

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

09-21736

UNITED STATES OF AMERICA,

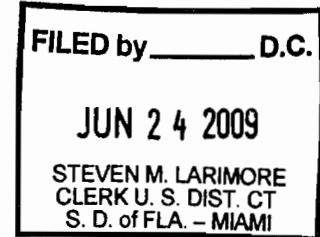
Plaintiff,

vs.

CIV-MORENO

TORRES

ABC HOME HEALTH CARE, INC.;
FLORIDA HOME HEALTH CARE
PROVIDERS, INC.; GLADYS ZAMBRANA;
ENRIQUE PEREZ; JAVIER ZAMBRANA;
CARLOS CASTANEDA;
ALEJANDRO HERNANDEZ QUIROS
a/k/a ALEX HERNANDEZ; and
VICENTA TELLECHEA,



FILED UNDER SEAL

Defendants.

**EMERGENCY¹ EX PARTE MOTION OF UNITED STATES FOR ENTRY OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to 18 U.S.C. § 1345 and Fed. R. Civ. P. 65, Plaintiff, United States of America, through the undersigned Assistant United States Attorney, respectfully moves for issuance of a temporary restraining order for ten (10) days or such longer time as determined by the Court, and, upon hearing, a preliminary injunction, for the reasons set forth in the supporting memorandum filed herewith, enjoining Defendants ABC HOME HEALTH CARE, INC. (“ABC”); FLORIDA HOME HEALTH CARE PROVIDERS, INC. (“FHH”); GLADYS ZAMBRANA; JAVIER ZAMBRANA; ENRIQUE PEREZ (“PEREZ”); CARLOS CASTANEDA (“CASTANEDA”); ALEJANDRO HERNANDEZ QUIROS a/k/a ALEX

¹ Plaintiff styled this as an Emergency Motion because, as explained in the accompanying Motion to Seal, an indictment has already been issued for the above-named individual Defendants, along with a search warrant, both of which are under seal and are expected to be executed this Friday, June 26, 2009. The TRO must be in place before then in order to ensure the Defendants do not dissipate their assets once they learn of the search and arrests.

HERNANDEZ (“HERNANDEZ”); and VICENTA TELLECHEA (“TELLECHEA”), along with their owners, agents, employees, attorneys, and all persons acting in concert and participation with them, including all banking and other financial institutions at which they do business, and all corporations over which they exercise control, as follows:

1. From submitting, causing to submit, or conspiring to make or submit any claims to the Medicare program or any health care benefit program, as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 1347 or § 1349, and from committing any Federal health care offense, as defined in 18 U.S.C. § 24;

2. From alienating, withdrawing, transferring, removing, dissipating, or otherwise disposing of, in any manner, any moneys or sums presently deposited, or held on behalf of any Defendant by any financial institution, trust fund, or other financial agency, public or private, that are proceeds or profits from Defendant’s Federal health care offenses or property of an equivalent value of such proceeds or profits, **including but not limited to** the following accounts:

<u>Bank Name</u>	<u>Account Holder</u>	<u>Account Number</u>
Bank Atlantic	FHH	xxxxxxx5679
Bank Atlantic	Gladys Zambrana	xxxxxxx0561
Bank Atlantic	Gladys Zambrana	xxxxxxx1984
Bank of America	ABC	xxxxxxxxx8106
Bank of America	G.E. Investment Services	xxxxxxxxx8086
Bank of America	FHH	xxxxxxxxx3954
Bank of America	FHH	xxxxxxxxx4063
Bank of America	Vincenta Tellechea	xxxxxxxxx8854
Bank of America	ABC	xxxxxxxxx9418
Bank of America	G.E. Investment Services	xxxxxxxxx8086
Regions Bank	ABC / Carlos Castaneda	xxxxxxx9519
Regions Bank	Carlos Castaneda	xxxxxxx9127
Regions Bank	Gladys Zambrana and/or Enrique Perez	xxxxxxx0277
Regions Bank	Gladys Zambrana and Javier Zambrana	xxxxxxx0434

Regions Bank	Enrique Perez	xxxxxx2293
Regions Bank	Gladys Zambrana and Javier Zambrana	xxxxxx2707
Regions Bank	Enrique Perez and G. Zambrana	xxxxxx3057
Regions Bank	Gladys Zambrana and Javier Zambrana	xxxxxx4908
Regions Bank	Enrique Perez	xxxxxx6361
Regions Bank	G.E.A. Florida Services	xxxxxx9733
Regions Bank	Seamar Home Care	xxxxxx2948
Regions Bank	Carlos Castaneda	xxxxxx3598
Wachovia Bank	Consultant Billing	xxxxxxxx7205
Wachovia Bank	St. Mary's Home Health	xxxxxxxx9096
Wachovia Bank	Gladys Zambrana	xxxxxxxx5779
Wachovia Bank	ABC	xxxxxxxx5521
Wachovia Bank	Gladys Zambrana	xxxxxxxx5779
Wachovia Bank	FHH	xxxxxxxx7819
Wachovia Bank	FHH	xxxxxxxx6989
Wachovia Bank	FHH	xxxxxxxx2778
Wachovia Bank	Vincenta Tellechea	xxxxxxxx6913
Washington Mutual Bank	Gladys Zambrana	xxxxxxxx1675
Washington Mutual Bank	Gladys Zambrana	xxxxxxxx8839
Washington Mutual Bank	ABC	xxxxxxxx9253

3. From alienating, withdrawing, transferring, removing, dissipating, or otherwise disposing of, in any manner, assets, real or personal (including but not limited to houses, apartments, condominiums, real estate, boats, automobiles, trailers, motorcycles and other vehicles, jewelry, etc.), in which any Defendant has an interest, up to the equivalent value of the proceeds of the Federal health care fraud;

And that the Court further order Defendants, their owners, agents, employees, attorneys, and all persons acting in concert and participation with them, including all banking and other financial institutions at which they do business, and all corporations over which they exercise control:

4. To preserve all business, financial and accounting records, including bank records, that detail Defendant ABC or FHH's business operations and disposition of any

payment that directly or indirectly arose from the payment of money to Defendants on behalf of the Medicare program or any other health care benefit program;

5. To preserve all medical records, including patient records, that relate to Defendant ABC or FHH's business operation and/or to services for which claims were submitted to the Medicare program;

And that the Court order Defendants as follows:

6. to provide to the Plaintiff the following:

a. a list of all post office boxes or other locations at which mail addressed to the Defendants is received and given to Defendants or their agents;

b. a list of all financial institutions, including but not limited to banks and brokerage houses, at which are currently or have been maintained in the past three years any savings, checking, or any other kind of account or other safe deposit box into which money has been deposited in any Defendant's name or in the names of any of their owners, agents, employees, officers, persons acting in concert with them, or any business names under which they operate, together with the number or other designation of each such account or box;

c. the names, addresses, and telephone numbers of any individuals who have received remuneration of any kind for assisting in record-keeping, bookkeeping, accounting, brokering, or financial, investment, or tax advice or consultation for Defendants in the past three years.

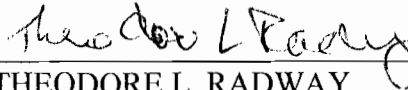
7. To complete within seven calendar days a Financial Disclosure Statement form provided to the Defendants by the Plaintiff; and

8. That the Court grant such other and further relief as it deems just and proper.

Dated: June 24, 2009

Respectfully submitted,

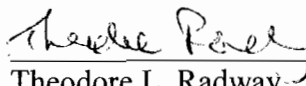
JEFFREY H. SLOMAN
Acting United States Attorney
Southern District of Florida



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Attorney for Plaintiff United States

Certificate of Service

I hereby certify that on June 24, 2009, I caused the foregoing document to be filed by hand, under seal, with the Clerk of Court



Theodore L. Radway
Assistant United States Attorney