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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : CRIMINAL COMPLAINT  
v. :  
RICHARD RUBLOWITZ, : Mag No. 12-2547  
MINDY RUBLOWITZ, :  
MATTHEW RUBLOWITZ, :  
a/k/a "Fat Matt" :  
SEAN RUBLOWITZ, :  
KRISTIN JACOBS, :  
JUSTIN RUBLOWITZ, :  
JACKLYN RUBLOWITZ, :  
a/k/a "Jackie" :  
RANDY BINDER, :  
JOSEPH AVERSA, and :  
SCOTT MAZZARA :

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

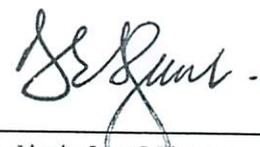
SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Steven Fischer,  
Special Agent  
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,  
on June 26, 2012, at Newark, New Jersey

HONORABLE DOUGLAS ARPERT  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

ATTACHMENT A

From in or about January 2009 through on or about the date of this Criminal Complaint, in Atlantic County, in the District of New Jersey and elsewhere, defendants Richard Rublowitz, Mindy Rublowitz, Matthew Rublowitz a/k/a "Fat Matt," Sean Rublowitz, Kristin Jacobs, Justin Rublowitz, Jacklyn Rublowitz a/k/a "Jackie," Randy Binder, Joseph Aversa, and Scott Mazzara did knowingly and intentionally conspire and agree with each other and with others to distribute and possess with intent to distribute oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), in violation of Title 21, United States Code, Section 846.

ATTACHMENT B

I, Steven Fischer, am a Special Agent of the Drug Enforcement Administration ("DEA"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. In or about December 2009, the DEA initiated an investigation into defendants Richard Rublowitz, Mindy Rublowitz, Matthew Rublowitz a/k/a "Fat Matt," Sean Rublowitz, Kristin Jacobs, Justin Rublowitz, Jacklyn Rublowitz a/k/a "Jackie," Randy Binder, Joseph Aversa, Scott Mazzara, and others. The investigation, which included a Court-ordered authorization to intercept wire communications on defendant Richard Rublowitz's cell phone ("the Wiretap")<sup>1</sup>, as well as physical surveillance, a comprehensive review of records, and other investigative methods, has identified the nature of this narcotics distribution operation and the participants in the operation. Specifically, the defendants and others are involved in a wide-ranging narcotics conspiracy involving distribution of narcotic prescription pills in New Jersey, South Carolina, and elsewhere.

**The Defendants and Other Parties**

2. At all times relevant to this Criminal Complaint:

a. P.D. ("P.D."), an individual not named as a defendant herein, was a medical doctor and maintained a medical practice in Oakhurst, New Jersey.

b. Defendant RICHARD RUBLOWITZ was the office manager at P.D.'s office until approximately February 2012.

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1. Interception of conversations on the Wiretap began on May 11, 2012 and ended on June 9, 2012.

c. Defendant MINDY RUBLOWITZ is the wife of RICHARD RUBLOWITZ and worked at the front desk of P.D.'s office until approximately February 2012.<sup>2</sup>

d. According to confidential sources of information, RICHARD and MINDY RUBLOWITZ were responsible for making patient appointments, collecting cash, and vetting all potential new clients in order to keep law enforcement from conducting successful undercover buys at the office. RICHARD RUBLOWITZ stated on a credit card application that he makes \$7,900 per month at P.D.'s office. However, a review of New Jersey State Labor records shows that neither RICHARD nor MINDY RUBLOWITZ received W-2s from P.D. There is no record of New Jersey payroll withholdings taken from their purported income. A review of P.D.'s various business and personal bank accounts do not reveal any checks written from P.D. to either RICHARD or MINDY RUBLOWITZ. It is believed that P.D. compensated RICHARD and MINDY RUBLOWITZ with cash, prescriptions for narcotics, or a combination of both.<sup>3</sup>

e. According to several confidential sources, RICHARD RUBLOWITZ would meet with patients at P.D.'s office and, with the approval of P.D., utilize P.D.'s prescription pad to write them prescriptions for oxycodone pills.<sup>4</sup> In the course of issuing

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2. Although RICHARD and MINDY RUBLOWITZ are full-time residents of Myrtle Beach, South Carolina, they frequently traveled from South Carolina to New Jersey in order to work at P.D.'s office.

3. Despite the fact that RICHARD RUBLOWITZ has no known legitimate source of income, casino records indicate that he has lost approximately \$900,000 at various Atlantic City casinos from approximately 2008 to the present date.

4. According to the DEA, Office of Diversion Control and other sources of information, oxycodone, also known as "oxy," is a narcotic analgesic or painkiller and is classified as a Schedule II controlled substance. Oxycodone, which is sold in tablet, capsule, and liquid forms, is marketed either alone as a controlled release medication, such as OxyContin, or immediate release, such as Roxicodone, or in combination with other non-narcotic analgesics such as aspirin or acetaminophen. Products containing oxycodone in combination with aspirin, such as Percodan, or acetaminophen, such as Percocet, are used for the relief of moderate to moderately severe pain. Oxycodone controlled release tablets, such as OxyContin, are used to treat

these prescriptions, RICHARD RUBLOWITZ utilized rubber stamps and pre-signed prescriptions. Additionally, according to confidential sources (and confirmed by law enforcement observations), RICHARD RUBLOWITZ also filled P.D.'s prescriptions for oxycodone pills, and then sold the pills. Law enforcement has observed RICHARD RUBLOWITZ engage in what appear to be drug sales at various locations in New Jersey, including hotels and rest stops along the Garden State Parkway.

f. According to one confidential source of information, RICHARD and MINDY RUBLOWITZ stopped working at P.D.'s office in early 2012 due to a purported "falling out" between RICHARD RUBLOWITZ and P.D. However, despite this falling out, the confidential source of information stated that P.D. told RICHARD RUBLOWITZ that he and his family members could still come up from South Carolina once per month and that he (P.D.) would still give them prescriptions for narcotics. As set forth below, the investigation has revealed that despite the fact that RICHARD and MINDY RUBLOWITZ no longer work at P.D.'s office, the defendants are still engaged in illegal distribution of oxycodone pills, and are obtaining pills utilizing prescriptions from P.D., as well as through other methods.

g. Law enforcement believes that RICHARD RUBLOWITZ frequently flies from South Carolina to New Jersey for the purpose of conducting drug transactions in New Jersey. According to records obtained from Spirit Airlines, RICHARD RUBLOWITZ took approximately 100 round-trip flights between Myrtle Beach and LaGuardia Airport or Atlantic City Airport between June 2008 and June 2012. On most of his visits to New Jersey, RICHARD RUBLOWITZ stays for approximately 24 hours (staying overnight in a suite at a hotel/casino in Atlantic City) before flying back to South Carolina.

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moderately severe to severe pain when a continuous around-the-clock analgesic is needed for an extended period of time. Roxycodone, likewise, is intended for the management of moderate to severe pain. I know that the demand for oxycodone based prescription pain medication has grown to epidemic proportions in the United States, and dealers profit by selling such medication on the street for money. Oxycodone-based Schedule II drugs have a high potential for abuse, and users will often crush and snort the pills or dissolve and inject them to get an immediate high. This abuse can lead to addiction and overdose, and, sometimes death.

h. Defendant MATTHEW RUBLOWITZ, a/k/a "Fat Matt" is a son of RICHARD and MINDY RUBLOWITZ and is a resident of Myrtle Beach, South Carolina. The investigation has revealed that MATTHEW RUBLOWITZ is a distributor of Schedule II pharmaceutical narcotics.

i. According to confidential sources (and confirmed by law enforcement observations), MATTHEW RUBLOWITZ also fills P.D.'s prescriptions for oxycodone pills, and then sells the pills. According to one confidential source, MATTHEW RUBLOWITZ proclaims himself to be "the biggest pill dealer in South Carolina." MATTHEW RUBLOWITZ is also the owner of Fat Matt's Ice Cream Parlor, located in Myrtle Beach, South Carolina.

j. Law enforcement believes that MATTHEW RUBLOWITZ frequently flies from South Carolina to New Jersey for the sole purpose of illegally obtaining and distributing narcotic prescription pills. According to records obtained from Spirit Airlines, between June 2008 and June 2012, MATTHEW RUBLOWITZ took at least 50 round-trip flights between Myrtle Beach and LaGuardia Airport or Atlantic City Airport. Between November 2011 and June 2012, he took 8 such flights. For 4 of these recent 8 trips, the incoming and outgoing flights were less than 24 hours apart.

k. Defendant SEAN RUBLOWITZ is a son of RICHARD and MINDY RUBLOWITZ and is a resident of Myrtle Beach, South Carolina, where he lives with defendant KRISTIN JACOBS. During surveillance operations in 2011, investigators witnessed SEAN RUBLOWITZ visit various pharmacies in New Jersey where he filled P.D. prescriptions for oxycodone pills. The investigation has revealed that SEAN RUBLOWITZ and KRISTIN JACOBS are distributors of Schedule II pharmaceutical narcotics.

l. Defendant JUSTIN RUBLOWITZ is a son of RICHARD and MINDY RUBLOWITZ and is a resident of Myrtle Beach, South Carolina, where he lives with his wife, defendant JACKLYN RUBLOWITZ a/k/a "Jackie." In February 2012, JUSTIN and JACKLYN RUBLOWITZ moved to Myrtle Beach from New Jersey. The investigation has revealed that JUSTIN and JACKLYN RUBLOWITZ are distributors of Schedule II pharmaceutical narcotics. Agents conducting surveillance have observed JUSTIN RUBLOWITZ frequent P.D.'s office on multiple occasions, where he was observed interacting with P.D. and RICHARD RUBLOWITZ, as well as patients of P.D. On one occasion, agents observed JUSTIN RUBLOWITZ sitting alone at P.D.'s desk. The office appeared to be closed at the time, and P.D.'s vehicle was not in the parking lot. Furthermore, the investigation has revealed that JUSTIN and JACKLYN RUBLOWITZ manufacture counterfeit prescriptions which

RICHARD RUBLOWITZ and others utilize to obtain narcotic prescription pills.

m. Defendant RANDY BINDER is a pharmacist at the Texas Road Pharmacy located at 300 Gordon's Corner Road in Manalapan, New Jersey ("Texas Road Pharmacy") and is a resident of New Jersey. The investigation has revealed that RANDY BINDER illegally distributes Schedule II pharmaceutical narcotics and other pharmaceutical pills to RICHARD RUBLOWITZ and other co-conspirators in exchange for cash and other non-monetary compensation. RANDY BINDER also accepts prescriptions which he knows to be either counterfeit or stolen.

n. Defendant JOSEPH AVERSA is a resident of New Jersey. The investigation has revealed that JOSEPH AVERSA is a distributor of Schedule II pharmaceutical narcotics.

o. Defendant SCOTT MAZZARA is a resident of New Jersey. The investigation has revealed that SCOTT MAZZARA is a distributor of Schedule II pharmaceutical narcotics. He often serves as a driver for RICHARD and MATT RUBLOWITZ when they visit New Jersey, and also provides counterfeit prescriptions to RICHARD RUBLOWITZ and other co-conspirators which are then used to illegally obtain oxycodone pills.

### **Confidential Sources of Information**

3. During the course of the investigation, law enforcement obtained information from numerous confidential sources of information who have proven to be reliable and credible. These confidential sources of information consist of current and former patients of P.D., as well as other individuals who are familiar with several of the defendants charged herein. All provided consistent information. Specifically, the confidential sources informed law enforcement that RICHARD RUBLOWITZ worked at P.D.'s office as the office manager, while MINDY RUBLOWITZ worked as the receptionist. An initial office visit cost \$500, subsequent visits cost anywhere from \$200 to \$300, and cash was the only form of payment that was accepted. The confidential sources stated that P.D. did not perform a full medical examination on them during their initial visit, and typically did not perform any examinations or tests during subsequent visits. The confidential sources would receive prescriptions for oxycodone pills such as Roxicodone and OxyContin. Often times, with the approval of P.D., RICHARD RUBLOWITZ would write the prescriptions himself and hand them to the confidential sources.

4. On one occasion, one of the confidential sources ("CS") was at P.D.'s office for an appointment. During the appointment, P.D. and RICHARD RUBLOWITZ became suspicious that CS might be working for law enforcement. RICHARD RUBLOWITZ then asked CS to go into his "office," which consisted of a kitchen area. RICHARD RUBLOWITZ then confronted CS about the date and validity of the MRI which CS had provided to P.D. three years earlier. RICHARD RUBLOWITZ told CS that he would verify the validity of the MRI and have a copy of the MRI report faxed to P.D.'s office from the facility where the MRI was performed. MINDY RUBLOWITZ then asked CS to provide a urine sample. P.D. asked CS questions regarding his/her weight and pain level. This was the first time that P.D. had ever asked CS these types of questions. P.D. then directed CS to remove his/her socks and shoes, and P.D. then began to inspect an orthopedic insert from one of CS's shoes. P.D. then asked CS to remove his/her pants, whereupon he gave CS a medical examination. This was the first time that P.D. had ever performed a medical examination upon CS. After the examination, P.D. stated "we're good" and asked CS to re-dress. Then, RICHARD RUBLOWITZ instructed CS to walk outside and speak with him. RICHARD RUBLOWITZ stated "we have a situation," and advised CS that P.D.'s office had been contacted by CS's "uncle," and that the uncle had told P.D.'s office that CS was recently arrested for "selling pills" and was now working with the DEA. RICHARD RUBLOWITZ then requested to see CS's cell phone, which he then inspected. RICHARD RUBLOWITZ removed the battery from the phone and asked CS if the cell phone was "bugged." RICHARD RUBLOWITZ also told CS that he was aware that a friend whom CS had referred to P.D.'s office was an undercover agent and that the office was going to "test" the friend. CS denied all of RICHARD RUBLOWITZ's accusations before being asked to re-enter P.D.'s office with RICHARD RUBLOWITZ. RICHARD RUBLOWITZ directed CS to wait in the waiting room while RICHARD RUBLOWITZ met privately with P.D. After a short period of time, RICHARD RUBLOWITZ returned and gave CS his/her patient file and the following four prescriptions:

- a) 240 Roxicodone 30mg pills;
- b) 60 OxyContin 80mg pills;
- c) 60 Naprosyn 500mg pills; and
- d) Prescription for an x-ray for both knees.

RICHARD RUBLOWITZ then advised CS that they were "good" and to make an appointment for the next month. RICHARD RUBLOWITZ also told CS that he/she had proved his/her point that he/she was not cooperating with law enforcement.

## Pharmacy Records

5. According to pharmacy records obtained by the DEA, large numbers of prescriptions have been issued by P.D. for oxycodone pills in the names of co-conspirators and their relatives, and these prescriptions have been filled at various pharmacies in New Jersey and South Carolina. These pharmacy records are as follows:

<u>Name on Rx</u>	<u># of Rxs</u>	<u># of Pills</u>	<u>Time Period</u>
Richard Rublowitz	141	30,675	January 2008 to January 2012
Mindy Rublowitz	129	28,350	May 2009 to February 2012
Matthew Rublowitz <sup>5</sup>	44	8,400	May 2008 to March 2012
Sean Rublowitz	43	8,260	January 2008 to February 2012
Kristin Jacobs	32	6,766	March 2010 to January 2012
C.S. (Matthew Rublowitz's wife)	21	4,110	March 2008 to January 2012
L.B. (Richard Rublowitz's mother)	19	4,020	February 2010 to March 2012

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5. In addition to these 44 prescriptions, MATTHEW RUBLOWITZ obtained approximately 81 other prescriptions for oxycodone pills from several other doctors in 2008 and 2009, for a total of 11,273 pills. Additionally, from October 2011 through February 2012, MATTHEW RUBLOWITZ obtained at least six prescriptions for Opana ER 40mg from P.D., for a total of 780 pills. Opana is a Schedule II narcotic pain reliever, and according to the manufacturer's website, Opana ER is a prescription medicine that contains the opioid (narcotic pain medicine) oxymorphone and is used to treat adults with constant pain that is moderate to severe and which is expected to last for an extended period of time. Opana ER is available in strengths of 5mg, 10mg, 20mg, 30mg, and 40mg.

Justin Rublowitz	12	2,580	January 2010 to January 2012
S.K. (Mindy Rublowitz's mother)	11	1,780	January 2010 to July 2010
M.R. (Rublowitz relative)	8	1,860	September 2011 to March 2012
Scott Mazzara	4	960	November 2011 to March 2012
Joseph Aversa	1	240	September 2011

6. The above data is by no means an exhaustive summary of all prescriptions filled in the names of the above individuals. This data is compiled from several sources, such as: a) larger "chain-store" databases (i.e., CostCo, CVS, Rite-Aid, Walgreens), b) the New Jersey and South Carolina Prescription Monitoring Programs (computerized databases for which pharmacies provide information), and c) DEA pharmacy inspections. However, there are several smaller "Mom and Pop" pharmacies in New Jersey which RICHARD RUBLOWITZ and co-conspirators are known to frequent, but for which law enforcement has obtained little or no prescription data.

### **Mail Courier Activity**

7. Your Affiant believes that defendants RICHARD RUBLOWITZ, MINDY RUBLOWITZ, MATTHEW RUBLOWITZ, SEAN RUBLOWITZ, KRISTIN JACOBS, JUSTIN RUBLOWITZ, JACKLYN RUBLOWITZ, RANDY BINDER, and SCOTT MAZZARA transport prescription pills, obtained with prescriptions obtained from P.D. and others, from New Jersey to South Carolina by using mail courier services such as FedEx and UPS. This belief is based on a) the nature, pattern, and frequency of these shipments, b) a December 16, 2011 seizure of pills in a package addressed to RICHARD RUBLOWITZ, and c) conversations intercepted on the Wiretap.

8. Between August 2009 and May 2012, approximately 190 separate FedEx and UPS packages were mailed by RICHARD RUBLOWITZ, MINDY RUBLOWITZ, JUSTIN RUBLOWITZ, and SEAN RUBLOWITZ from New Jersey to Myrtle Beach, South Carolina. These packages were mailed to the Myrtle Beach residences of a) RICHARD and MINDY RUBLOWITZ, b) MATTHEW RUBLOWITZ, c) SEAN RUBLOWITZ and KRISTIN JACOBS, and d) JUSTIN and JACKLYN RUBLOWITZ, and were also

received by these defendants at a FedEx pickup store in Myrtle Beach, South Carolina (the "SC FedEx Store"). All of these packages were shipped from New Jersey, regardless of what the sender's address was listed as. For instance, on a majority of the packages, despite being shipped from New Jersey, the sender's address was listed as the South Carolina home address of RICHARD and MINDY RUBLOWITZ.

9. One of these packages was intercepted and found to contain oxycodone pills. Specifically, on December 16, 2011, UPS conducted a random spot-inspection of a package which was addressed to RICHARD RUBLOWITZ at RICHARD and MINDY RUBLOWITZ's house in Myrtle Beach, with the sender listed as RICHARD RUBLOWITZ.<sup>6</sup> The random spot-inspection revealed that the package contained one prescription bottle bearing a pharmacy label in the name RICHARD RUBLOWITZ for 240 oxycodone 30mg pills, prescribed by P.D. UPS found the prescription bottle to be packaged with white-colored bathroom paper towels, and the white screw cap of the bottle was taped down with clear tape. Inside the bottle was a piece of white paper, pressed down on top of the pills, to suppress the rattling sound of loose pills in the package. UPS turned this intercepted package over to the DEA on December 16, 2011. DEA then opened the pill bottle and found 379 oxycodone pills inside.

10. In addition to shipping records, numerous conversations intercepted during the Wiretap indicate that defendants RICHARD RUBLOWITZ, MINDY RUBLOWITZ, MATTHEW RUBLOWITZ, SEAN RUBLOWITZ, KRISTIN JACOBS, JUSTIN RUBLOWITZ, JACKLYN RUBLOWITZ, RANDY BINDER, and SCOTT MAZZARA continue to mail pills from New Jersey to South Carolina.

### **The New Jersey Prescription Monitoring Program Affects the Conspiracy**

11. On or about January 18, 2012, the New Jersey Prescription Monitoring Program ("NJMPMP") was publicly launched in New Jersey.<sup>7</sup> The NJMPMP, established by State legislation and

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6. A second UPS package, similar to the spot inspected package, and also addressed to RICHARD RUBLOWITZ, was mailed on December 16, 2011 for delivery on December 17, 2011. This package was not spot-inspected by UPS, but was instead delivered to RICHARD and MINDY RUBLOWITZ's South Carolina house.

7. Although the public launch was on January 18, 2012, data collection for the NJMPMP began in September 2011.

maintained by the New Jersey Division of Consumer Affairs, is intended to halt the abuse and diversion of prescription drugs. The NJPMP is a statewide database that collects prescription data on controlled dangerous substances and human growth hormone ("HGH") dispensed in outpatient settings in New Jersey, and by out-of-state pharmacies dispensing into New Jersey. Before issuing a prescription or dispensing a prescribed drug, qualified prescribers and pharmacists who have registered to use the NJPMP are able to access the NJPMP website and request the controlled dangerous substance and HGH prescription history of the patient.

12. On January 20, 2012, the pharmacy manager at a major chain pharmacy in Ocean Township, New Jersey (the "Manager") received a telephone call from RICHARD RUBLOWITZ. During this telephone call, RICHARD RUBLOWITZ asked if he could bring in oxycodone prescriptions for his mother and his sister and have them filled. The Manager told RICHARD RUBLOWITZ that as long as the prescriptions were legitimately issued, then the prescriptions could be filled. That afternoon, RICHARD RUBLOWITZ entered the pharmacy and presented the Manager one prescription for his mother and one prescription for his sister. Each prescription was for 240 oxycodone 30mg pills. RICHARD RUBLOWITZ waited while the prescriptions were filled.

13. On January 21, 2012, the Manager queried the NJPMP, since the manager felt that RICHARD RUBLOWITZ's activity was suspicious. The NJPMP showed that between September 2011 and January 2012, RICHARD RUBLOWITZ had received approximately 10,000 dosage units of 30mg oxycodone, dispensed from approximately 14 different pharmacies in New Jersey. All but one of these prescriptions were issued by P.D.

14. The Manager also learned from the NJPMP that MINDY RUBLOWITZ had similar amounts and patterns of oxycodone prescriptions filled in her name. All but one of MINDY RUBLOWITZ's prescriptions were issued by P.D. The Manager has met MINDY RUBLOWITZ, as well as SEAN RUBLOWITZ, when they brought in oxycodone prescriptions to fill. However, RICHARD RUBLOWITZ would often come in alone, but with both his prescription and MINDY RUBLOWITZ's prescription.

15. The Manager was uncomfortable about what he learned regarding the Rublowitz family prescription history, so he spoke to his supervisor. The supervisor instructed the Manager to call P.D. to discuss these findings, especially since RICHARD RUBLOWITZ was employed as P.D.'s office manager.

16. On January 21, 2012 at 12:45 p.m., the Manager called P.D.'s office and left a message on the voicemail asking for P.D. to call the Manager back. At 1:30 p.m., RICHARD RUBLOWITZ returned the Manager's call, but the Manager explained that he needed to specifically speak to P.D. RICHARD RUBLOWITZ told the Manager that P.D. was out of town and that he (RICHARD RUBLOWITZ) could answer questions that the Manager had about P.D.'s patients. The Manager then told RICHARD RUBLOWITZ that he could not talk to him and could only discuss the matter with P.D. RICHARD RUBLOWITZ reminded the Manager that he and the Manager had spoken about patients in the past without needing to speak with P.D. RICHARD RUBLOWITZ then told the Manager that if he only wanted to speak to P.D., then the Manager must be calling to speak to P.D. about him (RICHARD RUBLOWITZ). RICHARD RUBLOWITZ then stated to the Manager, "I may have dipped a couple of extra times and I may have fucked up." RICHARD RUBLOWITZ then told the Manager that he wanted to talk to the Manager "man to man, friend to friend" and wanted to talk about what he (RICHARD RUBLOWITZ) had done. The Manager then told RICHARD RUBLOWITZ that he did not want to talk to RICHARD RUBLOWITZ about it, and the Manager ended the telephone call.

17. Later that same day, RICHARD RUBLOWITZ called the Manager back. RICHARD RUBLOWITZ stated that he wanted to come back from Myrtle Beach, South Carolina to New Jersey to tell the Manager the story, but that he wanted to do it face-to-face, since he wanted to "come clean" with the Manager and P.D. RICHARD RUBLOWITZ told the Manager that he wanted to come into the pharmacy and speak to the Manager and P.D. RICHARD RUBLOWITZ told the Manager that he would be flying from Myrtle Beach to New Jersey on January 24, 2012 and that he wanted to come into the pharmacy on January 25, 2012 to meet with the Manager. RICHARD RUBLOWITZ provided the Manager with his phone number, and instructed the Manager to call him, but not from the pharmacy's phone line. RICHARD RUBLOWITZ asked if he could call the Manager on the Manager's personal phone, but the Manager did not provide RICHARD RUBLOWITZ with his personal contact information.

18. On January 23, 2012, RICHARD RUBLOWITZ called the Manager at the pharmacy three times over the course of the day. The Manager did not take any of RICHARD RUBLOWITZ's calls.

19. On January 24, 2012, RICHARD RUBLOWITZ called the Manager and apologized, saying that he was sorry if he brought any trouble for the Manager. The Manager ended the telephone call with RICHARD RUBLOWITZ at this point.

20. On January 25, 2012, at 2:45 p.m., the Manager received a call on the pharmacy's telephone from an individual claiming to be P.D. P.D. told the Manager that he had just found out about RICHARD RUBLOWITZ a few minutes ago. The Manager asked P.D. whether the prescriptions presented by RICHARD RUBLOWITZ for himself and others were legitimate or forged, but P.D. did not respond to this question. The Manager explained to P.D. that in the future, for all prescriptions, the Manager would like to call P.D. to check the validity of the prescriptions. P.D. told the Manager that if he wished, he could call P.D. directly on his cell phone to verify all future prescriptions. The Manager initially agreed to this and asked for P.D.'s cell phone number. However, P.D. had trouble remembering his own cell phone number. The Manager heard a voice in the background provide P.D. with a telephone number. The Manager believed the voice in the background providing the telephone number was that of RICHARD RUBLOWITZ. P.D. then asked the Manager how the pharmacy would handle the situation. The Manager stated that it was not his decision to make and that he did not know what the pharmacy would decide.

21. Later in the day, the Manager's supervisor instructed the Manager to call P.D. and ask if P.D. would be reporting RICHARD RUBLOWITZ's actions to law enforcement. Therefore, at approximately 3:00 p.m., the Manager called P.D.'s cell phone and spoke to P.D. The Manager asked what action, if any, P.D. was going to take. P.D. responded that he preferred to handle the matter on his own. A short time later, the Manager received a telephone call on the pharmacy's telephone line from P.D. P.D. informed the Manager that he had just finished a long conversation with RICHARD RUBLOWITZ and that RICHARD RUBLOWITZ would no longer be working at his office. P.D. also explained that he would attempt to help RICHARD RUBLOWITZ get into a rehabilitation program. P.D. again asked how the pharmacy was going to handle the situation. The Manager again stated that it was not his decision to make and that he did not know what the pharmacy would decide to do.

22. Agents believe that this January 2012 incident with the pharmacy Manager, as well as the January 2012 initiation of the NJPMP, have caused RICHARD RUBLOWITZ and his co-conspirators to drastically curtail the amount of prescriptions which they obtain and fill in their own names. For instance, agents have recently obtained data from the NJPMP which shows that the number of oxycodone prescriptions filled in the names of the defendants and their relatives has fallen beginning in January 2012. Also, as set forth below, agents have overheard RICHARD RUBLOWITZ complaining about the effectiveness of the NJPMP and how this new

program has hampered his pill distribution activities. However, as also set forth below, law enforcement believes that P.D., RICHARD RUBLOWITZ and other co-conspirators are still engaged in illegal narcotic prescription pill distribution, but instead of mostly using their own names to obtain and fill prescriptions, they 1) use their own names less frequently, 2) use other peoples' names on the prescriptions, 3) utilize counterfeit and stolen prescriptions, and 4) obtain pills without the use of prescriptions.

### **Overheard Conversations of Richard Rublowitz**

23. Law enforcement agents conducted surveillance of RICHARD RUBLOWITZ in New Jersey on March 23, 2012, and were also able to overhear conversations<sup>8</sup> between RICHARD RUBLOWITZ and co-conspirators which indicate that RICHARD RUBLOWITZ and others have been involved in illegal pill distribution. Specifically, agents rented hotel rooms which were directly adjacent to a hotel suite which RICHARD RUBLOWITZ occupied during the night of March 23, 2012. The agents were able to plainly hear (without the assistance of any enhancement equipment) and record (on a hand-held digital recorder) conversations and activities of RICHARD RUBLOWITZ and co-conspirators which concerned illegal narcotics activity.

24. Agents heard RICHARD RUBLOWITZ state the following in substance and in part:

". . . I thought it would go forever over there with Doc (P.D.). You know what I mean? So I wasn't putting away what I should have been putting away. If I had a fucking brain and I was putting away what I should have been putting away the last three years, this now wouldn't affect me. I'd have a million dollars cash now buried in my house. But I was blind-sided. I just said, oh, we got a great thing going here. The Doc and I clicked. I had the place running smooth. He was happy, I was happy. We were making nothing but fucking money. Mindy (RUBLOWITZ) was happy. She was making fucking money. You know. She, see, back then she

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8. The descriptions of all conversations herein are based on summaries of the conversations. In the descriptions, comments enclosed in parentheses are based upon my knowledge, training, and experience, that of other law enforcement agents with whom I have spoken, discussions with the cooperating witness and the results of the investigation to date.

didn't care, I used to come here almost every night. After work. Unwind. And I made money. Yeah. One night I'd lose. Big deal. 'Cause you knew the next day you went into the office and you made five, six thousand for the day, so big shit so you lost two thousand last night. It was back the next day, you had it in the first three hours of the morning. You know by twelve o'clock I had back what I lost, plus some. But, you know, and she'd say to me, give me a couple thousand to stash give me. And I'd say to her Mindy, come on, you know. And, and she even, you know, I was able to convince her, yeah, you're right, it's OK, we're doing, you know, we'll be fine. 'Cause there was so much money coming into that office. I'm sick now. I wanna go back two years. Two years, not even four years. Two years. If I could go back two years in time and knowing what I know now, you and I we'd be sitting here but not having the conversation that I'm having here. I'd be fucking jacked up. I would have stashed pills, I would have - you know what I mean? Because, I was selling everything so I'd keep having money to gamble (unintelligible). Instead, I would have been stashing that shit 'cause they don't go bad, they're good for three, four years. I would have been filling them. You know, I was filling on the average, I was filling six to eight hundred a day. We were dumping them and coming down here."

25. Agents then heard RICHARD RUBLOWITZ discuss how the NJPMP has affected his pill distribution business. RICHARD RUBLOWITZ stated the following in substance and in part:

". . . I'm living in Jersey fifteen years. And I see the kind of state it is. Everything they do they fuck up. You see most of the stuff? Everything they do here, they fuck up. The one thing I needed them to fuck up is the thing that fucking worked. That's the one thing they didn't fuck up, these assholes. This they made work perfect. And if I wasn't doing doubles, I'd still be going. I was using my name sometimes three times a day. Mindy's name two, three times a day. Sean (SEAN RUBLOWITZ), Justin (JUSTIN RUBLOWITZ), Matt (MATTHEW RUBLOWITZ), everybody. It didn't matter. And when I heard the thing (unintelligible) and then even Doc (P.D.) said to me, I said 'Doc they got this thing, it's gonna be bad.' He even said to me, 'don't worry about it, it ain't gonna work. It can't work. It's just - they'll never get it to work. You know what

I mean? They won't get the cooperation, blah blah blah.' And I said yeah, that's how I feel, they'll never get it to work. They're a fucked-up state, they'll never, they'll never make this thing happen, it's just too much. Too many doctors, too many patients, it can't work. It worked good."

### **Interception of Wire Communications - The Wiretap**

26. Conversations intercepted by law enforcement during the course of the Wiretap have confirmed the Subjects' involvement in the Specified Federal Offenses. It has been the practice of the Subjects to, at times, speak in coded and guarded language. I know through my training and experience, that drug dealers will often talk in coded language over the telephone in an attempt to avoid detection of their narcotics trafficking activity.

#### **P.D.**

27. During the course of the Wiretap, agents intercepted calls which confirmed RICHARD RUBLOWITZ and P.D.'s involvement in the illegal distribution of narcotic prescription pills. On May 12, 2012, in call 305, law enforcement intercepted a call between P.D. and RICHARD RUBLOWITZ during which they discussed the recent complaint filed against a New Jersey doctor for illegal distribution of pharmaceutical products, as well as other possible arrests of pharmacists connected with that doctor. P.D. asked "so everything okay with my end hopefully?" RICHARD RUBLOWITZ responded "you're fine...I says I says 'look, Doc (P.D.) is so to the book with these people, they, they probably tried ten times to get in there.' Guy says 'Doc doesn't do too many forty-second examinations and uh, and when a person complains about their back and ass, he doesn't touch their knee.'" P.D. went on to tell RICHARD RUBLOWITZ that he is not taking new patients in his office. He said "a lot of people call...I have the machine on that I am not taking new patients. Whenever they call back, 'you really are not taking new patients?'... 'no, really not.' So this went on for about four or five days and now the phone stopped ringing. I guess they all got the word."

28. On May 22, 2012, in call 2486, RICHARD RUBLOWITZ left a message on P.D.'s answering machine in which he stated "we had an agreement. I wasn't gonna mess up your life or do anything or cause any problem, okay? I'm a man of my words, but you're pushing me now."

29. On May 22, 2012, in call 2487, agents intercepted another call during which RICHARD RUBLOWITZ told another individual "when this whole thing split up that day...he (P.D.) said to me, 'we're good, you're not going to cause me any problems?,' cause he's like, he's afraid of me...I says Doc, I have no reason to cause you problems."

**Texas Road Pharmacy/Pharmacist Randy Binder**

30. RICHARD RUBLOWITZ has had numerous conversations with several of his co-conspirators on the Wiretap regarding the illegal procurement and distribution of narcotic prescription pills from Texas Road Pharmacy. These conversations demonstrate that Texas Road Pharmacy pharmacist RANDY BINDER has been illegally distributing prescription pills to RICHARD RUBLOWITZ and other co-conspirators in exchange for money or other compensation.

31. On May 11, 2012 at 7:31 p.m., in call 146, RICHARD RUBLOWITZ and RANDY BINDER spoke about a pill sale. The two agreed to meet inside a supermarket. RANDY BINDER asked if RICHARD RUBLOWITZ had any green (money) for RANDY BINDER, and RICHARD RUBLOWITZ replied that he had money and paper (prescriptions). RICHARD RUBLOWITZ then asked RANDY BINDER what he brought, and RANDY BINDER replied "fifty." Agents believe that the "fifty" referred to in this call was oxycodone pills.

32. On May 12, 2012 at 7:38 a.m., in call 187, RICHARD RUBLOWITZ spoke with MINDY RUBLOWITZ. RICHARD RUBLOWITZ said "you know Randy (RANDY BINDER), he's fucking weird. Now he's back on board. It's fucking crazy. I know what it is...he's when I picked up from him tonight, right, he gave me the stuff, right, you know last night...says to me, I meet him, he says, 'hey whenever you need,' super friendly right?...and he says uh, 'you got some cash for me?,' I say, 'yeah I got the cash for you.' 'Oh, good, good, good.' He got used to that fucking money...and he don't want to be without it."

33. On May 14, 2012 at 1:25 p.m., in call 710, RICHARD RUBLOWITZ spoke with defendant SCOTT MAZZARA. RICHARD RUBLOWITZ stated "I'm waiting on Randy (RANDY BINDER). Randy is waiting on the delivery. So as soon as he gets it, he's gonna call me and let me know if there's anything to pick up." RICHARD RUBLOWITZ then asked "hey, any of your guys have anything?," to which SCOTT MAZZARA replied "nobody's got any...any kind of quantity, everything is like small and expensive. Expensive, you know?" RICHARD RUBLOWITZ responded "how expensive?," to which SCOTT MAZZARA replied "uh...probably like a quarter (\$25 per pill), if

not more." RICHARD RUBLOWITZ stated "screw that, alright." SCOTT MAZZARA then said "you know, like everybody has got fifteen or twenty and they're not looking to like bolt anything up. So I asked people so...and even then, I don't know how much...you know, how reliable it is. Because it's all like, you know, word of mouth." RICHARD RUBLOWITZ replied "yeah...alright, I'm gonna get it together this week. We'll...I just feel like this is the week we're gonna get it together, alright?" SCOTT MAZZARA replied "I hope so." Agents believe that RICHARD RUBLOWITZ and SCOTT MAZZARA were discussing oxycodone pills in this conversation.

34. On May 14, 2012 at 3:53 p.m., in call 745, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "I'll give you...I'll be in Wednesday, I'll give you paper (prescription) to cover it." RANDY BINDER replied "that's exactly...I don't want to get involved with this shit with pills anymore. I just don't want to do it. There's so much shit going on in this area." RICHARD RUBLOWITZ replied "I know Randy, I know. Believe me, I know." RANDY BINDER said "I'm the one, I'm the one who gets fucked. Nobody else." RANDY BINDER continued to explain to RICHARD RUBLOWITZ how he (RANDY BINDER) is the one to get in trouble if he continues to sell pills. RANDY BINDER then stated that he didn't want investigators anywhere around his pharmacy because he didn't need that. They then discussed a recent complaint filed against a New Jersey doctor ("Dr. R.L.") by the New Jersey Board of Medical Examiners for illegal distribution of pharmaceutical products. RANDY BINDER then stated "if you want, I'll give you some Vicodin<sup>9</sup> or something like that. That I can do." RANDY BINDER told RICHARD RUBLOWITZ that he would put the Vicodin, along with some Xanax<sup>10</sup>, in an asthma breather, like he did recently for RICHARD RUBLOWITZ. RICHARD RUBLOWITZ then said that he would send in his "nephew," SCOTT MAZZARA, to pick up the medicine from RANDY BINDER. In a subsequent call, RANDY BINDER instructed RICHARD RUBLOWITZ to tell SCOTT MAZZARA that the pills would be in RANDY BINDER's unlocked car at Texas Road Pharmacy.

35. On May 16, 2012 at 7:25 a.m., law enforcement officers conducted surveillance at Texas Road Pharmacy and observed RANDY BINDER drive into the parking lot in a Nissan registered to Texas Road Pharmacy (the "Nissan"). Approximately one hour later,

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9. Vicodin is a Schedule III narcotic pain reliever used to treat moderate to severe pain.

10. Xanax is a Schedule IV drug used to treat anxiety.

agents observed SCOTT MAZZARA drive into the parking lot in an Acura registered to him (the "Acura"), and park next to the Nissan. Moments later, the lights of the Nissan flashed, at which point SCOTT MAZZARA, who had exited his car, reached into the driver's side of the Nissan. SCOTT MAZZARA then re-entered his Acura and drove away.

36. On May 16, 2012 at 2:44 p.m., in call 1193, RICHARD RUBLOWITZ spoke to RANDY BINDER and asked "if I come in, well I'm coming in. I'll hook you up good, real good to make up for the other stuff and give you proper papers (prescriptions). Can you do something for us? A small one, even a half of the one hundred and twenty or something just to get us through. Would you be able to do that?" RANDY BINDER asked "half of one hundred and twenty?" RICHARD RUBLOWITZ replied "yeah. When are you in tomorrow?" RANDY BINDER answered "'til two o'clock," and RICHARD RUBLOWITZ asked "you want me to be there early, early?" to which RANDY BINDER replied "okay."

37. On May 17, 2012 at 7:22 a.m., in call 1429, RICHARD RUBLOWITZ informed RANDY BINDER that he (RICHARD RUBLOWITZ) had obtained two tickets to a hockey playoff game in Newark, New Jersey. RICHARD RUBLOWITZ asked RANDY BINDER "are you gonna hook me up today Randy?," to which RANDY BINDER replied "I'm gonna give a sixty (pills)." RICHARD RUBLOWITZ replied "come on Rand! I thought you'd give one twenty (pills). You know, giving me like...these fucking seats are like fucking...you look at them online they're like \$800.00 seats, \$400.00 a piece. You can't give me one twenty (pills) Rand?" RANDY BINDER responded "I'll do my best." RICHARD RUBLOWITZ then asked RANDY BINDER "please, okay? Because I can't keep going back and forth. I just gotta get through to June first." Agents believe that the "sixty" and "one twenty" referred to in this conversation were oxycodone pills.

38. During the morning of May 17, 2012 at 7:37 a.m., law enforcement agents conducted surveillance at Texas Road Pharmacy and observed RANDY BINDER drive into the parking lot in the Nissan and park directly in front of the pharmacy. After making three trips from the Nissan to the pharmacy to carry boxes inside, RANDY BINDER moved the Nissan to a different parking spot and then RANDY BINDER entered Texas Road Pharmacy.

39. At 7:38 a.m., during call 1430, RICHARD RUBLOWITZ told RANDY BINDER "if you have one twenty (pills) waiting for me, I have the paper (prescription) for you so you're covered. If you

have one twenty waiting for me and forty-five Somas.<sup>11</sup> Not only will I send you to the (hockey) game Monday night, but I will make Mike send you to ah, back to the Garden (Madison Square Garden) for the, that's game three is Monday, is that correct?" Agents believe that the "one twenty" referred to in this conversation were oxycodone pills.

40. Two minutes later, at 7:40 a.m., in call 1442, RICHARD RUBLOWITZ told RANDY BINDER "so like I was saying was, if you can hit me off with and I got the paper like I said, if you can hit me off with, one twenty (pills) and forty-five (pills) today, I and I promise you...I'll send you to two games...that's worth that Randy...the box alone is worth it. I'll send you to the Garden (Madison Square Garden) too. You have been good to me over the years."

41. At 8:28 a.m., agents observed SCOTT MAZZARA and RICHARD RUBLOWITZ drive into the Texas Road Pharmacy parking lot in the Acura and park directly in front of the pharmacy. RICHARD RUBLOWITZ then got out of the Acura and entered the pharmacy, while SCOTT MAZZARA remained with the Acura. Approximately two minutes later, RICHARD RUBLOWITZ came out of the pharmacy carrying a white bag. RICHARD RUBLOWITZ then got into the Acura with SCOTT MAZZARA and the two drove away.

42. A short time later, at 8:52 a.m., in call 1464, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ asked "you got stuff you're coming home with?" RICHARD RUBLOWITZ replied "well, he (RANDY BINDER) gave me one hundred and twenty (pills). I'm giving Scott (SCOTT MAZZARA) twenty (pills) towards what the stuff we owed and all of that. So I'm giving him twenty. Tomorrow when I pick up the, when I get the big order and, but I'll give you some of these to hold you over for at least a day until I get the big stuff tomorrow." MATTHEW RUBLOWITZ asked "you have any kind of idea what you'll be able to give me today?" RICHARD RUBLOWITZ responded "I'll probably give you twenty (pills) today. I'm giving Scott twenty, I'll give you twenty...and tomorrow I'll give you more." Agents believe that the "one twenty" and "twenty" referred to in this conversation were oxycodone pills.

43. Then, at 9:15 a.m., in call 1467, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ stated that he had gone to see RANDY BINDER and was now on his way to the airport to fly home to South Carolina. SEAN RUBLOWITZ asked "what did Randy

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11. Soma is a Schedule IV muscle-relaxant.

(RANDY BINDER) give you?" RICHARD RUBLOWITZ stated "well, actually he did the right thing today. Tomorrow is when I'm getting the big stuff from somebody else, but he gave me one hundred and twenty on this." SEAN RUBLOWITZ asked "did he really?," and RICHARD RUBLOWITZ responded "yeah, because I am doing a favor for him." When SEAN RUBLOWITZ asked what RICHARD RUBLOWITZ was doing for RANDY BINDER, RICHARD RUBLOWITZ stated "I got him concert tickets." SEAN RUBLOWITZ responded "yeah, of course, you gotta do something in order to get something. He's such a fucking greedy son of a bitch...he's such a son of a bitch...after all that you've been through with him, he's such a greedy motherfucker."

44. On May 23, 2012 at 2:18 p.m., in call 2788, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "Matthew (MATTHEW RUBLOWITZ) has a script from (P.D.) for MS Contin 200mg 120 tablets.<sup>12</sup> How much is that? Cash customer." RANDY BINDER replied that he could not look up anything because his computers were down. RICHARD RUBLOWITZ stated "forget the blues<sup>13</sup> (30mg oxycodone), can you help me out with some methadone?"<sup>14</sup> RANDY BINDER stated that he would talk to RICHARD RUBLOWITZ later. In another call eight minutes later, in call 2811, RICHARD RUBLOWITZ again asked RANDY BINDER for methadone pills, and RANDY BINDER said he had ten pills. RICHARD RUBLOWITZ stated "ten is better than nothing. You want me to make out a script for one hundred and twenty (pills) with somebody's name on it?" RANDY BINDER answered "yeah." Here, agents believe RICHARD RUBLOWITZ was asking RANDY BINDER if he (RICHARD RUBLOWITZ) should provide a counterfeit prescription with a fictitious name on it to give to RANDY BINDER in return for methadone pills.

45. At 2:50 p.m., law enforcement conducted surveillance at Texas Road Pharmacy and observed RICHARD and MINDY RUBLOWITZ drive into the parking lot of Texas Road Pharmacy. RICHARD RUBLOWITZ then got out of the car and entered the pharmacy.

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12. MS Contin is a Schedule II narcotic pain reliever used to treat moderate to severe pain. MS Contin is available in dosages of 15mg, 30mg, 60mg, 100mg, and 200mg.

13. Oxycodone 30mg pills are blue in color, and are therefore frequently referred to as "blues," "blueberries," or "berries."

14. Methadone is a Schedule II narcotic pain reliever used to treat moderate to severe pain.

Approximately four minutes later, RICHARD RUBLOWITZ walked out of the pharmacy, got back into the car, and drove away.

46. On May 24, 2012 at 9:49 a.m., in call 2939, RICHARD RUBLOWITZ spoke with RANDY BINDER, and the two discussed RANDY BINDER's cost for the various dosages of Vicodin<sup>15</sup> and Percocet.<sup>16</sup> RICHARD RUBLOWITZ then asked "okay question, can you do anything with either of them?," to which RANDY BINDER responded "with the Vicodin, not the Percocet." RICHARD RUBLOWITZ asked "...I'm asking you is there any way we can do five hundred a week of the stronger ones (Vicodin 7.5/750mg pills)?" RANDY BINDER replied "we'll do something, I don't know what, though." RICHARD RUBLOWITZ then said "alright. In other words, if I gave you fifty cents a pill, if I gave you two fifty (\$250) a bottle, (U/I) cost me a twenty (\$20). The seven fifties (Vicodin 7.5/750mg pills) cost you the same twenty bucks?" RANDY BINDER responded "something like that." RICHARD RUBLOWITZ then said "okay. You think we can do one (bottle) a week somehow?" RICHARD RUBLOWITZ then asked RANDY BINDER to call him later.

47. Immediately after hanging up with RANDY BINDER, in call 2940, RICHARD RUBLOWITZ called MATTHEW RUBLOWITZ and stated "just talking to Randy...the Vicodin don't come in tens (10mg), they come in five five hundred (5/500 mg). So it's seven point five (7.5/750mg) something stronger ones. The ones that you...are those the ones you're talking about?" MATTHEW RUBLOWITZ replied "yeah, I guess."

48. On May 24, 2012 at 11:26 a.m., in call 2962, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. As RICHARD RUBLOWITZ waited for SEAN RUBLOWITZ to answer his phone, RICHARD RUBLOWITZ said as

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15. As set forth above, Vicodin is a Schedule III narcotic pain reliever used to treat moderate to severe pain. Vicodin is a combination of acetaminophen and hydrocodone, and is available in several dosages. Standard Vicodin tablets are 5/500mg, 7.5/750mg, and 10/660. The first number indicates the milligrams of hydrocodone, and the second number indicates the milligrams of acetaminophen.

16. Percocet is a Schedule II narcotic pain reliever used to treat moderate to severe pain. Percocet is a combination of acetaminophen and oxycodone, and is available in several dosages, including 5/325mg, 7.5/500mg, and 10/325 mg. The first number indicates the milligrams of oxycodone, and the second number indicates the milligrams of acetaminophen. The 10/325mg pills are yellow in color, and are commonly referred to as "yellows."

an aside to an unidentified individual "the Vicodin, he said he's gonna give it to me, Randy. He's gotta order them." RICHARD RUBLOWITZ then asked SEAN RUBLOWITZ "hey, let me ask you a question? Can you do anything with Vicodins?" SEAN RUBLOWITZ replied "not really, no." RICHARD RUBLOWITZ asked "seven hundreds? Seven fifties?" SEAN RUBLOWITZ again stated "not really." RICHARD RUBLOWITZ then said "no? Because Matt (MATT RUBLOWITZ) can get me four (dollars) to five (dollars) each for them. But I'd rather give them to you to sell them and get me money that you, we can split. You can't sell them?...Those I can get." SEAN RUBLOWITZ declined, and RICHARD RUBLOWITZ said "alright, you might want to check around before you say you can't." Approximately one minute later, in call 2963, RICHARD RUBLOWITZ called MATTHEW RUBLOWITZ and asked "let me ask you a question, five hundred a week is too many?" MATTHEW RUBLOWITZ replied "yeah, probably." RICHARD RUBLOWITZ asked "what do you think you can do a week?" MATTHEW RUBLOWITZ did not give an answer, and RICHARD RUBLOWITZ stated "okay, alright Matt. Call me later when you feel better."

49. On May 24, 2012 at 1:00 p.m., in call 2985, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "I got an envelope for twenty five hundred (dollars) in it, do you need it?...I got twenty five hundred cash. You know what I want?" RANDY BINDER replied "not, not today." RICHARD RUBLOWITZ then stated "well, give me part. I'll give you the cash up front, give me part today and give me the rest after the weekend." RANDY BINDER responded "I can't do anything right now," and RICHARD RUBLOWITZ asked "can you do anything at all before the day is out?" RANDY BINDER replied "I don't know, if my computer comes back up." RICHARD RUBLOWITZ then stated "well, if you can do anything, take them (pills) home with you, I'll give you the cash up front with the paper (prescription) for it up front and then you give me the rest next week as you get them in."

50. On May 25, 2012 at 11:02 a.m., in call 3116, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "what's the deal?," to which RANDY BINDER responded "the deal is I only have maybe forty (pills) to give you if you want." RICHARD RUBLOWITZ asked "you got forty?" RANDY BINDER replied "yeah...I'll do the rest next week for you." RICHARD RUBLOWITZ then proposed "how about I give you half of the twenty-five hundred (\$2,500) today and the other half when you get rest of them?" RANDY BINDER answered "okay" and agreed that was fair. RICHARD RUBLOWITZ then asked "you want me to come in (to Texas Road Pharmacy)? What you want me to do?" RANDY BINDER responded "call me when you're near." Approximately one and a half hours

later, at 12:37 p.m., in call 3204, RICHARD RUBLOWITZ called RANDY BINDER and said "alright. I'm two minutes away, what am I doing?" RANDY BINDER stated "you'll call me and I'll come out." RICHARD RUBLOWITZ asked "you don't want to leave it in the car?...because I got somebody with me." RANDY BINDER responded "call me and meet me at (U/I), you know, at the Snack Exchange (a nearby store)." Agents believe the "forty" referred to in this conversation were oxycodone pills.

51. Later, at 12:35 p.m., law enforcement agents conducted surveillance at Texas Road Pharmacy and observed RICHARD RUBLOWITZ and SCOTT MAZZARA drive into the parking lot of Texas Road Pharmacy and park directly in front of the pharmacy. RICHARD RUBLOWITZ then got out of the car and entered the pharmacy. SCOTT MAZZARA then moved the car to a different parking spot. At 12:49 p.m., RICHARD RUBLOWITZ walked out of the pharmacy and began pacing back and forth. Two minutes later, RICHARD RUBLOWITZ and RANDY BINDER met outside of the pharmacy, next to the front door. Agents observed what appeared to be a hand-to-hand exchange of items between RICHARD RUBLOWITZ and RANDY BINDER. RICHARD RUBLOWITZ got back into the car with SCOTT MAZZARA, and the two drove away.

52. On May 25, 2012 at 2:13 p.m., in call 3240, RICHARD RUBLOWITZ spoke with MINDY RUBLOWITZ. MINDY RUBLOWITZ asked "what is Randy giving you?" RICHARD RUBLOWITZ replied "he's only got forty today." MINDY RUBLOWITZ asked "no methadone?," to which RICHARD RUBLOWITZ answered "ah, I'll call and ask him." RICHARD RUBLOWITZ then called RANDY BINDER and asked if RANDY BINDER had any methadone, and RANDY BINDER stated that he did not.

53. On May 25, 2012 at 3:08 p.m., in call 3251, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ was angry at RANDY BINDER, and said "talk about me? You even shorted me fucking five (pills)." RANDY BINDER asked "what are you talking about?" RICHARD RUBLOWITZ responded "thirty five (pills) in there...on my granddaughter's eyesight. On my granddaughter's eyesight." RANDY BINDER responded "I'll give you five (pills) next week." Later in the day, at 5:40 p.m., in call 3283, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ asked "did Randy come through?" RICHARD RUBLOWITZ replied "yeah, Randy came through big, yeah. He's the best." MATTHEW RUBLOWITZ asked "what he give you?" RICHARD RUBLOWITZ answered "he tells me he's giving me forty, right? Hands me the bottle, I leave, I count it. There's thirty fucking pieces in it. He's amazing. Tomorrow I'm supposed to get two hundred and forty (pills)." MATTHEW RUBLOWITZ then asked "from where? From

him?" RICHARD RUBLOWITZ replied "no, from somebody else." Agents believe the "forty" and "two hundred and forty" referred to in this conversation were oxycodone pills.

54. On May 31, 2012 at 10:24 a.m., in call 4040, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "I have your whole, your full two G's (\$2,000). But what I prefer to do is not come anywhere near the store for two reasons. Number one, I have to do something right in that area. One of Mindy's friends passed away and we're gonna visit her husband who lives right there. I'd rather meet you near your house later in the day. Like, you know, like we did last night. At five or six o'clock. Is that alright?" RANDY BINDER responded "yeah." RICHARD RUBLOWITZ then asked "alright, can you bring everything with you?" to which RANDY BINDER responded "what am I bringing?" RICHARD RUBLOWITZ said "we had an agreement. I gave you the first four (hundred dollars), you said you were going to give me two-forty (pills) for twenty four hundred (dollars), ten (dollars) a pop and I said no problem." RANDY BINDER stated "I gave you thirty-five (pills) and you-," but RICHARD RUBLOWITZ interrupted "you gave me thirty-five (pills) and I gave you four hundred (dollars). So I'm gonna give you two thousand (dollars), you gotta bring me two-o-five (pills). And I got it all in cash, all hundred dollar bills." RANDY BINDER responded "I told you, I don't want to (U/I). I don't want to do this." RICHARD RUBLOWITZ then said "you said you were going to do this for me though, Rand. I'm counting on it. I put the money together. Now I got two G's (\$2,000) for you man, come on. That's a fair price, real fair." RANDY BINDER replied "I don't even have paper (prescription)." RICHARD RUBLOWITZ stated "what? I'll give you that. That I'll bring ya, just give me a name (to put on the prescription)." RANDY BINDER responded "I don't, I don't want that bogus paper," to which RICHARD RUBLOWITZ replied "no, no. I'll give you, I have one real one (prescription) left, I'll use it for you. I don't want to use it, but I'll use it for you. Give me somebody's name. You can give it to me there and I'll - Mindy (MINDY RUBLOWITZ) will fill it out right there, alright? Just bring a name with an address and everything with you...Mindy will fill it out. Also uh, can you please, I don't care about the Xanax, can you just give us, I gave her like three scripts for Somas. Can you give me one full script?" RANDY BINDER answered "it doesn't give me three. And I don't, I don't know what I'm doing with the fucking (U/I)." RICHARD RUBLOWITZ stated "so I'll give you a new script for Soma too, a full script for, for uh, for ninety (pills). For one (pill) three times a day." RANDY BINDER then stated that he would call RICHARD RUBLOWITZ back later.

55. On May 31, 2012 at 2:52 p.m., in call 4077, RICHARD RUBLOWITZ spoke with RANDY BINDER. RANDY BINDER told RICHARD RUBLOWITZ "don't meet me later, 'cause I don't have anything...I don't have anything for you." RICHARD RUBLOWITZ responded "nothing at all? Not even Soma?" RANDY BINDER stated "I couldn't get anything out of the store because they were but they were there and I can't set anything by the shelf." RICHARD RUBLOWITZ asked "it was who? What was going on?," and RANDY BINDER replied "they had all the uh, bosses in the store...right? And they knew that I..." RICHARD RUBLOWITZ then asked "does Mindy (MINDY RUBLOWITZ) have a refill on file? Who's the refill on file for the Soma? Under what name?" RANDY BINDER responded "there is no refill, that's what I'm trying to tell you..." RICHARD RUBLOWITZ stated "I gave you one with three refills on it," and RANDY BINDER replied "you never gave it to me." RICHARD RUBLOWITZ stated "shit. Alright, I'll see you tomorrow."

56. On June 1, 2012 at 8:37 a.m., in call 4195, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "what happened yesterday?," to which RANDY BINDER replied "nothing, they were all over just going over schedules and stuff." RICHARD RUBLOWITZ asked "they showed up at your store...you didn't expect them?" RANDY BINDER replied "I don't know." RICHARD RUBLOWITZ then asked "are we good for today? Because I have everything you want, just the way you want it." RANDY BINDER replied "I only probably can get you a hundred (pills)." RICHARD RUBLOWITZ responded "alright, so you'll give me the rest in two days, three days after the weekend. That's fine, I'm not worried. You'll (U/I) run away." RANDY BINDER stated "I gotta have the paper (prescription)." RICHARD RUBLOWITZ stated "what? No, no, I'll give you the whole thing." RANDY BINDER continued "but I want good paper. I don't want the..." and RICHARD RUBLOWITZ said "yeah, I said I got one. I had one left I'll give you. Plus, what I have to give you. But do me a favor, I'll give you the extra, I don't care. Can't you just give me a full script of the Soma?" RANDY BINDER answered "I'll give you like sixty of them (Somas)." RICHARD RUBLOWITZ said "alright. Let me ask you a question, if I wanted to buy, they come, you told me, five hundred (pills) a bottle, right, of the Soma, right?...ten pack for, a bottle of Soma is five hundred (pills) when you get it in? A sealed bottle." RANDY BINDER said "I can't even remember." RICHARD RUBLOWITZ said "I think you told me that, that time...does that sound right? Can you look?" RANDY BINDER replied "I'll check now. What about it?," to which RICHARD RUBLOWITZ said "what do they go for, a pill? Regular price, what's regular price?...I'm saying, like what's normal price on the script?" RANDY BINDER responded "five hundred. About a hundred, probably like a hundred bucks or so." RICHARD RUBLOWITZ

asked "a hundred bucks for what? For a hundred (pills)? A dollar a pill it goes for?" RANDY BINDER replied in the affirmative, and RICHARD RUBLOWITZ asked "Soma is that expensive?" RANDY BINDER responded "they got in the computer here, you know?" RICHARD RUBLOWITZ asked "so say I gave you five hundred (dollars) for a bottle, would that work for you?" RANDY BINDER responded "yeah, but I gotta, what's it called? But that's it, I don't want-." RICHARD RUBLOWITZ interrupted "I don't mean, I don't mean today. I'm talking about, you know, next week some time...give me a sealed bottle, I give you five bills (500 dollars) for it." RANDY BINDER stated "I don't want to know from nothing for the rest of the month," to which RICHARD RUBLOWITZ replied "no, you won't know from nothing. That's why I want to do it that way. This way, there's plenty for everybody to take and not have to bother you every two days." RANDY BINDER responded "okay, fine." RICHARD RUBLOWITZ continued "alright? And is there anyway you can grab ninety Somas today? I'll have a script for you uh, one (pill), three times a day with five refills." RANDY BINDER responded "yeah, that's fine." RICHARD RUBLOWITZ continued "okay, and can you give her a full script of Xanax? She needs a new script for that too, or you have free pills by there?" RANDY BINDER responded "I don't have any refills left for her," and RICHARD RUBLOWITZ replied "alright, so I'll give you the full script of Xanax too. One (pill), three times a day with five refills, alright?" RANDY BINDER responded in the affirmative, and RICHARD RUBLOWITZ said "but I'd rather meet you after work. I'd rather do it, I don't want to come, I don't want to come near the store anymore." RICHARD RUBLOWITZ then stated "alright, so I'll be up around uh, I'll meet you between four and five. I'll come up and meet you where ever you want, alright?" RANDY BINDER responded "yeah."

57. On June 1, 2012 at 8:47 a.m., in call 4197, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "yeah, do you have ten OP eighties (80mg oxycodone pills) laying around?...ten pieces of OP eighty...yeah, ten of them. The OP's, the new, the new crap. Not the old, not the OC's."<sup>17</sup> RANDY BINDER responded "I don't have anybody on it," and RICHARD RUBLOWITZ then asked "you have any forties (40mg oxycodone pills)?" RANDY BINDER replied "hold on, let me take a look...I don't have any. I never got it back in stock." RICHARD

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17. In 2010, Purdue Pharma reformulated OxyContin pills in order to prevent misuse and abuse. The new formulation prevents the pills from being crushed for the purpose of snorting or injecting. The new pills bear the stamp "OP," while the previous formulation bore the stamp "OC."

RUBLOWITZ then asked "what about Opana? You have any Opanas?" RANDY BINDER said "that's what I'm talking about," to which RICHARD RUBLOWITZ responded "no, I'm talking about, I'm talking about OxyContin. I'm not talking about Opana...OP you have no OP forties (40mg oxycodone) or eighties (80mg oxycodone)?" RANDY BINDER replied in the negative. RICHARD RUBLOWITZ stated "ah, fuck. Someone did me a favor and lent me ten (pills). Alright, you don't have twenties (20mg oxycodone pills), nothing huh?" RANDY BINDER replied "I'll see what I can scrounge up. I'll look through the bins and see if anybody hasn't picked up the stuff." RICHARD RUBLOWITZ stated "I'll give you full, I'll give you full price, I just need ten. That's all. I gotta make up ten eighties (80mg oxycodone) for somebody." RANDY BINDER responded "I don't have that... 'cause the eighties I only order special when people come in." RICHARD RUBLOWITZ stated "(U/I) get forties or twenties then. It's just, oh and also, just bring, Mindy (MINDY RUBLOWITZ) is gonna be with me. Bring whatever names you want, she's gonna make everything out in full for you right there. So it's all made out and I don't have to - this way I don't, here, I give you blank scripts. Alright?" RANDY BINDER then cautioned RICHARD RUBLOWITZ "you better be careful with [Dr. A]'s<sup>18</sup> stuff." RICHARD RUBLOWITZ replied "oh well, I'm stopping with him. I got somebody new after him." RANDY BINDER continued "no, only because, I'm telling you right now, because he's starting to cut back on the people he's writing for...so, like this guy used to always get a hundred and twenty thirties (120 30mg oxycodone pills), cut him back to sixty (pills) every two weeks or whatever. So I'm just telling you." RICHARD RUBLOWITZ replied "sixty every two weeks from a hundred and twenty?" RANDY BINDER responded "yeah, I know. But he's doing something different now, I don't know, in his office." RICHARD RUBLOWITZ said "oh, alright, okay. Thanks for the heads up...yeah, well I'm switching over. We gotta uh, I'll talk to you when I see you." RANDY BINDER replied "alright." Agents believe that in this conversation, RICHARD RUBLOWITZ was seeking oxycodone pills from RANDY BINDER. Also, RICHARD RUBLOWITZ was telling RANDY BINDER that MINDY RUBLOWITZ would be filling out the prescriptions for the pills that he (RICHARD RUBLOWITZ) and MINDY RUBLOWITZ would be receiving. Also, RANDY BINDER was cautioning RICHARD RUBLOWITZ on using Dr. A.'s name on the prescriptions which RICHARD RUBLOWITZ was providing to RANDY BINDER.

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18. RANDY BINDER mentioned the last name of a specific New Jersey doctor. Your Affiant believes that RICHARD RUBLOWITZ has been a) using this doctor's name on counterfeit prescriptions which JUSTIN and JACKLYN RUBLOWITZ manufacture, and/or b) using prescriptions which were stolen from this doctor.

58. On June 1, 2012 at 2:50 p.m., in call 4323, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ said "we should be there like between four-thirty and five in the area. I'll call you when I'm close, tell me where you want me to go." RANDY BINDER replied "alright" and said "I only got uh, I'm gonna be honest with you, I only got sixty of the blues (30mg oxycodone pills)...I'm just telling you the truth. I can't do anything, I won't have the paper to fill it because they count the fucking things...so I can't just take it and come back with a prescription." RICHARD RUBLOWITZ responded "oh, are you working tomorrow?" to which RANDY BINDER replied in the negative. RICHARD RUBLOWITZ said "alright, so I got to wait until Monday then, that's all, whatever, okay... so I'll see you in a little while...the other stuff you got, right?" RANDY BINDER replied "yeah."

59. On June 1, 2012 at 4:26 p.m., in call 4389, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "yeah, does Soma need chronic and tractable pain?" RANDY BINDER replied "no," and RICHARD RUBLOWITZ then asked "what date do you want the Soma dated?," to which RANDY BINDER replied "today." RICHARD RUBLOWITZ then stated "today, yesterday, leave it open?" RANDY BINDER stated "uh, put Monday (U/I)." RICHARD RUBLOWITZ then asked "what? This coming Monday?" RANDY BINDER responded "any day, I don't care." RICHARD RUBLOWITZ then said "alright, goodbye. I'll see you, I'm two minutes away." Agents believe that in this conversation, RICHARD RUBLOWITZ was asking RANDY BINDER various questions so that he (RICHARD RUBLOWITZ) and MINDY RUBLOWITZ could fill out the prescriptions which they would be providing to RANDY BINDER in exchange for pills.

60. On June 4, 2012, RICHARD RUBLOWITZ had several conversations with RANDY BINDER during which they coordinated an in-person meeting for that day. Agents believe that this meeting was for RANDY BINDER to provide oxycodone and other pills to RICHARD RUBLOWITZ and MINDY RUBLOWITZ in exchange for cash.

61. On June 5, 2012 at 8:21 a.m., in call 4796, RICHARD RUBLOWITZ spoke with RANDY BINDER. After stating that he (RICHARD RUBLOWITZ) and MINDY RUBLOWITZ had just landed in South Carolina, RICHARD RUBLOWITZ asked "you think if I come in tomorrow (to New Jersey from South Carolina) and I have, as long as I have everything, papers, cash, everything, you'll be able to do the balance plus the one twenty (pills)? So uh, the trip is at least worth something to me." RANDY BINDER responded "I'll call you later. Let me see what's going on." RICHARD RUBLOWITZ stated "alright, please let me know. At least if it's something else, at least the balance, alright?...you gave me forty-five

(pills) last night. What'd I, what'd I count? You gave me forty-five I counted last night, I think. That's right, no?" RANDY BINDER replied "forty-five, yeah, yeah." RICHARD RUBLOWITZ said "yeah, forty-five, yeah. Okay so we're at uh, I'll tell you exactly where we're at. You gave me sixty (pills) the other day, thirty-five (pills) prior to that was ninety-five (pills. A hundred (pills), what's, you owe me a hundred even." RANDY BINDER replied "alright, but I don't have the paper (prescription) for the uh." RICHARD RUBLOWITZ said "I can bring you that and I gotta bring you the thing for the bottle of five hundred (Somas), right?" RANDY BINDER replied "yeah...I'll call you later." Agents believe that in this conversation, RICHARD RUBLOWITZ and RANDY BINDER were discussing oxycodone pills.

62. On June 6, 2012 at 8:43 a.m., in call 4903, RICHARD RUBLOWITZ spoke with RANDY BINDER. RANDY BINDER said "I speak to you more than I speak to my wife." RICHARD RUBLOWITZ responded "well that's good, that's good. People will start talking about us. Uh, I'm on the way in (to New Jersey). Uh, I got everything. Mindy (MINDY RUBLOWITZ) said you could put that in tomorrow. It'll be clear, well it'll be cleared tonight. It'll clear overnight, the bank said. So you can put it in tomorrow, it's good and uh, see you in a few hours." RANDY BINDER responded "okay." Agents believe that in this conversation, RICHARD RUBLOWITZ was telling RANDY BINDER that he (RICHARD RUBLOWITZ) had prescriptions for RANDY BINDER, and that MINDY RUBLOWITZ was arranging to provide money to RANDY BINDER in exchange for pills from RANDY BINDER.

63. On June 6, 2012 at 10:52 a.m., in call 4911, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "what do you got for me?," to which RANDY BINDER replied "I only got forty (pills) so far." RICHARD RUBLOWITZ stated "ah, Rand come on, you're killing me man, I can't fly." RANDY BINDER responded "I talked to you yesterday, I told you yesterday." RICHARD RUBLOWITZ replied "yeah, but can't you at least finish out this order? The one I paid you for? I, I got the paper (prescription) right, I gave you the money." RANDY BINDER stated "when you give me the paper, I'll finish up the order." RICHARD RUBLOWITZ said "alright. I'm gonna give you an extra paper today I got with me. What I'm saying is, finish out the order at least. Please give me the hundred pieces (pills)." RANDY BINDER then said "can't do it till tomorrow...do what I can later." RICHARD RUBLOWITZ asked "can't you, can't you do like sixty today?" RANDY BINDER said "I'll try." RICHARD RUBLOWITZ then said "please, I'm, I'm an hour away, I'm an hour and twenty minutes away...I'm turning around going, I'm flying right home for it, Randy. Leave it in the car, I leave all my stuff in the

car. I left you the thing for the other thing too, for the MS (MS Contin). I got...I got you four pieces I left you." RANDY BINDER asked "oh, you, you flying in here for forty pills...amazing. So, so you, you're flying in for forty pills?" RICHARD RUBLOWITZ answered "You God fucking right that's why I said give me at least, give me a hundred, finish out the order. I got all the paper. I paid you the money." RANDY BINDER then said "that's the problem I don't have. The problem I told you yesterday...I told you that yesterday." RICHARD RUBLOWITZ asked "okay, do you have any of the MS Contin there?," to which RANDY BINDER responded "no, tomorrow. You told me everything." RICHARD RUBLOWITZ stated "alright, well okay, well I'll leave you all the scripts for it, okay? I'll leave it in the car. Leave me as much as you can, please until tomorrow please?" RANDY BINDER stated "I, I don't understand you, I told you," to which RICHARD RUBLOWITZ replied "you don't understand me. You don't have to understand me. All you have to do is love me like the brother from another mother that you are." RANDY BINDER then laughed and said "alright, goodbye."

64. On June 6, 2012 at 11:40 a.m., in call 4931, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "yo, you want me to come in and ask for something, or uh the back seat?" RANDY BINDER responded "I'll put it in the back." RICHARD RUBLOWITZ replied "all right, I'll leave everything there for you." RANDY BINDER stated "all right." Agents believe that in this conversation, RICHARD RUBLOWITZ and RANDY BINDER confirmed that RANDY BINDER would put the pills for RICHARD RUBLOWITZ in the back seat of RANDY BINDER's car, and RICHARD RUBLOWITZ would in turn leave the prescriptions for RANDY BINDER.

65. On June 6, 2012 at 12:07 p.m., in call 4938, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked RANDY BINDER to "unlock it please," to which RANDY BINDER responded "I can't go by the car right now." RICHARD RUBLOWITZ said "oh, okay why? All right. Pull away, pull away, pull away. What's, what's wrong?" RICHARD RUBLOWITZ asked RANDY BINDER when he should come back, and RANDY BINDER responded ten minutes.

66. A few minutes later, at 12:13 p.m., in call 4939, RICHARD RUBLOWITZ spoke with RANDY BINDER. RANDY BINDER stated "don't go near my car. Do you see the guy in the red shirt? He just walked out. Do not-" RICHARD RUBLOWITZ interrupted "I'm all the way down near the other end. I don't see nobody. I'm not, nowhere near your store." RANDY BINDER stated "I'll call you when I'm good."

67. Several minutes later, at 12:25 p.m., in call 4942, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "yeah, I'm sorry to bother to you. You have any idea about how much longer? I'm sitting here half an hour. I gotta get back and catch my flight." RANDY BINDER responded "would you lay off of me? I can't do it now. I got..." When RICHARD RUBLOWITZ asked who was there, RANDY BINDER responded that the owner of the pharmacy was there at the store. RANDY BINDER added "but I don't want him to see me going near my car..." RICHARD RUBLOWITZ replied "how about if I, if I get down on the ground. I'll be in an out in three seconds." RANDY BINDER answered "okay," and RICHARD RUBLOWITZ stated "but I'll have nobody see me, I'll come in from the reserve side low on the ground. I'll crawl on the fucking ground."

68. On June 7, 2012, at 1:39 p.m., in call 5059, RICHARD RUBLOWITZ spoke to SCOTT MAZZARA. RICHARD RUBLOWITZ stated "Alright, Randy (RANDY BINDER), uh, Randy's work is reversed today. He's on the way in, first now, because the other pharmacist had something to do tonight...so you won't be able to go there before like four o'clock..and he'll give you the stuff, alright?" SCOTT MAZZARA responded "no problem." RICHARD RUBLOWITZ continued "and then the only problem is gonna be is getting to a place in time to make cut-off. You'll probably gonna have to wind up doing me a favor and running to uh, FedEx there on, uh, you know, on Industrial Way...and seeing my friend, alright?" SCOTT MAZZARA replied "no problem." RICHARD RUBLOWITZ told SCOTT MAZZARA that RANDY BINDER would have the "stuff" ready at four o'clock.

69. On June 7, 2012, at 3:17 p.m., in call 5077, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "hey, how is it looking?," and RANDY BINDER replied "I got your sixty and one- the MS (MS Contin)...and I got you uh, like forty Somas." RICHARD RUBLOWITZ then asked "how about blues (30mg oxycodone)?," and RANDY BINDER responded "sixty." RICHARD RUBLOWITZ then asked "okay and you get the whole hundred and twenty MS (MS Contin)?" RANDY BINDER responded "I told you I'm only getting hundreds cause that's the (U/I)." RICHARD RUBLOWITZ replied "oh, one hundred, yeah right, right. You got the hundred. Okay so now, all right the fifteen (hundred dollars) covered everything up to the Soma. The five hundred Soma, that was the extra five hundred (dollars) I gave you. So what do I owe you now? Where we at? I'm gonna get the money, I'm gonna come back in I guess, this will hold me 'til Monday now, I'll be fine. I don't have to keep bothering you." RANDY BINDER asked if the check was in, and RICHARD RUBLOWITZ replied "yeah, I told you he's okay, deposit." RANDY BINDER stated "I'll do it

tomorrow." RICHARD RUBLOWITZ then asked "do you want to put it in the car and I'll tell Scotty (SCOTT MAZZARA) to come by so he can ship out to me today? Thank you." RANDY BINDER replied "you owe me for the MS (MS Contin)." RICHARD RUBLOWITZ responded "okay, which is what? Sixty bucks or something?" RANDY BINDER stated "it cost me a hundred and twenty dollars." RICHARD RUBLOWITZ and RANDY BINDER then discussed the fact that RICHARD RUBLOWITZ thought the cost of the MS Contin was fifty-two dollars, and then RICHARD RUBLOWITZ asked "how many Somas did you throw in?" to which RANDY BINDER replied "forty." RICHARD RUBLOWITZ asked RANDY BINDER if he had more than that, and asked "you can't do a hundred Somas, like do one fifty (pills) for the five hundred (dollars)?" When RANDY BINDER replied in the negative, RICHARD RUBLOWITZ asked "can you at least do eighty (pills)? Throw eighty in there, so this way I don't have to bother you the whole weekend, you know what I mean?" RANDY BINDER replied "I'm not gonna bother, 'cause I'm not talking to you after today." RICHARD RUBLOWITZ then said "you're not talking to me after today. Yeah sweetheart, you're a sweetheart." RANDY BINDER then told RICHARD RUBLOWITZ "tell him (SCOTT MAZZARA) to come about five o'clock." Agents believe that the check referred to by RANDY BINDER in this conversation was a check that RICHARD and MINDY RUBLOWITZ provided to RANDY BINDER in exchange for pills.

70. Four minutes later, at 3:21 p.m., in call 5078, RICHARD RUBLOWITZ spoke to SCOTT MAZZARA. RICHARD RUBLOWITZ asked "uh, when are you heading out to Randy (RANDY BINDER)?" SCOTT MAZZARA responded "I left like five minutes ago." RICHARD RUBLOWITZ stated "okay, call me when you - take your time, don't rush...now alright, uhm, you'll do me a favor. Because uh, the one hundred and eighty you'll be able to pick up tomorrow...alright? Can you get by with just like a couple today until tomorrow, until you get the one hundred and eighty?" SCOTT MAZZARA responded "alright, I'll take five (pills) or something, that's fine." RICHARD RUBLOWITZ replied "yeah, do me a favor because there's hardly any there, alright? And then pack it up tight, you know what I mean? And then go to my girl, she'll be in today. When you get there you call me from there...and either [G.] or uh, [C.] will be there and they will take care of the shipping...you gotta call me when you get up by Randy cause I gotta call him to open the car up for you." Agents believe that the "one hundred and eighty" and the "five" referred to in this conversation are oxycodone pills.

71. On June 7, 2012, at 4:22 p.m., in call 5091, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ stated "yeah, my nephew (SCOTT MAZZARA) is out there." RANDY BINDER

responded "I tried calling your house but you didn't pick up." RICHARD RUBLOWITZ replied "not my house, call my cell." RANDY BINDER then stated "tell him not to go near my car, they just went out to smoke cigarettes." RICHARD RUBLOWITZ said "oh, they went out to smoke, okay. So tell him to just sit tight 'til they're in?" RANDY BINDER responded "yeah."

72. Several minutes later, at 4:29 p.m., in call 5095, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ asked "did you get it?," and SCOTT MAZZARA responded "yeah, I got it." RICHARD RUBLOWITZ then told SCOTT MAZZARA "all right. You gonna go to, don't, remember when you go to FedEx now over there, don't let them see what's in there." SCOTT MAZZARA replied "no, I won't. I'll package it before I, you know...I'll pick a package from inside and pack it up and then bring it back in...and then I'll call you I guess when I'm in the car packing it, I guess." RICHARD RUBLOWITZ stated "all right, I appreciate it."

73. Several minutes later, at 4:30 p.m., in call 5096, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ told RANDY BINDER "thank you...what were the numbers?" RANDY BINDER stated "there's a cop, this cop is not after him, right?" RICHARD RUBLOWITZ replied "what's that? No! He's straight anyways. License, car, everything's straight." RANDY BINDER then inquired about the driving route which SCOTT MAZZARA was taking as he left the pharmacy. RICHARD RUBLOWITZ again asked "what were the numbers, so I know what's coming now?" RANDY BINDER responded "let me remember, I got you forty (Somas), sixty (30mg oxycodone), and one hundred (MS Contin)." RICHARD RUBLOWITZ replied "okay, thank you buddy."

74. Approximately one hour later, at 5:22 p.m., in call 5115, RICHARD RUBLOWITZ spoke to SCOTT MAZZARA. SCOTT MAZZARA was at a FedEx shipping facility during the call, and he told RICHARD RUBLOWITZ that he had just put the "stuff" in the envelope. RICHARD RUBLOWITZ then asked SCOTT MAZZARA to hand the phone to G., an employee at the shipping facility. RICHARD RUBLOWITZ told G. that he wanted the package shipped to his daughter-in-law KRISTIN JACOBS, and RICHARD RUBLOWITZ then said "and I want to FedEx to 1600 Stockholder Avenue, Myrtle Beach 29577. Hold for pickup for tomorrow and collect, in other words, recipient to pay charges...do me a favor [G.], tape that up good...can you tape the box up real good, buddy?" RICHARD RUBLOWITZ then told SCOTT MAZZARA that G. would provide the tracking number for the package to SCOTT MAZZARA, and instructed SCOTT MAZZARA to "just watch him. Just stay there and watch him tape up the box, you know what I mean?" RICHARD RUBLOWITZ then

instructed SCOTT MAZZARA to text him (RICHARD RUBLOWITZ) the tracking number.

75. On June 8, 2012, at 11:26 a.m., in call 5137, RICHARD RUBLOWITZ spoke with RANDY BINDER. RICHARD RUBLOWITZ asked "the uh, that blue paint that you got for me...how many gallons were there?" RANDY BINDER responded "uh, forty or sixty." RICHARD RUBLOWITZ countered "how about like forty-nine, is that possible?" RANDY BINDER replied "here we go...that number can't be right. Not with a nine." RICHARD RUBLOWITZ stated "not with a nine? It couldn't have been forty nine gallons. Could it be fifty gallons?" to which RANDY BINDER replied "could've been, yeah...we gotta talk cause there's too much shit happening around here." RICHARD RUBLOWITZ stated "alright, yeah. I'm gonna be in, we'll talk, alright?" RANDY BINDER stated "they had a whole sting. They had a whole sting in Staten Island..." RANDY BINDER and RICHARD RUBLOWITZ then discussed the recent arrest of 100 individuals in New York for illegal prescription drug offenses. Agents believe that the "gallons" of "blue paint" in this conversation referred to oxycodone pills.

**Matthew Rublowitz a/k/a "Fat Matt"**

76. On March 28, 2012, MATTHEW RUBLOWITZ arrived at Atlantic City Airport at 11:57 a.m. on a Spirit Airlines flight from Myrtle Beach, and then flew back to Myrtle Beach the next morning at 6:15 a.m. Agents conducted surveillance on MATTHEW RUBLOWITZ during this visit to New Jersey, and observed him enter P.D.'s office and exit a short time later carrying pieces of paper which were the size and shape of prescriptions. He then entered three pharmacies over the course of the next two hours.<sup>19</sup>

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19. A subsequent trash search conducted by agents at a hotel room which MATTHEW RUBLOWITZ had just vacated revealed two empty pharmacy bags, as well as three empty amber-colored prescription bottles. The label on the first bottle stated that the prescription, for 240 oxycodone 30mg pills, was written on 3/28/12 by P.D. to MATTHEW RUBLOWITZ and filled on 3/28/12 at a pharmacy in Wanamassa, New Jersey. The label on the second bottle stated that the prescription, for 180 Opana ER 40mg pills, was written on 3/27/12 by P.D. to MATTHEW RUBLOWITZ and filled on 3/28/12 at a pharmacy in Matawan, New Jersey. The label on the third bottle had been partially ripped off, and did not display the prescribing physician, patient, drug type or dosage. However, the remaining portion of the label stated that the prescription had been written on 3/27/12 and had been filled at a pharmacy in Ocean Township, New Jersey. Furthermore, this third

Agents observed MATTHEW RUBLOWITZ sell 25 oxycodone 30mg pills to a DEA Confidential Informant for \$495 at a Garden State Parkway rest stop. At the agents' direction and control, the Confidential Informant had contacted MATTHEW RUBLOWITZ on his cell phone number to arrange this drug sale. MATTHEW RUBLOWITZ used this cell phone to send 15 text messages to the Confidential Informant's phone, and to speak with the Confidential Informant to arrange their meeting.

77. On May 11, 2012 at 10:43 p.m., in call 170, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ asked RICHARD RUBLOWITZ if SCOTT MAZZARA got rid of anything (sold any pills), and RICHARD RUBLOWITZ stated that SCOTT MAZZARA got rid of two for RICHARD RUBLOWITZ. RICHARD RUBLOWITZ stated that he (RICHARD RUBLOWITZ) can't sell any more and that he has to hold onto them. RICHARD RUBLOWITZ told MATTHEW RUBLOWITZ that SCOTT MAZZARA got him (RICHARD RUBLOWITZ) a good price on the pills. MATTHEW RUBLOWITZ then asked RICHARD RUBLOWITZ if he gave SCOTT MAZZARA anything towards what they get, and RICHARD RUBLOWITZ answered that he gave SCOTT MAZZARA part, and the rest tomorrow. Agents believe that the pills referred to in this conversation were oxycodone pills.

78. On May 12, 2012 at 1:59 p.m., in call 299, RICHARD RUBLOWITZ spoke to MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ stated "[pharmacist F.M.] (a pharmacist at a pharmacy in Ocean Township, New Jersey) had stuff...but she took care of her cancer patients and she was expecting deliveries and when she didn't get her deliveries she called up and asked them what the problem was because she was cleared with that other problem and they told her anybody in the area, and it's a wide area too. And then she was going to try to borrow some, but she did not want do to that because now with the inves- normally she used to go to a friend of hers, borrow some and not fill out any paperwork and just replace it. But now with the investigation, she knew if she borrowed she'd have to fill out paperwork and she didn't want them to come in and have to prove the numbers and what with [Dr. R.L.] have to show them that she was borrowing stuff from another pharmacy." Agents believe that in this conversation, RICHARD RUBLOWITZ telling MATTHEW RUBLOWITZ that pharmacist F.M. was reluctant to assist RICHARD RUBLOWITZ in obtaining pills due to the recent complaint filed against Dr. R.L. by the new Jersey

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bottle displayed five separate warning stickers (i.e. do not drink alcoholic beverages, may cause drowsiness, may cause dizziness, etc.) which indicates that this was a narcotic prescription.

Board of Medical Examiners for illegally distributing pharmaceutical products. Agents also believe that the "stuff" which RICHARD RUBLOWITZ referred to in this conversation was oxycodone pills.

79. On May 16, 2012 at 2:11 p.m., in call 1175, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ stated "I may have...someone just called me uh...there are those yellow, those Opana forties (40-milligram pills)...for twenty bucks and then there may be thirties (30-milligram pills) later," to which RICHARD RUBLOWITZ replied "alright." MATTHEW RUBLOWITZ then stated "I don't know. (U/I) anything coming?," to which RICHARD RUBLOWITZ replied "I just got enough for your mother for two days. That's all he (RANDY BINDER) would fucking give me and they still didn't get in (in the mail). But I got my girl down in Atlantic City at the (pharmacy). I gotta call her back later. I gotta call her at four o'clock. She's probably going to fill a full one (prescription) for me, a two forty (240 pills)." MATTHEW RUBLOWITZ responded "cause I don't have nothing hardly." Agents believe that the 240 pills referred to in this conversation were oxycodone pills.

80. On May 16, 2012 at 2:21 p.m., in call 1185, RICHARD RUBLOWITZ spoke to MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ stated that "the kid supposedly has ... he's got sixty in the yellow and I'm trying to get them at like seventeen (dollars) each." RICHARD RUBLOWITZ replied "alright, I'm gonna call him." MATTHEW RUBLOWITZ also asked RICHARD RUBLOWITZ "are you getting stuff from Randy (RANDY BINDER) or what's happening?," to which RICHARD RUBLOWITZ replied "Randy's stuff...it has to be shipped to you. It just went out today." MATTHEW RUBLOWITZ asked "but you said that's what? Just enough for Ma (MINDY RUBLOWITZ)?," and RICHARD RUBLOWITZ answered "well, enough for Ma, I gotta go in and pick up the other stuff (pills). It's enough for Ma for like two days... 'cause he had nothing there, Randy. I'll give you, Matt, relax. We'll get, I'll get it handled. What about the other stuff (pills)?" MATTHEW RUBLOWITZ replied "I'll know in a little bit. Supposedly he has twenty-five of them, I don't know what number yet."

81. On May 16, 2012 at 3:32 p.m., in call 1205, RICHARD RUBLOWITZ spoke to MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked MATTHEW RUBLOWITZ "so how much you gonna need, like \$400?," to which MATTHEW RUBLOWITZ replied "I don't know, whatever you want. I don't know." RICHARD RUBLOWITZ stated "well, I'll buy you some too. I owe you stuff, you give me stuff everyday. I'll give you stuff back." MATTHEW RUBLOWITZ replied "alright, we'll figure it out. I might want a little bit." RICHARD RUBLOWITZ then asked

"how many does the guy have?," and MATTHEW RUBLOWITZ replied "he has sixty of the yellows." RICHARD RUBLOWITZ then stated "I don't have enough to buy sixty," and MATTHEW RUBLOWITZ said "I don't know, we'll have to see and supposedly he has twenty-five Roxys (Roxicodone). He didn't give me a number on that. I'm waiting ... it's through somebody." RICHARD RUBLOWITZ responded "we'll get some numbers alright."

82. On May 18, 2012 at 8:30 p.m., in call 1794, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. As the two argued, MATTHEW RUBLOWITZ stated "I gave you thirty yellows alone." RICHARD RUBLOWITZ replied "what do you sell the yellows for?," to which MATTHEW RUBLOWITZ replied "thirty-five dollars, that's what I sell them for." RICHARD RUBLOWITZ asked "how much?," and MATTHEW RUBLOWITZ responded "thirty, thirty-five dollars." MATTHEW RUBLOWITZ went on to ask "how many Vicodin did I give you, how many morphines I gave you, how many Xanaxes did I give you?" RICHARD RUBLOWITZ then asked "okay, what do you sell them for?," but MATTHEW RUBLOWITZ did not respond.

83. On May 23, 2012, MATTHEW RUBLOWITZ arrived at Atlantic City Airport at 10:38 a.m. on a Spirit Airlines flight from Myrtle Beach, and then flew back to Myrtle Beach that same evening. Agents conducted surveillance on MATTHEW RUBLOWITZ during this visit to New Jersey, and the combination of law enforcement surveillance and conversations intercepted on the wiretap of RICHARD RUBLOWITZ's phone have shown that MATTHEW RUBLOWITZ continues to frequent P.D.'s office for the purpose of obtaining prescriptions for narcotic pills, which MATTHEW RUBLOWITZ then illegally resells.

84. Specifically, on May 23, 2012, RICHARD and MINDY RUBLOWITZ picked up MATTHEW RUBLOWITZ at the Atlantic City airport and drove him to the residence of B.B.<sup>20</sup> Before picking up MATTHEW RUBLOWITZ at the airport, MATTHEW RUBLOWITZ informed RICHARD RUBLOWITZ that he (MATTHEW RUBLOWITZ) had to stop by B.B.'s house to "pick up my stuff" that was outside waiting for MATTHEW RUBLOWITZ. Agents observed RICHARD and MINDY RUBLOWITZ pick up MATTHEW RUBLOWITZ at the airport, drive to a parking lot near B.B.'s residence, and then drive to a rest stop on the Garden State Parkway where MATTHEW RUBLOWITZ met SCOTT MAZZARA.

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20. B.B. is a patient of P.D., and pharmacy records obtained by agents show that between May 19, 2011 and February 28, 2012, B.B. has filled at least ten oxycodone prescriptions from P.D. totaling 1,980 pills, as well as six methadone prescriptions from P.D. totaling 315 pills.

Agents then observed SCOTT MAZZARA drive MATTHEW RUBLOWITZ to P.D.'s office, whereupon MATTHEW RUBLOWITZ entered the office and later exited carrying pieces of paper which were the size and shape of prescriptions. MATTHEW RUBLOWITZ and SCOTT MAZZARA then went to a pharmacy, followed by at least two separate meetings with individuals at a Garden State Parkway rest area over the course of the next several hours.

85. Additionally, during the course of that same afternoon, agents intercepted calls on the wiretap which indicated that B.B. had short-changed MATTHEW RUBLOWITZ on the pills which MATTHEW RUBLOWITZ had picked up from B.B.'s house that morning. In a call between MATTHEW RUBLOWITZ and MINDY RUBLOWITZ (call 2742), MATTHEW RUBLOWITZ stated "I'm waiting for him (B.B.) to call me back. I'm just gonna tell him real simple. I'm gonna tell him that he either gives me the sixty today or the fifty that he shorted me...and that way I could do that is just tell Doc (P.D.) that he got rid of his stuff and that all he has to do is call him (B.B.) in for a count (of pills)...I don't care if he (B.B.) burns me in a month." MINDY RUBLOWITZ stated "he probably figured because me and Daddy (RICHARD RUBLOWITZ) aren't here (working at P.D.'s office) anymore that there's no way for you to find out (about how many pills B.B. receives)." Agents later observed MATTHEW RUBLOWITZ meet with B.B. at a rest stop on the Garden State Parkway, where MATTHEW RUBLOWITZ appeared to yell at B.B.

86. On May 26, 2012 at 5:22 p.m., in call 3392, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. MATTHEW RUBLOWITZ asked "did you call me before?" RICHARD RUBLOWITZ stated "it doesn't matter because I couldn't sell a thing today. I can't fill it (prescription) until Monday and I wanted to see if you knew anybody that was flying in tonight from there (South Carolina). If you happen to know anybody that is flying in, I was going to give you money for stuff (pills)." MATTHEW RUBLOWITZ replied "I really don't have stuff left." RICHARD RUBLOWITZ then stated "oh, I was going to pay you the price. I mean, but I'm just saying whatever. You don't even have it. You need somebody to fly in anyway." Agents believe that the "stuff" referred to in this conversation was oxycodone pills.

87. On May 27, 2012 at 12:02 p.m., in call 3477, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "hey, what does [name of pharmacy] charge you for the thirties (30mg oxycodone pills) when you get two hundred and forty (pills)?" MATTHEW RUBLOWITZ replied "right now he has been charging me two hundred dollars the last two times...yeah, because he matched our price. He was charging me three hundred

and sixty dollars...why?" RICHARD RUBLOWITZ responded "that's all right. I'm just curious." MATTHEW RUBLOWITZ then asked "why, what are you filling there?" RICHARD RUBLOWITZ replied "I'm going. I got no choice. I'm going there." MATTHEW RUBLOWITZ asked "with what?," to which RICHARD RUBLOWITZ responded "I got a piece a paper." MATTHEW RUBLOWITZ asked "from him (P.D.)?" RICHARD RUBLOWITZ answered "no. Are you nuts...are you out of your fucking mind?" MATTHEW RUBLOWITZ then asked "what is it, a real one or no?" RICHARD RUBLOWITZ replied "it's a real one, but from somebody else. But yeah, yeah. I'm going to go. With a [P.D.] script, yeah. Oh, gee, that's a real good move." MATTHEW RUBLOWITZ then said "I just don't want you to have a problem...its going to cause me a problem." RICHARD RUBLOWITZ answered "it's not going to cause you problems, I ain't going to have a problem. I wouldn't go in there with a [P.D.] script. Then I'd have a problem." MATTHEW RUBLOWITZ responded "right, but I'm, I have a bad feeling. I'm telling you. I just have a bad feeling." RICHARD RUBLOWITZ then assured MATTHEW RUBLOWITZ "there is no one they can call today, it's fine. Okay? I have used this one before and have not had a problem yet. Okay? I don't want to discuss it, all right? I am going there. I just wanted to know the price." Agents believe that the "thirties" referred to in this conversation were 30mg oxycodone pills, and that the "piece of paper" referred to by RICHARD RUBLOWITZ was a counterfeit prescription. When RICHARD RUBLOWITZ stated "there is no one they can call today, it's fine," agents believe that RICHARD RUBLOWITZ was referring to the fact that since it was a Sunday, the pharmacy could not call the office of the physician listed on the prescription in order to verify the validity of the prescription, since the physician's office would be closed on a Sunday.

88. On May 27, 2012 at 2:46 p.m., in call 3512, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. In this call, RICHARD RUBLOWITZ informed MATTHEW RUBLOWITZ that he (RICHARD RUBLOWITZ) had filled the prescription for 240 oxycodone pills. RICHARD RUBLOWITZ stated "I paid the \$380, though and I told your mother (MINDY RUBLOWITZ) and I said whatever she (the pharmacist) says it is. Do not. Just pay the fucking price...because what am I going to say? My son pays \$200?" MATTHEW RUBLOWITZ agreed. Then MATTHEW RUBLOWITZ asked "where did you get this (prescription) from?" RICHARD RUBLOWITZ replied "I got it from somebody. I bought it from somebody...the only problem is, the only problem is, I just hope [P.D.] doesn't run my name every month (on the New Jersey Prescription Monitoring Program)." MATTHEW RUBLOWITZ asked "what, him running your name to look for yours or his?" RICHARD RUBLOWITZ responded "no, but if he runs my name it will come up with who it was filled by and that

scumbag [P.D.] will call the doctor up...he will call the doctor and say this guy is a problem or something, or be careful or whatever." RICHARD RUBLOWITZ then stated "but I got it filled. And I like I said, I didn't give a fuck about the one hundred and eighty dollars extra." MATTHEW RUBLOWITZ asked "yeah, what was it, two hundred and forty (pills)?" RICHARD RUBLOWITZ answered "two hundred and forty (pills), right. For three hundred and eighty (dollars). I didn't really give a shit...you know? I wasn't going to ask to match no prices and then start a whole thing because maybe she (the pharmacist) woulda had to call her boss. You know what I'm saying?" MATTHEW RUBLOWITZ asked what pharmacist was there, and RICHARD RUBLOWITZ replied "just the old lady...she knows me." MATTHEW RUBLOWITZ asked "if she ran you (on the New Jersey Prescription Monitoring Program), you would have come up fine, right?" RICHARD RUBLOWITZ replied "I would have been fine. It's not the problem with running me, I just didn't want to take the chance that she'd have to call the guy (her boss) to get an approval to charge two hundred (dollars) and he starts saying you know 'who is it? who's it drawn on? what doctor?' ba ba ba ba ba. Fucking filled it. I said thank you, good bye...she had me in and out in under ten minutes...she knew I was coming. She had them on the side." MATTHEW RUBLOWITZ then asked "you couldn't get one (prescription filled) for mom (MINDY RUBLOWITZ) too?" RICHARD RUBLOWITZ responded "no, not now. I wasn't, I wasn't going to buy two (prescriptions) 'til I saw how one (prescription) went...and I want to wait. I just want to make sure those (prescriptions) clear." MATTHEW RUBLOWITZ agreed "yeah." Agents believe that the prescription referred to in this conversation was a counterfeit prescription for 240 oxycodone pills.

89. On May 27, 2012 at 6:17 p.m., in call 3539, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "perc tens (Percocet 10mg pills), how much can you get for them?" MATTHEW RUBLOWITZ replied "probably like six (dollars each) or seven (dollars each)." RICHARD RUBLOWITZ then asked "alright, those you could move (sell) a lot of, right?" MATTHEW RUBLOWITZ replied "I don't know about a lot. I guess, yeah." RICHARD RUBLOWITZ then asked "okay, so like if I was able to get a bottle of five hundred (pills) would you be able to move 'em?" MATTHEW RUBLOWITZ answered "yeah, shouldn't be a problem." RICHARD RUBLOWITZ asked "they could be the three twenty fives (Percocet 10/325 mg pills), right?," to which MATTHEW RUBLOWITZ replied "yeah, that's fine."

90. On May 27, 2012 at 9:09 p.m., in call 3576, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "when you were getting the OP eighties (80mg oxycodone pills),

what did they cost you to buy in the drugstore each?" MATTHEW RUBLOWITZ answered "maybe thirteen dollars, twelve dollars." Richard confirmed "thirteen bucks a piece, alright." When MATTHEW RUBLOWITZ asked why RICHARD RUBLOWITZ wanted to know this, RICHARD RUBLOWITZ stated "because someone lent me and I got, and I want to replace them and I don't want to replace them the way he's looking to get them replaced. It ain't happening." MATTHEW RUBLOWITZ asked "how does he want them replaced?" to which RICHARD RUBLOWITZ answered "what do you think? Milligrams to milligrams blues (30mg Roxicodone). I ain't doing that. I ain't giving him twenty one fucking blues for eight OPs. He's fucking crazy. I'll buy it from Randy (RANDY BINDER) even at fifteen a piece. So what is that eighty, one hundred and twenty dollars. Twenty-one fucking blues is five hundred dollars...five hundred and twenty five dollars, fuck that." MATTHEW RUBLOWITZ asked "you didn't agree to that, did you?" RICHARD RUBLOWITZ responded "no, I didn't agree to that. He just said replace what I gave you, you know, give me back blues or give me back the OPs, I'll give him back the O fucking Ps. I'll get them from Randy (RANDY BINDER) tomorrow. The OPs ain't no big deal...I figured out what Randy's doing. I figured out his game. It took me a while, but I figured it out. He's telling customers when they come in that he's short...not like a chain store you know, you gonna have to take less, then have the doctor write you...but he's put through the whole script so that gives him pills to work with." MATTHEW RUBLOWITZ then stated "yeah. I could get rid of those too, you know...the OPs." RICHARD RUBLOWITZ asked "yeah, at what price?" MATTHEW RUBLOWITZ replied "I don't know. I mean, it would probably be only like maybe twenty five (dollars each) probably, I guess." RICHARD RUBLOWITZ stated "you don't even double your money," to which MATTHEW RUBLOWITZ replied "I don't know. Certain times of the month it may be thirty (dollars each) if there's nothing else, but." RICHARD RUBLOWITZ then stated "they suck. You want to know something? The yellows work ten times better than they do." MATTHEW RUBLOWITZ stated "yeah...I got someone at a constant now in the yellows at thirty five (dollars each)." RICHARD RUBLOWITZ stated "I'm just saying the yellows actually work. They help us. The OPs did shit for us. I mean he gave me yellow but it's better than having nothing..."

91. On May 28, 2012 at 8:01 p.m., in call 3661, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "what does [B.B] pay you for thirties (30mg oxycodone)?" MATTHEW RUBLOWITZ replied "he don't." MATTHEW RUBLOWITZ asked "why?" and RICHARD RUBLOWITZ responded "I'm trying to dump (sell) some. Believe like nobody has, nobody's...Scott (SCOTT MAZZARA) doesn't have any money. He's trying to sell some." MATTHEW RUBLOWITZ

asked "why are you trying to get rid of them?," to which RICHARD RUBLOWITZ replied "I gotta get rid of few of these, we need a few thousand (dollars). I could buy more from Randy (RANDY BINDER) tomorrow too. So, I wanna sell and this way, you know, I could end up with extra that way." MATTHEW RUBLOWITZ asked how much money RICHARD RUBLOWITZ was looking to get for each pill, and RICHARD RUBLOWITZ replied "I'd like to get twenty (dollars per pill)." MATTHEW RUBLOWITZ responded "I could give you, I'll buy some back from you at eighteen (dollars per pill)." RICHARD RUBLOWITZ responded "Matt, I need the cash here (in New Jersey) and gotta pay Randy for them. I'm looking to turn it here so I could go to Randy in the morning and buy. By the time I ship them to you (in South Carolina) it would be Wednesday. I'll be home Wednesday." MATTHEW RUBLOWITZ stated "no, I'm saying I'll pay for them now. I'll buy a (money) card or something." RICHARD RUBLOWITZ then asked "how many (pills) do you want?," and MATTHEW RUBLOWITZ asked "what are you looking to dump?" RICHARD RUBLOWITZ answered "no more than fifty (pills)." MATTHEW RUBLOWITZ responded "I can't take that many, I could maybe take twenty or thirty right now." RICHARD RUBLOWITZ then stated that he would call MATTHEW RUBLOWITZ back soon.

92. Six minutes later, at 8:07 p.m., in call 3664, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "you gonna wait 'til Wednesday when I get home for them so not to waste money on shipping?" MATTHEW RUBLOWITZ asked "am I gonna have them Wednesday, Dad? You're not gonna sell them and tell me you don't have them?" RICHARD RUBLOWITZ replied "no, I'm putting them away. I'm gonna put them away right now." RICHARD RUBLOWITZ stated "you could have, I'll tell you right now you could have like twenty five (pills), I don't even wanna go more than that." MATTHEW RUBLOWITZ replied "that's fine." RICHARD RUBLOWITZ then asked "all right, so it's what? What does that come to?" MATTHEW RUBLOWITZ responded "four hundred and fifty dollars," and RICHARD RUBLOWITZ stated "all right, it's done." MATTHEW RUBLOWITZ then asked "all right, so, what do you want it on a (money) card?" RICHARD RUBLOWITZ answered "yeah, I have to. That's the only way to do it." MATTHEW RUBLOWITZ asked "you don't want me to put it in [the bank] in the morning? I can't do that?" RICHARD RUBLOWITZ answered "no, because we're overdrawn. You can't put it in [the bank]. I'm overdrawn and I need that money to give to Randy (RANDY BINDER) in the morning...just get a (money) card so I could...I can't wait, I gotta have it by nine o'clock in the morning, Matt. I don't care as long I have it before nine in the morning." MATTHEW RUBLOWITZ then stated "I'll either run out later or do it first thing in the morning. I should be able to do it tonight, I'll just run out in a little bit." RICHARD RUBLOWITZ responded "whatever, as long as it's

before nine o'clock, 'cause I gotta meet him (RANDY BINDER) at eight thirty in his store.

93. On May 29, 2012 at 4:28 p.m., in call 3797, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ informed MATTHEW RUBLOWITZ that he (RICHARD RUBLOWITZ) and MINDY RUBLOWITZ were on their way to meet RANDY BINDER, and that he did not know when they would be flying back to South Carolina. MATTHEW RUBLOWITZ then asked "well, if you are not coming, are you able to ship the stuff then?" RICHARD RUBLOWITZ replied "yeah, then I'll ship it." MATTHEW RUBLOWITZ replied "alright, well let me know," to which RICHARD RUBLOWITZ responded "alright." Agents believe that the "stuff" referred to in this conversation was oxycodone pills.

94. On June 1, 2012 at 9:53 p.m., in call 4460, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked if a particular individual was in town, and asked "does he need any?" MATTHEW RUBLOWITZ replied in the negative, and RICHARD RUBLOWITZ stated that he (RICHARD RUBLOWITZ) "wanted to dump (sell pills)." MATTHEW RUBLOWITZ responded "I wish you would've told me. I could have used-." RICHARD RUBLOWITZ interrupted "no Matt, I'm getting twenty and twenty-five (dollars per pill) for them, Matt. I'm not. I gotta, you know? What I have, the few left I can sell. I gotta get at least twenty from, I'm getting them, you know. The guys there are paying twenty and twenty-five."

95. On June 3, 2012 at 1:48 p.m., in call 4547, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked "do you want fifty (pills) for nine hundred (dollars)?" MATTHEW RUBLOWITZ responded "I do not have it now." RICHARD RUBLOWITZ asked "oh, you don't? I need cash. Alright." MATTHEW RUBLOWITZ stated "I don't know, I have a couple, I mean, I have a few hundred dollars, but that's it." Several hours later at 4:44 p.m., in call 4569, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ, who told RICHARD RUBLOWITZ "I can maybe take twenty or twenty-five (pills) now." RICHARD RUBLOWITZ responded "I sold them already. I had, twenty-two (dollars) a piece for them."

96. On June 6, 2012 at 3:06 p.m., in call 4972, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ asked MATTHEW RUBLOWITZ "do you have two hundred dollars to buy me a (money) card?" When MATTHEW RUBLOWITZ replied in the negative, RICHARD RUBLOWITZ stated "you can have, I can either give you cash back tomorrow morning or berries (30mg oxycodone) for it on Friday morning." MATTHEW RUBLOWITZ asked "what do you mean tomorrow morning? I thought you were coming home tonight."

RICHARD RUBLOWITZ responded "yeah, but I'll have the cash tomorrow morning to give you. I am coming back tonight, but I'll have the cash tomorrow morning. 'Til Friday morning with the berries." MATTHEW RUBLOWITZ asked "why Friday if you're coming back tonight?," to which RICHARD RUBLOWITZ replied "because he (RANDY BINDER) only gave me enough to last me a day and a half. He got, to give to me tomorrow. He can't do nothing without paper (prescriptions) anymore. He has to have the paper in hand first." MATTHEW RUBLOWITZ stated "I don't understand why you keep going in," and RICHARD RUBLOWITZ responded "because he (RANDY BINDER) doesn't want to deal with anybody but me, but I told him I can't, it's exactly what I told him, 'I can't fly in (to New Jersey) every day and a half to see you.' I said 'you're gonna have to give it to him (SCOTT MAZZARA) or leave it in the car and let him pull out, like when he pulls up.' So he said 'I'll leave it in the car for him.' I said I can't keep flying back and forth to pick stuff up, and then I come in and you only hand me a day's worth, or two day's worth. Tomorrow he's giving me a full bottle because I brought him the paper (prescription) up front." MATTHEW RUBLOWITZ stated "I don't really have (money), no...I mean, I'd still like stuff but I can't, you know I lent you that day, you know. I waited four days. You know, you don't that to me, it's not the right thing."

#### **Sean Rublowitz and Kristin Jacobs**

97. On May 11, 2012 at 5:31 p.m., in call 119, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ stated "when I get a hold of some cash up here and (U/I) the stuff (pills) I told you I'm bringing back so you can sell there. So, that'll help." SEAN RUBLOWITZ replied "if you don't sell up there to gamble." Agents believe that the "stuff" referred to in this conversation were oxycodone pills.

98. On May 15, 2012 at 2:13 p.m., in call 878, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ about obtaining pills from an unidentified female. RICHARD RUBLOWITZ asked "what, are you going to pick them up?," and SEAN RUBLOWITZ replied "nah, I'm trying to figure out if she could sell any." RICHARD RUBLOWITZ asked "what do you mean?" SEAN RUBLOWITZ replied "she said that she picked up like fifty yesterday and I asked her if she could sell like seven or ten of them and she said she didn't know." RICHARD RUBLOWITZ stated "shit, when is she going to know?," to which SEAN RUBLOWITZ replied "I don't know, in another few minutes I think, I'll let you know." Agents believe that RICHARD RUBLOWITZ and SEAN RUBLOWITZ were discussing oxycodone pills in this conversation.

99. On May 21, 2012 at 9:24 p.m., in call 2470, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. SEAN RUBLOWITZ asked "did you send anything out?" RICHARD RUBLOWITZ replied "no, I told you I was trying to tell you. Either it's going out tomorrow if we are not coming home Wednesday morning. If we are coming home Wednesday morning we're just gonna bring it because we'll be home before UPS would ever come there." SEAN RUBLOWITZ replied "all right." Agents believe that in this conversation, SEAN RUBLOWITZ was asking RICHARD RUBLOWITZ if he (RICHARD RUBLOWITZ) was going to mail any pills from New Jersey to South Carolina.

100. On May 22, 2012 at 12:57 p.m., in call 2537, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. SEAN RUBLOWITZ asked if RICHARD and MINDY RUBLOWITZ were coming home tomorrow, and RICHARD RUBLOWITZ replied "we don't know yet. We're on our way up north to do everything, like I told you. If I'm not coming home I'll ship you today. If I am coming home for sure, then I ship, then I'll just bring with me. I'm on my way to get as much as I can get...hopefully a decent amount and ah, that's it. Alright?" SEAN RUBLOWITZ replied "alright." Agents believe that in this conversation, RICHARD RUBLOWITZ was telling SEAN RUBLOWITZ that he and MINDY RUBLOWITZ were on their way to northern New Jersey to attempt to obtain narcotic prescription pills, and that he would ship the pills to South Carolina if he and MINDY RUBLOWITZ were not traveling back to South Carolina soon.

101. On May 26, 2012 at 11:52 a.m., in call 3333, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ stated "okay, I'm able to get medicine today, but I need money to pick up the scripts so please, they're only open 'til six o'clock." SEAN RUBLOWITZ asked "are you going to be able to send anything to ship, sell?" RICHARD RUBLOWITZ replied "well yeah, the problem is that you can't ship until Tuesday." Approximately two hours later, in calls 3341 and 3346, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ and directed SEAN RUBLOWITZ to purchase three money cards - two for approximately five hundred dollars each, and one for approximately two hundred dollars. Several minutes later, in call 3349, SEAN RUBLOWITZ provided RICHARD RUBLOWITZ with the serial numbers on the money cards which he had purchased so that RICHARD RUBLOWITZ could obtain the funds stored on the money cards and use those funds to purchase prescription pills.

102. On May 28, 2012 at 10:11 p.m., in call 3713, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. SEAN RUBLOWITZ asked when RICHARD RUBLOWITZ and MINDY RUBLOWITZ were coming home, and RICHARD RUBLOWITZ replied "probably Wednesday night." SEAN RUBLOWITZ asked "are you bringing stuff (pills)?" RICHARD

RUBLOWITZ responded "I should be, yeah. I'm trying not to sell anything. I'm trying to come home and stay for like two weeks, you know what I mean? Without having to run in...I'm tired of running back and forth to get stuff for me and Ma (MINDY RUBLOWITZ). It's getting old already."

103. On May 31, 2012 at 4:13 p.m., in call 4103, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ said "hey buddy listen, if I send you a hundred pills tonight...how quick can you sell them and how much can you get for 'em?" SEAN RUBLOWITZ replied "at the lowest, twenty (dollars) a piece...and I can probably have it done within a day." RICHARD RUBLOWITZ then asked "do you think you could have at least three quarters of them sold by early afternoon?," and SEAN RUBLOWITZ replied in the affirmative. RICHARD RUBLOWITZ said "okay, here's what I'm gonna do then, this is ninety-nine percent sure. I'm gonna ship you one hundred pills, okay...I want you to sell them at two bucks a piece, at, at, at, twenty bucks a piece, all right?...I want you to put one thousand (dollars) into me and Ma's bank account...I want you to take five hundred (dollars) for yourself...I want you to give five hundred (dollars) to your brother Justin, not Matt. And I don't want Matt to know where the money is going...okay, all right?" SEAN RUBLOWITZ replied in the affirmative.

104. On May 31, 2012 at 4:55 p.m., in call 4113, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ stated "all right, here's, listen to me, here's what I'm doing...if everything works out, now we're on the way, if everything works out I'm sending you a separate package FedEx...a hold for pickup under KJ (KRISTIN JACOBS). You understand?" SEAN RUBLOWITZ replied "yeah." RICHARD RUBLOWITZ stated "there's gonna be two in there...here's what I need you, Sean please, this is like your mother's and I's life here, okay, if I'm able to do this. The first one I need you to do it, I told you what to do with it. But then I need you to get rid of the second one, okay, I need two (thousand dollars) back on that one so I can pick something else up here...from somebody, okay, and Sean, I gotta have, I need a total of three (thousand dollars for the pills in the FedEx shipment)...that I'm gonna need, all right?...and anything after three (thousand dollars)...you give five hundred (dollars) to your brother and anything you keep. Anything after the thirty five hundred (dollars) for the two pieces it's all yours, kid, okay?" SEAN RUBLOWITZ replied "yeah...it will be taken care of."

105. On May 31, 2012 at 8:06 p.m., in call 4148, MINDY RUBLOWITZ spoke with SEAN RUBLOWITZ. SEAN RUBLOWITZ asked "Hey did you guys send it (the FedEx package containing pills)?," to

which MINDY RUBLOWITZ replied "uh-huh." MINDY RUBLOWITZ stated that RICHARD RUBLOWITZ was mailing the package at that moment, and that the package is "under Kris' name from Mindy Karp<sup>21</sup> and Matt's (MATTHEW RUBLOWITZ) medicine is in there. Hold on, Daddy will tell you." RICHARD RUBLOWITZ then got on the phone and told SEAN RUBLOWITZ "listen to me, don't fuck with anything in that package you hear me? Please please okay, don't go stupid on me, all right? You've been too smart to go stupid on me...alright, there's MS Contin in there. Make sure he (MATTHEW RUBLOWITZ) gets every one of them. You don't touch his fucking bottle." SEAN RUBLOWITZ replied "okay." RICHARD RUBLOWITZ continued "and forty of the blues (30mg oxycodone), okay? That leaves one hundred for you to sell tomorrow, okay? And Ma put Xanax in for you. Eight to ten Xanax she put in there, there's eight Xanax in there 'til we get back, alright." SEAN RUBLOWITZ asked "I thought you were sending me two hundred (pills)." RICHARD RUBLOWITZ replied "I couldn't. I couldn't fill the other one (prescription), the other store didn't have 'em...so tomorrow I'll send more (pills) for Saturday okay? Unless we're coming home, then I'll bring them with us alright?" SEAN RUBLOWITZ replied "alright." RICHARD RUBLOWITZ added "alright, please have Kris (KRISTIN JACOBS) there on time so Matt will meet her there and I don't wanna hear from him that he had to wait for her, alright?" SEAN RUBLOWITZ replied "yep."

106. On May 31, 2012 at 8:08 p.m., in call 4151, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ stated "yeah, you meet Kristin (KRISTIN JACOBS) at FedEx at nine a.m. tomorrow morning...because she has I.D. under a different last name, under Jacobs, ok. Do not ship FedEx with Rublowitz. They were hitting every one of my packages, and I wouldn't put the name Rublowitz on there. The package is from Mindy Karp to her (KRISTIN JACOBS). You meet her there, she'll be there at nine a.m. sharp. She'll give you the forty (pills) I owe you, the forty blues (30mg oxycodone), and your bottle's in there separate." MATTHEW RUBLOWITZ responded "alright." RICHARD RUBLOWITZ continued "okay, and this way you be there at nine. This way, you're there when the box is opened, there's no - this way there's no problems, okay? Please." MATTHEW RUBLOWITZ responded "no problem." RICHARD RUBLOWITZ stated "alright, and I sent it to her (KRISTIN JACOBS), so Sean (SEAN RUBLOWITZ) can't go for it, she's going for it. I don't want no fucking phone calls in the morning from anybody except the fucking package is there and everything is all good, alright?" MATTHEW RUBLOWITZ responded "no problem."

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21. Mindy Karp is MINDY RUBLOWITZ's maiden name.

107. On June 1, 2012 at 8:42 a.m., in call 4196, RICHARD RUBLOWITZ spoke with KRISTIN JACOBS. RICHARD RUBLOWITZ asked "you by the FedEx yet?" to which KRISTIN JACOBS responded "no, I'm getting ready to leave." RICHARD RUBLOWITZ stated "alright, do me a favor. As soon as you get it, call me so I can know everything is good." KRISTIN JACOBS responded "alright."

108. Approximately one hour later, at 9:30 a.m., in call 4198, RICHARD RUBLOWITZ spoke with KRISTIN JACOBS. RICHARD RUBLOWITZ asked "everything good?" and KRISTIN JACOBS responded "yep." RICHARD RUBLOWITZ then asked "alright, everything is in there? Nothing was like, like they got into it or anything?" and KRISTIN JACOBS replied in the negative. RICHARD RUBLOWITZ then stated "alright, Sean (SEAN RUBLOWITZ) gets a hundred blues (30mg oxycodone) and his eight Xanax. Matt gets everything else." KRISTIN JACOBS replied "alright." RICHARD RUBLOWITZ asked if MATTHEW RUBLOWITZ was there, and KRISTIN JACOBS answered that MATTHEW RUBLOWITZ'S wife was there. KRISTIN JACOBS stated that she (KRISTIN JACOBS) had counted the pills and had given MATTHEW RUBLOWITZ'S share of the pills to MATTHEW RUBLOWITZ'S wife.

109. Later, at 10:32 a.m., in call 4217, RICHARD RUBLOWITZ spoke with MATTHEW RUBLOWITZ. RICHARD RUBLOWITZ stated "don't talk over my phone, don't talk over my phone...just tell me, was everything okay?" MATTHEW RUBLOWITZ responded "yeah, it's fine."

110. Later again that day, at 3:02 p.m., in call 4341, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. During this conversation, SEAN RUBLOWITZ indicated that he had \$1,300 in proceeds from pill sales, and that he had to pay some bills with this money before sending the remainder to RICHARD RUBLOWITZ. SEAN RUBLOWITZ asked "okay, what do you need done with the money, then?" RICHARD RUBLOWITZ asked "what's left?" and SEAN RUBLOWITZ replied "it's still gonna be like eight, nine hundred (dollars)." RICHARD RUBLOWITZ asked "oh, you mean you only have thirteen (hundred dollars) total?" SEAN RUBLOWITZ replied "yeah, as of right now is what I'm saying." RICHARD RUBLOWITZ then asked "how many (pills) did you sell so far?" and SEAN RUBLOWITZ responded "sixty-three, minus two that we're short." RICHARD RUBLOWITZ asked "what do you mean two that we're short?" SEAN RUBLOWITZ replied "it was ninety-eight there after Matt got forty." RICHARD RUBLOWITZ then stated "whatever, alright. So sixty-three. So that means you have thirty-five left...you have any idea when they're gonna be sold?" SEAN RUBLOWITZ answered "I gotta go to work at five. I have another person meeting me between four and five to pick up thirteen (pills)." RICHARD RUBLOWITZ asked "you can't get rid of them to John at twenty

bucks (per pill)? 'Cause he's driving me crazy." SEAN RUBLOWITZ responded "I don't want to. I need to upsell right now, it's what I need." RICHARD RUBLOWITZ then said "my problem is, I need a thousand for Randy (RANDY BINDER). But the problem is, is that I can't put it in the bank because my bank account is overdrawn by five hundred and eleven dollars. And if you put it on our cards and we take off, they'll close our fucking accounts. But you know what, can you buy me two, five hundred dollar (money) cards now and sell a few (pills) to get your bill paid? 'Cause I gotta have at least a thousand (dollars) now when I meet Randy." SEAN RUBLOWITZ replied "alright."

111. Later on June 1, 2012, at 3:24 p.m., in call 4359, RICHARD RUBLOWITZ spoke with KRISTIN JACOBS, who stated that she was at a drugstore, and that SEAN RUBLOWITZ had given her approximately \$1,100. RICHARD RUBLOWITZ directed KRISTIN JACOBS to purchase two money cards for a total of \$1,010. At 3:29 p.m., in call 4363, RICHARD RUBLOWITZ asked KRISTIN JACOBS to text him the numbers on the back of the money cards.

112. On June 2, 2012 at 12:43 p.m., in call 4479, RICHARD RUBLOWITZ spoke with SEAN RUBLOWITZ. RICHARD RUBLOWITZ asked "did you move (sell) the rest (of the pills)?" SEAN RUBLOWITZ responded "yeah, I got three hundred cash left." RICHARD RUBLOWITZ asked "what do you mean you have three hundred cash left?" SEAN RUBLOWITZ explained "well, it averaged out to twenty (dollars) a piece...at ninety-eight (pills) was uh, what did it come to?" RICHARD RUBLOWITZ said "it's one thousand nine hundred and sixty (dollars)." SEAN RUBLOWITZ then said "sent you a thousand yesterday...the five hundred for my bill...and I have three hundred on me." RICHARD RUBLOWITZ then said "right. Give Justin (JUSTIN RUBLOWITZ) two hundred dollars for now."

**Justin Rublowitz and Jacklyn Rublowitz, a/k/a "Jackie"**

113. On May 11, 2012 at 1:39 p.m., in call 12, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. RICHARD RUBLOWITZ asked "yeah, what did you do with the scripts yesterday I gave you? That whole thing of scripts." JUSTIN RUBLOWITZ replied "Jackie (JACKLYN RUBLOWITZ) handed it to somebody." RICHARD RUBLOWITZ asked "she gave them back to me?," and JUSTIN RUBLOWITZ responded "no, yeah, they're in your drawer. Dad, don't you need scripts to go in (to the pharmacy) with?" RICHARD RUBLOWITZ replied "yeah, that's what I'm saying. I need like three (prescriptions). Did she make any?" JUSTIN RUBLOWITZ responded "no, 'cause we are waiting for you to come over here."

114. On May 16, 2012 at 5:28 p.m., in call 1296, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. RICHARD RUBLOWITZ stated that he was flying to New Jersey that night, and asked JUSTIN RUBLOWITZ "can I come over, can we work on that five or ten minutes?," to which JUSTIN RUBLOWITZ responded "no good." RICHARD RUBLOWITZ asked "when can I come?...I'm just saying does she have ten minutes to work on one or two or she don't?" JUSTIN RUBLOWITZ replied "no, not really," and RICHARD RUBLOWITZ asked "does she need me there to work on it? Tell her the color?" JUSTIN RUBLOWITZ responded "no." Law enforcement believes that in this conversation, RICHARD RUBLOWITZ was asking JUSTIN RUBLOWITZ if he (RICHARD RUBLOWITZ) could come to JUSTIN RUBLOWITZ's house to assist JACKLYN RUBLOWITZ in manufacturing counterfeit prescriptions.

115. Approximately 30 minutes later, at 6:03 p.m., in call 1320, RICHARD RUBLOWITZ called JUSTIN RUBLOWITZ and asked if he could come to JUSTIN RUBLOWITZ's house. RICHARD RUBLOWITZ asked "does she (JACKLYN RUBLOWITZ) need the old paper to do the new paper?" JUSTIN RUBLOWITZ replied "maybe, just bring it." RICHARD RUBLOWITZ stated "well, I have it on me. Do you want me to just leave it there and come back for it, or do you need me to be there to say like 'this is good this is ain't good'?" Law enforcement believes that the "old paper" referred to by RICHARD RUBLOWITZ is a prescription which JACKLYN RUBLOWITZ could refer to when manufacturing counterfeit prescriptions.

116. Approximately twenty minutes later, at 6:23 p.m., in call 1335, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. JUSTIN RUBLOWITZ asked "how many (prescriptions) do you need?," to which RICHARD RUBLOWITZ responded "I just need around two or three, that's enough."

117. Approximately ten minutes later, at 6:33 p.m., in call 1346, RICHARD RUBLOWITZ called MINDY RUBLOWITZ said "Justin just called me. He's home now doing the scripts." MINDY RUBLOWITZ responded "alright."

118. On May 24, 2012 at 6:59 p.m., in call 3074, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. JUSTIN RUBLOWITZ asked "are you picking up anything from Randy (RANDY BINDER) on Tuesday?" RICHARD RUBLOWITZ replied "hopefully he's gonna help us out with something tomorrow." JUSTIN RUBLOWITZ responded "yeah and [pharmacist F.M.] is done for three months?...[pharmacist F.M.] is done for a few months?" RICHARD RUBLOWITZ replied "a few months, yeah, she said she can't have any of the stuff in the store. There's too much heat around the area. Now she's not even carrying it." JUSTIN RUBLOWITZ then

asked RICHARD RUBLOWITZ if he had spoken to a specific pharmacist at a different pharmacy, and RICHARD RUBLOWITZ responded "from...no, he ain't (U/I) I have a feeling because when I brought him that last script...the one that was cut short, he looked at it funny and he was whispering to the woman there...and I know he didn't call up (the physician listed on the prescription) because you know, because he didn't want to burn me, so he just took it, filled it, and now he tells me 'no' every time I call him." JUSTIN RUBLOWITZ responded "yeah," and RICHARD RUBLOWITZ stated "so, just letting you know I'm letting it go." Agents believe that the "stuff" referred to in this conversation was oxycodone pills, and that RICHARD RUBLOWITZ's reference to a prescription that was "cut short" was a reference to a counterfeit prescription which RICHARD RUBLOWITZ presented to the pharmacist.

119. On May 30, 2012 at 3:11 p.m., in call 3945, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. RICHARD RUBLOWITZ stated "let me ask you a question. Can Jackie (JACKLYN RUBLOWITZ) print up two scripts with no (U/I) can she remove the signature that's on there?...and then go to FedEx, ship 'em to me overnight, you don't have to pay. You ship 'em collect at the other end." JUSTIN RUBLOWITZ responded "it's not, it's not going to be today, Dad. She can't, she's busy." RICHARD RUBLOWITZ asked "she don't have ten minutes to print them and take them right over to FedEx before six (o'clock)?" JUSTIN RUBLOWITZ answered "I have work," and RICHARD RUBLOWITZ replied "all right. Well, if anything changes, let me know."

120. On May 30, 2012 at 3:21 p.m., in call 3957, RICHARD RUBLOWITZ spoke with JUSTIN RUBLOWITZ. JUSTIN RUBLOWITZ asked "what happened to the other twelve (prescriptions) that we gave you?" RICHARD RUBLOWITZ answered "some of them got ruined, some of them we did something else with, I had to throw them away." JUSTIN RUBLOWITZ then stated "alright. What do you need now, two of them?" RICHARD RUBLOWITZ confirmed "I just need two pieces." JUSTIN RUBLOWITZ asked "what, do you have them filled already?" RICHARD RUBLOWITZ stated "if I can get two pieces (prescriptions), I can get them filled before I can come home (to South Carolina)...it would be great if you could do them without the signature, but if it's too much work, just do it with the signature. Is Jackie (JACKLYN RUBLOWITZ) there?" JUSTIN RUBLOWITZ then spoke with someone in the background, and then stated "yeah, we can take 'em out of there." RICHARD RUBLOWITZ then said "I just want to ask her (JACKLYN RUBLOWITZ) a question, though...I can't talk to her?...I want to know is there a way to, to make the color of the...signature a little darker to make it look like, you know, like it's being written in pen?" JUSTIN

RUBLOWITZ replied "I'd have to ask her, she's running into the shower right now." RICHARD RUBLOWITZ continued "to make it look, to make it blacker or you know, to make it look like a black pen...in other words thinner and blacker. It's like a bold, you know what I mean? It looks, an element, that's why it looks, that why people think it looks like an electronic or printed on there...and just put them both in two different places, alright?...just move them to two different places." JUSTIN RUBLOWITZ asked "well, do you want them (signatures) on there? You don't want them on there?" RICHARD RUBLOWITZ replied "no, no, no, no. If she can get it a little blacker, a little sharper black, then by all means put them on there. If not, if not...well Justin, if I get these now then I'll be fine, alright? I haven't, believe it or not, whether you want to believe it, you don't want to believe it, I've gotten, really, I've gotten one script filled out of all of them already and that was the one a...a few weeks ago by [pharmacist F.M.]. Everything else I've been getting has been in Randy (RANDY BINDER) without scripts." JUSTIN RUBLOWITZ responded "then Dad, return them to me so I know. I mean..."

121. On May 30, 2012 at 3:25 p.m., in call 3964, RICHARD RUBLOWITZ spoke more with JUSTIN RUBLOWITZ about the mailing of the counterfeit prescriptions. JUSTIN RUBLOWITZ asked "okay, so where do you want them sent to, Dad?" RICHARD RUBLOWITZ replied "I need two pieces, okay, if she (JACKLYN RUBLOWITZ) can get the signature darker, fine...if she can't." JUSTIN RUBLOWITZ interrupted "first things first, where do you need them sent to?" RICHARD RUBLOWITZ then instructed JUSTIN RUBLOWITZ to send the prescriptions via FedEx to the FedEx terminal which is closest to Atlantic City. Then JUSTIN RUBLOWITZ stated "okay, now you're going to have to do the signatures (on the counterfeit prescriptions) yourself, they are as dark as they can go...you got to fill them in yourself." RICHARD RUBLOWITZ then told JUSTIN RUBLOWITZ to remove the signatures. JUSTIN RUBLOWITZ then asked "what numbers do you need on them?," to which RICHARD RUBLOWITZ replied "just make up two separate numbers, they go to two different stores, and it doesn't matter. Just don't repeat any numbers...just whatever numbers you have there, just disregard all of them and make up new numbers." JUSTIN RUBLOWITZ then asked what numbers to make up, and RICHARD RUBLOWITZ stated "Jackie (JACKLYN RUBLOWITZ) said she kept a list of all the numbers she did, is that correct?" JUSTIN RUBLOWITZ then asked as an aside "you have all the numbers you did? Yeah." RICHARD RUBLOWITZ stated "okay. Just look at the numbers she did, and just look at the numbers she did. Just pick anything close to any of those numbers, okay? Make them higher because it's a few weeks later. So if she was in the three hundreds, like in 3,354,

so make it 3,727 and make the other one 3,786." JUSTIN RUBLOWITZ asked "so like, do them forty numbers apart?" and RICHARD RUBLOWITZ replied "right, whatever. I just need two with no signatures, alright?" JUSTIN RUBLOWITZ responded "yeah."

122. In subsequent phone calls between RICHARD RUBLOWITZ and JUSTIN RUBLOWITZ over the next two hours, JUSTIN RUBLOWITZ confirmed with RICHARD and MINDY RUBLOWITZ that he had mailed the counterfeit prescriptions via FedEx from South Carolina to New Jersey. Then, at 6:26 p.m. in call 4027, JUSTIN RUBLOWITZ told RICHARD RUBLOWITZ "she (JACKLYN RUBLOWITZ) pulled the color from the other one...she pulled the color of the paper from the other one so it's pretty close to what Doc's (P.D.'s) look like." RICHARD RUBLOWITZ responded "all right. That's fine." JUSTIN RUBLOWITZ added "just take a look at it and let me know how it looks." RICHARD RUBLOWITZ stated "it'll be fine. Don't worry about it." JUSTIN RUBLOWITZ then asked "where are you going with them?" and RICHARD RUBLOWITZ answered "don't worry. In places (pharmacies) that are safe. I'm not going anyplace where it's not safe." JUSTIN RUBLOWITZ then asked "where you going? To [a specific pharmacy]?" and RICHARD RUBLOWITZ responded "Justin, I don't want to talk over this phone."

123. The next day, May 31, 2012, at 5:15 p.m., in call 4117, RICHARD RUBLOWITZ spoke to JUSTIN RUBLOWITZ about the counterfeit prescriptions. RICHARD RUBLOWITZ stated "I got them, yeah. They look fine actually...they look fine, they're not short are they? They're the right size?" JUSTIN RUBLOWITZ replied "uh, yeah, I think so. It's the size we did last time." RICHARD RUBLOWITZ replied "when we pull over I'm gonna measure it to one of the other ones. Ma (MINDY RUBLOWITZ) has one of the older ones. I'm gonna measure it up." RICHARD RUBLOWITZ and JUSTIN RUBLOWITZ then discussed the coloring of a check box on the prescriptions, which RICHARD RUBLOWITZ said he would compare to an older prescription. RICHARD RUBLOWITZ then stated that he would not provide one of the prescriptions to a particular male pharmacist due to the fact that the male pharmacist is smart, but that he (RICHARD RUBLOWITZ) would instead provide the prescription to a particular female pharmacist, saying "I would only give it to her 'cause she's like, dumb." RICHARD RUBLOWITZ asked MINDY RUBLOWITZ "take out the other one, Mindy real quick, I just want to see the color." RICHARD RUBLOWITZ then compared prescriptions and stated "I'll tell you right now. Alright, it's white (the checkbox on the prescription)."

124. On May 31, 2012 at 6:36 p.m., in call 4136, RICHARD RUBLOWITZ informed JUSTIN RUBLOWITZ that he (RICHARD RUBLOWITZ) had taken one of the counterfeit prescriptions to the pharmacy.

RICHARD RUBLOWITZ stated "I gave it to him (the male pharmacist) because he was like really cool with me, I handed him the script...he says, I'm sorry I'm out of these until tomorrow or Monday...so I took the script back and I'll try tomorrow. Hopefully get them in because when she took mine the other day she filled one for me...right, the old lady?" JUSTIN RUBLOWITZ replied "uh-huh." RICHARD RUBLOWITZ continued "it was the last two hundred and forty (pills) she had in the store, she held them for me because I called her." Agents believe that the "two hundred and forty" referred to in this conversation were oxycodone pills.

125. On June 5, 2012 at 4:47 p.m., in call 4855, RICHARD RUBLOWITZ spoke to JUSTIN RUBLOWITZ. RICHARD RUBLOWITZ told JUSTIN RUBLOWITZ "I don't even need to come over there. I didn't get, I couldn't get [P.D.] information for this batch, so I just need uh, I need four pieces (prescriptions) with the higher numbers than before, uh, put two, uh, two of them close and the other two close, but between the two and two, just split them." JUSTIN RUBLOWITZ replied "okay," and RICHARD RUBLOWITZ stated "alright? And I am going in tomorrow morning at nine-thirty." JUSTIN RUBLOWITZ then said "alright, well I get out late, so I'll drop them off to you later." Agents believe that in this conversation, RICHARD RUBLOWITZ was asking JUSTIN and JACKLYN RUBLOWITZ to manufacture four more counterfeit prescriptions.

126. Two minutes later, at 4:49 p.m., in call 4858, RICHARD RUBLOWITZ said to JUSTIN RUBLOWITZ "yeah, one other thing. Uh, can she (JACKLYN RUBLOWITZ), can she do them with the signature? But make the signature a darker ink? A darker black." JUSTIN RUBLOWITZ responded "we went over this already. It's as dark as it is." RICHARD RUBLOWITZ asked "she can't make the signature darker?," to which JUSTIN RUBLOWITZ replied "no." RICHARD RUBLOWITZ then asked "alright, well can she do this, then? Can she make four with the signature and four without. And I'll see which way I need to go, same number. In other words, duplicate them, make, you know. One, two of each. One with, one without the signature?" JUSTIN RUBLOWITZ replied "yeah."

127. Several minutes later, at 5:11 p.m., in call 4873, RICHARD RUBLOWITZ spoke to JUSTIN RUBLOWITZ. JUSTIN RUBLOWITZ asked "what numbers do you want her to use?," and RICHARD RUBLOWITZ responded "told you whatever the last numbers were, go a few hundred higher. Okay?" RICHARD RUBLOWITZ and JUSTIN RUBLOWITZ then engaged in a long discussion about what numbers JUSTIN and JACKLYN RUBLOWITZ should put on the counterfeit prescriptions which they would be manufacturing for RICHARD RUBLOWITZ. JUSTIN RUBLOWITZ is heard in the background engaged

in a conversation with a female individual regarding the numbering on the prescriptions. JUSTIN RUBLOWITZ then asked "and you want them with the signatures?" RICHARD RUBLOWITZ responded "I want one set with the signatures, one set without the signatures and numbers." RICHARD RUBLOWITZ stated "...Randy (RANDY BINDER) is shipping the stuff. I'm going in tomorrow to give him papers (prescriptions). He only has few (pills) and then he's shipping the bulk on Thursday for Friday. Then if the other stuff is, if what's-his-name has the other one, I'll pick those up...he said he is going to have them when? By the weekend?" JUSTIN RUBLOWITZ replied "yeah, something like that...you can try calling him earlier when he gets in."

128. On June 6, 2012 at 1:51 p.m., in call 4966, RICHARD RUBLOWITZ spoke to JUSTIN RUBLOWITZ. JUSTIN RUBLOWITZ asked "where you at?," and RICHARD RUBLOWITZ responded "on my way back down to AC (Atlantic City)." JUSTIN RUBLOWITZ asked "what, from Randy (RANDY BINDER)?" RICHARD RUBLOWITZ answered "from Randy, yeah." JUSTIN RUBLOWITZ then asked "you have anything or no?" RICHARD RUBLOWITZ replied "he just gave me enough to hold me, tomorrow is when uh, Scott (SCOTT MAZZARA) is going to pick up the stuff and ship it to me." JUSTIN RUBLOWITZ asked "yeah, how many you getting tomorrow?," and RICHARD RUBLOWITZ responded "tomorrow hopefully close to two hundred...hopefully, you know with Randy you never know, but whatever." JUSTIN RUBLOWITZ asked "the scripts that I gave you, did you go anywhere?" RICHARD RUBLOWITZ answered "they went, three of them went to Randy for next week and whatever. I can't go nowhere Justin, I gotta go to Randy...I ain't taking a chance, that's all I need." Agents believe that the "two hundred" referred to in this conversation was oxycodone.

129. On June 8, 2012 at 5:21 p.m., in call 5185, JUSTIN RUBLOWITZ called RICHARD RUBLOWITZ's phone and spoke to MINDY RUBLOWITZ. JUSTIN RUBLOWITZ asked "Dad didn't move (sell) any of them, did he...Dad didn't move any of the things from Randy (RANDY BINDER), did he?" MINDY RUBLOWITZ replied "no." JUSTIN RUBLOWITZ then asked "what did Randy send him?" MINDY RUBLOWITZ responded "I don't even know. But I know he shorted him." Then, at 5:44 p.m., in call 5187, JUSTIN RUBLOWITZ asked MINDY RUBLOWITZ "do you know if Randy sent him (RICHARD RUBLOWITZ) out more today?" MINDY RUBLOWITZ replied "not that I know of. No, I don't think so. I don't think he has. I don't know, you gotta ask him."

130. At 6:19 p.m., in call 5189, RICHARD RUBLOWITZ spoke to JUSTIN RUBLOWITZ, who asked "did Randy (RANDY BINDER) send you out more stuff today?" RICHARD RUBLOWITZ responded "just enough

to just about get me through the weekend. Just about. Being I can't use over there, I'm thinking I'm probably gonna have a problem elsewhere. I gotta be real careful now. Think I'm gonna wind up where Randy is gonna be my only supply, and that's not good...he don't, he never has enough to supply me for more than two days at a time, three days. The only thing I'm gonna do is try on Monday is, uh, is, what do you call it, is [a particular pharmacy]." JUSTIN RUBLOWITZ then asked "who, your girl (at the pharmacy)?" RICHARD RUBLOWITZ responded "yeah. Gonna call her and see what kind of reaction I get." JUSTIN RUBLOWITZ replied "alright."

### **Joseph Aversa**

131. On May 14, 2012 at 4:09 p.m., in call 750, RICHARD RUBLOWITZ spoke with JOSEPH AVERSA. RICHARD RUBLOWITZ stated "we've done a lot of business together and we made a lot of money together at one time and then things... whatever happened, happened. It went bad for me. Here's where I am at, I ain't bullshitting you, I ain't sugar coating it. I'm telling you exactly like it is. If you can front me three G's (\$3,000) for four days, I guarantee you the first three hundred pills by Thursday or Friday of this week. I'll do the first three (hundred pills) at ten bucks a piece and then I'll be up and running again. I give you my word other than what I take for myself and my wife. You get...I will do business with you and you alone. We'll come up with a fair price cause the market...we'll come up with a fair price in the beginning. You work with me, we'll knock off what I owe you. You know, you give like parts, (U/I) parts so I can keep going. I just need three G's to get me back up and running." JOSEPH AVERSA replied "I thought you uh...like would let me take the ride with you to make sure everything gets done right." RICHARD RUBLOWITZ responded "here's what it is, I need three G's and then I gotta wait three days." JOSEPH AVERSA asked "you have to give someone money up front and then it takes three days?," to which RICHARD RUBLOWITZ responded "yeah, but it's a person I trust. It's not someone that I've never done business with." JOSEPH AVERSA said "yeah, you're waiting for it to ship. You know, whatever." RICHARD RUBLOWITZ then said "right and I know I'm not gonna get burned. I know I'm gonna get the product...here's the thing, it would be a lot easier...I have a [bank account] under Mindy's (MINDY RUBLOWITZ) name. The air fare is killing me. I need...I keep flying in for nothing. Like I flew again this week trying to get some stuff and I blew in the last two weeks over two grand (\$2,000) of money I don't have on air fare which is killing me. If you have the three G's, again Joe sincerely, I'm not lying to you...today is Monday, so I get it tomorrow. By Friday the

latest you should have the first three hundred pieces in your hand." JOSEPH AVERSA said he would think about it and get back to RICHARD RUBLOWITZ. Agents believe that in this conversation, RICHARD RUBLOWITZ and JOSEPH AVERSA were discussing an oxycodone pill transaction.

132. On May 15, 2012 at 2:15 p.m., in call 882, RICHARD RUBLOWITZ spoke with JOSEPH AVERSA. RICHARD RUBLOWITZ asked "let's talk, are you going to help me out here Joe? Come on. We have made a lot of money together Joe." JOSEPH AVERSA replied "I know, I can't wire (money) to you like that." RICHARD RUBLOWITZ stated "you don't have to wire money to me. I'm not asking you to wire money to me. I'm asking to deposit it in the account so I can fly in and take care of business." JOSEPH AVERSA responded "if I'm doing anything with you at all with money, it's gotta be straight-out business." JOSEPH AVERSA asked RICHARD RUBLOWITZ "why don't you send me to do whatever I gotta?," to which RICHARD RUBLOWITZ replied "I don't think so Joe, I don't think these people are going to deal with you, Joe. Yeah, I'm gonna send somebody they never met, 'yeah listen I can't get in.' Come on, Joe." JOSEPH AVERSA responded "they could strip me butt naked I don't give a shit." RICHARD RUBLOWITZ then stated "Joe, put a G (\$1,000) in the account, I'll fly in and we'll go together. You pick me up at the airport and we'll go together." JOSEPH AVERSA asked "what kind of move is that? Like what do we?" RICHARD RUBLOWITZ answered "it's a move at a drug store, I gotta go in, you can't go in. Plain and simple I gotta bring the paper (prescription) and I got the paper and I gotta go in with it." JOSEPH AVERSA asked "you got the paper, though?" RICHARD RUBLOWITZ responded "I got everything," to which JOSEPH AVERSA responded "okay, cause you know it's a...they know they're on to us." RICHARD RUBLOWITZ replied "Joe, no, these people are working with me, everything's cool, we've done it already and now we're ready to do it on a steady basis, okay. There is no problem we checked it out for a month to make we didn't get a come-back from a doctor. We didn't. Everything's cool and now we're ready to do it every week. Two to three (prescriptions) a week." JOSEPH AVERSA then cautioned RICHARD RUBLOWITZ "I'm gonna give you a heads up, using your name (on the prescriptions) is a bad idea." RICHARD RUBLOWITZ responded "I'm not using...my name isn't being used, Joe." JOSEPH AVERSA stated "okay, good. All right." RICHARD RUBLOWITZ said "not my name ain't on anything," and JOSEPH AVERSA said "so I feel a little more comfortable I'm gonna make it a thousand (dollars)." JOSEPH AVERSA agreed to deposit \$1,000 in RICHARD RUBLOWITZ's bank account. RICHARD RUBLOWITZ then stated "tomorrow is Wednesday we'll go Thursday and pick up the first load, all right? We'll do it early. You pick me up early in the morning and we'll go do it." Agents

believe that in this conversation, RICHARD RUBLOWITZ and JOSEPH AVERSA were discussing obtaining oxycodone pills.

133. On May 19, 2012 at 2:45 p.m., in call 1885, RICHARD RUBLOWITZ spoke with JOSEPH AVERSA. During this conversation, RICHARD RUBLOWITZ and JOSEPH AVERSA discussed their anticipated weekly oxycodone pill distribution operation. After stating that he was on his way to the bank in order to transfer money into RICHARD RUBLOWITZ's bank account, JOSEPH AVERSA asked "what are you going to be able to get every week?" RICHARD RUBLOWITZ stated "I'm gonna be totally honest with you. Other than the two scripts me and Mindy (MINDY RUBLOWITZ) get a month...right now, I'd be able to - and I'll split it with you down the middle. I'm gonna be able to get four twenty (420 pills) a week right now." JOSEPH AVERSA replied "alright." RICHARD RUBLOWITZ continued, "I'll give you two ten (210 pills), I'll keep two ten (210 pills) and I'll start piecing you up towards what I owe you. JOSEPH AVERSA replied "alright. So it's not really a big operation." RICHARD RUBLOWITZ responded "what's wrong Joe? An extra fifteen, two thousand (dollars) a week coming in, you don't need it?" JOSEPH AVERSA said "yeah. If we're doing the thing at twelve dollars (per pill), yeah fine." RICHARD RUBLOWITZ then stated "I said I'll work you a fair price. You help me out. You the only one that was there for me so what am I gonna do, fuck you? I'm gonna help you. You the only fucking person that came to bat for me." JOSEPH AVERSA asked RICHARD RUBLOWITZ to make a call later to another phone of JOSEPH AVERSA's. RICHARD RUBLOWITZ asked "why are we even using this one (the phone that JOSEPH AVERSA was currently talking on)." JOSEPH AVERSA responded "this one is safe." Agents believe that the "four twenty" referred to in this conversation was oxycodone pills.

134. On May 23, 2012 at 5:06 p.m., in call 2864, RICHARD RUBLOWITZ spoke with JOSEPH AVERSA. RICHARD RUBLOWITZ stated "I'm coming to the [casino] tonight." JOSEPH AVERSA replied "yeah, but I don't want to, you know what I mean, I can't do that...when can you be you know..." RICHARD RUBLOWITZ replied "I can't give you a time yet. I'll call you when I know what time...I don't know an exact time yet. We can't go into the bathroom over there?" JOSEPH AVERSA responded "no, Uncle Rich. I will try to get off as early as I can." RICHARD RUBLOWITZ asked "they don't have recordings there in the bathroom, do they?" JOSEPH AVERSA answered "it's just not (U/I). As long as you have the product, I will be happy...but everything is done, taken care of?" RICHARD RUBLOWITZ replied "yes, in the, yes, yes, yes." JOSEPH AVERSA stated "that's all I need to know." JOSEPH AVERSA added "I got cash if you need to borrow more cash," to which RICHARD RUBLOWITZ replied "okay, fine." Agents believe

that in this conversation, RICHARD RUBLOWITZ and JOSEPH AVERSA were planning a transaction of oxycodone pills to take place at a casino.

135. During several phone calls on the Wiretap, RICHARD RUBLOWITZ has made numerous references to filling prescriptions with M.B., who is a pharmacist at a pharmacy in Ventnor, New Jersey. RICHARD RUBLOWITZ refers to pharmacist M.B. as "my girl," and JOSEPH AVERSA appears to have a close relationship with M.B. On May 24, 2012 at 1:07 p.m., in call 2991, RICHARD RUBLOWITZ asked JOSEPH AVERSA "let me ask you this - have you spoken to [pharmacist M.B.] recently?" JOSEPH AVERSA replied in the affirmative and said that he spoke to her the night before. RICHARD RUBLOWITZ asked "did she mention me?" JOSEPH AVERSA replied in the negative, and RICHARD RUBLOWITZ stated "okay, that means everything is good. Okay. She's not working 'til when, Monday again, right?" JOSEPH AVERSA replied "Monday or Tuesday, yeah." RICHARD RUBLOWITZ then stated "Monday she's in. Monday I can fill two hundred and forty (pills) by her. That's Monday, that's fucking Monday. I know... 'cause she filled for me. I just wanted to make sure, I'm sure there was no comeback on it. She didn't say nothing, no problems or nothing, right?" JOSEPH AVERSA replied in the negative, and RICHARD RUBLOWITZ stated "okay, she didn't bring me up. She would have, right?" JOSEPH AVERSA responded "no, she would bring that if there was a something wrong." RICHARD RUBLOWITZ asked "if there was something wrong with the last one (prescription) I gave you, she would have brought it up to you, right?" JOSEPH AVERSA replied in the affirmative, and RICHARD RUBLOWITZ stated "yeah. She didn't bring it, okay that means it was fine. Okay that's what I thought. All right. So, Monday I know I can get two hundred and forty from her. What the fuck do we do till then?" JOSEPH AVERSA replied "I don't know. You don't have any other options. I might go to a doctor tomorrow." RICHARD RUBLOWITZ said "I don't have any other options, Joe. My guy (RANDY BINDER)...his computer is still down and he didn't get anything on his order yet. There's one more order coming. He's gonna call me. I'm praying, Joe..." Later in the conversation, JOSEPH AVERSA stated "I wouldn't have been pissed off if I could've just got the two thousand (dollars) back, you know?" RICHARD RUBLOWITZ replied "let me see...I legitimate bought him (RANDY BINDER) the tickets to the fucking hockey game. That was the deal we had." RICHARD RUBLOWITZ went on to explain that he has known this guy (RANDY BINDER) for a very long time and it's not his (RANDY BINDER's) intentions to screw RICHARD RUBLOWITZ over. RICHARD RUBLOWITZ explained that his (RANDY BINDER's) order got messed up and he knows that as soon as his friend (RANDY BINDER) gets them he will give it to RICHARD RUBLOWITZ. JOSEPH AVERSA agreed "yeah, yeah."

He did what he had to do." Agents believe that in this conversation, RICHARD RUBLOWITZ was concerned about whether M.B. said anything to JOSEPH AVERSA about a prescription that RICHARD RUBLOWITZ had filled with her. Agents also believe that the "two hundred and forty" refers to oxycodone pills. Agents also believe that the "two thousand" which JOSEPH AVERSA referred to is money which JOSEPH AVERSA provided to RICHARD RUBLOWITZ for the purchase of oxycodone pills from RANDY BINDER.

136. On May 24, 2012 at 6:50 p.m., in call 3070, RICHARD RUBLOWITZ spoke with JOSEPH AVERSA. During this conversation, RICHARD RUBLOWITZ and JOSEPH AVERSA again discussed filling prescriptions with M.B. RICHARD RUBLOWITZ asked "all right, let me ask you a question, you can reach [pharmacist M.B.], right?" JOSEPH AVERSA replied in the affirmative. RICHARD RUBLOWITZ continued "is there any way you can call her and see if she can call the store so I can fill the script tomorrow under my name?" JOSEPH AVERSA replied "umm, she won't do that. Like, she won't call the store to even check and see if they have them in stock...like, she won't even do that for me...my name because they know that I'm friends with her." RICHARD RUBLOWITZ stated "so I gotta wait 'till Monday then you're telling me." JOSEPH AVERSA said "yeah, you can go and try to fill it, I mean," but RICHARD RUBLOWITZ responded "no, without her there I won't even make it. I won't even do it without her there because when she's there, there's never a problem...I'm not gonna take that chance, you understand?" JOSEPH AVERSA replied "yeah, I know."

137. On June 8, 2012 at 9:05 p.m., in call 5201, JOSEPH AVERSA left a voicemail for RICHARD RUBLOWITZ, stating "I pay for you to get into town. You don't do shit. You borrow more money on top of money. You run around, you don't even call me back. No nothing, just, just, disappear. A, a payment plan, what? Get my friend in trouble at work. What else you're gonna do? Just never talk to me again after all the money. All the money I gave you. Just call me back, this is ridiculous. Absolutely ridiculous that you have my whole bank account. That every dollar that I own, you have."

### **Scott Mazzara**

138. On May 14, 2012 at 3:57 p.m., in call 746, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ stated "yeah, well I'm sure now. I'm coming in (to New Jersey from South Carolina) Wednesday. One way or the other were getting stuff (pills). By then...tomorrow I'm working on those things (prescriptions) and changing the phone number on them so it rings here to Mindy (MINDY RUBLOWITZ). And, if I have to I'm going

into [see pharmacist M.B.]. And even if they call and verify, I'll get Mindy (MINDY RUBLOWITZ) on the phone, she'll verify the script." SCOTT MAZZARA replied "that's perfect." RICHARD RUBLOWITZ then said "alright? Because we gotta get something, you know what I mean? This is ridiculous, you need stuff and I need stuff. This is crazy already." Later in the conversation, RICHARD RUBLOWITZ stated "like I said, I'm changing the phone number on there to the uh...the Magic Jack<sup>22</sup> and uh...I'm getting this, you know what I mean? I don't give a fuck where I gotta go, I'm getting shit filled on Wednesday and I ain't talking about one (prescription). If I gotta get two or three. And once I go to [pharmacist M.B.] and if she calls, you know, if she does and Mindy (MINDY RUBLOWITZ) answers and everything goes good, then I'm going to other places. I don't give a fuck." SCOTT MAZZARA replied "uh-huh." As previously set forth, agents believe that RICHARD RUBLOWITZ and other co-conspirators are manufacturing counterfeit prescriptions which they then use to illegally obtain prescription pills. Agents believe that in this conversation, RICHARD RUBLOWITZ was explaining to SCOTT MAZZARA that these counterfeit prescriptions bear a phone number which, although purported to be the phone number of a physician's office, is actually MINDY RUBLOWITZ's phone number. Therefore, if a pharmacist calls the number to inquire about the legitimacy of the prescription, MINDY RUBLOWITZ will answer the phone and act as an employee of the physician's office and verify that the prescription is legitimate.

139. On May 21, 2012 at 10:30 a.m., in call 2274, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ asked "so what you wind up selling?" SCOTT MAZZARA replied "I don't know. I think I wound up selling like, uh, like ten of them or something like that. You know, a couple people didn't come through." RICHARD RUBLOWITZ stated "oh, you said twelve to fifteen earlier." SCOTT MAZZARA replied "yeah, I know. Somebody was supposed to come by. RICHARD RUBLOWITZ asked "what did you get for them?" to which SCOTT MAZZARA replied "what's that? I have everything in my pocket." RICHARD RUBLOWITZ then stated "oh, alright. When you figure it out just give me a call. When you get to the bank give me a call and tell me what you put and I'll give you the account number, alright?" SCOTT MAZZARA answered "yeah, I'll be there in a few minutes." Agents believe that in this conversation, RICHARD RUBLOWITZ and SCOTT MAZZARA were discussing SCOTT MAZZARA's sale of oxycodone pills, and how SCOTT MAZZARA was on his way to a bank to deposit proceeds of the

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22. Magic Jack is an internet-based telephone service.

pill sales into an account held or controlled by RICHARD RUBLOWITZ.

140. On May 22, 2012 at 1:03 p.m., in call 2540, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA about counterfeit prescriptions. RICHARD RUBLOWITZ stated "yeah, listen. The stuff, the stuff that your buddy made me, right?... we put it up against the uh.. the real deal. Alright? One-eighth of an inch off top to bottom, a full eighth. A full one-eighth of an inch off top to bottom, a full of an eighth of an inch off side to side." SCOTT MAZZARA replied "you sure about that?" RICHARD RUBLOWITZ stated "we overlayed it. We overlaid it. On a real one. That's, that's why we...okay. What I'd like you to do now, because I'm heading up to meet people and I don't know what time I'm gonna be done. Do you have, can you meet me quick? Where are we? How long would it take you to get to Forked River?" SCOTT MAZZARA asked "to the rest stop?...I don't know like ten to fifteen minutes." RICHARD RUBLOWITZ said "alright. Could you leave right now? Because I'll be, I want to hand you back the one you gave me plus one for him to go by. And it has the number so you could put the number in the way it's supposed to be, up on top, right?...and you could see the right size. And then they're perfect. The color's perfect...the color's perfect, right on with the color. But you gotta, you'll, you'll see the difference. Alright?" SCOTT MAZZARA responded "okay." Agents believe that in this conversation, RICHARD RUBLOWITZ was advising SCOTT MAZZARA about the quality of counterfeit prescriptions which he had obtained from SCOTT MAZZARA, as well as offering advice on how to produce better quality copies.

141. On May 23, 2012 at 9:10 p.m., in call 2912, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ asked "let me ask you a question, Matt (MATTHEW RUBLOWITZ) gave you what? Forty (pills) today?" SCOTT MAZZARA answered "yeah, something like that." RICHARD RUBLOWITZ asked "did you sell any of them yet?," to which SCOTT MAZZARA replied "yeah, a few of them." RICHARD RUBLOWITZ continued "let me ask you a question, would you let thirty go at twenty bucks a pop? Or you need more?" SCOTT MAZZARA stated "I don't have thirty left." RICHARD RUBLOWITZ asked "you have twenty-five left?" SCOTT MAZZARA answered "no, I got rid of (sold) like about twenty or twenty-five of them already." RICHARD RUBLOWITZ stated "I got rid of most all of them already." SCOTT MAZZARA then said "I got rid of the ones I was gonna get rid of. I was gonna keep like ten for myself." RICHARD RUBLOWITZ stated "no problem, all right." SCOTT MAZZARA then stated "I was like, Matt (MATTHEW RUBLOWITZ) doesn't have any to give you? Or he actually took off already?" RICHARD RUBLOWITZ answered "yeah, but I was gonna buy them off of you for

like twenty bucks a pop cash." SCOTT MAZZARA responded "I didn't know. I didn't think you needed it." RICHARD RUBLOWITZ replied "it's all right. Don't worry about it. I'll talk to you tomorrow." Agents believe that this conversation involved the sales of oxycodone pills.

142. On May 25, 2012 at 8:41 p.m., in call 3307, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ stated "if for some reason I can't fill tomorrow because...see, my girl (pharmacist M.B.) is not in tomorrow. But if the other girl is there, I'll be fine. If that pharm, if the guy is there, he won't fill for anybody, right?...if I can't fill tomorrow, do you have anybody that you know that's sitting on stuff that would do a trade sixty (pills) for eighty (pills) back on Monday when I know I can fill?" SCOTT MAZZARA replied "I don't know...probably not, to be honest with you. I don't know any...most of the people I've been...like buying you know, my few amounts off of...don't usually have that many...most of the people, they get like twenty (pills) or thirty (pills) here or there and stuff like that." RICHARD RUBLOWITZ replied "yeah, alright, I'll take it as it comes. Hopefully we won't have that problem tomorrow. Pray to God I don't have that problem." SCOTT MAZZARA then asked "they don't know, they don't know if the other one is gonna be in or not?" RICHARD RUBLOWITZ replied "well, no, no, no...I know she... no, my girl (pharmacist M.B.) is not in 'til Monday. That I know for sure." The two continued to talk about the male pharmacist where pharmacist M.B. works, and that it is difficult to fill prescriptions with him. RICHARD RUBLOWITZ stated "if the President of the United States came in he'd tell him 'sorry Mr. President, we don't have any'." SCOTT MAZZARA stated "I don't get why he's like that, if somebody actually, you know, needs it." RICHARD RUBLOWITZ then stated "that's the way this guy is, he does it with everybody. He tells them to come back. He, he did this, when I had my legit scripts." Agents believe that this conversation involved oxycodone pills.

145. On May 26, 2012 at 3:29 p.m., in call 3367, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ asked "can you get any (pills) for cash, because they can't fill...I can't get a fill for Monday...that guy was in over there and then I went to another store and she was like she was going to do it and then all of a sudden she got like leery and she wouldn't do it. So I gotta wait for my girl (pharmacist M.B.) on Monday." SCOTT MAZZARA responded "I could make some calls." RICHARD RUBLOWITZ asked "try to keep them at twenty bucks (per pill), you know what I mean?" SCOTT MAZZARA answered "yeah, I know. Most of the kids I know around here that do it are young and freaking stubborn." RICHARD RUBLOWITZ responded "well, see what you can do. Don't

turn them down, call me with the best price you can get, alright? Please, 'cause I need something. I'll come meet you. I'll drive up if I have to." SCOTT MAZZARA stated "alright. I'll make a few calls." Agents believe that this conversation involved oxycodone pills.

146. On May 29, 2012 at 3:01 p.m., in call 3784, RICHARD RUBLOWITZ spoke with SCOTT MAZZARA. RICHARD RUBLOWITZ asked "is there any chance of you getting like two scripts for tomorrow? Tonight to use tomorrow?" SCOTT MAZZARA replied "what do you mean? You want me to print out two of them?" RICHARD RUBLOWITZ stated "yeah, but can you add the number? Remember I gave you the number? His uh, DEA number." SCOTT MAZZARA replied "uh, I gotta talk to my friend, you know?" RICHARD RUBLOWITZ said "let him, all he has to do is remove the line and just add the number there. The letters and the number. It should be very easy... 'cause I can fill at least one, possibly two tomorrow." SCOTT MAZZARA replied "okay." RICHARD RUBLOWITZ continued "alright? It'll be two forty (240 pills) and four eighty (480 pills). You know what I mean?...this way, I can give you a good load (of pills) and you can get the money situation straightened out." SCOTT MAZZARA responded "yeah, when he gets home I'll give him a call and ask him." Agents believe that in this conversation, RICHARD RUBLOWITZ was asking SCOTT MAZZARA to obtain two counterfeit prescriptions for oxycodone pills, and was directing SCOTT MAZZARA to instruct his friend to put a specific DEA number on the prescriptions.