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**SEALED**

**FILED**

**Dec 15, 2022**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

JEREMY ROBERT GOBER  
  
Defendant.

CASE NO. 1:22-CR-00326-ADA-BAM

18 U.S.C. § 1347 – HEALTH CARE FRAUD (NINE  
COUNTS); 18 U.S.C. § 1028A(a)(1) –  
AGGRAVATED IDENTITY THEFT (TWO  
COUNTS); 18 U.S.C. § 982(a)(7) – CRIMINAL  
FORFEITURE

INDICTMENT

COUNTS ONE THROUGH NINE: [18 U.S.C. § 1347 – Health Care Fraud]

The Grand Jury charges:

JEREMY ROBERT GOBER,  
defendant herein, as follows:

**I. INTRODUCTION**

1. At all relevant times, the defendant, JEREMY ROBERT GOBER, resided in Fresno and Kings County, State and Eastern District of California, and elsewhere. Defendant GOBER had prior experience working in billing and marketing at sleep centers, which are facilities where certain conditions, such as sleep apnea and narcolepsy, are diagnosed through sleep studies.

2. In or around April 2016, defendant GOBER and others acquired the company Got Sleep, Inc. (“Got Sleep”), which ran the Renaissance Sleep Center of OC in Orange County, California.

1 PHYSICIAN ONE, who specialized in sleep medicine, was the medical director for Got Sleep at that  
2 time. A few months later, in or around August 2016, PHYSICIAN ONE left Got Sleep and had no  
3 further involvement with the company.

4 3. In or around September 2017, defendant GOBER and the other owners expanded Got  
5 Sleep by acquiring the Valley Regional Sleep Disorders Centers in Fresno County, State and Eastern  
6 District of California.

7 **II. BACKGROUND ON MEDICARE**

8 4. Medicare is a federal health care insurance program that provides benefits to people who  
9 are age sixty-five or older or disabled. Medicare is federally funded. At all relevant times, Medicare  
10 was a health care benefit program within the meaning of 18 U.S.C. § 24.

11 5. Medicare is administered by the Centers for Medicare and Medicaid Services (“CMS”),  
12 which is a federal agency in the United States Department of Health and Human Services. CMS  
13 typically relies on private contractors to process Medicare claims.

14 6. Medicare pays claims submitted by authorized health care providers for certain medically  
15 necessary services given to Medicare beneficiaries. Sleep studies are covered by Medicare when  
16 medically necessary, where other Medicare requirements are met.

17 **III. BACKGROUND ON MEDICAID**

18 7. Medicaid is a joint federal and state health care insurance program that provides benefits  
19 to people whose incomes are below certain thresholds. Each state runs its own Medicaid program.  
20 Medi-Cal is California’s Medicaid program. At all relevant times, Medicaid and Medi-Cal were health  
21 care benefit programs within the meaning of 18 U.S.C. § 24.

22 8. Medi-Cal is administered by the Department of Health Care Services (“DHCS”), which is  
23 a California state agency headquartered in Sacramento County, State and Eastern District of California.  
24 The Medi-Cal program is funded by both the federal government and the State of California.

25 9. Medi-Cal pays claims submitted by authorized health care providers for certain medically  
26 necessary services given to beneficiaries. Sleep studies are covered by Medi-Cal when medically  
27 necessary, where other Medi-Cal requirements are met.

10. DHCS typically relies on private contractors to process Medi-Cal claims. CalViva Health is the contractor in Fresno, Kings, and Madera Counties, State and Eastern District of California, and the company is headquartered in Fresno County. At all relevant times, CalViva Health subcontracted with Health Net Community Solutions (“Health Net”) to process Medi-Cal claims. Health Net processed Medi-Cal claims in Sacramento County, State and Eastern District of California, and elsewhere.

**IV. CLAIMS FOR PAYMENT FOR SLEEP STUDIES**

11. When a health care provider submits a claim for payment for a sleep study to Medicare or Medi-Cal, the provider has to complete a claim form that lists the name and National Provider Identification (“NPI”) number for the physician who referred the beneficiary for the sleep study, and the date the sleep study was provided to the beneficiary. An NPI number is a unique identification number issued to physicians by CMS. The provider is then required to certify that the information listed on the claim form is accurate and that the sleep study was reasonable and necessary to the beneficiary’s health.

12. Medicare and Medi-Cal decide whether to approve a claim for payment for a sleep study based on the information listed in the claim form and will deny, and will not pay, a claim if the referring physician did not actually refer the beneficiary for a sleep study or the sleep study was not actually provided to the beneficiary.

13. After a claim is approved, the responsible contractor for Medicare or Medi-Cal sends the payment to the provider by mail or Electronic Funds Transfer (“EFT”).

**V. SCHEME TO DEFRAUD**

14. Beginning on a date unknown to the grand jury, but no later than in or around August 2016, and continuing until in or around July 2020, in the State and Eastern District of California and elsewhere, the defendant, JEREMY ROBERT GOBER, knowingly and willfully executed, and attempted to execute, a scheme to defraud health care benefit programs, namely Medicare and Medi-Cal, and to obtain money and property owned by, and under the custody and control of, health care benefit programs, namely Medicare and Medi-Cal, by submitting false and fraudulent claims for payment through Got Sleep to Medicare, Medi-Cal, and the United States that contained materially false representations regarding sleep studies, including that the physician listed on Got Sleep’s claims referred

the beneficiaries for the sleep studies and that the beneficiaries received the sleep studies.

**VI. MANNER AND MEANS**

15. The defendant, JEREMY ROBERT GOBER, carried out his scheme by using the following manner and means, among others:

16. Defendant GOBER obtained the name, NPI number, and other personal identifying information for PHYSICIAN ONE. He also obtained the names and other personal identifying information for Medicare and Medi-Cal beneficiaries who previously received sleep studies at Got Sleep's Valley Regional Sleep Disorders Centers in Fresno County, State and Eastern District of California, and at other sleep centers.

17. Defendant GOBER subsequently used the personal identifying information of PHYSICIAN ONE and the Medicare and Medi-Cal beneficiaries, without their knowledge or authorization, to submit, and cause to be submitted, fraudulent claims to Medicare and Medi-Cal through Got Sleep. He caused each fraudulent claim to contain false representations, including that PHYSICIAN ONE referred the beneficiary for the sleep study and that the sleep study was purportedly provided to the beneficiary.

18. For example, defendant GOBER caused Got Sleep to submit at least two fraudulent claims to Medicare for sleep studies purportedly given to A.U., who was a Medicare beneficiary and resided in Fresno County, State and Eastern District of California, with dates of service on or about December 18, 2017, and April 7, 2018. Defendant GOBER caused these fraudulent claims to be submitted to Medicare nearly one year later, on or about October 16, 2018, and February 6, 2019, respectively, and caused the claims to list PHYSICIAN ONE as the referring physician. PHYSICIAN ONE was not A.U.'s physician and did not refer A.U. for these sleep studies, and Got Sleep did not perform the sleep studies on A.U.

19. As another example, defendant GOBER caused Got Sleep to submit at least three fraudulent claims to Medicare for sleep studies purportedly given to S.C., who was a Medicare beneficiary and resided in Fresno County, State and Eastern District of California, with dates of service on or about January 17, 2018, January 18, 2018, and January 29, 2018. Defendant GOBER caused these fraudulent claims to be submitted to Medicare over six months later, on or about August 16, 2018, with

1 PHYSICIAN ONE listed as the referring physician. PHYSICIAN ONE was not S.C.'s physician and  
2 did not refer S.C. for these sleep studies, and Got Sleep did not perform the sleep studies on S.C.

3 20. As another example, defendant GOBER caused Got Sleep to submit at least one  
4 fraudulent claim to Medi-Cal for a sleep study purportedly provided to G.L., who was a Medi-Cal  
5 beneficiary and resided in Fresno County, State and Eastern District of California, with a date of service  
6 on or about November 5, 2017. Defendant GOBER caused the fraudulent claim to be submitted to  
7 Medi-Cal nearly one year later, on or about November 3, 2018, with PHYSICIAN ONE listed as the  
8 referring physician. PHYSICIAN ONE was not G.L.'s physician and did not refer G.L. for this sleep  
9 study, and Got Sleep did not perform the sleep study on G.L.

10 21. As another example, defendant GOBER caused Got Sleep to submit at least one  
11 fraudulent claim to Medicare for a sleep study purportedly given to P.H., who was a Medicare  
12 beneficiary and resided in Fresno County, State and Eastern District of California, with a date of service  
13 on or about March 13, 2018. Defendant GOBER caused the fraudulent claim to be submitted nearly one  
14 year later, on or about January 21, 2019, with PHYSICIAN ONE listed as the referring physician.  
15 PHYSICIAN ONE was not P.H.'s physician and did not refer P.H. for this sleep study, and Got Sleep  
16 did not perform the sleep study on P.H. P.H. died on or about December 29, 2017, which was over three  
17 months before the purported sleep study.

18 22. As another example, defendant GOBER caused Got Sleep to submit at least one  
19 fraudulent claim to Medicare for a sleep study purportedly given to M.B., who was a Medicare  
20 beneficiary and resided in Fresno County, State and Eastern District of California, with a date of service  
21 on or about July 3, 2018. Defendant GOBER caused this fraudulent claim to be submitted to Medicare  
22 nearly one year later, on or about June 4, 2019, with PHYSICIAN ONE listed as the referring physician.  
23 PHYSICIAN ONE was not M.B.'s physician and did not refer M.B. for this sleep study, and Got Sleep  
24 did not perform the sleep study on M.B.

25 23. As a further example, defendant GOBER caused Got Sleep to submit at least one  
26 fraudulent claim to Medi-Cal for a sleep study purportedly provided to A.R., who was a Medi-Cal  
27 beneficiary and resided in Madera County, State and Eastern District of California, with a date of service  
28 on or about October 17, 2018. Defendant GOBER caused the fraudulent claim to be submitted to Medi-



Cal eight months later, on or about June 29, 2019, with PHYSICIAN ONE listed as the referring physician. PHYSICIAN ONE was not A.R.'s physician and did not refer A.R. for this sleep study, and Got Sleep did not perform the sleep study on A.R.

24. In many instances, Medicare and Medi-Cal paid Got Sleep on the false and fraudulent sleep study claims that defendant GOBER caused Got Sleep to submit. On such paid claims, Got Sleep was paid through EFT and the funds were credited to Got Sleep's bank account ending – 2358 over which defendant GOBER had custody and control.

25. At all relevant times, defendant GOBER acted with the intent to defraud. His scheme to defraud caused false and fraudulent claims exceeding \$8,800,000 to be submitted to Medicare, Medi-Cal, and the United States, and caused over \$2,300,000 to be paid to Got Sleep based on such claims. Defendant GOBER used the fraud proceeds for his own benefit and for the benefit of others who were not entitled to the funds. This included operating expenses for Got Sleep and personal expenditures.

**VII. FRAUDULENT CLAIMS SUBMITTED TO MEDICARE AND MEDI-CAL**

26. On or about the dates set forth in the table below, in the State and Eastern District of California and elsewhere, the defendant, JEREMY ROBERT GOBER, knowingly and willfully executed, and attempted to execute, the scheme to defraud Medicare, Medi-Cal, and the United States, and to obtain money and property owned by, and under the custody or control of, Medicare and Medi-Cal, by submitting, and causing to be submitted, to Medicare, Medi-Cal, and the United States false and fraudulent claims for payment for sleep studies that contained materially false representations, including that the listed physician referred the beneficiaries for the sleep studies and that the beneficiaries received the sleep studies, while knowing this was untrue:

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Count	Patient	Claimed Service	Claimed Service Date	Submission Date	Program
ONE	S.C.	Sleep Study	1/17/18	8/16/18	Medicare
TWO	S.C.	Sleep Study	1/18/18	8/16/18	Medicare
THREE	S.C.	Sleep Study	1/29/18	8/16/18	Medicare
FOUR	A.U.	Sleep Study	12/18/17	10/16/18	Medicare
FIVE	A.U.	Sleep Study	4/7/18	2/16/19	Medicare
SIX	G.L.	Sleep Study	11/5/17	11/3/18	Medi-Cal
SEVEN	P.H.	Sleep Study	3/13/18	1/21/19	Medicare
EIGHT	M.B.	Sleep Study	7/3/18	6/4/19	Medicare
NINE	A.R.	Sleep Study	10/17/18	6/29/19	Medi-Cal

All in violation of 18 U.S.C. § 1347(a)(1) and (2).

COUNTS TEN AND ELEVEN: [18 U.S.C. § 1028A – Aggravated Identity Theft]

The Grand Jury further charges:

JEREMY ROBERT GOBER,

defendant herein, as follows:

27. The Grand Jury realleges and incorporates by reference the allegations set forth in paragraphs 1 through 26 of this Indictment.

28. The term “means of identification” includes any name or number that can be used to identify a specific individual.

29. On or about the dates set forth in the table below, in the State and Eastern District of California and elsewhere, the defendant, JEREMY ROBERT GOBER, did knowingly transfer and use a means of identification of another person, without lawful authority, during and in relation to an unlawful activity that constitutes a violation of federal law, to wit, health care fraud in violation of 18 U.S.C. § 1347:

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Count	Date	Actual Person	Means of Identification	Corresponding Count
TEN	11/3/18	PHYSICIAN ONE	Name and NPI number for PHYSICIAN ONE, listed on Medi-Cal claim for a sleep study purportedly given to G.L.	SIX
ELEVEN	1/21/19	PHYSICIAN ONE	Name and NPI number for PHYSICIAN ONE, listed on Medicare claim for a sleep study purportedly given to P.H.	SEVEN

All in violation of 18 U.S.C. § 1028A(a)(1).

**FORFEITURE ALLEGATION:** [18 U.S.C. § 982(a)(7) - Criminal Forfeiture]

30. Upon conviction of one or more of the offenses alleged in Counts One through Nine of this Indictment, the defendant, JEREMY ROBERT GOBER, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or 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. A sum of money equal to the amount of property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offenses, for which defendant is convicted.

31. If any property subject to forfeiture as a result of the offenses alleged in Counts One through Ten of this Indictment, for which defendant is convicted:

- 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 easily divided without difficulty;

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1 it is the intent of the United States, pursuant to Title 18 United States Code, Section 982(b)(1),  
2 incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of  
3 said defendant, up to the value of the property subject to forfeiture.

4  
5 A TRUE BILL.

6 /s/ Signature on file w/AUSA  
7

8 FOREPERSON  
9  
10

11 PHILLIP A. TALBERT  
12 United States Attorney

13 **KIRK E. SHERRIFF**

14 KIRK E. SHERRIFF  
15 Assistant United States Attorney  
16 Chief, Fresno Office  
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**SEALED**

**FILED**

**Dec 15, 2022**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

1:22-CR-00326-ADA-BAM

**THE UNITED STATES OF AMERICA**

**vs.**

**JEREMY ROBERT GOBER**

**INDICTMENT**

**VIOLATION(S): 18 U.S.C. § 1347 – Health Care Fraud (Nine Counts); 18 U.S.C. § 1028a(A)(1) – Aggravated Identity Theft (Two Counts); 18 U.S.C. § 982(A)(7) – Criminal Forfeiture**

*A true bill,*

*/s/*

*Foreman.*

*Filed in open court this \_\_\_\_\_ day*

*of \_\_\_\_\_, A.D. 20 \_\_\_\_\_*

*Clerk.*

*Bail, \$ \_\_ PLEASE ISSUE NO BAIL WARRANT \_\_*

*Eric P. Grogan*

**United States v. Jeremy Robert Gober**  
**Penalties for Indictment**

**COUNTS ONE THROUGH NINE:**

**VIOLATION:** 18 U.S.C. § 1347 – Health Care Fraud

**MAX PENALTIES:** Ten years in prison  
\$250,000 fine  
Three years of supervised release  
\$100 special assessment

**COUNTS TEN AND ELEVEN:**

**VIOLATION:** 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

**MAX PENALTIES:** Mandatory two years in prison consecutive to other counts

**FORFEITURE:** As stated in the charging document

AO 257

(Rev. 9/92) ☐ YES: SAB conflict in USAO (before 01/01/13) ☐ YES: SKO conflict in USAO (Before 4/12/10) PER 18 U.S.C. 3170**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT**BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING: Case No.**OFFENSE CHARGED**

PLEASE SEE INDICTMENT

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

Place of offense

**FRESNO AND KINGS CO.**

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)  
EDCA**Fresno, CA****DEFENDANT -- U.S. vs.****JEREMY ROBERT GOBER**

Address {

Birth Date

- ☐
- Male
- ☐
- Alien
- 
- ☐
- Female (if applicable)

(Optional unless a juvenile)

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

**SA JULIA COSTELLA, FBI TFO**

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per FRCrP
- ☐
- 20
- ☐
- 21
- ☐
40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

- ☐
- this prosecution relates to a pending case involving this same defendant

SHOW  
DOCKET NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAGISTRATE  
JUDGE CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM**MELINA ORTIZ**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S.  
Att'y (if assigned)**JOSEPH BARTON**☒ **FORFEITURE ALLEGATION**

ADDITIONAL INFORMATION OR COMMENTS

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of this proceeding  
If not detained, give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☒ State  
If answer to (6) is "Yes," show name of institution

Has detainer  
been filed? ☐ Yes ☒ NoIf "Yes,"  
give date  
filed

Mo. Day Year

**DATE OF  
ARREST**

Or ... if Arresting Agency &amp; Warrant were not Federal

Mo. Day Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**

- ☐
- This report amends AO 257 previously submitted

PLEASE ISSUE NO BAIL WARRANT.