SBK:WES
F.#2010R01379

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

GUSTAVE DRIVAS,
JONATHAN WAHL,
YURI KHANDRIUS,
MAKSIM SHELIKHOV,
IRINA SHELIKHOVA,
SERGEY ZHAMARYAN,
ELENA GIRENKO,
also known as "LENA,"
KATHERINA KOSTIOCHENKO,
also known as "KATYA,"
SERGEY V. SHELIKHOV,
LEONID ZHELEZNYAKOV,
also known as
"LYONYA" and "LENNY," and
VERONYKHA TCHERNYTCHENKO,

Defendants.

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I N D I C T M E N T

Cr. No. _____
(T. 18, U.S.C., §§ 371, 982(a)(7), 982(b), 1347, 1349, 2 and 3551 et seq.)

THE GRAND JURY CHARGES:

INTRODUCTION

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

I. Background

A. The Medicare Program

1. The Medicare program ("Medicare") was a federal health care program providing benefits to individuals aged 65 and over and to certain disabled persons. Medicare was administered

by the Centers for Medicare and Medicaid Services, a federal agency under the United States Department of Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare "beneficiaries." The physician who provided a service to a beneficiary or ordered that a service be provided to a beneficiary was referred to as a "rendering physician."

2. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

3. Medicare included coverage under several components, including hospital insurance ("Part A") and medical insurance ("Part B"). Medicare Part B covered the costs of physicians' services and outpatient care, including physical therapy and diagnostic tests. Medicare Part B covered these costs only if, among other requirements, they were medically necessary and ordered by a physician.

4. Medical providers that were certified to participate in Medicare, whether clinics or individuals, were assigned a provider identification number ("PIN") for billing purposes. A medical provider rendering a service was required to use its assigned PIN when submitting a claim for reimbursement to Medicare.

5. Medical providers were permitted to submit claims to Medicare only for services they actually rendered and were required to maintain patient records verifying the provision of services.

6. To receive reimbursement for a covered service from Medicare, a medical provider was required to submit a claim, either electronically or in writing. The claim had to include information identifying the medical provider, the rendering physician, the patient and the services rendered. By submitting the claim, the provider was certifying, among other things, that the services were rendered to the patient and were medically necessary.

7. Medicare provider claims included "billing codes," which were numbers that referred to specific descriptions of medical services. Medicare reimbursed medical providers a set fee for many billing codes.

B. Relevant Entities and the Defendants

(1) The Medical Clinics

8. Bay Medical Care PC ("Bay Medical") was a New York State corporation doing business in Brooklyn, New York. Bay Medical was certified to participate in the Medicare program. Bay Medical purported to provide, among other things, physical therapy, nerve conduction tests, Doppler echocardiography and allergy services to Medicare beneficiaries.

9. SVS Wellcare Medical PLLC ("SVS") was a New York State corporation doing business in Brooklyn, New York. SVS was certified to participate in the Medicare program. SVS purported to provide, among other things, physical therapy, nerve conduction tests, vestibular function tests, allergy services, sleep studies and vitamin infusions to Medicare beneficiaries.

10. SZS Medical Care PLLC ("SZS") was a New York State corporation doing business in Brooklyn, New York. SZS was certified to participate in the Medicare program. SZS purported to provide, among other things, physical therapy, nerve conduction tests, vestibular function tests, allergy services, sleep studies, vitamin infusions, lab services, podiatry services and urology services to Medicare beneficiaries.

11. At various times, Bay Medical, SVS and SZS (collectively, the "Medical Clinics") were located at 7612 Bay Parkway, Brooklyn, New York, 7616 Bay Parkway, Brooklyn, New York, and 8686 Bay Parkway, Brooklyn, New York (the "Medical Plaza").

(2) The Defendants

12. The defendant GUSTAVE DRIVAS was the owner and President of Bay Medical, a managing employee of SVS and an owner of SZS. DRIVAS was also a rendering physician at the Medical Clinics.

13. The defendant JONATHAN WAHL was a rendering physician at the Medical Clinics.

14. The defendant YURI KHANDRIUS was an employee at the Medical Clinics.

15. The defendant MAKSIM SHELIKHOV was an authorized signatory on an SZS bank account into which Medicare reimbursed claims.

16. The defendant IRINA SHELIKHOVA was an authorized signatory on bank accounts of the Medical Clinics into which Medicare reimbursed claims.

17. The defendant SERGEY ZHAMARYAN was an owner of SZS. ZHAMARYAN was also an authorized signatory on SZS bank accounts into which Medicare reimbursed claims. ZHAMARYAN managed operations of the Medical Clinics at the Medical Plaza. Among other things, ZHAMARYAN managed the vehicles, drivers and dispatchers used to transport beneficiaries to and from the Medical Plaza, and endorsed checks to rendering physicians and employees at the Medical Plaza.

18. The defendant ELENA GIRENKO, also known as "LENA," was an employee at the Medical Clinics.

19. The defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," was an employee at the Medical Clinics.

20. The defendant SERGEY V. SHELIKHOV was an employee at the Medical Clinics.

21. The defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," was an employee at the Medical Clinics.

22. The defendant VERONYKHA TCHERNYTCHENKO controlled all scheduling of patient appointments for medical services at the Medical Plaza.

II. The Fraudulent Scheme

23. From approximately March 2005 to July 2010, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, YURI KHANDRIUS, MAKSIM SHELIKHOV, IRINA SHELIKHOVA, SERGEY ZHAMARYAN, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO, together with others, executed a fraudulent scheme in which they paid cash kickbacks to Medicare beneficiaries to induce those beneficiaries to receive unnecessary physicians' services, physical therapy and diagnostic tests. The defendants also created fraudulent medical records for these beneficiaries which, inter alia, reflected that the beneficiaries received medical services that were never provided and falsely indicated that prescribed treatments were medically necessary when, in reality, they were not. The defendants then caused the submission of false and fraudulent claims to Medicare on behalf of the Medical Clinics and rendering physicians that sought reimbursement for the services listed in the fraudulent medical records. As a result of these fraudulent

claims, the Medical Clinics submitted more than $71 million in fraudulent claims to Medicare. Medicare reimbursed approximately $47 million of these claims to the Medical Clinics, all of which they were not lawfully entitled to receive. The defendants thereafter deposited the proceeds of these reimbursement payments in the bank accounts of shell companies. The defendants used these shell companies to hide the fact that they used the proceeds from the reimbursement payments to pay cash kickbacks to the Medicare beneficiaries who participated in the scheme.

COUNT ONE
(Conspiracy to Commit Health Care Fraud)

24. The allegations contained in paragraphs 1 through 23 are realleged and incorporated as if fully set forth in this paragraph.

25. In or about and between March 2005 and July 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, YURI KHANDRIUS, MAKSIM SHELIKHOV, IRINA SHELIKHOVA, SERGEY ZHAMARYAN, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO, together with others, did knowingly and willfully conspire to execute a scheme and artifice to defraud one or more health care benefit programs, specifically Medicare, and to obtain, by means of materially false and

fraudulent pretenses, representations and promises, money and property owned by and under the custody and control of Medicare, in connection with the delivery of and payment for health care benefits, items and services, contrary to Title 18, United States Code, Section 1347.

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

COUNT TWO
(Conspiracy to Pay Health Care Kickbacks)

26. The allegations contained in paragraphs 1 through 23 are realleged and incorporated as though fully set forth in this paragraph.

27. In or about and between March 2005 and July 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, YURI KHANDRIUS, MAKSIM SHELIKHOV, IRINA SHELIKHOVA, SERGEY ZHAMARYAN, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO, together with others, did knowingly and willfully conspire to offer and pay cash kickbacks, directly and indirectly, overtly and covertly, to Medicare beneficiaries to induce those beneficiaries to refer other Medicare beneficiaries to Bay Medical, SVS and SZS for the furnishing and arranging for the furnishing of items and services

for which payment may be made in whole and in part under Medicare, and to induce Medicare beneficiaries to purchase, lease, order and arrange for and recommend purchasing, leasing and ordering any good, service and item for which payment may be made in whole and in part under Medicare, contrary to Title 42, United States Code, Section 1320a-7b(b)(2).

28. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, YURI KHANDRIUS, MAKSIM SHELIKHOV, IRINA SHELIKHOVA, SERGEY ZHAMARYAN, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about December 10, 2009, the defendant ELENA GIRENKO offered and paid cash kickbacks to a confidential source ("CS-1") to induce CS-1 to receive medical services at the Medical Clinics, to induce CS-1 to refer other Medicare beneficiaries to receive medical services at the Medical Clinics and for past visits by CS-1 that resulted in fraudulent bills to Medicare.

b. On or about December 23, 2009, the defendant SERGEY V. SHELIKHOV told a confidential source ("CS-2") that CS-2 needed to visit the Medical Clinics a minimum of six times to receive a kickback payment.

c. On or about December 30, 2009, the defendant LEONID ZHELEZNYAKOV told CS-2 that CS-2 needed more than four visits to be placed on a list of individuals who would receive kickback payments.

d. On or about January 13, 2010, the defendant VERONYKHA TCHERNYTCHENKO told CS-2 to sign in with the defendant LEONID ZHELEZNYAKOV to receive a kickback payment.

e. On or about January 13, 2010, the defendant VERONYKHA TCHERNYTCHENKO accompanied CS-2 to a room inside the Medical Plaza where kickbacks were paid to beneficiaries (the "Kickback Room") and handed CS-2's medical chart to the defendant ELENA GIRENKO.

f. On or about January 13, 2010, the defendant ELENA GIRENKO offered and paid cash kickbacks to CS-2 to induce CS-2 to receive medical services at the Medical Clinics and for past visits to the Medical Clinics by CS-2 that resulted in fraudulent bills to Medicare.

g. On or about March 25, 2010, the defendant KATHERINA KOSTIOCHENKO offered and paid cash kickbacks to CS-2 for past visits to the Medical Clinics by CS-2 that resulted in fraudulent bills to Medicare.

h. On or about May 3, 2010, the defendant ELENA GIRENKO offered and paid cash kickbacks to a Medicare beneficiary whose identity is known to the Grand Jury ("Jane Doe 1") to induce Jane Doe 1 to receive medical services at the Medical Clinics and for past visits to the Medical Clinics by Jane Doe 1 that resulted in fraudulent bills to Medicare.

i. On or about May 7, 2010, the defendant KATHERINE KOSTIOCHENKO offered and paid cash kickbacks to a Medicare beneficiary whose identity is known to the Grand Jury ("Jane Doe 2") to induce Jane Doe 2 to receive medical services at the Medical Clinics and

for past visits to the Medical Clinics by Jane Doe 2 that resulted in fraudulent bills to Medicare.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT THREE
(Health Care Fraud)

29. The allegations contained in paragraphs 1 through 23 are realleged and incorporated as if fully set forth in this paragraph.

30. In or about and between March 2005 and July 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, YURI KHANDRIUS, MAKSIM SHELIKHOV, IRINA SHELIKHOVA, SERGEY ZHAMARYAN, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO, together with others, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicare and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by, and

under the custody and control of Medicare, in connection with the delivery of and payment for health care benefits, items and services.

(Title 18, United States Code, Sections 1347, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

31. The United States hereby gives notice to the defendants charged in Counts One through Three that, upon their conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), which requires any person convicted of such offenses to forfeit any property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses, including but not limited to, the following:

a. approximately $526,229.96 seized from TD Bank Account No. 4245835545, held in the name of SZS Medical Care PLLC, and all proceeds traceable thereto;

b. approximately $2,073,530.01 seized from Bank of America Account No. 483027813428, held in the name of SZS Medical Care PLLC, and all proceeds traceable thereto;

c. approximately $727,000.00 seized from JPMorgan Chase Account No. 793100249, held in the name of Elena Girenko, and all proceeds traceable thereto;

d. approximately $16,960.32 seized from JPMorgan Chase Account No. 798506416, held in the name of Elena Girenko and Aleksandr Spektor, and all proceeds traceable thereto;

e. approximately $232,000 seized from TD Bank Account No. 4248689907, held in the name of Irina Shelikhova, and all proceeds traceable thereto;

f. approximately $24,048.88 seized from TD Bank Account No. 7924571842, held in the name of Jonathan Wahl and/or Wahl Medical PC, and all proceeds traceable thereto;

g. approximately $1,344,375.33 seized from National Government Services that would have otherwise been paid to SZS Medical Care PLLC, and all proceeds traceable thereto;

h. approximately $41,000 in U.S. currency seized from 8686 Bay Parkway, Brooklyn, New York on or about July 16, 2010, and all proceeds traceable thereto;

i. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 67 Nicolosi Loop, Staten Island, New York, and all proceeds traceable thereto;

j. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 8686 Bay Parkway, Apt. 2C, Brooklyn, New York, and all proceeds traceable thereto;

k. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 220 Tennyson Drive, Staten Island, New York, and all proceeds traceable thereto;

l. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 480 Tennyson Drive, Staten Island, New York, and all proceeds traceable thereto;

m. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 3149 Emmons Avenue, Unit R1, Brooklyn, New York, and all proceeds traceable thereto;

n. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 3149 Emmons Avenue, Unit R2, Brooklyn, New York, and all proceeds traceable thereto; and

o. any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments, and easements known as 3149 Emmons Avenue, Commercial Unit, Brooklyn, New York, and all proceeds traceable thereto.

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

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 18, United States Code, Section 982(b), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(7) and 982(b))

A TRUE BILL

FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1. Title of Case: **United States v. Gustave Drivas, et al.**

2. Related Magistrate Docket Number(s): **10-M-800**

None ( )

3. Arrest Date: **July 16, 2010 for**
GUSTAVE DRIVAS, JONATHAN WAHL, ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," SERGEY V. SHELIKHOV, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," and VERONYKHA TCHERNYTCHENKO

4. Nature of offense(s): ☒ Felony
☐ Misdemeanor

5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules):

6. Projected Length of Trial: Less than 6 weeks ( )
More than 6 weeks (x)

7. County in which crime was allegedly committed: **Kings**
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

8. Has this indictment/information been ordered sealed? (x) Yes ( ) No

9. Have arrest warrants been ordered? (x) Yes ( ) No

BENTON J. CAMPBELL
UNITED STATES ATTORNEY

By:
William E. Schaeffer
Assistant U.S. Attorney
(718) 254-6059

Rev. 3/22/01

THE MIRVIS LAW FIRM, P.C.

FAXED

September 7, 2010

The application will be granted upon receipt of a written consent from the surety to the proposed modification.

SO ORDERED:

Joanne L. Mann
U.S.M.J.
9/10/10

Via Facsimile: 718.613.2623
Hon. James Orenstein
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Gustav Drivas, et al.,
10 MJ 800

Dear Judge Orenstein:

I am writing on behalf of defendant Sergey v. Shelikhov to respectfully request a modification of his bail condition to allow travel to and within New Jersey. Mr. Shelikhov requests this modification because he has a pending job offer which would require him to travel to New Jersey and his church is located in Perth Amboy, New Jersey. AUSA William E. Schaeffer and Pre-Trial Officer Lourdes Vasquez have consented to this request.

On July 16, 2010, Mr. Shelikhov was released by the Honorable Judge Ramon E. Reyes, Jr. on a personal appearance bond with the condition that one responsible surety the bond by July 20, 2010. Since his release, Mr. Shelikhov has remained on bail without incident. Presently, he is permitted to travel only within the Eastern and Southern Distracts of New York.

2753 CONEY ISLAND AVE., 2ND FLOOR, SUITE 215, BROOKLYN, NY 11235
PHONE: 718.934.4141 · FAX: 718.228.6408
TMIRVIS@OPTONLINE.NET

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Hon. James Orenstein
United States Magistrate Judge
September 9, 2010

Thank you for your consideration of this application; I am available for conference should Your Honor deem it necessary.

Respectfully submitted,

Tony Mirvis, Esq.
Attorney for Sergey Shelikhov

cc: William E. Schaeffer (By fax)
Assistant United States Attorney
Lourdes Vasquez (By fax)
United States Pre-Trial Services Officer

So Ordered:

Hon. James Orenstein, U.S.M.J

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant ELENA GIRENKO hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

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question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8/13/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant ELENA GIRENKO, and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 **, 2010**

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant JONATHAN WAHL hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial.

( ) they need additional time to investigate and prepare for trial due to the complexity of case.

( ) _____

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

question of whether I should consent to entry of an order of excludable de ay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8-10-2010
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant JONATHAN WAHL, and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(X) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case,

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13, 2010

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant SERGEY SHELIKHOV hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that d[illegible]

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8/13/2010
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant SERGEY SHELIKHOV, and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(X) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 **, 2010**

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant KATHERINA KOSTIOCHENKO hereby jointly request that the time period from August 19, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 20, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8/10/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant KATHERINA KOSTIOCHENKO, and with the express written consent of the defendant, the time period from August 19, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(✓) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 **, 2010**

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant GUSTAVE DRIVAS hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial.

( ) they need additional time to investigate and prepare for trial due to the complexity of case.

( ) _____.

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released the next day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

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question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8/11/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant GUSTAVE DRIVAS, and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(X) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 **, 2010**

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant LEONID ZHELEZNYAKOV hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

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question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

8/12/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant LEONID ZHELEZNYAKOV, and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(✓) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 **, 2010**

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant VERONYKHA TCHERNYTCHENKO hereby jointly request that the time period from August 13, 2010 to September 10, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the first application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

58

question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

08/12/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant VERONYKHA TCHERNYTCHENKO , and with the express written consent of the defendant, the time period from August 13, 2010 to September 10, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(✓) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Aug. 13 , 2010

United States Magistrate Judge

FAXED

STEVEN R. KARTAGENER
ATTORNEY AT LAW
225 BROADWAY
SUITE 2700
NEW YORK, NEW YORK 10007

TELEPHONE (212) 732-9600
FAX (212) 732-6966

Application granted. Time to secure bond property is extended to 8/27/10. SO ORDERED.

USMJ
8/13/10

BY FAX

August 13, 2010

Hon. Marilyn Dolan Go
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: ***United States v. Drivas, et al.,***
10 MJ 800

Dear Judge Go:

On July 22, 2010, I was retained to represent defendant **Elena Girenko** (hereinafter "defendant") in the above-referenced Medicare fraud case. Defendant was first presented before the Court on July 16, 2010, while she was represented by assigned counsel. Bail was fixed at $1,000,000, to be secured by two specified parcels of real property in New York, on Staten Island, and three parcels of property located in Dade County, Florida.

The two Staten Island properties, unencumbered by any liens and appraised together as being worth in excess of $1,275,000, have since been secured in favor of the Government through the posting of affidavits of confession of judgment, copies of which have been forwarded to the Government. Defendant is currently confined at her home, wearing an electronic ankle bracelet.

We have, however, run into some difficulties in securing the three Florida properties, because the process used in Florida to secure property in favor of the Government in bail bond situations is considerably different from the practices followed in New York. The result is that I am finding it far more time consuming and expensive to achieve the securing of the Florida property in favor of the Government.

Accordingly, with the express consent of Assistant United States Attorney William E. Schaeffer, the assigned AUSA, with whom I spoke this morning, I write this letter to request

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respectfully the following: that with respect to the three Florida properties, defendant be allowed until Friday, August 27, 2010, to perfect the securing of the collateral in favor of the Government, due to the fact that the protocol that must be followed is quite cumbersome and time consuming, and in light of the fact that we have already, on a $1,000,000 bond, secured in favor of the Government property worth $1,275,000.

Accordingly, **with the consent of AUSA William E. Schaeffer,** I respectfully request that defendant's request for relief herein be granted in all respects.

Respectfully submitted,

Steven R. Kartagener
Attorney for Elena Girenko

cc: AUSA William E. Schaeffer

WES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

UNITED STATES OF AMERICA

-against-

GUSTAVE DRIVAS et al.,

Defendants.

- X

O R D E R

10 M 800

Upon the application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by Assistant United States Attorney William E. Schaeffer, for an order restraining all funds not seized pursuant to Seizure Warrant M10-812 on deposit in JPMORGAN CHASE ACCOUNT NO. 793100249, HELD IN THE NAME OF ELENA GIRENKO, to prevent those funds from being accessed by defendant ELENA GIRENKO or anyone else,

WHEREFORE, pursuant to 28 U.S.C. § 1651, it is ordered that all funds not seized pursuant to Seizure Warrant M10-812 on deposit in JPMORGAN CHASE ACCOUNT NO. 793100249, HELD IN THE NAME OF ELENA GIRENKO be restrained by JPMORGAN CHASE until further order of the court.

Dated: Brooklyn, New York
July 29, 2010

RERA

HONORABLE RAMON E. REYES
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

50

CALENDAR : MAGISTRATE'S PROCEEDING

BEFORE MAG. JUDGE **Cheryl L. Pollak** **DATE :** **7/26/10**

DOCKET NUMBER: **10-800M** LOG # : 11:15 - 11:21

DEFENDANT'S NAME : **Katherina Kostiochenko**
✓ Present ___ Not Present ___ Custody ✓ Bail

DEFENSE COUNSEL : **Richard Rosenberg**
___ Federal Defender ✓ CJA ___ Retained

A.U.S.A: _____ DEPUTY CLERK : **Felix Chin**

INTERPRETER : _____ (Language) _____

_____ Hearing held. _____ Hearing adjourned to _____

____ Defendant was released on _____ PRB with/without some conditions.

____ Defendant was advised of bond conditions by the Court and signed the bond.

2 Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

____ Additional surety (ies) to co-signed bond by _____

____ At this time, defense counsel states on the record that the defendant does not have a bail application / package. **Order of detention** entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.

____ Order of Excludable Delay entered. Code Type____ Start_____ Stop _____

____ Order of Speedy Trial entered. Code Type_____ Start_____ Stop _____

____ Defendant's first appearance. ___Defendant arraigned on the indictment.

_____ Attorney Appointment of ____ FEDERAL DEFENDER _____ CJA

_____ Defendant entered **NOT GUILTY PLEA** to **ALL** counts of the indictment.

____ Status conference set for _____ @ _____ before Judge _____

OTHERS : _____

_____

_____

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Katherina Kostiochenko

Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[X] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $ 200,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[X] 1. The defendant must remain in and may not leave the following areas without Court permission: 4DM/ EDM/ ~~SD~~ Daytona Beach 7/20 – 7/23/10

[X] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: 10-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[X] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[X] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[X] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed by pretr

[X] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[X] 6. Other Conditions: Defts father + husband to co sign bond by 7/26/10

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 200,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[X] Other Conditions: _____

Vladimir Surety Kostiochenko Address: 2067 East 23 St. # 2, Brooklyn N.Y. 112

Surety _____ Address: _____

Nikolay Surety Ryabyy Address: 222 Knapp St. #3C Brooklyn N.Y. 1122

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

K. Kostiochenko
Signature of Defendant

Release of the Defendant is hereby ordered on 7/20, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Katherina Kostiochenko
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[✓] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $200,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: EDNY EDNY, SDF Daytona Beach 7/20 - 7/23/10

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[ ] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[ ] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed by pretrial

[ ] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[✓] 6. Other Conditions: Defts father + husband to co sign bond by 7/26/10

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $200,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions:_____

_____ Address: _____
Surety

_____ Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

K. Kostiochenko
Signature of Defendant

Release of the Defendant is hereby ordered on 7/20, 2010

_____, USM

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Sergey Shelikhova
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[ ] Upon **Secured Appearance Bond** as provided herein. $200,000

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[ ] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 7/19/10 and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed.

[ ] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[✓] 6. Other Conditions: 1 responsible surety to sign by 7/20/10

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions:_____

_____ Address: _____
Surety

_____ Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

_____
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 20 10

_____, USM

Distribution: ~~White-Original~~ Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Elena Givenko
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[✓] Upon **Secured Appearance Bond** as provided herein. $1 millian

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY

[ ] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 7/19/10 and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ as directed times per _____;

[✓] is subject to home detention with electronic monitoring with the following conditions: Start on 7/19/10 Atty visits, Court appearances; work; medical emergencies; religious services

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions:_____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____

[✓] premises located at: 480 Tennyson Dr. / 67 Nicolosi Loop and all FL properties owned by _____ by 7/23/10

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[✓] Other Conditions: Passports for Serg; Gula & D's child surrendered by 7/19/10

X _____ Address: 480 Tennyson Dr.
Serg; Givenko

_____ Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

X _____
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16 ,20 10

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Leonid Zhelenznyakov
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $150,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: EDNY & SDNY

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-Dfts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed by PTS

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions: _____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[✓] 6. Other Conditions: No participation, direct or indirect, in any activity of SZS Medical or its affiliates.

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 150,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions: _____

Yulia Zhelenznyakov Surety — Address: 1014 Avenue N, Apt F8 Brooklyn, NY 11230

Yergeny Zhelenzynako Surety — Address: 1289 East 19th street Apt. E8 Brooklyn NY 11230

Albina Kornyykhina Surety — Address: 1014 Avenue N, apt. B1, Brooklyn, NY, 11230

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Veronyka Tchernyrchenko
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $ 150,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[ ] 1. The defendant must remain in and may not leave the following areas without Court permission: EDNY SDNY and PA to pick up daughter on 7/17/10

[ ] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[ ] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[ ] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[ ] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[ ] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per as directed;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions:_____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 150,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions:_____

Oleg Kurapin Surety — Address: 8686 Bay PKWY, APT#4A

Surety — Address: BROOKLYN, NY 11214

Surety — Address: _____

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

V. Tch
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Jonathan Wahl

Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[ ] Upon **Secured Appearance Bond** as provided herein. $500,000

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY + NJ

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[ ] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[ ] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____ as directed.;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions:_____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $

[✓] premises located at: 45 Ocean Ave, Unit 7I, Monmouth Beach, NJ owned by Phillis Wahl

[✓] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 7/26/10.

[✓] Other Conditions: Ms. Wahl must sign by 7/26/10

Phillis Wahl _____ Address: _____
Surety

_____ Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

X _____
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 20 10

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

FAXED

STEVEN R. KARTAGENER
ATTORNEY AT LAW
225 BROADWAY
SUITE 2700
NEW YORK, NEW YORK 10007

TELEPHONE (212) 732-9600
FAX (212) 732-6966

BY FAX

July 23, 2010

Hon. Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: ***United States v. Drivas, et al.,***
10 MJ 800

Dear Judge Reyes:

Yesterday, I was retained to represent defendant **Elena Girenko** (hereinafter "defendant") in the above-referenced Medicare fraud case. My Notice of Apperance was filed yesterday afternoon. Defendant was first presented before the Court last Friday, July 16, 2010, while she was represented by assigned counsel. Bail was fixed at $ 1,000,000, to be secured by two specified parcels of real property in New York, and three parcels of property located in Florida. The bond directed that the Affidavits of Confession of Judgment, which would be used to secure the collateral, be filed by today.

With the express consent of Assistant United States Attorney William E. Schaeffer, the assigned AUSA,with whom I spoke this morning, I write this letter to request respectfully the following:

(1) that with respect to the requirement of posting two properties that are situated on Staten Island, defendant be allowed to substitute one of the two properties that was supposed to be posted with a different property – defendant's parents' residence – located at 64 Garibaldi Avenue, Staten Island, NY 10306. Those two properties, which are essentially unencumbered, have been formally appraised to be worth a total of $1,275,000 (and, of course, there will still be the three additional Florida properties, which have been appraised to be worth in excess of $1,000,000)

(2) that with respect to the two Staten Island properties – 480 Tennyson Avenue and 64 Garibaldi Avenue – defendant be permitted until Monday, July 26th to file both Confessions of Judgment in the Supreme Court, Richmond County. Because of my newness to the case, the limited time available was not enough to take care of that filing by the close of business today;

(3) that with respect to the three Florida properties, defendant be allowed until next Friday, July 30th, to perfect the securing of the collateral in favor of the Government, due to the fact that there has been some confusion on our part as how to best get this done, as we have heard from some sources that the process in Florida is somewhat different from our Affidavit of Confession of Judgment practices in New York; and, finally,

(4) that with respect to the currently scheduled status conference for Tuesday, January 27th, which had been scheduled by defendant's assigned counsel because of ongoing confusion caused by the fact that there were a number of different lawyers telling him that they might be accepting retention, both AUSA Schaeffer and I agree, following our discussion this morning, that such a conference would probably be a waste of the Court's time, as I am now dealing with all of the outstanding bail and representation issues.

Accordingly, **with the consent of AUSA William E. Schaeffer,** I respectfully request that defendant's request for relief herein be granted in all respects.

Respectfully submitted,

Steven R. Kartagener

Steven R. Kartagener
Attorney for Elena Girenko

cc: AUSA William E. Schaeffer

Barry Gene Rhodes, Esq. (CJA Counsel)

SO ORDERED

7/23/10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA

NOTICE OF APPEARANCE

- v. -

10 Mag. 800

JONATHAN WAHL,

Defendant.

----------x

PLEASE TAKE NOTICE, that Richard E. Signorelli of the Law Office of Richard E. Signorelli, hereby appears as counsel of record for JONATHAN WAHL, the defendant in the above-captioned case.

Dated: July 22, 2010
New York, New York

LAW OFFICE OF
RICHARD E. SIGNORELLI

/s/

By: _____
Richard E. Signorelli (RS-7976)
799 Broadway, Suite 539
New York, NY 10003
Telephone: 212 254 4218
Facsimile: 212 254 1396
rsignorelli@nycLITIGATOR.com℠
www.nycLITIGATOR.com℠

Attorney for Defendant
Jonathan Wahl

42

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SERGEY V. SHELIKHOV,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest SERGEY V. SHELIKHOV
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at
8686 Bay Parkway, Brooklyn, NY

DATE RECEIVED 07/14/2010	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 07/16/2010	Candice M. Stephenson Special Agent	

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JONATHAN WAHL,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest JONATHAN WAHL
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at 166 Pond Road, Woodbury, NY

DATE RECEIVED 07/14/2010	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 07/16/2010	Candice M. Stephenson Special Agent	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: 10-800M

2) Defendant's Name: Kostiochenko (Last) Katherina (First) (M.I.)

3) Age:

4) Title: Section(s):

5) Citizen of: Needs: Interpreter

6) Arrest Warrant Issued: Date and time of arrest:

(Items 1-6 to be completed by AUSA/Arresting Officer)

7) Removal Proceeding: Yes No Other District:

8) Name of Interpreter used today: Language:

9) Arraignment on complaint held: ✓ Yes No Date/Time: 7/20/10

10) Detention Hearing Held: Bail set at: $200,000 ROR Entered: POD Entered:

11) Temporary Order of Detention Entered: Bail Hearing set for:

12) (a) Preliminary Hearing set for: ; or waived:

(b) Removal Hearing set for: ; or waived:

(c) Status Conference set for:

13) ASSISTANT U.S. ATTORNEY: William Schaeffer

14) DEFENSE COUNSEL'S NAME: Richard Rosenberg ✓

Address:

Bar Code: CJA: ✓ FDNY: RET:

Telephone Number: ( )

15) LOG #: (2:52 - 3:00) MAG. JUDGE : Reyes

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.
Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
2 Additional surety (ies) to co-sign bond by 7/26/10

Other Comments/Rulings:

17) Complaint/Affidavit/Indictment unsealed: Yes No

SO ORDERED ON THIS DAY OF , 20

UNITED STATES MAGISTRATE JUDGE

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (5-99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	Katherina Kostiochenko	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800M			

7. IN CASE/MATTER OF (Case Name)	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE (See Instructions)
USA v. Kostiochenko et al	☒ Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	☒ Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	CC

11. OFFENSE(S) CHARGED (Cite US. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18USC1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix),* AND MAILING ADDRESS and social security #

RICHARD H. ROSENBERG, ESQ.
217 Broadway
Suite 707
New York, NY 10007

Telephone Number: 212-586-3838

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

13. COURT ORDER

☒ O Appointing Counsel ☐ C Co—Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Atty.
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Name: _____

Appointment Date: _____

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other(See Instructions)

ERA

Signature of Presiding Judicial Officer or By Order of the Court

July 20, 2010 — Date of Order

7/20/10 — Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at the time of appointment. ☐ YES ☐ NO

CLAIM FOR SERVICES AND EXPENSES

CATEGORIES (Attach *itemization of* services with dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	FOR COURT USE ONLY: MATH /TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In Court — a Arraignment and/or Plea					
b. Bail and Detention Hearings					
e Motion Hearings					
d. Trial					
e Sentencing Hearings					
f. Revocation Hearings					
g. Appeals Court					
h. Other (*Specify on additional sheets*)					
(RATE PER HOUR = $) TOTALS:					
16. Out Court — *a.* Interviews and Conferences					
b. Obtaining and reviewing records					
c. Legal research and brief writing					
d. Travel time					
e. Investigative and other work (*Specify on additional sheets*)					
(RATE PER HOUR = $) TOTALS:					
17. Travel Expenses (*lodging, parking, meals, mileage* etc.)					
18. Other Expenses (*other than expert, transcripts, etc.*)					
GRAND TOTALS *(CLAIMED AND ADJUSTED):*					

19 CERTIICATION OF ATTORNEY PAYEE FOR THE PERIOD OF SERVICE

FROM: _____ TO: _____

20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION

21. CASE DISPOSITION

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number _____ ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this case? ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO

Other than from the Court have you or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT - COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25 TRAVEL EXPENSES	26 OTHER EXPENSES	27. TOT. AMT. APP./ CERT

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED

34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE

CJA 23
Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Katherine Kostioutsenko

CHARGE/OFFENSE (describe if applicable & check box →) ☐ Felony ☐ Misdemeanor

1 ☐ Defendant—Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☑ Yes ☐ No ☐ Am Self-Employed

Name and address of employer: 525 Medical Care

IF YES, how much do you earn per month? $ 1800.

IF NO, give month and year of last employment
How much did you earn per month? $ _____

If married is your Spouse employed? ☐ Yes ☑ No

IF YES, how much does your Spouse earn per month? $ _____

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $ _____

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☑ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
$ _____	_____
$ _____	_____
$ _____	_____

CASH

Have you any cash on hand or money in savings or checking accounts? ☑ Yes ☐ No **IF YES,** state total amount $ 4000.

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☑ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION
_____	_____
_____	_____
_____	_____
_____	_____

DEPENDENTS

MARITAL STATUS
_____ SINGLE
_____ MARRIED
_____ WIDOWED
_____ SEPARATED OR DIVORCED

Total No. of Dependents: 3

List persons you actually support and your relationship to them: Children

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
Rent		$ [illegible]	$ 2,200.00
		$	$
		$	$
		$	$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) _____

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) K. Kostioutsenko

CALENDAR : MAGISTRATE'S PROCEEDING

BEFORE MAG. JUDGE Ramon E. Reyes Jr. **DATE :** 7/19/10

DOCKET NUMBER: 10-800M LOG#: 4:49 - 4:53

DEFENDANT'S NAME : Sergey Shelikhov

___ Present ✓ Not Present ___ Custody ✓ Bail

DEFENSE COUNSEL : _____

___ Federal Defender ___ CJA ___ Retained

A.U.S.A: _____ DEPUTY CLERK : F. Chin

INTERPRETER : _____ (Language) _____

Bond signing Hearing held. _____ Hearing adjourned to _____

____ Defendant was released on _____ PRB with/without some conditions.

____ Defendant was advised of bond conditions by the Court and signed the bond.

1 (Galina Cheban) Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

____ Additional surety (ies) to co-signed bond by _____

____ At this time, defense counsel states on the record that the defendant does not have a bail application / package. **Order of detention** entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.

_____ Order of Excludable Delay entered. Code Type____ Start_____ Stop _____

_____ Order of Speedy Trial entered. Code Type_____ Start_____ Stop _____

_____ Defendant's first appearance. ___Defendant arraigned on the indictment.

_____ Attorney Appointment of ____ FEDERAL DEFENDER _____ CJA

_____ Defendant entered **NOT GUILTY PLEA** to **ALL** counts of the indictment.

_____ Status conference set for _____ @ _____ before Judge _____

OTHERS : _____

_____

_____

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Sergey Shelikhova
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[ ] Upon **Secured Appearance Bond** as provided herein. $200,000

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[ ] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY

[ ] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[ ] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 7/19/10 and shall not apply for any other passport.

[ ] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[ ] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed.

[ ] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions: 1 responsible surety to sign by 7/20/10

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions: _____

Galina Cheban
Surety

Address: 8415 4th Ave Apt D12 Brooklyn, NY 11209.

Surety

Address:

Surety

Address:

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 20 10

_____, USMJ

Distribution: ~~White-Original~~ Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

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CALENDAR : MAGISTRATE'S PROCEEDING

BEFORE MAG. JUDGE Ramon Reyes 9r **DATE :** 7/20/10

DOCKET NUMBER 10 - 800m LOG # : 9:58 - 10:06

DEFENDANT'S NAME : Jonathan Wahl

___ Present ___ Not Present ___ Custody ✓ Bail

DEFENSE COUNSEL : _____

___ Federal Defender __ CJA ___ Retained

A.U.S.A: _____ DEPUTY CLERK : S Mynen

INTERPRETER : _____ (Language) _____

_____ Hearing held. _____ Hearing adjourned to _____

____ Defendant was released on _____ PRB with/without some conditions.

____ Defendant was advised of bond conditions by the Court and signed the bond.

✓ Surety (ies) Phillip Wahl were sworn and advised of bond obligations by the Court and signed the bond.

____ Additional surety (ies) to co-signed bond by _____

____ At this time, defense counsel states on the record that the defendant does not have a bail application / package. **Order of detention** entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.

____ Order of Excludable Delay entered. Code Type____ Start_____ Stop _____

___ Order of Speedy Trial entered. Code Type_____ Start_____ Stop _____

____ Defendant's first appearance. ___Defendant arraigned on the indictment.

____ Attorney Appointment of ____ FEDERAL DEFENDER ____ CJA

___ Defendant entered **NOT GUILTY PLEA** to **ALL** counts of the indictment.

____ Status conference set for _____ @ _____ before Judge _____

OTHERS : _____

_____

_____

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Jonathan Wahl

Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[ ] Upon **Secured Appearance Bond** as provided herein. $500,000

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[X] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY + NJ

[ ] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[X] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[X] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[X] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[X] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____ as directed.

[ ] is subject to home detention with electronic monitoring with the following conditions:_____

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ] treatment for: [ ] substance abuse [ ] alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions:_____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $

[X] premises located at: 45 Ocean Ave Unit 7I, Monmouth Beach, NJ owned by Phillis Wahl

[X] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 7/26/10

[X] Other Conditions: Ms. Wahl must sign by 7/26/10

X Jay C. Wahl Address: 45 Ocean Ave, 7-I Monmouth Beach, NJ
Surety

Phillis Wahl Phyllis C. Wahl Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

X _____
Signature of Defendant

Release of the Defendant is hereby ordered on 7/14, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

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United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Drivas, Gustave
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: M10-800

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[X] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[X] 1. The defendant must remain in and may not leave the following areas without Court permission: New York City & Long Island, Travel to NJ for work purposes. S.D.N.Y.

[X] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: No contact with co-defendants except in the presence of counsel.

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____.

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 7/21/10 and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and as directed

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions:_____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 750,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____

[X] premises located at: 326 Bertram Ave., S.I. owned by defendant and Karen Drivas

[X] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before July 23, 2010.

[X] Other Conditions: No further liens on above premises

Karen Drivas Surety — Address: 326 Bertram Avenue

Francesco DiCarlo Surety — Address: 59 Eagle Ave

_____ Surety — Address: _____

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

Signature of Defendant

Release of the Defendant is hereby ordered on July 17, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: M10-800

2) Defendant's Name: Drivas Gustan
(Last) (First) (M.I.)

3) Age: 55

4) Title: 18 Section(s): 1347

5) Citizen of: U.S. Needs: _____ Interpreter

6) Arrest Warrant Issued: 7/14/10 Date and time of arrest: 7/15/10 4:50

(Items 1-6 to be completed by AUSA/Arresting Officer)

---

7) Removal Proceeding: ___Yes X No Other District: _____

8) Name of Interpreter used today: N/A Language: _____

9) Arraignment on complaint held: ✓ Yes ___No Date/Time: 7/16/10 11:42

10) Detention Hearing Held: ✓ Bail set at: 750,000 ROR Entered: ___ POD Entered: ___

11) Temporary Order of Detention Entered: ___ Bail Hearing set for: _____

12) (a) Preliminary Hearing set for: _____; or waived: ✓

(b) Removal Hearing set for: _____; or waived: _____

(c) Status Conference set for: _____

13) ASSISTANT U.S. ATTORNEY: Schaffer

14) DEFENSE COUNSEL'S NAME: Anthony Piccarony

Address: _____

Bar Code: _____ CJA: ____ FDNY: ____ RET: ____

Telephone Number: (___) _____

15) LOG #: 11:42 - 12:33 (_____)

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.
✓ Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
____Additional surety (ies) to co-sign bond by _____

Other Comments/Rulings: _____

17) Complaint/Affidavit/Indictment unsealed: ___Yes ___No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

United States of America

-v-

Gustave Drivas

Defendant.

NOTICE OF APPEARANCE

Docket Number : M 10-803

Judge : GO

Date : 7/17/10

PLEASE NOTICE, that I have been RETAINED by Anthony Pisciotta the above named defendant. I was admitted to practice in this district on 1981.

Signature : [signature]

Print Name : Anthony Pisciotta

Bar Code : AGP1958

Office Address : 363 Boston Post Rd
Rye NY 10580

Telephone # : 914-835-6900

*** NOTICE TO ATTORNEY***

**Bar Code - The attorney's initials and last four digits of the social security number must appear on all pleading.

**Within 20 days you must submit to the Clerk of the Court a good standing certificate from at least one of the states in which you are admited to practice. (See amended Rule 1 of the joint Crminal Rules of the Eastern and Southern Districts of New York.)

WES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

UNITED STATES OF AMERICA

-against-

GUSTAVE DRIVAS ET AL.,

Defendants.

- X

U N S E A L I N G
O R D E R

10 M ~~810~~ 800

Upon the application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by Assistant United States Attorney William E. Schaeffer, for an order unsealing the affidavit and arrest warrants for defendants GUSTAVE DRIVAS ET AL., in the above-captioned matter.

WHEREFORE, it is ordered that the affidavit and arrest warrants for GUSTAVE DRIVAS ET AL., in the above-captioned matter be unsealed.

Dated: Brooklyn, New York
July 16, 2010

RERA

HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

10

CJA 23
Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)
Girenko, Elena

CHARGE/OFFENSE (describe if applicable & check box →)
18 USC 1349
☒ Felony
☐ Misdemeanor

1 ☒ Defendant—Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☒ Yes ☐ No ☐ Am Self-Employed
Name and address of employer: SZS Corp., 8686 Bay Parkway, Brooklyn, NY
IF YES, how much do you earn per month? $ 110,000
IF NO, give month and year of last employment
How much did you earn per month? $

If married is your Spouse employed? ☒ Yes ☐ No sign installer
IF YES, how much does your Spouse earn per month? $ $30,000
If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
$	

CASH

Have you any cash on hand or money in savings or checking accounts? ☒ Yes ☐ No IF YES, state total amount $ 100,000

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☒ Yes ☐ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION
$ 620,000	private horse: 480 Tennyson Dr. Staten Island
2.5 mill	67 Nicholas Loop Staten Island 2% ownership
100,000	08 Bentley

DEPENDENTS

MARITAL STATUS
___ SINGLE
☒ MARRIED
___ WIDOWED
___ SEPARATED OR DIVORCED

Total No. of Dependents: 1

List persons you actually support and your relationship to them
Anastasia, 11

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
	mortgage	$ 40,000	$ 3000
	mortgage	$ 1.5 mill	$ 13000
	automobile	$ 50,000	$
	credit card	$ 10,000	$
	utilities		3000

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 7/14/10

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) x Elena Girenko

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Elena Givenko

Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or

[✓] Upon **Secured Appearance Bond** as provided herein. $1 million

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: SDNY EDNY

[ ] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 7/19/10 and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone as directed times per _____;

[✓] is subject to home detention with electronic monitoring with the following conditions: Start on 7/19/10 Atty visits, Court appearances; work; medical emergencies; religious services

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ] treatment for: [ ] substance abuse [ ] alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions: _____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $_____. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____

[✓] premises located at: 480 Tennyson Dr. / 67 Nicolosi Loop and all FL properties by 7/23/10 owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____

[✓] Other Conditions: Passports for Sergi Gula & Δ's child surrendered by 7/19/10

X [signature] Address: 480 Tennyson Dr.
Sergi Gula
Surety

_____ Address: _____
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

X [signature]
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 20 10

[signature], USM

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

13

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	ELENA GIRENKO	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800 M			

7. IN CASE/MATTER OF *(Case Name)*	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE *(See Instructions)*
USA V. DRIVAS, ET AL.	X Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	X Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	CC

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18 USC 1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix)*, AND MAILING ADDRESS

BARRY RHODES
11 PENN PLAZA, 5TH FLOOR
NEW YORK, NY 10001

Telephone Number : 212-791-1200

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

13. COURT ORDER

X O Appointing Counsel ☐ C Co-Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Attorney
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Appointment Dates:

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other *(See Instructions)*

Signature of Presiding Judicial Officer or By Order of the Court

7/16/10
Date of Order

7/16/10
Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at time appointment. ☐ YES ☐ NO

CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY		
CATEGORIES *(Attach itemization of services with dates)*	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In Court: a. Arraignment and/or Plea					
b. Bail and Detention Hearings					
c. Motion Hearings					
d. Trial					
e. Sentencing Hearings					
f. Revocation Hearings					
g. Appeals Court					
h. Other *(Specify on additional sheets)*					
(RATE PER HOUR = $) TOTALS:					
16. Out of Court: a. Interviews and Conferences					
b. Obtaining and reviewing records					
c. Legal research and brief writing					
d. Travel time					
e. Investigative and other work *(Specify on additional sheets)*					
(RATE PER HOUR = $) TOTALS:					
17. Travel Expenses *(lodging, parking, meals, mileage, etc.)*					
18. Other Expenses *(other than expert, transcripts, etc.)*					
GRAND TOTALS (CLAIMED AND ADJUSTED):					

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE	20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION	21. CASE DISPOSITION
FROM: TO:		

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO
Other than from the Court, have you, or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney Date

APPROVED FOR PAYMENT — COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED

34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: **10-800 M**

2) Defendant's Name: GIRENKO (Last) ELENA (First) (M.I.)

3) Age:

4) Title: Section(s):

5) Citizen of: Needs: Interpreter

6) Arrest Warrant Issued: Date and time of arrest:

(Items 1-6 to be completed by AUSA/Arresting Officer)

---

7) Removal Proceeding: Yes No Other District:

8) Name of Interpreter used today: Language: Russian

9) Arraignment on complaint held: **X** Yes No Date/Time: **7/16/10**

10) Detention Hearing Held: Bail set at: #1 million ROR Entered: POD Entered:

11) Temporary Order of Detention Entered: Bail Hearing set for:

12) (a) Preliminary Hearing set for: #30 9am; or waived: ✓

(b) Removal Hearing set for: ; or waived:

(c) Status Conference set for:

13) ASSISTANT U.S. ATTORNEY: **WILLIAM SCHAEFFER**

14) DEFENSE COUNSEL'S NAME: Barry Rhodes

Address:

Bar Code: CJA: ✓ FDNY: RET:

Telephone Number: ( )

15) LOG #: (535-612) MAG. JUDGE : **RAMON REYES, JR.**

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.
1 Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
Additional surety (ies) to co-sign bond by

Other Comments/Rulings:

17) Complaint/Affidavit/Indictment unsealed: Yes No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

11

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	LEONID ZHELENZNYAKOV	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800 M			

7. IN CASE/MATTER OF *(Case Name)*	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE *(See Instructions)*
USA V. DRIVAS, ET AL.	X Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	X Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	CC

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18 USC 1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix)*, AND MAILING ADDRESS

THOMAS F.X. DUNN
7 DEY STREET
SUITE 804
NEW YORK, NY 10007

Telephone Number : 212-791-1200

13. COURT ORDER

X O Appointing Counsel ☐ C Co-Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Attorney
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Appointment Dates:

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other *(See Instructions)*

Signature of Presiding Judicial Officer or By Order of the Court

7/16/10 — Date of Order

7/16/10 — Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at time appointment. ☐ YES ☐ NO

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

CLAIM FOR SERVICES AND EXPENSES — FOR COURT USE ONLY

	CATEGORIES *(Attach itemization of services with dates)*	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In	a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
16. Out of	a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
17.	Travel Expenses *(lodging, parking, meals, mileage, etc.)*					
18.	Other Expenses *(other than expert, transcripts, etc.)*					
GRAND TOTALS (CLAIMED AND ADJUSTED):						

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE	20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION	21. CASE DISPOSITION
FROM: TO:		

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO

Other than from the Court, have you, or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney Date

APPROVED FOR PAYMENT — COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED

34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: **10-800 M**

2) Defendant's Name: ZHELENZNYAKOV (Last) LEONID (First) (M.I.)

3) Age:_____

4) Title:_____ Section(s):_____

5) Citizen of:_____ Needs:_____Interpreter

6) Arrest Warrant Issued:_____ Date and time of arrest:_____

(Items 1-6 to be completed by AUSA/Arresting Officer)

7) Removal Proceeding:__Yes ___No Other District:_____

8) Name of Interpreter used today:_____ Language: Russian

9) Arraignment on complaint held: **X** Yes ____No Date/Time: **7/16/10**

10) Detention Hearing Held:____ Bail set at: $150,000 ROR Entered:___ POD Entered:___

11) Temporary Order of Detention Entered:___ Bail Hearing set for:_____

12) (a) Preliminary Hearing set for:_____; or waived: ✓

(b) Removal Hearing set for:_____; or waived:_____

(c) Status Conference set for:_____

13) ASSISTANT U.S. ATTORNEY: **WILLIAM SCHAEFFER**

14) DEFENSE COUNSEL'S NAME: Thomas Dunn

Address:_____

Bar Code:_____ CJA: ✓ FDNY:____ RET:___

Telephone Number:(___)_____

15) LOG #:____ (425 445) MAG. JUDGE : **RAMON REYES, JR.**

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.
3 Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
_____Additional surety (ies) to co-sign bond by _____

Other Comments/Rulings:_____

17) Complaint/Affidavit/Indictment unsealed:___Yes ___No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

16

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Leonid Zelenzynskov
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[ ] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $ 150,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: EDNY & SDNY

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defs except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work; as directed by PTS

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____times per _____;

[ ] is subject to home detention with electronic monitoring with the following conditions:_____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[✓] 6. Other Conditions: NO participation, direct or indirect, in any activity of SZS Medical or its affiliates.

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 150,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions: _____

Yulia Zelenzynskaya Surety — Address: 1014 Avenue N, Apt 2B Brooklyn, NY 11230

Surety — Address: 1219 East 19th street Apt. 2B Brooklyn NY 11230

Yevgeny Zelenzynskaya Surety — Address: 1014 Avenue N, apt. B1, Brooklyn, NY, 11230

Albina Kornyukhina Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 2010

_____, USMJ

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

17

CJA 23
Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Leonid Zheleznyakov

CHARGE/OFFENSE (describe if applicable & check box →)

18USC1349 Health Care Fraud Conspiracy

☒ Felony
☐ Misdemeanor

1 ☒ Defendant—Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☒ Yes ☐ No ☐ Am Self-Employed

Name and address of employer: S2S Medical, 8886 Bay Parkway, Brooklyn NY

IF YES, how much do you earn per month? $ 15,000/year

IF NO, give month and year of last employment
How much did you earn per month? $

If married is your Spouse employed? ☒ Yes ☐ No

IF YES, how much does your Spouse earn per month? $ 1200.00

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

	RECEIVED	SOURCES
$		

CASH

Have you any cash on hand or money in savings or checking accounts? ☒ Yes ☐ No IF YES, state total amount $ 100.00

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION

DEPENDENTS

MARITAL STATUS
___ SINGLE
_X_ MARRIED
___ WIDOWED
___ SEPARATED OR DIVORCED

Total No. of Dependents: 0

List persons you actually support and your relationship to them

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
Rent			$ 1090.00
Credit Card			$ 500.00

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 7/16/10

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED)

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	[redacted] Jonathan Wahl	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800 M			

7. IN CASE/MATTER OF *(Case Name)*	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE *(See Instructions)*
USA V. DRIVAS, ET AL.	X Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	X Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	CC

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18 USC 1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix),* AND MAILING ADDRESS

MICHAEL SPORN
299 BROADWAY
SUITE 800
NEW YORK, NY 10007

Telephone Number : 212-791-1200

13. COURT ORDER

X O Appointing Counsel ☐ C Co-Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Attorney
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Appointment Dates:

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other *(See Instructions)*

Signature of Presiding Judicial Officer or By Order of the Court

7/16/10
Date of Order

7/16/10
Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at time appointment. ☐ YES ☐ NO

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

CLAIM FOR SERVICES AND EXPENSES — FOR COURT USE ONLY

	CATEGORIES *(Attach itemization of services with dates)*	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In	a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
16. Out of	a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
17.	Travel Expenses *(lodging, parking, meals, mileage, etc.)*					
18.	Other Expenses *(other than expert, transcripts, etc.)*					
	GRAND TOTALS (CLAIMED AND ADJUSTED):					

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE
FROM: TO:

20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION

21. CASE DISPOSITION

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO
Other than from the Court, have you, or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.
I swear or affirm the truth or correctness of the above statements.

Signature of Attorney Date

APPROVED FOR PAYMENT — COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

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34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: **10-800 M**

2) Defendant's Name: WAHL (Last) JONA**THAN** (First) (M.I.)

3) Age:_____

4) Title:_____ Section(s):_____

5) Citizen of:_____ Needs:_____ Interpreter

6) Arrest Warrant Issued:_____ Date and time of arrest:_____

(Items 1-6 to be completed by AUSA/Arresting Officer)

---

7) Removal Proceeding: Yes No Other District:_____

8) Name of Interpreter used today:_____ Language:_____

9) Arraignment on complaint held: **X** Yes ____ No Date/Time: **7/16/10**

10) Detention Hearing Held:____ Bail set at: $500,000 ROR Entered:____ POD Entered:____

11) Temporary Order of Detention Entered:____ Bail Hearing set for:_____

12) (a) Preliminary Hearing set for:_____; or waived: ✓

(b) Removal Hearing set for:_____; or waived:_____

(c) Status Conference set for:_____

13) ASSISTANT U.S. ATTORNEY: **WILLIAM SCHAEFFER**

14) DEFENSE COUNSEL'S NAME: Michael Sporn

Address:_____

Bar Code:_____ CJA: ✓ FDNY:____ RET:____

Telephone Number:(____)_____

15) LOG #:____ (511- 523) MAG. JUDGE : **RAMON REYES, JR.**

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.

____ Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

✓ Additional surety (ies) to co-sign bond by _____

Other Comments/Rulings:_____

17) Complaint/Affidavit/Indictment unsealed:___Yes ___No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

20

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	VERONYKA TCHERNYRCHENKO	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800 M			

7. IN CASE/MATTER OF *(Case Name)*	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE
USA V. DRIVAS, ET AL.	X Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	X Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	*(See Instructions)* CC

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18 USC 1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix),* AND MAILING ADDRESS

SCOTT FENSTERMAKER
100 PARK AVENUE
16TH FLOOR
NEW YORK, NY 10017

Telephone Number : _____

13. COURT ORDER

X O Appointing Counsel ☐ C Co-Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Attorney
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Appointment Dates: _____

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other *(See Instructions)*

Signature of Presiding Judicial Officer or By Order of the Court

7/16/10 — Date of Order

7/16/10 — Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at time appointment. ☐ YES ☐ NO

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

CLAIM FOR SERVICES AND EXPENSES — FOR COURT USE ONLY

	CATEGORIES *(Attach itemization of services with dates)*	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In	a. Arraignment and/or Plea					
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	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
16. Out of	a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work *(Specify on additional sheets)*					
	(RATE PER HOUR = $) TOTALS:					
17.	Travel Expenses *(lodging, parking, meals, mileage, etc.)*					
18.	Other Expenses *(other than expert, transcripts, etc.)*					
	GRAND TOTALS (CLAIMED AND ADJUSTED):					

19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE	20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION	21. CASE DISPOSITION
_____ TO: _____		

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number _____ ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO

Other than from the Court, have you, or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED

34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: **10-800 M**

2) Defendant's Name: TCHERNYRCHENKO (Last) VERONYKA (First) (M.I.)

3) Age:_____

4) Title:_____ Section(s):_____

5) Citizen of:_____ Needs:_____Interpreter

6) Arrest Warrant Issued:_____ Date and time of arrest:_____

(Items 1-6 to be completed by AUSA/Arresting Officer)

---

7) Removal Proceeding: __Yes ___No Other District:_____

8) Name of Interpreter used today:_____ Language:_____

9) Arraignment on complaint held: **X** Yes ____No Date/Time: **7/16/10**

10) Detention Hearing Held:____ Bail set at: $150,000 ROR Entered:___ POD Entered:___

11) Temporary Order of Detention Entered:___ Bail Hearing set for:_____

12) (a) Preliminary Hearing set for:_____; or waived: ✓

(b) Removal Hearing set for:_____; or waived:_____

(c) Status Conference set for:_____

13) ASSISTANT U.S. ATTORNEY: **WILLIAM SCHAEFFER**

14) DEFENSE COUNSEL'S NAME: Scott Fenstermaker

Address:_____

Bar Code:_____ CJA: ✓ FDNY:____ RET:___

Telephone Number:(___)_____

15) LOG #:____ (511 524) MAG. JUDGE : **RAMON REYES, JR.**

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.

1 Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

_____Additional surety (ies) to co-sign bond by _____

Other Comments/Rulings:_____

17) Complaint/Affidavit/Indictment unsealed:___Yes ___No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

23

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

Veronyka Tchernyrchenko
Defendant

ORDER SETTING CONDITIONS OF RELEASE AND BOND

Case No.: 10-800M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, **subject to the Standard Conditions of Bond on the reverse** and:

[ ] Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or

[✓] Upon **Unsecured Bond** executed by defendant in the amount of $_____, or $150,000

[ ] Upon **Secured Appearance Bond** as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

[✓] 1. The defendant must remain in and may not leave the following areas without Court permission: EDNY SDNY and PA to pick up daughter on 7/17/10

[✓] 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: co-defts except in presence of counsel

[ ] 3. The defendant shall avoid and not go to any of the following locations: _____

[✓] 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by _____ and shall not apply for any other passport.

[✓] 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and

[✓] is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;

[✓] must report to that agency ( ) in person_____ times per _____ and/or ( ) by telephone_____ times per _____ as directed;

[ ] is subject to home detention with electronic monitoring with the following conditions: _____;

[ ] must undergo [ ] random drug testing [ ] evaluation and/or [ ]treatment for: [ ] substance abuse [ ]alcoholism [ ] mental health problems.

[ ] must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.

[ ] 6. Other Conditions: _____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of $ 150 000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

[ ] cash deposited in the Registry of the Court the sum of $_____;

[ ] premises located at: _____ owned by _____

[ ] I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____.

[ ] Other Conditions: _____

[signature] Address: 8686 Bay PKWY, AP#11A
Oleg Kurapin Surety

_____ Address: BROOKLYN, NY 11214
Surety

_____ Address: _____
Surety

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the **Standard Conditions of Bond** set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. **I am aware of the penalties and sanctions set forth on the reverse of this form.**

[signature]
Signature of Defendant

Release of the Defendant is hereby ordered on 7/16, 2010

[signature], US

Distribution: White-Original Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant

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FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☑ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

TCHERNITCHENKO, VORONIKA

CHARGE/OFFENSE (describe if applicable & check box →) ☑ Felony ☐ Misdemeanor

18 USC 1349

1 ☑ Defendant—Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☑ Yes ☐ No ☐ Am Self-Employed

Name and address of employer: SZS MEDICAL CARE

IF YES, how much do you earn per month? $ 6,000

IF NO, give month and year of last employment
How much did you earn per month? $

If married is your Spouse employed? ☐ Yes ☑ No

IF YES, how much does your Spouse earn per month? $

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☑ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
$	
$	
$	

CASH

Have you any cash on hand or money in savings or checking accounts? ☐ Yes ☐ No **IF YES**, state total amount $

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☑ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION

DEPENDENTS

MARITAL STATUS
___ SINGLE
___ MARRIED
___ WIDOWED
___ SEPARATED OR
✓ DIVORCED

Total No. of Dependents

List persons you actually support and your relationship to them

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
RENT		$	$ 2,200
		$	$
		$	$
		$	$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) V. Tch

25

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (5-99)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED	VOUCHER NUMBER
EDNY	Sergey Shelikhov	

3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
10-800M			

7. IN CASE/MATTER OF (Case Name)	8. PAYMENT CATEGORY	9. TYPE PERSON REPRESENTED	10. REPRESENTATION TYPE (See Instructions)
USA v. Shelikhov	☒ Felony ☐ Petty Offense ☐ Misdemeanor ☐ Other ☐ Appeal	☒ Adult Defendant ☐ Appellant ☐ Juvenile Defendant ☐ Appellee ☐ Other	CC

11. OFFENSE(S) CHARGED (Cite US. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

18USC1349

12. ATTORNEY'S NAME *(First Name, M.I., Last Name, including any suffix),* AND MAILING ADDRESS and social security #

CHARLES HOCHBAUM , ESQ.
16 Court Street
Suite 1800
Brooklyn, NY 11241

Telephone Number: 718-855-4800

14. NAME AND MAILING ADDRESS OF LAW FIRM *(Only provide per instructions)*

13. COURT ORDER

☒ O Appointing Counsel ☐ C Co—Counsel
☐ F Subs For Federal Defender ☐ R Subs For Retained Atty.
☐ P Subs For Panel Attorney ☐ Y Standby Counsel

Prior Attorney's Name: _____

Appointment Date: _____

☐ Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR

☐ Other(See Instructions)

RERA

Signature of Presiding Judicial Officer or By Order of the Court

July 16, 2010 — Date of Order

7/16/10 — Nunc Pro Tunc Date

Repayment or partial repayment ordered from the person represented for this service at the time of appointment. ☐ YES ☐ NO

CLAIM FOR SERVICES AND EXPENSES

CATEGORIES (Attach *itemization of* services with dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	FOR COURT USE ONLY: MATH /TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
15. In Court — a Arraignment and/or Plea					
b. Bail and Detention Hearings					
e Motion Hearings					
d. Trial					
e Sentencing Hearings					
f. Revocation Hearings					
g. Appeals Court					
h. Other (*Specify on additional sheets*)					
(RATE PER HOUR = $) TOTALS:					
16. Out of Court — *a.* Interviews and Conferences					
b. Obtaining and reviewing records					
c. Legal research and brief writing					
d. Travel time					
e. Investigative and other work (*Specify on additional sheets*)					
(RATE PER HOUR = $) TOTALS:					
17. Travel Expenses (*lodging, parking, meals, mileage* etc.)					
18. Other Expenses (*other than expert, transcripts, etc.*)					
GRAND TOTALS *(CLAIMED AND ADJUSTED):*					

19 CERTIICATION OF ATTORNEY PAYEE FOR THE PERIOD OF SERVICE

FROM: _____ TO: _____

20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION

21. CASE DISPOSITION

22. CLAIM STATUS ☐ Final Payment ☐ Interim Payment Number _____ ☐ Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this case? ☐ YES ☐ NO If yes, were you paid? ☐ YES ☐ NO

Other than from the Court have you or to your knowledge has anyone else, received payment *(compensation or anything of value)* from any other source in connection with this representation? ☐ YES ☐ NO If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT - COURT USE ONLY

23. IN COURT COMP.	24. OUT OF COURT COMP.	25 TRAVEL EXPENSES	26 OTHER EXPENSES	27. TOT. AMT. APP./ CERT

28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER	DATE	28a. JUDGE/MAG. JUDGE CODE

29. IN COURT COMP.	30. OUT OF COURT COMP.	31.TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED

34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) *Payment approved in excess of the statutory threshold amount.*	DATE	34a. JUDGE CODE
		26

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: **10-800 M**

2) Defendant's Name: SHELIKHOV (Last) SERGEY (First) **V.** (M.I.)

3) Age:_____

4) Title:_____ Section(s):_____

5) Citizen of:_____ Needs:_____Interpreter

6) Arrest Warrant Issued:_____ Date and time of arrest:_____

(Items 1-6 to be completed by AUSA/Arresting Officer)

7) Removal Proceeding:__Yes ___No Other District:_____

8) Name of Interpreter used today:_____ Language: Russian

9) Arraignment on complaint held: **X** Yes ____No Date/Time: **7/16/10**

10) Detention Hearing Held:____ Bail set at: $200,000 ROR Entered:___ POD Entered:___

11) Temporary Order of Detention Entered:___ Bail Hearing set for: 7/20/10 9am

12) (a) Preliminary Hearing set for:_____; or waived: ✓

(b) Removal Hearing set for:_____; or waived:_____

(c) Status Conference set for:_____

13) ASSISTANT U.S. ATTORNEY: **WILLIAM SCHAEFFER**

14) DEFENSE COUNSEL'S NAME: ~~Michael Sporn~~ Charles Haueisen

Address:_____

Bar Code:_____ CJA: ✓ FDNY:____ RET:___

Telephone Number:(___)_____

15) LOG #:____ (626-639) MAG. JUDGE : **RAMON REYES, JR.**

16) ✓ Defendant was advised of bond conditions by the Court and signed the bond.

____ Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

2 Additional surety (ies) to co-sign bond by 7/20 11am

Other Comments/Rulings:_____

17) Complaint/Affidavit/Indictment unsealed:___Yes ___No

SO ORDERED ON THIS _____ DAY OF _____, 20__

_____
UNITED STATES MAGISTRATE JUDGE

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FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

V.S.

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Sergey Shelikhov

CHARGE/OFFENSE (describe if applicable & check box →) ☑ Felony ☐ Misdemeanor

1 ☐ Defendant—Adult
2 ☑ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☑ Yes ☐ No ☐ Am Self-Employed

Name and address of employer: Medical Plaza (Brooklyn, NY)

IF YES, how much do you earn per month? $ 8,000

IF NO, give month and year of last employment How much did you earn per month? $

If married is your Spouse employed? ☑ Yes ☐ No

IF YES, how much does your Spouse earn per month? $ N/A - separated 18 yrs.

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? $

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☑ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
$	

CASH

Have you any cash on hand or money in savings or checking accounts? ☑ Yes ☐ No IF YES, state total amount $ Appx 6,500 sal

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☑ Yes ☐ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION
Unknown	2007 Lexus GX470 Jeep last month of lease just (paid)

DEPENDENTS

MARITAL STATUS
___ SINGLE
___ MARRIED
___ WIDOWED
✓ SEPARATED OR DIVORCED

Total No. of Dependents: Ø

List persons you actually support and your relationship to them

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
Rent		$	$ 1800
Utilities (combined)		$	Appx 400
Car insurance		$ Appx $400	$ year
Credit card debt		$ 7,000	$ Ø currently

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 7/16/10

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) X [signature]

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JM/SBK:WES/HLJ
F.#2009R02085

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - x

M10- 800

UNITED STATES OF AMERICA

- against -

GUSTAVE DRIVAS,
JONATHAN WAHL,
SERGEY V. SHELIKHOV,
IRINA SHELIKHOVA,
LEONID ZHELEZNYAKOV,
also known as
"LYONYA" and "LENNY,"
ELENA GIRENKO,
also known as "LENA,"
KATHERINA KOSTIOCHENKO,
also known as "KATYA," and
VERONYKHA TCHERNYTCHENKO,

Defendants.
- - - - - - - - - - - - - - - - - - x

TO BE FILED UNDER SEAL

COMPLAINT AND AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ARREST WARRANTS
(T. 18, U.S.C., § 1349)

EASTERN DISTRICT OF NEW YORK, ss:

CANDICE STEPHENSON, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Health and Human Services, Office of the Inspector General ("HHS-OIG").

Upon information and belief, there is probable cause to believe that in or about and between March 2005 and July 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendants GUSTAVE DRIVAS, JONATHAN WAHL, SERGEY V. SHELIKHOV, IRINA SHELIKHOVA, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," and

1

VERONYKHA TCHERNYTCHENKO, together with others, did knowingly and willfully conspire to execute and attempt to execute a scheme and artifice to defraud Medicare, a health care benefit program, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned by and under the custody and control of Medicare, in connection with the delivery of and payment for health care benefits, items and services, contrary to Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349)

The source of your affiant's information and the grounds for her belief are as follows:

I. Qualifications and Sources of Information

1. I have been an HHS-OIG Special Agent for approximately eight years. During my tenure with HHS-OIG, I have participated in a variety of criminal health care fraud investigations involving schemes to defraud Medicare, including schemes to bill for unnecessary treatment or services that were not provided. Some of these schemes involved patients who agreed to undergo unnecessary treatment or to remain silent about bills to Medicare for services that were not provided, in exchange for cash kickbacks. During the course of these investigations, I have interviewed witnesses, including patients, medical providers, and clinic employees; debriefed informants; reviewed recorded conversations; conducted physical surveillance; executed

search warrants; reviewed Medicare claims data, bank records, telephone records, patient charts, and other business records; and employed other investigative techniques. I am familiar with the records and documents maintained by health care providers, and I am familiar with the laws and regulations related to the administration of the Medicare program.

2. I am assigned to one of the Health Care Fraud Prevention and Enforcement Action Strike Force ("Strike Force") teams, which is staffed with law enforcement agents and officers from the HHS-OIG and the Federal Bureau of Investigation ("FBI"), as well as state and local investigators from the New York State Office of the Attorney General, Medicaid Fraud Control Unit ("MFCU"), the New York Police Department ("NYPD"), and the New York City Human Resources Administration ("HRA"). The Strike Force is tasked with investigating Medicare and Medicaid fraud, and one of the priorities of my Strike Force team is investigating fraud in Medicare clinics serviced by patient transportation providers who are reimbursed by Medicaid.

3. The facts set forth in this affidavit are based in part on information that I have learned from review of written documents prepared by, and conversations with, members of the Strike Force, and from review of documents obtained by subpoena. In the portions of this affidavit that describe consensually recorded conversations, virtually all of the information, unless

otherwise indicated, is based upon my review of draft transcripts.[1] In the portions of this affidavit that describe intercepted audio communications, virtually all of the information, unless otherwise indicated, is based upon my review of draft linesheets created by agents from the Federal Bureau of Investigation ("FBI") and other law enforcement agents assisting with this investigation.[2]

4. In this affidavit, I have described portions of certain conversations that were obtained through consensual recordings or intercepted during the course of court-authorized audio surveillance.[3] I have not, however, summarized every pertinent consensually-recorded or intercepted conversation, nor have I included every pertinent part of any consensually-recorded or intercepted conversation that I have summarized. Moreover, any transcripts of intercepted conversations are preliminary and in draft form. As such, the summaries set forth in this

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[1] The participants in the consensually recorded conversations relied on in this affidavit spoke primarily in Russian. For the purpose of preparing this affidavit, I relied on English translations of the conversations prepared by MFCU.

[2] The participants in the intercepted communications relied on in this affidavit spoke primarily in Russian. For the purpose of preparing this affidavit, I relied on English translations of the intercepted communications prepared by FBI translators who monitored the communications live.

[3] Except where otherwise noted, all conversations described in this affidavit are set forth in part and in substance only.

affidavit are preliminary in nature. My opinions concerning the meaning of the conversations are based on my training and expertise developed as a result of investigating health care fraud schemes and based on facts learned during this investigation.

5. In this affidavit, I have identified certain individuals based on a review of intercepted oral and non-verbal, visual communications by members of the Strike Force. Unless otherwise indicated, the identifications of these individuals were made by statements in the oral communications that indicated the identity of the participants or through visual identification by agents familiar with the appearance of those individuals.

6. As set forth in the paragraphs below, there is probable cause to believe that the defendants are involved in a scheme to defraud Medicare by paying patients to agree to undertake unnecessary medical treatments, or billing Medicare for treatments that were never provided to the patients. Because I submit this affidavit for the limited purpose of establishing probable cause to arrest the defendants, I have not set forth all facts known to me about this investigation.

II. The Medicare Program

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

7. The Medicare program ("Medicare") was a federal

health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services ("CMS"), a federal agency under the United States Department of Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare "beneficiaries." The physician who provided a service to a beneficiary or ordered that a service be provided to a beneficiary was referred to as a "rendering physician."

8. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

9. Medicare was subdivided into multiple Parts. Medicare Part B covered the costs of physicians' services and outpatient care, such as physical therapy and diagnostic tests. Generally, Medicare Part B covered these costs if, among other requirements, they were medically necessary and ordered by a physician.

10. Medical providers that were certified to participate in Medicare, whether clinics or individuals, including physicians, were assigned a provider identification number ("PIN") for billing purposes. After a medical provider rendered a service, the provider used its PIN when submitting a claim for reimbursement to the Medicare contractor or carrier assigned to that provider's state.

11. Medical providers were authorized to submit claims to Medicare only for services they actually rendered and were required to maintain patient records verifying the provision of services.

12. To receive reimbursement from Medicare, a medical provider was required to submit a claim, either electronically or in writing, through Form CMS-1500 or UB-92. The claim included information identifying the medical provider, the rendering physician, the patient, and the services rendered. By submitting the claim, the provider was certifying, among other things, that the services that were rendered to the patient were medically necessary.

13. Medicare provider claims included "billing codes," which were numbers that referred to specific descriptions of medical services. Medicare reimbursed medical providers a set fee for many billing codes.

14. Medicare generally was required, by statute, to reimburse medical providers within 30 days of the receipt of a claim.

III. The Medical Clinics

A. Bay Medical Care PC

15. Bay Medical Care PC ("Bay Medical") was a New York State corporation doing business in Brooklyn, New York.

Bay Medical was incorporated on March 14, 2005. Bay Medical was owned by defendant GUSTAVE DRIVAS. DRIVAS was also the President of Bay Medical. Bay Medical was certified to participate in Medicare on February 1, 2006. On its Medicare enrollment application ("application"), Bay Medical listed its original place of business as 7612 Bay Parkway, Suite B, Brooklyn, New York. On or about July 15, 2009, Bay Medical relocated its place of business to 8686 Bay Parkway, Brooklyn, New York (the "Bay Parkway Office").

16. On its application, Bay Medical indicated that it would provide, among other things, physical therapy, nerve conduction tests[4], Doppler echocardiography[5], and allergy services to Medicare beneficiaries. Bay Medical listed only one doctor on its application, defendant GUSTAVE DRIVAS. The application also listed defendant IRINA SHELIKHOVA as an individual who would be submitting claims on behalf of Bay Medical, and defendant VERONYKHA TCHERNYTCHENKO as a "Receptionist" for Bay Medical.

17. On the Bay Medical application, defendant GUSTAVE DRIVAS was the only individual who signed a certification as an

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[4] A "nerve conduction test" is designed to measure the ability of nerves to send electrical signals.

[5] A "Doppler echocardiography" uses ultrasound to measure the flow of blood through the heart.

authorized official[6] that read, in part, "I will not knowingly present or cause to be presented a false or fraudulent claim for payment by Medicare, and will not submit claims with deliberate ignorance or reckless disregard of their truth or falsity."

B. SVS Wellcare Medical PLLC

18. SVS Wellcare Medical PLLC ("SVS") was a New York State corporation doing business in Brooklyn, New York. SVS filed for incorporation on April 24, 2006, and was incorporated on March 24, 2008. On the SVS application, defendant SERGEY SHELIKHOV was the only individual listed as a "Director/Officer" of SVS. The application also listed defendant GUSTAVE DRIVAS as a "Contracted Managing Employee" of SVS. Both SHELIKHOV and DRIVAS signed the application.

19. SVS was certified to participate in Medicare on April 24, 2006. SVS listed its original place of business as 7616 Bay Parkway, 1st Floor, Brooklyn, New York. SVS stopped billing from that address on July 7, 2009. On or about July 15, 2009, SVS relocated its place of business to the Bay Parkway Office.

20. On its Medicare enrollment application, SVS indicated that it would provide, among other things, physical

---

[6] An "authorized official" has the authority to bind the medical provider, both legally and financially, to the requirements of the Medicare program. An authorized official must also have an ownership or control interest in the medical provider.

therapy, nerve conduction tests, vestibular function tests[7], allergy services, sleep studies, and vitamin infusions to Medicare beneficiaries.

21. Among the doctors listed on the SVS application were defendants GUSTAVE DRIVAS and JONATHAN WAHL. Both DRIVAS and WAHL indicated that they would be practicing at SVS by signing "Provider Background Questionnaires" that were submitted to Medicare. On the SVS application, defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," was listed as an "Administrative Assistant."

C. SZS Medical Care PLLC

22. SZS Medical Care PLLC ("SZS") was a New York State corporation doing business in Brooklyn, New York. It was incorporated on February 12, 2008. Defendant GUSTAVE DRIVAS was listed on the application as the owner of SZS. On the application, DRIVAS signed as one of the authorized officials.[8] DRIVAS was also listed on the application as one of the individuals with an "Ownership Interest and/or Managing Control" of SZS.

23. SZS was certified to participate in Medicare on February 12, 2008. SZS listed its original place of business as

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[7] "Vestibular function tests" evaluate causes of certain symptoms such as dizziness or balance problems.

[8] The other individual who signed as an authorized official is deceased.

7620 Bay Parkway, Brooklyn, New York. On or about July 15, 2009, SZS relocated its place of business to the Bay Parkway Office.

24. On its Medicare enrollment application, SZS indicated that it would provide, among other things, physical therapy, nerve conduction tests, vestibular function tests, allergy services, sleep studies, vitamin infusions, lab services, podiatry services, and urology services to Medicare beneficiaries.

25. Among the doctors listed on the SZS application were defendants GUSTAVE DRIVAS and JONATHAN WAHL. The application included a lease agreement between SZS and defendants IRINA SHELIKHOVA and ELENA GIRENKO, also known as "LENA," who signed as "landlords."

IV. The Fraudulent Scheme

26. As discussed in more detail below, the defendants and others employed by Bay Medical, SVS, and SZS paid cash kickbacks to Medicare beneficiaries to induce those beneficiaries to receive unnecessary physicians' services, physical therapy, and diagnostic tests. These kickbacks were paid to the beneficiaries in a room marked "PRIVATE" inside the Bay Parkway Office (the "Kickback Room"). The Kickback Room had a poster of a woman with her finger to her lips hanging on the wall opposite to the only door to the room, so that this poster directly faced anyone who entered. In bold letters at the bottom of the poster,

the words "DON'T GOSSIP" appeared in Russian. See attached exhibit.

27. As discussed in more detail below, the defendants and other employees of Bay Medical, SVS, and SZS also caused the submission of false and fraudulent claims to Medicare on behalf of Bay Medical, SVS, and SZS for services to Medicare beneficiaries that were not rendered and for services that were not medically necessary.

28. Defendant GUSTAVE DRIVAS was a rendering physician at the Bay Parkway Office who prescribed medical services that were not necessary or were never provided. DRIVAS was the rendering physician for numerous beneficiaries who received kickback payments in the Kickback Room.

29. Defendant JONATHAN WAHL was a rendering physician at the Bay Parkway Office who prescribed medical services that were not necessary or were never provided. WAHL was the rendering physician for numerous beneficiaries who received kickback payments in the Kickback Room.

30. Defendant SERGEY V. SHELIKHOV controlled the sign-in sheet for co-conspirator beneficiaries who were to be paid cash kickbacks in the Kickback Room. Among other things, SHELIKHOV told co-conspirator beneficiaries how many times they needed to visit the clinic to get on the kickback list. SHELIKHOV also directed co-conspirator beneficiaries to the

Kickback Room from a nearby waiting room. SHELIKHOV reviewed patient charts inside the Kickback Room and brought money that was to be used to pay kickbacks into the Kickback Room.

31. Defendant IRINA SHELIKHOVA was the only individual who was an authorized signatory on all three of the original Bay Medical, SVS, and SZS accounts into which Medicare reimbursed claims. SHELIKHOVA used these accounts to generate the cash used to pay kickbacks to the co-conspirator beneficiaries in the Kickback Room by signing checks to a non-existent company, which were then cashed.

32. Defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," controlled the sign-in sheet for co-conspirator beneficiaries who were to be paid cash kickbacks in the Kickback Room. Among other things, ZHELEZNYAKOV told co-conspirator beneficiaries how many times they needed to visit the clinic to get on the kickback list. ZHELEZNYAKOV also directed co-conspirator beneficiaries to the Kickback Room from a nearby waiting room. ZHELEZNYAKOV also brought patient charts into the Kickback Room so that defendants ELENA GIRENKO, also known as "LENA," and KATHERINA KOSTIOCHENKO, also known as "KATYA," could determine the amounts of the kickbacks to be paid to co-conspirator beneficiaries.

33. Defendant ELENA GIRENKO, also known as "LENA," brought money into the Kickback Room that she and defendant

KATHERINA KOSTIOCHENKO, also known as "KATYA," used to pay kickbacks. GIRENKO paid kickbacks to co-conspirator beneficiaries in the Kickback Room. Among other things, GIRENKO told co-conspirator beneficiaries what medical services they should be receiving and the amounts those beneficiaries would be paid in kickbacks for receiving those services.

34. Defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," paid kickbacks to co-conspirator beneficiaries in the Kickback Room. Among other things, KOSTIOCHENKO told co-conspirator beneficiaries what medical services they should be receiving and the amounts those beneficiaries would be paid in kickbacks for receiving those services.

35. Defendant VERONYKHA TCHERNYTCHENKO controlled all scheduling of patient appointments for medical services at the Bay Parkway Office. Among other things, TCHERNYTCHENKO told co-conspirator beneficiaries the medical tests they should take to receive additional kickbacks. TCHERNYTCHENKO brought patient charts into the Kickback Room so that defendants ELENA GIRENKO, also known as "LENA," and KATHERINA KOSTIOCHENKO, also known as "KATYA," could determine the amounts of the kickbacks to be paid to co-conspirator beneficiaries.

V. Probable Cause

A. Background

36. The Centers for Medicare and Medicaid Services

contracted with private organizations who were responsible for detecting fraud. The organization responsible for detecting fraud in Brooklyn, New York was SafeGuard Services ("SGS").

37. An analysis done by SGS in 2008 and 2009 discovered a pattern in which: (1) Bay Medical submitted claims for certain allergy services, including food allergy tests; (2) Medicare reviewed those claims and denied 100% of them instead of automatically reimbursing them,[9] on the basis that Bay Medical had supplied insufficient documentation to demonstrate the medical necessity of those services and the fact that Medicare did not reimburse for food allergy testing and treatment; (3) Bay Medical stopped submitting claims for those allergy services; (4) SVS then billed for those same allergy services; (5) Medicare reviewed those claims and denied them instead of automatically reimbursing them, on the basis that SVS had supplied insufficient documentation to demonstrate the medical necessity of those services and the fact that Medicare did not reimburse for food allergy testing and treatment; (6) SVS then stopped submitting claims for those allergy services; (7) SZS then billed Medicare for allergy services; (8) Medicare instituted a "pre-pay edit"; and (9) SZS stopped submitting claims for those allergy services.

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[9] This procedure is referred to as a "pre-pay edit," which allowed Medicare to avoid the 30-day reimbursement requirement referred to in paragraph 14 above, in instances where Medicare had evidence that bills may be fraudulent.

38. Rendering physicians who submitted claims for allergy services included defendants GUSTAVE DRIVAS and JONATHAN WAHL.

39. SGS referred this evidence to HHS-OIG, which opened an investigation of Bay Medical, SVS, and SZS in April 2009.

B. Confidential Sources

40. Undercover operations supervised by investigators from HHS-OIG and other investigators from agencies participating in the Strike Force began in November 2009 after Medicare and Medicaid cards were obtained for two confidential sources ("CS-1" and "CS-2") of proven reliability whose reported information in this investigation has repeatedly been corroborated by audio and video recordings and other sources of information. The confidential sources were recruited by MFCU and paid per operation. The confidential sources visited the Bay Parkway Office and consensually recorded every visit they made to the medical clinic. Some of the consensual recordings are discussed below.

1. Summary of Specific Fraudulent Billing Evidence Obtained as a Result of Undercover Operations

41. CS-1 visited the Bay Parkway Office on November 17, 2009. SZS submitted a claim to Medicare seeking reimbursement for treatment of CS-1 in the amount of $149.77. The claim listed defendant JONATHAN WAHL as the rendering

physician and indicated that WAHL provided evaluation and management services to CS-1, and that CS-1 received a therapeutic procedure, manual therapies techniques, and therapeutic techniques. CS-1 advised that, on that date, he or she had only his or her blood pressure checked and received only a massage around his or her neck and shoulders that lasted less than ten minutes and that did not qualify for reimbursement under the submitted billing codes. CS-1 advised that he or she did not receive any services from WAHL on that date. Medicare reimbursed SZS $112.33 for this bill.

42. CS-2 visited the Bay Parkway Office on December 9, 2009. SZS submitted a claim to Medicare seeking reimbursement for treatment of CS-2 in the amount of $890.39. This claim indicated that CS-2 received treatment for needle electromyography in two extremities, two nerve conduction tests, and an "H-reflex" nerve test. CS-2 advised that he or she did not receive any of those procedures. Medicare reimbursed SZS $594.42 for this bill.

43. CS-2 visited the Bay Parkway Office on January 13, 2010. SZS submitted a claim to Medicare seeking reimbursement for treatment of CS-2 in the amount of $144.58. This claim indicated that CS-2 received treatment for therapeutic procedures, massage, therapeutic activities, and ultrasound. CS-2 received only an aqua-massage by a machine during this visit.

Medicare reimburses for aqua-massage performed in a pool; however, CS-2 did not receive the aqua-massage in a pool. Medicare reimbursed SZS $113.38 for this bill.

44. CS-2 received aqua-massage by a machine on three other dates at the Bay Parkway Office. CS-2 advised that none of these treatments were performed in a pool. SZS submitted claims to Medicare for reimbursement that falsely claimed that the aqua-massage treatments to CS-2 had occurred in a pool on January 26, 2010, January 28, 2010, and February 24, 2010.

2. Additional Evidence Obtained as a Result of Undercover Operations

a. CS-1

45. On November 12, 2009, CS-1 went to the Bay Medical Office. CS-1 was introduced to defendant JONATHAN WAHL, who spoke to CS-1 with the aid of a Russian translator. CS-1 had a short discussion of approximately 15 minutes with WAHL, during which CS-1 indicated that he or she had pain in his or her lower back, arms, and shoulders. WAHL wrote down information on a medical chart but did not ask any additional questions about CS-1's complaint or conduct any physical examination of CS-1. CS-1 then spoke to defendant VERONICA TCHERNYTCHENKO, who told CS-1 that WAHL had prescribed an MRI and physical therapy for the neck and lower back and a blood test. A review of the SZS claim to Medicare for this visit indicated that Medicare was billed for an evaluation and management service typically lasting 45 minutes

which required WAHL to take a comprehensive history, conduct a comprehensive examination, and make medical decisions of moderate complexity.[10]

46. On December 10, 2009, CS-1 went to the Bay Medical Office. An unidentified patient ("UP-1") told CS-1 that patients were being called into the Kickback Room for short periods of time to receive payments for their treatments. A few minutes later, defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," called CS-1 into the Kickback Room. Inside the room, CS-1 met defendant ELENA GIRENKO, also known as "LENA." GIRENKO stated to CS-1 that he or she could receive kickback payments if he or she agreed to undergo particular medical tests, treatment, and procedures, or if he or she referred other patients to the clinic for treatment. Specifically, GIRENKO told CS-1 that he or she would receive $50 for a therapy test; $110 for a neurological test; $150 for a stress test; and $100 for a urological test. GIRENKO also told CS-1 that he or she would receive $150 for each person he or she referred to the clinic. GIRENKO then paid $175 to CS-1 for one prior visit with defendant JONATHAN WAHL and three prior massages at the Bay Parkway Office.

b. CS-2

47. On November 25, 2009, CS-2 went to the Bay Medical

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[10] Billing for evaluation and management services by physicians typically occurs in the 10, 20, 30, 45, or 60 minute ranges.

Office. CS-2 was introduced to defendant JONATHAN WAHL, who spoke to CS-2 with the aid of a Russian translator. CS-2 had a short discussion of approximately 15 minutes with WAHL, during which CS-2 indicated that he or she had pain in his or her lower back. WAHL wrote down information on a medical chart but did not ask any additional questions about CS-2's complaint or conduct any physical examination of CS-1. CS-2 then spoke to defendant VERONICA TCHERNYTCHENKO, who told CS-1 that WAHL had prescribed a blood test, an MRI of CS-2's lower waist, and physical therapy. A review of the SZS claim to Medicare for this visit indicated that Medicare was billed for an evaluation and management service typically lasting 45 minutes which required WAHL to take a comprehensive history, conduct a comprehensive examination, and make medical decisions of moderate complexity.

48. On December 23, 2009, CS-2 went to the Bay Parkway Office. After arrival, defendant SERGEY V. SHELIKHOV called CS-2 by name and led CS-2 to a massage room, where CS-2 had a massage performed by another clinic employee. Before leaving the clinic, CS-2 asked SHELIKHOV how to get paid for his or her visits. SHELIKHOV replied that CS-2 needed to have a minimum of six visits to receive a kickback and that he or she needed to receive both medical tests and physical therapy. SHELIKHOV told CS-2 to speak with defendant VERONYKHA TCHERNYTCHENKO at the front desk. SHELIKHOV explained to CS-2 that TCHERNYTCHENKO would provide CS-

2 with a list of medical tests and explain the steps CS-2 needed to take to receive a kickback.

49. On December 30, 2009, CS-2 went to the Bay Parkway Office. CS-2 stated that on that date, he or she observed defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," writing down names on a list. ZHELEZNYAKOV then asked CS-2 how many times CS-2 had visited the office. ZHELEZNYAKOV told CS-2 that CS-2 needed more than four visits to get on the list. Based on my training and experience and knowledge of the case, I believe that the list contained the names of patients to whom SZS owed kickbacks, and that ZHELEZNYAKOV told CS-2 that CS-2 needed to receive additional treatments before SZS would pay a kickback. CS-2 subsequently spoke with an unidentified patient ("UP-2"), who told CS-2 that there were a large number of people on the list waiting for money because the clinic had not given out money for the past two days. In addition, another unidentified patient ("UP-3") told CS-2 that the clinic gives money every two weeks and that UP-3 receives $50 for every visit.

50. On December 16, 2009, CS-2 used the referral from defendant JONATHAN WAHL to schedule an MRI test at a medical testing facility. CS-2 did not have the test on that date, but returned to the facility on January 6, 2010. On that date, CS-2 received an MRI test.

51. On January 13, 2010, CS-2 went to the Bay Parkway

Office. CS-2 spoke with defendant VERONYKHA TCHERNYTCHENKO, who told CS-2 that CS-2 should sign in with defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," for money. CS-2 then spoke with ZHELEZNYAKOV, who told CS-2 that ZHELEZNYAKOV would take care of it. TCHERNYTCHENKO then accompanied CS-2 to the Kickback Room and handed defendant ELENA GIRENKO, also known as "LENA," who was in the room, CS-2's medical chart. GIRENKO then told CS-2 that he or she was eligible to receive $280 for all of CS-2's visits and tests to date, including the MRI test that CS-2 told GIRENKO he or she had received on January 13, 2010. GIRENKO then paid $280 to CS-2. GIRENKO then told CS-2 that he or she should take a head-dizziness test and he or she would receive $80, and that he or she should take five types of sonograms and that he or she would receive $30 per sonogram. CS-2 observed GIRENKO writing the names of these tests on the inside cover of the medical chart that TCHERNYTCHENKO had handed to GIRENKO. GIRENKO then told CS-2 that TCHERNYTCHENKO would prescribe the tests for CS-2, and that GIRENKO was writing the information down for TCHERNYTCHENKO.

52. On March 25, 2010, CS-2 went to the Bay Parkway Office. CS-2 received a massage. After receiving the massage, CS-2 approached defendant LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," who was standing in front of the door to the Kickback Room, and asked to be placed on the waiting list to

receive money. Later that day, ZHELEZNYAKOV told CS-2 and two unidentified patients ("UP-4" and "UP-5") to line up in front of the door to the Kickback Room. ZHELEZNYAKOV then handed a clipboard to defendant SERGEY V. SHELIKHOV. When CS-2 entered the Kickback Room, he or she spoke to defendant KATHERINA KOSTIOCHENKO, also known as "KATYA." KOSTIOCHENKO asked CS-2 his or her name, opened CS-2's medical chart, and told CS-2 that he or she had done four physical therapies. KOSTIOCHENKO then handed $200 to CS-2.

C. Subsequent Physician Visits

53. Subsequent to their initial visits, neither CS-1 nor CS-2 was treated again by defendant JONATHAN WAHL or any other physician at the Bay Parkway Office.

C. Court-Authorized Interceptions

54. On April 19, 2010, a United States District Judge in the Eastern District of New York signed orders authorizing the interception of oral communications and visual, non-verbal conduct and activities occurring within the Kickback Room. Audio and video recordings of interceptions commenced on April 26, 2010 and concluded on June 4, 2010 (the "Interception Period").

55. In total, the audio and video recordings establish that the defendants and other employees of Bay Medical, SVS, and SZS made approximately 1000 kickback payments totalling more than

$500,000[11] to Medicare beneficiaries during the Interception Period. The audio and video recordings further establish that a beneficiary typically entered the Kickback Room and stated his or her name. The beneficiary then typically had a conversation with either defendant ELENA GIRENKO, also known as "LENA," or defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," during which GIRENKO or KOSTIOCHENKO reviewed the beneficiary's medical chart. Thereafter, GIRENKO or KOSTIOCHENKO then typically paid a cash kickback to the beneficiary, usually using only one hundred dollar bills. The beneficiary then typically exited the Kickback Room and another beneficiary was called into the room.

56. For example, on May 3, 2010, an unindicted co-conspirator beneficiary ("CCB-1") entered the Kickback Room and stated her name to defendant ELENA GIRENKO, also known as "LENA." CCB-1 stated that she had received $300 on the 12th, a Monday.[12] GIRENKO told CCB-1 that CCB-1 had seven massages remaining. GIRENKO handed $300 to CCB-1 for six massages. CCB-1 then asked GIRENKO if CCB-1 could take a test for vertigo, and GIRENKO told CCB-1 that she could. CCB-1 then left the Kickback Room.

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[11] This figure was derived by first totalling the kickback payments where the amount was actually stated during the transactions in the Kickback Room. That sum was then multiplied by a factor that was based on the total number of kickback payments made divided by the number where the amount was actually stated.

[12] April 12, 2010 was a Monday.

57. Later on May 3, 2010, another beneficiary ("CCB-2") entered the Kickback Room and stated his name to defendant ELENA GIRENKO, also known as "LENA." GIRENKO reviewed medical records, and counted 18 massage sessions and a sonogram. GIRENKO then stated to CCB-2 that CCB-2 had two massage sessions left. GIRENKO counted a number of additional procedures, including a doctor's visit and a Holter Monitor[13]. GIRENKO then totaled a sum of $1370 and asked CCB-2 for $30 in change. GIRENKO then handed $1300 to CCB-2 and told CCB-2 that CCB-2 would receive $70 next time. CCB-2 then left the Kickback Room.

58. On May 7, 2010, a beneficiary ("CCB-3") entered the Kickback Room. Defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," told CCB-3 that CCB-3 had received three massage sessions, a vertigo test, a visit to a cardiologist, and a sonogram. KOSTIOCHENKO confirmed the dates of the massage sessions and the date of the sonogram. KOSTIOCHENKO explained to CCB-3 that CCB-3 was receiving $295 based on a rate of $30 for the sonogram, $35 for the visit to the cardiologist, $50 for each massage session, and $80 for the vertigo test. CCB-3 then asked KOSTIOCHENKO which treatments would be worth $100, and KOSTIOCHENKO told CCB-3 that neurological tests were worth that amount. CCB-3 thanked KOSTIOCHENKO, took the cash payment, and

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[13] A Holter Monitor is a machine which continuously records heart rhythms for 24 hours or more.

exited the Kickback Room.

59. On May 7, 2010, a beneficiary ("CCB-4") entered the Kickback Room and stated to defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," that he had brought in two other patients, including one who had been going to a different clinic in Brooklyn. CCP-4 then asked KOSTIOCHENKO about payments he was supposed to receive for those referrals.

60. On May 10, 2010, a beneficiary ("CCB-5") entered the Kickback Room. CCB-5 told defendant KATHERINA KOSTIOCHENKO, also known as "KATYA," that he had not been to the clinic in over a year, but that he had received a massage session earlier that day. CCB-5 asked if money was given out only on Mondays, and KOSTIOCHENKO replied that money is given out Monday through Friday. KOSTIOCHENKO handed cash to CCB-5, who then left the Kickback Room.

61. On May 11, 2010, defendant ELENA GIRENKO, also known as "LENA," told a beneficiary ("CCB-6") that he would receive $150 for each patient he referred to the clinic. Later that day, another beneficiary ("CCB-7") told GIRENKO that CCB-7 had referred another patient to the clinic. GIRENKO told CCB-7 that CCB-7 should bring her chart to GIRENKO so that GIRENKO could record the referral.

62. On May 13, 2010, a patient ("CCB-8") entered the Kickback Room. Inside the room, CCB-8 told defendant ELENA

GIRENKO, also known as "LENA," that CCB-8 had a massage session that day. GIRENKO tallied a visit to a gynecologist and seven massage sessions for CCB-8 with two doctor visits and six massage sessions for the husband of CCB-8. CCB-8 then reminded GIRENKO that GIRENKO had promised to tell CCB-8 when a new procedure was available. GIRENKO told CCB-8 that a new test for the head and new shots to be given by a pain management specialist were available, and CCB-8 agreed to undergo both procedures. GIRENKO handed an undetermined amount of money to CCB-8. CCB-8 then exited the Kickback Room.

D. Analysis of Linesheets and Medicare Billing Records

63. A list of beneficiaries who audibly stated both their first and last names upon entering the Kickback Room[14] during the 40 days of court-authorized interceptions was compared to lists of patients for whom claims were submitted to Medicare by SZS with either defendant GUSTAVE DRIVAS or defendant JONATHAN WAHL indicated as the rendering physician. According to this comparison, approximately 16 beneficiaries for whom claims were submitted to Medicare with DRIVAS as the rendering physician and approximately 31 beneficiaries for whom claims were submitted to Medicare with WAHL as the rendering physician received cash kickbacks in the Kickback Room.

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[14] A small percentage of the beneficiaries entering the Kickback Room audibly stated both their first and last names.

E. Financial Analysis

1. Bay Medical

64. On April 1, 2005, a Bay Medical Care PC account was opened at JP Morgan Chase Bank under account number 907051162665 (the "Chase Bay Medical" account). The authorized signatories on the account were defendants GUSTAVE DRIVAS and IRINA SHELIKHOVA. Medicare reimbursements to Bay Medical were deposited into the Chase Bay Medical account.

2. SVS

65. On September 8, 2006, an SVS Wellcare Medical PLLC account was opened at JP Morgan Chase Bank under account number 907423538365 (the "Chase SVS" account). The authorized signatories on the account were defendants SERGEY SHELIKHOV and IRINA SHELIKHOVA. Medicare reimbursements to SVS were deposited into the Chase SVS account.

3. SZS

66. On February 29, 2008, an SZS Medical Care PLLC account was opened at JP Morgan Chase Bank under account number 750212888 (the "Chase SZS account"). One of the authorized signatories on the account was defendant IRINA SHELIKHOVA. Medicare reimbursements to SZS were deposited into the Chase SZS account.

67. Defendants GUSTAVE DRIVAS, JONATHAN WAHL, SERGEY V. SHELIKHOV, IRINA SHELIKHOVA, LEONID ZHELEZNYAKOV, also known

as "LYONYA" and "LENNY," ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," and VERONYKHA TCHERNYTCHENKO all received checks from the Chase SZS account.[15] All of these checks were signed by either SHELIKHOV or SHELIKHOVA.

4. Cash Withdrawals

68. Numerous checks from the Chase SZS account were written to a company named "V & V Construction Solutions Corp." ("V & V") and signed by defendant IRINA SHELIKHOVA. The checks were endorsed on the back with the company name and cashed. The handwriting on the front and back of the checks was the same.

69. The checks to V & V were written several times per week and in round amounts. For example, during the week of July 12, 2009, defendant IRINA SHELIKHOVA wrote a check to V & V for $1000 on July 13, 2009; a check to V & V for $7500 on July 14, 2009, and a check to V & V for $5000 also on July 14, 2009. All three checks were cashed at the same check cashing facility. For another example, during the week of October 12, 2009, SHELIKHOVA wrote a check to V & V for $5000 on October 13, 2009; a check to V & V for $5000 on October 14, 2009; and a check to V & V for $5000 on October 16, 2009. All three checks were cashed at the same check cashing facility. During the period from July 9, 2009

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[15] SHELIKHOV and SHELIKHOVA wrote checks to "Wahl Medical PC" which were endorsed by defendant JONATHAN WAHL.

to November 30, 2009, SHELIKHOVA wrote a total of $233,550 in checks to V & V, all of which were cashed at that same check cashing facility.

70. A review of public records and computer databases could not confirm the existence of V & V.

5. Checks from SHELIKHOVA to GIRENKO

71. Defendant IRINA SHELIKHOVA wrote numerous checks from the Chase SZS account to defendant ELENA GIRENKO, also known as "LENA," in round amounts. For example, on July 1, 2009, SHELIKHOVA wrote a check to GIRENKO in the amount $10,000. On July 8, 2009, SHELIKHOVA wrote a check to GIRENKO in the amount $14,000. On July 13, 2009, SHELIKHOVA wrote a check to GIRENKO in the amount $24,000. For the period July 1, 2009 to November 23, 2009, for example, SHELIKHOVA wrote a total of $303,000 in checks to GIRENKO from the Chase SZS account.

6. Total Claims and Reimbursements

72. From January 1, 2006 to May 31, 2010, Bay Medical, SVS, and SZS submitted claims to Medicare totalling $71,967,504.02. Medicare reimbursed Bay Medical, SVS, and SZS a total $46,887,513.38.

VI. Conclusion

73. Given the confidential nature of this continuing investigation, I respectfully request that this complaint and affidavit be maintained under seal until Friday, July 16, 2010 at

8:00 a.m. or until this court or another court of competent jurisdiction orders otherwise, except that Special Agents of the HHS-OIG and the FBI and other law enforcement officials working with them on this investigation may disclose this complaint and affidavit and the arrest warrants as necessary to effectuate the arrest and arraignment of the defendants.

WHEREFORE, your affiant respectfully requests that arrest warrants be issued for the defendants GUSTAVE DRIVAS, JONATHAN WAHL, SERGEY V. SHELIKHOV, IRINA SHELIKHOVA, LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY," ELENA GIRENKO, also known as "LENA," KATHERINA KOSTIOCHENKO, also known as "KATYA," and VERONYKHA TCHERNYTCHENKO, so that they may be dealt with according to law.

CANDICE STEPHENSON
Special Agent
HHS-OIG

Sworn to before me this
14th day of July, 2010

The Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York

БУДЬ НА ЧЁКУ,
В ТАКИЕ ДНИ
ПОДСЛУШИВАЮТ СТЕНЫ,
НЕДАЛЕКО ОТ БОЛТОВНИ
И СПЛЕТНИ
ДО ИЗМЕНЫ.
НЕ БОЛТАЙ!

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

VERONYKHA TCHERNYTCHENKO,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest VERONYKHA TCHERNYTCHENKO
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

9

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KATHERINA KOSTIOCHENKO,
also known as "KATYA,"

WARRANT FOR ARREST

M10- 800
CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest KATHERINA KOSTIOCHENKO, also known as "KATYA,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

8

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ELENA GIRENKO,
also known as "LENA,"

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest ELENA GIRENKO, also known as "LENA,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

BOK
Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

(1)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

LEONID ZHELEZNYAKOV,
also known as
"LYONYA" and "LENNY,"

DEFENDANT.

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

6

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

IRINA SHELIKHOVA,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest IRINA SHELIKHOVA
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

5

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SERGEY V. SHELIKHOV,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest SERGEY V. SHELIKHOV
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

(4)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JONATHAN WAHL,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest JONATHAN WAHL
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

(3)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUSTAVE DRIVAS,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest GUSTAVE DRIVAS
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

(2)

STEVEN R. KARTAGENER
ATTORNEY AT LAW
225 BROADWAY
SUITE 2700
NEW YORK, NEW YORK 10007

TELEPHONE (212) 732-9600
FAX (212) 732-6966

BY FAX

July 30, 2010

Hon. Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: ***United States v. Drivas, et al.,***
10 MJ 800

Dear Judge Reyes:

On July 22, 2010, I was retained to represent defendant **Elena Girenko** (hereinafter "defendant") in the above-referenced Medicare fraud case. Defendant was first presented before the Court on July 16, 2010, while she was represented by assigned counsel. Bail was fixed at $1,000,000, to be secured by two specified parcels of real property in New York, on Staten Island, and three parcels of property located in Dade County, Florida.

The two Staten Island properties, unencumbered by any liens and appraised together as being worth $1,275,000, have since been secured in favor of the Government through the posting of affidavits of confession of judgment, copies of which have been forwarded to the Government. We have, however, run into some difficulties in securing the three Florida properties, because the process used in Florida to secure property in favor of the Government in bail bond situations is considerably different from the practices followed in New York. The result is that I am finding it far more time consuming and expensive to achieve the securing of the Florida property in favor of the Government.

Accordingly, with the express consent of Assistant United States Attorney William E. Schaeffer, the assigned AUSA, with whom I spoke this morning, I write this letter to request respectfully the following: that with respect to the three Florida properties, defendant be allowed until Friday, August 12, 2010, to perfect the securing of the collateral in favor of the Government, due to the fact that the protocol that must be followed is quite cumbersome and time consuming, and

(51)

in light of the fact that we have already, on a $1,000,000 bond, secured in favor of the Government property worth $1,275,000.

Accordingly, **with the consent of AUSA William E. Schaeffer,** I respectfully request that defendant's request for relief herein be granted in all respects.

Respectfully submitted,

Steven R. Kartagener
Attorney for Elena Girenko

cc: AUSA William E. Schaeffer

Request granted
So Ordered
USMJ
7/30/10

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

VERONYKHA TCHERNYTCHENKO,

DEFENDANT.

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest VERONYKHA TCHERNYTCHENKO
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST JULY 16, 2010	SPECIAL AGENT JESSICA CANDELAS	

56

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KATHERINA KOSTIOCHENKO,
also known as "KATYA,"

DEFENDANT.

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest KATHERINA KOSTIOCHENKO, also known as "KATYA,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Signature of Issuing Officer

Magistrate Judge
Title of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED 7/14/2010	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 7/20/2010	SA Jodi Cohn	

55

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:	
DEFENDANT'S NAME:	Kathenne Kostrouchenko
ALIAS:	
LAST KNOWN RESIDENCE:	2667 East 23rd Street, Brooklyn, NY
LAST KNOWN EMPLOYMENT:	8686 Bay Parkway, Brooklyn, NY
PLACE OF BIRTH:	Ukraine
DATE OF BIRTH:	10-01-1977
SOCIAL SECURITY NUMBER:	100-50-6018
HEIGHT:	
WEIGHT:	
SEX:	
RACE:	
HAIR:	
EYE:	
SCARS, TATTOOS, OTHER DISTINGUISHING MARKS:	
FBI NUMBER:	
COMPLETE DESCRIPTION OF AUTO:	
INVESTIGATIVE AGENCY AND ADDRESS:	

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ELENA GIRENKO,
also known as "LENA,"

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest ELENA GIRENKO, also known as "LENA,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 07/16/2010	SA MICHAEL S. TRIGLIA	

54

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:
DEFENDANT'S NAME: ELENA GIRENKO
ALIAS:
LAST KNOWN RESIDENCE:
LAST KNOWN EMPLOYMENT:
PLACE OF BIRTH: 02/23/1976
DATE OF BIRTH:
SOCIAL SECURITY NUMBER:
HEIGHT:
WEIGHT:
SEX:
RACE:
HAIR:
EYE:
SCARS, TATTOOS, OTHER DISTINGUISHING MARKS:
FBI NUMBER:
COMPLETE DESCRIPTION OF AUTO:
INVESTIGATIVE AGENCY AND ADDRESS:

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

LEONID ZHELEZNYAKOV,
also known as
"LYONYA" and "LENNY,"

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest LEONID ZHELEZNYAKOV, also known as "LYONYA" and "LENNY,"
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ _____ By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST JULY 16, 2010	RYAN PIERROT SPECIAL AGENT	

53

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUSTAVE DRIVAS,

WARRANT FOR ARREST

M10- 800

CASE NUMBER:

DEFENDANT.

TO: HHS-OIG Special Agent Candice Stephenson, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest GUSTAVE DRIVAS
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment ☐ Information ☑ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

conspiracy to commit health care fraud

In violation of Title 18 United States Code, Section(s) 1349

James Orenstein
Name of Issuing Officer

Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

July 14, 2010, Brooklyn, New York
Date and Location

Bail fixed at $ 750,000 By _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED 7/14/2010	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 7/16/2010	SA Jodi Cohen	

42

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:
DEFENDANT'S NAME: Gustave Pinas
ALIAS:
LAST KNOWN RESIDENCE: 326 Bertram Avenue, Staten Island, NY 10312
LAST KNOWN EMPLOYMENT:
PLACE OF BIRTH:
DATE OF BIRTH: 06/19/ 1955
SOCIAL SECURITY NUMBER: 092-48-1483
HEIGHT:
WEIGHT:
SEX:
RACE:
HAIR:
EYE:
SCARS, TATTOOS, OTHER DISTINGUISHING MARKS:
FBI NUMBER:
COMPLETE DESCRIPTION OF AUTO:
INVESTIGATIVE AGENCY AND ADDRESS:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant VERONYKHA TCHERNYTCHENKO hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the second application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

75

I have reviewed this application, as well as the order annexed below, and have discussed the question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

09/10/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Scott L. Fenstermaker
Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant VERONYKHA TCHERNYTCHENKO , and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Sept. 10 , 2010

Roanne L. Mann
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant KATHERINA KOSTIOCHENKO hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(✓) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the ~~first~~ second (AUS) application for entry of an order of excludable delay. The defendant was arrested on July 20, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

(74)

I have reviewed this application, as well as the order annexed below, and have discussed the question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

9/8/10
Date

K. Kostiuchenko
Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant KATHERINA KOSTIOCHENKO, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

( ) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

_____.

SO ORDERED.

Dated: **Brooklyn, New York**
Sept. 10 , **2010**

Joanne L. Mann
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant ELENA GIRENKO hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the ~~first~~ second (2nd) application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

9/8/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant ELENA GIRENKO, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Sept. 10 , 2010

United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant SERGEY SHELIKHOV hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____.

This is the ~~first~~ second (US) application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

(72)

I have reviewed this application, as well as the order annexed below, and have discussed the question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

09.07.10.
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant SERGEY SHELIKHOV, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Sept. 10, 2010

Roanne L. Mann
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant JONATHAN WAHL hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because:

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____

This is the second application for entry of an order of excludable delay. The defendant was arrested on Jul. 16, 2010 and released that day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges may be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time period by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

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question whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

9-8-2010
Date

Jonathan Wahl
Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant JONATHAN WAHL, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: Brooklyn, New York
Sept. 10, 2010

Joanne L. Mann
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.
----------X

APPLICATION AND ORDER
OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant GUSTAVE DRIVAS hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(x) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____

This is the ~~first~~ Second application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released the next day.

Assistant U.S. Attorney

Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

I have reviewed this application, as well as the order annexed below, and have discussed the

question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

9/7/10
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant GUSTAVE DRIVAS, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because

(x) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( ) _____

SO ORDERED.

Dated: **Brooklyn, New York**
Sept. 10, 2010

Joanne L. Mann
United States Magistrate Judge

FAXED

THOMAS F. X. DUNN
ATTORNEY AT LAW
7 DEY STREET
SUITE 804
NEW YORK, NEW YORK 10007
TEL: 212-941-9940
FAX: 212-941-9947

Application granted, with the consent of the Govt + PTSA, provided the defense files written consents from the three sureties.
SO ORDERED:
Joanne L. Mann
U.S.M.J.
9/10/10

By Fax

September 10, 2010

Honorable Roanne L. Mann
United States Magistrate Judge
225 Cadman Plaza East
Brooklyn, N.Y. 11211

Re: United States v. Leonid Zheleznyakov
10-M-800

Dear Judge Mann:

I write to request permission for my client to travel to the district of New Jersey for employment purposes. Mr. Zheleznyakov is released pursuant to a bond in the amount of $150,000 signed by three financially responsible persons with travel restricted to the Eastern and Southern District of New York.

My client is employed with Excelsior Glass & Mirror located at 1950 Bath Avenue in Brooklyn. The company installs windows and other glass products. My client is presently working in Brooklyn, but his employment requires that he travel to New Jersey to several job sites.

I discussed this request with Assistant U.S. Attorney William Schaeffer and he has no objection to the expansion of travel to New Jersey for the purposes of employment.

Thank you for your consideration of this request.

Respectfully yours,
Thomas F. X. Dunn

Cc: William Schaeffer, AUSA

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Galina Chaban

September 10, 2010

Via Facsimile: 718.613.2623
Hon. Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Gustav Drivas, et al.,
10 MJ 800

Dear Judge Mann:

I am writing on behalf of defendant Sergey v. Shelikhov to advise the Court that I am a surety for Mr. Shelikhov's bond. Further Mr. Shelikhov has expressed that that my consent is required for an Order granting a modification of his current bond. I consent to the modification granting permission for Mr. Shelikhov to travel to New Jersey. It is my understanding that once this Order goes into effect, Mr. Shelikhov's travel shall be restricted to the Southern and Eastern Districts of New York as well as the District of New Jersey.

Thank you for your time in consideration of this matter.

Respectfully yours,

GALINA CHABAN
Surety for Sergey Shelikhov

Sworn to before me this
11 Day of September, 2010

NOTARY PUBLIC

Elena Moshchinsky
Notary Public State of New York
Commission Number 01MO6163132
Qualified in Kings County
Commission Expires 03 / 19 / 2011

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

GUSTAVE DRIVAS et al.,

Defendants.

APPLICATION AND ORDER OF EXCLUDABLE DELAY

10 - M - 800

The United States of America and the defendant LEONID ZHELEZNYAKOV hereby jointly request that the time period from September 10, 2010 to October 8, 2010 be excluded in computing the time within which an information or indictment must be filed. The parties seek the foregoing exclusion of time in order because

(X) they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

( ) they need additional time to investigate and prepare for trial due to the complexity of case,

( ) _____

This is the second application for entry of an order of excludable delay. The defendant was arrested on July 16, 2010 and released that day.

William Schaeffer
Assistant U.S. Attorney

Leonid Zheleznyakov
Counsel for Defendant

For defendant to read, review with counsel, and acknowledge:

I understand that federal law generally provides that I have a right to have formal charges lodged against me within thirty days of my arrest and a right to a trial on those charges within seventy days after formal charges have been lodged. I further understand that I do not have to consent to the exclusion of time sought in this application and that, by consenting to entry of this order, the date on which formal charges must be lodged will be delayed and the date for the commencement of any trial on those charges will likely be delayed as well. I also understand that if formal charges are not brought against me within the time required by law, I may seek relief from the court, and that this relief might include dismissal of the complaint now pending against me.

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I have reviewed this application, as well as the order annexed below, and have discussed the question of whether I should consent to entry of an order of excludable delay carefully with my attorney. I consent to the entry of the order voluntarily and of my own free will. I have not been threatened or coerced for my consent.

9/10/2010
Date

Defendant

For Defendant's Counsel to read and acknowledge:

I certify that I have reviewed this application and the attached order carefully with my client. I further certify that I have discussed with my client a defendant's right to speedy indictment and the question of whether to consent to entry of an order of excludable delay. I am satisfied that my client understands the contents of this application and the attached order, that my client consents to the entry of the order voluntarily and of his or her own free will, and that my client has not been threatened or coerced for consent.

Counsel for Defendant

ORDER OF EXCLUDABLE DELAY

Upon the joint application of the United States of America and defendant LEONID ZHELEZNYAKOV, and with the express written consent of the defendant, the time period from September 10, 2010 to October 8, 2010 is hereby excluded in computing the time within which an information or indictment must be filed, as the Court finds that this exclusion of time serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial because:

(✓) given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

( ) additional time is needed to prepare for trial due to the complexity of case.

( )

SO ORDERED.

Dated: Brooklyn, New York
9/13, 2010

United States Magistrate Judge

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