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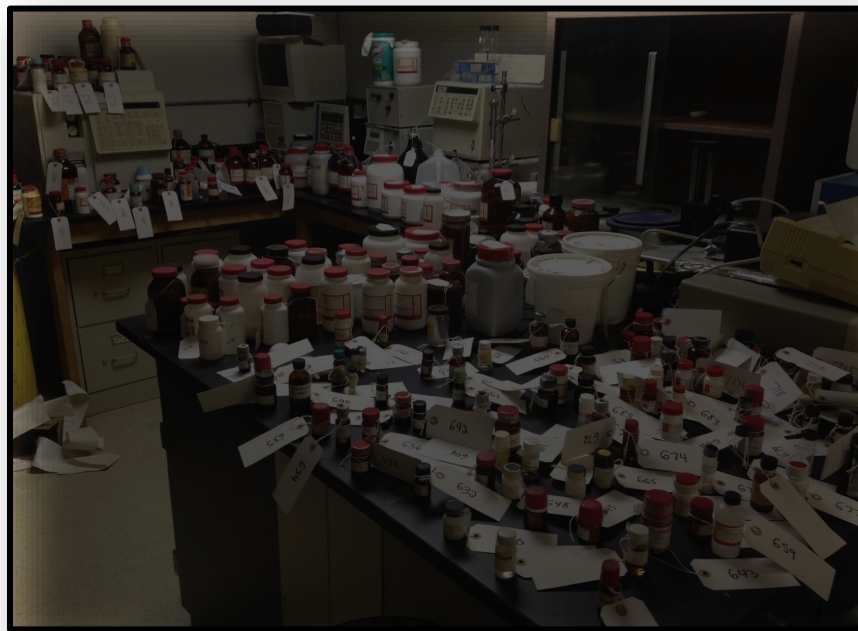
Bulletin

Environmental Crimes Section

February 2019

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Waste chemicals contaminated with radiation found at Beta Chem Laboratory, owned by Ahmed el-Sherif. See *U.S. v. el-Sherif*, [inside](#), for more details about this case.

Send your federal case updates to:

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	United States v. Dale Lackner et al.	Big Game Hunts/Conspiracy, False Statement, Lacey Act
Eastern District of California	United States v. Felipe Angeles Valdez-Colima et al. United States v. Alan F. Gomez-Paniagua	Marijuana Grow/Conspiracy, Drugs, Depredation to Natural Resources
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Middle District of Florida	United States v. Marian Walas	Metal Recycler/RCRA
Northern District of Georgia	United States v. Carlos Conde	Chemical Spill/CWA
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District of Kansas	United States v. Ahmed el-Sherif	Radioactive Waste/RCRA
Eastern District of Louisiana	United States v. Christopher Srubar et al.	Explosion/CWA
Western District of Louisiana	United States v. Vjaceslavs Birzakovs	Vessel/APPS, Conspiracy, Obstruction
Eastern District of Michigan	United States v. Richard Bauder et al. United States v. IAV GmbH	Emissions Testing Software/Conspiracy, CAA, Wire Fraud
Western District of Michigan	██ ██ ██ United States v. Kian Miller et al.	Tribal Fishing/Lacey Act Dog Fighting/Animal Fighting Venture
Eastern District of Missouri	██ United States v. Dale Johansen	██ Municipal WWTP Employee/False Statement
District of New Jersey	United States v. Miguel Castillo	Waste Disposal/RCRA
Southern District of Ohio	United States v. Mark Harris	Asbestos Abatement/CAA
Northern District of Ohio	United States v. Amin M. Salem et al.	Animal Slaughter/CWA, Money Laundering Conspiracy, Trafficking in Counterfeit Goods

District/Circuit	Case Name	Case Type/Statutes
Eastern District of Pennsylvania	<u>United States v. U-Haul Company of Pennsylvania et al.</u>	Explosion/HMTA
Middle District of Pennsylvania	<u>United States v. Bruce Evans, Sr., et al.</u>	Municipal WWTP Operator/CWA, Wire Fraud
District of South Carolina	<u>United States v. Michael Greene</u>	Waste Disposal/CWA
Eastern District of Texas	<u>United States v. Jorge Fernando Mercado</u>	Screech Owl Sale/MBTA
Southern District of Texas	<u>United States v. Annsley Popov et al.</u>	Reptile Products/Smuggling
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District of Virgin Islands	<u>United States v. Jose Rivera</u>	Pesticide Application/FIFRA
Eastern District of Virginia	██ <u>United States v. James R. Casey</u>	██ Crab Meat Sales/Conspiracy, Lacey Act
Southern District of West Virginia	<u>United States v. Michael Blankenship</u>	Sewage Discharges/CWA

Indictments/Informations

***United States v. Bruce Evans, Sr., et al.*, No. 3:19-CR-00009 (M.D. Pa.), AUSA Michelle Olshefski.**

On January 30, 2019, prosecutors charged Bruce Evans, Sr., and his son, Bruce Evans, Jr., in a 13-count indictment with numerous violations of the Clean Water Act. Evans, Sr., also is charged wire fraud (33 U.S.C. §§ 1319(c)(2)(A)), (c)(4) 18 U.S.C. § 1343).

Evans, Sr., was a Greenfield Township Supervisor, Greenfield Township Sewer Authority Board Member, and Manager of the Greenfield Township Sewer Authority (Authority). His son worked for both Greenfield Township and the Authority. On various dates between April 2013 and December 2017, the defendants failed to properly operate and manage the municipality's waste water treatment plant, as required by the permit. Among the violations are: dumping the contents of the chlorine contact tank (including sewage and sludge) onto the ground; discharging sewage solids into an unnamed tributary below the outfall pipe; and exceeding permit limits for total suspended solids.

Evans, Sr., further defrauded the Authority by using Authority funds and property for his and his family's personal benefit, including making cell phone payments, fuel and paying other personal expenses.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, the Pennsylvania Department of Environmental Protection, and the Federal Bureau of Investigation.

***United States v. Vjaceslavs Birzakovs*, No. 2:18-CR-00335 (W.D. La.), ECS Trial Attorney Steve Da Ponte and AUSA Daniel McCoy.**

On January 29, 2018, prosecutors charged Vjaceslavs Birzakovs in a six-count indictment with conspiracy, failing to maintain an accurate oil record book (ORB), falsification of records, and obstruction of justice (18 U.S.C. §§ 371, 1505, 1519; 33 U.S.C. § 1908(a)). Trial is scheduled for April 22, 2019.

Birzakovs, the former Master of the *M/T Ridgebury Alexandra Z*, authorized the chief engineer to transfer oily bilge water from the bilge holding tank to the port slop tank. He then ordered the chief officer to discharge that oily bilge water along with oil cargo residue from the port slop tank into the ocean by flushing the vessel's oil content meter with fresh water during the discharge. Crew members falsified the ORB to conceal the illegal discharges. When questioned, Birzakovs denied any knowledge or involvement in the discharges.

This case was investigated by the U.S. Coast Guard.

Indictments/Informations

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***United States v. Richard Bauder et al.*, No. 2:19-CR-20033 (E.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell, ECS Trial Attorney Joel LaBissonniere; Criminal Fraud Trial Attorneys Christopher Fenton and David Fuhr; AUSAs John K. Neal and Timothy J. Wyse, and ECS Law Clerk Amanda Backer.**

On January 17, 2019, prosecutors charged four Audi managers for their roles in a nearly decade-long conspiracy to defraud U.S. regulators and U.S. customers by implementing software specifically designed to cheat U.S. emissions tests in tens of thousands of Audi “clean diesel” vehicles.

Richard Bauder, former head of Audi’s Diesel Engine Development Department; Axel Eiser, former head of Audi’s Engine Development Division; Stefan Knirsch, former head of Audi’s Engine Development Division and a former member of Audi’s Management Board; and Carsten Nagel, former head of Diesel Certification; were charged with one count of conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act (CAA), along with multiple counts of wire fraud and CAA false statements (18 U.S.C. §§ 371, 1343; 42 U.S.C. § 7413(c)(2)(A)). All four are believed to be citizens of Germany. These individuals join Giovanni Pamio, an Italian citizen, who was charged in July 2017, and whose extradition from Germany is being sought by U.S. authorities. Pamio was formerly head of Thermodynamics within Audi’s Diesel Engine Development Department in Neckarsulm, Germany.

From approximately 2006 until November 2015, Pamio led a team of engineers responsible for designing emissions control systems to meet emissions standards, including nitrogen oxides (NOx), for Audi 3.0 liter diesel vehicles in the United States. When Bauder, Eiser, Knirsch, Nagel and Pamio realized that it was impossible to calibrate a diesel engine that would meet NOx emissions standards within the design constraints imposed by other departments, they directed Audi employees to design and implement a software function to cheat the standard U.S. emissions tests. The co-conspirators deliberately failed to disclose the software function, and knowingly misrepresented to U.S. regulators and customers that the vehicles complied with U.S. NOx emissions standards.

(Continued on page 6)

Indictments/Informations

(Continued from page 5)

Bauder, Eiser, Knirsch, Nagel, and Pamio also marketed the Audi 3.0 liter vehicles to the U.S. public as “clean diesel,” when they knew that these representations were false.

Audi’s parent company, Volkswagen AG (VW), pleaded guilty and was sentenced in April 2017 to pay a \$2.8 billion criminal penalty.

This case was investigated by the Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division.

United States v. Amin M. Salem et al., No. 18-CR-00758 (N.D. Ohio), AUSAs Duncan Brown and Brad Beeson.

On January 22, 2019, prosecutors named Amin M. Salem and Mohamed Salem in a six-count indictment for violating the Clean Water Act and a variety of other charges. Trial is set for June 3, 2019.

Amin Salem secretly owned several area gas stations, and Mohamed Salem managed the gas station’s finances of behalf of his father. The gas stations had terminals to accept and process Electronic Benefits Transaction (EBT) cards as part of the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, of Mohamed Salem or another person registered the gas stations and EBT terminals in their names. A court previously convicted Amin Salem for food stamp fraud and related crimes, prohibiting him from owning stores that processed EBT transactions. The Salems used the gas station terminals to process more than \$2.7 million in fraudulent SNAP transactions between 2010 and 2016.

During 2015 and 2016, the Salems slaughtered and sold lambs and goats at Amin’s farm. The Salems allowed customers to pay for the illegally slaughtered and uninspected meat using SNAP cards, which is forbidden under the SNAP regulations. The defendants discharged blood and other fluids from the slaughtered animals (without a permit) into Engle Ditch, which flows into the Black River and eventually Lake Erie. The defendants deposited money from the meat sales and SNAP transactions into gas station accounts and other accounts they controlled.

The Salems are variously charged with: conspiracy to launder money (18 U.S.C. § 1956(h)); engaging in real estate transactions using laundered funds (18 U.S.C. § 1957); felon in possession of a firearm (18 U.S.C. § 922(g)(1)); violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)); slaughter of animals for commercial use without a permit (21 U.S.C. § 610(c)(1)(A)); and trafficking in counterfeit goods (18 U.S.C. § 2320(a)(1)).

This case was investigated by the Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigations, the U.S. Department of Agriculture Office of Inspector General, the U.S. Department of Agriculture Food Safety and Inspection Service, the U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Investigative Unit, the Ohio Department of Taxation, the Ohio Department of Agriculture, the Ohio Environmental Protection Agency, the Lorain County Sheriff’s Office, the Guernsey County Sheriff’s Department, the Cleveland Division of Police, the Westlake Police Department, and the Strongsville Police Department.

Indictments/ Informations

***United States v. Michael Greene*, No. 3:19-CR-00004 (D.S.C.), AUSA Winston Holliday.**

On January 4, 2019, prosecutors charged Michael Greene with violating the Clean Water Act for illegal wastewater discharges (33 U.S.C. § 1319(c)(2)(a)).

Greene worked for an A&D Environmental, Inc., a company offering a variety of environmental services, including hazardous waste disposal. He was responsible for transporting the liquid runoff from solid waste at a landfill to the Florence Wastewater Management Facility.

Between May and July 2017, Greene discharged the liquid runoff, or 'leachate,' on several occasions directly into the Leesburg Branch Creek, without a permit. Samples of the leachate revealed lead, mercury, selenium, cadmium, and chromium.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, the South Carolina Department of Health and Environmental Control, and the South Carolina Department of Natural Resources.

Guilty Pleas

United States v. U-Haul Company of Pennsylvania et al., No. 2:18-CR-00247 (E.D. Pa.), AUSA Elizabeth Abrams.

On January 29, 2019, the U-Haul Company of Pennsylvania (U-Haul) and general manager Miguel Rivera, pleaded guilty to violating the Hazardous Materials Transportation Act related to an explosion that caused two fatalities (49 U.S.C. § 5124).

In July 2014, a propane cylinder attached to a food truck exploded while parked on a street in Philadelphia. As the propane ignited, a fireball enveloped the truck, seriously injuring several individuals and causing significant property damage. Two people later died from injuries sustained in the explosion.

A subsequent investigation revealed that U-Haul willfully and recklessly allowed untrained workers to handle propane. As the manager, Rivera was trained and certified to handle propane, but many of the workers were not. Surveillance footage revealed untrained workers filling propane cylinders more than 60 times over a three-week period.

This case was investigated by the Department of Transportation Office of Inspector General; the Federal Bureau of Investigation; and the Bureau of Alcohol, Tobacco, Firearms and Explosives; with assistance from the Philadelphia Police, the Philadelphia Fire Department, and the Pipelines and Hazardous Materials Safety Administration.



Rusted cylinder on the right was unsafe to fill.

Guilty Pleas

***United States v. Christopher Srubar et al.*, No. 2:15-CR-00197 (E.D. La.), ECS Senior Trial Attorney Kenneth Nelson, ECS Trial Attorney Charlie Lord, AUSAs Emily Greenfield and Nicholas Moses, and former ECS Law Clerk Chris Kopf.**

On January 29, 2019, Christopher Srubar pleaded guilty to a misdemeanor Clean Water Act (CWA) violation (33 U.S.C. § 1319(c)(1)(A)). Curtis Dantin entered a similar plea on January 23rd. Both are scheduled to be sentenced on April 25, 2019. Srubar and Dantin are the final defendants to plead guilty in this case involving an explosion on an offshore oil production platform in November 2012.

Srubar, Dantin, and Don Moss (who previously pleaded guilty) acted negligently for conducting hot work operations on the platform that caused a massive explosion on the platform. Approximately 500 barrels of oil spilled into the Gulf of Mexico and a significant portion of it caught fire. Grand Isle Shipyard LLC (which supplied personnel) also pleaded guilty to a CWA negligence count on January 17, 2019, and was sentenced to pay a \$500,000 fine. Black Elk Energy Offshore Services (which owned and operated the platform), and Wood Group PSN (which also supplied personnel) pleaded guilty and were sentenced in 2017. Moss is scheduled to be sentenced on May 2, 2019.

This case was investigated by the Department of Interior Bureau of Safety and Environmental Enforcement and the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. Felipe Angeles Valdez-Colima et al.*, No. 1:18-CR-00158 (E.D. Calif.), AUSA Karen Escobar.**

On January 28, 2019, Felipe Angeles Valdez-Colima pleaded guilty to conspiring to manufacture, distribute, and possess with intent to distribute marijuana (21 U.S.C. §§ 841, 846). Co-defendant Rodolfo Torres-Galvan entered a similar plea on January 18th. Both are scheduled for sentencing on April 22, 2019.

Officers apprehended Valdez, Torres, and Mauricio Vaca-Bucio on July 6, 2018, in the Kiavah Wilderness area of the Sequoia National Forest, a federally designated wilderness area. They saw Valdez and Torres emerge from the forest at a known drop point used by marijuana cultivators to access grow sites in this remote area. The men entered a vehicle driven by Vaca that law enforcement later stopped and searched. Officers found freshly harvested marijuana in their vehicle and located more than 1,000



Oil and gas platform

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Guilty Pleas

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plants at the grow sites on the interconnected trails from the drop point. They also found illegal pesticides, including carbofuran and zinc phosphide, in the vehicle and on site.

This case was investigated by the U.S. Forest Service, with assistance from the U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations, the Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, the California National Guard, the Kern County Sheriff's Office, and the Kern County Probation Office.

United States v. Mark Harris, No. 1:19-CR-00001 (S.D. Ohio), AUSA Kyle J. Healey.

On January 28, 2019, Mark Harris pleaded guilty to violating the Clean Air Act for failing to properly remove asbestos during the renovation of a power plant (42 U.S.C. § 7413 (c)(1)).

Harris owned and operated South Point Biomass Generation LLC. He acquired the coal burning electric power plant to convert it to a power generating plant that would use renewable energy. The plant contained seven dormant coal-burning boilers along with their associated piping. Harris commissioned an asbestos survey on the boiler room in 2008, which revealed nearly 224,000 square feet of materials containing asbestos.

Beginning in 2011 through October 2013, Harris and others removed approximately two and a half million pounds of metal from the facility and sold it as scrap. Harris knew significant portions of the removed metal were covered in asbestos. He directed others to help him cut through the asbestos labeling on several pipes in order to obtain the scrap metal underneath. Workers stripped dry asbestos from the metal, which was strewn throughout the six-floor facility.

This case was investigated by the U.S. Environmental Protection Act Criminal Investigation Division, the Ohio Environmental Protection Act, and the Ohio Bureau of Criminal Investigation.



Inside former power plant

Guilty Pleas

***United States v. Carlos Conde*, No. 1:18-CR-00377 (N.D. Ga.), AUSA Chris Huber.**

On January 24, 2019, Carlos Conde pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)).

Conde worked as the plant manager for an Apollo Technologies chemical mixing plant in Smyrna, Georgia. In August 2016, a leaking tank spilled thousands of gallons of carburetor cleaner. The next morning, two workers discovered the spill and called Conde. Conde arrived at the plant and instructed employees to wash the chemical into a tributary leading to Nickajack Creek and the Chattahoochee River. Most of the the fish, frogs, and other wildlife were killed when the creek turned milky white. During questioning, Conde twice denied his involvement in the incident.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

[REDACTED]

***United States v. IAV GmbH*, No. 2:16-CR-20394 (E.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell; Criminal Fraud Trial Attorneys Philip Trout, Mark Cipolletti and Gary Winters; AUSA John K. Neal, and ECS Law Clerk Amanda Backer.**

On January 18, 2019, IAV GmbH (IAV), a German company that engineers and designs automotive systems, pleaded guilty for its role in a long-running scheme with Volkswagen AG (VW) to sell diesel vehicles in the United States by using a defeat device to cheat on U.S. emissions tests. IAV pleaded guilty to one count of conspiracy to defraud the U.S. and VW's U.S. customers and to violate the Clean Air Act by misleading the Environmental Protection Agency and U.S. customers about whether certain VW and Audi-

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Guilty Pleas

(Continued from page 11)

branded diesel vehicles complied with U.S. emissions standards (18 U.S.C. § 371). IAV and its co-conspirators knew the vehicles did not meet U.S. emissions standards, and they worked collaboratively to design, test, and implement cheating software to evade the U.S. testing process; IAV was aware that VW concealed material facts about its cheating from U.S. regulators and U.S. customers.

During the two-year term of probation, IAV will be subject to the oversight of an independent corporate compliance monitor. The company also will fully cooperate in the ongoing investigation. The anticipated \$35 million fine at sentencing is based upon the company's inability to pay a higher fine amount without jeopardizing its continued viability.

This plea represents the most recent charges in an ongoing criminal investigation by U.S. authorities into unprecedented emissions cheating by VW. In March 2017, VW pleaded guilty to deceiving U.S. regulatory agencies, including the EPA and the California Air Resources Board, by installing defeat devices in diesel vehicles emissions control systems that were designed to cheat emissions tests. VW paid a criminal fine of \$2.8 billion and agreed to an independent corporate compliance monitor for three years. Prosecutors charged eight individuals, two of whom have pleaded guilty and been sentenced. The other six reside in Germany.

In 2006, VW engineers began to design a new diesel engine to meet stricter U.S. emissions standards that would take effect by model year 2007. This new engine would be the cornerstone of a new project to sell diesel vehicles in the United States that would be marketed to buyers as "clean diesel." When the co-conspirators realized that they could not design a diesel engine that would both meet the stricter NOx emissions standards and attract sufficient customer demand in the U.S. market, they decided they would use a software function to cheat standard U.S. emissions tests.

VW delegated certain tasks associated with designing its new "Gen 1" diesel engine to IAV, including parts of software development, diesel development, and exhaust after-treatment. In November 2006, a VW employee requested that an IAV employee assist in the design of defeat device software for use in the diesel engine. The IAV employee prepared documentation for a software design change to recognize whether a vehicle was undergoing standard U.S. emissions testing on a dynamometer or if it was being driven under normal driving conditions. If the software detected that the vehicle was not being tested, its emissions control systems were reduced substantially, causing the vehicle to emit substantially higher NOx, sometimes 35 times higher than U.S. standards.

By approximately 2008, an IAV manager knew the purpose of the defeat device software, instructed IAV employees to continue working on the project, and directed IAV employees to route VW's requests regarding the defeat device software through him. Starting with the first model year (2009) of VW's new "clean diesel" Gen 1 engine, through model year 2014, IAV and its co-conspirators caused defeat device software to be installed on all of the approximately 335,000 Gen 1 vehicles sold in the United States.

This case was investigated by the Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division.

Guilty Pleas

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Sentencings

***United States v. Ahmed el-Sherif*, No. 2:17-CR-20006 (D. Kan.), ECS Senior Counsel Kris Dighe, ENRD Appellate Trial Attorney John Arbab, AUSA Anthony Mattivi, and ECS Law Clerk Fred Ingram.**

On January 29, 2019, a court sentenced Ahmed el-Sherif to complete a two-year term of probation, perform 80 hours' community service, and pay \$544,288 in restitution to the U.S. Environmental Protection Agency (EPA). A judge convicted el-Sherif for violating the Resource Conservation and Recovery Act (RCRA) following a bench trial in 2018 (42 U.S.C. § 6928 (d)(2)(A)).

El-Sherif formerly owned and operated Beta Chem Laboratory, a radioactive pharmaceutical synthesis lab licensed by the Kansas Department of Health and Environment (KDHE) to use Carbon-14 to tag chemicals for pharmaceutical companies to incorporate into their experimental drugs. El-Sherif used numerous solvents in the process, many of which were ignitable, reactive, and toxic.

In the mid-2000s, state officials determined that the Beta Chem lab had become contaminated with radioactive material and suspended its license. U.S. EPA at that time determined that el-Sherif failed to conduct waste characterizations as required by RCRA. Until October 2013, when it took control of the lab, KDHE attempted to work with el-Sherif to address the radiation contamination. They entered into a consent agreement in which he agreed to come up with a plan to remediate and dispose of the radioactive waste. While he engaged a number of consultants, el-Sherif did not hire any of them to clean up the lab.

After the facility was closed, agents found extensive contamination throughout the lab, lavatory, office, and in outside soils. After executing a search warrant in January 2014, they found many incompatible waste chemicals which could have ignited, flammables not in a flammables cabinet, and one chemical for which the bomb squad responded. Investigators identified more than a thousand containers of chemicals, most of which contained RCRA ignitable, reactive, toxic, and listed hazardous wastes.

The EPA Superfund program spent more than \$760,000 to remove and dispose of the hazardous waste. El-Sherif was required to pay the EPA the direct costs it incurred during the lab cleanup (\$544,287.77). The total cost the EPA Superfund program spent was more than \$760,000 to remove and dispose of the hazardous waste.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation.



Corroded gas cylinder near tank containing Hexafluoropropene

Sentencings

***United States v. Miguel Castillo*, No. 1:15-CR-00360 (D.N.J.), AUSA Kathleen O’Leary.**

On January 29, 2019, a court sentenced Miguel Castillo to six months’ home confinement as a condition of a five-year term of probation. Castillo will pay \$457,000 in restitution to the U.S. Environmental Protection Agency (EPA) for cleanup costs. Castillo pleaded guilty to violating the Resource Conservation and Recovery Act for illegally storing hazardous waste (42 U.S.C. § 6928(d)(2)(A)).

Between 2004 and August 2011, Castillo acted as the president and CEO of Concord Chemical Co., Inc. Concord manufactured, repackaged, and distributed a wide variety of chemical products, including soaps, waxes, and emulsions. Some of the products and the raw materials used were hazardous. Castillo made decisions about waste disposal at the Camden facility, and knew it was being stored illegally.

By March 2010, the company ceased functioning. EPA personnel discovered the abandoned drums in August 2010, and removed them by March 2011.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. Dale Johansen*, No.4:18-CR-00016 (E.D. Mo.), AUSA Dianna Collins.**

On January 29, 2019, a court sentenced Dale Johansen, the owner of Johansen Consulting Services LLC, to pay a \$7,500 fine, complete a three-year term of probation, and perform 100 hours of community service. Johansen pleaded guilty to making a false statement for giving fraudulent information to local environmental officials (18 U.S.C. § 1001(a)(2)).

Johansen worked approximately 28 years for the Missouri Public Service Commission, including 12 years as the Superintendent of the Water and Sewer Department. In November 2011, he established a consulting business and, in June 2012, became the receiver for Rogue Creek Utilities, Inc. Rogue Creek is a vacation community located in Potosi with approximately 90 active connections to the drinking water and sewer systems. Johansen managed all sewer and drinking water services, including sample collection and water softener system maintenance.

In March 2016, local officials learned that the water softener system at Rogue Creek was not operational and that residents received well water that was not treated for lead removal. After restoring the water softener system, subsequent drinking water tests showed high levels of lead. The Missouri Department of Natural Resources imposed a “DO NOT DRINK” order effective until May 2017.

Johansen told investigators in March 2016 that the lead reduction system had only been offline for six to eight weeks, when in truth it had been offline for nearly six months.

This case was investigated by the Missouri Department of Natural Resources and the U.S. Environmental Protection Agency Criminal Investigation Division.

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Sentencings

***United States v. Alan F. Gomez-Paniagua*, No. 1:17-CR-00118 (E.D. Calif.), AUSA Karen Escobar.**

On January 22, 2019, a court sentenced Mexican national Alan F. Gomez-Paniagua to 96 months' incarceration, followed by five years' supervised release. Paniagua pleaded guilty to conspiring to cultivate, distribute, and possess with intent to distribute marijuana (21 U.S.C. § 841). He also was ordered to pay \$3,826 in restitution to the U.S. Forest Service for damage to natural resources.

In early 2017, Paniagua worked on a marijuana cultivation site in the McFarland Creek area of the Sequoia National Forest. Officers found more than 15,000 marijuana plants, 1,000 seedlings, and a loaded short-barreled shotgun with a pistol grip.



Marijuana grown on public land

The defendant and others cut oak trees and terraced hillsides causing extensive damage to the environment. Investigators found numerous pesticide containers and trash strewn throughout the area.

This case was investigated by the U.S. Forest Service; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Immigration and Customs Enforcement Homeland Security Investigations; the Southern Tri-County Central Valley California High Intensity Drug Trafficking Area Task Force; the California Department of Fish and Wildlife; the Kern County Sheriff's Office; and the California Multijurisdictional Methamphetamine Enforcement Team.

Sentencings

***United States v. Dale Lackner et al.*, No. 3:17-CR-00087 (D. Alaska), AUSA Retta-Rae Randall.**

On January 18, 2019, a court sentenced three hunters to pay restitution and complete five-year terms of probation for their involvement in illegal big game hunts. Dale Lackner will pay \$6,000 in restitution; Casey Richardson will pay \$14,000, and Jeffrey Harris will pay \$26,000. The restitution will go to the Department of Interior Restoration Fund on behalf of the National Park Service, and to the State of Alaska. The court prohibited the defendants from any hunting-related activities during the term of probation. They also will perform between 100 and 150 hours of community service, and assist in providing and paying for public service announcements to include a statement about the importance of understanding and following hunting laws and regulations. Additionally, the court ordered Lackner to spend six months in home confinement, and Richardson and Harris will be incarcerated for three months in a halfway house, followed by three months' home confinement.



Social media posting by defendant Casey Richardson

In December 2015, Alaska wildlife investigators received an anonymous letter describing illegal hunting activities at Ptarmigan Lake Lodge (PLL), which is located within Wrangell-St. Elias National Park and Preserve, Alaska. Urban Rahoi owned and operated PLL as a concessionaire to provide sport hunting guide services.

During the 2014 and 2015 hunting seasons, Harris, Richardson, and Lackner engaged in a scheme to illegally guide a number of out-of-state hunters, falsify records, and kill big game themselves (including Dall Sheep and Brown Bears) at PLL. Richardson and Harris are not Alaska residents nor registered guides. Lackner is an Alaska resident and was a registered guide beginning in 2015.

In July 2016, the National Park Service suspended Rahoi's concession contract, directing him to refund all clients who booked for the 2016 and 2017 hunt seasons. Rahoi surrendered his State of Alaska guide/outfitter license, and made a donation to the National Park Foundation. The court cited Justin Field, of Team Fate Outdoors, for unlawful commercial filming of a 2015 Dall Sheep hunt.

Richardson, Harris, and Lackner variously pleaded guilty to conspiracy, making a false statement, and violating the Lacey Act (18 U.S.C. §§ 371, 1001(a)(2); 16 U.S.C. §§ 3372(a)(2)(A), (d)(2), 3373(d)(3)(B)).

This case was investigated by the U.S. Fish and Wildlife Service; the National Park Service; the State of Alaska Wildlife Troopers; and the Montana Department of Fish, Wildlife, and Parks.

Sentencings

***United States v. Jose Rivera*, No. 3:18-CR-00011 (D.V.I.), ECS Senior Litigation Counsel Howard Stewart, AUSA Kim L. Chisholm, RCEC Patricia Hick, and ECS Paralegal Ashley Patterson.**

On January 17, 2019, a court sentenced Jose Rivera to 12 months' incarceration, followed by one year of supervised release, after pleading guilty to violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(1) (B)).

Working for Terminex, Rivera illegally applied fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands (including the condominium resort complex in St. John where a family of four fell seriously ill in 2015), after the unit below them was fumigated.

The Virgin Islands Department of Planning and Natural Resources certified Rivera as a pesticide applicator. Based on his training, Rivera knew that he was required to read the label and follow all instructions when using any pesticide. The label forbids application of methyl bromide in a residential unit.

After the government began its investigation, Terminix LP voluntarily ceased using methyl bromide in the U.S. and in U.S. territories, except for one remaining supervised government contract. In November 2017, a court sentenced Terminix LP and Terminix, USVI after they pleaded guilty to four FIFRA violations. The companies paid a total of approximately \$10 million in criminal fines, community service, and restitution payments.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. Marian Walas*, No. 8:15-CR-00226 (M.D. Fla.), ECS Trial Attorney Mary Dee Carraway, and AUSAs Daniel George and Kelley Howard-Allen.**

On January 17, 2019, a court sentenced Marian Walas to complete a five-year term of probation and pay \$59,599 in restitution to RL Land Development. Walas pleaded guilty to violating the Resource Conservation and Recovery Act (42 U.S.C. § 6928(d)(2)(A)).

Rincat LLC, a now defunct business, recycled automotive catalytic converters to recover precious metals, primarily platinum, palladium, and rhodium. This recycling process generated hazardous waste, including chloride, sulfuric acid, and various heavy metals. Between August and December 2010, Walas, the company president and manager, stored this waste at a warehouse in Lakeland for at least 90 days without a permit.

Between March and June 2010, Walas and Rincat hired a waste disposal company that removed eight loads (approximately 37,000 gallons) of hazardous waste from the warehouse. At least 20 containers of hazardous waste remained on site in June 2010. After Rincat was evicted from the warehouse in August 2010, investigators discovered approximately 38,550 gallons of abandoned hazardous waste.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

Sentencings

***United States v. Michael Blankenship*, No. 5:17-CR-00200 (S.D.W.V.), AUSA Erik Goes and SAUSA Perry McDaniel.**

On January 16, 2019, a court sentenced Michael Blankenship to 15 months' incarceration, followed by one year of supervised release, and a \$10,000 fine. A jury convicted Blankenship of two felony Clean Water Act violations for dumping sewage into a waterway (33 U.S.C. §§ 1311(a), 1319(c)(2)(A)).

Blankenship, d/b/a/ Hanover Contracting Company, LLC, cleaned portable toilets and hauled and disposed of domestic sewage. In September 2015, a citizen saw one of his trucks dumping untreated sewage into Little Huff Creek, a tributary of the Guyandotte River. West Virginia Department of Environmental Protection (W.V. DEP) inspectors subsequently observed a truck with a hose placed in the creek, as well as sewage on the ground and in the water. Water samples confirmed the presence of fecal coliform. After questioning by authorities, Blankenship admitted he owned the truck and dumped sewage into the creek on other occasions. Evidence presented at trial included photographs from neighbors showing Blankenship's trucks dumping sewage and porta-john waste into the creek on various dates in 2015 and 2016.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the W.V. DEP, with assistance from the Federal Bureau of Investigation and the W. V. State Police.

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Sentencings

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Sentencings

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***United States v. Annsley Popov et al.*, No. 4:18-CR-00278 (S.D. Tex.), ECS Trial Attorney Rich Powers and AUSA Steve Schammel.**

On January 10, 2019, a court sentenced Annsley Popov to pay a \$30,000 fine, complete a three-year term of probation, and perform 1,500 hours of community service. Her company, Presmer LLC, will pay a \$120,000 fine.

The two pleaded guilty to a smuggling violation for importing 202 pairs of python-skin sandals and 131 stingray-skin cuff bracelets using falsified documentation (18 U.S.C. § 545). Between December 2011 and May 2013, Popov d/b/a as Presmer, received at least 13 shipments containing approximately 1,865 items made from python or stingray skin, including handbags, sandals and other items, without a CITES permit.

This case was investigated by the U.S. Fish and Wildlife Service.

***United States v. Jorge Fernando Mercado*, No. 6:18-CR-00048 (E.D. Tex.), AUSA Jim Noble.**

On January 10, 2019, a court sentenced Jorge Fernando Mercado to 175 days of incarceration, followed by one year of supervised release. Mercado pleaded guilty to violating the Migratory Bird Treaty Act for possessing and selling an Eastern Screech Owl (16 U.S.C §§ 703, 707(b)). This case is a result of Operation Canton Screech Owl, an investigation focusing on the illegal sales of protected migratory birds and bird products; specifically, live raptors. The investigation began after law enforcement received a tip regarding the sale of a protected live screech owl on Craigslist.

In October 2017, investigators executed a search warrant after identifying the person responsible for the internet ad. This person bought the owl for \$200 from Mercado at a local flea market. The Eastern Screech Owl is a federally-protected species and Mercado was not authorized to possess the bird. U.S. Fish and Wildlife personnel released the owl back into the wild.

This case was investigated by the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife.

Sentencings

United States v. James R. Casey, No. 4:18-CR-00004 (E.D. Va.), ECS Trial Attorney Gary Donner and AUSA Eric M. Hurt.

On January 9, 2019, a court sentenced James R. Casey to 45 months' incarceration, followed by three years' supervised release, and a \$15,000 fine.

Casey is the owner and president of Casey's Seafood, Inc., located in Newport News, Virginia. From approximately July 2012 through June 2015, Casey conspired to replace Atlantic blue crab with crab meat from Indonesia, China, Thailand, Vietnam, and Central and South America. Casey and his co-conspirators falsely labeled close to 400,000 pounds of crab meat, with a retail value in the millions of dollars, as Atlantic blue crab and "Product of USA."

Casey directed employees to remove foreign crabmeat from the original shipper's packaging containers, blend and combine foreign crab meat from one processor with crab meat from another foreign processor, and place it into different packing containers with a label declaring that the contents were a "Product of USA." Casey also directed employees to place labels with "Product of the USA" on containers that concealed labels marked as "Product of Brazil" or "Product of China." Casey pleaded guilty to conspiring to violate the Lacey Act (18 U.S.C. § 371; 16 U.S.C. §§ 3372 (d), 3373 (d)(3)(A)).

This case was investigated by NOAA's Office of Law Enforcement, with assistance from the FDA Office of Criminal Investigations and ICE Homeland Security Investigations.

United States v. Kian Miller et al., No. 1:18-CR-00041 (W.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell, AUSAs Kate Zell and Hagen Frank, and ECS Law Clerk Amanda Backer.

On January 7, 2019, a court sentenced Kian Miller to 24 months' incarceration and Charles Miller to 60 months', followed by three years' supervised release. A total of five individuals pleaded guilty for their involvement in a dog fighting conspiracy (7 U.S.C. § 2156 (a); 18 U.S.C. §§ 371, 49 (a)).

Between November 2016 and December 2017, Charles Davis, Damiane Buehrer, Jarvis Askew, and the Millers conspired to sponsor and exhibit pit bull-type terriers in dog fights; possess, train, and breed them to fight; and help others train and condition dogs to fight. They kept a number of the animals at their residences, which were seized following the execution of several federal search warrants in December 2017.

The defendants possessed medications used to



Pit bull-type terrier rescued from defendants

(Continued on page 24)

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, the Ingham County Animal Control, the American Society for the Prevention of Cruelty to Animals, the Federal Bureau of Investigation, and the Michigan State Police.

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Announcements

*** When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the “Environment/Wildlife” topic. This will help ensure that your case is not overlooked for reporting in the Bulletin. ***

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#) .

Please send [REDACTED] any pleadings you believe would be useful for posting in the [Brief Bank](#). Older materials are still available on the [Document Bank Archives](#) page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys’ Manual.

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Assistant Chief	Thomas Ballantine	██████
Assistant Chief	Wayne Hettenbach	██████
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