

FILED

2016 JUN 10 PM 4:51

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TH DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

March 2015 Grand Jury

Case No. **16 CR 1333 BAS**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ACHARAYYA RUPAK,  
14 aka Rudy Rупak,  
15 aka Rudolph Matthews,  
16 aka Kevin Thomas  
17 Rudolph Matthews,  
18 Defendant.

I N D I C T M E N T

Title 18, U.S.C., Sec. 1343 -  
Wire Fraud; Title 18, U.S.C.,  
Sec. 981(a)(1)(C) and Title 28,  
U.S.C., Sec. 2461(c) - Criminal  
Forfeiture

17 The Grand Jury charges:

18 INTRODUCTORY ALLEGATIONS

19 At all times pertinent to this Indictment:

- 20 1. Defendant ACHARAYYA RUPAK, aka Rudy Rупak, aka Rudolph
- 21 Matthews, aka Kevin Thomas Rudolph Matthews, was a Canadian citizen.
- 22 2. RUPAK was the founder and operator of Planet Hospital
- 23 ("PH"), beginning in approximately 2003. PH has had business
- 24 addresses in Calabasas, San Diego, and Calexico, California.
- 25 3. PH facilitated medical tourism services. Medical tourism is
- 26 the visit or entry of foreign patients to hospitals across
- 27 international borders in order to receive medical treatment,
- 28 including organ transplants and cosmetic surgery.

1 4. In approximately 2008, PH began offering international  
2 surrogacy services. International surrogacy is a surrogacy agreement  
3 involving an overseas country, including surrogacy involving a  
4 commercial or altruistic arrangement. A surrogacy agreement generally  
5 involves the carrying of a pregnancy for intended parents. Surrogacy  
6 includes gestational surrogacy and traditional surrogacy. Gestational  
7 surrogacy involves pregnancy resulting from the transfer of an embryo  
8 created by *in vitro* fertilization ("IVF"). Traditional surrogacy  
9 involves the impregnation of a surrogate, usually by IVF. The  
10 legality of international surrogacy varies by country and generally  
11 requires that the intended parents share some genetic material with  
12 the child, either from egg or sperm donation.

13 5. RUPAK used and had control over several bank accounts to  
14 deposit and withdraw funds from PH clients, including Wells Fargo  
15 Bank account no. -7051 ("WF7051"), which was opened in San Diego and  
16 listed an address of 6941 Camino Pacheco, San Diego, CA 92111.

17 6. "G.W." was a PH client who resided in Hawaii.

18 7. "L.F." was the founder and director of "My Donor Cycle," an  
19 egg donor and surrogate cycle coordination company based in San  
20 Diego, California.

21 8. The Fertility Clinic Cancun ("FCC") was a clinic that  
22 provided surrogacy services, located in Cancun, Mexico

23 9. The IREGA Clinic was a clinic that provided surrogacy  
24 services, located in Cancun, Mexico.

25 //

26 //

27 //

28 //



1 15. It was further part of the scheme that defendant ACHARAYYA  
2 RUPAK would cause the creation of a website and email address in the  
3 name of a clinic and its physician, in order to send unauthorized  
4 emails in the name of the clinic's physician to PH clients, all to  
5 provide excuses why PH had not provided promised services or to  
6 falsely claim that surrogacy procedures were unsuccessful.

7 16. It was further part of the scheme that defendant ACHARAYYA  
8 RUPAK would instruct PH employees and pay other individuals to  
9 misrepresent prior international successes to PH clients.

10 17. It was further part of the scheme that defendant ACHARAYYA  
11 RUPAK would instruct PH employees to misrepresent to PH clients that  
12 unsuccessful surrogacy procedures were the result of foreign service  
13 providers, foreign laws, or bank transactions.

14 18. It was further part of the scheme that defendant ACHARAYYA  
15 RUPAK would falsely claim that PH owned the FCC.

16 19. It was further part of the scheme that defendant ACHARAYYA  
17 RUPAK would instruct PH employees to misrepresent to PH clients that  
18 PH had successfully purchased the IREGA Clinic which would be used  
19 for PH services.

20 20. It was further part of the scheme that defendant ACHARAYYA  
21 RUPAK would cause funds obtained from new PH clients to be used to  
22 pay for services provided to existing PH clients.

23 WIRE TRANSMISSIONS IN FURTHERANCE OF SCHEME

24 21. On or about the dates provided below, within the Southern  
25 District of California and elsewhere, defendant ACHARAYYA RUPAK in  
26 furtherance of the above-described scheme to defraud, transmitted and  
27 caused to be transmitted by means of wire communication in interstate  
28

1 and foreign commerce the following writings and pictures for the  
2 purpose of executing such scheme to defraud:

Count	Date	Recipient	Wire Transmission
1	April 1, 2013	Acct. WF7051 in San Diego, CA	Interstate wire transfer of \$5,000 from G.W. in Kapolei, HI
2	April 8, 2013	Acct. WF7051 in San Diego, CA	Interstate wire transfer of \$2,000 from G.W. in Kapolei, HI
3	June 17, 2013	Acct. WF7051 in San Diego, CA	Interstate wire transfer of \$15,500 from G.W. in Kapolei, HI

12 All in violation of Title 18, United States Code, Section 1343.

13 FORFEITURE ALLEGATION

14 (Forfeiture - 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

15  
16 22. The allegations contained in Counts 1 through 3 of this  
17 Indictment are hereby realleged and incorporated by reference for the  
18 purpose of alleging forfeiture to the United States pursuant to  
19 Title 18, United States Code, Section 981(a)(1)(C) and Title 28,  
20 United States Code, Section 2461(c).

21 23. Upon conviction of the offense of Wire Fraud in violation  
22 of Title 18, United States Code, Section 1343 set forth in Counts 1  
23 through 3 of this Indictment, defendant ACHARAYYA RUPAK, aka Rudy  
24 Ropak, aka Rudolph Matthews, aka Kevin Thomas Rudolph Matthews, shall  
25 forfeit to the United States of America, pursuant to Title 18, United  
26 States Code, Section 981(a)(1)(C) and Title 28, United States Code,  
27 Section 2461(c), any property, real and personal, which constitutes  
28 or is derived from proceeds traceable to the offense. The property to

1 be forfeited includes, but is not limited to, a forfeiture money  
2 judgment in an amount not less than the sum of \$2,000,000.

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

- 5 a. cannot be located upon the exercise of due diligence;
- 6 b. has been transferred or sold to, or deposited with, a  
7 third party;
- 8 c. has been placed beyond the jurisdiction of the court;
- 9 d. has been substantially diminished in value; or
- 10 e. has been commingled with other property which cannot

11 be subdivided without difficulty, the United States of America shall  
12 be entitled to forfeiture of substitute property pursuant to  
13 Title 21, United States Code, Section 853(p), as incorporated by  
14 Title 28, United States Code, Section 2461(c).


15 All pursuant to Title 18, United States Code, Section 981(a)(1)(C)  
16 and Title 28, United States Code, Section 2461(c).

17 DATED: June 10, 2016.

18 A TRUE BILL:

19   
20 \_\_\_\_\_  
21 Foreperson

21 LAURA E. DUFFY  
22 United States Attorney

23 By:   
24 CHRISTOPHER P. TENORIO  
25 Assistant U.S. Attorney  
26  
27  
28