

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

CR 12-0054 JSW

PATRICK ADEBOWALE SOGBEIN, ADEBOLA
ADEFUNKE ADEBIMPE, EDNA CALAUSTRO,
EDUARDO ABAD, and MELE SAAVEDRA,

FILED
2013 SEP 19 10 32 AM
U.S. DISTRICT COURT
SAN FRANCISCO, CALIF.

DEFENDANT(S).

INDICTMENT

18 U.S.C. §§ 1349 and 2 - Conspiracy to Commit Health Care Fraud;
18 U.S.C §§ 371 and 2 - Conspiracy to Receive and Pay Health Care Kickbacks;
18 U.S.C. §§ 1347 and 2 - Health Care Fraud; Aiding and Abetting;
18 U.S.C. § 982 and 21 U.S.C. § 853 - Criminal Forfeiture Allegation

A true bill.

Nancy J. Peterson
Foreman

Filed in open court this 19th day of

September, 2013.

Jmgjae
Clerk

NO PROCESS

Bail, \$ _____

Maria Elena James
United States Chief Magistrate Judge

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

CNT 1, 18 U.S.C. § 1349 - Conspiracy to Engage in Health Care Fraud; CNT 2, 18 U.S.C. § 371 - Consp. to Receive and Pay Health Care Kickbacks; CNTS 3-11, 18 U.S.C §§1347 and 2 - Health Care Fraud; Aiding and Abetting

Petty
 Minor
 Misdemeanor
 Felony

DEFENDANT - U.S.
PATRICK ADEBOWALE SOGBEIN
 DISTRICT COURT NUMBER
 CR 12-0054 JSW

PENALTY:
 See Attachment A

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 Federal Bureau of Investigation / Office of Inspector General, Department of Health and Human Services

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

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

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U.S. Att'y Defense

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SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM
 Melinda Haag
 U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (If assigned)
 Denise Marie Barton/Randy Luskey

DEFENDANT

IS NOT IN CUSTODY

1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)
 Northern District of California

IS IN CUSTODY

4) On this charge

5) On another conviction

6) Awaiting trial on other charges } Fed'l State
 If answer to (6) is "Yes", show name of Institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

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Date/Time: _____

Before Judge: _____

Comments: _____

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10 years imprisonment, fine of twice the gross gain/loss, 3 years supervised release, \$100 special assessment

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PENALTY:
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FILED
SEP 19 P 3:26
[Signature]

1 MELINDA HAAG (CABN 132612)
United States Attorney

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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10

11 UNITED STATES OF AMERICA,

CR No. 12-0054 JSW

12 Plaintiff,

13 v.

VIOLATIONS: 18 U.S.C. §§ 1349 and 2-
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U.S.C. §§ 1347 and 2 – Health Care Fraud;
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21 U.S.C. § 853 – Criminal Forfeiture
Allegation

14 PATRICK ADEBOWALE SOGBEIN,
15 ADEBOLA ADEFUNKE ADEBIMPE,
16 EDNA CALAUSTRO,
EDUARDO ABAD, and
MELE SAAVEDRA,

17 Defendants.

SAN FRANCISCO VENUE

18

19

20

SUPERSEDING INDICTMENT

21 The Grand Jury charges:

22

INTRODUCTORY ALLEGATIONS

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At all times relevant to this Superseding Indictment:

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The Medicare Program

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1. The Medicare Program (“Medicare”) was a federal program that provided free or

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below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled.

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The benefits available under Medicare were prescribed by statute and by federal regulations

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under the auspices of the United States Department of Health and Human Services (“HHS”),

SUPERSEDING INDICTMENT

1 through its agency, the Center for Medicare and Medicaid Services (“CMS”). Individuals who
2 received benefits under Medicare were commonly referred to as Medicare “beneficiaries.” Each
3 Medicare beneficiary is issued a unique Medicare claim number.

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

6 3. Part B of the Medicare Program was a medical insurance program that covered,
7 among other things, certain durable medical equipment (“DME”), including power wheelchairs
8 (“PWCs”).

9 4. For California beneficiaries, Medicare Part B insurance covering DME and related
10 health care benefits, items, and services was administered by Noridian Administrative Services,
11 LLC (“Noridian”), pursuant to a contract with CMS. Among Noridian’s responsibilities, it
12 received, evaluated, and paid the claims submitted to it by Medicare beneficiaries and suppliers
13 of health care items and services.

14 5. Under Medicare’s rules and regulations, a licensed medical professional or entity
15 seeking to participate in and bill the Medicare program (a Medicare provider) had to apply for a
16 national provider identifier (“NPI”). DME companies, physicians, and other health care
17 providers that sought to participate in Medicare Part B and bill Medicare for the cost of DME and
18 related benefits, items, and services, were required to obtain a supplier number. The supplier
19 number allowed a DME company to submit claims for reimbursement to Medicare for the cost of
20 DME and related items and services it supplied to beneficiaries.

21 6. To receive payment from Medicare, a DME company, using its supplier number,
22 would submit a health insurance claim form to a Medicare contractor. Medicare permitted DME
23 companies to submit a claim electronically or in hard copy. Medicare required DME companies
24 to provide certain information, including: (a) the Medicare beneficiary’s name; (b) the Medicare
25 beneficiary’s identification number; (c) the name and identification number of the doctor who
26 ordered the item or service that was the subject of the claim; (d) the health care benefits, items, or
27 services provided to the beneficiary; (e) the billing codes for those benefits, items, or services;
28 and (f) the date upon which the benefits, items, or services were provided.

1 10. Dr. EDNA CALAUSTRO, a resident of San Francisco, California, was a licensed
2 physician in the state of California who owned and worked at the Health Haven Medical Clinic
3 in San Francisco, California. CALAUSTRO was enrolled as a Medicare physician, was assigned
4 a PIN, and was eligible to receive payments from Medicare. CALAUSTRO wrote prescriptions
5 for PWCs and accessories for Medicare beneficiaries in the San Francisco area and provided
6 those prescriptions to SOGBEIN and ADEBIMPE, knowing that SOGBEIN and ADEBIMPE,
7 acting on behalf of Debs and Dignity, billed and received payments from Medicare based on
8 those prescriptions.

9 11. EDUARDO ABAD and MELE SAAVEDRA were residents of San Francisco,
10 California. ABAD and SAAVEDRA worked as recruiters for CALAUSTRO, SOGBEIN, and
11 ADEBIMPE to find Medicare beneficiaries who would be eligible to receive a PWC.

12 OVERVIEW OF THE CONSPIRACIES AND SCHEME TO DEFRAUD

13 12. Beginning no later than on or about December 9, 2006, and continuing through at
14 least July 26, 2011, the defendants conspired to defraud Medicare by fraudulently prescribing
15 PWCs to Medicare beneficiaries who did not need them, and in many cases, who did not even
16 want them, in order to enrich themselves. As part of the conspiracies and scheme to defraud, the
17 defendants (1) recruited Medicare beneficiaries to receive the PWCs; (2) prepared false and
18 fraudulent documentation to support claims to Medicare for PWCs and accessories; (3) paid and
19 received cash kickbacks for identification of Medicare beneficiaries and for writing prescriptions
20 for PWCs and accessories (4) submitted over \$2.4 million in false and fraudulent claims to
21 Medicare for PWCs and accessories that were based on transactions that did not comply with the
22 Medicare laws, regulations, and program instructions and that were not eligible for payment
23 under Medicare rules and regulations; and (5) received and used the proceeds of the fraud for
24 their own personal benefit and for the use and benefit of others.

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1 MANNER AND MEANS OF THE CONSPIRACIES AND SCHEME TO DEFRAUD

2 13. SOGBEIN, as a sole proprietor and on behalf of Debs, and ADEBIMPE, on behalf
3 of Dignity, enrolled as Medicare providers and obtained NPIs and supplier numbers to submit
4 claims for payment to Medicare.

5 14. SOGBEIN paid and CALAUSTRO accepted cash in exchange for her preparation
6 of prescriptions for PWCs for Medicare beneficiaries and other documents required by Medicare.
7 CALAUSTRO knew that SOGBEIN and ADEBIMPE needed those prescriptions in order to
8 submit false and fraudulent claims to Medicare on behalf of the beneficiaries receiving PWCs.

9 15. SOGBEIN and CALAUSTRO paid ABAD and SAAVEDRA cash for referring
10 Medicare beneficiaries in whose names SOGBEIN and ADEBIMPE submitted false and
11 fraudulent claims to Medicare for PWCs.

12 16. SOGBEIN and ADEBIMPE knowingly prepared, and caused to be prepared, false
13 and fraudulent documentation in support of the claims submitted to Medicare for PWCs and
14 accessories.

15 17. SOGBEIN and ADEBIMPE knowingly submitted claims to Medicare for PWCs
16 and accessories knowing that the claims did not did not comply with the Medicare laws,
17 regulations, and program instructions, including but not limited to, the Federal anti-kickback
18 statute.

19 18. Between December 9, 2006, and July 26, 2011, SOGBEIN and ADEBIMPE
20 submitted over \$2.4 million in false and fraudulent Medicare claims for PWCs.

21 19. Between January 17, 2007, and July 26, 2011, SOGBEIN, in his individual
22 capacity and on behalf of Debs, and ADEBIMPE, on behalf of Dignity, received over of \$1.2
23 million in payments from Medicare as a result of the false and fraudulent claims they submitted.

24 COUNT ONE: (18 U.S.C. §§ 1349 and 2 — Conspiracy to Commit Health Care Fraud)

25 20. The allegations of Paragraphs One through Nineteen of this Indictment are
26 re-alleged and incorporated as if set forth fully here.

1 21. Beginning on a date unknown to the Grand Jury, but no later than on or about
2 December 9, 2006, and continuing through at least July 26, 2011, both dates being approximate
3 and inclusive, in the Northern District of California and elsewhere, the defendants,

4 PATRICK ADEBOWALE SOGBEIN,
5 ADEBOLA ADEFUNKE ADEBIMPE,
6 EDNA CALAUSTRO,
 EDUARDO ABAD, and
 MELE SAAVEDRA,

7 and others known and unknown to the Grand Jury, did knowingly conspire and agree with one
8 another to execute, and to attempt to execute, a material scheme and artifice (1) to defraud a
9 health care benefit program affecting commerce, as defined in Title 18, United States Code,
10 Section 24(b), namely, Medicare, and (2) to obtain, by means of materially false and fraudulent
11 pretenses, representations, and promises, money owned by and under the custody and control of
12 Medicare, all in connection with the delivery of and payment for health care benefits, items, and
13 services, in violation of Title 18, United States Code, Section 1347.

14 All in violation of Title 18, United States Code, Sections 1349 and 2.

15 COUNT TWO: (18 U.S.C. §§ 371 and 2 — Conspiracy to Solicit and Receive Kickbacks
16 Involving a Federal Health Care Program)

17 22. The allegations of Paragraphs One through Nineteen of this Indictment are
18 re-alleged and incorporated as if set forth fully here.

19 23. Beginning on a date unknown to the Grand Jury, but no later than on or about
20 December 9, 2006, and continuing through at least July 26, 2011, both dates being approximate
21 and inclusive, in the Northern District of California and elsewhere, the defendants

22 PATRICK ADEBOWALE SOGBEIN,
23 EDNA CALAUSTRO,
24 EDUARDO ABAD, and
 MELE SAAVEDRA,

25 and others known and unknown to the Grand Jury, did willfully and knowingly conspire and
26 agree to commit an offense against the United States by knowingly and willfully soliciting,
27 receiving, offering, and paying remuneration, specifically cash kickbacks, directly and indirectly,
28 overtly and covertly, in return for referring an individual to a person for the furnishing and

1 arranging for the furnishing of any item and service for which payment may be made in whole or
2 in part by a federal health care program, namely Medicare, in violation of 42 U.S.C. § 1320a-
3 7b(b)(1)(A) and 42 U.S.C. § 1320a-7b(b)(2)(A).

4 All in violation of Title 18, United States Code, Sections 371 and 2.

5 OVERT ACTS COMMITTED IN FURTHERANCE OF THE CONSPIRACY

6 24. In furtherance of the conspiracy alleged in Count Two and to accomplish its
7 purpose and object, at least one of the conspirators committed, or caused to be committed, in the
8 Northern District of California, the following overt acts, among others:

9 25. On dates between December 9, 2006, and continuing through at least July 26,
10 2011, SOGBEIN offered to pay and did pay CALAUSTRO, ABAD, and SAAVEDRA
11 remuneration, specifically cash kickbacks, in return for locating Medicare beneficiaries and
12 preparing and providing prescriptions for PWCs and preparing other documents required by
13 Medicare for which payment was made in whole or in part by Medicare.

14 26. On dates between December 9, 2006 and continuing through at least July 26,
15 2011, CALAUSTRO, SAAVEDRA, and ABAD did solicit and receive remuneration,
16 specifically cash kickbacks, from SOGBEIN in return for locating Medicare beneficiaries and
17 preparing and providing prescriptions for PWCs and preparing other documents required by
18 Medicare for which payment was made in whole or in part by Medicare.

19 27. On or about December 16, 2011, CALAUSTRO and SAAVEDRA met with C.R.
20 and F.R., husband and wife, and obtained their Medicare identification numbers, numbers that
21 are used to submit claims to Medicare.

22 28. On or about December 20, 2011, CALAUSTRO signed prescriptions for PWCs
23 for C.R. and F.R. that were supplied by Dignity.

24 29. On or about January 4, 2011, SOGBEIN delivered the PWCs to C.R. and F.R.

25 30. On or about March 30, 2011, CALAUSTRO and ABAD met with L.H. and
26 obtained her Medicare identification number.

27 31. On or about April 4, 2011, CALAUSTRO signed a prescription for a PWC for
28 L.H. that was supplied by Dignity.

1 32. On or about April 28, 2011, ABAD delivered the PWC to L.H.'s home.

2 33. On or about April 25, 2011, CALAUSTRO met with C.L. and obtained his
3 Medicare identification number.

4 34. On or about April 30, 2011, CALAUSTRO signed prescriptions for a PWC for
5 C.L. that was supplied by Dignity.

6 35. On or about May 7, 2011, ABAD received C.L.'s PWC from SOGBEIN and
7 ABAD thereafter gave C.L. the PWC.

8 36. On or about April 26, 2011, CALAUSTRO met with Z.L. and obtained her
9 Medicare claim number.

10 37. On or about April 30, 2011, CALAUSTRO signed prescriptions for a PWC for
11 Z.L. that was supplied by Dignity.

12 38. On or about May 7, 2011, SOGBEIN delivered the PWC to Z.L.

13 COUNTS THREE THROUGH TWELVE: (18 U.S.C. §§ 1347 and 2 — Health Care Fraud &
14 Aiding and Abetting)

15 39. The allegations of Paragraphs One through Nineteen of this Indictment are re-
16 alleged and incorporated herein as if set forth fully here.

17 40. On or about the dates set forth below, in the Northern District of California, the
18 defendants specified below did knowingly and intentionally execute and attempt to execute a
19 material scheme and artifice (1) to defraud a health care benefit program affecting commerce, as
20 defined in Title 18, United States Code, Section 24(b), namely, Medicare, and (2) to obtain, by
21 means of materially false and fraudulent pretenses, representations, and promises, money owned
22 by and under the custody and control of Medicare, all in connection with the delivery of and
23 payment for health care benefits, items, and services, and did for the purpose of executing and
24 attempting to execute said fraudulent scheme, knowingly and willfully submit and cause to be
25 submitted to Medicare, and to be paid by Medicare, the following false and fraudulent claims for
26 PWCs:

27 //

Claim	Defendant	Beneficiary	Policy	Claim Amount	Payment Date	Amount Paid
3	SOGBEIN, ADEBIMPE, CALAUSTRO, SAAVEDRA	A.V.	Dignity	\$4,500	11/20/08	\$3,218.96
4	SOGBEIN, ADEBIMPE, CALAUSTRO, ABAD	M.C.	Dignity and Debs	\$4,500	4/14/10	\$2,913.12
5	SOGBEIN, ADEBIMPE, CALAUSTRO, ABAD	V.C.	Dignity and Debs	\$4,500	2/19/10	\$2,894.16
6	SOGBEIN, ADEBIMPE, CALAUSTRO, SAAVEDRA	J.V.	Dignity	\$4,500	8/21/09	\$2,913.12
7	SOGBEIN, ADEBIMPE, CALAUSTRO, SAAVEDRA	E.M.	Dignity	\$4,500	3/5/2010	\$2,789.12
8	SOGBEIN, ADEBIMPE, CALAUSTRO, SAAVEDRA	C.R.	Dignity	\$6,160 (total) / 7 claims for \$880	3/11/2011- 7/22/2011	\$2,005.13 (total) / 3 payments of \$435.55 and 4 payments of \$174.62
9	SOGBEIN, ADEBIMPE, CALAUSTRO, SAAVEDRA	F.R.	Dignity	\$6,125 (total) / 7 claims for \$875	2/8/11- 7/22/11	\$1,995.02 (total) / 3 payments of \$433.70 and 4 payments of \$173.48
10	SOGBEIN, ADEBIMPE, CALAUSTRO, ABAD	L.H.	Dignity	\$2,640 (total) / 3 claims for \$880	5/19/11- 7/20/11	\$1,637.07 (total) / 3 payments of \$545.69

Count	Defendant	Insurance Company	Policy Number	Claim Amount	Payment Period	Amount Paid
11	SOGBEIN, ADEBIMPE, CALAUSTRO, ABAD	C.L.	Dignity	\$2,640 (total) / 3 claims for \$880	5/23/11- 7/20/11	\$1,637.07 (total) / 3 payments of \$545.69
12	SOGBEIN, ADEBIMPE, CALAUSTRO, ABAD	Z.L.	Dignity	\$2,625 (total) / 3 claims for \$875	5/23/11- 7/20/11	\$1,301.10 (total) / 3 payments of \$433.70

Each in violation of Title 18, United States Code, Section 1347 and 2.

FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(7) – Health Care Fraud Forfeiture)

41. The factual allegations contained in Paragraphs One through Forty are realleged and incorporated as if fully set forth here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

42. Upon a conviction of any of the offenses alleged in Counts One through Twelve, the defendants,

PATRICK ADEBOWALE SOGBEIN,
ADEBOLA ADEBIMPE,
EDNA CALAUSTRO,
EDUARDO ABAD, and
MELE SAAVEDRA,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all right, title and interest in property, real and personal, that constitutes or is derived from, directly or indirectly, from gross proceeds traceable to the commission of the offense, including but not limited to a sum of money equal to the gross proceeds obtained as a result of the offense.

43. If any of the property, 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 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
- e. has been commingled with other property which cannot be divided without difficulty,

1 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
2 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
3 982(b)(1).

4 All in violation of Title 18, United States Code, Sections 982(a)(7), 1347, 1349; Title 28,
5 United States Code, Section 2461; and Rule 32.2 of the Federal Rules of Criminal Procedure.

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8 DATED:

9 *September 19, 2013*

A TRUE BILL

10
11 *Nancy J. Peterson*
12 FOREPERSON

13 MELINDA HAAG
14 United States Attorney

15 *Eli D...* for
16 J. DOUGLAS WILSON
17 Chief, Criminal Division

18 (Approved as to form: *Denise M. Barton*
19 AUSA Denise Marie Barton
20 AUSA Randy Luskey
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FILED

DEC 3 4 2013

RICHARD W. WIENING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK ADEBOWALE SOGBEIN,
ADEBOLA ADEFUNKE ADEBIMPE, and
EDUARDO ABAD,

Defendants.

Case No. 12-cr-00054-JSW-1, 2, 4

VERDICT FORM

COUNT ONE

Count One of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN, ADEBOLA ADEFUNKE ADEBIMPE, and EDUARDO ABAD, with conspiracy to commit health care fraud in violation of Title 18, United States Code, Sections 1349 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____
EDUARDO ABAD	<u>✓</u>	_____

of conspiracy to commit health care fraud as charged in Count One of the Superseding Indictment.

COUNT TWO

Count Two of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and EDUARDO ABAD with conspiracy to solicit or receive kickbacks involving a federal health care program in violation of Title 18, United States Code, Sections 371 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

United States District Court
Northern District of California

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	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
EDUARDO ABAD	<u>✓</u>	_____

of conspiracy to solicit or receive kickbacks involving a federal health care program as charged in Count Two of the Superseding Indictment.

COUNT THREE

Count Three of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Three of the Superseding Indictment.

COUNT FOUR

Count Four of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Four of the Superseding Indictment.

COUNT FIVE

Count Five of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

United States District Court
Northern District of California

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We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Five of the Superseding Indictment.

COUNT SIX

Count Six of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Six of the Superseding Indictment.

COUNT SEVEN

Count Seven of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Seven of the Superseding Indictment.

COUNT EIGHT

Count Eight of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

United States District Court
Northern District of California

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We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Eight of the Superseding Indictment.

COUNT NINE

Count Nine of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud as charged in Count Nine of the Superseding Indictment.

COUNT TEN

Count Ten of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN and ADEBOLA ADEFUNKE ADEBIMPE with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<u>✓</u>	_____
ADEBOLA ADEFUNKE ADEBIMPE	<u>✓</u>	_____

of health care fraud and aiding and abetting health care fraud as charged in Count Ten of the Superseding Indictment.

COUNT ELEVEN

Count Eleven of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN, ADEBOLA ADEFUNKE ADEBIMPE, and EDUARDO ABAD with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States

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Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendants listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ADEBOLA ADEFUNKE ADEBIMPE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EDUARDO ABAD	<input checked="" type="checkbox"/>	<input type="checkbox"/>

of health care fraud as charged in Count Eleven of the Superseding Indictment.

COUNT TWELVE

Count Twelve of the Superseding Indictment charges Defendants PATRICK ADEBOWALE SOGBEIN, ADEBOLA ADEFUNKE ADEBIMPE, and EDUARDO ABAD with health care fraud and aiding and abetting health care fraud in violation of Title 18, United States Code, Sections 1347 and 2.

We, the jury in the above-captioned cause, unanimously find the defendant listed below:

	GUILTY	NOT GUILTY
PATRICK ADEBOWALE SOGBEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ADEBOLA ADEFUNKE ADEBIMPE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EDUARDO ABAD	<input checked="" type="checkbox"/>	<input type="checkbox"/>

of health care fraud as charged in Count Twelve of the Superseding Indictment.

DATED: Dec 4, 2013



 FOREPERSON
 CINDY HORVATH

United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
Northern District of California**

UNITED STATES OF AMERICA

v.

Eduardo Abad

) **JUDGMENT IN A CRIMINAL CASE**

)

) USDC Case Number: CR-12-00054-004 JSW
) BOP Case Number: DCAN312CR00054-004
) USM Number: 16891-111
) Defendant's Attorney: Christopher Canon

THE DEFENDANT:

- pleaded guilty to count(s): _____
- pleaded nolo contendere to count(s): _____ which was accepted by the court.
- was found guilty on count(s): 1, 2, 11, and 12 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1349	Conspiracy to Engage in Health Care Fraud	7/26/2011	1
18 U.S.C. § 371	Conspiracy to Receive and Pay Health Care Kickbacks	7/26/2011	2
18 U.S.C. §§ 1347 and 2	Health Care Fraud; Aiding and Abetting	7/20/2011	11
18 U.S.C. §§ 1347 and 2	Health Care Fraud; Aiding and Abetting	7/20/2011	12

The defendant is sentenced as provided in pages 2 through 6 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): 4, 5, and 10
- Count(s) _____ 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.

6/17/2014

Date of Imposition of Judgment

Jeffrey S. White

Signature of Judge

The Honorable Jeffrey S. White
United States District Judge

Name & Title of Judge

6/18/2014

Date

AO 245B (Rev. AO 09/11-CAN 03/14) Judgment in Criminal Case

DEFENDANT: Eduardo Abad
CASE NUMBER: CR-12-00054-004 JSW

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
Twelve (12) months and one (1) day. This term consists of terms of 12 months and 1 day on each of Counts 1, 2, 11, and 12, all counts to be served concurrently.

- The Court makes the following recommendations to the Bureau of Prisons:
The defendant to be housed at the Atwater BOP Facility, and if not there, then a minimal security camp prison with a medical facility capable of treating him.
- The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated.
- The defendant shall surrender to the United States Marshal for this district:
 - at _____ am/pm on _____ (no later than 2:00 pm).
 - as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - at 12:00 pm on 8/19/2014 (no later than 2:00 pm).
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL
By _____
DEPUTY UNITED STATES MARSHAL

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Three (3) years. This term consists of terms of three years on each of Counts 1, 2, 11, and 12, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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 release from imprisonment 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 supervised release 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 and shall submit a truthful and complete written report within the first five days of each month;
- 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.

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall pay any restitution and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.
2. The defendant shall not open any new lines of credit and/or incur new debt without the prior permission of the probation officer.
3. The defendant shall provide the probation officer with access to any financial information, including tax returns, and shall authorize the probation officer to conduct credit checks and obtain copies of income tax returns.
4. The defendant shall submit his person, residence, office, vehicle, or any property under his control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.
5. The defendant shall not have contact with any codefendant in this case, namely Patrick Sogbein, Mele Saavedra, Edna Calastro, and Adebola Adebimpe.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.

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DEFENDANT: Eduardo Abad

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400	Waived	\$100,000

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Medicare; Attn: Veronica Moore; CMS, Division of Accounting; PO BOX 7520; Baltimore, MD 21207-0520	\$100,000	\$100,000	
TOTALS	\$100,000.00	\$100,000.00	

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine/restitution.
 - the interest requirement is waived for the fine/restitution is modified as follows:

SCHEDULE OF PAYMENTS

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

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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- A Lump sum payment of \$100,400.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, or E, and/or F below); or
- B Payment to begin immediately (may be combined with C, D, or 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:
 When incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102, at a rate no less than \$100 per month commencing 60 days after release from custody. The defendant's restitution and forfeiture obligations shall be paid jointly and severally with his co-defendants. However, the defendant will not be made joint and several on the co-defendants' judgments in regard to restitution and forfeiture.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
12CR00054-001/Patrick Sogbein	\$1,577,426	\$100,000	Medicare
12CR00054-002/Adebola Adebimpe	\$1,019,937	\$100,000	Medicare

- 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:
\$100,000, which will be joint and several with Patrick Sogbein, Adebola Adebimpe, Edna Calaustra, and Mele Saavedra.
- The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.

* 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.