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EASTERN DISTRICT OF LA.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**

**INDICTMENT FOR CONSPIRACY TO COMMIT  
MAIL FRAUD, MAIL FRAUD, AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

RODERICK HICKMAN  
LOIS RUSSELL  
JAMES WILLIAMS  
a/k/a "Curtis Williams"  
TANYA GIVENS  
JOHN DIGGS  
HENRY RANDLE  
RYAN WHEATEN  
DAKOTA DIGGS  
BERNELL GALE  
MARVEL FRANCOIS  
TROY SMITH

\*

CRIMINAL NO.

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SECTION:

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VIOLATIONS: 18 U.S.C. § 371

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18 U.S.C. § 1341

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20-00030  
SECT. IMAG.5

The Grand Jury charges that:

**COUNT 1**

(Conspiracy to Commit Mail Fraud)

**A. AT ALL TIMES MATERIAL HEREIN:**

1. Defendants **RODERICK HICKMAN** ("HICKMAN"), **LOIS RUSSELL** ("RUSSELL"), **JAMES WILLIAMS** a/k/a "Curtis Williams" ("WILLIAMS"), **TANYA GIVENS** ("GIVENS"), **JOHN DIGGS** ("J. DIGGS"), **HENRY RANDLE** ("RANDLE")

**RYAN WHEATEN (“WHEATEN”), DAKOTA DIGGS (“D. DIGGS”), BERNELL GALE (“GALE”), MARVEL FRANCOIS (“FRANCOIS”), and TROY SMITH (“SMITH”)** were involved in staged accidents with tractor-trailers occurring in the New Orleans area in 2017.

2. A “slammer” was an individual who drove a vehicle and intentionally collided with 18-wheeler tractor-trailers in order to stage accidents.

3. A “spotter” was an individual who would follow a slammer in a separate vehicle and would pick up the slammer after the staged accident in order to flee the scene and evade detection.

4. Damien Labeaud (“Labeaud”) served as both a slammer and a spotter.

5. Mario Solomon (“Solomon”) served as a spotter.

6. **HICKMAN** served as both a slammer and a spotter.

7. Co-Conspirators A, B, and C were related to **RUSSELL, RANDLE, and WHEATEN.**

8. Passenger A was related to **SMITH.**

9. Passenger A died in an unrelated auto accident on or about July 22, 2018.

10. Attorneys A and B were personal injury attorneys licensed to practice in Louisiana.

11. Attorneys A and B operated a law firm together in New Orleans.

12. Attorneys C, D, and E were personal injury attorneys licensed to practice in Louisiana.

13. Attorneys C, D, and E worked for the same law firm in New Orleans.

**The J. Diggs/Russell Lawsuit and the Williams/Givens Lawsuit**

14. The intersection of Chef Menteur Highway and Downman Road was located in the Eastern District of Louisiana.

15. HMNG Trucking, LLC (“HMNG Trucking”) was an interstate commercial trucking company headquartered in Georgia.
16. Truck Driver A worked for HMNG Trucking and resided in Georgia.
17. Security National Insurance Company (“Security”) maintained offices throughout the United States.
18. HMNG Trucking was insured by Security.
19. On or about November 2, 2017, Attorneys A and B filed a Petition for Damages in the Civil District Court for the Parish of Orleans, State of Louisiana (“CDC”), Case No. 2017-10232, on behalf of **J. DIGGS** (“J. Diggs/Russell Lawsuit”).
20. On or about February 5, 2018, Attorneys A and B filed a Supplemental Petition for Damages in CDC, Case No. 2017-10232, on behalf of **RUSSELL** in the existing J. Diggs litigation.
21. The J. Diggs/Russell Lawsuit sought to recover damages from Security, HMNG Trucking, Progressive Security Insurance Company (“Progressive”) in its capacity as **RUSSELL’s** uninsured/underinsured insurance carrier, and Truck Driver A.
22. On or about February 9, 2018, Attorney D filed a Petition for Damages in CDC, Case No. 2018-1346, on behalf of **WILLIAMS** and **GIVENS** (“Williams/Givens Lawsuit”).
23. The Williams/Givens Lawsuit sought to recover damages from Security, HMNG Trucking, and Progressive in its capacity as **RUSSELL’s** liability insurance carrier, and from Truck Driver A.
24. On or about March 23, 2018, counsel for Progressive filed a Motion to Transfer and Consolidate the Williams/Givens Lawsuit and the J. Diggs/Russell Lawsuit into one lawsuit in CDC, bearing Case No. 2017-10232.



25. After her suit was filed, **GIVENS** switched from Attorney D and his/her law firm to Attorneys A and B for a period of time in the Williams/Givens Lawsuit.

26. On or about July 20, 2017, **GIVENS** switched from Attorneys A and B back to Attorney D and his/her law firm for legal representation in the Williams/Givens Lawsuit.

**The D. Diggs Lawsuit and the Wheaten/Randle Lawsuit**

27. The intersection of Calliope Street and U.S. Highway 90 was located in the Eastern District of Louisiana.

28. Stevie B's Trucking LLC ("Stevie B's Trucking") was an interstate commercial trucking company headquartered in Mandeville, Louisiana.

29. Truck Driver B worked for Stevie B's Trucking and resided in Harvey, Louisiana.

30. National Union Fire Insurance Company of Pittsburgh, PA ("NUFIC") maintained a principle place of business in New York.

31. Stevie B's Trucking was insured by NUFIC.

32. Financial Indemnity Company maintained an office in Dallas, Texas.

33. Financial Indemnity Company insured the vehicle reportedly driven by **RANDLE** on or about May 17, 2017.

34. On or about March 28, 2018, Attorney D filed a Petition for Damages in CDC, in Case No. 2018-02239, on behalf of **D. DIGGS** ("D. Diggs Lawsuit").

35. The D. Diggs Lawsuit sought to recover damages from Stevie B's Trucking, NUFIC, and Truck Driver B.

36. On or about May 17, 2018, Attorneys A and B filed a Petition for Damages in CDC, in Case No. 2018-04917, on behalf of **WHEATEN** ("Wheaten Lawsuit").



37. On or about May 17, 2018, an attorney known to the Grand Jury filed a Petition for Damages in CDC Case No. 2018-04924, on behalf of **RANDLE** ("Randle Lawsuit").

38. On or about May 31, 2018, counsel for Stevie B's Trucking, NUFIC, and Truck Driver B filed a Motion to Transfer and Consolidate the Wheaten Lawsuit and the Randle Lawsuit into one lawsuit in CDC, in Case No. 2018-04924 ("Wheaten/Randle Lawsuit").

39. The Wheaten/Randle Lawsuit sought to recover damages from Stevie B's Trucking, NUFIC, and Truck Driver B.

#### **The Smith Lawsuit**

40. Tennessee Commercial Warehouse, Inc. ("TCW") was an interstate commercial trucking company headquartered in Nashville, Tennessee.

41. Truck Driver C worked for TCW and resided in Mississippi.

42. Zurich American Insurance Company ("Zurich") maintained offices throughout the United States and Canada.

43. TCW was insured by Zurich.

44. Gallagher Bassett ("Gallagher") was the Third Party Administrator that handled claims for Zurich.

45. Gallagher maintained an office in Clinton, Ohio.

46. GoAuto Insurance Company ("GoAuto") maintained offices throughout Louisiana.

47. GoAuto insured the vehicle reportedly driven by **FRANCOIS** on or about May 17, 2017.

48. On or about May 17, 2018, Attorney A filed a Petition for Damages in CDC, Case No. 2018-4925, on behalf of **SMITH, GALE**, and Passenger A ("Smith Lawsuit").

49. The Smith Lawsuit sought to recover damages from TCW, Zurich, GoAuto, **FRANCOIS**, and Truck Driver B.

**B. THE CONSPIRACY:**

Beginning at a time unknown, and continuing until the date of this Indictment, in the Eastern District of Louisiana and elsewhere, the defendants, **RODERICK HICKMAN, LOIS RUSSELL, JAMES WILLIAMS a/k/a "Curtis Williams," TANYA GIVENS, JOHN DIGGS, HENRY RANDLE, RYAN WHEATEN, DAKOTA DIGGS, BERNELL GALE, MARVEL FRANCOIS, TROY SMITH**, and others known and unknown to the Grand Jury, willfully and knowingly did combine, conspire, confederate, and agree to devise a scheme and artifice to defraud and to obtain money and property from insurance companies and interstate trucking companies by means of materially false and fraudulent pretenses, representations, and promises, and willfully caused mail matter to be delivered by the United States Postal Service for the purpose of executing or attempting to execute the Scheme to Defraud set forth in Section C, in violation of Title 18, United States Code, Section 1341.

**C. SCHEME AND ARTIFICE TO DEFRAUD:**

It was part of the scheme and artifice to defraud that, beginning on a date unknown, but before on or about 2015, Labeaud and **HICKMAN** worked as "runners" for Attorney C, in that Labeaud and **HICKMAN** would refer persons involved in legitimate motor vehicle accidents to Attorney C in exchange for money. It was agreed that Attorney C would pay Labeaud and **HICKMAN** \$1,000.00 per passenger for accidents with tractor-trailers and \$500.00 per passenger for accidents that did not involve tractor-trailers.

It was further part of the scheme and artifice to defraud that, while working together as runners, Labeaud and **HICKMAN**, brought at least twenty (20) accidents to Attorney C.

It was further part of the scheme and artifice to defraud that, in or around 2015, Labeaud and **HICKMAN** also began working together to stage accidents.

It was further part of the scheme and artifice to defraud that Labeaud and **HICKMAN** both served as slammers and spotters in staged accidents.

It was further part of the scheme and artifice to defraud that Labeaud and **HICKMAN** agreed to share the proceeds they obtained for accidents that they staged together.

It was further part of the scheme and artifice to defraud that Labeaud and **HICKMAN** brought persons involved in illegally staged accidents to Attorney C in exchange for money, and Attorney C knew that Labeaud and **HICKMAN** were staging accidents.

It was further part of the scheme and artifice to defraud that Labeaud, **HICKMAN**, and Attorney C would sometimes discuss the staging of accidents before they happened.

It was further part of the scheme and artifice to defraud that Attorney C would pay Labeaud and **HICKMAN** via cash and check for staged and legitimate accidents.

It was further part of the scheme and artifice to defraud that, from approximately 2015 to approximately 2017, Labeaud and **HICKMAN** staged at least one hundred (100) accidents.

It was further part of the scheme and artifice to defraud that, on a date unknown but not later than 2016, Co-Conspirator A introduced Labeaud to Attorney A. Labeaud and Attorney A met at a restaurant in New Orleans. During their meeting, Attorney A and Labeaud agreed that Attorney A would pay Labeaud \$1,000.00 per passenger for accidents with tractor-trailers. Attorney A and Labeaud agreed that Attorney A would pay \$500.00 per passenger for accidents that did not involve tractor-trailers.



It was further part of the scheme and artifice to defraud that Co-Conspirators A, B, and C served as intermediaries who recruited passengers to participate in staged accidents for the purpose of bringing lawsuits for Attorney A.

It was further part of the scheme and artifice to defraud that Attorney A knew that Labeaud was staging accidents with **HICKMAN** and Solomon.

It was further part of the scheme and artifice to defraud that Attorney A paid Labeaud for at least forty (40) illegally staged tractor-trailer accidents and, after being paid, Labeaud paid **HICKMAN** and Solomon cash for the accidents that they helped to stage.

It was further part of the scheme and artifice to defraud that Labeaud and Attorney A would sometimes discuss the staging of accidents before they happened.

It was further part of the scheme and artifice to defraud that in order to conceal their activity, Labeaud and Attorney A communicated through coded language, including using fishing terms, to refer to the staged accidents.

It was further part of the scheme and artifice to defraud that in order to conceal their activity, Labeaud and Attorney C communicated through coded language, including using fishing terms, to refer to the staged accidents.

It was further part of the scheme and artifice to defraud that Attorney A directed Labeaud to change the locations of the staged accidents, to vary the number of passengers, to avoid talking to the police, and to avoid cameras.

It was further part of the scheme and artifice to defraud that Attorney A would advance Labeaud thousands of dollars for accidents and would instruct Labeaud that he owed Attorney A a certain number of accidents based on the amount of money advanced.

### **The March 27, 2017, Staged Accident**

It was further part of the scheme and artifice to defraud that, prior to March 27, 2017, Co-Conspirator B advised **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** that they could make money by participating in a staged automobile accident with a tractor-trailer.

It was further part of the scheme and artifice to defraud that on or about March 27, 2017, **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** drove from Gibson, Louisiana in a 2007 Mercury Mountaineer ("Mountaineer") owned by **RUSSELL** to a fast food parking lot in New Orleans, Louisiana for the purpose of staging an automobile accident with a tractor-trailer in order to obtain money through fraud.

It was further part of the scheme and artifice to defraud that, in the fast food parking lot, **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** met with Labeaud and **HICKMAN**, who were in Labeaud's car.

It was further part of the scheme and artifice to defraud that **RUSSELL** agreed to allow **HICKMAN** to drive the Mountaineer.

It was further part of the scheme and artifice to defraud that **HICKMAN** drove **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** in the Mountaineer to locate another vehicle to collide with in the area of Chef Menteur and Downman Road in the New Orleans East area.

It was further part of the scheme and artifice to defraud that, on or about March 27, 2017, at approximately 1:05 P.M., **HICKMAN**, while driving the Mountaineer on Chef Menteur Highway, intentionally collided with a 2017 Freightliner tractor-trailer owned by HMNG Trucking and operated by Truck Driver A while it was traveling past the Downman Road exit.

It was further part of the scheme and artifice to defraud that **HICKMAN** exited the Mountaineer after the collision and left the accident scene in Labeaud's car.

It was further part of the scheme and artifice to defraud that, after **HICKMAN** exited the Mountaineer, **RUSSELL** got behind the wheel of the Mountaineer to make it appear that she was driving the vehicle at the time of the staged accident.

It was further part of the scheme and artifice to defraud that **GIVENS** contacted the New Orleans Police Department ("NOPD") to report that the occupants in **RUSSELL's** car had been in an automobile accident, and **RUSSELL** falsely reported to the NOPD that she had been the driver of the Mountaineer and that the tractor-trailer had struck her vehicle.

#### **The J. Diggs/Russell Lawsuit and the Williams/Givens Lawsuit**

It was further part of the scheme and artifice to defraud that **RUSSELL** and **J. DIGGS** were advised by Labeaud to meet Attorney A at his office in order to arrange representation.

It was further part of the scheme and artifice to defraud that **GIVENS** and **WILLIAMS** were advised by Co-Conspirator B and Labeaud to use the law firm of Attorneys C, D, and E for their representation.

It was further part of the scheme and artifice to defraud that Attorneys A and B referred **RUSSELL** and **J. DIGGS** to doctors and healthcare providers for medical treatment.

It was further part of the scheme and artifice to defraud that Attorney D referred **GIVENS** and **WILLIAMS** to doctors and healthcare providers for medical treatment.

It was further part of the scheme and artifice to defraud that Attorney A made loans and/or advances to **GIVENS** and **J. DIGGS**.

It was further part of the scheme and artifice to defraud that the law firm of Attorneys C, D, and E made loans and/or advances to **WILLIAMS**.



It was further part of the scheme and artifice to defraud that, on or about November 2, 2017, Attorneys A and B filed the J. Diggs/Russell Lawsuit in CDC, and that on or about February 9, 2018, Attorney D filed the Williams/Givens Lawsuit in CDC.

It was further part of the scheme and artifice to defraud that **WILLIAMS, GIVENS, RUSSELL, and J. DIGGS** each provided false testimony in subsequent depositions taken in conjunction with the consolidated lawsuits filed by Attorneys A and D.

It was further part of the scheme and artifice to defraud that in May 2019, Attorney D advised **GIVENS** that the law firm of Attorneys C, D, and E was withdrawing from the Williams/Givens Lawsuit because the accident had been flagged as fraudulent.

#### **The May 17, 2017, Staged Accidents**

It was further part of the scheme and artifice to defraud that, on or about May 17, 2017, **RANDLE, WHEATEN, D. DIGGS, FRANCOIS, GALE, SMITH**, and Passenger A drove from the areas of Gibson, Louisiana and Houma, Louisiana to a fast food parking lot in New Orleans, Louisiana for the purpose of staging two automobile accidents with tractor-trailers in order to obtain money through fraud.

It was further part of the scheme and artifice to defraud that **FRANCOIS, GALE, SMITH**, and Passenger A traveled to New Orleans in a 2007 Dodge Durango ("Durango"), and **RANDLE, WHEATEN, and D. DIGGS** traveled to New Orleans in a 2004 Ford F-150 truck belonging to Co-Conspirator C ("Ford F-150").

It was further part of the scheme and artifice to defraud that, in the fast food parking lot, **RANDLE, WHEATEN, D. DIGGS, FRANCOIS, GALE, SMITH**, and Passenger A met with Labeaud and Solomon, who were in Solomon's silver Chevrolet Silverado pick-up truck ("Silverado").

It was further part of the scheme and artifice to defraud that **RANDLE, WHEATEN**, and **D. DIGGS** agreed to allow Labeaud to drive the Ford F-150.

It was further part of the scheme and artifice to defraud that Labeaud drove **RANDLE, WHEATEN**, and **D. DIGGS** in the Ford F-150 to locate a vehicle to collide with in the area of Calliope Street and U.S. Highway 90.

It was further part of the scheme and artifice to defraud that, at approximately 1:28 P.M., Labeaud, while driving the Ford F-150 on Calliope Street, observed a 2006 Freightliner tractor-trailer operated by Stevie B's Trucking merging onto U.S. Highway 90 Eastbound, and that Labeaud intentionally collided with the Freightliner tractor-trailer.

It was further part of the scheme and artifice to defraud that Labeaud exited the Ford F-150 after the collision and got into the Silverado with Solomon, while **RANDLE** got behind the wheel of the Ford F-150 to make it appear that **RANDLE** was driving the vehicle at the time of the staged accident.

It was further part of the scheme and artifice to defraud that **RANDLE** falsely reported to the NOPD that he had been the driver of the Ford F-150, and that the tractor-trailer had struck his vehicle.

It was further part of the scheme and artifice to defraud that **FRANCOIS, GALE, SMITH**, and Passenger A agreed to allow Labeaud to drive **FRANCOIS'** Durango.

It was further part of the scheme and artifice to defraud that Labeaud drove **FRANCOIS, GALE, SMITH**, and Passenger A in the Durango to locate another vehicle to collide with in the area of Louisa Street and Chickasaw Street.

It was further part of the scheme and artifice to defraud that, at approximately 2:00 P.M., Labeaud, while driving on Chickasaw Street, observed a 2017 Peterbilt tractor-trailer operated by

TCW turning onto Louisa Street, and that Labeaud intentionally collided with the TCW tractor-trailer.

It was further part of the scheme and artifice to defraud that Labeaud exited the Durango after the collision, and **FRANCOIS** got behind the wheel of the Durango to make it appear that **FRANCOIS** was driving the vehicle at the time of the staged accident.

It was further part of the scheme and artifice to defraud that **FRANCOIS** falsely reported to the NOPD that she had been the driver of the Durango and that the tractor-trailer had struck her vehicle.

It was further part of the scheme and artifice to defraud that **SMITH, FRANCOIS, GALE**, and Passenger A met Attorney A at a coffee shop on Canal Street in order to discuss Attorney A's representation of **FRANCOIS, GALE, SMITH**, and Passenger A in a fraudulent lawsuit arising out of the May 17, 2017 accident.

#### **The Diggs, Wheaten, and Randle Lawsuits**

It was further part of the scheme and artifice to defraud that Attorney A made loans and/or advances to **WHEATEN, D. DIGGS**, and **RANDLE**.

It was further part of the scheme and artifice to defraud that Attorneys A and B referred **WHEATEN** and **RANDLE** to doctors and healthcare providers for medical treatment.

It was further part of the scheme and artifice to defraud that attorneys representing **WHEATEN, D. DIGGS**, and **RANDLE** filed lawsuits in CDC between on or about March 28, 2018, and on or about May 17, 2018.

It was further part of the scheme and artifice to defraud that, on or about September 7, 2018, **RANDLE** provided false testimony in a subsequent deposition taken in conjunction with the consolidated lawsuits filed by Attorneys A and B.



### **The Smith Lawsuit**

It was further part of the scheme and artifice to defraud that Attorney A, knowing **FRANCOIS, GALE, SMITH**, and Passenger A were not injured or hurt in the accident, represented to the defendants that their recovery would depend on the amount and type of medical treatment they received and that, if someone elected to have surgery, he or she could expect to receive \$200,000.00 to \$250,000.00 in settlement.

It was further part of the scheme and artifice to defraud that Attorney A referred **FRANCOIS, GALE, SMITH**, and Passenger A, knowing that they were not injured in the staged accident, to doctors and healthcare providers for medical treatment.

It was further part of the scheme and artifice to defraud that Attorney A made loans and/or advances to **SMITH** and **GALE**.

It was further part of the scheme and artifice to defraud that, on or about May 17, 2018, Attorney A filed the Smith Lawsuit in CDC.

It was further part of the scheme and artifice to defraud that, on or about June 5, 2018, Attorney B mailed a copy of the Smith lawsuit via the United States Postal Service ("USPS") to Truck Driver A in Jackson, Mississippi.

It was further part of the scheme and artifice to defraud that, on or about July 12, 2018, Attorney B signed an affidavit of service, notarized by Attorney A, and filed in conjunction with the Smith Lawsuit.

It was further part of the scheme and artifice to defraud that, on or about March 1, 2018, Attorney B mailed a settlement demand on behalf of **GALE** via USPS to Gallagher in Clinton, Iowa.

It was further part of the scheme and artifice to defraud that in June 2019, Attorney A instructed **SMITH** to drop the Smith Lawsuit because of **SMITH's** connection to Lucinda Thomas, a client of Attorney A, and a passenger in a June 6, 2017, staged accident that had been flagged as fraudulent.

It was further part of the scheme and artifice to defraud that Attorney A prepared and had **SMITH** sign a Verification of Facts and Acknowledgement ("Verification of Facts").

**D. OVERT ACTS:**

**The March 27, 2017, Staged Accident (Mercury Mountaineer)**

The below listed Overt Acts all occurred on or about March 27, 2017, unless noted otherwise.

1. Beginning on a date unknown, **HICKMAN** received money from Attorney C, including, but not limited to checks in the approximate amounts of \$3,000.00 on or about February 26, 2016; \$2,500.00 on or about April 1, 2016; \$1,000.00 on or about June 2, 2016; and \$1,000.00 on or about September 1, 2016.

2. On or about March 25, 2017, Co-Conspirator B contacted **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** to see if they were interested in staging an automobile accident, and **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** agreed.

3. On or about March 26, 2017, **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** paid Co-Conspirator B the sum of \$250.00 each for arranging the staged automobile accident.

4. On or about March 27, 2017, **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** drove a 2007 Mercury Mountaineer from Gibson, Louisiana to New Orleans, Louisiana, for the purpose of staging an automobile accident with a tractor-trailer in order to obtain money through fraud.

5. At approximately 10:37 A.M., **HICKMAN** texted Labeaud, "Outside."
6. At approximately 11:59 A.M., Labeaud received a text, "Bout to pull up."
7. **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** met Labeaud at a fast food restaurant in New Orleans where they discussed how they were going to intentionally stage an accident involving a tractor-trailer.
8. **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** agreed to allow **HICKMAN** to drive **RUSSELL's** Mountaineer.
9. **HICKMAN** drove **RUSSELL, WILLIAMS, GIVENS, and J. DIGGS** in the Mountaineer to locate another vehicle to collide with in the area of Chef Menteur Highway and Downman Road.
10. At approximately 1:05 P.M., **HICKMAN**, while driving on Chef Menteur Highway, intentionally collided with a 2017 Freightliner tractor-trailer owned by HMNG Trucking and operated by Truck Driver A that was traveling on Chef Menteur Highway near its intersection with Downman Road.
11. **HICKMAN** exited **RUSSELL's** Mountaineer after the collision and told **RUSSELL** to get behind the wheel of the Mountaineer to make it appear that **RUSSELL** was driving the vehicle at the time of the staged accident.
12. **GIVENS** contacted the NOPD to report that the occupants of the **RUSSELL** car had been in an automobile accident.
13. At approximately 1:55 P.M., NOPD responded to the scene of the staged accident and, shortly thereafter, **RUSSELL** falsely reported to the NOPD that she had been the driver of the Mountaineer and that the HMNG tractor-trailer struck her vehicle.



14. At approximately 2:28 P.M., Labeaud texted Attorney C, "Say bro u still talking ? We was trying 2 go bck out fishing b4 it gets 2late !"
15. At approximately 3:42 P.M., Attorney C texted Labeaud, "I'm done[.]"
16. On or about March 28, 2017, at approximately 11:40 A.M., Labeaud texted Attorney C, "How u doin 2day homie ? I got 2 real nice big one for u rite now bro I will see u n about 1 hour ok ? Better yet at 2:30 I will b there bro ! That's 2 for 2day & 1 from :( yesterday ok[.]"
17. On or about March 28, 2017, at approximately 11:45 A.M., Attorney C texted Labeaud "I'm in trial. But will get as soon as I'm done."
18. On or about March 28, 2017, at approximately 11:48 A.M., Labeaud texted Attorney C, "Ok bro kool."
19. On or about March 28, 2017, at approximately 2:53 P.M., Labeaud texted Attorney C, "2 day was a very gd day bro ! R u at da spot yet ? R do u want us 2 just cu 2morrow ? Its kool if so !"
20. On or about March 28, 2017, at approximately 3:28 P.M., Attorney C texted Labeaud "I'm still at court. Can we square in morning buddy."
21. On or about March 28, 2017, at approximately 3:32 P.M., Labeaud texted Attorney C, "Yes sir no problem...I have 3 more in addition to that 1...c u 2morrow buddy."
22. On or about March 28, 2017, at approximately 3:28 P.M., Attorney C texted Labeaud, "Bam!!!"
23. On or about March 29, 2017, Labeaud set up a meeting with Attorney C at a place known as the "spot," but they failed to meet.

24. On or about March 29, 2017, at approximately 10:14 A.M., Attorney C texted Labeaud "Mom has you. I'm in meeting. Will be back in 40 mins."

**The J. Diggs/Russell Lawsuit and the Williams/Givens Lawsuit**

25. After the staged accident on March 27, 2017, Attorney D met with **WILLIAMS** and **GIVENS** to discuss Attorney D's representation of **WILLIAMS** and **GIVENS**.

26. After the staged accident on March 27, 2017, Attorney A met with **RUSSELL** and **J. DIGGS** to discuss Attorney A's representation of **RUSSELL** and **J. DIGGS**.

27. On or about May 12, 2017, **J. DIGGS** received a "client advance on settlement" from Attorney A in the amount of approximately \$500.00.

28. At some point after retaining Attorney D, **GIVENS** switched representation to Attorney A.

29. **GIVENS** received "loans" or "client advances on settlement" from Attorney A, including, but not limited to checks in the approximate amounts of \$1,701.88 on or about May 17, 2017 and \$750.00 on or about May 24, 2017.

30. **WILLIAMS** received "loans" or "client advances on settlement" from the law firm of Attorneys C, D, and E including, but not limited to checks in the approximate amounts of \$250.00 on or about April 25, 2017; \$525.00 on or about May 8, 2017; \$350.00 on or about May 16, 2017; \$500.00 on or about May 31, 2017; \$179.69 on or about June 1, 2017; and \$500.00 on or about June 16, 2017.

31. On or about July 20, 2017, Attorney A texted Labeaud, "Your girl Tanya Givens just tired [sic] me and hired [Attorney E]."

32. On or about November 2, 2017, Attorneys A and B filed the Diggs/Russell Lawsuit in CDC., and on February 5, 2018, added **RUSSELL** as a plaintiff.

33. On or about February 9, 2018, Attorney D filed the Williams/Givens Lawsuit in CDC.

34. On or about September 7, 2018, **RUSSELL** and **J. DIGGS** each provided false testimony in subsequent depositions taken in conjunction with the consolidated lawsuits filed by Attorneys A and D.

35. On or about November 7, 2018, **WILLIAMS** and **GIVENS** each provided false testimony in subsequent depositions taken in conjunction with the consolidated lawsuits filed by Attorneys A and D.

36. On or about April 22, 2019, Attorney A deposited a settlement check in the amount of approximately \$17,500.00 for **RUSSELL** from Counsel for HMNG Trucking, Security, and Truck Driver A.

37. On or about April 23, 2019, **WILLIAMS** received a check in the amount of \$4,588.26 from the law firm for Attorneys C, D, and E in settlement of his claims in the Williams/Givens Lawsuit out of the \$115,000.00 paid to Attorney D by HMNG, Security, and Truck Driver A.

38. On or about May 30, 2019, Attorney A deposited a settlement check in the amount of approximately \$140,000.00 for **J. DIGGS** from counsel for HMNG Trucking, Security, and Truck Driver A.

**The May 17, 2017, Staged Accidents (Dodge Durango and Ford F-150)**

The below listed Overt Acts all occurred on or about May 17, 2017, unless noted otherwise.

39. On or about May 16, 2017, Co-Conspirator C cashed a check from Attorney A, dated May 16, 2017, referencing "client advance on settlement" in the amount of approximately \$800.00.



40. On or about May 16, 2017, Co-Conspirator C asked **SMITH** if he was interested in staging an automobile accident, and **SMITH** agreed to do so.

41. On or about May 16, 2017, **SMITH** contacted **GALE** to see if he was interested in participating in a staged automobile accident, and **GALE** agreed.

42. On or about May 16, 2017, Co-Conspirator C contacted **FRANCOIS** to see if she was interested in staging an automobile accident, and **FRANCOIS** agreed.

43. On or about May 16, 2017, at approximately 1:40 P.M., Co-Conspirator A texted Labeaud, "Can you do two tomorrow[?]"

44. On or about May 16, 2017, at approximately 1:47 P.M., Labeaud texted Co-Conspirator A, "I need 25! It's my just me! N I'm kockin off 15[.]"

45. On or about May 16, 2017, at approximately 1:51 P.M., Co-Conspirator A texted Labeaud, "Call me[.]"

46. On or about May 16, 2017, at approximately 1:52 P.M., Co-Conspirator A texted Labeaud, "Lawyer got u plus[.]"

47. On or about May 16, 2017, at approximately 1:53 P.M., Co-Conspirator A texted Labeaud, "I'm talking about two different."

48. On or about May 16, 2017, at approximately 9:41 P.M., Labeaud texted Solomon, "say bro call me asap!" and specifying that "it's very important."

49. Between on or about May 16, 2017 and May 17, 2017, Labeaud and Solomon exchanged numerous phone calls.

50. At approximately 6:22 A.M., Attorney A called Co-Conspirator A.

51. Co-Conspirator A and **GIVENS** travelled from the Houma, Louisiana area to meet with Attorney A in New Orleans.

52. At approximately 9:22 A.M., Co-Conspirator A texted Labeaud, "omw[.]"

53. At approximately 9:33 A.M., 10:07 A.M., and 10:48 A.M, Attorney A called Co-Conspirator A.

54. At approximately 11:39 A.M., Co-Conspirator A texted Labeaud, "Working on the roads we rolling now[.]"

55. **RANDLE, WHEATEN, D. DIGGS, FRANCOIS, GALE, SMITH,** and Passenger A drove from the areas of Gibson, Louisiana and Houma, Louisiana to a fast food parking lot in New Orleans, Louisiana for the purpose of staging two automobile accidents with tractor-trailers in order to obtain money through fraud. **FRANCOIS, GALE, SMITH,** and Passenger A traveled to New Orleans in the Durango, and **RANDLE, WHEATEN,** and **D. DIGGS** traveled to New Orleans in the Ford F-150.

56. In the fast food parking lot, **RANDLE, WHEATEN, D. DIGGS, FRANCOIS, GALE, SMITH,** and Passenger A met with Labeaud and Solomon, who were in the Silverado.

57. **RANDLE, WHEATEN,** and **D. DIGGS** agreed to allow Labeaud to drive the Ford F-150.

58. Labeaud drove **RANDLE, WHEATEN,** and **D. DIGGS,** in the Ford F-150, to locate a vehicle to collide with in the area of Calliope Street and US Highway 90. **FRANCOIS, GALE, SMITH,** and Passenger A followed the Ford F-150 in the Durango, and Solomon followed in the Silverado.

59. At approximately 1:01 P.M., Solomon texted Labeaud, "Watch that white truck on the right hand side."

60. At approximately 1:12 P.M., Co-Conspirator C called **WHEATEN.**

61. At approximately 1:22 P.M., **SMITH** called **WHEATEN.**

62. At approximately 1:23 P.M., Co-Conspirator A called **WHEATEN**.
63. At approximately 1:28 P.M., Labeaud, while driving the Ford F-150 on Calliope Street, observed a 2006 Freightliner tractor-trailer operated by Stevie B's Trucking merging onto US Highway 90 Eastbound, and Labeaud intentionally collided with the Freightliner tractor-trailer.
64. Labeaud exited Ford F-150 after the collision and got into the Silverado with Solomon.
65. After Labeaud exited the Ford F-150, **RANDLE** got behind the wheel of the Ford F-150 to make it appear that **RANDLE** was driving the vehicle at the time of the staged accident.
66. **RANDLE** falsely reported to the NOPD that he had been the driver of the Ford F-150 and that the tractor-trailer had struck his vehicle.
67. At approximately 1:35 P.M., Co-Conspirator A texted Labeaud, "Call me."
68. At approximately 1:40 P.M., **SMITH** called **WHEATEN**.
69. At approximately 1:45 P.M., Co-Conspirator C called **WHEATEN**.
70. At approximately 1:52 P.M., **GIVENS** cashed a check from Attorney A, dated May 17, 2017, referencing "client advance on settlement" in the amount of approximately \$1,701.88 at a Whitney Bank in New Orleans.
71. At approximately 1:54 P.M. and 1:57 P.M., Co-Conspirator C called **WHEATEN**.
72. After Labeaud got into the Silverado, Labeaud and Solomon left the scene of the accident and went to a fast food restaurant.
73. **FRANCOIS, GALE, SMITH**, and Passenger A followed the Silverado to the fast food restaurant.
74. **FRANCOIS, GALE, SMITH**, and Passenger A agreed to allow Labeaud to drive **FRANCOIS'** Durango.



75. Labeaud drove **FRANCOIS, GALE, SMITH**, and Passenger A in the Durango to locate another vehicle to collide with in the area of Louisa Street and Chickasaw Street.

76. At approximately 1:57 P.M., Labeaud, while driving on Chickasaw Street, observed a 2017 Peterbilt tractor-trailer operated by TCW turning onto Louisa Street, and Labeaud intentionally collided with the TCW tractor-trailer.

77. Labeaud exited **FRANCOIS'** Durango after the collision and told **FRANCOIS** to get behind the wheel of the Durango to make it appear that **FRANCOIS** was driving the vehicle at the time of the staged accident.

78. **FRANCOIS** contacted the NOPD to report that she had been in an automobile accident.

79. At approximately 2:03 P.M., Co-Conspirator A cashed a check from Attorney A, dated May 17, 2017, referencing "client advance on settlement," in the amount of in the amount of approximately \$4,500.00 at a Whitney Bank in New Orleans.

80. At approximately 2:09 P.M., **SMITH** called **WHEATEN**.

81. At approximately 2:13 P.M., Co-Conspirator C called **WHEATEN**.

82. At approximately 2:13 P.M., **WHEATEN** called Co-Conspirator C.

83. At approximately 4:14 P.M., **WHEATEN** called Co-Conspirator A.

84. At approximately 5:31 P.M., Co-Conspirator A texted Labeaud, "Are you good friend. Just making sure[.]"

85. At approximately 6:05 P.M., Labeaud texted Co-Conspirator A, "Yes I'm str8. !! Thanks ok !!"

**The D. Diggs, Wheaten, and Randle Lawsuits**

86. **WHEATEN** received “loans” or “client advances on settlement” from Attorney A, including, but not limited to, checks in the approximate amounts of \$700.00 on or about May 17, 2017, and \$980.00 on or about July 26, 2017.

87. **RANDLE** received “loans” or “client advances on settlement” from Attorney A, including, but not limited to, checks in the approximate amounts of \$800.00 on or about May 19, 2017, and \$750.00 on or about November 14, 2017.

88. **D. DIGGS** received “loans” or “client advances on settlement” from Attorney A, including, but not limited to, checks in the approximate amounts of \$300.00 on or about May 17, 2017, and \$750.00 on or about June 2, 2017.

89. **D. DIGGS** received “loans” or “client advances on settlement” from the law firm of Attorneys C, D, and E, including, but not limited to, a check in the approximate amount of \$200.00 on or about August 2, 2017.

90. On or about December 19, 2017, a settlement check for **D. DIGGS** from Financial Indemnity Company in the amount of approximately \$1,000.00 was deposited in an account for the law firm of Attorneys C, D, and E.

91. On or about December 26, 2017, **D. DIGGS** deposited a settlement check in the amount of \$116.67 from the law firm of Attorneys C, D, and E.

92. On or about March 28, 2018, Attorney D filed the D. Diggs Lawsuit in CDC.

93. On or about May 17, 2018, Attorneys A and B filed the Wheaten Lawsuit in CDC.

94. On or about May 17, 2018, an attorney known to the Grand Jury filed the Randle Lawsuit in CDC.

95. On or about September 3, 2018, Attorney D sent an email to counsel for Stevie B's Trucking, NUFIC, and Truck Driver B containing a settlement demand on behalf of client **D. DIGGS**, demanding approximately \$25,000.00 in settlement.

96. On or about September 7, 2018, **RANDLE** provided false testimony in a subsequent deposition taken in conjunction with the consolidated lawsuits filed by Attorneys A and B.

97. On or about February 25, 2019, a settlement check for **D. DIGGS** from NUFIC in the amount of approximately \$5,000.00 was deposited in an account for the law firm of Attorneys C, D, and E.

98. On or about February 25, 2019, a settlement check for **D. DIGGS** from Financial Indemnity Company in the amount of approximately \$5,000.00 was deposited in an account for the law firm of Attorneys C, D, and E.

99. On or about March 28, 2019, **D. DIGGS** deposited a check in the amount of \$1,186.18 in settlement of her claims in the D. Diggs Lawsuit from the law firm of Attorneys C, D, and E.

#### **The Smith Lawsuit**

100. After the staged accident on May 17, 2017, Attorney A met with **FRANCOIS**, **GALE**, **SMITH**, and Passenger A at a coffee shop on Canal Street to discuss Attorney A's representation of **FRANCOIS**, **GALE**, **SMITH**, and Passenger A.

101. During the meeting with Attorney A, Attorney A asked **FRANCOIS**, **GALE**, **SMITH**, and Passenger A if they were injured in the accident. **FRANCOIS**, **GALE**, **SMITH**, and Passenger A all replied that they were not injured or hurt in the accident. Attorney A then explained that their recovery would depend on the amount and type of medical treatment they



received. Attorney A said if someone elected to have surgery, he or she could expect to receive \$200,000.00 to \$250,000.00 in settlement.

102. Attorney A referred **GALE** to a chiropractor, Chiropractor A, who treated **GALE** for approximately three months.

103. Attorney A referred **FRANCOIS** to Pain Specialist A, who treated **FRANCOIS** approximately three times.

104. **SMITH** received “loans” or “client advances on settlement” from Attorney A, including, but not limited to, checks in the approximate amounts of \$750.00 on or about June 8, 2017; \$750.00 on or about August 11, 2017; \$1,200.00 on or about November 20, 2017; and \$750.00 on or about December 22, 2017.

105. **GALE** received “loans” or “client advances on settlement” from Attorney A, including, but not limited to, checks in the approximate amounts of \$500.00 on or about June 23, 2017, and \$500.00 on or about November 30, 2017.

106. On or about March 1, 2018, Attorney B mailed a settlement demand of approximately \$28,769.00 on behalf of **GALE** via USPS to Gallagher in Clinton, Iowa.

107. On or about May 17, 2018, Attorney A filed the Smith Lawsuit in CDC.

108. On or about June 5, 2018, Attorney B mailed a copy of the Smith lawsuit via the USPS to Truck Driver A in Jackson, Mississippi.

109. On or about July 12, 2018, Attorney B signed an affidavit of service, notarized by Attorney A, and filed it in conjunction with the Smith Lawsuit.

110. In June 2019, **SMITH** met with Attorney A, at which time, Attorney A instructed **SMITH** to drop the Smith Lawsuit because of **SMITH**’s connection to Lucinda Thomas, a client of Attorney A, and a passenger in a June 6, 2017, staged accident.

111. In or about June 2019, Attorney A prepared and had **SMITH** sign a Verification of Facts that **SMITH** did not read.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2 - 4**  
(Mail Fraud)

**A. AT ALL TIMES MATERIAL HEREIN:**

The allegations contained in Parts A, C, and D of Count 1 are hereby re-alleged and incorporated herein by reference.

**B. THE OFFENSE:**

On or about the dates listed below, in the Eastern District of Louisiana and elsewhere, the defendants, **RODERICK HICKMAN, LOIS RUSSELL, JAMES WILLIAMS, TANYA GIVENS, and JOHN DIGGS**, and others known and unknown to the Grand Jury, for the purpose of executing or attempting to execute the scheme and artifice to defraud set forth in Part C of Count 1, did knowingly cause to be delivered by mail, according to the directions thereon, the following:

COUNT	DESCRIPTION OF MAILING
2	April 10, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via USPS to Attorneys A and B, **** Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$140,000.00 for <b>J. DIGGS</b> .
3	April 18, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via USPS to Attorneys A and B, **** Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$17,500.00 for <b>RUSSELL</b> .
4	April 18, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via USPS to Attorney D, **** Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$115,000.00 for <b>WILLIAMS</b> .

All in violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 5**  
(Mail Fraud)

**A. AT ALL TIMES MATERIAL HEREIN:**

The allegations contained in Parts A, C, and D of Count 1 are hereby re-alleged and incorporated herein by reference.

**B. THE OFFENSE:**

On or about the dates listed below, in the Eastern District of Louisiana and elsewhere, the defendants, **HENRY RANDLE, RYAN WHEATEN, DAKOTA DIGGS**, and others known and unknown to the Grand Jury, for the purpose of executing or attempting to execute the scheme and artifice to defraud set forth in Part C of Count 1, did knowingly cause to be delivered by mail, according to the directions thereon, the following:

COUNT	DESCRIPTION OF MAILING
5	January 17, 2019, Counsel for Stevie B's Trucking, NUFIC, and Truck Driver B mailed an envelope via USPS to the law firm of Attorneys C, D, and E, **** Canal Street, New Orleans, LA 70119, containing a check in the amount of approximately \$5,000.00 for <b>D. DIGGS</b> .

All in violation of Title 18, United States Code, Sections 1341 and 2.

**COUNTS 6 - 7**  
(Mail Fraud)

**A. AT ALL TIMES MATERIAL HEREIN:**

The allegations contained in Parts A, C, and D of Count 1 are hereby re-alleged and incorporated herein by reference.

**B. THE OFFENSE:**

On or about the dates listed below, in the Eastern District of Louisiana and elsewhere, the defendants, **BERNELL GALE, MARVEL FRANCOIS, TROY SMITH**, and others known and unknown to the Grand Jury, for the purpose of executing or attempting to execute the scheme and



artifice to defraud set forth in Part C of Count 1, did knowingly cause to be delivered by mail, according to the directions thereon, the following:

COUNT	DESCRIPTION OF MAILING
6	March 1, 2018, Attorney B mailed an envelope via USPS to Gallagher Basset [sic], P.O. Box 2934, Clinton, Iowa 52733, containing a settlement demand on behalf of client <b>GALE</b> , demanding approximately \$28,769.00 in settlement.
7	June 5, 2018, Attorney B mailed an envelope via USPS to Truck Driver C, *** Myer, Jackson, Mississippi 39209, containing a copy of the Smith Lawsuit.

All in violation of Title 18, United States Code, Sections 1341 and 2.

#### **NOTICE OF FORFEITURE**

1. The allegations of Counts 1 through 7 are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offenses alleged in Counts 1 - 7, the defendants, **RODERICK HICKMAN, LOIS RUSSELL, JAMES WILLIAMS a/k/a/ "Curtis Williams," TANYA GIVENS, JOHN DIGGS, HENRY RANDLE, RYAN WHEATEN, DAKOTA DIGGS, BERNELL GALE, MARVEL FRANCOIS, TROY SMITH**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property real or personal which constitutes or is derived from proceeds traceable to said offenses

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

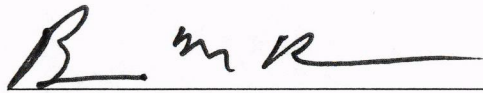
e. has been commingled with other property which cannot be subdivided without difficulty;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

A TRUE BILL:

FOREPERSON

PETER G. STRASSER  
UNITED STATES ATTORNEY



BRIAN M. KLEBBA  
MARIA M. CARBONI  
SHIRIN HAKIMZADEH  
EDWARD J. RIVERA  
Assistant United States Attorneys

New Orleans, Louisiana  
August 21, 2020

