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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2013 Grand Jury

12	UNITED STATES OF AMERICA,	)	CR No. 13-313 (A)
13	Plaintiff,	)	<u>F I R S T</u>
14	v.	)	<u>S U P E R S E D I N G</u>
15	ERIC MKHITARIAN,	)	[18 U.S.C. § 1349: Conspiracy
16	VAHE TAHMASIAN,	)	to Commit Health Care Fraud;
17	Defendants.	)	18 U.S.C. § 1347: Health Care
18		)	Fraud; 18 U.S.C. § 2(b):
19		)	Causing an Act to be Done; 18
20		)	U.S.C. § 1956(h): Conspiracy
21		)	to Commit Money Laundering; 18
		)	U.S.C. § 1956(a) (1) (B) (i):
		)	Laundering Monetary
		)	Instruments; 18 U.S.C.
		)	§ 1028A: Aggravated Identity
		)	Theft; 18 U.S.C. § 982(a) (7),
		)	21 U.S.C. § 853: Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendants ERIC MKHITARIAN ("MKHITARIAN") and VAHE

1 TAHMASIAN ("TAHMASIAN") assisted in the operation of Orthomed
2 Appliance, Inc. ("Orthomed"), a purported supplier of durable
3 medical equipment ("DME") located in Los Angeles, California.

4 2. Between on or about April 10, 2009, and on or about
5 February 15, 2011, Orthomed submitted to Medicare claims totaling
6 approximately \$1,584,640 for DME and related services, and
7 Medicare paid Orthomed approximately \$994,036 on those claims.

8 3. Between on or about April 10, 2009, and on or about
9 February 15, 2011, defendant MKHITARIAN caused funds in excess of
10 approximately \$622,228.38 to be withdrawn from Orthomed's
11 corporate bank account (number xxxxxx0774) at Bank of America
12 (the "Orthomed BoA Account").

13 The Medicare Program

14 4. Medicare was a federal health care benefit program,
15 affecting commerce, that provided benefits to individuals who
16 were over the age of 65 or disabled. Medicare was administered
17 by the Centers for Medicare and Medicaid Services ("CMS"), a
18 federal agency under the United States Department of Health and
19 Human Services ("HHS").

20 5. CMS contracted with private insurance companies to
21 (a) certify DME providers for participation in the Medicare
22 program and monitor their compliance with Medicare standards;
23 (b) process and pay claims; and (c) perform program safeguard
24 functions, such as identifying and reviewing suspect claims.

25 6. Individuals who qualified for Medicare benefits were
26 referred to as Medicare "beneficiaries." Each Medicare
27 beneficiary was given a Health Identification Card containing a
28 unique identification number ("HICN").

1 7. DME companies, physicians, and other health care
2 providers that provided medical services that were reimbursed by
3 Medicare were referred to as Medicare "providers."

4 8. To obtain payment from Medicare, a DME company first
5 had to apply for and obtain a provider number. By signing the
6 provider application, the DME company agreed to abide by Medicare
7 rules and regulations.

8 9. If Medicare approved a provider's application, Medicare
9 would assign the provider a Medicare provider number, enabling
10 the provider (such as a DME company) to submit claims to Medicare
11 for services and supplies provided to Medicare beneficiaries.

12 10. Most DME providers, including Orthomed, submitted their
13 claims electronically pursuant to an agreement with Medicare that
14 they would submit claims that were accurate, complete, and
15 truthful.

16 11. From in or about October 2006 onward, Noridian
17 Administrative Services ("Noridian") processed and paid Medicare
18 DME claims in Southern California.

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

25 13. To bill Medicare for DME it provided to a beneficiary,
26 a DME provider was required to submit a claim (Form 1500) to
27 Noridian. Medicare required claims to be truthful, complete, and
28 not misleading. In addition, when a claim was submitted, the

1 provider was required to certify that the services or supplies
2 covered by the claim were medically necessary.

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

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

12 B. THE OBJECT OF THE CONSPIRACY

13 16. Beginning on or about April 10, 2009, and continuing
14 through on or about February 15, 2011, in Los Angeles County,
15 within the Central District of California, and elsewhere,
16 defendants MKHITARIAN and TAHMASIAN, together with others known
17 and unknown to the Grand Jury, knowingly combined, conspired, and
18 agreed to commit health care fraud, in violation of Title 18,
19 United States Code, Section 1347.

20 C. THE MANNER AND MEANS OF THE CONSPIRACY

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

23 a. Defendants MKHITARIAN and TAHMASIAN would arrange
24 for a straw purchaser who used the name "J.L." to be the owner of
25 record for Orthomed.

26 b. On or about April 10, 2009, J.L. or another co-
27 conspirator purporting to be J.L. would execute legal documents
28 for the purchase of Orthomed. The former owners would be paid

1 \$15,000 for the purchase of Orthomed. As a result of this
2 transaction, "J.L." would become the owner of record of Orthomed.

3 c. On or about April 16, 2009, J.L. or another co-
4 conspirator purporting to be J.L. would open the Orthomed BoA
5 Account. J.L. or another co-conspirator purporting to be J.L.
6 would maintain sole signature authority over this account.

7 d. On or about April 22, 2009, J.L. or another co-
8 conspirator purporting to be J.L. would execute and submit an
9 electronic funds transfer agreement ("EFT") to Medicare,
10 requesting that all future reimbursements from Medicare be
11 directly deposited into the Orthomed BoA Account.

12 e. On or about July 13, 2009, J.L. or another co-
13 conspirator purporting to be J.L. would execute and submit an
14 application to Medicare to obtain and maintain a Medicare
15 provider number for Orthomed. This application would request an
16 effective date of April 10, 2009.

17 f. On or about January 28, 2010, J.L. or another co-
18 conspirator purporting to be J.L. would file a Statement of
19 Information with the State of California, giving notice of
20 Orthomed's recent change in ownership to J.L. This statement,
21 which was signed by J.L. or another co-conspirator purporting to
22 be J.L., would identify J.L. as Orthomed's Chief Executive
23 Officer ("CEO"), Secretary, Chief Financial Officer ("CFO"), sole
24 Officer/Director, and Registered Agent.

25 g. Once J.L. or another co-conspirator purporting to
26 be J.L. executed the above documentation on behalf of Orthomed,
27 defendants MKHITARIAN and TAHMASIAN would submit, and cause to be
28 submitted, false and fraudulent claims to Medicare for DME and

1 related services that were neither medically necessary nor
2 provided by Orthomed.

3 h. As a result of the co-conspirators' submission of
4 false and fraudulent claims, Medicare would make payments to the
5 Orthomed BoA Account totaling approximately \$994,039.

6 i. Defendant MKHITARIAN would then withdraw, and
7 cause the withdrawal of, cash proceeds from the Orthomed BoA
8 Account through a series of checks written in amounts less than
9 \$10,000 to fictitious individuals.

10 k. Defendants MKHITARIAN and TAHMASIAN would also use
11 the Orthomed debit card to make purchases using money from the
12 Orthomed BoA Account.

1 MKHITARIAN and TAHMASIAN, together with others known and unknown
2 to the Grand Jury, for the purpose of executing and attempting to
3 execute the fraudulent scheme described above, knowingly and
4 willfully caused to be submitted to Medicare for payment the
5 following false and fraudulent claims primarily for orthotics,
6 including back, neck, and ankle braces:

COUNT	BENEFICIARY	CLAIM NUMBER	APPROXIMATE DATE SUBMITTED	APPROXIMATE AMOUNT OF CLAIM
TWO	M.A.	10355809779000	10/05/10	\$1,069
THREE	R.B.	10363848832000	10/26/10	\$756
FOUR	T.D.	11004810327000	11/06/10	\$1,542
FIVE	E.D.	11005835343000	11/12/10	\$253
SIX	E.N.	11006845799000	11/15/10	\$788
SEVEN	O.V.	11010876044000	11/22/10	\$1,080

COUNT EIGHT

[18 U.S.C. § 1956(h)]

A. INTRODUCTORY ALLEGATIONS

22. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 15, and 17 above of this Indictment as though set forth in their entirety here.

23. A co-conspirator known to the Grand Jury ("CC1") managed activities at a check cashing store ("the Store") in Los Angeles, California. Once Medicare paid Orthomed for its purported provision of DME and related services, defendant MKHITARIAN utilized CC1 and the Store to cash, and provide him with the proceeds of, Orthomed checks drawn from the Orthomed BoA Account.

B. THE OBJECT OF THE CONSPIRACY

24. Beginning at least on or about January 4, 2011, and continuing through at least on or about February 10, 2011, in Los Angeles County, within the Central District of California, and elsewhere, defendant MKHITARIAN, together with CC1 and others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

C. THE MANNER AND MEANS OF THE CONSPIRACY

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

a. Defendant MKHITARIAN and his co-conspirators would submit, and cause the submission of, false and fraudulent claims to Medicare on behalf of Orthomed for DME and related services that were neither medically necessary nor provided.

1 b. Through the submission of these false and
2 fraudulent claims, defendant MKHITARIAN and his co-conspirators
3 would cause Medicare to make payments to the Orthomed BoA
4 Account.

5 c. After Medicare began to make these payments to the
6 Orthomed BoA Account, defendant MKHITARIAN would provide CCI with
7 presigned checks from the Orthomed BoA Account.

8 d. Defendant MKHITARIAN would instruct CCI to fill in
9 as the payee of the Orthomed checks the names of individuals who
10 defendant MKHITARIAN knew to be fictitious. Defendant MKHITARIAN
11 would instruct CCI to cash the checks at the Store, and then
12 provide the cash directly back to defendant MKHITARIAN.

13 e. Through CCI and the Store, defendant MKHITARIAN
14 would cash approximately \$622,228.38 in checks drawn upon the
15 Orthomed BoA Account, which represented a portion of the proceeds
16 of the health care fraud, in violation of Title 18, United States
17 Code, Sections 1349 and 1347, as charged in Counts One through
18 Seven of this Indictment.

19 f. These transactions concealed and disguised the
20 nature, location, source, ownership, and control of the proceeds
21 of the health care fraud by, among other means: (a) making it
22 appear that money from the Orthomed BoA Account was being paid to
23 the fictitious individuals named on the checks, when in fact the
24 money was being paid to defendant MKHITARIAN; and (b) making it
25 appear that J.L. owned and controlled the money in the Orthomed
26 BoA Account, when in fact defendant MKHITARIAN owned and
27 controlled the money in the account.

28

COUNTS NINE THROUGH THIRTEEN

[18 U.S.C. §§ 1956(a)(1)(B)(i), 2(b)]

26. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 15, 17 and 23 of this Indictment as though set forth in their entirety herein.

27. On or about the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendant MKHITARIAN, together with CC1 and others known and unknown to the Grand Jury, knowing that the property involved in each of the financial transactions described below represented the proceeds of some form of unlawful activity, conducted, and willfully caused others to conduct, the following financial transactions affecting interstate commerce, which transactions in fact involved the proceeds of specified unlawful activity, namely conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349, and health care fraud, in violation of Title 18, United States Code, Section 1347, knowing that each of the transactions was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity:

COUNT	DATE POSTED	MONETARY TRANSACTION
NINE	1/6/11	Cashing of check #554 for \$9,700.00, drawn upon Orthomed's BoA Account and written to V.G.
TEN	1/6/11	Cashing of check #560 for \$9,123.50, drawn upon Orthomed's BoA Account and written to A.L.
ELEVEN	1/12/11	Cashing of check #556 for \$9,714.30, drawn upon Orthomed's BoA Account and written to S.S.

COUNT	DATE POSTED	MONETARY TRANSACTION
TWELVE	1/26/11	Cashing of check #578 for \$9,349.61, drawn upon Orthomed's BoA Account and written to C.M.
THIRTEEN	1/26/11	Cashing of check #579 for \$9,391.00, drawn upon Orthomed's BoA Account and written to A.M.

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COUNTS FOURTEEN THROUGH NINETEEN

[18 U.S.C. §§ 1028A, 2(b)]

28. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 15 and 17 of this Indictment as though set forth in their entirety herein.

29. On or about the dates set forth below, in Los Angeles County, within the Central District of California, and elsewhere, defendants MKHITARIAN and TAHMASIAN did knowingly transfer, possess, and use, and willfully cause others to knowingly transfer, possess, and use, without lawful authority, a means of identification that defendants MKHITARIAN and TAHMASIAN knew belonged to another person, during and in relation to a felony violation of Title 18, United States Code, Sections 1349 and 1347, as alleged in Counts One through Seven of this Indictment, to wit: names, dates of birth, and Medicare numbers of the Medicare beneficiaries set forth below.

COUNT	MEANS OF IDENTIFICATION	APPROXIMATE DATE
FOURTEEN	Beneficiary M.A.'s name, date of birth, and Medicare number XXXXXX262M	10/05/10
FIFTEEN	Beneficiary R.B.'s name, date of birth, and Medicare number XXXXXX871M	10/26/10
SIXTEEN	Beneficiary T.D.'s name, date of birth, and Medicare number XXXXXX506A	11/06/10
SEVENTEEN	Beneficiary E.D.'s name, date of birth, and Medicare number XXXXXX422M	11/12/10

<u>COUNT</u>	<u>MEANS OF IDENTIFICATION</u>	<u>APPROXIMATE DATE</u>
EIGHTEEN	Beneficiary E.N.'s name, date of birth, and Medicare number XXXXXX183A	11/15/10
NINETEEN	Beneficiary O.V.'s name, date of birth, and Medicare number XXXXXX330M	11/22/10

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1 FORFEITURE ALLEGATION ONE

2 [18 U.S.C. § 982(a)(7) and 21 U.S.C. § 853]

3 30. The Grand Jury hereby realleges and incorporates by
4 reference Counts One through Seven of this Indictment as though
5 fully set forth herein, for the purpose of alleging forfeiture,
6 pursuant to the provisions of Title 18, United States Code,
7 Section 982(a)(7).

8 31. Counts One through Seven of this Indictment allege acts
9 or activities constituting federal health care fraud offenses
10 pursuant to Title 18, United States Code, Sections 1347, 2(b) and
11 1349. Pursuant to Title 18, United States Code, Section
12 982(a)(7), upon conviction of a federal health care fraud
13 offense, defendants MKHITARIAN and TAHMASIAN shall forfeit to the
14 United States of America:

15 a. All right, title and interest in any property,
16 real or personal, that constitutes or is derived, directly or
17 indirectly, from gross proceeds traceable to the commission of
18 such offense; and/or

19 b. A sum of money equal to the total amount of gross
20 proceeds derived from such offense.

21 32. Pursuant to Title 21, United States Code, Section
22 853(p), as incorporated by Title 18, United States Code, Section
23 982(b)(1), a defendant so convicted shall forfeit substitute
24 property, up to the value of the amount described in paragraph
25 31, if, by any act or omission of said defendant, the property
26 described in paragraph 31, or any portion thereof, cannot be
27 located upon the exercise of due diligence; has been transferred,
28 sold to or deposited with a third party; has been placed beyond

1 the jurisdiction of this Court; has been substantially diminished
2 in value; or has been commingled with other property that cannot
3 be divided without difficulty.

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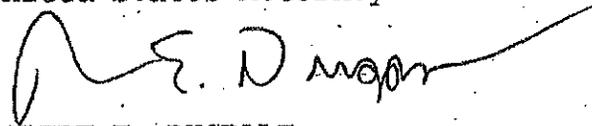
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1 in value; or has been commingled with other property that cannot
2 be divided without difficulty.

3
4 A TRUE BILL

5
6 15/
7 Foreperson

8
9 ANDRÉ BIROTTE JR.
United States Attorney

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

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

15
16 BEN SINGER
Deputy/Chief, Fraud Section
United States Department of Justice

17
18 BENTON CURTIS
Assistant Chief, Fraud Section
United States Department of Justice

19
20 ALEXANDER F. PORTER
Trial Attorney, Fraud Section
United States Department of Justice

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR 13-313(A) PA JS-3

Defendant Vahe Tahmasian

Social Security No. 1 1 9 1

akas: Vahik G. Tahmasian

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
07	07	14

COUNSEL Naser J. Khoury, Ret.
(Name of Counsel)

PLEA **GUILTY**, and the court being satisfied that there is a factual basis for the plea. **NOLO** **NOT**
CONTENDERE **GUILTY**

FINDING There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
Conspiracy to Commit Health Care Fraud in violation of Title 18 U.S.C. §§ 1349, 1347, as charged in Count 1 of the First Superseding Indictment; Health Care Fraud, Aiding and Abetting in violation of Title 18 U.S.C. §§ 1347, 2(b), as charged in Counts 2, 3, 4, 5, 6, and 7 of the First Superseding Indictment; and Aggravated Identity Theft, Aiding and Abetting, as charged in Counts 14, 15, 16, 17, 18, and 19 of the First Superseding Indictment.

JUDGMENT AND PROB/ COMM ORDER The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Vahe Tahmasian, is hereby committed on Counts 1 through 7, and 14 through 19 of the First Superseding Indictment to the custody of the Bureau of Prisons for a term of **121 Months**. This term consists of 97 months on each of Counts 1 through 7, to be served concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years. This term consists of three years on each of Counts 1 through 7, and 1 year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05;
2. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer;
3. The defendant shall participate in weekly Alcoholics Anonymous meetings, as directed by the Probation Officer;
4. During the period of community supervision, the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment;
5. When not employed or excused by the Probation Officer for schooling, training, or other acceptable reasons, the defendant shall perform 20 hours of community service per week as directed by the Probation Office;

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6. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency, without prior approval of the Probation Officer;
7. The defendant shall not be employed in any capacity or by any employer in which Medicare is billed for any medical services, without prior approval of the Probation Officer;
8. The defendant shall not obtain, possess, or have access to, any driver's license, Social Security number, birth certificate, passport, or any other form of identification in any name, other than the defendant's true legal name; nor shall the defendant use, for any purpose or in any manner, any name other than his true legal name or names without the prior approval of the Probation Officer;
9. The defendant shall apply monies received from income tax refunds, lottery winnings, inheritance, judgments, and any anticipated or unexpected financial gains to the outstanding Court-ordered financial obligation;
10. The defendant shall participate in mental health treatment, which may include evaluation and counseling, until discharged from the treatment by the treatment provider, with the approval of the Probation Officer; and
11. The defendant shall cooperate in the collection of a DNA sample from the defendant.

The Court authorizes the Probation Officer to disclose the Presentence Report, and/or any previous mental health evaluations or reports, to the treatment provider. The treatment provider may provide information (excluding the Presentence report), to State or local social service agencies (such as the State of California, Department of Social Service), for the purpose of the defendant's rehabilitation.

It is ordered that the defendant shall pay to the United States a special assessment of \$1,300, which is due immediately. Any unpaid balance shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.

It is ordered that the defendant shall pay restitution in the total amount of \$994,036, pursuant to 18 U.S.C. § 3663A to victims as set forth in a separate victim list prepared by the probation office, which this Court adopts and which reflects the court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victims.

Restitution shall be due during the period of imprisonment, at the rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10% of defendant's gross monthly income but not less than \$100, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

For the restitution ordered in this judgment, the defendant shall be held jointly and severally liable with Eric Mkhitarian, if convicted. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives full restitution.

Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

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The defendant shall comply with General Order No. 01-05.

All fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

Defendant is advised of his right to appeal.

Defendant is hereby remanded to the custody of the U.S. Marshal to await designation by the Bureau of Prisons.

The Court recommends that the Bureau of Prisons conduct a mental health evaluation of the defendant and provide all necessary treatment.

The Defendant is ordered to provide the Bureau of Prisons with a list of medications currently prescribed to the Defendant.

The Court recommends that defendant be housed in Terminal Island facility.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

July 7, 2014

Date



Percy Anderson, United States District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

July 7, 2014

Filed Date

By K. Sali-Suleyman /S/

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

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1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

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The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

USA vs. Vahe Tahmasian

Docket No.: CR 13-313 (A) PA

at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

Date

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

Filed Date

Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

Date

U. S. Probation Officer/Designated Witness

Date

PASPR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:13-cr-00313-PA-2**

Case title: USA v. Mkhitarian et al

Date Filed: 05/03/2013

Date Terminated: 07/07/2014

Assigned to: Judge Percy Anderson

Appeals court case number: 14-50324

9th CCA

Defendant (2)**Vahe Tahmasian***TERMINATED: 07/07/2014*represented by **Debra J Wegman**

Wegman and Levin

5200 Lankershim Boulevard Suite 850

North Hollywood, CA 91601

818-980-4000

Fax: 818-980-4080

Email: djw@wegmanlevin.com**ATTORNEY TO BE NOTICED***Designation: Retained***Gail Ivens**

Law Office of Gail Ivens

P.O. Box 664

King City, CA 93930

213-247-5282

Email: g.ivenst.attorney@gmail.com*TERMINATED: 08/25/2014**Designation: Public Defender or
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Federal Public Defenders Office

321 East 2nd Street

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213-894-4408

Fax: 213-894-0081

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Kim Savo

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Michael M Levin

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Designation: Retained

Naser J Khoury

Naser J Khoury Law Offices
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Van Nuys, CA 91401-2649
818-654-0001
Fax: 818-654-0007
Email: naseratlaw@aol.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1349: Conspiracy to commit Health
Care Fraud
(1)

Disposition

Defendant is committed on Counts 1
through 7, and 14 through 19 of the
First Superseding Indictment to the
Bureau of Prisons for 121 months,
consisting of 97 months on each of
Counts 1 through 7, to be served

concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7. Supervised release for three years, consisting of three years on each of Counts 1 through 7, and one year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Special assessment of \$1,300. All fines are waived. Restitution in the total amount of \$994,036.

Defendant is committed on Counts 1 through 7, and 14 through 19 of the First Superseding Indictment to the Bureau of Prisons for 121 months, consisting of 97 months on each of Counts 1 through 7, to be served concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7. Supervised release for three years, consisting of three years on each of Counts 1 through 7, and one year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Special assessment of \$1,300. All fines are waived. Restitution in the total amount of \$994,036.

Defendant is committed on Counts 1 through 7, and 14 through 19 of the First Superseding Indictment to the Bureau of Prisons for 121 months,

18:1347,2(b): Health Care Fraud;
Causing an Act to be Done
(2-7)

18:1028A,2(b): Aggravated Identity
Theft; Causing an Act to be Done
(14-19)

consisting of 97 months on each of Counts 1 through 7, to be served concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7. Supervised release for three years, consisting of three years on each of Counts 1 through 7, and one year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Special assessment of \$1,300. All fines are waived. Restitution in the total amount of \$994,036.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Claire Yan**
US Department of Justice
Criminal Division
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562-982-1744
Fax: 562-982-1799
Email: claire.yan@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED*Designation: Assistant US Attorney***Alexander F Porter**

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 Criminal Division - Major Frauds
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213-894-0813

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TERMINATED: 11/23/2016*Designation: Assistant US Attorney***Emily Z Culbertson**

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213-894-6495

Fax: 213-894-2387

Email: Benton.Curtis@usdoj.gov

ATTORNEY TO BE NOTICED*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
09/27/2013	<u>8</u>	FIRST SUPERSEDING INDICTMENT Filed as to Eric Mkhitarian (1) count (s) 1s, 2s-7s, 8s, 9s-13s, 14s-19s, Vahe Tahmasian (2) count(s) 1, 2-7, 14-19. (mhe) (Entered: 10/01/2013)
09/27/2013	<u>10</u>	CASE SUMMARY filed by AUSA Alexander F Porter as to Defendant Vahe Tahmasian; defendants Year of Birth: 1977 (mhe) (Entered: 10/01/2013)
09/27/2013	<u>12</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Vahe Tahmasian (mhe) (Entered: 10/01/2013)
09/27/2013	<u>13</u>	EX PARTE APPLICATION to Seal Case Filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian(mhe) (Entered: 10/01/2013)
09/27/2013	<u>14</u>	

		ORDER by Magistrate Judge Jay C. Gandhi: Granting <u>13</u> Ex Parte Application to Seal Case as to Eric Mkhitarian (1), Vahe Tahmasian (2) (mhe) (Entered: 10/01/2013)
09/27/2013	<u>15</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian. This criminal action, being filed on 9/27/13, was not pending in the U. S. Attorneys Office before the date on which Judge Michael W. Fitzgerald began receiving criminal matters. (mhe) (Entered: 10/01/2013)
09/27/2013	<u>16</u>	MEMORANDUM filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian. Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate Judge Sheri Pym, Magistrate Judge Michael Wilner(mhe) (Entered: 10/01/2013)
10/10/2013	<u>17</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Vahe Tahmasian; defendants Year of Birth: 1977; date of arrest: 10/10/2013 (mhe) (Entered: 10/15/2013)
10/10/2013	<u>18</u>	MINUTES OF ARREST ON SUPERSEDING INDICTMENT HEARING held before Magistrate Judge Frederick F. Mumm as to Defendant Vahe Tahmasian. Defendant states true name as charged. Attorney: Kim Savo for Vahe Tahmasian, Deputy Federal Public Defender, present. Court orders bail set as: Vahe Tahmasian (2) \$100,000 Appearance bond, see attached bond for terms and conditions. Defendant remanded to the custody of the USM. Arraignment held, see separate order. RELEASE ORDER NO 35659 Court Reporter: Maria Bustillo. (mhe) (Entered: 10/15/2013)
10/10/2013	<u>21</u>	MEMORANDUM FOR RELEASE ORDER AUTHORIZATION filed by PSA Officer as to Defendant Vahe Tahmasian. Submitted in compliance with conditions as set forth in Bond and Conditions (CR-1) <u>20</u> . (mhe) (Entered: 10/15/2013)
10/10/2013	<u>22</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Vahe Tahmasian. USA passport No: 465490527 was received on 10/10/13. Re: Bond and Conditions (CR-1) <u>20</u> . (mhe) (Entered: 10/15/2013)
10/10/2013	<u>25</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Frederick F. Mumm as to Defendant Vahe Tahmasian (2) Count 1,2-7,14-19. Defendant arraigned, states true name: As charged. Attorney: Kim Savo, Deputy Federal Public Defender present. Case assigned to Judge Percy Anderson. Plea and Trial Setting Hearing set for 10/15/2013 11:00 AM before Judge Percy Anderson. Court Smart: CS10/10/2013. (tba) (Entered: 10/16/2013)
10/10/2013	<u>31</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant Vahe Tahmasian (mhe) (Entered: 10/17/2013)
10/11/2013	<u>20</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant Vahe Tahmasian conditions of release: \$100,000 Appearance Bond, see attached bond for terms and conditions approved by Magistrate Judge Alicia G. Rosenberg. (mhe) (Entered: 10/15/2013)
10/15/2013	<u>23</u>	

		REQUEST FOR APPROVAL OF SUBSTITUTION OF Attorney Jerry Kaplan in place of Attorney Kim Savo filed by Defendant Vahe Tahmasian. (gk) (Entered: 10/15/2013)
10/15/2013	<u>24</u>	ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian, granting Request for Approval of Substitution of Attorney Jerry Kaplan for Vahe Tahmasian in place of Attorney Kim Savo <u>23</u> . (gk) (Entered: 10/15/2013)
10/15/2013	<u>27</u>	MINUTES OF ARRAIGNMENT, PLEA AND TRIAL SETTING held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Defendant enters plea of Not Guilty to Counts 1 through 7 and 14 through 19 of the First Superseding Indictment. The Court orders a trial date, final status conference date, and briefing schedule. See Criminal Trial Order. Final Status Conference set for 11/25/2013 03:00 PM before Judge Percy Anderson. Jury Trial set for 12/3/2013 08:30 AM before Judge Percy Anderson. Motions in Limine to be filed by 11/1/2013. Court Reporter: Leandra Amber. (gk) (Entered: 10/16/2013)
10/15/2013	<u>28</u>	ORDER RE: CRIMINAL TRIAL by Judge Percy Anderson as to Defendant Vahe Tahmasian. Pretrial Motions, including motions in limine, shall be filed on 11/11/2013. Oppositions shall be filed on 11/18/2013. Replies (optional) shall be filed on 11/21/2013. Status Conference/Hearing is set for 11/25/2013 at 3:00 PM. Trial is set for 12/3/2013 at 8:30 AM. (gk) (Entered: 10/16/2013)
11/04/2013	<u>32</u>	STIPULATION to Continue Trial Date from December 3, 2013 to March 18, 2014 ; <i>Findings of Excludable Time Periods Pursuant to Speedy Trial Act</i> filed by Plaintiff USA as to Defendant Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 11/04/2013)
11/05/2013	<u>33</u>	ORDER CONTINUING TRIAL DATE AND FINDINGS OF EXCLUDABLE TIME PERIODS PURSUANT TO SPEEDY TRIAL ACT by Judge Percy Anderson as to Defendant Vahe Tahmasian. Jury Trial is continued to 3/18/2014 08:30 AM before Judge Percy Anderson. Pretrial Conference set for 3/10/2014 03:00 PM before Judge Percy Anderson. The briefing schedule for any motions, including motions in limine, shall be: motions due 2/3/2014; oppositions due 2/10/2014; and replies due 2/17/2014. Motions will be heard on 2/24/2014 at 3:00 PM. (gk) (Entered: 11/06/2013)
01/24/2014	<u>34</u>	EX PARTE APPLICATION to Continue Trial from March 18, 2014 to May 27, 2014. Filed by Plaintiff Vahe Tahmasian as to Defendant Eric Mkhitarian, Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order)(Kaplan, Jerome) (Entered: 01/24/2014)
01/27/2014	<u>35</u>	Ex Parte Application for Order Sealing Documents filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order Sealing Documents)(Porter, Alexander) (Entered: 01/27/2014)
01/27/2014	<u>36</u>	NOTICE of Errata filed by Plaintiff Vahe Tahmasian as to Defendant Eric Mkhitarian, Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Order) (Kaplan, Jerome) (Entered: 01/27/2014)
01/28/2014	<u>37</u>	

		RESPONSE to EX PARTE APPLICATION to Continue Trial from March 18, 2014 to May 27, 2014. <u>34</u> ,filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian (Porter, Alexander) (Entered: 01/28/2014)
01/28/2014	<u>38</u>	ORDER by Judge Percy Anderson: DENYING <u>34</u> Ex Parte Application to Continue as to Vahe Tahmasian (2) (pso) (Entered: 01/28/2014)
01/28/2014	<u>39</u>	ORDER SEALING DOCUMENTS by Judge Percy Anderson as to Defendant Vahe Tahmasian. IT IS HEREBY ORDERED that the Government's Ex Parte Application for Sealed Filings <u>35</u> is GRANTED. The documents sought to be filed under seal and the declaration of Alexander F. Porter in support of the Ex Parte Application for Sealed Filing shall be filed under seal. (gk) (Entered: 01/28/2014)
01/28/2014	<u>40</u>	SEALED DOCUMENT - DECLARATION of Alexander F. Porter in Support of Government's Ex Parte Application for Order Sealing Documents. (gk) (Entered: 01/28/2014)
01/28/2014	<u>41</u>	SEALED DOCUMENT - STIPULATION for Protective Order. (gk) (Entered: 01/28/2014)
01/28/2014	<u>42</u>	SEALED DOCUMENT - PROTECTIVE ORDER. (gk) (Entered: 01/28/2014)
02/03/2014	<u>43</u>	NOTICE OF MOTION AND Joint MOTION in Limine to Admit Evidence Related to Healthcare Corner, Inc. Filed by Plaintiff USA as to Defendant Vahe Tahmasian Motion set for hearing on 2/24/2014 at 03:00 PM before Judge Percy Anderson. (Attachments: # <u>1</u> Declaration)(Porter, Alexander) (Entered: 02/03/2014)
02/03/2014	<u>44</u>	NOTICE OF MOTION AND Joint MOTION in Limine to Admit Co-Conspirator Statements Filed by Plaintiff USA as to Defendant Vahe Tahmasian Motion set for hearing on 2/24/2014 at 03:00 PM before Judge Percy Anderson.(Porter, Alexander) (Entered: 02/03/2014)
02/03/2014	<u>45</u>	NOTICE OF MOTION AND Joint MOTION in Limine to Exclude Hearsay Filed by Defendant Vahe Tahmasian Motion set for hearing on 2/24/2014 at 03:00 PM before Judge Percy Anderson.(Kaplan, Jerome) (Entered: 02/03/2014)
02/04/2014	<u>46</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude Defense Expert Filed by Plaintiff USA as to Defendant Vahe Tahmasian Motion set for hearing on 2/24/2014 at 03:00 PM before Judge Percy Anderson. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Porter, Alexander) (Entered: 02/04/2014)
02/05/2014	<u>47</u>	NOTICE of Errata filed by Defendant Vahe Tahmasian RE: Joint MOTION in Limine to Exclude Hearsay <u>45</u> . (Attachments: # <u>1</u> Corrected Motion)(Kaplan, Jerome) (Entered: 02/05/2014)
02/10/2014	<u>48</u>	OPPOSITION to MOTION in Limine to Exclude Defense Expert <u>46</u> filed by Defendant Tahmasian. (Kaplan, Jerome) (Entered: 02/10/2014)
02/18/2014	<u>49</u>	REPLY in support of MOTION in Limine to Exclude Defense Expert <u>46</u> (Porter, Alexander) (Entered: 02/18/2014)
02/18/2014	<u>50</u>	

		EX PARTE APPLICATION TO SEAL DOCUMENTS filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 02/18/2014)
02/18/2014	<u>51</u>	SEALED DOCUMENT- MOTION for Conflict Inquiry. (mat) (Entered: 02/19/2014)
02/18/2014	<u>52</u>	SEALED DOCUMENT- DECLARATION of Alexander F. Porter in Support of Motion for Conflict Inquiry. (mat) (Entered: 02/19/2014)
02/18/2014	<u>53</u>	SEALED DOCUMENT- DECLARATION of Alexander F Porter in Support of Government's Exparte Application for Order Sealing Documents. (mat) (Entered: 02/19/2014)
02/18/2014	<u>54</u>	ORDER SEALING DOCUMENTS by Judge Percy Anderson as to Defendant Vahe Tahmasian. IT IS HEREBY ORDERED THAT: The government's ex parte application for sealed filings <u>50</u> is GRANTED. The documents sought to be filed under seal and the declaration of Alexander F. Porter in support of the ex parte application for sealed filing shall be filed under seal. (gk) (Entered: 02/19/2014)
02/20/2014	<u>55</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of AUSA Oliver Benton Curtis, III on behalf of Plaintiff USA. Filed by Plaintiff USA. (Attorney Oliver Benton Curtis, III added to party USA(pty:pla))(Curtis, Oliver) (Entered: 02/20/2014)
02/24/2014	<u>60</u>	MINUTES OF Motion Hearing held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Court and counsel confer regarding the parties' Joint Motions in Limine and the government's Motion for Conflict Inquiry <u>51</u> . The Court continues the matter for further hearing on 3/3/2014 at 10:30 AM. The Court further orders the parties to meet and confer and submit a proposed protective order prohibiting the disclosure of discovery materials to third parties. Court Reporter: Leandra Amber. (gk) (Entered: 03/06/2014)
02/26/2014	<u>56</u>	STIPULATION for Order Protective Order filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 02/26/2014)
02/27/2014	<u>57</u>	PROTECTIVE ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian, re Stipulation <u>56</u> . See document for details. (gk) (Entered: 02/28/2014)
03/03/2014	<u>58</u>	SEALED DOCUMENT - WAIVER of Conflict of Interest. (gk) (Entered: 03/04/2014)
03/03/2014	<u>59</u>	MINUTES OF Motion Hearing held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Court and counsel confer regarding Motion for Conflict Inquiry <u>51</u> . Defense Counsel states that the Defendant has signed a written waiver. Defendant is placed under oath. The Court questions the Defendant regarding the waiver and finds that the Defendant entered into the waiver knowingly, voluntarily, with a full understanding of the waiver and the possible consequences. The Court finds that the defendant understands his constitutional and statutory rights. Defendant's oral waiver is accepted and

		entered. Government's request to have the written waiver filed under seal is granted. Court and counsel confer regarding the parties' motions in limine. Defense Counsel withdraws Defendant's Motion in Limine to Exclude Hearsay <u>45</u> . The Court issues tentative rulings on the parties' motions in limine <u>43</u> , <u>44</u> , <u>46</u> . Court Reporter: Leandra Amber. (gk) (Entered: 03/05/2014)
03/10/2014	<u>64</u>	MINUTES OF Status Conference held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Court Reporter: Leandra Amber. (rne) (Entered: 03/13/2014)
03/12/2014	<u>61</u>	PROPOSED JURY INSTRUCTIONS (Annotated set) filed by Plaintiff USA as to Defendant Vahe Tahmasian (Porter, Alexander) (Entered: 03/12/2014)
03/12/2014	<u>62</u>	Ex Parte Application to Seal Document filed by Plaintiff USA as to Defendant Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order)(Porter, Alexander) (Entered: 03/12/2014)
03/12/2014	<u>63</u>	PROPOSED JURY VERDICT filed by Plaintiff USA as to Defendant Vahe Tahmasian (Porter, Alexander) (Entered: 03/12/2014)
03/13/2014	<u>65</u>	NOTICE of Manual Filing of Potential Witness Statements filed by Plaintiff USA as to Defendant Eric Mkhitarian, Vahe Tahmasian (Porter, Alexander) (Entered: 03/13/2014)
03/17/2014	<u>66</u>	NOTICE OF MOTION AND MOTION in Limine to Exclude Hearsay Filed by Plaintiff USA as to Defendant Vahe Tahmasian Motion set for hearing on 3/18/2014 at 08:00 AM before Judge Percy Anderson. (Attachments: # <u>1</u> Declaration)(Porter, Alexander) (Entered: 03/17/2014)
03/18/2014	<u>67</u>	MINUTES OF JURY TRIAL - BEGUN (Jury Impanelment) - 1st Day held before Judge Percy Anderson: Jury selection begun as to Defendant Vahe Tahmasian (2) on Count 1,2-7,14-19. Jury impaneled and sworn. Jury Trial continued to 3/19/2014 08:00 AM before Judge Percy Anderson. Court Reporter: Leandra Amber. (gk) (Entered: 03/20/2014)
03/19/2014	<u>68</u>	MINUTES OF Jury Trial - 2nd Day held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 3/20/2014 08:00 AM before Judge Percy Anderson. Court Reporter: Leandra Amber. (gk) (Entered: 03/20/2014)
03/20/2014	<u>69</u>	MINUTES OF Jury Trial - 3rd Day held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Witnesses called, sworn and testified. Exhibits identified and admitted. Government rests. Juror No. 10 is excused. Alternate No. 1 takes the place of Juror No. 10. Jury Trial continued to 3/21/2014 08:00 AM before Judge Percy Anderson. Court Reporter: Leandra Amber. (gk) (Entered: 03/21/2014)
03/21/2014	<u>73</u>	LIST OF EXHIBITS AND WITNESSES at trial as to Vahe Tahmasian. (gk) (Entered: 03/25/2014)
03/21/2014	<u>74</u>	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; as to Defendant Vahe Tahmasian. Pursuant to stipulation of counsel

		and/or by Order of the Court, all exhibits listed on the joint exhibits list are returned to counsel for respective party(ies). (gk) (Entered: 03/25/2014)
03/21/2014	<u>75</u>	Jury Instructions (Given) by Judge Percy Anderson as to Defendant Vahe Tahmasian. (gk) (Entered: 03/25/2014)
03/21/2014	<u>76</u>	JURY VERDICT [REDACTED] as to Vahe Tahmasian (2) Guilty on Count 1,2-7,14-19. (rne) (Entered: 03/26/2014)
03/21/2014	<u>77</u>	MINUTES OF Jury Trial - 4th Day held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Witnesses called, sworn and testified. Exhibits identified and admitted. Closing arguments made. Jury polled. Verdict reached. Jury finds: Vahe Tahmasian (2) on Count 1,2-7,14-19 Vahe Tahmasian (2) Guilty on Count 1,2-7,14-19. Defendant referred to Probation Office for Investigation and Report. Defendant VAHE TAHMASIAN remanded to custody. The matter is continued to March 25, 2014 at 3:00 p.m. for further hearing. Sentencing set for 6/9/2014 08:30 AM before Judge Percy Anderson. Court Reporter: Leandra Amber. (rne) (Entered: 03/26/2014)
03/25/2014	<u>70</u>	BRIEF Filed by Defendant Vahe Tahmasian <i>Regarding Bail</i> (Kaplan, Jerome) (Entered: 03/25/2014)
03/25/2014	<u>78</u>	MINUTES OF Status Conference Re Bail held before Judge Percy Anderson as to Defendant Vahe Tahmasian. Court and counsel confer concerning defendant's request for bail pending sentencing. The defendant is ordered to provide the government documents regarding property and surety information. The parties shall meet and confer and contact the Court's clerk to calendar an appearance. Court Reporter: Leandra Amber. (gk) (Entered: 03/27/2014)
03/28/2014	<u>80</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. The parties are ordered to meet and confer to determine the amount of cash, real property and personal property that each surety has available to secure the defendant's bond pending sentencing. For any real property a surety pledges and for which the parties cannot agree on the amount of available equity, the parties are to submit a joint report providing each party's valuation of the property, including the amount of equity in the property, and all exhibits in support of their position, including appraisals, title reports, tax bills, encumbrances, bonds, undertakings, liens, deeds of trust, general warranty deeds, as well as any information on the balance due on any deed of trust. The joint report is to be filed no later than 3/31/2014, at noon. Thereafter, the Court will promptly set a bail review hearing. (gk) (Entered: 03/28/2014)
03/31/2014	<u>81</u>	STATUS REPORT filed by Defendant Vahe Tahmasian <i>JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>82</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> in support of EXHIBIT 1 PAGES 7-17 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION. (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>83</u>	

		EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 1 PAGES 18-27 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>84</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 1 PAGES 28-38 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>85</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 2 PAGES 39-48 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>86</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 2 PAGES 49-58 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>87</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 2 PAGES 59-68 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>88</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 2 PAGES 69-78 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>89</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 2 PAGES 79-86 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>90</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 3 PAGES 87-97 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>91</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 3 PAGES 98-107 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
03/31/2014	<u>92</u>	EXHIBIT filed by Defendant Vahe Tahmasian RE: Status Report <u>81</u> <i>EXHIBIT 3 PAGES 108-117 OF JOINT REPORT RE VALUATION OF REAL PROPERTY RE DEFENDANT VAHE TAHMASIAN'S BAIL MOTION</i> (Kaplan, Jerome) (Entered: 03/31/2014)
04/01/2014	<u>93</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. The Court has reviewed the parties joint report. The Court finds that the defendant's submissions are inadequate to permit the

		Court to determine the amount of equity available in the proposed surety's real property. To assist the Court in determining the amount of available equity in a proposed surety's real property, the Court will need, at a minimum, the following for each piece of real property that is to be pledged as security: (1) preliminary title report; (2) an appraisal; (3) a recent bank statement showing the balance of any mortgage and/or encumbrance; and (4) the amount of cash, if any, or personal property that a proposed surety is willing to pledge to secure the defendant's bond. These submissions are to be filed with the Court with copies to the government. The government may file its response, if any, to these submissions within 72 hours of its receipt of the filing. Thereafter, the Court will promptly schedule a bail review hearing. (gk) (Entered: 04/02/2014)
04/03/2014	<u>94</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 1 Pages 7-17 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>82</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>95</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 1 Pages 18-27 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>83</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>96</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 1 Pages 28-38 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>84</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>97</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 2 Pages 39-48 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>85</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>98</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 2 Pages 49-58 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>86</u> . The following

		error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>99</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 2 Pages 59-68 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>87</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>100</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 2 Pages 69-78 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>88</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>101</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 2 Pages 79-86 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>89</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>102</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 3 Pages 87-97 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>90</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>103</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 3 Pages 98-107 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>91</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/03/2014	<u>104</u>	

		NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit 3 Pages 10-117 of Joint Report re Valuation of Real Property re Defendant Vahe Tahmasian's Bail Motion filed 3/31/2014 <u>92</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/04/2014)
04/04/2014	<u>105</u>	First Request for Medical Examination filed by Plaintiff Vahe Tahmasian as to Defendant Eric Mkhitarian, Vahe Tahmasian. Request set for hearing on 4/7/2014 at 08:30 AM before Judge Percy Anderson. (Attachments: # <u>1</u> Exhibit Letter from Dr. Dan La)(Kaplan, Jerome) (Entered: 04/04/2014)
04/04/2014	<u>106</u>	OPPOSITION to First Request for Medical Examination <u>105</u> (Porter, Alexander) (Entered: 04/04/2014)
04/07/2014	<u>107</u>	SUPPLEMENT to First Request for Medical Examination <u>105</u> filed by Defendant Tahmasian. (Attachments: # <u>1</u> 1, # <u>2</u> 2, # <u>3</u> 3, # <u>4</u> 4, # <u>5</u> 5, # <u>6</u> 6, # <u>7</u> 7a, # <u>8</u> 7b, # <u>9</u> 8a, # <u>10</u> 8b, # <u>11</u> 9a, # <u>12</u> 9b)(Kaplan, Jerome) (Entered: 04/07/2014)
04/08/2014	<u>108</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Emergency Request for a Medical Recommendation filed 4/4/2014 <u>105</u> . The following error(s) was found: Local Rule 7-19.1 Notice to other parties of Ex Parte Application lacking. Proposed Order not submitted herewith, Local Rule 7-19. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (gk) (Entered: 04/08/2014)
04/09/2014	<u>109</u>	RESPONSE to Supplement to Motion (CR), <u>107</u> , filed by Plaintiff USA as to Defendant Vahe Tahmasian (Porter, Alexander) (Entered: 04/09/2014)
04/10/2014	<u>110</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson: as to Defendant Vahe Tahmasian. Defendants request for bond pending sentencing is denied without prejudice to the defendant submitting new appraisals utilizing the governments appraiser or an appraiser jointly agreed upon by the parties. Any additional appraisals must be submitted within the next fourteen days with copies to the government. The governments response, if any, shall be filed within 72 hours of its receipt of any new submissions. (rne) (Entered: 04/10/2014)
04/18/2014	<u>111</u>	First REQUEST FOR APPROVAL OF SUBSTITUTION OF attorney NASER J. KHOURY in place of attorney JERRY KAPLAN filed by Defendant Vahe Tahmasian. (Attachments: # <u>1</u> Proposed Order)(Attorney Naser J Khoury added to party Vahe Tahmasian(pty:dft))(Khoury, Naser) (Entered: 04/18/2014)
04/19/2014	<u>112</u>	

		ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian, granting Request for Approval of Substitution of Attorney Naser J. Khoury in place of Attorney Jerry Kaplan <u>111</u> . (gk) (Entered: 04/22/2014)
04/24/2014	<u>113</u>	Joint STIPULATION to Continue Sentencing from June 9, 2014 to July 7, 2014 filed by Defendant Vahe Tahmasian (Attachments: # <u>1</u> Proposed Order) (Khoury, Naser) (Entered: 04/24/2014)
04/24/2014	<u>114</u>	ORDER TO CONTINUE SENTENCING by Judge Percy Anderson as to Defendant Vahe Tahmasian. Sentencing is continued to 7/7/2014 08:30 AM before Judge Percy Anderson. (gk) (Entered: 04/25/2014)
05/13/2014	<u>115</u>	TRANSCRIPT filed as to Defendant Eric Mkhitarian, Vahe Tahmasian for proceedings held on Tuesday, March 18, 2014; 8:33 A.M. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/3/2014. Redacted Transcript Deadline set for 6/13/2014. Release of Transcript Restriction set for 8/11/2014.(Amber, Leandra) (Entered: 05/13/2014)
05/13/2014	<u>116</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Wednesday, March 19, 2014; 8:31 A.M. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/3/2014. Redacted Transcript Deadline set for 6/13/2014. Release of Transcript Restriction set for 8/11/2014.(Amber, Leandra) (Entered: 05/13/2014)
05/13/2014	<u>117</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Thursday, March 20, 2014; 7:55 A.M. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/3/2014. Redacted Transcript Deadline set for 6/13/2014. Release of Transcript Restriction set for 8/11/2014.(Amber, Leandra) (Entered: 05/13/2014)
05/13/2014	<u>118</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Friday, March 21, 2014; 7:57 A.M. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/3/2014. Redacted Transcript Deadline set for 6/13/2014. Release of Transcript Restriction set for 8/11/2014.(Amber, Leandra) (Entered: 05/13/2014)

05/13/2014	<u>119</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings March 18, 19, 20, & 21, 2014 re Transcript <u>115</u> , <u>116</u> , <u>117</u> , <u>118</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Amber, Leandra) TEXT ONLY ENTRY (Entered: 05/13/2014)
06/23/2014	<u>121</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Vahe Tahmasian (Attachments: # <u>1</u> Declaration of Special Agent Eric Gerbrands, # <u>2</u> Declaration of Alexander F. Porter, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10)(Porter, Alexander) (Entered: 06/23/2014)
06/24/2014	<u>122</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT filed by Defendant Vahe Tahmasian <i>and Position Re: Sentencing</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Khoury, Naser) (Entered: 06/24/2014)
06/30/2014	<u>123</u>	SUPPLEMENTAL INFORMATION filed by Defendant Vahe Tahmasian <i>Re: Sentencing</i> (Khoury, Naser) (Entered: 06/30/2014)
07/02/2014	<u>124</u>	RESPONSE to Objection to Presentence Investigation Report <u>122</u> , filed by Plaintiff USA as to Defendant Vahe Tahmasian (Attachments: # <u>1</u> Declaration of Arlene Deveza)(Porter, Alexander) (Entered: 07/02/2014)
07/02/2014	<u>126</u>	MINUTES OF NOTICE OF CONDITIONS OF SUPERVISED RELEASE by Judge Percy Anderson as to Defendant Vahe Tahmasian. Pursuant to United States v. Wise, 391 F.3d 1027 (9th Cir. 2004), notice is hereby given that the Court is contemplating imposing a sentence outside the advisory guideline system and imposing the conditions of supervised release in this order. See document for details. (gk) (Entered: 07/03/2014)
07/07/2014	<u>127</u>	MINUTES OF SENTENCING Hearing held before Judge Percy Anderson as to Defendant Vahe Tahmasian (2), Count(s) 1-7, and 14-19, Defendant is committed on Counts 1 through 7, and 14 through 19 of the First Superseding Indictment to the Bureau of Prisons for 121 months, consisting of 97 months on each of Counts 1 through 7, to be served concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7. Supervised release for three years, consisting of three years on each of Counts 1 through 7, and one year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Special assessment of \$1,300. All fines are waived. Restitution in the total amount of \$994,036. For the restitution ordered in this judgment, the defendant shall be held jointly and severally liable with Eric Mkhitarian, if convicted. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives full restitution. Defendant advised of right of appeal. Court Reporter: Debi Read. (gk) (Entered: 07/08/2014)
07/07/2014	<u>128</u>	JUDGMENT AND COMMITMENT by Judge Percy Anderson as to Defendant Vahe Tahmasian (2), Count(s) 1-7, and 14-19, Defendant is

		committed on Counts 1 through 7, and 14 through 19 of the First Superseding Indictment to the Bureau of Prisons for 121 months, consisting of 97 months on each of Counts 1 through 7, to be served concurrently with each other, and 24 months on each of Counts 14 through 19, to be served concurrently with each other but consecutive to the term imposed on Counts 1 through 7. Supervised release for three years, consisting of three years on each of Counts 1 through 7, and one year on each of Counts 14 through 19 of the First Superseding Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation Office, General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05. Special assessment of \$1,300. All fines are waived. Restitution in the total amount of \$994,036. For the restitution ordered in this judgment, the defendant shall be held jointly and severally liable with Eric Mkhitarian, if convicted. The victim's recovery is limited to the amount of its loss and the defendant's liability for restitution ceases if and when the victim receives full restitution. Defendant advised of right of appeal. (gk) (Entered: 07/08/2014)
07/11/2014		FINANCIAL ENTRY as to Defendant Vahe Tahmasian: Received \$505.00 from Vahe Tahmasian as to Appeal Fee. (iv) (Entered: 07/11/2014)
07/11/2014	<u>130</u>	NOTICE OF APPEAL to Appellate Court filed by Defendant Vahe Tahmasian re Judgment and Commitment, <u>128</u> . Filed on: 7/7/14; Entered on: 7/8/14; Filing fee \$505 PAID. (car) (Entered: 07/11/2014)
07/14/2014	<u>131</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 14-50324 as to Defendan- Final t Vahe Tahmasian, 9th CCA regarding Notice of Appeal to USCA Judgment <u>130</u> . (dmap) (Entered: 07/15/2014)
07/23/2014	<u>132</u>	REQUEST for Appointment of Counsel filed by Defendant Vahe Tahmasian. (Khoury, Naser) (Entered: 07/23/2014)
08/06/2014	<u>133</u>	ORDER of USCA filed as to Defendant Vahe Tahmasian re Notice of Appeal to USCA - Final Judgment <u>130</u> , CCA #14-50324. The motion of appellant's retained counsel, Naser J. Khoury, Esq., to withdraw as counsel of record is granted. Appellant's submission of a completed Form CJA 23 is construed as a motion to proceed in forma pauperis and for appointment of counsel. So construed, the motion is granted. Counsel will be appointed by separate order. The Clerk shall electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. Brief schedules have been set. If appellant seeks transcripts of proceedings requiring special authorization, that authorization should be obtained from the district court. Order received in this district on 8/6/14. [See document for all the details] (mat) (Entered: 08/08/2014)
08/25/2014	<u>134</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Gia Kim on behalf of Defendant Vahe Tahmasian. Filed by Defendant Vahe Tahmasian. (Attorney Gia Kim added to party Vahe Tahmasian(pty:dft))(Kim, Gia) (Entered: 08/25/2014)
09/03/2014	<u>135</u>	TRANSCRIPT ORDER re: Court of Appeal case number 14-50324, as to Defendant Vahe Tahmasian. Court Reporter.Order for: Criminal Appeal.

		Transcript portion requested:Sentencing on 7-7-14. Other: 10-15-13 Arraignment, 2-24-14 Motion Hrg, 3-3-14 Motion Hearing, 3-10-14 Status Conference, 3-18-14 1st day of trial, 3-19-14 2nd Day of trial, 3-20-14 3rd day of trial, 3-21-14 4th Day of trial,3-25-14 Status Conference.. Criminal case appeal. 60 day deadline automatically set (Attachments: # <u>1</u> Attachment to Transcript Designation, # <u>2</u> Voucher, # <u>3</u> Voucher)(Kim, Gia) (Entered: 09/03/2014)
09/15/2014	<u>136</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Monday, July 7, 2014, at 8:30 A.M. Court Reporter: Debi Read, CSR at Readit3949@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 10/6/2014. Redacted Transcript Deadline set for 10/16/2014. Release of Transcript Restriction set for 12/14/2014.(rd) (Entered: 09/15/2014)
09/15/2014	137	NOTICE OF FILING TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings Monday, July 7, 2014, at 8:30 A.M. re Transcript <u>136</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(rd) TEXT ONLY ENTRY (Entered: 09/15/2014)
09/26/2014	<u>138</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Tuesday, March 25, 2014; 3:38 p.m.. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 10/17/2014. Redacted Transcript Deadline set for 10/27/2014. Release of Transcript Restriction set for 12/25/2014.(Amber, Leandra) (Entered: 09/26/2014)
09/26/2014	139	NOTICE OF FILING TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings Tuesday, March 25, 2014; 3:28 p.m. re Transcript <u>138</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Amber, Leandra) TEXT ONLY ENTRY (Entered: 09/26/2014)
11/03/2014	<u>140</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on Tuesday, October, 15, 2013; 11:11 A.M.. Court Reporter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/24/2014. Redacted Transcript Deadline set for 12/4/2014. Release of Transcript Restriction set for 2/1/2015.(Amber, Leandra) (Entered: 11/03/2014)
11/03/2014	<u>141</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on MONDAY, FEBRUARY 24, 2014; 3:10 P.M.. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within

		7 days of this date. Redaction Request due 11/24/2014. Redacted Transcript Deadline set for 12/4/2014. Release of Transcript Restriction set for 2/1/2015. (Amber, Leandra) (Entered: 11/03/2014)
11/03/2014	<u>142</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on MONDAY, MARCH 3, 2014; 10:42 A.M.. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/24/2014. Redacted Transcript Deadline set for 12/4/2014. Release of Transcript Restriction set for 2/1/2015.(Amber, Leandra) (Entered: 11/03/2014)
11/03/2014	<u>143</u>	TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings held on MONDAY, MARCH 10, 2014; 3:14 P.M.. Court Reporter: Leandra Amber, phone number (213) 613-0179, www.leandraamber.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/24/2014. Redacted Transcript Deadline set for 12/4/2014. Release of Transcript Restriction set for 2/1/2015.(Amber, Leandra) (Entered: 11/03/2014)
11/03/2014	144	NOTICE OF FILING TRANSCRIPT filed as to Defendant Vahe Tahmasian for proceedings 2013-10-15, 2014-02-24, 2014-03-03, 2014-03-10 re Transcript <u>143</u> , <u>141</u> , <u>142</u> , <u>140</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Amber, Leandra) TEXT ONLY ENTRY (Entered: 11/03/2014)
03/02/2015	<u>145</u>	ORDER of USCA filed as to Defendant Vahe Tahmasian re Notice of Appeal to USCA - Final Judgment <u>130</u> , CCA #14-50324. Appellant's request for a third extension of time to file the opening brief is granted. Briefing schedule is set. Order received in this district on 3/2/15. (car) (Entered: 03/04/2015)
04/22/2015	<u>146</u>	ORDER of USCA filed as to Defendant Vahe Tahmasian, CCA #14-50324. Within 14 days after the date of this order, appellant shall show cause why appellant's in forma pauperis status should not be revoked and why this case should not be referred to the district court to determine whether appellant should be required to reimburse the Criminal Justice Act Fund for the cost of appellant's appellate defense, including the cost of producing the reporters transcripts and the fees and expenses of appellants former appointed counsel. Order received in this district on 4/22/15. [See document for all details] (mat) (Entered: 04/24/2015)
05/07/2015	<u>147</u>	ORDER of USCA filed as to Defendant Vahe Tahmasian re Notice of Appeal to USCA <u>130</u> , CCA #14-50324. The response is satisfactory and the order to show cause is discharged. Order received in this district on 5/7/15. [See document for details] (mat) (Entered: 05/07/2015)
07/06/2015	<u>148</u>	NOTICE OF MOTION AND MOTION for Bond Pending Appeal Filed by Defendant Vahe Tahmasian. Motion set for hearing on 7/13/2015 at 03:00 PM

		before Judge Percy Anderson. (Attachments: # <u>1</u> Declaration Dan La, M.D., # <u>2</u> Declaration Debra J. Wegman, Esq., # <u>3</u> Declaration Lousine Akopyan, # <u>4</u> Declaration Vahe Tahmasian, # <u>5</u> Exhibit Exhibit 1 to Motion, # <u>6</u> Exhibit Exhibit 2 to Motion, # <u>7</u> Exhibit Exhibit 3 to Motion, # <u>8</u> Exhibit Trial Exhibit 18 redacted, # <u>9</u> Proposed Order) (Attorney Michael M Levin added to party Vahe Tahmasian(pty:dft)) (Levin, Michael) (Entered: 07/06/2015)
07/07/2015	<u>149</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson: Defendant Vahe Tahmasian has filed a Motion for Bond Pending Appeal <u>148</u> . The caption of the Motion and the electronic filing information indicate that the Motion is set for hearing on July 13, 2015, while the body of the Notice indicates that the hearing is set for July 27, 2015. Regardless of which of those dates Defendant's counsel intended to set as the hearing date, neither of those dates provides the minimum 28 days notice required by Local Civil Rule 6-1. The Court therefore continues the hearing on the Motion for Bond Pending Appeal to August 17, 2015, at 3:00 p.m. The Government's Opposition to the Motion shall be filed no later than July 27, 2015. Defendant's Reply shall be filed no later than August 3, 2015. (smo) (Entered: 07/07/2015)
07/27/2015	<u>150</u>	OPPOSITION to NOTICE OF MOTION AND MOTION for Bond Pending Appeal <u>148</u> filed by Plaintiff USA as to Defendant Vahe Tahmasian. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3) (Porter, Alexander) (Entered: 07/27/2015)
07/29/2015	<u>151</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Opposition to Motion (CR) <u>150</u> . The following error(s) was found: Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents.: There are personal identifiers in the Exhibits.. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (pj) (Entered: 07/30/2015)
08/14/2015	<u>152</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. The Court continues the hearing on the Motion for Bond Pending Appeal from August 17, 2015, at 3:00 p.m. to August 18, 2015, at 3:00 p.m. before Judge Percy Anderson. (smo) (Entered: 08/14/2015)
08/17/2015	<u>153</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. The Court vacates the hearing on the Motion for Bond Pending Appeal currently calendared for August 18, 2015, at 3:00 p.m. The Court will notify the parties once it has issued a decision on the Motion. (smo) (Entered: 08/17/2015)
08/18/2015	<u>154</u>	MINUTES OF IN CHAMBERS ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. Defendant Vahe Tahmasian's Motion for Bail Pending Appeal <u>148</u> is denied. (gk) (Entered: 08/24/2015)
02/25/2016	<u>155</u>	MEMORANDUM of USCA filed as to Defendant Vahe Tahmasian re Notice of Appeal to USCA <u>130</u> , CCA #14-50324. The decision of the District is affirmed. (mat) (Entered: 02/26/2016)

03/21/2016	<u>156</u>	MANDATE of the 9th CCA filed as to Defendant Vahe Tahmasian re Notice of Appeal <u>130</u> CCA #14-50324. The judgment of the 9th Circuit Court, entered February 25, 2016, takes effect thisdate.This constitutes the formal mandate of the 9th CCA issued pursuant to Rule41(a) of the Federal Rules of Appellate Procedure. [See USCA MEMORANDUM <u>155</u> AFFIRMED] (mat) (Entered: 03/21/2016)
11/15/2016	<u>157</u>	NOTICE TO PARTIES by District Judge Percy Anderson. Effective November 21, 2016, Judge Anderson will be located at the 1st Street Courthouse, COURTROOM 9A on the 9th floor, located at 350 W. 1st Street, Los Angeles, California 90012. All Court appearances shall be made in Courtroom 9A of the 1st Street Courthouse, and all mandatory chambers copies shall be hand delivered to the judge's mail box outside the Clerk's Office on the 4th floor of the 1st Street Courthouse. The location for filing civil documents in paper format exempted from electronic filing and for viewing case files and other records services remains at the United States Courthouse, 312 North Spring Street, Room G-8, Los Angeles, California 90012. The location for filing criminal documents in paper format exempted from electronic filing remains at Edward R. Roybal Federal Building and U.S. Courthouse, 255 East Temple Street, Room 178, Los Angeles, California 90012. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(rrp) TEXT ONLY ENTRY (Entered: 11/15/2016)
11/23/2016	<u>158</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Claire Yan counsel for Plaintiff USA. Adding Claire Yan as counsel of record for USA for the reason indicated in the G-123 Notice. Filed by Plaintiff USA. (Yan, Claire) (Entered: 11/23/2016)
11/23/2016	<u>159</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Alexander F Porter counsel for Plaintiff USA. Alexander F. Porter is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by plaintiff United States of America. (Porter, Alexander) (Entered: 11/23/2016)
05/15/2017	<u>161</u>	MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) Filed by Defendant Vahe Tahmasian. (jtil) (Additional attachment(s) added on 5/18/2017: # <u>1</u> Memorandum w declarations, # <u>2</u> Exhibits 1-8, # <u>3</u> Exhibit 9 part 1, # <u>4</u> Exhibit 9 part 2) (jtil). (Entered: 05/17/2017)
05/17/2017	<u>162</u>	NOTICE OF ASSIGNMENT to District Judge Percy Anderson for motion filed under 28 U.S.C. 2255. (jtil) (Entered: 05/17/2017)
05/18/2017	<u>163</u>	MINUTES OF IN CHAMBERS - ORDER by Judge Percy Anderson: as to Defendant Vahe Tahmasian. The Court is in receipt of petitioner Vahe Tahmasian's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 <u>161</u> , filed on May 15, 2017. The Court orders a briefing schedule. The government's opposition shall be filed no later than June 19, 2017. Petitioner's reply if any shall be filed no later than July 3, 2017. IT IS SO ORDERED. (lom) (Entered: 05/18/2017)
05/31/2017	<u>164</u>	

		EX PARTE APPLICATION for Order for Order for Finding Partial Waiver of Attorney-Client Privilege With Respect to Defendant's Claim of Ineffective Assistance of Counsel and Compelling Disclosure of Certain Communications Filed by Plaintiff USA as to Defendant Vahe Tahmasian. (Attachments: # <u>1</u> Proposed Order) (Yan, Claire) (Entered: 05/31/2017)
06/01/2017	<u>165</u>	ORDER DECLARING PARTIAL WAIVER OF ATTORNEY-CLIENT PRIVILEGE AND COMPELLING DISCLOSURE OF CERTAIN ATTORNEY-CLIENT COMMUNICATIONS <u>164</u> as to Vahe Tahmasian (2) by Judge Percy Anderson:By no later than June 12, 2017, Attorney Jerry Kaplan is ordered to disclose to the government all communications concerning the events and facts related to defendants claims in the Vahe Tahmasian v. United States, Case No. 2:17-cv-03662-PA. The date for the government to respond to defendants Motion to Vacate, Set Aside or Correct Sentence, filed pursuant to 28 U.S.C. 2255, is continued from June 19, 2017, to July 31, 2017. The defendant may file his reply, if any, by August 14, 2017. (lc) (Entered: 06/02/2017)
07/31/2017	<u>166</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Emily Zackrison Culbertson counsel for Plaintiff USA. Adding Emily Z. Culbertson as counsel of record for United States for the reason indicated in the G-123 Notice. Filed by Plaintiff United States. (Attorney Emily Zackrison Culbertson added to party USA(pty:pla))(Culbertson, Emily) (Entered: 07/31/2017)
07/31/2017	<u>167</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> (Attachments: # <u>1</u> Declaration of Jerry Kaplan, # <u>2</u> Declaration of Claire Yan, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8 Part I, # <u>11</u> Exhibit 8 Part II)(Yan, Claire) (Entered: 07/31/2017)
08/04/2017	<u>168</u>	NOTICE filed by Defendant Vahe Tahmasian (Levin, Michael) (Entered: 08/04/2017)
08/07/2017	<u>169</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Gia Kim counsel for Defendant Vahe Tahmasian. Gia Kim is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiff Vahe Tahmasian. (Kim, Gia) (Entered: 08/07/2017)
08/14/2017	<u>170</u>	REPLY in support NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> filed by Defendant Vahe Tamasian. (Attachments: # <u>1</u> Exhibit Exhibit 10, # <u>2</u> Exhibit Exhibit 11)(Levin, Michael) (Entered: 08/14/2017)
08/14/2017	<u>171</u>	Amendment to NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> <i>Notice of Errata in Reply Brief</i> (Levin, Michael) (Entered: 08/14/2017)
10/10/2017	172	

		Pursuant to Local Rule 5-4.3.1, documents filed electronically must be submitted in Portable Document Format ("PDF"), created using word-processing software, and published to PDF from the original word-processing file to permit the electronic version of the document to be searched. Other than signature pages, PDF IMAGES CREATED BY SCANNING PAPER DOCUMENTS ARE PROHIBITED. Violation of Local Rule 5-4.3.1 may result in the striking of the offending document and the imposition of monetary or other sanctions. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(rrp) TEXT ONLY ENTRY (Entered: 10/10/2017)
10/18/2017	<u>173</u>	MINUTES OF IN CHAMBERS - COURT ORDER by Judge Percy Anderson as to Defendant Vahe Tahmasian. Counsel for petitioner Vahe Tahmasian ("Petitioner") and the Government shall meet and confer by no later than October 30, 2017, concerning their availability for an evidentiary hearing on the issues raised in Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 ("§ 2255 Motion"). The parties shall file a Joint Status Report by no later than November 2, 2017, detailing their proposals for dates on which the Court could conduct an evidentiary hearing. (mrgo) (Entered: 10/20/2017)
11/02/2017	<u>174</u>	(Yan, Claire) (Entered: 11/02/2017)
11/30/2017	<u>175</u>	MINUTE ORDER IN CHAMBERS - COURT ORDER by Judge Percy Anderson s to Defendant Vahe Tahmasian. The Court has before it the parties' Joint Report <u>14</u> concerning their availability for an evidentiary hearing on the issues raised in Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (§ 2255 Motion). The evidentiary hearing is scheduled for Wednesday, February 21, 2018, at 10:00 a.m. At the hearing, the Court will rule on the evidentiary objections and, depending upon the ruling, the declarations will be received in evidence, either in whole or in part, or rejected. Counsel will then conduct the cross-examination and re-direct examination at trial. Failure to comply with the literal terms of this Order will result in sanctions or the Court may refuse to allow that witness to testify. The Court orders the government to submit an appropriate writ to the Court to secure Mr. Tahmasian's appearance at the hearing. IT IS SO ORDERED. See document for details. (lom) (Entered: 11/30/2017)
01/31/2018	<u>176</u>	DECLARATION of Vartan Akopyan filed by Defendant Vahe Tahmasian (Levin, Michael) (Entered: 01/31/2018)
01/31/2018	<u>177</u>	DECLARATION of Naser Khoury filed by Defendant Vahe Tahmasian (Levin, Michael) (Entered: 01/31/2018)
01/31/2018	<u>178</u>	DECLARATION of JERRY KAPLAN re NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> (Yan, Claire) (Entered: 01/31/2018)
01/31/2018	<u>179</u>	DECLARATION of JOSEPH BENINCASA re NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> (Yan, Claire) (Entered: 01/31/2018)

02/07/2018	<u>180</u>	OBJECTION to Declaration <u>176</u> , filed by Plaintiff USA as to Defendant Vahe Tahmasian (Yan, Claire) (Entered: 02/07/2018)
02/07/2018	<u>181</u>	OBJECTION to Declaration <u>177</u> , filed by Plaintiff USA as to Defendant Vahe Tahmasian (Yan, Claire) (Entered: 02/07/2018)
02/07/2018	<u>182</u>	OBJECTION to NOTICE OF MOTION AND MOTION to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 USC 2255) (Civil Case No. 2:17-cv-03662-PA) <u>161</u> , filed by Plaintiff USA as to Defendant Vahe Tahmasian <i>Objections to Declaration Testimony of Vahe Tahmasian</i> (Yan, Claire) (Entered: 02/07/2018)
02/14/2018	<u>183</u>	STATEMENT filed by Plaintiff USA as to Defendant Vahe Tahmasian, re Declaration (Motion related) <u>178</u> , Objections (non-motion), <u>182</u> , Declaration <u>177</u> , Declaration (Motion related) <u>179</u> , Objections (non-motion) <u>180</u> , Declaration <u>176</u> , Objections (non-motion) <u>181</u> . (Yan, Claire) (Entered: 02/14/2018)
02/17/2018	<u>184</u>	NOTICE OF APPEARANCE of attorney Debra J. Wegman, (Retained), appearing on behalf of Defendant Vahe Tahmasian, filed by Defendant Vahe Tahmasian. (Levin, Michael) (Entered: 02/17/2018)

PACER Service Center			
Transaction Receipt			
05/01/2018 15:00:43			
PACER Login:	Odlegal94612:2536794:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:13-cr-00313-PA End date: 5/1/2018
Billable Pages:	27	Cost:	2.70



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



EDMUND G. BROWN JR.
GOVERNOR

DEC 23 2014

Vahe Tahmasian, #66856-112
a.k.a. Vahik G. Tahmasian
MDC Los Angeles
P.O. Box 1500
Los Angeles, CA 90053

Re: Owner/Operator/Orthomed Appliance, Inc.

Dear Vahe Tahmasian:

The Deputy Director and Chief Counsel of the State Department of Health Services (Department) has been notified by the Director, Health Care Program Exclusions, Office of Counsel to the Inspector General, Department of Health and Human Services, that you have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs, effective November 20, 2014. As a provider of health care services, you were granted certain permissions to participate in the Medi-Cal program by operation of law with or without applying for enrollment. Upon your exclusion from the Medicare program, you became ineligible to participate in the Medi-Cal program. The Department's Director is required to automatically suspend these permissions in certain cases, which means that the affected individual or entity is precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. (See 42 U.S.C. § 1320a-7(d)(3)(A); Welf. & Inst. Code, § 14123, subd. (b).)

Therefore, pursuant to the authority delegated to me by the Director, of the Department, you are hereby notified that you are suspended from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective November 20, 2014. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from receiving Medi-Cal payment shall be subject to suspension from receiving payment, the assessment of civil money penalties,

DEC 23 2014

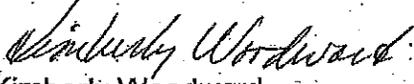
and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

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

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

Sincerely,

Barbara B. Dayvault
Senior Attorney


Kimberly Woodward
Legal Analyst

cc: See next page

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