

JET/MK APRIL 2018  
GJ # 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PATRICK EMEKA IFEDIBA,</b>	)	<b>Case No.</b>
<b>UCHENNA GRACE IFEDIBA,</b>	)	
<b>CLEMENT ESSIEN EBIO, and</b>	)	
<b>NGOZI JUSTINA OZULIGBO</b>	)	

**INDICTMENT**

The Grand Jury charges:

**I. INTRODUCTION**

At times material to this Indictment:

**THE DEFENDANTS**

- Defendants **PATRICK EMEKA IFEDIBA** and **UCHENNA GRACE IFEDIBA** were married and were physicians with medical degrees from the University of Nigeria, Faculty of Medicine. They were licensed to practice medicine in Alabama, and each obtained a Drug Enforcement Administration registration number, which authorized them to issue controlled substance prescriptions. **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** were doctors of internal medicine. They were not pain management specialists or allergists.
- Defendant **CLEMENT ESSIEN EBIO** was the owner and registered

agent of RCM Medical Billing, LLC and RCM Medical Group, LLC (collectively “RCM”), both of which were businesses providing medical billing and medical practice management services, located in the Northern District of Alabama. **EBIO** also served as the regional manager of a Georgia allergy services company (“Georgia Company”).

3. Defendant **NGOZI JUSTINA OZULIGBO** was a licensed practical nurse licensed to practice in Alabama. **OZULIGBO** was **PATRICK IFEDIBA**’s sister.

#### **THE MEDICAL CLINICS**

4. On or about September 11, 2003, **PATRICK IFEDIBA** formed Complete Care Medical Clinics, LLC, a private medical clinic. On or about April 25, 2013, **PATRICK IFEDIBA** formed Care Complete Medical Clinic (CCMC), LLC, also a private medical clinic.

5. Although the clinics identified above (collectively “CCMC”) were incorporated separately, they were operated as a single on-going business, generally using the same location, building, business records, patients, personnel, phone numbers, protocols, and business operations.

6. CCMC was located at 1300 Bessemer Road, in Birmingham, in the Northern District of Alabama.

7. Together, **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** operated

CCMC, where they provided medical services, purportedly including pain management and allergy treatment. Although jointly operated, it was mostly **PATRICK IFEDIBA** who ran CCMC's daily operations, hired and supervised employees, and approved and directed financial transactions on behalf of the company.

8. Defendant **EBIO** provided medical billing and practice management services to CCMC, including allergy-related practice management services.

9. Defendant **OZULIGBO** worked at CCMC, at times as a CCMC employee, and at other times as a Georgia Company employee.

#### **RELATED PERSONS AND ENTITIES**

10. Happy Monica LLC was formed on or about March 4, 2010, and was located at 402 Linden Street, in Trussville, in the Northern District of Alabama. The sole member of Happy Monica LLC was a person with whom **PATRICK IFEDIBA** had a close familial relationship.

11. Emeka LLC was formed on or about March 1, 2010, and was also located at 402 Linden Street, in Trussville, in the Northern District of Alabama. The sole member of Emeka LLC was a person with whom **PATRICK IFEDIBA** had a close familial relationship.

12. Kenz LLC was formed on or about March 1, 2010, and was also located at 402 Linden Street, in Trussville, in the Northern District of Alabama. The sole

member of Kenz LLC was **OZULIGBO**.

**MEDICARE AND THE PRIVATE INSURER VICTIMS**

13. Under the Social Security Act, the United States shared with the fifty states the cost of medical services provided to indigent families with dependent children, and to aged, blind, and disabled individuals whose income and resources were insufficient to meet the cost of medical services. The Social Security Act led to the creation of federal health care benefit programs, including Medicare.

14. Medicare provided medical insurance benefits to any person age 65 or older, to certain disabled persons, and to those with chronic renal disease who elected coverage. Medicare was administered by the Centers for Medicare and Medicaid Services. CMS contracted with Medicare Administrative Contractors to process claims for payment. The Medicare Administrative Contractor that processed and paid Medicare claims in the Northern District of Alabama was Cahaba Government Benefit Administrators.

15. Private insurers such as BlueCross and BlueShield of Alabama, Viva Health, and UnitedHealthcare were entities that provided private health insurance to individuals (“Private Insurers”).

16. Medicare and Private Insurers were “health care benefit programs” as defined in 18 U.S.C. § 24(b). Individuals who enrolled with Medicare or Private Insurers were typically referred to as “beneficiaries.”

### **HEALTH CARE COVERAGE POLICIES**

17. Medicare and Private Insurers periodically released guidelines and rules that discussed coverage indications, limitations, and medical necessity. By becoming a participating provider in a health care benefit program, enrolled health care providers, like **PATRICK IFEDIBA** and **UCHENNA IFEDIBA**, agreed to abide by the program's rules, regulations, policies, and procedures.

18. Medicare and Private Insurers prohibited payment for items and services that were not reasonable and necessary to diagnose or treat an illness or injury. For example, Medicare required that a provider who submitted a claim for services to certify that the services were "medically indicated and necessary for the health of the patient." The treating physician was required to accurately report the medical condition underlying a submitted claim. Only claims for services that were medically necessary were entitled to reimbursement.

### **BILLING AND PAYMENT FOR MEDICAL SERVICES**

19. Medicare and Private Insurers relied upon standardized code sets to pay health care claims. One such set, the Current Procedural Terminology, or CPT codes, were five-digit codes that listed certain procedures and services performed or ordered by health care providers. The procedures and services represented by CPT codes were health care benefits, items, and services within the meaning of Title 18, United States Code, Section 24(b).

20. The Social Security Act required that claims for services be supported by sufficient documentation to show that care was actually provided. Similarly, maintenance of appropriate medical record documentation substantiating health care claims was a required component of all Private Insurer provider agreements.

21. Medicare and the Private Insurers ordinarily required that patients pay deductibles and co-payments in connection with health care claims, and prohibited blanket waivers of those deductibles and co-payments by medical providers, such as **PATRICK IFEDIBA** and **UCHENNA IFEDIBA**.

22. Thus, Medicare and Private Insurers only paid for medical services that were medically necessary, actually performed, prescribed, and conducted by a properly licensed service provider, and conducted and billed in compliance with the terms of the health care plan, including the obligation to collect co-insurance.

#### **ALLERGY TREATMENT**

23. The discipline of allergy medicine was a recognized sub-specialty practiced by physicians in the United States. Legitimate practitioners of allergy medicine, or allergists, usually had specialized knowledge, education, training, and experience and were normally board-certified in allergy and immunology.

24. The standard of care for allergy testing and allergen immunotherapy involved a step-by-step approach designed to treat the condition in the least invasive manner.

25. Typically, under accepted medical standards, allergy testing was ordered only after a doctor had completed an appropriate history and physical examination of a patient, and determined that an allergy test was medically necessary.

26. The standard diagnostic tool for allergy testing was a skin prick test with allergenic extracts, which was billed to health care benefit programs using CPT code 95004.

27. Standard allergy skin prick testing involved a patient's skin being superficially punctured with skin testing devices containing specific substances, i.e., allergens, which tested for a patient's allergy to those substances. If the patient was allergic to a particular allergen, the patient's body usually initiated an observable immune response including redness, inflammation, puffiness, and swelling at the site of the particular prick. Skin tests had to be administered at the same time as positive and negative controls to validate and interpret the patient's reactions. The positive control usually contained a histamine, designed to induce a reaction. The negative control usually contained saline, designed to induce little or no reaction.

28. Once a skin prick test was administered, it was generally accepted within the medical community that a prescription for allergen immunotherapy was not medically necessary absent a clinically relevant reaction to one or more allergens.

29. Allergen immunotherapy should only have contained clinically relevant antigens. Physician supervision of the preparation of the immunotherapy solution containing the specific antigen(s) with which the patient was to be treated was billed using CPT code 95165.

30. Allergen immunotherapy was often administered to patients via an injection, or shot, of antigen(s) pertaining to the specific and offending allergen(s) for which the patient had an allergy. This procedure was billed using CPT code 95115 or 95117.

31. Sublingual, or under-the-tongue, administration of allergen immunotherapy was an alternative mode of delivery. However, sublingual administration was not covered by, and could not be billed to, Medicare and Private Insurers. For example, Medicare concluded that this kind of allergy therapy was not proven to be safe and effective, and thus did not cover antigens administered sublingually.

### **PAIN MEDICINE**

32. The discipline of pain medicine was a recognized medical sub-specialty practiced by physicians in the United States. Legitimate practitioners of pain medicine usually had specialized knowledge, education, training, and experience. The practice of pain medicine used a multidisciplinary approach.



THE CONTROLLED SUBSTANCES ACT AND IMPLEMENTING REGULATIONS

33. The Controlled Substances Act governed the distribution, and dispensing of various listed drugs, including narcotics, that were prescribed by physicians and other licensed health care providers.

34. The Act and its implementing regulations set forth which drugs and other substances were “controlled substances.” Controlled substances were assigned to one of five schedules, schedule I, II, III, IV, or V, depending on their potential for abuse, likelihood of physical or psychological dependency, accepted medical use, and accepted safety for use under medical supervision.

35. The Act provided that “[e]xcept as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally ... distribute, or dispense, ... a controlled substance.”

36. The Act provided that the term “dispense” meant to “deliver a controlled substance to an ultimate user ... by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance ....”

37. The Act provided that the term “distribute” meant to “deliver (other than by administering or dispensing) a controlled substance or a listed chemical.”

38. The Act provided that the term “practitioner” meant “a physician ... or other person licensed, registered, or otherwise permitted ... to distribute [or]

dispense ... a controlled substance in the course of professional practice.”

39. The Act assigned legal authority for the regulation of controlled substances to the Drug Enforcement Administration. The DEA issued registration numbers to qualifying practitioners, who became authorized to dispense and distribute schedule II, III, IV, or V controlled substances. To issue a prescription for a controlled substance, a physician was required to be licensed to practice by a state authority and have a DEA registration number.

40. The practitioner was responsible for the proper prescribing and dispensing of controlled substances prescribed under his or her name. The practitioner was required to ensure that the prescription conformed to all requirements of the law and regulations, both federal and state.

41. Provisions of the Act mandated that the person or entity registered with the DEA was required to account for all controlled substances that were received, distributed, dispensed, or disposed.

42. The Act’s implementing regulations required a prescription for a controlled substance to be dated as of, and signed on, the day issued, bearing the patient’s full name and address, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address, and DEA registration number of the prescriber.

43. The Act’s implementing regulations also stated that a valid prescription

for a controlled substance must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. An order purporting to be a prescription issued not in the usual course of professional practice, or legitimate and authorized research, was not a prescription within the meaning and intent of the Act. The person knowingly issuing it was subject to the penalties provided for violations of the provisions of law relating to controlled substances.

#### **BANKING LAW AND REGULATIONS**

44. The Bank Secrecy Act and its related regulations required domestic financial institutions to file Currency Transaction Reports for each cash transaction that occurred at that institution in an amount greater than \$10,000. The term “cash transaction” encompassed payment, receipt or transfer of U.S. coins or currency, through a deposit, withdrawal, exchange, or other payment or transfer by, through, or to a financial institution.

45. CTRs were filed with the Financial Crimes Enforcement Network, a division of the Department of Treasury. CTRs indicated, among other things, the identity of the individual conducting the transaction and the individual or organization on whose behalf the transaction was completed. These regulations also required that multiple transactions be treated as a single transaction if the financial institution had knowledge that the transactions were by, or on behalf of, the same

person or entity, and the transactions resulted in currency either received or disbursed by the financial institution in an amount greater than \$10,000.

46. Taking active steps to prevent financial institutions from filing CTRs was known as “structuring.”

## **II. CHARGES**

### **COUNT ONE: [18 U.S.C. § 1349]**

The Grand Jury charges:

47. Paragraphs 1-31 are incorporated here.

48. Beginning on or about May 1, 2013, and continuing through on or about January 1, 2016, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendants,

**PATRICK EMEKA IFEDIBA,  
UCHENNA GRACE IFEDIBA,  
CLEMENT ESSIEN EBIO,  
and  
NGOZI JUSTINA OZULIGBO,**

together with others known and unknown to the Grand Jury, knowingly and willfully combined, conspired, and agreed to commit the offense of health care fraud, in violation of Title 18, United States Code, Section 1347.

### **THE OBJECT OF THE CONSPIRACY**

49. Despite some aspects of legitimate medical practice at CCMC, the defendants ran what was, in essence, an insurance scam, in which they unlawfully

enriched themselves and others, primarily by manipulating a population of opioid-dependent patients. The object of the conspiracy was to maximize personal financial gain by defrauding health care benefit programs, including Medicare and Private Insurers, of money, to which the defendants were not entitled, for fraudulent and medically unnecessary allergy services and procedures.

**THE MANNER AND MEANS OF THE CONSPIRACY**

50. The manner and means by which the defendants and others sought to accomplish the object of the conspiracy included, among others, the following:

**AGREEING TO AN ALLERGY SCHEME**

51. **Genesis of allergy scheme.** It was part of the conspiracy that in or about May 2013, **EBIO**, **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, and co-conspirators agreed to create a purported allergy clinic at CCMC. The allergy clinic was, in part, an allergy fraud scheme.

52. **Roles and responsibilities.** It was further part of the conspiracy that **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** provided the patients and premises for purported allergy services; **EBIO** oversaw deliveries of allergy skin prick testing kits, allergen immunotherapy, and related materials through Georgia Company, which itself partnered with a Florida pharmacy; and **EBIO** also hired allergy technicians, including **OZULIGBO**, to work at CCMC. These allergy technicians were trained by Georgia Company and reported to **EBIO**.

FRAUDULENTLY RENDERING SERVICES

53. **Pre-selection of allergy patients.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA,** and co-conspirators pre-selected the patients who they wanted to test for allergies. The pre-selected allergy patients had health insurance that covered, i.e., paid for, the allergy services that the defendants wished to provide. The pre-selection process ensured that CCMC could obtain money from health care benefit programs for expensive allergy tests and allergen immunotherapy services and procedures. Cash-paying patients and patients whose insurance did not cover these allergy services were rarely, if ever, selected.

54. **Lack of physical examination.** It was further part of the conspiracy that **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** often failed to conduct a physical examination of the pre-selected allergy patients to determine whether they exhibited actual signs and symptoms of allergies before ordering an allergy skin test.

55. **Unnecessary allergy testing.** It was further part of the conspiracy that **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** routinely ordered allergy skin tests for pre-selected allergy patients with no regard to whether those tests were medically necessary. Few, if any, of these patients had independently complained of allergies.

56. **Allergy testing in exchange for controlled substance prescriptions.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA**

**IFEDIBA**, and co-conspirators directly and indirectly coerced pre-selected allergy patients into taking allergy tests by threatening to withhold controlled substance prescriptions if the patients refused the allergy test.

57. **Invalid and negative allergy test results.** It was further part of the conspiracy that **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** knowingly and willfully prescribed medically unnecessary allergen immunotherapy for pre-selected allergy patients whose allergy test results were invalid and completely negative.

58. **Financial motive for allergy services.** It was further part of the conspiracy that **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, and co-conspirators understood that CCMC could earn more money from allergy-related services than from routine office visits. CCMC typically billed health care benefit programs approximately \$525 for an allergy skin test and approximately \$2,660 for the preparation of allergen immunotherapy. In comparison, CCMC typically billed, at most, approximately \$140 for a follow-up office visit. Accordingly, **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, and co-conspirators aggressively ordered medically unnecessary allergy tests and allergen immunotherapy services for pre-selected allergy patients.

59. **Administering unnecessary allergen immunotherapy.** It was further part of the conspiracy that **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, **EBIO**, **OZULIGBO**, and co-conspirators concealed, and attempted to conceal, the allergy

fraud scheme by administering, and causing to be administered, allergen immunotherapy to pre-selected allergy patients for whom the treatment was not medically indicated.

60. **False patient records.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, OZULIGBO**, and co-conspirators concealed, and attempted to conceal, the allergy fraud scheme by knowingly and willfully recording, and causing to be recorded, false patient records, including false symptoms, false test results, and false treatments.

FRAUDULENTLY BILLING ALLERGY SERVICES TO MAXIMIZE PAYMENTS

61. **Medically unnecessary and fraudulent claims.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO**, and co-conspirators knowingly and willfully submitted, and caused to be submitted, false and fraudulent claims to health care benefit programs, for allergy services and procedures that were not medically necessary, including, but not limited to, the following:

- a. Claims for allergy skin testing for pre-selected allergy patients who did not request testing and for whom testing was not medically necessary;
- b. Claims for the preparation of allergen immunotherapy, which services were not medically necessary; and
- c. Claims for allergen immunotherapy injections for patients for whom



the treatments were not medically necessary.

62. **False and fictitious claims.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO,** and co-conspirators knowingly and willfully submitted, and cause to be submitted, false and fraudulent claims to health care benefit programs for allergy services and procedures that were not rendered.

63. **Non-collection of co-payments.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO,** and co-conspirators failed to collect substantial allergy-related co-payments and other co-insurance from pre-selected allergy patients who may otherwise have been unable or unwilling to pay such co-payments for allergy testing and treatment, thus allowing the defendants to collect much larger reimbursements from health care benefit programs. The defendants failed to disclose this material fact to health care benefit programs.

64. **Overpayment.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO,** and co-conspirators caused health care benefit programs to make payments to CCMC based on the submission of false and fraudulent claims for allergy testing and allergen immunotherapy services and procedures. Between on or about May 1, 2013, and on or about January 1, 2016, CCMC submitted approximately \$7,850,273.56 in claims to Medicare and Private Insurers for allergy testing and allergen immunotherapy services and procedures,

many of which were medically unnecessary and/or not rendered.

65. **Personal enrichment.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO**, and co-conspirators enriched themselves by transferring and disbursing, and causing to be transferred and disbursed, monies fraudulently obtained from health care benefit programs to themselves and others.

ATTEMPTING TO OBSTRUCT BLUECROSS BLUESHIELD OF ALABAMA AUDIT

66. It was further part of the conspiracy that **PATRICK IFEDIBA** and co-conspirators concealed, and attempted to conceal, the allergy fraud scheme by altering and falsifying, and causing to be altered and falsified, medical records in connection with a BlueCross BlueShield of Alabama audit of CCMC.

IGNORING BLUECROSS BLUESHIELD OF ALABAMA WARNINGS

67. It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO**, and co-conspirators persisted with their allergy fraud scheme despite having been placed on notice by BlueCross BlueShield of Alabama regarding deficiencies with CCMC's medical practice, such as inadequate substantiation of claims and inappropriate use of CPT code 95165.

In violation of Title 18, United States Code, Section 1349.

**COUNTS TWO THROUGH ELEVEN: [18 U.S.C. § 1347]**

The Grand Jury further charges:

68. Paragraphs 1-31 and 48-67 are incorporated here.

**THE SCHEME TO DEFRAUD**

69. Beginning on or about May 1, 2013, and continuing through on or about January 1, 2016, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendants,

**PATRICK EMEKA IFEDIBA,  
UCHENNA GRACE IFEDIBA,  
CLEMENT ESSIEN EBIO,  
and  
NGOZI JUSTINA OZULIGBO,**

together with others known and unknown to the Grand Jury, devised and intended to devise, and participated in, a scheme and artifice: (a) to defraud health care benefit programs, namely Medicare and Private Insurers, as to material matters in connection with the delivery of and payment for health care benefits, items, and services; and (b) to obtain money from Medicare and Private Insurers by means of false and fraudulent pretenses, representations, promises, and by concealment of material facts in connection with the delivery of and payment for health care benefits, items, and services.

**MEANS TO ACCOMPLISH THE SCHEME TO DEFRAUD**

70. The fraudulent scheme operated, in substance, as described in paragraphs 48-67 of this Indictment, which are incorporated here.

**EXECUTION OF THE FRAUDULENT SCHEME**

71. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendants **PATRICK IFEDIBA, UCHENNA IFEDIBA, EBIO, and OZULIGBO**, together with others known and unknown to the Grand Jury, knowingly executed, and attempted to execute, the scheme described above by knowingly and willfully submitting, and causing to be submitted, to Medicare and Private Insurers, the following false and fraudulent claims for payment for allergy-related services:

<b>Count</b>	<b>Beneficiary</b>	<b>Date of Service</b>	<b>Date Claim Submitted</b>	<b>Approximate Amount of Claim</b>
<b>2</b>	B.B.	6/14/2013	7/26/2013	\$3,185
<b>3</b>	T.W.	7/9/2013	7/11/2013	\$3,185
<b>4</b>	T.G.	7/10/2013	10/21/2013	\$3,185
<b>5</b>	D.C.	7/25/2013	8/7/2013	\$3,185
<b>6</b>	R.C.	7/25/2013	8/8/2013	\$3,185
<b>7</b>	C.S.	8/1/2013	12/2/2013	\$3,185
<b>8</b>	C.M.	9/5/2013	9/12/2013	\$3,185
<b>9</b>	J.B.	2/4/2014	3/12/2014	\$3,185
<b>10</b>	S.J.	2/13/2015	2/19/2015	\$2,850
<b>11</b>	V.T.	2/4/2015	2/19/2015	\$2,850

All in violation of Title 18, United States Code, Section 1347.

**COUNT TWELVE: [18 U.S.C. § 1035]**

The Grand Jury further charges:

72. Paragraphs 1-31 and 48-67 are incorporated here.

73. On or about December 17, 2013, in Jefferson County, within the

Northern District of Alabama, defendant,

**UCHENNA GRACE IFEDIBA,**

in a matter involving a health care benefit program, knowingly and willfully made and caused to be made, a materially false, fictitious, and fraudulent statement and representation, and made, caused to be made, and used a materially false writing and document knowing the same contained a materially false, fictitious, and fraudulent statement and entry, in connection with the delivery of and payment for health care benefits, items and services; that is, **UCHENNA IFEDIBA** caused an entry on the medical record for patient D.W. to state that D.W. was suffering shortness of breath due to allergies, then well knowing that the medical record contained a materially fictitious, and fraudulent statement and entry, in that D.W. did not then suffer from shortness of breath and allergies.

In violation of Title 18, United States Code, Section 1035.

**COUNT THIRTEEN: [21 U.S.C. §§ 846, 841(a)(1) & (b)(1)(C)]**

The Grand Jury further charges:

74. Paragraphs 1-12 and 32-43 are incorporated here.

75. Beginning on or about January 1, 2013, through on or about April 28, 2016, in Jefferson County, within the Northern District of Alabama, defendants,

**PATRICK EMEKA IFEDIBA,**  
**and**  
**UCHENNA GRACE IFEDIBA,**

knowingly and willfully combined, conspired, confederated, and agreed with each other and with others known and unknown to the Grand Jury, to distribute and dispense, and cause to be distributed and dispensed, a mixture and substance containing a detectable amount of a schedule II controlled substance, including, but not limited to: hydrocodone (brand names: Lortab®, Norco®, Zohydro®, Vicodin®, and Tussionex®), fentanyl (brand name: Duragesic®), methadone (brand names: Methadose®, Diskets®, and Dolophine®), morphine (brand names: MsContin®, Avinza®, and Kadian®), oxycodone (brand names: OxyContin®, Roxicodone®, Percocet®, and Endocet®), and oxymorphone (brand name: Opana®), by means of prescriptions, outside the usual course of professional practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(C).

**THE OBJECT OF THE CONSPIRACY**

76. Despite some aspects of legitimate medical practice at CCMC, **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** ran what was, in essence, a “pill mill,” i.e., an operation in which they illegally distributed and dispensed controlled substances by means of prescriptions with no legitimate medical purpose and outside the usual course of professional practice, the object of which was to enrich themselves.

**THE MANNER AND MEANS OF THE CONSPIRACY**

77. It was part of the conspiracy that the primary method of pain management at CCMC was issuing large numbers of schedule II and other controlled substance prescriptions to patients in exchange for monthly office visit payments.

**MAXIMIZING PAYMENTS**

78. **Insurance patients.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA**, and co-conspirators typically billed health care benefit programs approximately \$150-216 for new patient office visits. The defendants and co-conspirators typically billed health care benefit programs approximately \$120-140 for monthly, established patient office visits. The defendants also collected co-payments from insurance patients for office visits.

79. **Cash patients.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA**, and co-conspirators charged patients without health insurance approximately \$300 for their first office visit and approximately \$160 for monthly follow-up office visits.

80. **Payments prior to service.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA**, and co-conspirators required patients to pay for their office visits before being seen by the doctors. Payments were made in cash or by credit card, although the overwhelming majority of patients paid cash.

81. **Distant patients.** It was further part of the conspiracy that in order to maximize payments, **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, and co-conspirators accepted patients who travelled long distances and from outside of Alabama to obtain controlled substance prescriptions from CCMC.

82. **High patient volumes.** It was further part of the conspiracy that CCMC would schedule numerous patient office visits each day to generate the largest amount of revenue for CCMC. High patient volumes frequently led to wait times as long as 8 to 10 hours to obtain a controlled substance prescription. At times, the long waits to obtain controlled substance prescriptions resulted in angry and unruly patients.

83. **Security guard.** It was further part of the conspiracy that **PATRICK IFEDIBA** hired an off-duty Birmingham police officer, who also received controlled substance prescriptions from CCMC, to provide security and maintain order at CCMC, which ensured continued business operations.

84. **Operating outside of normal business hours.** It was further part of the conspiracy that CCMC routinely stayed open as late as 10 p.m. or 11 p.m. in order to maximize business.

85. **Failing to pursue alternative treatments.** It was further part of the conspiracy that, in order to retain business, **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** typically refrained from prescribing alternative pain treatments, including



physical therapy or interventional pain management procedures, and rarely referred patients to a pain management specialist.

86. **Catering to drug-abusers.** It was further part of the conspiracy that, in order to maximize business, **PATRICK IFEDIBA, UCHENNA IFEDIBA,** and co-conspirators ignored obvious signs that patients were diverting and/or abusing controlled substances.

CONCEALING THE PILL MILL

87. **Sham examinations.** It was further part of the conspiracy that **PATRICK IFEDIBA** and **UCHENNA IFEDIBA** attempted to create the appearance of a legitimate medical practice by, at times, performing physical examinations of patients in an attempt to justify the drugs being prescribed; however, when such examinations occurred, they were typically minimal and cursory.

88. **Sham diagnostic tests.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA,** and co-conspirators attempted to create the appearance of a legitimate medical practice by, among other things, requiring patients to undergo X-ray imaging; however, some patients received controlled substance prescriptions regardless of the imaging reports.

89. **Sham patient records.** It was further part of the conspiracy that **PATRICK IFEDIBA, UCHENNA IFEDIBA,** and co-conspirators attempted to create the appearance of a legitimate medical practice by, among other things,

falsifying patient medical records. Many of CCMC's patient files contained cloned language and documented physical examinations that were anatomically impossible and not credibly performed.

DISREGARDING THE USUAL STANDARDS OF PROFESSIONAL PRACTICE

90. It was further part of the conspiracy that **PATRICK IFEDIBA**, **UCHENNA IFEDIBA**, and co-conspirators distributed and dispensed, and caused to be distributed and dispensed, schedule II and other controlled substances that were not prescribed for a legitimate medical purpose and not within the usual course of professional practice in the following non-exhaustive manners:

- a. Collecting and reviewing inadequate patient medical history;
- b. Inadequately verifying the patient's medical complaint during initial and follow-up visits;
- c. Conducting insufficient dialogue with the patient regarding treatment options and risks and benefits of such treatments;
- d. Prescribing controlled substances according to what the patient requested versus what was medically indicated;
- e. "Coaching" patients as to what to say in order to justify or attempt to justify prescribing controlled substances;
- f. Prescribing inappropriate combinations of controlled substances; and
- g. Trading controlled substance prescriptions in exchange for various

personal services from patients.

In violation of Title 21, United States Code, Section 846.

**COUNTS FOURTEEN THROUGH TWENTY-ONE:**  
**[21 U.S.C. § 841(a)(1) & (b)(1)(C)]**

The Grand Jury further charges:

91. Paragraphs 1-12, 32-43, and 75-90 are incorporated here.

92. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, defendant,

**PATRICK EMEKA IFEDIBA,**

knowingly, intentionally, and unlawfully, distributed and dispensed, and caused to be distributed and dispensed, a mixture and substance containing a detectable amount of a schedule II controlled substance, including, but not limited to: hydrocodone (brand name: Norco®), fentanyl, and oxycodone (brand name: Percocet®), by means of prescriptions, to the undercover law enforcement officers identified below, outside the usual course of professional practice and for no legitimate medical purpose.

93. The allegations set forth in paragraphs 91-92 are incorporated here for each of the following counts:

<b>Count</b>	<b>Date</b>	<b>Patient</b>	<b>Controlled Substance</b>	<b>Quantity</b>	<b>Strength</b>
<b>14</b>	2/5/2015	“UC Patient 1”	Norco®	60	7.5 mg
<b>15</b>	3/31/2015	“UC Patient 2”	Norco®	60	10 mg

<b>Count</b>	<b>Date</b>	<b>Patient</b>	<b>Controlled Substance</b>	<b>Quantity</b>	<b>Strength</b>
<b>16</b>	4/29/2015	“UC Patient 2”	Fentanyl Oxycodone	10 90	75 mcg/hr 30 mg
<b>17</b>	5/28/2015	“UC Patient 2”	Norco®	60	7.5 mg
<b>18</b>	6/25/2015	“UC Patient 2”	Norco®	60	7.5 mg
<b>19</b>	9/1/2015	“UC Patient 3”	Norco®	60	7.5 mg
<b>20</b>	9/30/2015	“UC Patient 3”	Percocet®	60	5 mg
<b>21</b>	9/30/2015	“UC Patient 4”	Percocet®	60	5 mg

All in violation of Title 21, United States Code, Section 841(a)(1) & (b)(1)(C).

**COUNTS TWENTY-TWO THROUGH TWENTY-SEVEN:**

**[21 U.S.C. § 841(a)(1) & (b)(1)(C)]**

The Grand Jury further charges:

94. Paragraphs 1-12, 32-43, and 75-90 are incorporated here.

95. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, defendant,

**PATRICK EMEKA IFEDIBA,**

knowingly, intentionally, and unlawfully, distributed and dispensed, and caused to be distributed and dispensed, a mixture and substance containing a detectable amount of a schedule II controlled substance, including, but not limited to: hydrocodone (brand names: Norco® and Tussionex®), and methadone, by means of prescriptions, to the patients identified below, outside the usual course of professional practice and for no legitimate medical purpose.

96. The allegations set forth in paragraphs 94-95 are incorporated here for

each of the following counts:

<b>Count</b>	<b>Date</b>	<b>Patient</b>	<b>Controlled Substance</b>	<b>Quantity</b>	<b>Strength</b>
<b>22</b>	3/28/2014	P.H.	Methadone	60	10 mg
<b>23</b>	1/29/2015	J.L.	Methadone	90	10 mg
<b>24</b>	2/18/2015	D.B.	Hydrocodone Tussionex®	90 240 (ml)	10 mg 2 mg/ml
<b>25</b>	8/24/2015	D.B.	Hydrocodone Tussionex®	90 240 (ml)	10 mg 2 mg/ml
<b>26</b>	6/15/2015	J.H.	Norco®	75	10 mg
<b>27</b>	12/15/2015	J.H.	Norco®	75	10 mg

All in violation of Title 21, United States Code, Section 841(a)(1) & (b)(1)(C).

**COUNTS TWENTY-EIGHT THROUGH THIRTY-TWO:**  
**[21 U.S.C. § 841(a)(1) & (b)(1)(C)]**

The Grand Jury further charges:

97. Paragraphs 1-12, 32-43, and 75-90 are incorporated here.

98. On or about the dates set forth below, in Jefferson County, within the Northern District of Alabama, the defendant,

**UCHENNA GRACE IFEDIBA,**

knowingly, intentionally, and unlawfully, distributed and dispensed, and caused to be distributed and dispensed, a mixture and substance containing a detectable amount of a schedule II controlled substance, including, but not limited to: hydrocodone (brand names: Lortab®, and Norco®), fentanyl (brand name: Duragesic®), and oxycodone (brand name: Endocet®), by means of prescriptions, to the patient identified below, outside the usual course of professional practice and

for no legitimate medical purpose.

99. The allegations set forth in paragraphs 97-98 are incorporated here for each of the following counts:

Count	Date	Patient	Controlled Substance	Quantity	Strength
28	8/20/2013	K.W.	Lortab®	100	10 mg
			Fentanyl	10	50 mcg/hr
29	1/10/2014	K.W.	Norco®	100	10 mg
			Duragesic®	10	75 mcg/hr
30	6/27/2014	K.W.	Endocet®	120	10 mg
			Fentanyl	10	75 mcg/hr
31	11/24/2014	K.W.	Endocet®	120	10 mg
			Fentanyl	10	75 mcg/hr
32	7/28/2015	K.W.	Oxycodone	120	30 mg

All in violation of Title 21, United States Code, Section 841(a)(1) & (b)(1)(C).

**COUNT THIRTY-THREE: [21 U.S.C. § 856(a)(1)]**

The Grand Jury further charges:

100. Paragraphs 1-12, 32-43, 75-90, 92-93, 95-96, and 98-99 are incorporated here.

101. Between on or about January 1, 2013, through on or about April 28, 2016, in Jefferson County, within the Northern District of Alabama, defendants,

**PATRICK EMEKA IFEDIBA  
and  
UCHENNA GRACE IFEDIBA,**

knowingly and intentionally rented, used, and maintained office space at 1300

Bessemer Road, Birmingham, Alabama 35208, for the purpose of distributing, and causing to be distributed, a mixture and substance containing a detectable amount of a schedule II controlled substance, including, but not limited to: hydrocodone (brand names: Lortab®, Norco®, Zohydro®, Vicodin®, and Tussionex®), fentanyl (brand name: Duragesic®), methadone (brand names: Methadose®, Diskets®, and Dolophine®), morphine (brand names: MsContin®, Avinza®, and Kadian®), oxycodone (brand names: OxyContin®, Roxicodone®, Percocet®, and Endocet®), and oxymorphone (brand name: Opana®), in violation of Title 21, United States Code, Section 856(a)(1).

**COUNT THIRTY-FOUR: [18 U.S.C. § 1956(h)]**

The Grand Jury further charges:

102. Paragraphs 1-46, 48-67, 69-71, 75-90, 92-93, 95-96, and 98-99 are incorporated here.

**THE OBJECT OF THE CONSPIRACY**

103. From in or about May 2013, through in or about June 2015, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendants,

**PATRICK EMEKA IFEDBA,  
and  
NGOZI JUSTINA OZULIGBO,**

knowingly combined conspired, and agreed with each other and with others known and unknown to the Grand Jury, to commit offenses against the United States in

violation of Title 18, United States Code, Sections 1956 and 1957, to wit:

a. To knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

b. To knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is the deposit, withdrawal, and transfer of monetary instruments, such property having been derived from a specified unlawful activity, that is, health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate



medical purpose, in violation of Title 18, United States Code, Section 1957.

**THE MANNER AND MEANS OF THE CONSPIRACY**

104. It was part of the conspiracy that, at times material to this Indictment, **PATRICK IFEDIBA** maintained signatory authority over approximately 30 depository and investment accounts held at numerous financial institutions.

105. It was further part of the conspiracy that some of these accounts were held in the following names:

- a. **PATRICK IFEDIBA**;
- b. CCMC;
- c. Patrick Ifediba MD LLC;
- d. Happy Monica LLC;
- e. Emeka LLC; and
- f. The name of a person with whom **PATRICK IFEDIBA** had a close familial relationship.

106. It was further part of the conspiracy that **OZULIGBO** had signature authority over accounts in the name of Kenz LLC.

107. It was further part of the conspiracy that **PATRICK IFEDIBA**, **OZULIGBO**, and others deposited and caused to be deposited proceeds of specified unlawful activity, that is health care fraud, into bank accounts, including those held

in the name of CCMC.

108. It was further part of the conspiracy that **PATRICK IFEDIBA** accepted cash payments, and insurance co-payments in the form of cash, from patients in exchange for prescriptions for controlled substances that were issued outside the usual course of professional practice and for no legitimate medical purpose.

109. It was further part of the conspiracy that **PATRICK IFEDIBA, OZULIGBO**, and others deposited, or caused to be deposited, currency, which represented the proceeds of distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose into bank accounts that were not held in the name of CCMC.

110. It was further part of the conspiracy that these currency deposits were structured to avoid the CTR reporting requirement.

111. It was further part of the conspiracy that **PATRICK IFEDIBA, OZULIGBO**, and others commingled purportedly legitimate funds earned by CCMC with the proceeds of health care fraud, and the proceeds of distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, in numerous different bank accounts over which they exercised signature authority.

112. It was further part of the conspiracy that **PATRICK IFEDIBA,**

**OZULIGBO**, and others transferred, or caused to be transferred, proceeds of specified unlawful activity, that is health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, to other accounts over which **PATRICK IFEDIBA** exercised signatory authority, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity.

113. It was further part of the conspiracy that **PATRICK IFEDIBA** and others enriched themselves by transferring and converting, or causing to be transferred and converted, proceeds of specified unlawful activity, that is health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, to their own personal use in several ways, including, but not limited to, payments for real estate, annuities, and other investment vehicles.

114. It was further part of the conspiracy that many of these transactions represented monetary transactions in criminally derived property of a value greater than \$10,000.

In violation of Title 18, United States Code, Section 1956(h).

**COUNTS THIRTY-FIVE THROUGH THIRTY-SIX:**  
**[18 U.S.C. § 1956(a)(1)(B)(i)]**

The Grand Jury further charges:

115. Paragraphs 1-46, 48-67, 69-71, 75-90, 92-93, 95-96, 98-99, and 103-114 are incorporated here.

116. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendant,

**PATRICK EMEKA IFEDIBA,**

knowingly conducted and attempted to conduct a financial transaction affecting interstate commerce, which financial transaction involved the proceeds of specified unlawful activity, that is, health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity as set forth below:

<b>Count</b>	<b>Date</b>	<b>Description of Financial Transaction</b>	<b>Approximate Amount</b>
<b>35</b>	12/17/2014	Check from Regions Bank account number *5177 to Lincoln National Life Insurance Company ChoicePlus Variable Annuity Policy Number *0149	\$500,000

<b>Count</b>	<b>Date</b>	<b>Description of Financial Transaction</b>	<b>Approximate Amount</b>
<b>36</b>	1/7/2015	Wire transfer from Regions Bank account number *0464 to Protective Life Insurance, Protective Variable Annuity Investor Series Contract Number *1519	\$181,260.73

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

**COUNTS THIRTY-SEVEN THROUGH FORTY:**  
**[18 U.S.C. § 1956(a)(1)(B)(i)]**

The Grand Jury further charges:

117. Paragraphs 1-46, 48-67, 69-71, 75-90, 92-93, 95-96, 98-99, and 103-114 are incorporated here.

118. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendants as set forth below knowingly conducted and attempted to conduct a financial transaction affecting interstate commerce, which financial transaction involved the proceeds of specified unlawful activity, that is, health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity:

<b>Count</b>	<b>Date</b>	<b>Defendant(s)</b>	<b>Description of Financial Transaction</b>	<b>Approximate Amount</b>
<b>37</b>	4/3/2014	<b>UCHENNA GRACE IFEDIBA</b>	Check from Regions Bank Account number *6035 to Fidelity Investments Profit Sharing Keough Account *6285	\$8,000
<b>38</b>	4/11/2014	<b>UCHENNA GRACE IFEDIBA</b>	Check from Regions Bank Account number *6035 to Fidelity Investments Profit Sharing Keough Account *6285	\$7,000
<b>39</b>	4/14/2014	<b>UCHENNA GRACE IFEDIBA</b>	Check from Regions Bank Account number *6035 to Fidelity Investments Profit Sharing Keough Account *6285	\$7,000
<b>40</b>	1/29/2015	<b>PATRICK EMEKA IFEDIBA and NGOZI JUSTINA OZULIGBO</b>	Wire transfer from Regions Bank Account number *0464 to Protective Life Insurance, Protective Variable Annuity Investor Series Contract Number *1519	\$177,000

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

**COUNTS FORTY-ONE THROUGH FORTY-FOUR: [18 U.S.C. § 1957]**

The Grand Jury further charges:

119. Paragraphs 1-46, 48-67, 69-71, 75-90, 92-93, 95-96, 98-99, and 103-114 are incorporated here.

120. On or about the date set forth below for each count, in Jefferson County, within the Northern District of Alabama, and elsewhere, defendant,

**PATRICK EMEKA IFEDIBA,**

knowingly engaged and attempted to engage, in a monetary transaction, by through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the transfer of funds as set forth below, such property having been derived from a specified unlawful activity, that is, health care fraud and distribution of controlled substances outside the usual course of professional practice and for no legitimate medical purpose:

<b>Count</b>	<b>Date</b>	<b>Description of Financial Transaction</b>	<b>Approximate Amount</b>
<b>41</b>	1/6/2015	Check from Regions Bank account number *0464 to Protective Life Insurance, Protective Variable Annuity Investor Series Contract Number *1519	\$187,000
<b>42</b>	6/26/2015	Official check from Regions Banks account number *1773 to Members Title, LLC	\$45,000
<b>43</b>	6/26/2015	Official check from BB&T Bank account number *8467 to Members Title, LLC	\$34,227.48
<b>44</b>	6/26/2015	Official check from Aliant Bank account number *7592 to Members Title, LLC	\$30,000

All in violation of Title 18, United States Code, Section 1957.

### **III. FORFEITURE NOTICES**

121. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, the allegations contained in Counts One through Forty-Four of this Indictment are

incorporated here.

**CONSPIRACY TO COMMIT HEALTH CARE FRAUD (COUNT ONE), HEALTH CARE FRAUD (COUNTS TWO THROUGH ELEVEN), AND FALSE STATEMENTS RELATING TO HEALTH CARE FRAUD MATTERS (COUNT TWELVE) FORFEITURE**

122. The United States Attorney notifies the defendants that:

123. The allegations in Counts One through Twelve of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

124. Upon conviction of the offenses set forth in Counts One through Twelve of this Indictment, in violation of Title 18, United States Code, Sections 1035, 1347 and 1349, defendants,

**PATRICK EMEKA IFEDIBA  
and  
UCHENNA GRACE IFEDIBA,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7) any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Indictment Counts One through Twelve, including, but not limited to, the following:

- a. The contents of Lincoln National Life Insurance Company, ChoicePlus Variable Annuity Policy Number \*-\*\*\*0149 in the name of B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;
- b. The contents of Protective Life Insurance, Protective Variable



Annuity Investor Series Contract Number \*\*\*\*\*1519 in the name of B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;

c. The contents of Fidelity Investments 401(k) account \*\*\*-\*\*9445 in the name of **PATRICK IFEDIBA**;

d. The contents of Fidelity Investments Profit Sharing Keough Account \*6285 in the name of **UCHENNA IFEDIBA**;

e. Real property located at 2020 5th Avenue, South, Unit 335, Birmingham, Alabama 35223, together with all fixtures and appurtenances thereon;

f. The contents of Fidelity Education Account \*3935 in the name of **PATRICK IFEDIBA** with O.I. as the beneficiary; and

g. A Final Order of Forfeiture in the amount of at least \$3,257,925.08, representing the proceeds defendants obtained, controlled, and benefitted from, as a result of the criminal offenses alleged in Indictment Counts One through Twelve.

125. If any of the property described above, as a result of any act or omission of the defendant(s):

- 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 982(a)(7).

**CONSPIRACY TO COMMIT HEALTH CARE FRAUD (COUNT ONE) AND HEALTH CARE FRAUD (COUNTS TWO THROUGH ELEVEN) FORFEITURE**

126. The United States Attorney further notifies the defendants that:

127. The allegations in Counts One through Eleven of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

128. Upon conviction of the offenses set forth in Counts One through Eleven of this Indictment, in violation of Title 18, United States Code, Sections 1347 and 1349, defendants,

**CLEMENT ESSIEN EBIO  
and  
NGOZI JUSTINA OZULIGBO,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7) any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Indictment Counts One through

Eleven.

129. If any of the property described above, as a result of any act or omission of the defendant(s):

- 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 982(a)(7).

**CONSPIRACY TO DISTRIBUTE (COUNT THIRTEEN), DISTRIBUTION OF A  
CONTROLLED SUBSTANCE (COUNTS FOURTEEN THROUGH THIRTY-TWO), AND  
MAINTAINING A DRUG-INVOLVED PREMISES (COUNT THIRTY-THREE)  
FORFEITURE**

130. The United States Attorney further notifies the defendants that:

131. The allegations in Counts Thirteen through Thirty-Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a)(1) and (2).

132. Upon conviction of the offenses set forth in Counts Thirteen through Thirty-Three of this Indictment, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 856, defendants,

**PATRICK EMEKA IFEDIBA  
and  
UCHENNA GRACE IFEDIBA,**

shall forfeit to the United States of America:

a. Pursuant to Title 21, United States Code, Section 853(a)(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of the offenses charged in Indictment Counts Thirteen through Thirty-Three; and

b. Pursuant to Title 21, United States Code, Section 853(a)(2) any property, used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses charged in Indictment Counts Thirteen through Thirty-Three.

133. The property to be forfeited includes, but is not limited to:

a. Real property located at 1300 Bessemer Road, Birmingham, Alabama 35208, together with all fixtures and appurtenances thereon;

b. \$64,708 in United States currency;

c. The contents of Lincoln National Life Insurance Company, ChoicePlus Variable Annuity Policy Number \*\*-\*\*\*0149 in the name of

B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;

d. The contents of Protective Life Insurance, Protective Variable Annuity Investor Series Contract Number \*\*\*\*\*1519 in the name of B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;

e. The contents of Fidelity Investments Profit Sharing Keough Account \*6285 in the name of **UCHENNA IFEDIBA**;

f. Real property located at 2020 5th Avenue, South, Unit 335, Birmingham, Alabama 35223, together with all fixtures and appurtenances thereon; and

g. A Final Order of Forfeiture in the amount of at least \$1,477,118.46, representing the proceeds defendants obtained, controlled, and benefitted from, as a result of the criminal offenses alleged in Indictment Counts Thirteen through Thirty-Three.

134. If any of the property described above, as a result of any act or omission of the defendant(s):

- 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(C).

All pursuant to Title 21, United States Code, Section 853.

**CONSPIRACY TO COMMIT MONEY LAUNDERING (COUNT THIRTY-FOUR), MONEY LAUNDERING (COUNTS THIRTY-FIVE THROUGH FORTY), AND ENGAGING IN MONETARY TRANSACTIONS IN PROPERTY FROM SPECIFIED UNLAWFUL ACTIVITY (COUNTS FORTY-ONE THROUGH FORTY-FOUR) FORFEITURE**

135. The United States Attorney further notifies the defendants that:

136. The allegations in Counts Thirty-Four through Forty-Four of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

137. Upon conviction of the offenses set forth in Counts Thirty-Four through Forty-Four of this Indictment, in violation of Title 18, United States Code, Sections 1956 and 1957, defendants,

**PATRICK EMEKA IFEDIBA,  
UCHENNA GRACE IFEDIBA  
and  
NGOZI JUSTINA OZULIGBO,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1) any property, real or personal, involved in such offense, and any property traceable to such property.

138. The property to be forfeited includes, but is not limited to:

a. The contents Lincoln National Life Insurance Company, ChoicePlus Variable Annuity Policy Number \*\*-\*\*\*0149 in the name of B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;

b. The contents of Protective Life Insurance, Protective Variable Annuity Investor Series Contract Number \*\*\*\*\*1519 in the name of B.I. with **PATRICK IFEDIBA** as the beneficiary annuitant;

c. The contents of Fidelity Investments 401(k) account \*\*\*-\*\*\*9445 in the name of **PATRICK IFEDIBA**;

d. The contents of Fidelity Investments Profit Sharing Keough Account \*\*\*-\*\*\*6285;

e. Real property located at 2020 5th Avenue South, Unit 335, Birmingham, AL 35223, together with all fixtures and appurtenances thereon; and

f. The contents of Fidelity Education Account \*\*\*-\*\*\*3935 in the name of **PATRICK IFEDIBA** with O.I. as the beneficiary.

139. If any of the property described above, as a result of any act or omission of the defendant(s):

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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(C).

All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL

*/s/electronic signature*

FOREPERSON OF THE GRAND JURY

JAY E. TOWN  
United States Attorney

*/s/electronic signature*

MOHAMMAD KHATIB  
Assistant United States Attorney

*/s/electronic signature*

NICOLE GROSNOFF  
Assistant United States Attorney

*/s/electronic signature*

L. JAMES WEIL, JR.  
Assistant United States Attorney