

AO 257 (Rev. 8/78)

**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  
 OAKLAND DIVISION

**OFFENSE CHARGED**  
 21 U.S.C. § 841(a)(1) (distribution of controlled substances) (Counts 1-40); 18 U.S.C. § 1349 (conspiracy to commit health care fraud) (Count 41); 18 U.S.C. § 1347 (health care fraud) (Counts 42-47)  
 Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY: See Attachment A

**DEFENDANT - U.S.**  
 DAVID LAGUE  
 DISTRICT COURT NUMBER  
 17-00150 HSG

**FILED**  
 DEC 05 2017

**PROCEEDING**  
 Name of Complainant Agency, or Person (& Title, if any)  
 DEA  
 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) FRCP 20, 21, or 40. Show District  
 this is a re prosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. ATTORNEY  DEFENSE } SHOW DOCKET NO.  
 this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO. 17-70338  
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

**DEFENDANT**  
**IS NOT IN CUSTODY**  
 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 }  Federal  State  
 6)  Awaiting trial on other charges  
 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

Name and Office of Person Furnishing Information on this form: Brian J. Stretch  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned): Rita F. Lin

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**  
**PROCESS:**  
 SUMMONS  NO PROCESS\*  WARRANT  
 If Summons, complete following:  
 Arraignment  Initial Appearance  
 Defendant Address: \_\_\_\_\_  
 Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_  
 Comments: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

**Attachment A**  
**Superseding Indictment**  
**United States v. David Lague**

Counts 1-23 and 25-38	21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) – Distribution of Schedule II Controlled Substances
Count 24, 39, and 40	21 U.S.C. § 841(a)(1) and 841(b)(2) – Distribution of Schedule IV Controlled Substances
Count 41	18 U.S.C. § 1349 – Conspiracy to Commit Health Care Fraud
Counts 42-47	18 U.S.C. § 1347 – Health Care Fraud

Counts 1-23 and 25-38: For each count, Maximum 20 Years Imprisonment; Maximum Fine of \$1,000,000 or twice the gain or loss; Minimum Supervised Release of 3 Years; Maximum Supervised Release of Life; Mandatory \$100 Special Assessment; Potential Deportation; Forfeiture; Mandatory and Discretionary Denial of Federal Benefits.

Count 24, 39, and 40: For each count, Maximum 5 Years Imprisonment; Maximum Fine of \$250,000 or twice the gain or loss; Minimum 1 Year Supervised Release; Maximum Supervised Release of Life; Mandatory \$100 Special Assessment; Potential Deportation; Forfeiture; Mandatory and Discretionary Denial of Federal Benefits.

Counts 41-47: For each count, Maximum 10 Years Imprisonment; Maximum Fine of \$250,000 or twice the gain or loss; Maximum Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Potential Deportation; Forfeiture; Restitution.

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

v.

**FILED**

DEC 05 2017

DAVID LAGUE

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



DEFENDANT(S).

## SECOND SUPERSEDING INDICTMENT

Counts 1-23 and 25-38: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) – Distribution of Schedule II Controlled Substances; Counts 24, 39, and 40: 21 U.S.C. § 841(a)(1) and 841(b)(2) – Distribution of Schedule IV Controlled Substances; Count 41: 18 U.S.C. § 1349 – Conspiracy to Commit Health Care Fraud; Counts 42-47: 18 U.S.C. § 1347 – Health Care Fraud

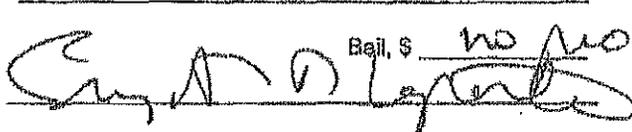


A true bill.

  
Foreman

Filed in open court this 5<sup>th</sup> day of

December 2017  
Stephen Y. Soong  
Clerk

  
Bail, \$ no money

1 BRIAN J. STRETCH (CABN 163973)  
United States Attorney

FILED

DEC 05 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

) NO. CR 17-00150 HSG

13 v.

) VIOLATIONS: 21 U.S.C. § 841 - Distribution of a  
) Controlled Substance; 18 U.S.C. § 1349 -  
) Conspiracy to Commit Health Care Fraud; 18 U.S.C.  
) § 1347 - Health Care Fraud; 18 U.S.C. § 982 and 21  
) U.S.C. § 853 - Criminal Forfeiture Allegations

14 DAVID LAGUE,  
15 Defendant.

16  
17  
18  
19 SECOND SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 COUNTS ONE THROUGH NINE:

(21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) - Distributing Oxycodone Outside the Scope of Professional Practice)

22  
23 1. On or about the dates listed below, in the Northern District of California, the defendant  
24 DAVID LAGUE,  
25 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
26 mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance,  
27 to the following persons, knowing and intending that the distribution was outside the scope of  
28 professional practice and not for a legitimate medical purpose:

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COUNT	DATE	CLIENT
1	10/13/2016	S.L.
2	12/12/2016	S.L.
3	1/6/2015	D.L.
4	10/25/2016	D.L.
5	11/29/2016	D.L.
6	6/18/2015	K.O.
7	9/19/2016	K.O.
8	12/18/2014 (two prescriptions)	J.F.
9	12/1/2015 (eight prescriptions)	J.F.

Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS TEN THROUGH TWELVE: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) – Distributing Oxymorphone Outside the Scope of Professional Practice)

2. On or about the dates listed below, in the Northern District of California, the defendant  
**DAVID LAGUE,**  
 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a mixture and substance containing a detectable amount of oxymorphone, a Schedule II controlled substance, to the following persons, knowing and intending that the distribution was outside the scope of professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
10	1/6/2015	D.L.
11	10/25/16	D.L.
12	11/29/2016	D.L.

1 Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

2  
 3 COUNTS THIRTEEN THROUGH TWENTY: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) –  
 4 Distributing Methadone Outside the Scope of  
 Professional Practice)

5 3. On or about the dates listed below, in the Northern District of California, the defendant  
 6 DAVID LAGUE,

7 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 8 mixture and substance containing a detectable amount of methadone, a Schedule II controlled substance,  
 9 to the following persons, knowing and intending that the distribution was outside the scope of  
 10 professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
13	1/6/2015	D.L.
14	10/25/2016	D.L.
15	11/29/2016	D.L.
17	3/2/2015	M.C.M.
18	5/8/2015	M.C.M.
19	1/8/2016	M.C.M.
20	9/19/16	K.O.

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 20 Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

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 22 COUNTS TWENTY-ONE THROUGH TWENTY-THREE: (21 U.S.C. §§ 841(a)(1) &  
 23 841(b)(1)(C) – Distributing  
 24 Amphetamine Outside the Scope of  
 Professional Practice)

25 4. On or about the dates listed below, in the Northern District of California, the defendant  
 26 DAVID LAGUE,

27 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 28 mixture and substance containing a detectable amount of amphetamine, a Schedule II controlled

1 substance, to the following persons, knowing and intending that the distribution was outside the scope of  
 2 professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
21	1/6/2015	D.L.
22	10/25/16	D.L.
23	11/29/16	D.L.

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 8 Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).  
 9

10 COUNT TWENTY-FOUR: (21 U.S.C. §§ 841(a)(1) & 841(b)(2) -- Distributing Clonazepam Outside  
 11 the Scope of Professional Practice)

12 5. On or about October 6, 2016, in the Northern District of California, the defendant  
 13 DAVID LAGUE,  
 14 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 15 mixture and substance containing a detectable amount of clonazepam, a Schedule IV controlled  
 16 substance, to D.L., knowing and intending that the distribution was outside the scope of professional  
 17 practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections  
 18 841(a)(1), (b)(2).  
 19

20 COUNTS TWENTY-FIVE THROUGH THIRTY: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) -  
 21 Distributing Fentanyl Outside the Scope of  
 Professional Practice)

22 6. On or about the dates listed below, in the Northern District of California, the defendant  
 23 DAVID LAGUE,  
 24 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 25 mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, to  
 26 the following persons, knowing and intending that the distribution was outside the scope of professional  
 27 practice and not for a legitimate medical purpose:  
 28

COUNT	DATE	CONTROLLED SUBSTANCE	QUANTITY	CLIENT
25	2/23/2015	Fentanyl (1600 mcg)	150	M.C.M.
26	5/1/2015	Fentanyl (400 mcg)	60	M.C.M.
27	5/8/2015	Fentanyl (800 mcg)	60	M.C.M.
28	5/26/2015	Fentanyl (400 mcg)	60	M.C.M.
29	1/7/2016	Fentanyl (800 mcg)	128	M.C.M.
30	1/7/2016	Fentanyl (800 mcg)	90	M.C.M.

Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS THIRTY-ONE THROUGH THIRTY-THREE: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) – Distributing Hydromorphone Outside the Scope of Professional Practice)

7. On or about the dates listed below, in the Northern District of California, the defendant  
**DAVID LAGUE,**  
 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a mixture and substance containing a detectable amount of hydromorphone, a Schedule II controlled substance, to the following persons, knowing and intending that the distribution was outside the scope of professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
31	3/2/2015	M.C.M.
32	5/8/2015	M.C.M.
33	1/8/2016	M.C.M.

Each in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS THIRTY-FOUR THROUGH THIRTY-SIX: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) – Distributing Morphine Outside the Scope of Professional Practice)

8. On or about the dates listed below, in the Northern District of California, the defendant

1 DAVID LAGUE,

2 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 3 mixture and substance containing a detectable amount of morphine, a Schedule II controlled substance,  
 4 to the following persons, knowing and intending that the distribution was outside the scope of  
 5 professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
34	3/2/2015	M.C.M.
35	5/8/2015	M.C.M.
36	1/8/2016	M.C.M.

10  
 11 Each in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C).

12  
 13 COUNTS THIRTY-SEVEN and THIRTY-EIGHT: (21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) –  
 14 Distributing Hydrocodone Outside the Scope of  
Professional Practice)

15 9. On or about the dates listed below, in the Northern District of California, the defendant

16 DAVID LAGUE,

17 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
 18 mixture and substance containing a detectable amount of hydrocodone, a Schedule II controlled  
 19 substance, to the following persons, knowing and intending that the distribution was outside the scope of  
 20 professional practice and not for a legitimate medical purpose:

COUNT	DATE	CLIENT
37	6/18/2015	K.O.
38	9/19/2016	K.O.

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 22  
 23  
 24  
 25 Each in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C).

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1 COUNT THIRTY-NINE: (21 U.S.C. §§ 841(a)(1) & 841(b)(2) – Distributing Alprazolam Outside  
2 the Scope of Professional Practice)

3 10. On or about September 19, 2016, in the Northern District of California, the defendant  
4 DAVID LAGUE,  
5 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
6 mixture and substance containing a detectable amount of alprazolam, a Schedule IV controlled  
7 substance, to K.O., knowing and intending that the distribution was outside the scope of professional  
8 practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections  
9 841(a)(1) and 841(b)(2).

10  
11 COUNT FORTY: (21 U.S.C. §§ 841(a)(1) & 841(b)(2) – Distributing Carisoprodol Outside the  
12 Scope of Professional Practice)

13 11. On or about September 19, 2016, in the Northern District of California, the defendant  
14 DAVID LAGUE,  
15 a registrant authorized to dispense controlled substances, knowingly and intentionally distributed a  
16 mixture and substance containing a detectable amount of carisoprodol, a Schedule IV controlled  
17 substance, to K.O., knowing and intending that the distribution was outside the scope of professional  
18 practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections  
19 841(a)(1) and 841(b)(2).

20  
21 COUNT FORTY-ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Health Care Fraud)

22 12. The allegations of Paragraphs 1 through 11 of this Superseding Indictment are re-alleged  
23 and incorporated herein as if set forth fully here.

24 13. At all times relevant to this Superseding Indictment, DAVID LAGUE was a physician's  
25 assistant licensed to practice in the State of California pursuant to a license issued by the Medical Board  
26 of California. LAGUE was a Drug Enforcement Administration registrant and was authorized to  
27 prescribe controlled substances in the usual course of his professional practice. LAGUE was enrolled as  
28 a Medicare provider.

1           14.     The Medicare Program ("Medicare") was a federal program that provided free or below-  
2 cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits  
3 available under Medicare were prescribed by statute and by federal regulations under the auspices of the  
4 United States Department of Health and Human Services ("HHS"), through its agency, the Center for  
5 Medicare and Medicaid Services ("CMS"). Individuals who received benefits under Medicare were  
6 commonly referred to as Medicare "beneficiaries."

7           15.     The Medicare Part D Program ("Part D"), also known as Medicare Prescription Drug  
8 Plan, covered the costs of prescription drugs and prescription drug insurance premiums for Medicare  
9 beneficiaries. Medicare beneficiaries enrolled in Part D were entitled to use their benefits to pay for all  
10 or part of the cost of prescriptions. The Part D program was overseen by CMS, and Part D Prescription  
11 Drug Plans were administered by private companies (e.g., UnitedHealth Group, Blue Cross and Blue  
12 Shield, Wellpoint) that applied to CMS to participate in the Part D program. When approved, these  
13 private companies contracted with the Federal Government to be Part D sponsors and marketed Part D  
14 drug plans directly to Medicare beneficiaries.

15           16.     Medicare was a "health care benefit program," as defined by Title 18, United States  
16 Code, Section 24(b), in that it was a public or private plan, affecting interstate commerce, under which  
17 medical benefits, items, and services were provided to individuals.

18           17.     Beginning no later than in or about approximately March 17, 2014, and continuing  
19 through approximately December 31, 2016, in the Northern District of California, LAGUE devised and  
20 intended to devise a scheme and artifice to defraud health care benefit programs in connection with the  
21 delivery of and payment for health care benefits, items, and services, by knowingly submitting, and  
22 causing others to submit, false and fraudulent claims for prescriptions and falsely representing that those  
23 prescriptions were prescribed in the usual course of professional medical practice and for a legitimate  
24 medical purpose.

25           18.     LAGUE and M.C.M. met at a doctor's office in San Leandro, California, in order for  
26 LAGUE to deliver prescriptions to M.C.M. for controlled substances, including substances containing  
27 high doses of fentanyl, outside of the usual course of professional medical practice and without a  
28

1 legitimate medical purpose. LAGUE knowingly wrote these prescriptions outside of the usual course of  
2 professional medical practice and without a legitimate medical purpose.

3 19. M.C.M. was a beneficiary of health care benefit programs that were administered by  
4 Medicare. As a beneficiary, M.C.M. had insurance coverage for prescription medications.

5 20. LAGUE knew that M.C.M. was enrolled in a health care benefit program that paid for the  
6 controlled substances he prescribed. LAGUE communicated with M.C.M.'s insurance providers to  
7 facilitate payment of the controlled substances that he prescribed for M.C.M. LAGUE knew that  
8 M.C.M. intended to and did use insurance benefits to pay for the controlled substances he prescribed.  
9 LAGUE further knew that the issuance of the prescriptions to M.C.M. for controlled substances that  
10 would be paid for by a health care benefit program was outside of the usual course of professional  
11 medical practice and without a legitimate medical purpose.

12 21. M.C.M. presented prescriptions for controlled substances prescribed by LAGUE at  
13 pharmacies, and used or attempted to use insurance coverage to pay for some or all of the controlled  
14 substances. Claims for some of these prescriptions were submitted to a health care benefit program for  
15 reimbursement and payment.

16 22. Between approximately March 17, 2014 and December 31, 2016, the Medicare Part D  
17 Prescription Drug Plan paid approximately \$508,611.29 in false and fraudulent Medicare claims for  
18 fentanyl products that were prescribed by LAGUE to M.C.M. outside of the usual course of professional  
19 medical practice and without a legitimate medical purpose.

20 23. Beginning on a date unknown to the Grand Jury, but no later than in or about March 17,  
21 2014, and continuing through approximately January 13, 2017, both dates being approximate and  
22 inclusive, in the Northern District of California, and elsewhere, the defendant

23 DAVID LAGUE

24 and others known and unknown to the grand jury, did knowingly conspire and agree to execute, and to  
25 attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce,  
26 as defined in Title 18, United States Code, Section 24(b), namely, Medicare, all in connection with the  
27 delivery of and payment for health care benefits, items, and services, in violation of Title 18, United  
28 States Code, Section 1347.

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

2  
3 COUNTS FORTY-TWO THROUGH FORTY-SEVEN: (18 U.S.C. § 1347 – Health Care Fraud)

4 24. The allegations of Paragraphs 1 through 23 of this Superseding Indictment are re-alleged  
5 and incorporated herein as if set forth fully here.

6 25. On or about the dates set forth below, in the Northern District of California, the defendant

7 DAVID LAGUE

8 did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud a health  
9 care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b),  
10 namely, Medicare, all in connection with the delivery of and payment for health care benefits, items, and  
11 services, and did for the purpose of executing and attempting to execute said fraudulent scheme,  
12 knowingly and willfully submit and cause to be submitted to Medicare, and to be paid by Medicare, the  
13 following false and fraudulent claims:

14

COUNT	SERVICE DATE	CONTROLLED SUBSTANCE	AMOUNT PAID
42	3/2/2015	Fentanyl (1600 mcg)	\$12,808.49
43	5/1/2015	Fentanyl (400 mcg)	\$29,929.83
44	5/8/2015	Fentanyl (800 mcg)	\$6,412.30
45	5/28/2015	Fentanyl (400 mcg)	\$29,929.83
46	1/7/2016	Fentanyl (800 mcg)	\$14,224.85
47	1/14/2016	Fentanyl (800 mcg)	\$12,171.81

22  
23 Each in violation of Title 18, United States Code, Section 1347.

24  
25 FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 981(a)(1)(C), 982(a)(7); 21 U.S.C. § 853; and 28  
26 U.S.C. § 2461(c) – Criminal Forfeiture)

27 26. The factual allegations contained in Paragraphs 1 through 25 are re-alleged and fully  
28 incorporated as if set forth here, for the purpose of alleging forfeiture pursuant to Title 18, United States

1 Code, Sections 981(a)(1)(C) and 982(a)(7), Title 21, United States Code, Section 853, and Title 28,  
2 United States Code, Section 2461(c).

3 27. Upon conviction for any of the offenses alleged in Counts One through Forty, the  
4 defendant

5 DAVID LAGUE

6 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property  
7 constituting, or derived from, any proceeds that defendant obtained, directly or indirectly, as the result of  
8 such violations, and any property used or intended to be used, in any manner or part, to commit or to  
9 facilitate the commission of such violations, including but not limited to his license to practice as a  
10 physician's assistant in California (License No. PA16903).

11 28. Upon a conviction of any of the offenses alleged in Counts Forty-One through Forty-  
12 Seven, the defendant

13 DAVID LAGUE

14 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and  
15 982(a)(7), and Title 28, United States Code, Section 2461(c), all property, real or personal, that  
16 constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the  
17 offense, including but not limited to a sum of money equal to the gross proceeds obtained as a result of  
18 the offense.

19 29. If any of the property, as a result of any act or omission of the defendant(s):

- 20 a. cannot be located upon the exercise of due diligence;
- 21 b. has been transferred or sold to, or deposited with, a third party;
- 22 c. has been placed beyond the jurisdiction of the court;
- 23 d. has been substantially diminished in value; or
- 24 e. has been commingled with other property which cannot be divided without  
25 difficulty,

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

28 All in violation of Title 18, United States Code, Sections 982(a)(7) and 982(a)(7); Title 21,

1 United States Code, Section 853; and Title 28, United States Code, Section 2461(c); and Rule 32.2 of  
2 the Federal Rules of Criminal Procedure.

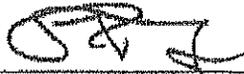
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DATED: December 5, 2017

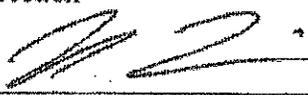
A TRUE BILL.

  
FOREPERSON

BRIAN J. STRETCH  
United States Attorney



FRANK RIEBLI  
Deputy Chief, OCDETF Section

(Approved as to form: )  
AUSA RITA F. LIN

UNITED STATES DISTRICT COURT **FILED**  
NORTHERN DISTRICT OF CALIFORNIA

DEC 05 2017

**CRIMINAL COVER SHEET**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted along with the Defendant Information Form, for each new criminal case.*

CASE NAME:

USA v. David Lague

CASE NUMBER:

CR 17-00150 HSG

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1  2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK  SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

Assigned AUSA  
(Lead Attorney): Rita Lin

Date Submitted: 12/5/2017

Comments:

**FILED**

**JUL 24 2018**

**SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

USA,

Plaintiff,

v.

DAVID LAGUE,

Defendant.

Case No. 17-cr-00150-HSG-1

**VERDICT FORM**

We, the Jury in the above-captioned case, present the following unanimous verdict:

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Northern District of California

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Patient S.L.

I. Has the government proven the defendant guilty beyond a reasonable doubt of distributing the controlled substances listed below to patient S.L., on the dates listed below, in violation of 21 U.S.C. § 841(a)(1), as charged in the Second Superseding Indictment?

Count	Date	Controlled Substance	Guilty / Not Guilty (circle one)
1	10/13/16	oxycodone	GUILTY / NOT GUILTY
2	12/12/16	oxycodone	GUILTY / NOT GUILTY

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Patient D.L.

2. Has the government proven the defendant guilty beyond a reasonable doubt of distributing the controlled substances listed below to patient D.L., on the dates listed below, in violation of 21 U.S.C. § 841(a)(1), as charged in the Second Superseding Indictment?

Count	Date	Controlled Substance	Guilty / Not Guilty (circle one)
3	1/6/15	oxycodone	GUILTY / NOT GUILTY
10	1/6/15	oxymorphone	GUILTY / NOT GUILTY
13	1/6/15	methadone	GUILTY / NOT GUILTY
21	1/6/15	amphetamine	GUILTY / NOT GUILTY
4	10/25/16	oxycodone	GUILTY / NOT GUILTY
11	10/25/16	oxymorphone	GUILTY / NOT GUILTY
14	10/25/16	methadone	GUILTY / NOT GUILTY
22	10/25/16	amphetamine	GUILTY / NOT GUILTY
5	11/29/16	oxycodone	GUILTY / NOT GUILTY
12	11/29/16	oxymorphone	GUILTY / NOT GUILTY
15	11/29/16	methadone	GUILTY / NOT GUILTY
23	11/29/16	amphetamine	GUILTY / NOT GUILTY
24	10/6/16	Clonazepam	GUILTY / NOT GUILTY

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Patient K.O.

3. Has the government proven the defendant guilty beyond a reasonable doubt of distributing the controlled substances listed below to patient K.O., on the dates listed below, in violation of 21 U.S.C. § 841(a)(1), as charged in the Second Superseding Indictment?

Count	Date	Controlled Substance	Guilty / Not Guilty (circle one)
6	6/18/15	oxycodone	GUILTY / NOT GUILTY
37	6/18/15	hydrocodone	GUILTY / NOT GUILTY
7	9/19/16	oxycodone	GUILTY / NOT GUILTY
20	9/19/16	methadone	GUILTY / NOT GUILTY
38	9/19/16	hydrocodone	GUILTY / NOT GUILTY
39	9/19/16	alprazolam	GUILTY / NOT GUILTY
40	9/19/16	carisoprodol	GUILTY / NOT GUILTY

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Patient J.F.

4. Has the government proven the defendant guilty beyond a reasonable doubt of distributing the controlled substances listed below to patient J.F., on the dates listed below, in violation of 21 U.S.C. § 841(a)(1), as charged in the Second Superseding Indictment?

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Count	Date	Controlled Substance	Gilty / Not Gilty (circle one)
8	12/18/14	oxycodone	<u>GUILTY</u> / NOT GUILTY
9	12/1/15	oxycodone	<u>GUILTY</u> / NOT GUILTY

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Patient M.C.M.

5. Has the government proven the defendant guilty beyond a reasonable doubt of distributing the controlled substances listed below to patient M.C.M., on the dates listed below, in violation of 21 U.S.C. § 841(a)(1), as charged in the Second Superseding Indictment?

Count	Date	Controlled Substance	Guilty / Not Guilty (circle one)
25	2/23/15	fentanyl	GUILTY / NOT GUILTY
17	3/2/15	methadone	GUILTY / NOT GUILTY
31	3/2/15	hydromorphone	GUILTY / NOT GUILTY
34	3/2/15	morphine	GUILTY / NOT GUILTY
26	5/1/15	fentanyl	GUILTY / NOT GUILTY
18	5/8/15	methadone	GUILTY / NOT GUILTY
27	5/8/15	fentanyl	GUILTY / NOT GUILTY
32	5/8/15	hydromorphone	GUILTY / NOT GUILTY
35	5/8/15	morphine	GUILTY / NOT GUILTY
28	5/26/15	fentanyl	GUILTY / NOT GUILTY
29	1/7/16	fentanyl	GUILTY / NOT GUILTY
30	1/7/16	fentanyl	GUILTY / NOT GUILTY
19	1/8/16	methadone	GUILTY / NOT GUILTY
33	1/8/16	hydromorphone	GUILTY / NOT GUILTY
36	1/8/16	morphine	GUILTY / NOT GUILTY

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6. Has the government proven the defendant guilty beyond a reasonable doubt of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349, as charged in Count Forty-One of the Second Superseding Indictment?

GUILTY

(circle one)

NOT GUILTY

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7. Has the government proven the defendant guilty beyond a reasonable doubt of health care fraud, in violation of 18 U.S.C. § 1347, on the dates listed below, as charged in Counts Forty-Two through Forty-Seven of the Second Superseding Indictment?

Count	Date	Controlled Substance	Guilty / Not Guilty (circle one)
42	3/2/15	fentanyl	GUILTY / NOT GUILTY
43	5/1/15	fentanyl	GUILTY / NOT GUILTY
44	5/8/15	fentanyl	GUILTY / NOT GUILTY
45	5/28/15	fentanyl	GUILTY / NOT GUILTY
46	1/7/16	fentanyl	GUILTY / NOT GUILTY
47	1/14/16	fentanyl	GUILTY / NOT GUILTY

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Dated: July 24, 2018 in Oakland, California.

Chester Sch

Jury Foreperson