

★ JUL 23 2020 ★

LONG ISLAND OFFICE

NB:BTK
F. #2020R00551

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

INDICTMENT

- against -

Cr. No. **CR 20 267**
(T. 18, U.S.C., §§ 981(a)(1)(C), 1349
and 3551 et seq.; T. 21, U.S.C.,
§ 853(p); T. 28, U.S.C., § 2461(c))

ARKADIY KHAIMOV,
also known as "Alex,"

Defendant.

- - - - -X

SEYBERT, J.
LINDSAY, M.J.

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendant and His Pharmacies

1. The defendant ARKADIY KHAIMOV, also known as "Alex," was a resident of Queens, New York.

2. Between approximately February 2017 and July 2018, both dates being approximate and inclusive, the defendant ARKADIY KHAIMOV, also known as "Alex," together with others, operated pharmacies including: Pharmacy 1, the identity of which is known to the Grand Jury and which was based in Queens, New York; Pharmacy 2, the identity of which is known to the Grand Jury and which was based in New York, New York; and Pharmacy 3, the identity of which is known to the Grand Jury and which was based in Queens, New York.

II. The Co-pay Coupon Program

3. John Doe Company 1, a corporation, the identity of which is known to the Grand Jury, was a pharmaceutical manufacturer that was based in California.

4. John Doe Company 1 manufactured a prescription drug, the identity of which is known to the Grand Jury (the “medication”).

5. John Doe Company 1 operated a Co-pay Coupon Program (the “Co-pay Program”).

6. John Doe Company 2, an Arizona-based corporation, the identity of which is known to the Grand Jury, administered the Co-pay Program on behalf of John Doe Company 1. Pharmacies participating in the Co-pay Program would submit reimbursement claims through John Doe Company 2’s internet servers or call centers, which were located in Arizona, Georgia or California.

7. To process claims under the Co-pay Program, John Doe Company 2 would cause checks to be mailed to pharmacies seeking reimbursement for participating in the Co-pay Program. These checks were drawn on a bank account that John Doe Company 2 maintained at a JP Morgan Chase Bank branch in Chicago, Illinois (the “Chicago Bank Account”).

III. The Fraudulent Scheme

8. In or about and between February 2017 and July 2018, the defendant ARKADIY KHAIMOV, together with others, caused Pharmacy 1, Pharmacy 2 and Pharmacy 3 to submit approximately \$6.9 million in fraudulent Co-pay Program claims to

John Doe Company 2. These claims sought reimbursement for amounts of the medication that Pharmacy 1, Pharmacy 2 and Pharmacy 3 had never actually dispensed.

9. Pharmacy 1's, Pharmacy 2's and Pharmacy 3's Co-pay Program claims were fraudulently manipulated to obtain maximum amounts of reimbursements. For example, while the medication is typically given in a 28-day supply, Pharmacy 1, Pharmacy 2 and Pharmacy 3 repeatedly sought reimbursement under the Co-pay Program for 18-day or 21-day supplies of the medication, which would allow for two reimbursement claims to be submitted within approximately one month. Some of these fraudulent claims were based upon prescriptions for the medication that were purportedly written by Jane Doe 1, a physician whose identity is known to the Grand Jury, whose office was located in Nassau County, New York.

10. In furtherance of the scheme, on or about May 1, 2018, the defendant ARKADIY KHAIMOV, together with others, caused an approximately \$3.5 million check that was mailed from John Doe Company 2 and that was drawn on the Chicago Bank Account, to be deposited into a JP Morgan Chase Bank Account, which was established in the name of Pharmacy 1 by John Doe 1, an individual whose identity is known to the Grand Jury (the "Chase Account"), at a Chase branch in Queens, New York. In or about and between May 2018 and July 2018, both dates being approximate and inclusive, KHAIMOV engaged in communications with Co-conspirator 1, an individual in Nassau County, New York, whose identity is known to the Grand Jury, concerning the approximately \$3.5 million deposit into the Chase Account.

11. In furtherance of the scheme, on or about May 2, 2018, approximately nine checks, totaling approximately \$2.3 million, were drawn on the Chase Account and made payable to various entities, including a \$231,372.50 check issued to John Doe Company 3, a corporation, the identity of which is known to the Grand Jury, which was based in Nassau County, New York. In addition, on or about May 2, 2018, a \$500,000 check was drawn on the Chase Account and made payable to John Doe Company 4, a corporation, the identity of which is known to the Grand Jury. On or about May 2, 2018, the \$500,000 check made payable to John Doe Company 4 was deposited into a bank account held in the name of John Doe Company 4, which the defendant ARKADIY KHAIMOV established on or about May 5, 2016.

12. In furtherance of the scheme, in or about February 2017, the defendant ARKADIY KHAIMOV, together with others, agreed with Co-conspirator 2, an individual whose identity is known to the Grand Jury, to submit fraudulent Co-pay Program claims to John Doe Company 2 from Pharmacy 2 and Pharmacy 3. Thereafter, in or about and between February 2017 and January 2018, both dates being approximate and inclusive, John Doe Company 2 mailed checks to Pharmacy 2 in New York, New York and Pharmacy 3 in Queens, New York.

CONSPIRACY TO COMMIT MAIL AND WIRE FRAUD

13. The allegations contained in paragraphs one through 12 are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between February 2017 and July 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARKADIY KHAIMOV, also known as “Alex,” did knowingly and intentionally conspire to devise a scheme and artifice to defraud John Doe Company 1 and John Doe Company 2, and to obtain money and property from John Doe Company 1 and John Doe Company 2, by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, (a) to place and cause to be placed in a post office and authorized depository for mail matter, and cause to be sent and delivered by the United States Postal Service and private commercial carriers, one or more matters and things, to wit: checks mailed from John Doe Company 2’s offices in Phoenix, Arizona to Pharmacy 1, in Queens, New York, Pharmacy 2 in New York, New York and Pharmacy 3 in Queens, New York, contrary to Title 18, United States Code, Section 1341; and (b) to transmit and cause to be transmitted, by means of wire communications in interstate commerce, writings, signs, signals, pictures and sounds, to wit: electronically submitted Co-pay Program claims made through John Company 2’s internet servers, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

15. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

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

- (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, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

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

A TRUE BILL

A large black rectangular redaction box covering the signature of the foreperson.

FOREPERSON

A large black rectangular redaction box covering the signature of Seth D. Ducharme.

SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2020R00550
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ARKADIY KHAIMOV,
also known as "Alex,"

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 981(a)(1)(C), 1349 and 3551 *et seq.*; T. 21, U.S.C.,
§ 853(p); T. 28, U.S.C., § 2461(c))



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Bradley T. King, Assistant U.S. Attorney (631) 715-7900