

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA : INFORMATION  
: :  
: - v. - : 13 Cr.  
: :  
: ROBERT ELLEN SOHN, :  
: :  
: Defendant. :  
: :  
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COUNT ONE

(Conspiracy to Commit Mail Fraud, Wire Fraud,  
and Health Care Fraud)

The United States Attorney charges:

1. From at least in or about 2003, up to and including in or about 2013, in the Southern District of New York and elsewhere, ROBERT ELLEN SOHN, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Sections 1341, 1343 and 1347.

2. It was a part and an object of the conspiracy that ROBERT ELLEN SOHN, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place

in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, a matter and thing, and would and did cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, a matter and thing, in violation of Title 18, United States Code, Section 1341.

3. It was a further part and object of the conspiracy that ROBERT ELLENSOHN, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of

executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

4. It was a further part and object of the conspiracy that ROBERT ELLENSOHN, the defendant, and others known and unknown, knowingly and willfully, would and did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**

(Conspiracy to Defraud the United States RRB)

The United States Attorney further charges:

5. From at least in or about 2003, up to and including in or about 2013, in the Southern District of New York and elsewhere, ROBERT ELLENSOHN, the defendant, and others known and unknown, willfully and knowingly combined, conspired,

confederated and agreed together and with each other to defraud the United States and an agency thereof, to wit, the RRB.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, ROBERT ELLENSOHN, the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about June 29, 2004, Peter J. Lesniewski, a co-conspirator not named as a defendant herein, signed a medical assessment relating to ROBERT ELLENSOHN.

b. In or about June 2004, Peter J. Lesniewski, signed a narrative declaring that ROBERT ELLENSOHN was disabled.

c. On or about July 22, 2004, ROBERT ELLENSOHN signed an application for disability benefits.

d. On or about July 22, 2004, ROBERT ELLENSOHN signed a vocational report, RRB Form G-251.

(Title 18, United States Code, Section 371.)

**COUNT THREE**  
(Wire Fraud)

The United States Attorney further charges:

7. From at least in or about 2004, up to and including in or about 2013, in the Southern District of New York and elsewhere, ROBERT ELLENSOHN, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ELLENSOHN participated in a scheme to defraud the RRB by making false and fraudulent statements in order to obtain disability benefits, and, in the course of executing such scheme, caused the RRB to transmit by wire disability payments, through Manhattan, New York.

(Title 18, United States Code, Sections 1343 and 2.)

**FORFEITURE ALLEGATION WITH RESPECT TO COUNTS ONE AND THREE**

8. As the result of committing one and more of the wire fraud offenses alleged in Counts One and Three of this Information, ROBERT ELLENSOHN, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and

§ 982(a)(7), and 28 U.S.C § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission one and more of these offenses.

(Title 18, United States Code, Sections 981, 982;  
Title 21, United States Code, Section 853;  
Title 28, United States Code, Section 2461.)

FORFEITURE ALLEGATION WITH RESPECT TO COUNT ONE

9. As the result of committing the federal health care offense alleged in Count One of this Information, ROBERT ELLENSOHN, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense.

(Title 18, United States Code, Sections 982;  
Title 21, United States Code, Section 853.)

Substitute Asset Provision With Respect to All Forfeiture Allegations

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C);  
Title 21, United States Code, Section 853(p);  
Title 28, United States Code, Section 2461.)

  
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PREET BHARARA  
United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

ROBERT ELLENZOHN,

Defendant.

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13 Cr.

(18 U.S.C. §§ 2, 371, 1341,  
1343, 1347, 1349)

PREET BHARARA

United States Attorney.

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