

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
: INFORMATION
UNITED STATES OF AMERICA : S11 12 Cr. 171 (JPO)
-v- :
SOL NAIMARK, :
: Defendant. :
- - - - -x

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2008 up through and including February 2012, in the Southern District of New York and elsewhere, SOL NAIMARK, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1347.

2. It was a part and object of the conspiracy that SOL NAIMARK, the defendant, and others known and unknown, willfully and knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

OVERT ACT

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about February 13, 2012, SOL NAIMARK, the defendant, had a conversation in Brooklyn, New York with a cooperating witness for the FBI about engaging in no-fault insurance fraud.

(Title 18, United States Code, Section 1349).

COUNT TWO

The United States Attorney further charges:

4. From at least in or about January 2011 up through and including February 2012, in the Southern District of New York and elsewhere, SOL NAIMARK, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1347.

5. It was a part and object of the conspiracy that SOL NAIMARK, the defendant, and others known and unknown, willfully and knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment

for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

OVERT ACT

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On December 2, 2011, SOL NAIMARK, the defendant, wrote a check for \$2,000 in Queens, New York, to a runner as payment for a patient referral.

(Title 18, United States Code, Section 1349).

Forfeiture Allegation As to Counts One and Two

7. As a result of committing the health care fraud conspiracy offenses charged in Counts One and Two of this Information, SOL NAIMARK, the defendant, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(7), and Title 28, United States Code, Section 2461(c), shall forfeit all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts One and Two of this Information, including but not limited to a sum of money of \$273,000, in that such sum in aggregate is property representing the amount of gross proceeds obtained as a result of the health care fraud conspiracy offenses.

Substitute Asset Provision

8. If any of the above-described forfeitable 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 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 subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 982; and Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

PREET BHARARA
United States Attorney

Substitute Asset Provision

8. If any of the above-described forfeitable 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 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 subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 982; and Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
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Defendant.

SUPERSEDING INFORMATION

S11 12 Cr. 171 (JPO)

(18 U.S.C. § 1349)

PREET BHARARA
United States Attorney.
