/14/2016)
01/19/2016	<u>74</u>	MOTION for Hearing / <i>Status Conference</i> by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion(s) referred to Michael North Motion set for 2/3/2016 11:00 AM before Magistrate Judge Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Notice of Hearing)(Sullivan, Patrice) Modified on 1/20/2016 (cml). (Entered: 01/19/2016)
01/19/2016	<u>75</u>	EXPARTE/CONSENT MOTION to Expedite <i>Hearing on Motion Requesting Status Conference</i> by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Motion(s) referred to Michael North (Attachments: # <u>1</u> Proposed Order)(Sullivan, Patrice) Modified on 1/20/2016 (cml). (Entered: 01/19/2016)
01/21/2016	<u>76</u>	ORDER ON MOTION re <u>74</u> MOTION for Hearing / <i>Status Conference</i> ; GRANTED; <u>75</u> MOTION to Expedite <i>Hearing on Motion Requesting Status Conference</i> : DISMISSED AS MOOT. Signed by Magistrate Judge Michael North on 1/20/2016. (bwn) (Entered: 01/21/2016)
01/26/2016	<u>77</u>	Minute Entry for proceedings held before Magistrate Judge Michael North: Status Conference as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim held on 1/26/2016 (bwn) (Entered: 01/26/2016)
02/11/2016	<u>78</u>	EXPARTE/CONSENT MOTION to Continue <i>Pre-Trial Deadlines, Conference and Trial</i> by Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. (Attachments: # <u>1</u> Proposed Order)Attorney Brian J. Capitelli

		added to party Geoffrey Ricketts(pty:dft), Attorney Brian J. Capitelli added to party Marla Ricketts(pty:dft), Attorney Brian J. Capitelli added to party Sunyup Kim(pty:dft).(Capitelli, Brian) Modified on 2/12/2016 (gec). (Entered: 02/11/2016)
02/12/2016	<u>79</u>	Correction of Docket Entry by Clerk re <u>78</u> MOTION to Continue <i>Pre-Trial Deadlines, Conference and Trial</i> . Filing attorney incorrectly created association with Geoffrey Ricketts, Marla Ricketts, Sunyup Kim. When filing a joint motion, be sure to UNCHECK THE ASSOCIATION FOR ANY PARTY YOU DO NOT REPRESENT at the prompt, "The following attorney/party associations do not exist for the above case(s)...". Clerk took corrective action. (gec) (Entered: 02/12/2016)
02/17/2016	<u>80</u>	ORDERED that the parties participate in a telephone status conference on Tuesday, February 23, 2016, at 1:30 p.m. Counsel should be prepared to discuss the motions to continue recently filed in this matter. Counsel shall use the following call-in information: (877) 336-1839; Access code: 4227405; Security code: 022316. Signed by Judge Eldon E. Fallon on 2/12/2016. (cms) (Entered: 02/17/2016)
02/17/2016	<u>81</u>	ORDER - Due to a conflict in the court's schedule, IT IS ORDERED that the parties participate in a telephone status conference on Tuesday, February 23, 2016, at 3:30 p.m. The telephone status conference set for 1:30 p.m. on Tuesday, February 23, 2016, is therefore CONTINUED. Counsel should be prepared to discuss the motions to continue recently filed in this matter. Counsel shall use the following call-in information: (877) 336-1839; Access code: 4227405; Security code: 022316. Signed by Judge Eldon E. Fallon on 2/16/2016. (cms) (Entered: 02/17/2016)
02/24/2016	<u>82</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Status Conference as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim held on 2/24/2016. ORDERED that the parties will attend a status conference on Tuesday, April 19, 2016, at 1:30 p.m. IT IS FURTHER ORDERED that the trial and pretrial set for April 4, 2016, are hereby CONTINUED. Trial is set for October 17, 2016, at 8:30 a.m. The pretrial conference is set for October 11, 2016, at 1:30 p.m. FURTHER ORDERED that the clerk will publish an updated scheduling order appropriate for the new trial dates in this matter (cml) (Entered: 02/29/2016)
03/01/2016	<u>83</u>	NOTICE OF HEARING as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Jury Trial reset for 10/17/2016 08:30 AM before Judge Eldon E. Fallon. Pretrial Conference reset for 10/11/2016 01:30 PM before Judge Eldon E. Fallon. (dno) (Entered: 03/01/2016)
03/04/2016	<u>84</u>	ORDER ON STATUS CONFERENCE as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim re <u>77</u> Status Conference. Signed by Magistrate Judge Michael North. (bwn) (Entered: 03/04/2016)
03/31/2016	<u>89</u>	ORDER as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim - The Court finds it appropriate to grant the parties the opportunity to revise the scheduling order in this criminal matter, rather than formulaically updating the joint scheduling order submitted by the parties in December, 2015 <u>68</u> . IT IS

		ORDERED that the parties shall meet and confer regarding a proposed scheduling order on or before April 8, 2016. IT IS FURTHER ORDERED that the parties shall submit a proposed scheduling order to the Court on or before April 12, 2016. If the parties cannot agree, the parties shall instead move to set a status conference for the purpose of setting a scheduling order. Signed by Judge Eldon E. Fallon on 3/29/16. (dno) (Entered: 03/31/2016)
04/13/2016	<u>91</u>	SCHEDULING ORDER. Signed by Judge Eldon E. Fallon. (cml) (Entered: 04/13/2016)
04/13/2016	<u>92</u>	ORDER as to Geoffrey Ricketts - the 90 MOTION To Adopt a Scheduling Order filed by Geoffrey Ricketts is GRANTED. Signed by Judge Eldon E. Fallon on 4/13/16. (dno) (Entered: 04/13/2016)
04/18/2016	<u>93</u>	ORDER: The parties have alerted the Court that the status conference set for April 19, 2016, at 1:30 p.m. is no longer necessary. Therefore, IT IS ORDERED that the telephone status conference set for April 19, 2016, at 1:30 is hereby CANCELED. Signed by Judge Eldon E. Fallon. (cml) (Entered: 04/18/2016)
09/07/2016	<u>94</u>	NOTICE OF HEARING as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Change of Plea Hearing set for 10/5/2016 02:00 PM before Judge Eldon E. Fallon. (dno) (Entered: 09/07/2016)
10/05/2016	<u>95</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon:aRearrangement for Geoffrey Ricketts (1), Marla Ricketts (2), Sunyup Kim (3) Count 1 and Samuel Kim (4) as to Count 1 of the Indictment was held on 10/5/2016. Sentencing set for 1/5/2017 02:00 PM before Judge Eldon E. Fallon. (Court Reporter Mary Thompson.) (dno) (Entered: 10/05/2016)
10/05/2016	<u>96</u>	NOTICE OF HEARING as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim. Sentencing set for 1/5/2017 02:00 PM before Judge Eldon E. Fallon. (dno) (Entered: 10/05/2016)
10/05/2016	<u>98</u>	PLEA AGREEMENT by USA as to Marla Ricketts (cms) (Entered: 10/06/2016)
10/05/2016	<u>101</u>	Factual Basis by USA as to Geoffrey Ricketts, Marla Ricketts, Sunyup Kim, Samuel Kim (cms) (Entered: 10/06/2016)
12/01/2016	<u>102</u>	DRAFT PRESENTENCE INVESTIGATION REPORT as to Marla Ricketts. NOTE: This document will only be accessible to the government attorney and the attorney for the applicable defendant. The judge in this case, other defendants and the general public will NOT be able to view this draft document. Parties should submit objections directly to the Probation Office not more than 14 days after the initial disclosure of the presentencing report. (Bess, Kito) (Entered: 12/01/2016)
12/20/2016	<u>112</u>	EXPARTE/CONSENT MOTION to Seal <i>MARLA RICKETTS' MOTION FOR DOWNWARD DEPARTURE</i> , MOTION to Seal Document by Marla Ricketts. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice of Filing Under Seal)(Hardin, Pauline) (Entered: 12/20/2016)
12/22/2016	<u>114</u>	

		ORDER granting <u>112</u> Motion to Seal Document as to Marla Ricketts (2). Signed by Judge Eldon E. Fallon on 12/22/2016. (cms) (Entered: 12/22/2016)
12/29/2016	<u>118</u>	FINAL PRESENTENCE INVESTIGATION REPORT as to Marla Ricketts. NOTE: This document will only be accessible to the District Judge, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. (Coleman, Tracy) (Entered: 12/29/2016)
12/29/2016	<u>119</u>	SENTENCING RECOMMENDATION as to Marla Ricketts. NOTE: This document will only be accessible to the District Judge. (Coleman, Tracy) (Entered: 12/29/2016)
01/05/2017	<u>120</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Sentencing held on 1/5/2017 for Marla Ricketts (2) as to Count(s) 1; Count(s) 8 was dismissed 1/5/17. (Court Reporter Lanie Smith.) (dno) (Entered: 01/05/2017)
01/05/2017	<u>121</u>	JUDGMENT as to Marla Ricketts (2), Count(s) 1, Sentencing held 1/5/17; Count(s) 8, Count dismissed 1/5/17. Signed by Judge Eldon E. Fallon on 1/6/2017. (cms) (Entered: 01/09/2017)
01/05/2017	<u>122</u>	AMENDED JUDGMENT re <u>121</u> Judgment. Signed by Judge Eldon E. Fallon on 1/13/2017. (cms) (Entered: 01/13/2017)
01/26/2017	<u>123</u>	EXPARTE/CONSENT MOTION to Amend/Correct <i>Sentence</i> by Marla Ricketts. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order) (Hardin, Pauline) (Entered: 01/26/2017)
02/01/2017	<u>124</u>	ORDER granting <u>123</u> Motion to Amend/Correct as to Marla Ricketts (2). IT IS ORDERED that the Court's Amended Judgment in Criminal Case dated January 5, 2017, entered by the Honorable Eldon E. Fallon, be amended to reflect that Ms. Ricketts' Probation Officer be authorized to allow her to accept employment, including less than full time and self-employment. Signed by Judge Eldon E. Fallon on 2/1/2017. (cms) (Entered: 02/01/2017)

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JENNIFER KENT
DIRECTOR

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



EDMUND G. BROWN JR.
GOVERNOR

OCT 19 2017

Marla C. Ricketts
6541 Odessa Avenue, Unit 6
Van Nuys, CA 91406-6530

Re: **Owner**

Dear Ms. Ricketts:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by the Director, Health Care Program Exclusions, Office of Investigations, Office of Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective September 20, 2017. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, on behalf of the Director of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective September 20, 2017. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be subject to suspension from receiving payment, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs.,

Marla C. Ricketts

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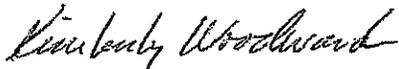
tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

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

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

Sincerely,

Sara M. Granda
Attorney



Kimberly Woodward
Legal Analyst

cc: See Next Page

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