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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_ *ACC*  
DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

UNITED STATES OF AMERICA,

Case No. **16 CR 1409H**

Plaintiff,

I N D I C T M E N T

v.

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

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

Defendants.

The Grand Jury charges, at all times relevant:

INTRODUCTORY ALLEGATIONS

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

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

*1 NHT*



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

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

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

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

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

28

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

7 Count 1

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

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

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

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

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

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

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

15 **FRAUDULENT PURPOSE**

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

23 **MANNER AND MEANS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERT ACTS

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

27  
28

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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28



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

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

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

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

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

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

Counts 13 - 14

**TRAVEL ACT, 18 USC §§ 1952 AND 2**

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

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

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

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

**FORFEITURE ALLEGATION**

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

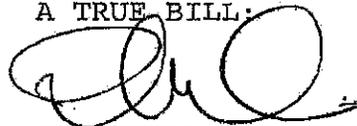
25. Upon conviction of the offenses of Conspiracy, Honest Services Mail Fraud and Travel Act as alleged in Counts 1 through 14, defendants HOOTAN MELAMED, JEAN FRANCOIS PICARD, JOHN PANGELINAN, PHONG HUNG TRAN and JONATHAN PENA shall forfeit to the United States all right, title, and interest in any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

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

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

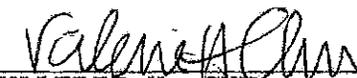
17 DATED: June 16, 2016.

18 A TRUE BILL:

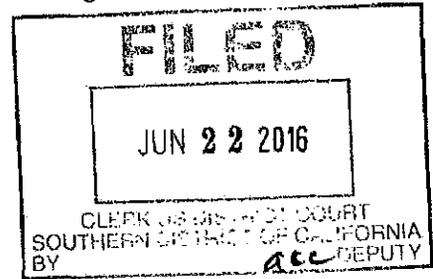
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20 Foreperson

21 LAURA E. DUFFY  
22 United States Attorney

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

ORIGINAL



1 LAURA E DUFFY  
 United States Attorney  
 2 VALERIE H. CHU  
 Assistant U.S. Attorney  
 3 California Bar No.: 241709  
 Office of the U.S. Attorney  
 4 880 Front Street, Room 6293  
 San Diego, CA 92101  
 5 Tel: (619) 546-6750  
 Fax: (619) 546-0450  
 6 Email: Valerie.chu@usdoj.gov

7 Attorneys for the United States

8 UNITED STATES DISTRICT COURT  
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
 11 Plaintiff,  
 12 v.

Case No.: 16cr1409-H  
 MOTION TO UNSEAL

13 HOOTAN MELAMED (1),  
 14 JEAN FRANCOIS PICARD (2),  
 JOHN PANGELINAN (3),  
 15 PHONG HUNG TRAN (4),  
 JONATHAN PENA (5),  
 16 Defendants.

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

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

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DATED: June 21, 2016

Respectfully submitted,

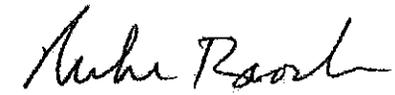
LAURA E. DUFFY  
United States Attorney



VALERIE H. CHU  
Assistant United States Attorney

IT IS SO ORDERED.

Dated: *6/21/2016*



Hon. Ruben B. Brooks  
United States Magistrate Judge

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

**Date filed: 06/16/2016**

**Date of last filing: 06/24/2016**

## History

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

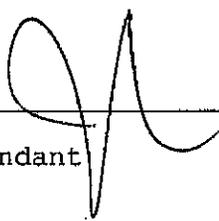
<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/27/2016 05:16:35			
<b>PACER Login:</b>	bh4809:3991041:0	<b>Client Code:</b>	
<b>Description:</b>	History/Documents	<b>Search Criteria:</b>	3:16-cr-01409-H
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10



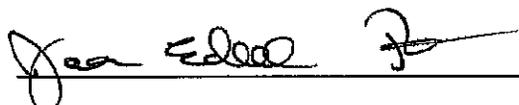
1 Judge's findings and recommendation must be filed within 14 days  
2 of the entry of my guilty plea.

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Dated: 7/13/17

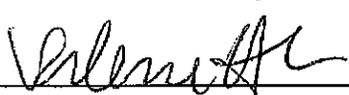
  
\_\_\_\_\_  
Defendant

Dated: 7/13/17

  
\_\_\_\_\_  
Attorney for Defendant

The United States Attorney consents to have the plea in this case taken by a United States Magistrate Judge pursuant to Criminal Local Rule 11.1.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: 16CR1409-H
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATION
	)	OF THE MAGISTRATE JUDGE
v.	)	UPON A PLEA OF GUILTY
	)	
JONATHAN PENA (5),	)	
	)	
	)	
Defendant.)	)	

Upon Defendant's request to enter a guilty plea to Count One (1) of the Indictment pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Judge, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, the matter came on for a hearing on Defendant's guilty plea, in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

1 In consideration of that hearing and the allocution  
2 made by the Defendant under oath on the record and in  
3 the presence of counsel, and the remarks of the  
4 Assistant United States Attorney,

5 I make the following FINDINGS - that the Defendant  
6 understands:

- 7 1. The government's right, in a prosecution for  
8 perjury or false statement, to use against the  
9 defendant any statement that the defendant  
10 gives under oath;
- 11 2. The right to persist in a plea of "not guilty";
- 12 3. The right to a speedy and public trial;
- 13 4. The right to trial by jury, or the ability to  
14 waive that right and have a judge try the case  
15 without a jury;
- 16 5. The right to be represented by counsel-and if  
17 necessary to have the court appoint counsel-at  
18 trial and at every other stage of the  
19 proceeding;
- 20 6. The right at trial to confront and cross-  
21 examine adverse witnesses, to be protected from  
22 compelled self-incrimination, to testify and  
23 present evidence, and to compel the attendance  
24 of witnesses;
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- 1       7. The defendant's waiver of these trial rights if
- 2       the court accepts a guilty plea or nolo
- 3       contendere;
- 4       8. The nature of each charge to which the
- 5       defendant is pleading;
- 6       9. Any maximum possible penalty, including
- 7       imprisonment, fine, and term of supervised
- 8       release;
- 9       10. Any applicable mandatory minimum penalty;
- 10      11. Any applicable forfeiture;
- 11      12. The court's authority to order restitution;
- 12      13. The court's obligation to impose a special
- 13      assessment;
- 14      14. In determining a sentence, the court's
- 15      obligation to calculate the applicable
- 16      sentencing guideline range and to consider that
- 17      range, possible departures under the Sentencing
- 18      Guidelines, and other sentencing factors under
- 19      18 U.S.C § 3553(a);
- 20      21. The term of any plea agreement and any
- 21      provision in that agreement that waives the
- 22      right to appeal or to collaterally attack the
- 23      conviction and sentence; and
- 24      25.
- 25      26.
- 26      27.
- 27      28.

1 16. That, if convicted, a defendant who is not a  
2 United States citizen may be removed from the  
3 United States, denied citizenship, and denied  
4 admission to the United States in the future.  
5

6 **I further find that:**

7 17. The defendant is competent to enter a plea;

8 18. The defendant's guilty plea is made knowingly  
9 and voluntarily, and did not result from force,  
10 threats or promises (other than those made in a  
11 plea agreement); and  
12

13 19. There is a factual basis for Defendant's plea.

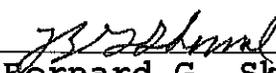
14 **I therefore RECOMMEND that the District Judge**  
15 **accept the Defendant's guilty plea to Count One (1) of**  
16 **the Indictment.**

17 The sentencing hearing will be before United States  
18 District Judge Marilyn L. Huff, on 10/23/2017 at 9:00  
19 AM. The court excludes time from 7/13/2017 through  
20 10/23/2017 pursuant to 18 USC § 3161(h)(1)(G) on the  
21 ground that the District Judge will be considering the  
22 proposed plea agreement.  
23

24 Objections to these Findings and Recommendations  
25 are waived by the parties if not made within 14 days of  
26 this order. If the parties waive the preparation of the  
27  
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1 Presentence Report, objections are due within three  
2 days of this order.

3  
4 Dated: 7/13/2017

5 \_\_\_\_\_  
6   
7 Hon. Bernard G. Skomal  
8 United States Magistrate Judge

9 Copies to:  
10 Judge Marilyn L. Huff  
11 Assistant United States Attorney  
12 Counsel for Defendant  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JONATHAN PENA (5),  
Defendant.

Criminal Case No. 16CR1409-H  
ORDER ACCEPTING PLEA

No objections having been filed, **IT IS ORDERED** that the Findings and Recommendation of the Magistrate Judge are adopted and this Court accepts Defendant's PLEA OF GUILTY to Count 1 of the Indictment.

DATED: July 28, 2017

  
MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT

**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:16-cr-01409-H-5**

Case title: USA v. Melamed et al

Date Filed: 06/16/2016

Assigned to: Judge Marilyn L. Huff

**Defendant (5)**

**Jonathan Pena**

represented by **Gretchen C. VonHelms**  
Law Offices of Gretchen VonHelms  
105 West F Street  
Third Floor  
San Diego, CA 92101  
(619) 239-1199  
Fax: (619) 236-8820  
Email: gvh@ronisandronis.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

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

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

**USA**

represented by **U S Attorney CR**  
U S Attorneys Office Southern District of  
California

Criminal Division  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619)557-5610  
Fax: (619)557-5917  
Email: Efile.dkt.gc2@usdoj.gov  
*TERMINATED: 07/01/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant United States Attorney*

**Benjamin J. Katz**  
United States Attorney's Office  
Federal Office Building  
880 Front Street  
Suite 6293  
San Diego, CA 92101  
(619) 546-9604  
Fax: (619) 546-0510  
Email: benjamin.katz@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant United States Attorney*

**Fred A. Sheppard**  
U S Attorneys Office  
Southern District of California  
880 Front Street  
Room 6293  
San Diego, CA 92101-8893  
(619) 546-8237  
Fax: (619) 235-2757  
Email: fred.sheppard@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant United States Attorney*

**Valerie Chu**  
U S Attorneys Office Southern District of California  
Criminal Division  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619) 546-6750  
Fax: (619) 546-0450  
Email: Valerie.Chu@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

*Designation: Assistant United States  
Attorney*

Date Filed	#	Docket Text
06/16/2016	<u>1</u>	INDICTMENT as to Hootan Melamed (1) count(s) 1, 2-6, 9-11, 13-14, Jean Francois Picard (2) count(s) 1, 2-6, 13-14, John Pangelinan (3) count(s) 1, 7-8, 12, Phong Hung Tran (4) count(s) 1, 7-8, 12, Jonathan Pena (5) count(s) 1. (cc: cc: Pretrial) (jah) (sjt). Modified on 6/20/2016 (tb-v). Modified on 6/22/2016 - Ordered unsealed. Pdf added (jah). (Entered: 06/17/2016)
06/16/2016	<u>6</u>	Criminal Summons Issued in case as to Jonathan Pena to appear before criminal duty judge for Initial Appearance set for 6/28/2016 02:00 PM in Courtroom 1B. (jah) Modified on 6/20/2016 (tb-v). (jah). Modified on 6/22/2016 - Case ordered unsealed. Pdf added (jah). (Entered: 06/17/2016)
06/22/2016	<u>9</u>	Motion to Unseal Indictment by USA; Order Thereon as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. Signed by Magistrate Judge Ruben B. Brooks on 6/21/2016. (jah) (Entered: 06/22/2016)
06/24/2016	10	Set/Reset Duty Hearings as to Hootan Melamed, Jean Francois Picard, Phong Hung Tran and Jonathan Pena: Arraignment on Indictment set for 6/28/2016 at 2:00 PM before Magistrate Judge Bernard G. Skomal. (no document attached) (lao) Modified text on 6/24/2016 to correct date (lao). (Entered: 06/24/2016)
06/28/2016		Surrender of Hootan Melamed, Jean Francois Picard, John Pangelinan, Jonathan Pena (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	12	Minute Entry for proceedings held before Magistrate Judge Bernard G. Skomal: Arraignment on Indictment and Initial Appearance as to Hootan Melamed (1) Count 1,2-6,9-11,13-14, Jean Francois Picard (2) Count 1,2-6,13-14, John Pangelinan (3) Count 1,7-8,12 and Jonathan Pena (5) Count 1 held on 6/28/2016. Not Guilty pleas entered. Attorney Steven M Goldsobel retained as counsel for Hootan Melamed. Attorney Gerald M Werksman retained as counsel for Jean Francois Picard. Attorney Patrick Q. Hall retained as counsel for John Pangelinan. Attorney Gretchen C. VonHelms retained as counsel for Jonathan Pena. Bond set as to Hootan Melamed (1) \$25,000 P/S secured by 1 FRA, Bond packet to be filed by 7/05/16. Bond set as to Jean Francois Picard (2) \$20,000 P/S, Bond pakcet to be filed by 7/07/16. Bond set as to John Pangelinan (3) \$50,000 P/S as set in Central District secured by 1 FRA, Bond packet to be filed by 6/30/16. Bond set as to Jonathan Pena (5) \$20,000 P/S secured by 1 FRA. Bond packet to be filed by 6/30/16. Motion Hearing/Trial Setting set for 7/25/2016 02:00 PM before Judge Marilyn L. Huff. Print release as to Defendants 1,2,5. (CD# 6/28/2016 BGS 16:2:01-2:32). (Plaintiff Attorney Valerie Chu, AUSA; Andrew Leal, AUSA). (Defendant 1 Attorney Steven M Goldsobel, RET; Defendant 2 Attorney Gerald M Werksman, RET; Defendant 3 Attorney Patrick Q. Hall, RET; Defendant 5 Attorney Gretchen C. VonHelms, RET). (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	13	***English. No Interpreter needed as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Jonathan Pena (no document attached) (lao) (Entered: 06/29/2016)
06/28/2016	<u>15</u>	ORDER Setting Conditions of Release. Bond set for Jonathan Pena (5) \$20,000 P/S.. Signed by Magistrate Judge Bernard G. Skomal on 6/28/16. (tkl) Modified text and regenerated NEF on 6/29/2016 (tkl). (Entered: 06/29/2016)
06/28/2016	<u>20</u>	ABSTRACT OF ORDER Releasing Jonathan Pena. (tkl) (Entered: 06/29/2016)
06/30/2016	<u>23</u>	P/S Bond Filed as to Jonathan Pena in amount of \$ 20,000.00. Signed by Magistrate

		Judge Bernard G. Skomal on 06/30/2016. (Document applicable to USA, Jonathan Pena.) (ag) (Entered: 06/30/2016)
07/01/2016	<u>26</u>	NOTICE OF ATTORNEY APPEARANCE Valerie Chu appearing for USA. (Chu, Valerie)Attorney Valerie Chu added to party USA(pty:pla) (ag). (Entered: 07/01/2016)
07/08/2016	<u>28</u>	Joint MOTION for Protective Order by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) Modified on 7/11/2016 to replace PDF with document containing the missing signature pages (smy). (ag). (Entered: 07/08/2016)
07/18/2016	<u>39</u>	PROTECTIVE ORDER as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5). Signed by Judge Marilyn L. Huff on 7/15/2016.(ag) (jao). (Entered: 07/18/2016)
07/19/2016	<u>45</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time under Speedy Trial Act</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie)(ag). (Entered: 07/19/2016)
07/20/2016	<u>48</u>	MOTION for Discovery by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service) (VonHelms, Gretchen) (ag). (Entered: 07/20/2016)
07/21/2016	<u>53</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 10/24/16. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 07/21/2016)
07/21/2016	55	Minute ORDER: Good cause appearing, the Court GRANTS the parties' joint motion to continue the Motion Hearing/Trial Setting date and GRANTS the parties' joint motion to exclude time under the Speedy Trial Act. (Doc. No. <u>45</u> .) Accordingly, the Motion Hearing/Trial Setting set for 7/25/2016 02:00 PM is vacated and is continued to 10/24/2016 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Defendants Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5) have each filed an acknowledgment of next court date. The Court orders all defendants to appear before the Court on 10/24/2016 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing before the Court and a continuance is necessary to serve the interest of justice. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. (no document attached) (smy) (Entered: 07/21/2016)
10/17/2016	<u>72</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) (ag). (Entered: 10/17/2016)
10/20/2016	<u>77</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 1/23/17. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 10/20/2016)
10/20/2016	78	Minute ORDER: Good cause appearing, the Court GRANTS the parties' joint motion to continue the Motion Hearing/Trial Setting date and GRANTS the parties' joint motion to exclude time under the Speedy Trial Act. (Doc. No. <u>72</u> .) Accordingly, the Motion Hearing/Trial Setting set for 10/24/2016 02:00 PM is vacated and is continued to 1/23/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Defendants Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), Jonathan Pena (5) have each filed an acknowledgment of next court date. The Court orders all defendants to appear before the Court on 1/23/2017 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing before the Court and a continuance is necessary to serve the interest of justice as stated in the joint motion. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. SO ORDERED by Judge Marilyn L. Huff on 10/20/2016. (no document attached) (smy) (Entered: 10/20/2016)

12/20/2016	<u>84</u>	NOTICE OF ATTORNEY APPEARANCE Fred A. Sheppard appearing for USA. (Sheppard, Fred)Attorney Fred A. Sheppard added to party USA(pty:pla) (fth). (Entered: 12/20/2016)
01/19/2017	<u>91</u>	Joint MOTION to Continue <i>Motion Hearing</i> by USA as to Hootan Melamed, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) Modified on 1/19/2017 to delete reference to defendant Jean Francois Picard. This joint motion does not apply to defendant Picard (smy) (ag). (Entered: 01/19/2017)
01/20/2017	<u>92</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 5/2/17. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 01/20/2017)
01/20/2017	<u>95</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on May 22, 2017. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 01/20/2017)
01/20/2017	<u>96</u>	Minute ORDER: Good cause appearing, the Court GRANTS the parties' joint motion to continue the Motion Hearing/Trial Setting date as to Defendants Hootan Melamed (1), John Pangelinan (3), Phong Hung Tran (4), and Jonathan Pena (5) only and GRANTS the parties' joint motion to exclude time under the Speedy Trial Act. (Doc. No. <u>91</u> .) Accordingly, the Motion Hearing/Trial Setting set for 1/23/2017 02:00 PM is vacated and is continued to 5/22/2017 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Defendants Hootan Melamed (1), John Pangelinan (3), Phong Hung Tran (4), and Jonathan Pena (5) have each filed an acknowledgment of next court date. The Court orders these defendants to appear before the Court on 5/22/2017 at 02:00 PM, absent further order of the Court. Pending pretrial motions are on file that requires a hearing before the Court and a continuance is necessary to serve the interest of justice as stated in the joint motion. Accordingly, the Court finds valid excludable time under the Speedy Trial Act. SO ORDERED by Judge Marilyn L. Huff on 1/20/2017. (no document attached) (smy) (Entered: 01/20/2017)
02/16/2017	<u>103</u>	Joint MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (fth). (Entered: 02/16/2017)
02/28/2017	<u>104</u>	Joint MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 02/28/2017)
02/28/2017	<u>105</u>	ACKNOWLEDGMENT OF SURETIES <i>and Defendant</i> by Jonathan Pena re <u>104</u> Joint MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Proof of Service) (VonHelms, Gretchen) (ag). (Entered: 02/28/2017)
03/01/2017	<u>106</u>	ORDER re <u>104</u> Motion to Modify Conditions of Release as to Jonathan Pena (5). Signed by Magistrate Judge Bernard G. Skomal on 3/1/2017.(ag) (jao). (Entered: 03/01/2017)
05/15/2017	<u>109</u>	Joint MOTION to Continue <i>Motion Hearing</i> , Joint MOTION to Exclude <i>Time</i> by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie) (ag). (Entered: 05/15/2017)
05/17/2017	<u>113</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 8/28/17. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 05/17/2017)
05/19/2017	<u>117</u>	ORDER Granting Joint Motion to Continue Motion Hearing/Trial Setting and Granting Joint Motion to Exclude Time Under the Speedy Trial Act as to Hootan Melamed (1), Jean Francois Picard (2), John Pangelinan (3), Phong Hung Tran (4), and Jonathan Pena (5). The motion hearing/trial setting date of May 22, 2017 is vacated and continued to August 28, 2017 at 2:00 p.m. in Courtroom 15A. Each defendant has filed an acknowledgment of next court date and each defendant is ordered to appear before the

		Court on August 28, 2017 at 2:00 p.m. in Courtroom 15A, absent further order of the Court. Signed by Judge Marilyn L. Huff on 5/19/2017. (smy) (Entered: 05/19/2017)
07/10/2017	120	NOTICE OF HEARING as to Defendant Jonathan Pena. As requested by AUSA Valerie Chu a Change of Plea Hearing is set for 7/13/2017 02:00 PM before Magistrate Judge Bernard G. Skomal. (no document attached) (tml) (Entered: 07/10/2017)
07/13/2017	121	Minute Entry for proceedings held before Magistrate Judge Bernard G. Skomal: Defendant Jonathan Pena present on bond.Change of Plea Hearing as to Jonathan Pena held on 7/13/2017. Plea Tendered by Jonathan Pena. Guilty on count One (1) of the Indictment. Excludable(s) started as to Jonathan Pena : (XT) Interest of Justice (7/13/17 to 10/23/17). PSR Ordered.( Sentence With PSR set for 10/23/2017 09:00 AM before Judge Marilyn L. Huff.) Pending motion - withdrawn. Motion hearing/trial setting date - vacated as to this deft only. (CD# 7/13/2017 BGS1:229-247). (Plaintiff Attorney AUSA, Jennifer Gmitro s/a for Valerie Chu, n/a). (Defendant Attorney Jan Ronis, s/a for Gretchen VonHelms, Ret, n/a). (no document attached) (tml) (Entered: 07/14/2017)
07/13/2017	<u>123</u>	CONSENT TO RULE 11 PLEA before Magistrate Judge Bernard G. Skomal by Jonathan Pena. (fth) (Entered: 07/14/2017)
07/13/2017	<u>125</u>	PLEA AGREEMENT as to Jonathan Pena (fth) (Entered: 07/14/2017)
07/14/2017	<u>122</u>	FINDINGS AND RECOMMENDATION of the Magistrate Judge upon a Tendered Plea of Guilty as to Jonathan Pena : Recommending that the district judge accept the defendant's plea of guilty. Signed by Magistrate Judge Bernard G. Skomal on 7/13/2017. (fth) (Entered: 07/14/2017)
07/28/2017	<u>126</u>	ORDER ACCEPTING GUILTY PLEA as to count(s) 1 of the Indictment, as to Jonathan Pena, adopting <u>122</u> Findings and Recommendation. Signed by Judge Marilyn L. Huff on 7/28/2017. (acc) (Entered: 07/28/2017)
09/13/2017	<u>153</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 2/26/18. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (ag). (Entered: 09/13/2017)
09/15/2017	154	NOTICE OF HEARING as to Defendant Jonathan Pena (5)(bond). At the request of defense counsel, with representation that government counsel has no objection, the date of 10/23/2017 09:00 AM is vacated and Sentence With PSR is reset for 2/26/2018 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant has filed an acknowledgment of next court date and is ordered to appear before the Court for sentencing on 2/26/2018 at 09:00 AM, absent further order of the Court. (no document attached) (smy) (Entered: 09/15/2017)
11/16/2017	<u>169</u>	Acknowledgment of next court date by defendant Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena to appear on January 29,2018. (Warwick, Thomas) (ag). (Entered: 11/16/2017)
01/02/2018	<u>172</u>	BILL OF PARTICULARS for <i>Forfeiture of Property</i> by USA (Chu, Valerie) (jgg). (Entered: 01/02/2018)
01/29/2018	<u>179</u>	Certificate of Service by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (jgg) (Entered: 01/30/2018)
01/31/2018	<u>180</u>	Joint MOTION to Continue <i>Sentencing</i> by USA as to Jonathan Pena. (Chu, Valerie) (jgg). (Entered: 01/31/2018)
02/07/2018	<u>181</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 6/11/18. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (jgg). (Entered: 02/07/2018)
02/08/2018	182	Minute ORDER: Good cause appearing, the Court grants the parties' joint motion to

		continue the sentencing hearing as to Defendant Jonathan Pena (5). (Doc. No. <u>180</u> .) Accordingly, the Sentence With PSR set for February 26, 2018 is vacated and continued to June 11, 2018 at 9:00 a.m. in Courtroom 15A before Judge Marilyn L. Huff. The Defendant has filed an acknowledgment of next court date (Doc. No. <u>181</u> and is ordered to appear before the Court for sentencing on June 11, 2018 at 9:00 a.m., absent further order of the Court. SO ORDERED by Judge Marilyn L. Huff on 2/8/2017. (no document attached) (smy) (Entered: 02/08/2018)
03/07/2018	<u>187</u>	MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (jgg). (knb). (Entered: 03/07/2018)
03/07/2018	<u>188</u>	ACKNOWLEDGMENT OF SURETIES by Jonathan Pena re <u>187</u> MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (jgg). (Entered: 03/07/2018)
03/08/2018	<u>189</u>	Joint MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (jgg). (Entered: 03/08/2018)
03/08/2018	<u>190</u>	ACKNOWLEDGMENT OF SURETIES by Jonathan Pena re <u>189</u> Joint MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen) (jgg). (Entered: 03/08/2018)
03/09/2018	<u>191</u>	Order Modifying Conditions of Pretrial Release. Signed by Judge Marilyn L. Huff on 3/9/2018. (jgg) (Entered: 03/09/2018)
05/31/2018	<u>196</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 1/14/19. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 05/31/2018)
05/31/2018	<u>197</u>	NOTICE OF HEARING as to Defendant Jonathan Pena.(5)(bond). At the joint request of the parties, the date of 6/11/2018 09:00 AM is vacated and Sentence With PSR is reset for 1/14/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant has filed an acknowledgment of next court date and is ordered to appear before the Court for sentencing on 1/14/2019 at 09:00 AM, absent further order of the Court. (no document attached) (smy) (Entered: 05/31/2018)
06/19/2018	<u>204</u>	Second BILL OF PARTICULARS for Forfeiture of Property by USA (Chu, Valerie). (jah). (Entered: 06/19/2018)
07/16/2018	<u>207</u>	Joint MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 07/16/2018)
07/16/2018	<u>208</u>	ACKNOWLEDGMENT OF SURETIES by Jonathan Pena re <u>207</u> Joint MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 07/16/2018)
07/17/2018	<u>209</u>	ORDER granting <u>207</u> Joint Motion to Modify Conditions of Release as to Jonathan Pena (5). Pretrial release conditions modified to permit Defendant to travel within the State of California for employment purposes. All other conditions of release as previously ordered remain in effect and in full force. Signed by Judge Marilyn L. Huff on 7/17/2018. (jah) (Entered: 07/17/2018)
08/22/2018	<u>225</u>	MOTION to Amend/Correct Indictment by USA as to Hootan Melamed, Jean Francois Picard, John Pangelinan, Phong Hung Tran, Jonathan Pena. (Chu, Valerie). (jah). (Entered: 08/22/2018)
11/13/2018	<u>242</u>	Joint MOTION to Modify Conditions of Release by Jonathan Pena. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 11/13/2018)
11/13/2018	<u>243</u>	ACKNOWLEDGMENT OF SURETIES by Jonathan Pena re <u>242</u> Joint MOTION to

		Modify Conditions of Release (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 11/13/2018)
11/13/2018	<u>244</u>	ORDER Modifying Conditions of Pretrial Release as to Jonathan Pena (5). Signed by Judge Marilyn L. Huff on 11/13/2018.(acc) (Entered: 11/13/2018)
12/18/2018	<u>257</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 6/3/2019. (Attachments: # <u>1</u> Proof of Service)(VonHelms, Gretchen). (jah). (Entered: 12/18/2018)
12/19/2018	<u>258</u>	NOTICE OF HEARING as to Defendant Jonathan Pena (5)(bond). At the joint request of the parties, the date of 1/14/2019 09:00 AM is vacated and Sentence With PSR is reset for 6/3/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant has filed an acknowledgment of next court date and is ordered to appear before the Court for sentencing on 6/3/2019 at 09:00 AM, absent further order of the Court. (no document attached) (smy) (Entered: 12/19/2018)
01/08/2019	<u>261</u>	NOTICE OF ATTORNEY APPEARANCE Benjamin J. Katz appearing for USA. (Katz, Benjamin)Attorney Benjamin J. Katz added to party USA(pty:pla) (rmc). (Entered: 01/08/2019)
01/09/2019	<u>264</u>	MOTION for Joinder to Defendant Jean Francois Picard's Motions by John Pangelinan. (Attachments: # <u>1</u> Proof of Service)(Hall, Patrick). Modified on 1/10/2019 - Applied to all Dfts in error. QC Email sent. Motion termed as to non-applicable Dfts. Corrected text (jah). (Entered: 01/09/2019)
05/07/2019	<u>291</u>	NOTICE OF HEARING as to Defendant Jonathan Pena (5)(bond). At the request of the probation officer, with the agreement of the parties, and to allow sufficient time for the probation officer to prepare a PSR, the date of 6/3/2019 09:00 AM is vacated and Sentence With PSR is reset for 9/30/2019 09:00 AM in Courtroom 15A before Judge Marilyn L. Huff. The Defendant is ordered to appear before the Court for sentencing on 9/30/2019 at 09:00 AM and is to execute and file an acknowledgment of next court date no later than 6/3/2019. (no document attached) (smy) (Entered: 05/07/2019)
05/14/2019	<u>292</u>	Acknowledgment of next court date by defendant Jonathan Pena to appear on 9/30/2019. (VonHelms, Gretchen). (jah). (Entered: 05/14/2019)

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