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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
October 2012 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,
v.
OLUFUNKE IBIYEMI FADOJUTIMI,
aka "Olu,"
AYODEJI TEMITAYO FATUNMBI,
aka "Ayo,"
aka "Paul,"
aka "Paul Olawale,"
MARITZA ELIZABETH VELAZQUEZ,
aka "Maritza Rodriguez,"
Defendants.

CR No. CR13-0324

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy
to Commit Health Care Fraud;
18 U.S.C. § 1347: Health Care
Fraud; 18 U.S.C. § 2(b):
Causing an Act to be Done; 18
U.S.C. § 1956(h): Laundering
of Monetary Instruments]

The Grand Jury charges:

COUNT ONE

[DEFENDANTS FADOJUTIMI, FATUNMBI, AND VELAZQUEZ]

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

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1 The Conspirators

2 1. Defendant OLUFUNKE IBIYEMI FADOJUTIMI, also known as
3 ("aka") "Olu" ("defendant FADOJUTIMI"), was a registered nurse
4 who owned and operated a business known as Lutemi Medical
5 Supplies from in or about September 2003, which defendant
6 FADOJUTIMI subsequently incorporated, owned, and operated as
7 Lutemi Medical Supply, Inc. (collectively "Lutemi") starting in
8 or about November 2006. Lutemi operated as a durable medical
9 equipment ("DME") supply company located at 550 Carson Plaza
10 Drive, Suite 125, Carson, California, within the Central District
11 of California. Defendant FADOJUTIMI, completed, signed, and
12 submitted applications and other paperwork to the Medicare
13 Program ("Medicare") to obtain and maintain Medicare provider
14 numbers for Lutemi and, at times, completed paperwork used by
15 Lutemi's staff and medical billers to submit claims to Medicare.

16 2. Defendant AYODEJI TEMITAYO FATUNMBI, aka "Ayo," aka
17 "Paul," aka "Paul Olawale" ("defendant FATUNMBI"), worked at
18 Lutemi and helped defendant FADOJUTIMI manage Lutemi's daily
19 operations.

20 3. Defendant MARITZA ELIZABETH VELAZQUEZ, aka "Maritza
21 Rodriguez" ("defendant VELAZQUEZ"), was employed at Lutemi as its
22 officer manager starting in or about 2007. As part of her job
23 duties at Lutemi, defendant VELAZQUEZ billed Lutemi's claims to
24 Medicare. In addition, in or about December 2008, defendant
25 VELAZQUEZ started and ran "Betty's Billing Service" ("Betty's
26 Billing"), a medical billing business that defendant VELAZQUEZ
27 operated while she worked for Lutemi. Before defendant VELAZQUEZ
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1 joined Lutemi, she worked for a medical billing business that
2 submitted claims to Medicare on behalf of Lutemi.

3 4. A co-conspirator known to the Grand Jury ("CC1") was a
4 licensed doctor who operated a medical clinic. In exchange for
5 illegal kickbacks paid to CC1 by defendants FADOJUTIMI, FATUNMBI,
6 VELAZQUEZ, and others acting on their behalf, CC1 wrote false and
7 fraudulent prescriptions and documents for power wheelchairs
8 ("PWCs") and other DME which defendants FADOJUTIMI, FATUNMBI,
9 VELAZQUEZ, and others used as a basis to bill Medicare.

10 5. A co-conspirator known to the Grand Jury ("CC2") was
11 associated with individuals who owned fraudulent medical clinics
12 that generated false and fraudulent prescriptions and documents
13 for PWCs and other DME which defendants FADOJUTIMI, FATUNMBI,
14 VELAZQUEZ, and others known and unknown to the Grand Jury used as
15 a basis to bill Medicare. CC2 and CC2's associates operated
16 these clinics, and provided and sold the false and fraudulent
17 prescriptions and documents generated at the clinics to the
18 owners and operators of DME supply companies and others.

19 6. Between in or about April 2004 and in or about May
20 2011, Lutemi submitted to Medicare claims totaling approximately
21 \$8,358,501 for PWCs and other DME, and Medicare paid Lutemi
22 approximately \$4,372,466 on those claims.

23 The Medicare Program

24 7. Medicare was a federal health care benefit program,
25 affecting commerce, that provided benefits to individuals who
26 were over the age of 65 or disabled. Medicare was administered
27 by the Centers for Medicare and Medicaid Services ("CMS"), a

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1 federal agency under the United States Department of Health and
2 Human Services ("HHS").

3 8. CMS contracted with private insurance companies to (a)
4 certify DME providers for participation in Medicare and monitor
5 their compliance with Medicare standards; (b) process and pay
6 claims; and (c) perform program safeguard functions, such as
7 identifying and reviewing suspect claims.

8 9. Individuals who qualified for Medicare benefits were
9 referred to as Medicare beneficiaries. Each Medicare beneficiary
10 was given a Health Identification Card containing a unique
11 identification number ("HICN").

12 10. DME companies, physicians, and other health care
13 providers that provided medical services that were reimbursed by
14 Medicare were referred to as Medicare "providers."

15 11. To obtain payment from Medicare, a DME company first
16 had to apply for and obtain a provider number. By signing the
17 provider application, the DME company agreed to abide by Medicare
18 rules and regulations, including the Anti-Kickback Statute (42
19 U.S.C. § 1320a-7b(b)), which, among other things, prohibited the
20 payment of kickbacks or bribes for the referral of Medicare
21 beneficiaries for any item or service for which payment may be
22 made by the Medicare program.

23 12. If Medicare approved a provider's application, Medicare
24 assigned the provider a Medicare provider number, enabling the
25 provider (such as a DME company or physician) to submit claims to
26 Medicare for services and supplies provided to Medicare
27 beneficiaries.

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1 13. To obtain and maintain their Medicare provider numbers
2 and billing privileges, DME providers had to meet Medicare
3 standards for participation. The Medicare contractor responsible
4 for evaluating and certifying DME providers' compliance with
5 these standards was Palmetto GBA ("Palmetto").

6 14. From in or about January 2003 through in or about
7 September 2006, CIGNA processed and paid Medicare DME claims in
8 Southern California. From in or about October 2006 onward,
9 Noridian Administrative Services ("Noridian") performed this
10 function.

11 15. Most Medicare providers, including Lutemi, submitted
12 their claims electronically pursuant to an agreement with
13 Medicare that they would submit claims that were accurate,
14 complete, and truthful, and would retain all original source
15 documents and medical records pertaining to any Medicare claim
16 for a period of six years and three months after the claim was
17 billed to and paid by Medicare. On more than occasion, defendant
18 FADOJUTIMI executed such electronic billing agreements on behalf
19 of Lutemi.

20 16. Medicare paid DME providers only for DME that was
21 medically necessary to the treatment of a beneficiary's illness
22 or injury, was prescribed by a beneficiary's physician, and was
23 provided in accordance with Medicare regulations and guidelines
24 that governed whether a particular item or service would be paid
25 by Medicare.

26 17. To bill Medicare for DME provided to a beneficiary, a
27 DME provider was required to submit a claim (Form 1500) to
28 Noridian or CIGNA. Medicare required claims to be truthful,

1 complete, and not misleading. In addition, when a claim was
2 submitted, the DME provider was required to certify that the DME
3 or services covered by the claim were medically necessary.

4 18. Medicare required a claim for payment to set forth,
5 among other things, the beneficiary's name and HICN, the type of
6 DME provided to the beneficiary, the date the DME was provided,
7 and the name and unique physician identification number ("UPIN")
8 of the physician who prescribed or ordered the DME.

9 19. Medicare had a co-payment requirement for DME.
10 Medicare reimbursed providers 80% of the allowed amount of a DME
11 claim and the beneficiary was ordinarily obligated to pay the
12 remaining 20%.

13 B. THE OBJECT OF THE CONSPIRACY

14 20. Beginning in or about September 2003, and continuing
15 through in or about January 2013, in Los Angeles County, within
16 the Central District of California, and elsewhere, defendants
17 FADOJUTIMI, FATUNMBI, and VELAZQUEZ, together with CC1, CC2, and
18 others known and unknown to the Grand Jury, knowingly combined,
19 conspired, and agreed to commit health care fraud, in violation
20 of Title 18, United States Code, Section 1347.

21 C. THE MANNER AND MEANS OF THE CONSPIRACY

22 21. The object of the conspiracy was carried out, and to be
23 carried out, in substance, as follows:

24 a. Defendants FADOJUTIMI, FATUNMBI, VELAZQUEZ, and
25 others known and unknown to the Grand Jury, would use both cash
26 and checks to pay illegal kickbacks to marketers to recruit
27 Medicare beneficiaries for PWCs and other DME for which the
28 beneficiaries did not have a legitimate medical need. In some

1 cases, these beneficiaries lived in cities and towns that were
2 hundreds of miles and several hours away from Lutemi.

3 b. In order to communicate with Lutemi's marketers,
4 defendants FADOJUTIMI, FATUNMBI, and VELAZQUEZ gave one of
5 Lutemi's employees a cellular telephone for the employee to
6 communicate with the marketers.

7 c. The employee and defendant VELAZQUEZ would
8 maintain a special ledger in which they recorded, among other
9 things, the names and Medicare numbers of the beneficiaries, and
10 the names of the marketers who recruited them.

11 d. Defendants FADOJUTIMI, FATUNMBI, VELAZQUEZ, and
12 others acting on their behalf would pay illegal kickbacks to CC1
13 and other doctors and individuals to provide them with false and
14 fraudulent prescriptions and documents that defendants
15 FADOJUTIMI, FATUNMBI, VELAZQUEZ, and others acting on their
16 behalf would use to submit false and fraudulent claims to
17 Medicare for PWCs and other DME.

18 e. Defendants FADOJUTIMI, FATUNMBI, VELAZQUEZ, and
19 others acting on their behalf would also use false and fraudulent
20 prescriptions and documents generated by the fraudulent medical
21 clinics run by CC2 and CC2's associates to submit false and
22 fraudulent claims to Medicare for PWCs and other DME.

23 f. Defendants FADOJUTIMI, FATUNMBI, and VELAZQUEZ
24 would obtain cash to pay kickbacks to the marketers, doctors,
25 CC1, CC2, and CC2's associates by writing checks from Lutemi's
26 Wells Fargo Bank corporate accounts to Lutemi's employees; to
27 family members, friends, and co-workers of defendant FADOJUTIMI;
28 and to others known and unknown to the Grand Jury. Often at

1 defendant FATUNMBI's direction, these individuals would cash the
2 checks and return all or almost all of the money to defendants
3 FADOJUTIMI, FATUNMBI, and VELAZQUEZ, who would then use the money
4 to pay the illegal kickbacks.

5 g. After acquiring the false and fraudulent
6 prescriptions and documents, defendants FADOJUTIMI, FATUNMBI, and
7 VELAZQUEZ would submit, and cause the submission of, false and
8 fraudulent claims to Medicare for PWCs and other DME provided by
9 Lutemi to Medicare beneficiaries that was not medically
10 necessary.

11 h. In many cases, defendants FADOJUTIMI, FATUNMBI,
12 and VELAZQUEZ would submit claims to Medicare before Lutemi
13 actually provided or delivered PWCs and other DME to Lutemi's
14 beneficiaries.

15 i. As a result of defendants FADOJUTIMI, FATUNMBI,
16 and VELAZQUEZ's submission of false and fraudulent claims at
17 Lutemi, Medicare made payments to Lutemi's two corporate bank
18 accounts at Wells Fargo Bank. Defendant FADOJUTIMI would then
19 transfer and disburse, and cause the transfer and disbursement
20 of, monies from Lutemi's corporate bank accounts to herself,
21 defendants FATUNMBI and VELAZQUEZ, and others.

COUNTS TWO THROUGH EIGHT

[DEFENDANTS FADOJUTIMI, FATUNMBI, AND VELAZQUEZ]

[18 U.S.C. §§ 1347 and 2(b)]

A. INTRODUCTORY ALLEGATIONS

22. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 19 and paragraph 21 above of this Indictment as though set forth in their entirety here.

B. THE SCHEME TO DEFRAUD

23. Beginning on or about September 2003, and continuing through on or about January 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendants FADOJUTIMI, FATUNMBI, and VELAZQUEZ, together with others known and unknown to the Grand Jury, knowingly, willfully, and with intent to defraud, executed, and attempted to execute, a scheme and artifice: (a) to defraud a health care benefit program, namely Medicare, as to material matters in connection with the delivery of and payment for health care benefits, items, and services; and (b) to obtain money from Medicare by means of material false and fraudulent pretenses and representations and the concealment of material facts in connection with the delivery of and payment for health care benefits, items, and services.

C. MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD

24. The fraudulent scheme operated, in substance, as described in paragraph 21(a) through (i) above of this Indictment, which are incorporated by reference as though set forth in its entirety here.

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1 D. EXECUTIONS OF THE FRAUDULENT SCHEME

2 25. On or about the dates set forth below, within the
3 Central District of California and elsewhere, defendants
4 FADOJUTIMI, FATUNMBI, and VELAZQUEZ, together with others known
5 and unknown to the Grand Jury, for the purpose of executing and
6 attempting to execute the fraudulent scheme described above,
7 knowingly and willfully caused to be submitted to Medicare for
8 payment the following false and fraudulent claims purportedly for
9 PWCs and related accessories:

10	<u>COUNT</u>	<u>BENE-</u> <u>FICIARY</u>	<u>CLAIM NUMBER</u>	<u>DATE BILLED</u> <u>TO MEDICARE</u>	<u>AMOUNT</u> <u>BILLED TO</u> <u>MEDICARE</u>
11	TWO	F.V.	8163820619000	06/11/08	\$5,500
12	THREE	H.C.	8163820615000	06/11/08	\$5,500
13	FOUR	R.F.	8288850788000	10/14/08	\$4,500
14	FIVE	J.J.	9128833685000	05/08/09	\$4,500
15	SIX	R.M.	9168845974000	06/17/09	\$4,500
16	SEVEN	S.G.	9253840816000	09/10/09	\$4,500
17	EIGHT	M.B.	10019842869000	01/19/10	\$4,500
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1 COUNT NINE

2 [DEFENDANTS FADOJUTIMI AND FATUNMBI]

3 [18 U.S.C. § 1956(h)]

4 A. INTRODUCTORY ALLEGATIONS

5 26. The Grand Jury incorporates by reference and re-alleges
6 paragraphs 1 through 19 and paragraph 21(a) through (i) of this
7 Indictment as though set forth in their entirety here.

8 27. In or around 2003, defendant FADOJUTIMI opened a
9 corporate bank account for Lutemi at Wells Fargo Bank, account
10 number xxxxxx1313. Until in or around January 2008, when she
11 closed the account, defendant FADOJUTIMI maintained sole
12 signature authority for this account.

13 28. On or about July 5, 2007, defendant FADOJUTIMI opened a
14 second corporate bank account for Lutemi at Wells Fargo Bank,
15 account number xxxxxx9490. Defendant FADOJUTIMI maintained sole
16 signature authority for this account.

17 B. THE OBJECTS OF THE CONSPIRACY

18 29. Beginning in or about August 2006 and continuing to in
19 or about March 2010, in the Central District of California and
20 elsewhere, defendants FADOJUTIMI and FATUNMBI, along with others
21 known and unknown to the Grand Jury, conspired and agreed with
22 each other to knowingly and intentionally commit the following
23 offenses against the United States:

24 (1) Knowing that property involved in a financial
25 transaction represented the proceeds of some form of unlawful
26 activity, and which property was, in fact, the proceeds of
27 specified unlawful activity, that is, conspiracy to commit health
28 care fraud and health care fraud, in violation of Title 18,

1 United States Code, Sections 1349 and 1347, conducted and
2 attempted to conduct financial transactions with the intent to
3 promote the carrying on of said specified unlawful activity, in
4 violation of Title 18, United States Code, Section
5 1956(a)(1)(A)(i); and

6 (2) Knowing that the property involved in a financial
7 transaction represented the proceeds of some form of unlawful
8 activity, and which property was, in fact, the proceeds of
9 specified unlawful activity, that is, conspiracy to commit health
10 care fraud and health care fraud, in violation of Title 18,
11 United States Code, Sections 1349 and 1347, conducted and
12 attempted to conduct financial transactions with the intent to
13 conceal or disguise the nature, location, source, ownership, and
14 control of the proceeds of said specified unlawful activity, in
15 violation of Title 18, United States Code, Section
16 1956(a)(1)(B)(i).

17 C. THE MANNER AND MEANS OF THE CONSPIRACY

18 30. The object of the conspiracy was carried out, and to be
19 carried out, in substance, as follows:

20 a. Defendant FADOJUTIMI would execute and submit
21 electronic funds transfer agreements to Medicare, requesting that
22 all reimbursements from Medicare be directly deposited into
23 Lutemi's Wells Fargo Bank corporate accounts, account numbers
24 xxxxxx1313 and xxxxxx9490.

25 b. Defendant FADOJUTIMI would cause the proceeds of
26 the health care fraud conspiracy and scheme to be deposited into
27 Lutemi's corporate bank accounts.

28 c. Defendants FADOJUTIMI and FATUNMBI would write

1 checks, and cause checks to be written, to Lutemi employees; to
2 family, friends, and co-workers of defendant FADOJUTIMI; and to
3 others known and unknown to the Grand Jury.

4 d. These individuals would then cash the checks and
5 return all or almost all of the funds to defendants FADOJUTIMI
6 and FATUNMBI. At times, these individuals would retain a portion
7 of the funds for themselves.

8 e. Defendants FADOJUTIMI and FATUNMBI, and others
9 known and unknown to the Grand Jury, would then used the cash to
10 pay various individuals, including but not limited to marketers,
11 CCI, and other individuals who provided defendants FADOJUTIMI and
12 FATUNMBI with the false and fraudulent prescriptions and
13 documents that they used to submit their false and fraudulent
14 claims to Medicare.

15 f. In addition, defendant FADOJUTIMI,
16 together with others known and unknown to the Grand Jury, would
17 transmit, and cause to be transmitted, funds from the Lutemi bank
18 accounts, to the corporate bank account for Fatumbe Inc.
19 ("Fatumbe"), a corporation owned and operated by defendant
20 FADOJUTIMI, Wells Fargo Bank account number xxxxx8310, on which
21 defendant FADOJUTIMI was a signatory. Defendant FADOJUTIMI would
22 transmit and cause the transmission of funds from the Lutemi bank
23 accounts to the Fatumbe bank account to conceal and disguise the
24 true nature, ownership, and control of the proceeds of the health
25 care fraud, by, among other means, making it appear as if Lutemi
26 had incurred legitimate business expenses, when, in fact, the

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1 money was being paid to defendant FADOJUTIMI and converted to
2 cash.

3 A TRUE BILL

4 13/
5 Foreperson

6 ANDRÉ BIROTTE JR.
7 United States Attorney

8
9 ROBERT E. DUGDALE
10 Assistant United States Attorney
11 Chief, Criminal Division

12 RICHARD E. ROBINSON
13 Assistant United States Attorney
14 Chief, Major Frauds Section

15 CONSUELO WOODHEAD
16 Assistant United States Attorney
17 Assistant Chief, Major Frauds Section

18 CHARLES LABELLA
19 Deputy Chief, Fraud Section
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21 JONATHAN BAUM
22 Trial Attorney, Fraud Section
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12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 AYODEJI TEMITAYO FATUNMBI,
aka "Ayo,"
20 aka "Paul,"
aka "Paul Olawale,"

21 Defendant.
22

No. CR 13-324-CAS-2

AMENDED PLEA AGREEMENT FOR
DEFENDANT
AYODEJI TEMITAYO FATUNMBI

23
24 1. This constitutes the plea agreement between AYODEJI
25 TEMITAYO FATUNMBI ("defendant") and the Fraud Section of Criminal
26 Division of the United States Department of Justice and the United
27 States Attorney's Office for the Central District of California
28 (collectively, the "United States") in the above-captioned case.

1 This agreement is limited to the United States and cannot bind any
2 other federal, state, local, or foreign prosecuting, enforcement,
3 administrative, or regulatory authorities.

4 DEFENDANT'S OBLIGATIONS

5 2. Defendant agrees to:

6 a. At the earliest opportunity requested by the United
7 States and provided by the Court, appear and plead guilty to counts
8 One and Nine of the indictment in United States v. AYODEJI TEMITAYO
9 FATUNMBI, CR No. CR 13-0324-2, which charges defendant with
10 conspiracy to commit health care fraud, in violation of 18 U.S.C.
11 § 1349, and conspiracy to commit money laundering, in violation of 18
12 U.S.C. § 1956(h).

13 b. Not contest facts agreed to in this agreement.

14 c. Abide by all agreements regarding sentencing contained
15 in this agreement.

16 d. Appear for all court appearances, surrender as ordered
17 for service of sentence, obey all conditions of any bond, and obey
18 any other ongoing court order in this matter.

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

23 f. Be truthful at all times with Pretrial Services, the
24 United States Probation Office, and the Court.

25 g. Pay the applicable special assessments at or before
26 the time of sentencing unless defendant lacks the ability to pay and
27 prior to sentencing submits a completed financial statement on a form
28 to be provided by the United States.

1 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
2 additional one-level reduction if available under that section.

3 e. Recommend that defendant be sentenced to a term of
4 imprisonment no higher than the low end of the applicable Sentencing
5 Guidelines range, provided that the offense level used by the Court
6 to determine that range is 21 or higher and provided that the Court
7 does not depart downward in offense level or criminal history
8 category. For purposes of this agreement, the low end of the
9 Sentencing Guidelines range is that defined by the Sentencing Table
10 in U.S.S.G. Chapter 5, Part A.

11 NATURE OF THE OFFENSES

12 4. Defendant understands that for defendant to be guilty of
13 the crime charged in Count One, that is, conspiracy to commit health
14 care fraud, in violation of 18 U.S.C. § 1349, the following must be
15 true:

16 a. Between in or around September 2003 and continuing
17 through in or around January 2013, there was an agreement between two
18 or more persons to commit the crime of health care fraud, in
19 violation of Title 18, United States Code, Section 1347; and

20 b. Defendant became a member of the conspiracy knowing
21 its object and intending to help accomplish it.

22 5. Defendant further understands that the elements of the
23 crime of health care fraud, in violation of Title 18, United States
24 Code, Section 1347, are:

25 a. Defendant knowingly and willfully participated in a
26 scheme or plan to defraud a health care benefit program, or a scheme
27 or plan for obtaining money or property from a health care benefit
28

1 program by means of false or fraudulent pretenses, representations,
2 or promises;

3 b. The statements made or facts omitted as part of the
4 scheme were material; that is, they had a natural tendency to
5 influence, or were capable of influencing, the health care benefit
6 program to part with money or property;

7 c. Defendant acted with the intent to defraud; that is,
8 the intent to deceive or cheat; and

9 d. The scheme involved the delivery of or payment for
10 health care benefits, items, or services.

11 6. Defendant understands that for defendant to be guilty of
12 the crime charged in Count Nine, that is, conspiracy to commit money
13 laundering, in violation of Title 18, United States Code, Section
14 1956(h), the following must be true:

15 a. Beginning on or about August 2006, and continuing to
16 on or about March 2010, there was an agreement between two or more
17 persons to commit the crime of money laundering; and

18 b. The defendant became a member of the conspiracy
19 knowing of its purpose and intending to help accomplish that purpose.

20 7. The object of the conspiracy charged in Count Nine is money
21 laundering in violation of 18 U.S.C. § 1956(a)(1)(A)(i) and (B)(i).

22 8. Defendant further understands that the elements of the
23 crime of money laundering, in violation of Title 18, United States
24 Code, Section 1956(a)(1)(A)(i) are:

25 a. Defendant conducted a financial transaction involving
26 property that represented the proceeds of health care fraud;

27 b. Defendant knew that the property represented the
28 proceeds of health care fraud; and

1 c. Defendant acted with the intent to promote the
2 carrying on of health care fraud.

3 9. Defendant further understands that the elements of the
4 crime of money laundering, in violation of Title 18, United States
5 Code, Section 1956(a)(1)(B)(i) are:

6 a. Defendant conducted a financial transaction involving
7 property that represented the proceeds of health care fraud;

8 b. Defendant knew that the property represented the
9 proceeds of some form of unlawful activity; and

10 c. Defendant knew that the transaction was designed in
11 whole or in part to conceal or disguise the nature, location, source,
12 ownership, or control of the proceeds.

13 PENALTIES AND RESTITUTION

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

20 11. Defendant understands that the statutory maximum sentence
21 that the Court can impose for a violation of Title 18, United States
22 Code, Section 1956(h), is: 20 years imprisonment; a three-year period
23 of supervised release; a fine of \$500,000 or twice the value of the
24 property involved in the transaction, whichever is greater; and a
25 mandatory special assessment of \$100.

26 12. Defendant understands, therefore, that the total maximum
27 sentence for all offenses to which defendant is pleading guilty is:
28 30 years imprisonment; a 3-year period of supervised release; a fine

1 of \$250,000 or twice the gross gain or gross loss resulting from the
2 offenses, whichever is greatest; and \$500,000 or twice the value of
3 the property involved in the transaction, whichever is greater; and a
4 mandatory special assessment of \$200.

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

14 14. Defendant understands that, by pleading guilty, defendant
15 may be giving up valuable government benefits and valuable civic
16 rights, such as the right to vote, the right to possess a firearm,
17 the right to hold office, and the right to serve on a jury.
18 Defendant understands that once the court accepts defendant's guilty
19 plea, it will be a federal felony for defendant to possess a firearm
20 or ammunition. Defendant understands that the conviction in this
21 case may also subject defendant to various other collateral
22 consequences, including but not limited to revocation of probation,
23 parole, or supervised release in another case and suspension or
24 revocation of a professional license. Defendant understands that
25 unanticipated collateral consequences will not serve as grounds to
26 withdraw defendant's guilty plea.

27 15. Defendant understands that, if defendant is not a United
28 States citizen, the felony conviction in this case may subject

1 defendant to: removal, also known as deportation, which may, under
2 some circumstances, be mandatory; denial of citizenship; and denial
3 of admission to the United States in the future. The court cannot,
4 and defendant's attorney also may not be able to, advise defendant
5 fully regarding the immigration consequences of the felony conviction
6 in this case. Defendant understands that unexpected immigration
7 consequences will not serve as grounds to withdraw defendant's guilty
8 plea.

9 16. Defendant understands that defendant will be required to
10 pay full restitution to the victim of the offenses to which defendant
11 is pleading guilty. Defendant agrees that, in return for the United
12 States' compliance with its obligations under this agreement, the
13 Court may order restitution to persons other than the victim of the
14 offenses to which defendant is pleading guilty and in amounts greater
15 than those alleged in the counts to which defendant is pleading
16 guilty. In particular, defendant agrees that the Court may order
17 restitution to any victim of any of the following for any losses
18 suffered by that victim as a result: (a) any relevant conduct, as
19 defined in U.S.S.G. § 1B1.3, in connection with the offenses to which
20 defendant is pleading guilty; and (b) any counts dismissed pursuant
21 to this agreement as well as all relevant conduct, as defined in
22 U.S.S.G. § 1B1.3, in connection with those counts. The parties
23 currently believe that the applicable amount of restitution is
24 approximately \$1,076,893.15, but recognize and agree that this amount
25 could change based on facts that come to the attention of the parties
26 prior to sentencing.

1 Defendant and his co-conspirators paid and caused to be paid
2 illegal kickbacks to recruiters to recruit Medicare beneficiaries for
3 power wheelchairs ("PWCs") and other DME to be supplied by Lutemi,
4 and for which defendant and his co-conspirators knew the
5 beneficiaries did not have a legitimate medical need.

6 Defendant and his co-conspirators paid and caused to be paid
7 illegal kickbacks to doctors, medical clinic employees, and others to
8 provide them with false and fraudulent prescriptions and documents
9 that defendant and his co-conspirators used to submit, and cause the
10 submission of, false and fraudulent claims from Lutemi to Medicare
11 for PWCs and other DME for which defendant and his co-conspirators
12 knew the beneficiaries did not have a legitimate medical need.

13 Defendant and Fadojutimi also wrote checks from Lutemi's Wells
14 Fargo Bank account to Lutemi's employees, to family members, friends,
15 and co-workers of the defendant and Fadojutimi, and others. At
16 defendant's instruction, these individuals cashed the checks and
17 returned all or almost all of the money to defendant and his co-
18 conspirators. Defendant and his co-conspirators then used some of
19 the money to pay illegal kickbacks. Defendant knew that this money
20 represented the proceeds of health care fraud at Lutemi. Defendant
21 directed others to engage in these transactions with the intent to
22 promote the health care fraud conspiracy at Lutemi and to conceal the
23 nature and source of the proceeds of the health care fraud conspiracy
24 at Lutemi.

25 During the course of the conspiracy, defendant knew Medicare did
26 not pay for DME that is not medically necessary, for equipment that
27 was not actually provided, or for claims obtained through the payment
28 of illegal kickbacks. In total, Lutemi submitted approximately

1 \$8,358,501 in claims to Medicare, of which Medicare paid
2 approximately \$3,569,596. Of these total claims, defendant and his
3 co-conspirators submitted and caused to be submitted approximately
4 \$2,090,434.62 in false and fraudulent claims for various medically
5 unnecessary DME, primarily PWCs and related accessories. As a result
6 of these false and fraudulent claims, Medicare paid Lutemi a total of
7 approximately \$1,076,893.15. Defendant committed all of the above
8 acts knowingly, and with the intent to defraud Medicare.

9 SENTENCING FACTORS

10 18. Defendant understands that in determining defendant's
11 sentence the Court is required to calculate the applicable Sentencing
12 Guidelines range and to consider that range, possible departures
13 under the Sentencing Guidelines, and the other sentencing factors set
14 forth in 18 U.S.C. § 3553(a). Defendant understands that the
15 Sentencing Guidelines are advisory only, that defendant cannot have
16 any expectation of receiving a sentence within the calculated
17 Sentencing Guidelines range, and that after considering the
18 Sentencing Guidelines and the other § 3553(a) factors, the Court will
19 be free to exercise its discretion to impose any sentence it finds
20 appropriate up to the maximum set by statute for the crimes of
21 conviction.

22 19. Defendant and the United States agree to the following
23 applicable Sentencing Guidelines factors:

24	Base Offense Level:	6	U.S.S.G. § 2S1.1(a)(1)
25	Specific Offense		
26	Characteristics (Loss between		
26	\$1M and 2.5M):	16	U.S.S.G. § 2B1.1(b)(1)
27	Money Laundering:	2	U.S.S.G. § 2S1.1(b)(2)(B)

1 Subject to paragraph 32 below, defendant and the United States agree
2 not to seek, argue, or suggest in any way, either orally or in
3 writing, that any other specific offense characteristics,
4 adjustments, or departures relating to the offense level be imposed.
5 Defendant agrees, however, that if, after signing this agreement but
6 prior to sentencing, defendant were to commit an act, or the United
7 States were to discover a previously undiscovered act committed by
8 defendant prior to signing this agreement, which act, in the judgment
9 of the United States, constituted obstruction of justice within the
10 meaning of U.S.S.G. § 3C1.1, the United States would be free to seek
11 the enhancement set forth in that section and to argue that defendant
12 is not entitled to a downward adjustment for acceptance of
13 responsibility under U.S.S.G. § 3E1.1.

14 20. Defendant and the United States also stipulate that the
15 defendant was arrested by Nigerian authorities in Nigeria on April
16 11, 2018, and was detained in Nigerian custody until October 24,
17 2018, when he was transferred to the custody of the United States
18 Federal Bureau of Investigation. Defendant understands that any
19 calculation regarding time served is solely determined by the Bureau
20 of Prisons, which is not a party to this agreement.

21 21. Defendant understands that there is no agreement as to
22 defendant's criminal history or criminal history category.

23 22. Defendant and the United States reserve the right to argue
24 for a sentence outside the sentencing range established by the
25 Sentencing Guidelines based on the factors set forth in 18 U.S.C.
26 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

27
28

1 appeal defendant's convictions on the offenses to which defendant is
2 pleading guilty. Defendant understands that this waiver includes,
3 but is not limited to, arguments that the statutes to which defendant
4 is pleading guilty are unconstitutional, and any and all claims that
5 the statement of facts provided herein is insufficient to support
6 defendant's pleas of guilty.

7 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

8 25. Defendant agrees that, provided the Court imposes a total
9 term of imprisonment on all counts of conviction of within or below
10 the range corresponding to an offense level of 21 and the criminal
11 history category calculated by the Court, defendant gives up the
12 right to appeal all of the following: (a) the procedures and
13 calculations used to determine and impose any portion of the
14 sentence; (b) the term of imprisonment imposed by the Court; (c) the
15 fine imposed by the court, provided it is within the statutory
16 maximum; (d) to the extent permitted by law, the constitutionality or
17 legality of defendant's sentence, provided it is within the statutory
18 maximum; (e) the amount and terms of any restitution order, provided
19 it requires payment of no more than \$1,076,893.15; (f) the term of
20 probation or supervised release imposed by the Court, provided it is
21 within the statutory maximum; and (g) any of the following conditions
22 of probation or supervised release imposed by the Court: the
23 conditions set forth in General Orders 318, 01-05, and/or 05-02 of
24 this Court; the drug testing conditions mandated by 18 U.S.C.
25 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions
26 authorized by 18 U.S.C. § 3563(b)(7).

27 26. The United States agrees that, provided (a) all portions of
28 the sentence are at or below the statutory maximum specified above

1 and (b) the Court imposes a term of imprisonment within or below the
2 range corresponding to an offense level of 21 and the criminal
3 history category calculated by the Court, the United States gives up
4 its right to appeal any portion of the sentence.

5 RESULT OF WITHDRAWAL OF GUILTY PLEA

6 27. Defendant agrees that if, after entering guilty pleas
7 pursuant to this agreement, defendant seeks to withdraw and succeeds
8 in withdrawing defendant's guilty pleas on any basis other than a
9 claim and finding that entry into this plea agreement was
10 involuntary, then (a) the United States will be relieved of all of
11 its obligations under this agreement; and (b) should the United
12 States choose to pursue any charge that was either dismissed or not
13 filed as a result of this agreement, then (i) any applicable statute
14 of limitations will be tolled between the date of defendant's signing
15 of this agreement and the filing commencing any such action; and
16 (ii) defendant waives and gives up all defenses based on the statute
17 of limitations, any claim of pre-indictment delay, or any speedy
18 trial claim with respect to any such action, except to the extent
19 that such defenses existed as of the date of defendant's signing this
20 agreement.

21 EFFECTIVE DATE OF AGREEMENT

22 28. This agreement is effective upon signature and execution of
23 all required certifications by defendant, defendant's counsel, and a
24 Criminal Division Trial Attorney.

25 BREACH OF AGREEMENT

26 29. Defendant agrees that if defendant, at any time after the
27 signature of this agreement and execution of all required
28 certifications by defendant, defendant's counsel, and a Criminal

1 Division Trial Attorney, knowingly violates or fails to perform any
2 of defendant's obligations under this agreement ("a breach"), the
3 United States may declare this agreement breached. All of
4 defendant's obligations are material, a single breach of this
5 agreement is sufficient for the United States to declare a breach,
6 and defendant shall not be deemed to have cured a breach without the
7 express agreement of the United States in writing. If the United
8 States declares this agreement breached, and the Court finds such a
9 breach to have occurred, then: (a) if defendant has previously
10 entered guilty pleas pursuant to this agreement, defendant will not
11 be able to withdraw the guilty pleas, and (b) the United States will
12 be relieved of all its obligations under this agreement.

13 30. Following the Court's finding of a knowing breach of this
14 agreement by defendant, should the United States choose to pursue any
15 charge that was either dismissed or not filed as a result of this
16 agreement, then:

17 a. Defendant agrees that any applicable statute of
18 limitations is tolled between the date of defendant's signing of this
19 agreement and the filing commencing any such action.

20 b. Defendant waives and gives up all defenses based on
21 the statute of limitations, any claim of pre-indictment delay, or any
22 speedy trial claim with respect to any such action, except to the
23 extent that such defenses existed as of the date of defendant's
24 signing this agreement.

25 c. Defendant agrees that: (i) any statements made by
26 defendant, under oath, at the guilty plea hearing (if such a hearing
27 occurred prior to the breach); (ii) the agreed to factual basis
28 statement in this agreement; and (iii) any evidence derived from such

1 statements, shall be admissible against defendant in any such action
2 against defendant, and defendant waives and gives up any claim under
3 the United States Constitution, any statute, Rule 410 of the Federal
4 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
5 Procedure, or any other federal rule, that the statements or any
6 evidence derived from the statements should be suppressed or are
7 inadmissible.

8 COURT AND PROBATION OFFICE NOT PARTIES

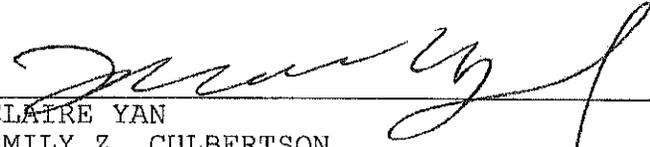
9 31. Defendant understands that the Court and the United States
10 Probation Office are not parties to this agreement and need not
11 accept any of the United States' sentencing recommendations or the
12 parties' agreements to facts or sentencing factors.

13 32. Defendant understands that both defendant and the United
14 States are free to: (a) supplement the facts by supplying relevant
15 information to the United States Probation Office and the Court,
16 (b) correct any and all factual misstatements relating to the Court's
17 Sentencing Guidelines calculations and determination of sentence, and
18 (c) argue on appeal and collateral review that the Court's Sentencing
19 Guidelines calculations and the sentence it chooses to impose are not
20 error, although each party agrees to maintain its view that the
21 calculations in paragraph 19 are consistent with the facts of this
22 case. While this paragraph permits both the United States and
23 defendant to submit full and complete factual information to the
24 United States Probation Office and the Court, even if that factual
25 information may be viewed as inconsistent with the facts agreed to in
26 this agreement, this paragraph does not affect defendant's and the
27 United States' obligations not to contest the facts agreed to in this
28 agreement.

1 part of the record of defendant's guilty plea hearing as if the
2 entire agreement had been read into the record of the proceeding.

3
4 AGREED AND ACCEPTED

5
6 NICOLA T. HANNA
United States Attorney

7
8
9
10 
11 _____
12 CLAIRE YAN
13 EMILY Z. CULBERTSON
14 Trial Attorneys
15 Criminal Division, Fraud Section

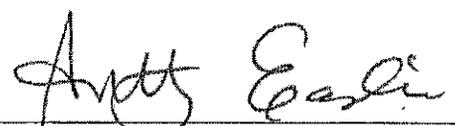
5-8-19

Date

16 
17 _____
18 AYODEJI TEMITAYO FATUNMBI
19 Defendant

5-8-19

Date

20 
21 _____
22 ANTHONY EAGLIN
23 Attorney for Defendant
24 AYODEJI TEMITAYO FATUNMBI

5-8-19

Date

25 CERTIFICATION OF DEFENDANT

26 I have read this agreement in its entirety. I have had enough
27 time to review and consider this agreement, and I have carefully and
28 thoroughly discussed every part of it with my attorney. I understand

1 the terms of this agreement, and I voluntarily agree to those terms.
2 I have discussed the evidence with my attorney, and my attorney has
3 advised me of my rights, of possible pretrial motions that might be
4 filed, of possible defenses that might be asserted either prior to or
5 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
6 of relevant Sentencing Guidelines provisions, and of the consequences
7 of entering into this agreement. No promises, inducements, or
8 representations of any kind have been made to me other than those
9 contained in this agreement. No one has threatened or forced me in
10 any way to enter into this agreement. I am satisfied with the
11 representation of my attorney in this matter, and I am pleading
12 guilty because I am guilty of the charges and wish to take advantage
13 of the promises set forth in this agreement, and not for any other
14 reason.



15
16 AYODEJI TEMITAYO FATUNMBI
Defendant

5-8-19
Date

17
18 CERTIFICATION OF DEFENDANT'S ATTORNEY

19 I am AYODEJI TEMITAYO FATUNMBI's attorney. I have carefully and
20 thoroughly discussed every part of this agreement with my client.
21 Further, I have fully advised my client of his rights, of possible
22 pretrial motions that might be filed, of possible defenses that might
23 be asserted either prior to or at trial, of the sentencing factors
24 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
25 provisions, and of the consequences of entering into this agreement.
26 To my knowledge: no promises, inducements, or representations of any
27 kind have been made to my client other than those contained in this
28

1 agreement; no one has threatened or forced my client in any way to
2 enter into this agreement; my client's decision to enter into this
3 agreement is an informed and voluntary one; and the factual basis set
4 forth in this agreement is sufficient to support my client's entry of
5 guilty pleas pursuant to this agreement.

6 *Anthony Eaglin*

7 ANTHONY EAGLIN
8 Attorney for Defendant
9 AYODEJI TEMITAYO FATUNMBI

5-8-19

Date

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. CR13-324-CAS - 2 Date May 8, 2019
Present: The Honorable CHRISTINA A. SNYDER, UNITED STATES DISTRICT JUDGE
Interpreter N/A

<u>Catherine Jeang</u> <i>Deputy Clerk</i>	<u>Laura Elias</u> <i>Court Reporter/Recorder, Tape</i>	<u>Claire Yan</u> <u>Justin Givens</u> <i>Assistant U.S. Attorney</i>
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<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorneys for Defendants:</u>	<u>Present</u>	<u>App.</u>	<u>Ret.</u>
AYODEJI TEMITAYO FATUNMBI	X	X		ANTHONY EAGLIN	X	X	

Proceedings: STATUS CONFERENCE/CHANGE OF PLEA

Hearing held and counsel are present. The Court confers with counsel and defendant moves to change his plea to Counts One and Nine of the Indictment, states that his true name is as charged and is sworn.

The Court questions the defendant regarding his intention to enter a plea of GUILTY and advises the defendant of his Constitutional Rights. Defendant now enters a new and different plea of GUILTY to Counts One and Nine of the Indictment. The Court FINDS the plea to be knowledgeable and voluntary and orders the plea accepted and entered.

The Court orders the Amended Plea Agreement filed and incorporated into the record.

The Court refers the defendant to the Probation Office for an investigation and Pre-sentence Report and continues the matter to **August 19, 2019**, at **2:30 p.m.** for sentencing.

The Court orders the Status Conference/Jury Trial VACATED as to this defendant.

00 : 25

Initials of Deputy Clerk CMJ

cc: U.S. Probation

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:13-cr-00324-CAS-2**

Case title: USA v. Fadojutimi et al

Date Filed: 05/09/2013

Assigned to: Judge Christina A. Snyder

Defendant (2)**Ayodeji Temitayo Fatunmbi***also known as*

Ayo

also known as

Paul

also known as

Paul Olawale

represented by **Anthony Eaglin**

Anthony Eaglin Law Offices

One Wilshire Building

624 South Grand Avenue 22nd Floor

Los Angeles, CA 90017

213-629-8734

Fax: 213-629-8735

Email: eaglinlaw@gmail.com

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: CJA Appointment***John Neil McNicholas**

McNicholas Law Office LLC

464 Palos Verdes Boulevard

Redondo Beach, CA 90277

310-545-0780

Fax: 310-546-6831

Email: john@mcnicholaslawoffice.com

TERMINATED: 03/22/2019*Designation: CJA Appointment***Pending Counts**18:1349: CONSPIRACY TO COMMIT
HEALTH CARE FRAUD

(1)

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

(2-8)

18:1956(h): LAUNDERING OF
MONETARY INSTRUMENT

(9)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Jonathan T Baum**

AUSA - Office of the US Attorney
Fraud Section - Criminal Division
312 North Spring Street 12th Floor
Los Angeles, CA 90012

213-894-6495

Fax: 213-894-2387

Email: jonathan.baum@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant US Attorney***Blanca Quintero**

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619-546-7118

Fax: 619-546-0510

Email: blanca.quintero2@usdoj.gov

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202-262-0025

Fax: 562-982-1799

Email: brooke.harper@usdoj.gov

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202-674-5653
Fax: 562-982-1799
Email: fred.medick@usdoj.gov
TERMINATED: 03/10/2016

Designation: Assistant US Attorney

Justin Paul Givens

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Email: justin.givens@usdoj.gov
ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Ritesh K Srivastava

US Department of Justice
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Long Beach, CA 90815
562-982-1746
Fax: 562-982-1799
Email: Ritesh.srivastava@usdoj.gov
TERMINATED: 05/28/2017

Designation: Assistant US Attorney

Date Filed	#	Docket Text
05/09/2013	<u>1</u>	INDICTMENT filed as to Olufunke Ibiyemi Fadojutimi (1) count(s) 1, 2-8, 9, Ayodeji Temitayo Fatunmbi (2) count(s) 1, 2-8, 9, Maritza Elizabeth Velazquez (3) count(s) 1, 2-8. Offense occurred in LA. (mhe) (Entered: 05/13/2013)

05/09/2013	<u>3</u>	CASE SUMMARY filed by AUSA Jonathan Baum as to Defendant Ayodeji Temitayo Fatunmbi; defendants Year of Birth: 1971 (mhe) (Entered: 05/13/2013)
05/09/2013	<u>6</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Ayodeji Temitayo Fatunmbi (mhe) (Entered: 05/13/2013)
05/09/2013	<u>7</u>	EX PARTE APPLICATION to Seal Case Filed by Plaintiff USA as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez(mhe) (Entered: 05/13/2013)
05/09/2013	<u>8</u>	ORDER by Magistrate Judge Carla Woehrle: Granting <u>7</u> Ex Parte Application to Seal Case as to Olufunke Ibiyemi Fadojutimi (1), Ayodeji Temitayo Fatunmbi (2), Maritza Elizabeth Velazquez (3) (mhe) (Entered: 05/13/2013)
05/09/2013	<u>9</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez. This criminal action, being filed on 5/9/13, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters. (mhe) (Entered: 05/13/2013)
05/09/2013	<u>10</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate Judge Sheri Pym, Magistrate Judge Michael Wilner(mhe) (Entered: 05/13/2013)
05/21/2013	<u>17</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of AUSA Fred G Medick on behalf of Plaintiff USA. Filed by Plaintiff USA. (Medick, Fred) (Entered: 05/21/2013)
04/03/2014	<u>63</u>	OPPOSITION to MOTION in Limine to Preclude Improper Use of Interview Reports at Trial 48 filed by Defendant Olufunke Fadojutimi. (Banjo, Femi) (Entered: 04/03/2014)
06/04/2014	<u>69</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Blanca Quintero counsel for Plaintiff USA. Adding BLANCA QUINTERO as attorney as counsel of record for UNITED STATES OF AMERICA for the reason indicated in the G-123 Notice. Filed by PLAINTIFF UNITED STATES OF AMERICA. (Quintero, Blanca) (Entered: 06/04/2014)
04/16/2015	<u>146</u>	SENTENCING MEMORANDUM filed by Plaintiff Olufunke Ibiyemi Fadojutimi as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez (Banjo, Femi) (Entered: 04/16/2015)
04/17/2015	<u>147</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Sentencing Memorandum <u>146</u> . The following error(s) was found: Other error(s) with document(s) are specified below: missing attorney signature. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (kss) (Entered: 04/17/2015)
03/09/2016	<u>163</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ritesh K Srivastava counsel for Plaintiff USA. Adding Ritesh Srivastava as counsel of record for USA for the reason indicated in the G-123 Notice. Filed by Plaintiff USA. (Attorney Ritesh K Srivastava added to party USA(pty:pla))(Srivastava, Ritesh) (Entered: 03/09/2016)
03/10/2016	<u>164</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Fred G Medick counsel for Plaintiff USA. Fred Medick is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff United States. (Medick, Fred) (Entered: 03/10/2016)

11/14/2016	169	NOTICE TO PARTIES by District Judge Christina A. Snyder. Effective November 21, 2016, Judge Snyder will be located at the 1st Street Courthouse, COURTROOM 8D on the 8th floor, located at 350 W. 1st Street, Los Angeles, California 90012. All Court appearances shall be made in Courtroom 8D of the 1st Street Courthouse, and all mandatory chambers copies shall be hand delivered to the judge's mail box outside the Clerk's Office on the 4th floor of the 1st Street Courthouse. The location for filing civil documents in paper format exempted from electronic filing and for viewing case files and other records services remains at the United States Courthouse, 312 North Spring Street, Room G-8, Los Angeles, California 90012. The location for filing criminal documents in paper format exempted from electronic filing remains at Edward R. Roybal Federal Building and U.S. Courthouse, 255 East Temple Street, Room 178, Los Angeles, California 90012. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(trp) TEXT ONLY ENTRY (Entered: 11/14/2016)
05/19/2017	<u>171</u>	NOTICE of Manual Filing of Under Seal Document filed by Plaintiff USA as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez (Srivastava, Ritesh) (Entered: 05/19/2017)
05/22/2017	<u>173</u>	SEALED DOCUMENT - EX PARTE APPLICATION for an Order Sealing the Government's Under Seal Document and [Proposed] Order; Declaration of Ritesh Srivastava. (gk) (Entered: 05/24/2017)
05/22/2017	<u>174</u>	SEALED DOCUMENT - ORDER SEALING DOCUMENTS. (gk) (Entered: 05/24/2017)
05/22/2017	<u>175</u>	SEALED DOCUMENT - UNDER SEAL DOCUMENT. (gk) (Entered: 05/24/2017)
05/22/2017	<u>176</u>	SEALED DOCUMENT - ORDER. (gk) (Entered: 05/24/2017)
05/26/2017	<u>177</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Brooke Harper counsel for Plaintiff USA. Adding Brooke Harper as counsel of record for United States of America for the reason indicated in the G-123 Notice. Filed by Plaintiff United States of America. (Harper, Brooke) (Entered: 05/26/2017)
05/28/2017	<u>178</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ritesh K Srivastava counsel for Plaintiff USA. Ritesh Srivastava is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiff USA. (Srivastava, Ritesh) (Entered: 05/28/2017)
10/12/2018	<u>180</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Emily Z Culbertson counsel for Plaintiff USA. Adding Emily Z. Culbertson as counsel of record for United States of America for the reason indicated in the G-123 Notice. Filed by Plaintiff United States. (Culbertson, Emily) (Entered: 10/12/2018)
10/12/2018	<u>181</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Claire Yan counsel for Plaintiff USA. Adding Claire Yan as counsel of record for United States of America for the reason indicated in the G-123 Notice. Filed by Plaintiff United States of America. (Attorney Claire Yan added to party USA(pty:pla))(Yan, Claire) (Entered: 10/12/2018)
10/25/2018	<u>182</u>	TRANSCRIPT ORDER as to Defendant Olufunke Ibiyemi Fadojutimi, Ayodeji Temitayo Fatunmbi, Maritza Elizabeth Velazquez for Court Reporter. Order for: Criminal Non Appeal.(Culbertson, Emily) (Entered: 10/25/2018)
10/25/2018	183	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Transcript Order Form (G-120) <u>182</u> as to Defendant Ayodeji Temitayo Fatunmbi. The following error(s) was found: YOUR TRANSCRIPT ORDER FORM MSUT CONTAIN A DCN # FOR THE COURT REPORTER TO BEGIN TO PROCESS YOUR REQUEST. YOUR OFFICE FIRST NEEDS TO CONTACT THE COURT REPORTER

		TO OBTAIN THE ESTIMATE OF COST, YOUR OFFICE THEN CONTACTS YOUR FISCAL DEPT TO OBTAIN THE DCN #, AFTER YOU RECEIVE THE DCN #, YOU CAN e-FILE THE TRANSCRIPT ORDER FORM. INCLUDE DCN# IN BOX # 11. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ha) TEXT ONLY ENTRY (Entered: 10/25/2018)
10/29/2018	<u>184</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Ayodeji Temitayo Fatunmbi; defendants Year of Birth: 1971; date of arrest: 10/29/2018 (dg) (Entered: 10/30/2018)
10/29/2018	<u>185</u>	MINUTES OF ARREST ON INDICTMENT HEARING held before Magistrate Judge Rozella A. Oliver as to Defendant Ayodeji Temitayo Fatunmbi. Defendant states true name as charged. Attorney: John Neil McNicholas for Ayodeji Temitayo Fatunmbi, Appointed, present. Court orders defendant Permanently detained. Defendant remanded to the custody of the USM. Court Smart: CS 10/29/18. (dg) (Entered: 10/30/2018)
10/29/2018	<u>186</u>	ORDER OF DETENTION by Magistrate Judge Rozella A. Oliver as to Defendant Ayodeji Temitayo Fatunmbi (dg) (Entered: 10/30/2018)
10/29/2018	<u>187</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Ayodeji Temitayo Fatunmbi. (dg) (Entered: 10/30/2018)
10/29/2018	<u>188</u>	FINANCIAL AFFIDAVIT filed as to Defendant Ayodeji Temitayo Fatunmbi. (Not for Public View pursuant to the E-Government Act of 2002) (dg) (Entered: 10/30/2018)
10/29/2018	<u>189</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Rozella A. Oliver as to Defendant Ayodeji Temitayo Fatunmbi (2) Count 1,2-8,9. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: John Neil McNicholas, Appointed present. Case assigned to Judge Christina A. Snyder. Hearing on Pending Motions set for 12/10/2018 01:30 PM before Judge Christina A. Snyder. Jury Trial set for 1/4/2019 09:30 AM before Judge Christina A. Snyder. Status Conference set for 12/10/2018 01:30 PM before Judge Christina A. Snyder. Court Smart: CS 10/29/2018. (tba) (Entered: 10/30/2018)
11/15/2018	<u>190</u>	First EX PARTE APPLICATION to Continue Trial date from January 4, 2019 to December 14, 2019. <i>Defendant Objects to Trial Continuance</i> . Filed by Defendant Ayodeji Temitayo Fatunmbi. (Attachments: # <u>1</u> Proposed Order Continuing Trial Date) (McNicholas, John) (Entered: 11/15/2018)
11/16/2018	<u>191</u>	ORDER TO CONTINUE Trial by Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. Jury Trial set for 5/14/2019 09:30 AM. Pretrial Status Conference set for 4/29/2019 01:30 PM. (lc) (Entered: 11/19/2018)
01/02/2019	<u>192</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>Based Upon Speedy Trial Violation</i> Filed by Defendant Ayodeji Temitayo Fatunmbi. Motion set for hearing on 2/25/2019 at 01:30 PM before Judge Christina A. Snyder. (Attachments: # <u>1</u> Exhibit 1: Nigerian Judgment, # <u>2</u> Exhibit 2: FBI 302, # <u>3</u> Exhibit 3: Excerpts from Trial Transcript, # <u>4</u> Exhibit 4: FBI and DHHS Investigation Memoranda) (McNicholas, John) (Entered: 01/02/2019)
02/04/2019	<u>193</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Justin Paul Givens counsel for Plaintiff USA. Adding Justin P. Givens as counsel of record for USA for the reason indicated in the G-123 Notice. Filed by Plaintiff USA. (Attorney Justin Paul Givens added to party USA(pty:pla))(Givens, Justin) (Entered: 02/04/2019)
02/04/2019	<u>194</u>	First OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <i>Based Upon Speedy Trial Violation</i> <u>192</u> (Attachments: # <u>1</u> Declaration Jeffrey M. Olson Declaration, # <u>2</u> Declaration Lizandro Lopez Declaration and Exhibits A-B, # <u>3</u>

		Declaration Alvin B. Lewis Jr. Declaration and Exhibit A, # <u>4</u> Declaration Jill Mansfield Declaration and Exhibit A, # <u>5</u> Declaration Justin P. Givens Declaration and Exhibits A-D)(Givens, Justin) (Entered: 02/04/2019)
02/11/2019	<u>195</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss Case <i>Based Upon Speedy Trial Violation</i> <u>192</u> filed by Defendant Ayodeji Temitayo Fatunmbi. (McNicholas, John) (Entered: 02/11/2019)
02/20/2019	<u>196</u>	SCHEDULING NOTICE ADVANCED by Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi, re: NOTICE OF MOTION AND MOTION to Dismiss Case Based Upon Speedy Trial Violation <u>192</u> . The 2/25/2019 Motion hearing is advanced from 1:30 PM to 12:30 PM before Judge Christina A. Snyder. NOTE: TIME CHANGE ONLY.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cj) TEXT ONLY ENTRY (Entered: 02/20/2019)
02/25/2019	<u>197</u>	MINUTES OF DEFENDANT'S MOTION TO DISMISS INDICTMENT <u>192</u> held before Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. Hearing held and counsel are present. The Court confers with counsel and counsel argue. Defense counsel provides the Court and the government with copies of a case law and additional exhibits 5 and 6, attached hereto. Also provided was an article, which the court deems to be exhibit 7, also attached hereto. The Court takes defendant's Motion to Dismiss Indictment under submission. Court Reporter: Laura Elias. (Attachments: # <u>1</u> Exhibit 7) (lom) (Additional attachment(s) added on 2/28/2019: # <u>2</u> Exhibit 5, # <u>3</u> Exhibit 6) (lom). Modified on 3/1/2019 (lom). (Entered: 02/28/2019)
02/28/2019	<u>198</u>	MINUTES OF (IN CHAMBERS) - DEFENDANT AYODEJI TEMITAYO FATUNMBI'S MOTION TO DISMISS INDICTMENT 104 by Judge Christina A. Snyder. In accordance with the foregoing, defendant's motion to dismiss the indictment is hereby DENIED. IT IS SO ORDERED. (lom) (Entered: 03/01/2019)
03/21/2019	<u>199</u>	SCHEDULING NOTICE SETTING by Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. Status Conference is set for 3/22/2019 at 11:30 AM before Judge Christina A. Snyder. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cj) TEXT ONLY ENTRY (Entered: 03/21/2019)
03/22/2019	<u>200</u>	MINUTES OF Status Conference held before Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. Government is excused from the courtroom while the Court questions defendant and his attorney, John McNicholas. For reasons stated on the record, the Court grants defendant's request for new counsel. The Court conditionally relieves Mr. McNicholas as attorney of record for defendant Ayodeji Temitayo Fatunmbi upon the appointment of new counsel. The Court conditionally appoints panel attorney, Athony Eaglin. Mr. Eaglin is ordered to meet and confer with Mr. Fatunmbi and then advise the Court that he is willing to accept the appointment. The Court sets a further status conference for Monday, April 1, 2019, at 12:30 p.m. Court Reporter: Katie Thibodeaux. (lom) (Entered: 03/27/2019)
03/27/2019	<u>201</u>	TEXT ONLY ENTRY by Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. The Court has been advised that CJA counsel Anthony Eaglin accepts the appointment as attorney of record for defendant Ayodeji Temitayo Fatunmbi. Accordingly, the Court hereby appoints Mr. Eaglin to represent Mr. Fatunmbi for all further matters in this action. The status conference, previously scheduled for 4/1/2019 12:30 PM has been terminated. No appearance is necessary. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (smo) (Entered: 03/27/2019)
04/08/2019	<u>202</u>	STIPULATION to Continue TRIAL DATE AND FINDINGS OF EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT from May 14, 2019 to June 25, 2019

		filed by Plaintiff USA as to Defendant Ayodeji Temitayo Fatunmbi (Attachments: # <u>1</u> Proposed Order)(Yan, Claire) (Entered: 04/08/2019)
04/09/2019	<u>203</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS REGARDING EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT as to Defendant Ayodeji Temitayo Fatunmbi by Judge Christina A. Snyder:The trial in this matter is continued from May 14, 2019,to June 25, 2019 at 9:30 a.m. The status conference and motions in limine hearing is continued to June 17, 2019 at 1:30 p.m., motions to be filed nolater than June 3, 2019, and oppositions briefs to be filed no later than June 10, 2019. (lc) (Entered: 04/09/2019)
05/06/2019	<u>204</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Ayodeji Temitayo Fatunmbi (Yan, Claire) (Entered: 05/06/2019)
05/07/2019	<u>205</u>	SCHEDULING NOTICE SETTING by Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi, re: Plea Agreement <u>204</u> . Status Conference/Change of Plea Hearing is set for 5/8/2019 at 11:00 AM before Judge Christina A. Snyder. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cj) TEXT ONLY ENTRY (Entered: 05/07/2019)
05/08/2019	<u>206</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Ayodeji Temitayo Fatunmbi (Givens, Justin) (Entered: 05/08/2019)
05/08/2019	<u>207</u>	MINUTES OF STATUS CONFERENCE/CHANGE OF PLEA Hearing held before Judge Christina A. Snyder as to Defendant Ayodeji Temitayo Fatunmbi. Defendant sworn. Court questions defendant regarding the plea. The Defendant Ayodeji Temitayo Fatunmbi (2) pleads GUILTY to Count 1,9. The plea is accepted. The Court orders the Amended Plea Agreement filed and incorporated into the record.The Court refers the defendant to the Probation Office for an investigation and Presentence Report and continues the matter to August 19, 2019, at 2:30 p.m. for sentencing. The Court orders the Status Conference/Jury Trial VACATED as to this defendant. Court Reporter: Laura Elias. (lc) (Entered: 05/08/2019)

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