

Eastern District of Kentucky  
**FILED**  
JUL 23 2020  
AT LONDON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 6:20-CR-42-REW

CALVIN L. MANIS and  
JOHN PASTERNAK

\* \* \* \* \*

**THE GRAND JURY CHARGES:**

At all times relevant to this Indictment:

1. **CALVIN L. MANIS (“MANIS”), R. Ph.**, was a registered pharmacist practicing in Barbourville, Kentucky, which is in the Eastern District of Kentucky.
2. **MANIS** owned and operated Parkway Pharmacy in Barbourville, Kentucky.
3. **JOHN PASTERNAK** was an individual who resided in or around Barbourville, Kentucky.

**BACKGROUND ON CONTROLLED SUBSTANCES**

4. The Controlled Substances Act (“CSA”) governed the manufacture, distribution, and dispensing of controlled substances in the United States.
5. Under the CSA, the United States Drug Enforcement Administration (“DEA”) regulated certain pharmaceutical drugs designated as “controlled substances” because of their potential for abuse or dependence, their accepted medical use, and their accepted safety for use under medical supervision. *See* 21 U.S.C. § 802(6).

6. The Drug Enforcement Administration issued registration numbers to qualifying practitioners, including pharmacists, which permitted them to dispense Schedule II, III, IV, and V controlled substances consistent with the terms of that registration. 21 U.S.C. § 822.

7. Generally, pharmacists could only lawfully dispense controlled substances to individuals with a valid prescription issued by an authorized health practitioner. 21 U.S.C. § 829.

8. “A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription.” 21 C.F.R. § 1306.04(a).

9. Oxycodone and oxymorphone were narcotic opioid analgesic drugs classified as Schedule II controlled substances.

**COUNT 1**  
**21 U.S.C. § 846**

10. Paragraphs 1 through 9 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

11. Beginning in or around December 2015, the exact dates being unknown, and continuing through in or about August 2019, the exact dates being unknown, in Knox County, in the Eastern District of Kentucky, and elsewhere,

**CALVIN L. MANIS and  
JOHN PASTERNAK**

did knowingly and intentionally conspire, confederate, and agree together and with others to unlawfully distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, quantities of Schedule II controlled substances, including oxycodone and oxymorphone, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

**COUNTS 2-15  
21 U.S.C. § 841(a)(1)  
18 U.S.C. § 2**

12. Paragraphs 1 through 9 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

13. On or about the dates listed below, in Knox County, in the Eastern District of Kentucky,

**CALVIN L. MANIS**

did knowingly and intentionally distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, a Schedule II controlled substance, as set forth below:

<b>Count</b>	<b>Date Filled</b>	<b>Patient</b>	<b>Drug Name</b>	<b>Prescription Number</b>
<b>2.</b>	9/12/2016	C.W.	Oxycodone HCL 30MG	02029231
<b>3.</b>	9/12/2016	F.H.	Oxycodone 15MG	02029232
<b>4.</b>	9/12/2016	S.H.	Oxycodone HCL 30MG	02029233
<b>5.</b>	10/10/2016	S.H.	Oxycodone 30MG	02029704

<b>Count</b>	<b>Date Filled</b>	<b>Patient</b>	<b>Drug Name</b>	<b>Prescription Number</b>
6.	10/10/2016	F.H.	Oxycodone 15MG	02029705
7.	10/10/2016	C.W.	Oxycodone 30MG	02029707
8.	11/7/2016	C.W.	Oxycodone 30MG	02030162
9.	11/7/2016	S.H.	Oxycodone 30MG	02030163
10.	11/7/2016	F.H.	Oxycodone 15MG	02030164
11.	5/23/2019	C.W.	Oxymorphone 7.5MG	02044948
12.	5/23/2019	C.W.	Oxycodone 10MG	02044949
13.	8/24/2019	F.H.	Oxycodone 15MG	02046426
14.	8/24/2019	F.H.	Oxymorphone 15MG	02046425
15.	10/18/2019	J.P.	Oxycodone 20MG	02047292

All in violation 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

**COUNT 16**  
**21 U.S.C. § 856(a)(1)**

14. Paragraphs 1 through 13 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

15. Beginning in or about December 2015, the exact date being unknown, and continuing through on or about June 24, 2020, in Knox County, in the Eastern District of Kentucky,

**CALVIN L. MANIS**

did knowingly and intentionally open and maintain and manage and control, whether permanently or temporarily, a place, namely, **PARKWAY PHARMACY**, 726 S. US Hwy 25E, Barbourville, Kentucky, for the purpose of distributing, outside the scope of

professional practice and not for a legitimate medical purpose, Schedule II controlled substances, including oxycodone and oxymorphone, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 856(a)(1).

**FORFEITURE ALLEGATION**  
**21 U.S.C. § 853**

1. Upon conviction of the offenses in this Indictment, **CALVIN MANIS** and **JOHN PASTERNAK** shall forfeit to the United States of America, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds they obtained, directly or indirectly, as the result of the aforesaid violations of 21 U.S.C. §§ 841(a)(1), 846, and 856(a)(1) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. The property to be forfeited includes, but is not limited to, the following:

**BANK ACCOUNT:**

\$34,587 held in Commercial Bank Account XXXX0901 in the name of Parkway Pharmacy

**REAL PROPERTY:**

726 S. US Hwy 25E, Barbourville, Kentucky

**LICENSE TO PRACTICE:**

**CALVIN MANIS'** Kentucky Board of Pharmacy License and any rights and privileges associated with the practice of pharmacy in the Commonwealth of Kentucky

By virtue of the commission of the felony offenses charged in this Indictment, any and all interest **CALVIN MANIS** and **JOHN PASTERNAK** have in the above-described

property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853.

3. If any of the property listed above, as a result of any act or omission of the Defendant(s),
  - (a) Cannot be located upon the exercise of due diligence;
  - (b) Has been transferred or sold to, or deposited with, a third party;
  - (c) Has been placed beyond the jurisdiction of the Court;
  - (d) Has been substantially diminished in value; or
  - (e) Has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek the forfeiture of any other property in which the defendant has an interest, up to the value of the property and proceeds described above.

**A TRUE BILL** /



**ROBERT M. DUNCAN, JR.**  
**UNITED STATES ATTORNEY**

**PENALTIES**

**COUNTS 1 – 15:** Not more than 20 years imprisonment, a fine of not more than \$1,000,000, and supervised release of at least 3 years.

**COUNT 16:** Not more than 20 years imprisonment, a fine of not more than \$500,000, and supervised release of not more than 3 years.

**PLUS:** Mandatory special assessment of \$100 per count.

**PLUS:** Restitution, if applicable.

**PLUS:** Forfeiture as listed.